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Crimes Against Humanity and the Responsibility to Protect (R2P) – The Case of the Rohingya Crisis in Myanmar

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Declaration

I, Mai Tran Hoang, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Abstract

The latest Rohingya crisis that broke out after the attacks on police outposts by the Arakan Rohingya Salvation Army (ARSA) in Rakhine State in Myanmar, shows a devastating event deriving from a long history of abuses against a minority group which has been neglected and eventually stripped of their citizenship rights. The United Nations principle of the Responsibility to Protect (R2P) were raised from the International Commission of State Sovereignty report and adopted as a global concept at the 2005 World Summit. The challenge remain that the principle is mistaken to be a hidden agenda of modern-day imperialism and for regime change. At the international level, it is becoming more and more evident that the Rohingya crisis has proved to be a failed subject of the responsibility to protect. The world is witnessing another ethnic minority group becoming victims to crimes against humanity committed by the state institution that were originally created to protect them. Security forces from the Myanmar Government are accused of being the perpetrators executing these horrific atrocities in Rakhine state, but it is effectively the responsibility from the UN Council Members who have failed to stop the crimes that keeps add the growing numbers of refugees crossing the borders to Bangladesh. The thesis will look at five the pre-selected UN Security Council meeting records between 2017 and 2018. The analysis went through each statements from both UN Security Council permanent and non-permanent members and found six recurring themes: the lack of basic human rights, the restricted access for humanitarian agencies to enter remote Rakhine state, growing sense of concern for regional security and instability, the difficulty of reaching a satisfactory repatriation process, the fear and blame of terrorism as the cause of conflict, and lastly, the pressure to hold perpetrators from Myanmar accountable for their crimes against humanity.

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It goes without saying that it has been an abnormal time writing this thesis during the pandemic against covid-19. This has only made the concern to protect the most vulnerable populations ever more pressing, and especially within the overcrowded refugee camps at the border between Bangladesh and Myanmar.

Any errors are mine alone.

Table of contents

| | |
|---|-------|
| 1. Introduction | p. 6 |
| a. The Rohingya crisis in 2017..... | p. 6 |
| b. Research questions and methodology..... | p. 8 |
| 2. Background | p. 8 |
| a. Myanmar and the Rohingya Crisis..... | p. 9 |
| b. Genocide and crimes against humanity..... | p.14 |
| 3. Theoretical Framework/ Literature Review | p. 16 |
| a. Institutional Liberalism..... | p. 16 |
| b. The Responsibility to Protect (R2P)..... | p. 18 |
| c) The challenges meeting the Responsibility to Protect..... | p. 20 |
| 4. Methodology | p. 23 |
| a. Research design: Qualitative approach..... | p. 23 |
| b. Data collection and analysis methods: Document analysis..... | p. 24 |
| c. Limitations of research..... | p. 25 |
| 5. Analysis and Findings | p. 26 |
| a. The Rohingya Crisis and the UN Security Council..... | p. 26 |
| b. Why did the R2P fail to protect the Rohingya?..... | p. 38 |
| 6. Conclusion | p. 42 |
| 7. Bibliography | p. 44 |
| Appendix 1: Notes from UNSC meetings 2017..... | p. 49 |
| Appendix 2: Notes from the UNSC meetings 2018..... | p. 58 |

1 Introduction

A. The Rohingya Crisis in 2017

The latest escalation of the Rohingya crisis that broke out after the attacks on police outposts by the Arakan Rohingya Salvation Army (ARSA) in Rakhine State in Myanmar in 2017, shows a devastating event deriving from a long history of abuses against a minority group which has been neglected and slowly stripped of their citizenship rights. While the death toll was rising, the further the international community's ability and collective decision to stop the violence appeared to be in reach. What has been generally pointed out is that no one thought a country where the majority of people are Buddhists, and who had finally embarked on a transition towards democracy, could ever turn so violent and especially with political figure Aung San Suu Kyi who have been awarded a Nobel Peace Prize (The Nobel Prize, 2020). Factors like the conception of belonging and the demonization of Rohingyas through propaganda led by popular monks, as well as the exclusion from the 1982 Citizenship Law, have contributed to discrimination and persecution of the Rohingyas. In the case of Myanmar and its troubled history of military rule, it is not strange to ask whether the Rohingya crisis on 25th August 2017 was a perfect pretext for military operations to engage after systematic patterns of violence, especially since 2012. If history has taught us something about the fault to prevent the crime of genocide, like in Rwanda in 1994, it is that no matter how these horrific events take roots, they are always and most certainly equally cruel and carries an inhuman conduct. The United Nations High Commissioner for Refugees have estimated that more than 740 000 refugees have fled Myanmar and are now living in refugee camps in Bangladesh (UNHCR, 2019). The World Summit in 2005 "culminated with an agreement that the international community, acting through the United Nations, bears a responsibility to help protect populations from genocide and other atrocities when their governments fail to do so" (Bannon, 2006, p 1157). The United Nations principle of the responsibility to protect were raised from the International Commission of State Sovereignty report and adopted as a global concept in 2005 Outcome Document. However, "lacking a recognized authority to settle its meaning after its adoption, the legal, practical and moral implications of R2P in specific situations remain deeply contested, because of its vagueness and association with the notion of humanitarian intervention" (Kurtz & Rotmann, 2016, p 8). The ambition with R2P was that it would permit and justify international intervention only as a last resort, and in cases where "states fail, are unwilling, or are breaching their responsibility to protect their own people through state-induced mass atrocity crimes" (Kassim, 2014, p 1). Unfortunately, "R2P was fundamentally controversial because it went against the long-established

Westphalian doctrine of state sovereignty that has been the backbone of global order which the UN upholds and epitomizes” (Kassim, 2014, p 4).

The Rohingya crisis is not entirely unique inside Myanmar which has a long history of armed conflict between the military and various ethnic minority groups. What can no longer be ignored is the repercussions of the massive refugee crisis the conflict is spreading to neighbouring countries and is affecting the region. At the international level, it is becoming more and more evident that the case has proved to be a failed subject of the responsibility to protect. In other words, the world is witnessing another ethnic minority group becoming victims to genocidal acts committed by an institution that were originally created to protect them. The latest verdict from the International Court of Justice “indicates provisional measures in order to preserve certain rights claimed by the Gambia for the protection of the Rohingya in Myanmar” (ICJ, 2020). This world court’s order made clear that the judges ruling on this case “fear for ongoing attacks”, and although it is legally binding, “it relies on the United Nations to add political pressure, if necessary, to enforce them” (Corder, 2020). This shows that further commitment from the international community is crucial for the ruling’s success. However, it will not work without the response and cooperation from the Myanmar government, or more precisely, the military.

The thesis will look at five the pre-selected UN Security Council meeting records between 2017 and 2018. It is highly relevant to look at the UNSC meeting minutes because by studying the content of the different statements, and how consistent each member is on pushing for their preferred solution. It can give us an indication about their agenda and with regularly meeting updates, keep the actors engaged and responsible. There are no good outcomes with exclusion in a multilateral environment. What makes the UN Security Council special, is that they obtain functions and powers “to take military actions against an aggressor” (The United Nations, 2020). The analysis went through each statements from both UN Security Council permanent and non-permanent members and found six recurring themes: the lack of basic human rights, the restricted access for humanitarian agencies to enter remote Rakhine state, growing sense of concern for regional security and instability, the difficulty of reaching a satisfactory repatriation process, the fear and blame of terrorism as the cause of conflict, and lastly, the pressure to hold perpetrators from Myanmar accountable for their crimes against humanity.

B. RQs and methodology

The thesis hope that a deeper look into the R2P principle as to *why the international community didn't invoke the R2P principle and intervene in the Rohingya crisis (RQ1)*, and *how the situation have been discussed in the UN Security Council in 2017 (RQ2)*. Although there are several other ethnic conflicts in Myanmar that are not resolved and equally qualified under the four crimes of the Genocide Convention (war crimes, crimes against humanity, ethnic cleansing and genocide), the thesis have chosen to focus solemnly on the Rohingyas. The study looks to gain a better understanding of the processes and discourses at the UNSC that prevented the application of the R2P in the case of Myanmar in 2017.

2. Background

This section accounts for two parts; First it will focus on the Rohingyas historical background as a minority group and victim of the so called 'four crimes' identified under the Convention on the Prevention and Punishment of the Crime of Genocide. The second part will then concentrate on genocide and crimes against humanity providing an overview of definitions and legal framework.

The scope of the thesis chose to focus on the international level, but regional perspectives needs to be included in the discussion due to the event of Cyclone Nargis in 2008. This is because "the main impact of the Myanmar debate was a return of R2P to its roots by re-centring the emerging norm on the original four crimes, excluding the consequences of natural disasters and the delivery of humanitarian aid" (Junk, 2016, p 78). The principle was again redirected at Myanmar when 12 security officers were killed by ARSA insurgents during a series of coordinated attacks targeting at least 20 police outposts and an army base in Rakhine State on 25 August 2017 (Hunt, 2017). This incident led to what have been described as "a convenient pretext for the Myanmar military to unleash its brutal clearance operations against the Rohingyas" (Ahsan, 2018, p 572), and which also triggered a mass exodus of Rohingyas fleeing to Bangladesh (Hunt, 2017). Since then, Myanmar government have been much criticized for their handling of the situation which led the UN Human Rights Council to initiate and release two Independent International Fact-Finding Mission on Myanmar (UNHRC, 2020). Two years before the last violent outbreak in 2017, Lindsey Kingston wrote about *Protecting the World's Most Persecuted; The Responsibility to Protect and Burma's Rohingya Minority*. The author laid out an instruction that "the Rohingyas, who face instances of direct violence (rape, torture and murder) as well as structural violence

(including widespread denial of legal nationality or statelessness), are just one of the world's minority groups facing deeply-rooted human rights abuse at the hands of the state" (Kingston, 2015, p 1164).

A. Myanmar and the Rohingya Crisis

The Rohingyas conflictual history goes back to the old British colonial days (and further), but the timeframe for this chapter's discussion will mainly focus on the period starting from the exclusion from Myanmar's 1982 Citizenship Law. This will hopefully situate the crisis of August 2017 in its historical and socio-political context.

Azeem Ibrahim's book on *The Rohingyas: Inside Myanmar's Hidden Genocide*, provide a good starting point to new readers about the Rohingyas historical background, and to understand how the dominant narrative came to project the image of the Rohingyas as one of "illegitimate invasion by a threatening outsider" (Ibrahim, 2016, p 33). It has been a lingering issue of who lived in Arakan (now Rakhine State) between 1824-1826 as the dispute relate to which ethnic group are considered to be part of today's Myanmar from the date of the British conquest, "which has been chosen as the significant historical milestone for deciding which ethnic groups properly belong to which territory" (Ibrahim, 2016, p 28). The principal argument emphasised by the Buddhist extremists is that the Rohingyas arrived in the region at a later date because of British influence (Ibrahim, 2016, p 29). However, a reminder about an invasion that happened in 1784 due to a high number of Muslims in Arakan at the time, contradicts the core assumption supported by the regime and Buddhists extremists "that there where very few Muslims in Arakan before the British conquest in 1826 and that the Rohingyas only arrived in the province in the colonial era" (Ibrahim, 2016, p 65). In addition, "even if the argument that the Rohingyas were essentially people who moved from Bengal to Myanmar is acknowledged, the scale of the migration has never matched the numbers related to the presence of Muslims who were already part of the landscape in Rakhine before 1824" (Ahsan, 2018, p 573). The crucial point here is to be aware of attempts at rewriting, or even manipulating history, "to understand the mindset of the aggressors and see how exactly how this phenomenon builds into a precursor to genocide" (Ibrahim, 2016, p 33).

After the Second World War, military rule began in Myanmar in 1962 after coup d'état, which ended the short lived democratic rule and rights that the Rohingyas had before the coup were now greatly reduced (Hunt, 2017). During the 1970s and 80s and in the absence of

a homogeneous ethnic identity in the country, the military “increasingly resorted to seeing Buddhism as the essential criterion for being a true Burmese, as they set about nation-building” (Ibrahim, 2016, p 37). In addition to this, the 1974 Constitution of the Socialist Republic of the Union of Burma disrupted the status the Rohingyas was given at the time of independence which introduced and enforced the identity cards that gave them description as *foreigners* (Ibrahim, 2016, p 8). This lay the groundwork for what was about to come with the 1982 Citizenship Law, but there were three other major events of the decade that also had significant impact on the political structure: The first was the adoption of the name Union of Myanmar in 1989 and the other forced the ruling elite into holding relatively free elections (in 1990) and the last one, the emergence of a new political movement called the National League for Democracy (Ibrahim, 2016, p 39).

The small steps of welcoming a new opposition political party and the fact that elections took place, even though they were annulled, saw an increased deployment of the military into northern Rakhine who populated villages with ethnic Burmese and displaced the Rohingyas from their homes (Ibrahim, 2016, p 52). The 1982 Citizenship Law and its exclusion of the Rohingyas intensified the image of the ethnic group as alien to the state but more consequently, “the steady increase on the level of discrimination and violence aimed at the Rohingyas has been the shifting legal definition of Burmese citizenship” (Ibrahim, 2016, p 48). Taken into account all of the above considerations, it re-ignited the persecution of the Rohingyas and denied them the most basic of their human rights, but more importantly, it reminds us that “one of the preconditions to genocide is the systematic denial of standard legal rights to an identified group” (Ibrahim, 2016, p 48).

The Myanmar government would welcome a new Constitution in 2008 and has been described by Ibrahim as a deeply flawed document, because it still remained the idea that “only those ethnicities who had lived in Myanmar in 1824 could be citizens now (Ibrahim, 2016, p 57). Yukiko Nishikawa also note that although the Constitution contain a relatively standard list of rights and duties and that “many restrictive laws from previous eras are retained in the statute book as supplements, thereby continuing to limit the scope of political rights” (Nishikawa, 2018, p 6). As explained by Christina Fink, the author of *Militarization in Burma's Ethnic States: Causes and Consequences*;

The Constitution allows a degree of civilian participation in politics and there will be an elected parliament. However, twenty five per cent of the seats are reserved for the military, and the president must come from a military background. Furthermore, the military has the right to take power should national security be threatened (Fink, 2008, p 449).

An interesting view worth mentioning, is how the military in Myanmar consider itself to be both the mother and father of the people, which means they see themselves as having responsibility to take care for the people and in return, the people must obey the army (Fink, 2008, p 454). In other words, the Constitution “enshrined the privileges of the military and did nothing to challenge the notion that only the army could act as the guarantor of Myanmar” (Ibrahim, 2016, p 57). The military’s power and position have definitely controlled the steering wheel for many decades, and there are many critics that still believe their influence is ruled behind the curtains. This is much discussed in R.Lee Huang’s article from 2013, ‘*Re-thinking Myanmar’s political regime: military rule in Myanmar and implications for current reforms*’. The paper argues that

By tracing the historical developments in the Myanmar military regime, current reforms were introduced as a strategy for the military to ensure its continued survival as the primary political actor in Myanmar. Despite a series of challenges to its rule, the Tatmadaw (military) has been able to constantly reinvent itself and, ultimately, to reassert its dominance over Burmese society. (Huang, 2013, 247)

Ibrahim has further elaborated that the military’s response to criticism of the persecution of the Rohingyas have been deliberately to “use nationalism in fused with Buddhism to reject external influences and solidify military rule” (Ibrahim, 2016, p 46). The contested notion of external influence would confront the Myanmar government with the devastations caused by Cyclone Nargis in 2008. Lindsey Kingston (2015) emphasized the fact that the Myanmar government’s response was

Initially blocking outside organisations from providing desperately needed food, clean drinking water, shelter and medical care...and how the concept of R2P entered international discussions as a justification for humanitarian intervention. Although crimes against humanity could arguably apply to the government’s blocking of outside aid, R2P was not invoked in this case - partly because neutral and environmental disasters had been intentionally left out of R2P formulations, and partly because military intervention would have most likely made the situation for civilians worse (Kingston, 2015, p 1170).

The military regime was hesitant in accepting external assistance, and when it eventually agreed to open up the borders and, it prevented the aid efforts of reaching the most vulnerable populations and places (Pinheiro & Barron, 2012, p 266). A similar depiction of the natural disaster assert that the loss of life appeared to be widespread and that regional diplomacy did secure access- regrettably too late for many victims, but late enough to permit slow-moving regional diplomacy to work, and thus to preserve the thin political coalition behind R2P (Doyle, 2016, p 20). It's important to remind that it was ASEAN's involvement that persuaded the Myanmar government to agree and grant humanitarian access to help coordinate an international relief and rehabilitation effort (Kingston, 2015). Part of this was influenced by what Julian Junk refer to as Asian voices and their scepticism of involving international bodies like the UN Security Council. Junk explains this logic on the basis that Asian nations share a local responsibility to act and that "there is no room for Western-dominated, sabre-rattling responses" (Junk, 2016, p 86). Prior to this, French Foreign Minister, Bernard Kouchner, attempted to invoke the R2P principle prematurely and deliver aid from a french naval ship of the Myanmar Coast despite the recognition from the military regime (Pinheiro & Barron, 2012, p 268). The incident proved an unsuccessful case of R2P and the biggest repercussion "may serve to complicate any further attempts to apply the doctrine to the country" (Pinheiro & Barron, 2012, p 270). In other words, it also reinforced the "hesitation of actors to be drawn into an intervention of their geopolitical concerns regarding Western dominance of R2P matter" (Junk, 2016, p 92).

The year of 2012 marked a political breakthrough for the National League of Democracy when they won the election, but was soon shadowed by religious violence between Burmese Buddhists and Rohingya Muslims in Rakhine State. Owen Frazer's *International Engagement on Buddhist-Muslim Relations in Myanmar* capture the phrase 'the Rohingya issue' as violent incidents and a growth in anti-Muslim hate speech that intensified from 2012 (Frazer, 2015, p 82). One of the main forces behind Buddhist nationalist movements, is the Ma-Ba-Ta and how they have "stirred up fears about Buddhist communities, values and ways of life being under threat" (Frazer, 2015, p 83). This suggest that apart from the decision to grant the Rohingyas citizenship, "and as long as an exclusive notion of national identity based on Buddhism continues to dominate, the issue will continue to be instrumentalized to stir up broader anti-Muslim sentiment in the rest of the country" (Frazer, 2015, p 84).

Violence broke out in 2016 when about 300 men from the Arakan Rohingya Salvation Army attacked border post in Rakhine state and killed 9 police officers (Hunt, 2017). This event led to an intense “crackdown by the Myanmar military that resulted in a high number of Rohingyas fleeing to Bangladesh” (Hunt, 2017). The cycle of violence occurred again in August 2017, when “12 security officers were killed by ARSA insurgents during a series of coordinated attacks targeting at least 20 police outposts and an army base in Rakhine state” (Hunt, 2017). This left the military to respond with what they describe as “clearance operations”, burning down villages and triggering a mass exodus again to Bangladesh (Hunt, 2017).

The detailed findings of the independent international fact-finding mission on Myanmar 2019 found that the Rohingyas are experiencing persecution and freedom restrictions known as;

- Citizenship, national verification cards, annual household lists
- The situation of the internally displaced, construction and evidence of land confiscation and destruction of villages
- Restrictions on movement, curfews, freedom of movement
- Access to livelihoods, restrictions on humanitarian access
- Lack of security and protection from local and national authorities, forced or compulsory labour, security checkpoints, prisons

(The United Nations Human Rights Council, 2019).

It’s difficult to not mention the position on Aung San Suu Kyi and on her much-disputed silence on the crisis.

Suu Kyi may now be personally free from arrest but in many ways, she remains hostage to her political circumstances. She leads a fractious National League for Democracy with an ageing organizational leadership that will seek a nation-wide mandate at the next (in 2015) Myanmar general election from a constituency overwhelmingly unsupportive of the aspirations of the Muslim Rohingya (Lee, 2014, p 330).

In 2016, State Counsellor Aung S.S. Kyi issued permission to former UN Secretary-General, Kofi Annan, to carry out an independent study of the situation in the country and present a report to the Myanmar government. Even though it was very much unfortunate that the Annan Commission was released the day before the fatal day on 25 August 2017;

It recommended the need for the authorities to undertake a review of the 1982 Citizenship Law, which had turned the Rohingyas into a stateless people, and in accordance with established global convention, take measures towards lifting all restrictions on the exercise of human rights by the Rohingyas (Ashan, 2018, p 573).

Ashan specifically point out that “the sudden attacks by the Arakan Rohingya Salvation Army served as a good pretext for the Myanmar authorities to hold themselves back on an implementation of the steps suggested by the Annan Commission” (Ashan, p 573).

B. Genocide and crimes against humanity

The Convention on the Prevention and Punishment of the Crime of Genocide was officially signed and accepted in 1948, but the crimes had claimed its victims from the Armenian genocide in 1915-1923 (HL-Senteret, Folkemord Tyrkia) and the Holocaust during the second World War. Since then unimaginable events of mass killings have occurred in Cambodia, Bosnia-Herzegovina, Rwanda, Darfur (Folkemord.no) and the insistent persecution of the Rohingyas in Myanmar. Even with different status and recognition, the four crimes referred to are crimes of genocide, crimes against humanity, war crimes, and ethnic cleansing. William Burke-White points out how the Outcome Document “may serve as an example of *opinio juris* for certain elements of the R2P that go beyond existing rule of law where *opinio juris* consist of political statements that provide evidence a state or states believe they are bound by legal obligation; but for such *opinio juris* to give rise to legal obligation, it must be backed by widespread state practice which does not yet exist with respect to R2P” (Burke-White, 2012, p 23). In other words, the principle is not armed enough to handle the fight against the heavy crimes under the Genocide Convention. Gareth Evans, as co-chair on the 2001 ICISS Report and former President of the International Crisis Group, talked about meeting the challenges of the responsibility to protect. The conceptual, institutional and political challenge will be further explored in the coming chapters.

The content of the four crimes (genocide, crimes against humanity, war crimes and ethnic cleansing) can often blend in with one another and create different understandings of what the crimes entails. For the moment of clarity, it is crimes against humanity that this assignment see as the most appropriate description of the Rohingya crises.

Article 7 (1) of the 1998 Rome Statute, which is also the document that offers the most extensive list of specific acts that may constitute the crime, advert to the point that “crimes against humanity do not

need to be linked to an armed conflict and can also occur in peacetime” (The United Nations Office on Genocide Prevention and the Responsibility To Protect, 2020)

Definitions and description of crimes against humanity is not diminished due to the notion that Myanmar is not a signatory state of the Rome Statute, who established the International Criminal Court, and with that have no jurisdiction over crimes committed within Myanmar’s territory (Palmer, 2019). In order to explain why the definition of crimes against humanity is more favourable for the thesis topic, it’s fitting to draw out the less stronger traits of the other crimes. With genocide, the intent is the most difficult element to determine because

To constitute genocide, there must be a *proven* intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group; it's not appropriate to state it war crimes since it must always take place in the context of an armed conflict, either international or non-international; and lastly, ethnic cleansing has not been recognized as an independent crime under international law nor is there no precise definition of this concept or the exact acts to be qualified as ethnic cleansing (The United Nations Office on Genocide Prevention and the Responsibility To Protect, 2020).

The four crimes often generate a coherence to one another as Scholars like Tarun Chhabra and Jeremy Zucker points out that although

Ethnic cleansing has yet to be explicitly defined by international treaty, it is widely understood to fall within the scope of the other three categories of crimes; *genocide* where ethnic cleansing entails an intent to destroy an ethnic group in part or whole; *crimes against humanity* where there is systematic and widespread persecution based on ethnic identity in connection with any predicate element of crimes against humanity in a peacetime or wartime context; *war crimes* where certain acts - such as forced deportation, sexual violence and killing civilians - are part of a plan or policy targeting an ethnic group in a wartime context (Chhabra & Zucker, 2012, p 42).

All four crimes make up devastating consequences for any minority groups and populations that are facing persecution, but “what sets a crime against humanity apart both in wickedness and in the need for special measures of deterrence is the simple fact that it is an act of real brutality ordained by government- or at least by an organization exercising or asserting political power” (Robertson, 2008, p 434).

The UN Framework of Analysis for Atrocity Crimes; A Tool for Prevention from 2014 contain the term *atrocity crimes*, which also refers to the three legally defined international

crimes of genocide, war crimes and crimes against humanity. The document further introduce that “atrocities crimes are considered to be the most serious crimes against humankind and that their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings” (The United Nations, 2014). What makes it a fitting example for the Rohingya crises is that it arise out of deep-seated fear and practices of discrimination, as well as marginalization and conflict where “both forces that drive societies toward the abyss and those that inhibit such moves are driven by national governments, civil societies, and private sectors animated by a complex array of more local concerns”(Bellamy & Luck, 2018, p 113). A different point is how since the early twentieth century some of the major events involving atrocity crimes are to be found in especially the third (out of six) broad type proposed by Bellamy and Luck in which, “the support of radical social transformation where atrocities are employed by state or non-state actors to impose radical change on a society usually by eliminating a particular ethnic, religious, political or socioeconomic group” (Bellamy & Luck, 2018, p 116). An additional assumption concerning atrocity prevention is urging that there are no *one size fits all* template, and that we should “recognize that periods of intense political transition or transformation can heighten the immediate dangers of violent conflict and atrocity crimes” (Bellamy & Luck, 2018, p 121).

3. Theoretical Framework/ Literature review

A. Institutional liberalism

Nygaard has explained theoretical framework as “the specific collection of conceptual lenses you put together for the particular purpose of answering your research question” (Nygaard, 2017, p 124). The research questions are too broad and most likely too overwhelming for a master thesis to cover, but in the attempt to situate it in the discipline of international relations, would like to follow the conceptual approach of liberal institutionalism. The early characterization of liberalism, project a theory of both government within states and good governance among states and peoples worldwide; unlike realism, which regards the ‘international’ as an anarchic realm, liberalism seeks to project values of order , liberty, justice, and tolerance into international relations (Dunne, 2017). Later at the end of twentieth century, liberal thought became grounded in social scientific theories of state behavior...meaning that cooperation among rational egoists was possible to achieve it if was properly coordinated by regimes and institutions (Dunne, 2017).

The nature of this thesis will refer to the international community as member states of the United Nations. The institutions and mechanisms of the United Nations reflect both the demands of great power politics (security council veto) and universalism; they reflect demands to address the needs and interests of states...where the tensions between these various demands are a key feature of UN development (Curtis & Taylor, 2017). Liberal institutionalist believe that intervention is possible, but what about when its perceived as a new form of imperialism? What about when the UN is unable to act effectively in cases that needs urgent response due to the power of veto from the permanent members of the Security Council? Critics of the realist view in international relations are presented with the notion that states are principal actors concerned with their own security and national interests. Their view on state survival is through power struggle and motivated by both self-interest which clashes with the harmony of the international institutions.

Robert Keohane and Lisa Martin's article on *The Promise of Institutional Theory* note that "liberal institutionalists treat states as rational egoists operating in a world in which agreements cannot be hierarchically enforced, and that institutionalists only expect interstate cooperation to occur if states have significant common interests» (Keohane & Martin, 1995, p 39). The authors further explain that

Liberal institutionalists, who see institutions as rooted in the realities of power and interest, do not argue that NATO could have maintained stability under any imaginable conditions. What we argue is that institutions make a significant difference in conjunction with power realities. Institutions are important "independently" only in the ordinary sense used in social science: controlling for the effects of power and interests, it matters whether they exist. They also have an interactive effect, meaning that their impact on outcomes varies, depending on the nature of power and interests (Keohane & Martin, 1995, p 42).

On the discussion about how realists interpret the relative-gains logic as showing that states will not cooperate with one another if each suspect that its potential partners are gaining more from cooperation than it is, Keohane and Martin elaborate that "just as institutions can mitigate fears of cheating and so allow cooperation to emerge, so can they alleviate fears of unequal gains from cooperation" (Keohane & Martin, 1995).

Liberal theory argues that institutions provide valuable information, and information about the distribution of gains from cooperation may be especially valuable if the relative-gains logic is correct. Institutions can facilitate cooperation by helping to settle distributional conflicts and by assuring states

that gains are evenly divided over time, for example by disclosing information about the military expenditures and capacities of alliance members (Keohane & Martin, 1995, p 45).

Far from leading to the conclusion that institutions are not significant in world politics, the relative-gains debate has led us to understand yet another pathway through which they substantially influence the course of international relations (Keohane & Martin, 1995, p 46). Keohane and Martin suggest that the difference between realism and liberal institutionalism does not lie in whether institutions are independent or dependent variables; it lies in contrasting understandings of *why* institutions are created and *how* they exert their effects (Keohane & Martin, 1995, p 48). Although the realist assumption have taken different directions and developed further since World War II, it is a good starting point in understanding how each of the Permanent Five members (the United States, Russia, China, France and the United Kingdom) of the Security Council are reasoning, and voting to best preserve their national interests and their own security.

The Security Council can famously take “military action against an aggressor” (The UN, Functions and Powers) or “resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security” (The UNSC, Peace and Security). The biggest concern still present, is that “most permanent members of the Security Council were initially deeply cautious about R2P, reflecting more generalized attitudes among sections of the UN membership concerned that R2P might constitute a potential challenge to territorial and decision-making sovereignty and provide a license for external intervention” (Bellamy & Luck, p 40). Myanmar, with a long history of military rule and fairly newcomers to democratic rule of law, might see this concern as too close a threat to their sovereignty or in disguise of a ‘Trojan horse’ for the purpose of intervention as formerly noted by both Alex J. Bellamy and Gareth Evans.

B. The Responsibility to Protect (R2P)

In their recent book about *The Responsibility to Protect: From Promise to Practice*, Alex J. Bellamy and Edward C. Luck are presenting readers with a detailed overview of R2P as principle and policy and how the norm is understood in world politics. Both experts in their field, “suggest that because practical action, and its effects, are shaped by a wide variety of considerations and forces, R2P should be understood primarily as a *responsibility to try*, the exercise of which is evidence in the intentions, actions, and outcomes achieved by relevant actors” (Bellamy & Luck, 2018, p 37). The first pillar of the responsibility to protect

framework start with the message that it is the “responsibility of each state to protect its own population from the atrocity crimes in question”, and then convey the second pillar as the “responsibility of others (states) to assist it to do so” (Evans, 2012, p 379). However, the much discussed restraint points to the third pillar of the responsibility to protect where it urges “the responsibility of wider international community to respond in a *timely and decisive* fashion and by all appropriate means if this becomes necessary because the state in question is *manifestly failing* to protect its people” (Evans, 2012, p 379).

It would take over five decades from the signing of the Genocide Convention in 1948 to the principle of R2P was officially endorsed in the Outcome Document at the 2005 World Summit meeting in New York. Gathering more than 170 head of states and governments, the historic document took a unified stance by the international community on a broad range of global issues, “including concrete steps towards combating poverty and promoting development to unqualified condemnation of all forms of terrorism along with the acceptance of collective responsibility to protect civilians against genocide and other crimes against humanity” (The 2005 World Summit).

The resolution adopted by the General Assembly on 16 September 2005 issued the famous message stating

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity...and the international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability” (Resolution 60/1. 2005 World Summit Outcome, p 30).

However, what’s been the most troubling to understand and more difficult to implement into practice, is that the international community are

Prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (Resolution 60/1. p 30).

C. The challenges meeting the Responsibility to Protect

The United Nations principle on responsibility to protect saw its daylight from the 2001 report on the International Commission on Intervention and State Sovereignty, and later acknowledged in the 2005 Outcome Document. The much discussed document shows both strong and weak potentials where the main critic has been stressed that although its significance, it does not create or demand legal obligations, but instead can be classified as soft law (Burke-White, 2012, p 23). The new global initiative welcomed at the 2005 World Summit, as promising as it appeared, was “different in many respects from the doctrine espoused by the ICISS even if the name and its central idea remained the same” (Bellamy, 2008, p 622). So what was the principal differences between its introduction in the ICISS report and the agreement supported by world leaders? At the time of releasing his article about *The Responsibility to Protect and the problem of Military Intervention*, Bellamy lays out that “in the latter form, the R2P no longer proposed criteria to guide decision-making about when to intervene; there is no code of conduct for the use of the veto; and there is no opening for coercive measures not authorized by the Security Council” (Bellamy, 2008, p 623).

The resolution adopted by the General Assembly on 16 September 2005 issued the famous message stating “each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity...and the international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability” (Resolution 60/1. 2005 World Summit Outcome, p 30). Alex Bellamy and Edward Luck reminds us that in experience it has been difficult to make the prevention of atrocity crimes a “lived reality” in practice due to the notion that policy makers and analysts have instead focused largely on *timely and decisive* responses to atrocity crimes (Bellamy & Luck, 2018, p 140). This could be seen as a more critical manner when lives are lost by the counting minute, but even if the international community would be able to intervene and respond earlier, it still doesn't mean that they were able to prevent or deescalate the situation before it turned into something that needed to be *acted* on.

The UN Framework of Analysis for Atrocity Crimes; A Tool for Prevention from 2014 contain the term *atrocity crimes*, which also refers to the three legally defined international crimes of genocide, war crimes and crimes against humanity. The document further introduce

that “atrocious crimes are considered to be the most serious crimes against humankind and that their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings” (The United Nations, 2014). What makes it a fitting example for the Rohingya crises is that it arise out of deep-seated fear and practices of discrimination, as well as marginalization and conflict where “both forces that drive societies toward the abyss and those that inhibit such moves are driven by national governments, civil societies, and private sectors animated by a complex array of more local concerns”(Bellamy & Luck, 2018, p 113). A different point is how since the early twentieth century some of the major events involving atrocious crimes are to be found in especially the third (out of six) broad type proposed by Bellamy and Luck in which, “the support of radical social transformation where atrocities are employed by state or non-state actors to impose radical change on a society usually by eliminating a particular ethnic, religious, political or socioeconomic group” (Bellamy & Luck, 2018, p 116). An additional assumption concerning atrocious prevention is urging that there are no *one size fits all* template, and that we should “recognize that periods of intense political transition or transformation can heighten the immediate dangers of violent conflict and atrocious crimes” (Bellamy & Luck, 2018, p 121).

The conceptual, institutional and political challenge

Apart from the challenges discussed associated with the Responsibility to Protect (R2P) Principle discussed so far, there are three other significant challenges presented by Gareth Evans; the conceptual, institutional and political challenge of the responsibility to protect. The conceptual challenge have been referred to as a Trojan horse for bad old imperial, colonial and militarist habits (Evans, 2008), but it’s working to secure a “close to unanimous understanding of just what kind of real-world cases the norm is meant to embrace and what kind of policy responses it actually requires case by case” (Evans, 2012, p 381) . Alex Bellamy’s article, *The Responsibility to Protect and the Problem of Military Intervention* shared similar description about how “many governments still continue to suspect that R2P is simply a Trojan horse for the legitimization of a unilateral intervention....and how the principle that emerged from the 2005 World Summit was inadequate because it did not provide clear guidance about the circumstances in which coercive military intervention might be justified, or about the appropriate decision-making process in situations where the Security Council is deadlock” (Bellamy, 2018, p 617). The misconception that R2P is only about the application of military force represents one out of two genuine misapprehension as to what the principle is really about; the other one is to mistake the principle of R2P of being too

narrow and to assume that it is a synonym for humanitarian intervention (Evans, 2008). It is appropriate to remind about the distinction between the two in that “the very core of the traditional meaning of humanitarian intervention is coercive military intervention for humanitarian purposes- nothing more or less, but R2P is about taking effective preventive action and at the earliest possible stage” (Evans, 2012, p 377). Writing on *Lessons and Challenges* in 2012, Evans suggests that the principle should not generally be seen as conflict, about human rights, or human security, “but rather about small subset of cases where atrocity crimes are occurring imminent, or likely to occur in the nearest future if preventive strategies are not adopted” (Evans, 2012, p 382). The message could not be more clearly when it emphasise that “the whole point of trying to craft a new conceptual framework for addressing mass atrocity crimes was to generate among international policymakers and those who influenced them a reflex consensus reaction when any such new case came along- that such man-made catastrophes were everybody's business, not nobody's - and to energize effective collective action accordingly” (Evans, 2012, p 378).

The next step, as mentioned by author Nicole Deller, was for R2P with its wide range of preventive strategies to take on the counter challenge of stretching the meaning of the principle beyond its practical and political utility (Deller, 2012, p 70). This leads to the next challenge of having the institutional capacity to deliver a collective response before maintaining the political will to do so (Evans, 2012, p 381). The first institutional challenge have been advised to “ensure there are early warnings and response focal points established within and amongst all the key governments as well as intergovernmental organizations” while the second to have prepared civilian capability who are ready to be deployed when and if necessary, diplomatic mediation, civilian policing and other critical administrative support, and the third to have standby-by military resources that are available for quick “fire-brigade” deployment in order to address the most extreme cases where there are no other options, and for the longer-haul stabilization operations (Evans, 2012, p 385).

The last challenge concern political will to push for early warnings so that they come from somewhere and in many cases, more effectively when they catch the attention from someone under the policymaking umbrella. To establish the will to act from this standpoint will begin with national leaders themselves, key officials and parliamentarians (Bellamy & Luck, 2018, p 77). The nature of the challenge lies in the view that “those who have never been involved in decision-making at the highest levels can scarcely begin to imagine how problems and

issues are simultaneously clamoring for attention at any given time, how hard it is to get anyone to focus on anything but the most immediate and urgent, and how tempting it is to deny, diminish, or defer a problem in the hope that it will disappear entirely or be seen as someone else's" (Evans, 2012, p 386). No matter how the problems arises or the amount of time spent to put the attention first in line, the R2P concept itself should be presented and explained with precision and clarity. In addition:

In response to particular cases, moral arguments - which are at the heart of R2P's intellectual and emotional appeal - will always be persuasive, because however base politicians' real motives may be, they will always be seen as acting from higher ones. They need to be supplemented by a variety of hardheaded arguments, beginning if at all possible with an appeal to traditional interests.
(Evans, 2012, p 390)

In supporting this view we find the aspect of political will in how it "relates to the idea that states consider themselves to be responsible first and foremost for the well-being of their own citizens, and are reluctant to spend money and risk the lives of soldiers in order to save strangers from atrocity crimes in other countries" (Bellamy & Luck, 2018, p 76). What cannot be left out is that in many circumstances, what matters more to governments is to "have arguments that will appeal to, or at least not alienate, their own political support base, and which they can use to deflate, or at least defend against, the attacks of their political opponents" (Evans, 2012, p 390). To address the financial arguments, it could however, suggest that spending a million dollars worth on preventive action now might save the state for a billion dollars worth of military intervention later (Evans, 2012, p 390)

4. Methodology

Research design: Qualitative approach

The thesis have been conducted through qualitative research where the research questions have been focused on *why* and *how* questions. One of the features of a case study design, is not only that it tries to understand a phenomena, but "the case is an object of interests in its own right...and the aim is to provide an in-depth examination" (Bryman, 2016).

By using qualitative research, words and texts are greatly emphasized and a discourse on the theories applied to this thesis is presented and discussed in the theoretical framework. It relies primarily on document analysis of the United Nations Security Council's meeting's agenda on the case of Myanmar between 2016 to 2018. This thesis is not based on methods of

interviews or involving participants for data, but instead, follows an interpretive approach “normally associated with an inductive logic that attempts to generate propositions about social phenomena (why people do what they do) based on in-depth exploration ” (Nygaard, 2017, p 27). The interest with this case started with why the Rohingyas as an ethnic minority group became a target for the latest ‘clearance operations’ campaign in 2017. However, by analyzing how the different members of the UN Security Council positioned themselves through their official statements on the crises, could emphasize different views as to why there was no decision to intervene.

The reason why the Rohingya conflict was chosen as a case, is because it represents a perfect example about the shortcomings that international institutions (and actors) are missing when it comes to protecting the most vulnerable groups excluded from citizenship.

Data collection and analysis methods: Document analysis

The main method applied to this thesis is through document analysis of five meetings records of the UN Security Council between 2017 and 2018. The analysis did not find any meeting records from 2016 and therefore it has not been included in the discussions. Documents like the Genocide Convention and the World Summit 2005 Outcome Document will set the scene to where the international community have positioned themselves. The Myanmar 1982 Citizenship Law will show how authorities have played a significant role in nurturing seeds of the crimes laid out by the fact-finding mission report. The meeting records between 2016 to 2018 and Statement by the President of the Security Council have been analyzed in hope to find the most recurring and underlying themes. Thematic analysis involves a careful, more focused re-reading and review of the data, it takes a closer look at the selected data and performs coding and category construction based on the data’s characteristics to uncover themes pertinent to a phenomenon (Bowen, 2009).

The assignment chose the specific five meeting records because they fit into the timeframe from after the 25th August 2017 attacks to one year later. The documents have been collected through the Research Guides at United Nations Dag Hammarskjöld Library (see bibliography list). Other secondary sources cover revised books, journal articles, news articles, websites. Official documents and international agreements and conventions as well as online documentaries on the case study have also been included in the discussions. Purposive

sampling (non-probability) as well as theoretical sampling have been the preferred option for this thesis. Since there were no fieldwork in collecting primary data, it leaves out sampling frame, participant observation and study area.

Limitations of research

The process of writing this thesis have met many obstacles and limitations.

The UN Security Council's official documents can appear clear cut on their approach and response to the Rohingya crises, but in practice the protection of victims from crimes against humanity is not shielded from the uniform of documents adopted at the UN's headquarters. I have to rely on the available and released documents, but the biggest deficiency on writing about this topic, is that I have never been or had any field work conducted inside Myanmar, or have a wide pool of informants/sample of materials. When writing about the conditions and ill treatments of the Rohingya minority, they are all based from reading documents like the Fact-Finding Mission Report of 2018-2019 and the meeting records. This also affect the participant observation position/role in gathering/collecting data. The biggest issue and limitation were the disposition of time which resulted in the decision to only focus on UNSC meeting records from 2016 to 2018.

5. Analysis and findings

A. The Rohingya Crisis and the UN Security Council

This chapter will present the findings of the UN Security Council meeting records between 2016 to 2018. It will first look for the most discussed subjects from the meeting records and highlight some statements which relates back to the literature review and connects to Myanmar historical background. All the revised meetings took place in the aftermath of the violence that occurred on 25 August in Rakhine State. Apart from the five permanent members of the Security Council; The United States, The United Kingdom, France, Russia, and China, the other ten non-permanent members who held a seat at the Security Council in 2017 and 2018 are listed on table 1:

| <u>2017</u> | <u>2018</u> |
|-------------|-------------------|
| Ethiopia | Ethiopia |
| Bolivia | Bolivia |
| Egypt | Cote d'Ivoire |
| Italy | Equatorial Guinea |
| Japan | Kuwait |
| Kazakhstan | Kazakhstan |
| Senegal | Netherlands |
| Sweden | Sweden |
| Ukraine | Peru |
| Uruguay | Poland |

Table 1: Non-permanent members present at the United Nations Security Council meetings in 2017 and 2018

*Permanent members of the Security Council; The United States, The United Kingdom, France, Russia, and China

The document analysis is based on five meetings records on the Situation in Myanmar and one Security Council outcome on The Statement by the President of the Security Council. The analysis has only included the statements from the member states and not considered those of the Secretary-General or other invited guest speakers at the meetings.

Even though the first research question is too broad - *Why didn't the international community invoke the R2P principle and intervene in the Rohingya crisis after the military response in 2017?* - analysing the member states approach and their statements on the issue will enhance a better respond to the second research question - *How have members of the UNSC discussed the Rohingya situation between 2016 to 2018, and how do they balance norms of sovereignty and human rights norms?*

| Year | Date | Meeting Record | Vote |
|------|----------------|----------------|---|
| 2016 | - | - | - |
| 2017 | 28th September | S/PV.8060 | No Vote |
| | 6th November | S/PV.8085 | S/PRST/2017/22 Statement by President of the S.C |
| | 12th December | S/PV.8133 | Resolution 72/248 |
| 2018 | 13th February | S/PV.8179 | No Vote |
| | 28th August | S/PV.8333 | No Vote |

Table 2: Overview of UN Security Council meeting records between 2016-2018 on the situation in Myanmar

*The analysis did not find any meeting records from 2016 and therefore it is not included in the next discussions.

2017

The first meeting on the 28th September was open by a briefing from the Secretary General before each of the member states made their statements on situation in Myanmar. Special Envoy of the State Counsellor and National Security Adviser of Myanmar and representative of Bangladesh gave their remarks and addressed the crisis at the end of the meeting. The gratification of how the member states referred to the Rohingya crisis was met as each

member recognized the increase of violence that led thousands of victims to flee to the borders of Bangladesh. The United Kingdom state that, “make no mistake - this is a human tragedy and an acute humanitarian crisis that has exploded with almost unprecedented speed” (S/PV.8060, p 4), while the United States thinks that “what is perhaps most frustrating about the conflict is the fact that we should have seen it coming” (S/PV.8060, p 7). France sheds further light on this and mention that “The denial of the Rohingya’s rights for decades has led to the radicalization of a minority among them and urges that civilians must not pay for the violence committed by an extremist group” (S/PV.8060, p 12).

Kazakhstan are one of the few countries who speak of terrorism and how they view “inter-ethnic and interreligious strife, as well as the growing problem of refugees in the neighbouring countries of Myanmar, could serve as fertile ground for domestic and international terrorism. That could spread beyond Myanmar and become a source of threat to regional and, over time, even international peace and security” (S/PV.8060, p 13).

Through reading each statement, the analysis found that member states often expressed the crisis as *humanitarian tragedy or catastrophe*. It also noticed how some member state refer to Myanmar government while others to Burmese authorities and military. China gave a very short statement, but managed to draw on their role as friendly neighbor to both Myanmar and Bangladesh, and how they “have been actively engaging with those countries to influence them positively and encourage them to address the issue through dialogue and consultation” (S/PV.8060, p 14). The surprising part could be the length of the statement, however, in certain complex events it is sometimes wiser to give a clear standpoint and keep it short, rather than expressing too much with little influence. On the other hand, Russia presented a different take on the matter by emphasizing mostly on radicalization and shifts the role onto the Arakan Rohingya Salvation Army as terrorists behind the killings of civilians. They also point to “evidence of arson attacks on entire villages carried out by terrorists and how photographs confiscated from detained militants were apparently intended to contribute to reports to the leadership of the Arakan Rohingya Salvation Army or its foreign sponsors. Those data back up statements made earlier by the authorities of Naypyitaw that the initiators of the outbreak of violence in Rakhine state sought to maximize the scale of the humanitarian catastrophe and shift all blame for it to the Government” (S/PV.8060, p 15). At this point, both permanent members of the UN Security Council, China and Russia, have not mentioned any thought about an intervention. Perhaps the meeting was held too soon after the violence

on the 25th August and both countries felt it was too early to bring this to the table, or they simply didn't want to say too much that could have impacted their veto power in the Security Council.

Moving to Uruguay's statement on the crisis, they also make note of the military activities of the Arakan Rohingya Salvation Army and condemn their violent acts against the Myanmar security forces. However, they emphasize that, in the end, "the responsibility for protecting civilians always falls primarily on States and propose that the way to overcome this crisis is by approaching it from a human-rights perspective...with respect for the law, equality before the law, the defense and promotion of human rights, dialogue and resort to peaceful means to settle disputes" (S/PV.8060, p 18). What comes next on the podium shares perhaps the most interesting, unexpected, strong but important view on respecting the principles of sovereignty, independence and territorial integrity. Bolivia "believe that it is important to respect the principles of non-intervention in the internal affairs of States and the non-use or threat of use of force to settle conflicts, in accordance with the principle of a peaceful settlement of conflicts" (S/PV.8060, p 19). While some member states have been very distinct in their statement addressing the crisis, others have presented less than expected, and while some have responded more or less to the notion of intervention, others have not mentioned the subject.

After all the members have presented their statement, the spotlight was turned to Special Envoy of the State Counsellor and National Security Adviser of Myanmar, Mr. Tun. The response to the allegation is clear; Mr. Tun start out by specifying "the fact that there is no ethnic cleansing or genocide in Myanmar. Ethnic cleansing and genocide are serious charges that should not be made lightly. It would be a sad commentary on our times if we allowed emotions to cloud our view and asserted that what is happening in Rakhine was ethnic cleansing without first undertaking a legal review and making a judicial determination. I can assure the Council that the leaders of Myanmar, who have been struggling so long for freedom and human rights, will never espouse a policy of genocide or ethnic cleansing and that the Government will do everything it can to prevent it" (S/PV.8060, p 21).

The final country to speak out was Bangladesh who made clear that they follow a zero-tolerance policy when it comes to terrorism and violent extremism. Apart from accommodating hundreds of thousands of Rohingya refugees, Bangladesh also offered to help Myanmar in fighting terrorism by participating in joint inspections and through

coordinated patrols. Unfortunately, the country where not happy to learn that “senior Myanmar leaders and officials of state entities have been referring the alleged extremists as *Bengali terrorists*”, and that there is no room for “malicious propaganda that intends to project the Rohingyas as illegal immigrants from Bangladesh” (S/PV.8060, p 23). This is an important standpoint; to call for it to stop, because not only is it “a blatant denial of the ethnic identity of the Rohingyas, but it also is an affront to Bengalis all over the world” (S/PV.8060, p 23). Despite the insult, Bangladesh stated that they will participate and cooperate with Myanmar in order to reach a peaceful and lasting solution and that it would be through channels of diplomacy and dialogue. Before the meeting concluded, Bangladesh made a significant remark about commitment from all the actors involved: “Our experience from the past three decades makes it obvious that the bilateral track loses its momentum as soon as the international community shifts its attention elsewhere. We therefore urge the Council to keep this issue at the forefront of its agenda and make sure that we manage to arrive to the point of its logical conclusion” (S/PV.8060, p 24).

The second meeting on the 6th November did not include official statements from each of the non-permanent member states, instead, it was only the President, Mr. Cardi from Italy and representatives of Myanmar and Bangladesh who addressed and provided an updated on the situation in Myanmar. The Statement by President of Security Council was issued as a separate document and outcome after consultations and agreement with the non-permanent and permanent member states. There were three important topics and the first one deals with the limited access for humanitarian assistance into Rakhine state and urges the Government of Myanmar to grant safe access to humanitarian agencies. The second topic involves the signing of a memorandum of understanding on 24th October 2017 between the Government of Myanmar and Bangladesh and how both countries should work with the United Nations for the purpose of repatriation of the Rohingya refugees. The third topic “urges the Governments of Myanmar and Bangladesh, the United Nations and other humanitarian partners to pay special attention to the specific needs of women and girls in all assessments, planning and delivery of humanitarian assistance and to ensure the availability of specialized medical and psychosocial services for survivors of sexual violence” (S/PV.8085, p 3). This is also highlighted at the beginning of the last meeting on the 12th December 2017.

The Myanmar representative did not agree with the presidential statement because “it fails to give sufficient recognition to the Government of Myanmar for its efforts to address the

challenges in Rakhine state as well as it singles out a Member State based on accusations and false evidence” (S/PV.8085, p 4). Myanmar have conducted visits with the officials of Bangladesh and although they were disappointed that the presidential statement didn’t acknowledge the attacks of 25th August as a terrorist act, they intend to continue to work with the international community in reaching a peaceful solution for the situation in Rakhine state.

Representative from Bangladesh rejected the allegation from Myanmar of allegedly supporting terrorism in Rakhine state, and once again they point out the “paramount importance that the Council speak in a unified manner on this situation, even though time is of the essence” (S/PV.8085, p 5).

The third and last UNSC meeting in 2017 on the 12th December included briefings from Under-Secretary-General for Political Affairs and Special Representative of the Secretary-General on Sexual Violence in Conflict. Each member commented on the Statement by the President, but what sets it apart from previous meetings, was that it highlighted the grave concern for sexual violence against women, children and men. The discussion also lifted the attention to the repatriation process for the Rohingyas to return safely to Myanmar. In addition, the growing number of refugees in the camps in Bangladesh was highly emphasized by member states of the Security Council. The United Kingdom where the first permanent member state to commence their statement and expressed that current “conditions in Rakhine state do not yet allow for the safe, voluntary and dignified return of refugees to their homes, as that the Security Council called for last month” (S/PV.8133, p 6). China is still consistent with their view and encourage Myanmar and Bangladesh to continue to work together through appropriated bilateral channels. They also remind that “any solution reached under strong external pressure may ease the situation temporarily but will leave negative aftereffects” (S/PV.8133, p 8).

On the one side, the United States are more focused on accountability and the following extract from their statement shows a blending of liberal institutionalist who see intervention as a possible but could also be suspected as imposed imperialism. In comparison with trying to rally up for a collective unified voice, the United States noted that; “*We* can demand that independent investigators be allowed to enter the country to help hold those responsible for atrocities to account. *We* can provide help to those who have been brutally attacked by members of the Burmese security forces and *we* can speak out for the human rights of all people in Burma” (S/PV.8133, p 9). On the other side, Russia are more supportive of

respecting Myanmar's national sovereignty. There wasn't anything specifically that hinted in the direction of a possible intervention from the Russian perspective as they believe it is "essential to refrain from counterproductive accusations and condemnations of Myanmar and to avoid politically and emotionally tinged speculation about the alleged genocide of Muslims" (S/PV.813, p 9). It could be said that a general worry for the situation have heightened and shifted to the overcrowded refugee camps. Sweden points out Reports of ongoing trafficking in human beings, including children, are extremely worrisome and that the risk of radicalization in the camps is also a real concern (S/PV.8133, p 11). By increasing the spotlight on the crisis even more, France stresses that "violations continue in full impunity, while neither the United Nations High Commissioner for Human Rights nor the fact-finding mission has access to Rakhine states" (S/PV.8133, p 14). Uruguay's contribution is a follow-up from their previous statement at the Security Council meeting on the 28th September where they suggest, once again, that a human-rights approach is the best suitable tool for handling the Rohingya crisis. They support the notion that "respect for human rights is the cardinal rule for maintaining fundamental freedoms and democratic life in all nations. For them, there are no limits or exclusions as to the forums in which human rights can be discussed, nor do they accept sovereignty or domestic jurisdiction as an excuse for attempts to prevent the consideration of the situation of human rights in Member States (S/PV.8133, p 17).

The meeting was then turned to Myanmar who this time expressed more discontent about how the country have been treated in the Security Council. Representative of the Myanmar delegation, Mr. Suan, referred to the attitude coming from several members of the Council who repeatedly renounced in addressing the nation by its proper name, and made it clear that "such arrogant behaviour coupled with a hostile mentality, will not contribute to constructive cooperation" (S/PV.8133, p 21). In addition, Myanmar also warns member states to avoid using terms 'ethnic cleansing' and 'crimes against humanity' without being able to verify it with solid and concrete evidence. When it comes to the repatriation process, Mr. Suan noted that his country has provided application forms for returnees and sent it to Bangladesh. He further lay out the instruction that "the returnees will be temporarily accommodated in reception centers, and that later will be resettled in their places of origin or places that are close by" (S/PV8133, p 21). What is most apprehensive in the statement, is that returnees will not be resettled in places of *their own choice* and something that should be clarified at the next Council meeting.

The complex work to carry out a safe return for the Rohingya refugees are also apparent in the statement response from Bangladesh. They are still quite concerned over “the lack of efforts to address the hate speech that continues to be propagated by certain segments of the local population in Rakhine state and elsewhere” (S/PV.8133, p 23). Even though several members of the Council have elaborated how vital it is for Myanmar and Bangladesh to work together, and with the United Nations, Mr. Bin Momen representing Bangladesh does raise an important obstacle that could slow down any solution for the crisis. With that in mind, the obstacle he refers to is about the bilateral repatriation arrangement, especially its limitations, and perhaps how it’s not expected “to address the roots causes of a protracted crisis that has led to what has been termed a textbook case of ethnic cleansing” (S/PV.8133, p 23). Beyond this, Russia shared a similar view in that “it will be impossible to resolve matters if the two of them cannot come to a rapprochement on this age-old problem, whose foundation was laid in the previous century by a colonial administration, with its arbitrary drawing of borders and shifting of populations from one part of its colonial dominions to another (S/PV.8133, p 9).

2018

The first meeting in 2018 on the agenda of Myanmar took place on 13th February and was opened by Mr. Miroslav Jenča, the Assistant Secretary-General for Political Affairs, and then followed by the United Nations High Commissioner for Refugees, Mr. Filippo Grandi. The main subjects from this meeting were still the lack of proper humanitarian access to reach the most vulnerable areas in Rakhine state, and the need to process safe return for the Rohingyas, especially to *their places of origin* and to not set up new camps in Rakhine. It seems counterproductive to send people back where little have changed, and especially if the conditions are the same as when they left. On the matter of return, the United Kingdom proposed that the international community should clarify three factors; the first being the reasons why refugees fled Rakhine in the first place and why they are still crossing the borders to Bangladesh and other neighboring states; the second needs clarifications about the conditions in Rakhine today and whether they are eligible for informed, safe, voluntary and dignified returns; and lastly, it needs to be clear about what needs to be done at present (S/PV.8179, p 6). They do not agree that these prerequisites have been met and that it’s not safe for the Rohingyas to return to Rakhine and Myanmar. The Netherlands casts light on something that might often get lost in all the discussions; the voices of the Rohingya themselves who also needs to be heard since the large majority of Rohingya do not want to

go back yet. This is much due to fear of repetition of the abuses that forced them to flee (S/PV.8179, p 12).

During the meeting, it was also given a lot of attention to the media and freedom of speech with “the unfortunate arrest of the two Reuters journalists, Wa Lone and Kyaw Soe Oo, even though the Secretary-General has called in clear terms for the release of these journalists and urged the Myanmar authorities to respect the right to freedom of expression and information” (S/PV.8179, p 3).

One of the more contradictory statements was found between China and Sweden where the former project a stable situation and that humanitarian relief operations have been carried out. The latter, on the other hand, state that “the situation between Myanmar and Bangladesh continues to be seriously worrying, and the crisis has clear implications for regional peace and stability” (S/PV.8179, p 9). It does not to Myanmar’s benefit when Sweden mentions that in addition, they are deeply concerned about recent reports indicating mass graves. They also don’t hesitate to suggest that “if the Myanmar authorities do not genuinely address the issue of accountability, help should be sought from the international community, including by considering a referral to the International Criminal Court” (S/PV.8179, p 10). Based on the statement from the United States, it appears as the crisis has turned up a few volumes of frustration as they firmly expressed their view and mention words like ‘massacres’, ‘dire’, and ‘barbaric’. They also refer chose to call the nation Burma and not Myanmar, even though it has been expressed that this was not appreciated by Myanmar. The United States strictly summed up their allegations where one of them being that “powerful forces in the Burmese Government have denied the ethnic cleansing in Rakhine state, and to make sure that no one contradicts their preposterous denials, they are preventing access to Rakhine to anyone or any organization that might bear witness to their atrocities, including the Security Council (S/PV.8179, p 13). It continues with a daunting perspective that “there are powerful forces at work trying to cover up the unspeakable horror taking place in Burma, but we (the international community) owe it to both the victims and the rest of the Burmese people to demand transparency, access and accountability (S/PV.8179, p 14). The statement then goes on to say that at the same time as the world is waiting for Burma to act, the Security Council have failed in its responsibility to act in response of violent events that occurred in Rakhine state last year, and much because it pose a clear threat to the international peace and security (S/PV8179, p 14). Their conclusion urges the Council to hold the military accountable but

also put pressure on Aung San Suu Kyi and indirectly address her to acknowledge what is going on in her country.

Russia keep their standpoint on respecting Myanmar's sovereignty, however, in their opinion, the situation in Rakhine state still pose as difficult but nonetheless under control. They explain that the reason is due to "Myanmar authorities' planned social and economic development efforts which have in large part contributed to that, and steps are being taken to create special economic zones in the region" (S/PV.8179, p 19). What is interesting is whether other countries have had the same access to confirm this at the time, and why it wasn't brought up or more emphasized by other member states at the Council.

The attention was then given to Myanmar who once again, commented on all the allegations presented during the meeting (the detailed answers can be found in Appendix 2 – Notes from UNSC meetings 2018, page 5). They assessed that the current humanitarian crisis did not stem from communal violence like it happened in 2012, but from terrorist attacks on security post which left the Government forces no choices but to respond. Myanmar also mention their disappointment that "at a time when we most need international support for building the capacities of our security personnel, some countries have adopted new restrictions and sanctions on Myanmar with regard to cooperation in the security sector" (S/PV.8179, p 23). They also specify that the process to find a long-standing solution in Rakhine state lies with the people of Myanmar and that it should not be coerced or imposed from external actors.

Bangladesh concluded that they still receive reports of remaining Rohingyas from northern Rakhine who are still risking their lives to cross the border into Bangladesh due to hunger, hostility and abuse (S/PV.8179, p 25). Once again, representatives from Bangladesh saw is necessary to remind the Council that "even though the Rohingya humanitarian crisis is often projected as a bilateral issue between Bangladesh and Myanmar, it needs to be acknowledged that the present crisis is the result of systematic discriminatory and abusive policies pursued by the Myanmar authorities over decades" (S/PV.8179, p 26).

The second meeting on 28th August 2018 and the last one analyzed for this assignment, was held the day after the first Independent UN Fact-Finding Mission Report was released. The first speaker was the Secretary-General, Mr. António Guterres, and then Mr. Tegegnetwork Gettu, Associate Administrator of the United Nations Development Programme and Ms. Cate Blanchett, United Nations High Commissioner for Refugees Goodwill Ambassador.

Like the last meeting, the United Kingdom was the first Council member state to give their presentation and are quick to mention that it's been one year since the violence broke out in Rakhine state which set in motion one of the fastest growing humanitarian crises in present time. They highly emphasize that the international community must look beyond discussions and debating. What they need to do is to act on bringing an end to the atrocities of "ethnic cleansing, and to help those suffering refugees and bring justice for the victims of those appalling crimes" (S/PV.81 p 8333, p 8). Sweden is also supporting this initiative and backs it up with the notion that the Myanmar Government's demands for accountability have unfortunately not lived up to its expectations. That is why the international community, now loaded with the "facts that have been established, must shoulder its responsibility and act on accountability" (S/PV.8333, p 10). Russia is still adamant and states that they prefer to follow a balanced and non-confrontational approach when it comes to working towards a solution for this crisis. A remark which stood out from China this time, was that "issues such as freedom of movement and citizenship should be resolved gradually during the repatriation process" (S/PV.8333, p 13). The most apparent question here is why they proposed *during* and not *before* the repatriation process knowing that several member states have expressed the Rohingya refugees' concern to return back to the same horrible conditions without their rights.

The United States, still not referring to Myanmar, notes that the difficult path to democracy must continue in Burma and culminate in a military that is subordinate to the civilian Government, and not the other way around (S/PV.8333, p 14). This part could pose as trouble for the Council to reach a decision on intervention later, because it could possibly open up discussion about potential regime change. The accusations continue with further reference to children, babies, women and men who have suffered unspeakable crimes at the hands of the Burmese military and security forces. The United States does not hold back their opinion in that "these attacks were planned, premeditated and coordinated, but also that the whole world is watching what we will do next, and whether we will act" (S/PV.8333, p 14). It would be correct to assume that in reference to *we*, the United States are speaking of the international community and more precisely, the other permanent and non-permanent members who were serving the Council at the time. There were two countries who mentioned a comprehensive approach and strategy as the best way forward for Rakhine state. While Poland expresses that "a comprehensive approach focused on building the resilience of its society and supporting the State's internal capabilities needs to be further developed (S/PV.8333, p 19), Ethiopia

suggests that a political solution, which requires a comprehensive strategy aimed at addressing the root causes of the crisis through reconciliation, peace, stability and development is what Rakhine state needs to combat the complex challenges (S/PV.8333, p 20).

The response from Myanmar has not shifted from blaming the violent attacks on 25th August 2017, only this time they extended their blame on the Arakan Rohingya Salvation Army and that they were not working alone. It goes on to state that “ARSA terrorists and their foreign masterminds knew all too well that the Myanmar security forces would respond to their attacks with full force. They must also have anticipated the exodus of people from northern Rakhine to Bangladesh. Those events were well planned and executed with the support of foreign terrorist organizations” (S/PV.8333, p 25). Myanmar also firmly believe that it is wrong to assume this was all a coincidence, since the attacks happened the day after the Rakhine Advisory Commission released its final report to the Government of Myanmar. The Commission “was mandated to address the severe and persistent challenges facing Rakhine State, particularly its low level of socio-economic development, the threats posed by inter-communal tensions, the issues of citizenship and freedom of movement, the infringement of human rights, and the lack of communal participation and representation” (Advisory Commission on Rakhine State: Final Report, 2020). Myanmar also raised suspicion about the hasty release date of the Independent International Fact-Finding Mission on Myanmar saying that since it was released one day before this Council meeting, “raises serious questions about the objectivity, impartiality and sincerity of the Fact-Finding Mission (S/PV.8333, p 26).

Bangladesh ended the meeting by assuring that they are still committed to work alongside Myanmar on any of its security concerns and other issues of strategic interest in the spirit of good-neighbourliness” (S/PV.8333, p 29).

The principle of the responsibility to protect was not once directly mentioned in all five UN Security Council meetings between 2017 and 2018. The six most identified recurring themes in the document analysis are as follows:

- Fundamental freedom/ (the lack of) basic human rights
- Humanitarian aid and access to remote areas
- Regional security and (in)stability
- Repatriation process

- Terrorism
- Accountability

There was no discussion or talk about an intervention between the UNSC member states in any of the meetings that assignment went through. A collective decision to intervene by the international community did not happen. Each member states brought different portraying of the crisis, which progress were made and their suggestions for working towards a collective solution for the situation in Rakhine state. However, there were only a few mentioned and the first two does not entail the same characteristics given that Uruguay proposed a human-rights approach, while Russia believe a non-confrontational approach is the best course to take. The other two proposals involve a more symmetric and comprehensive content were both are pointing in domestic direction. Poland recommended a comprehensive approach focusing on Myanmar and the State's internal capabilities, and a comprehensive strategy specifically targeting the root causes were strongly advocated by Ethiopia.

On reflections about geopolitical issues and what it means for this case that China and Russia have veto power in UNSC, have to do with the findings that both permanent members favor bilateral solutions. Unless their statements change drastically in the next meetings, their veto power will keep block any unanimous vote for a military action against Myanmar to protect the Rohingyas.

B. Why did the R2P fail to protect the Rohingya?

Kurtz and Rotmann have emphasised that by studying the exchange of arguments and justifications related to concrete events, we can observe the implications of global norms of protection that are otherwise discussed at the highly abstract level of the international system (Kurtz & Rotmann, 2016, p 9). It's important to remember that since the Rohingya conflict itself is not a conflict between states, the principle is not as strong and influential as originally intended, looking aside the practical challenges of intervention. The reason behind the no mentioning of an intervention could come from the expression by Special Envoy of the State Counsellor and National Security Adviser of Myanmar, that there has been a ceasefire since 5th September 2017. The closest imperative to a Western influence or involvement to the situation in Myanmar, could be the pressing matter on implementing recommendations from the Advisory Commission on Rakhine State.

Junk has previously suggested that an analysis of the UN Documents on the organisation's public debates in the aftermath of Myanmar, reveals no quotes that followed up on the arguments defending the invocation of R2P in this particular case and, more generally, in the case of natural disasters (Junk, 2016, p 89).

Moving further on the subject of atrocity prevention, Bellamy and Luck are urging that it shouldn't be mistaken for conflict prevention and point to the intercommunal violence in Rakhine state in 2012 as the recent example of atrocity crimes committed outside a context of armed conflict (Bellamy & Luck, 2018, p 142). In addition, some of the more critical matter brought to daylight deals with the international community's "inability to translate concerns and analysis about the probability of atrocity crimes into clear warning and action" (Bellamy & Luck, 2018, p 145). In other words, no matter how clear the 2005 Outcome Document outline the international community's responsibilities, it is essential to take into account that "there are times when officials do not want to hear facts and analyses that do not fit their assumptions and that would imply courses of action that they do not want to pursue" (Bellamy & Luck, 2018, p 146). Aside from this consideration, Bellamy and Luck also talk about the gap of mechanical and procedural shortcomings dealing with analysis "not being translated into credible warnings and preventive action because of a gap between the collection and analysis of data that could warn of future atrocities and its proper assessment and utilization for atrocity prevention purposes at UN Headquarters and amongst individual states" (Bellamy & Luck, 2018, p 146). The gap referred to here mainly comes from the multiplicity of agencies and departments working under the same mandates relating to protection and other atrocity considerations as well as the UN's limited field presence in certain individual states (Bellamy & Luck, 2018, p 146). Sharing the flow of information and more likely the newest developments and progress can be challenging by itself and there are particularly three reasons why the UN experience difficulty in delivering accurate and timely information in the most critical cases. The first reason, as already mentioned, is the lack of field presence and the importance of analytical capacity to report and identify the warning signs that could lead to atrocity crimes (Bellamy and Luck, 2018, p 150). In cases where international staff have been withdrawn from their posts to reduce their exposure and minimize the risk, it have resulted in host populations left to their fate and significantly decreased whatever possible protection could have shielded them as well as "limiting the UN's capacity to provide accurate and detailed information to member states" (Bellamy & Luck, 2018, p 149). The second reason points to officials within institutions (also outside the

UN) and how they sometimes are easily embedded in conservative thinking when compelled to foresee future atrocities. No matter how uncomfortable the scenario might be, there is a “pervasive culture of conservatism that makes analysts and senior officials reluctant to brief on emerging threats for fear of being wrong” (Bellamy & Luck, 2018, p 150). The third and last reason proposed by Bellamy and Luck deals with perhaps the most comparable to the Rohingya crises in Myanmar, is that some governments are not that receptive or willing to engage with foreign powers or external institutions to deal with sensitive matters inside their sovereign state. In these cases, states are often not willing to acknowledge risks of atrocities close to home and as such, “public or private briefings on emerging risks can strain relations with the state concerned, making cooperating with the state more, rather than less, difficult to manage” (Bellamy & Luck, 2018, p 150). Even if we take all three reasons into consideration for the purpose of delivering accurate and timely information, there is still no way to exclude the notion that when information is *sketchy, conflicted, or inaccurate*, it would be a whole lot more difficult to unify a collective and decisive international response (Bellamy & Luck, 2018, p 150).

Globally, despite its deep roots among African intellectuals and small states, the R2P agenda has become identified with a coalition of Western liberal internationalists and major powers seen by many as dangerously keen to pass judgement over the ‘responsible’ exercise of sovereignty and power by any country except their own (Kurtz & Rotmann, 2016, p 5). Normative perspectives are more or less stable formations of worldviews, historical experiences, strategic culture and national identities...and the five normative perspectives that structure the debates are: human security, exceptionalism, anti-imperialism, non-alignment and regional emancipation (Kurtz & Rotmann, 2016, p 9). Many in the Global South have long viewed R2P as an all-out attack on sovereignty (and, therefore, self-determination) on the part of liberal cosmopolitanists, while many Western policy-makers tend to view that scepticism as misguided Third World solidarity with authoritarian governments (Kurtz & Rotmann, 2016, p 6). What serve as one of the stronger responses to why the R2P failed to protect the Rohingyas, are expressed in Nishikawa’s article, *The Reality of Protecting the Rohingya: An Inherent Limitation of the Responsibility to Protect*. Her article argues that “the R2P does not help the Rohingyas due to the inherent limits in the R2P’s ability to protect critically affected populations in states in the process of nation building and state building with a distinctive history of nationalism, democracy, and citizenship” (Nishikawa, 2018, p 2). It is further elaborated that citizenship in Myanmar take on a formal nature because of the

primary focus on the question of who qualifies to be a citizen; where nationalism in Myanmar is different from the civic nationalism that demands equal rights for all and; the contemporary wave of democratization in Myanmar tends to benefit and favor dominant groups like the Buddhist Bamar (Nishikawa, 2018, p 7).

Nishikawa continue the discussion and highlights that “the nature of a sovereign state in this region may not be comparable to that in Europe or Anglo-American, where ideas of citizenship and nationalism developed in distinctive contexts and where the very meaning of sovereignty is different” (Nishikawa, 2018, p 2). Human rights ideals are not backed up with a strong grounding in Asian countries and are not likely to triumph the term ‘ASEAN Way’. The term refers to “a set of principles or a style of diplomacy that ASEAN members have maintained in their intra-regional relations, including habits of dialogue and a consensus style of decision making as well as non-interference” (Nishikawa, 2018, p 2), with the last one being directly opposed to the responsibility to protect. One skepticism and perhaps even explanation, is that, majority of the states in the region are dealing more or less with internal issues that “affect their people’s relationship with the state, such as human rights violations, critical inequality among the nation’s citizens, or on-going long-sustained conflicts or violence” (Nishikawa, 2018, p 2). Regardless of each state’s problems at home, members did unanimously adopt the ASEAN Human Rights Declaration in November 2012 where it instruct member states commitment to human rights protection, affording right to life, personal liberty and security, asylum, and nationality (Nishikawa, 2018, p 4). Unfortunately, even if the event was more than a few months ahead of the second violent outbreak in Rakhine state, Myanmar’s handling of the Rohingya crisis was neither condemned nor mentioned at the 30th ASEAN Summit held in April 2017 (Nishikawa, 2018, p 7).

The critics of the intervention in Libya, was the way force was used for regime change that discredited the legal authorization of R2P, because it was limited to protect civilians (Doyle, 2016, p 24). Doyle’s argument has described R2P as both a *license to* and a *leash* against forcible intervention in that it succeeded in widening the scope of legitimate armed intervention by licensing some (protective) interventions but only because it was seen as a leash against other (exploitative) interventions (Doyle, 2016, p 15). Doyle further highlight that the only response is to acknowledge that the world remains unequal and R2P cannot itself correct that. It does, however, restrict unilateral imperialism, because all Security Council interventions must have the support of diverse permanent members and at least four

votes from the non-permanent members. “The real question is whether one wants to have a norm that helps protect some even if it cannot protect all” (Doyle, 2016, p 27).

6. Conclusion

The research questions for this assignment wanted to ask *why the international community didn't invoke the R2P principle and intervene in the Rohingya crisis (RQ1)*, and *how the situation have been discussed in the UN Security Council in 2017 (RQ2)*. The greatest limitation to this assignment is the lack of selection of more empirical data which could have helped clarify the research questions and help connect the findings to the literature review. The reason why the Rohingya conflict was chosen as the case to study, is because it represents a perfect example about the shortcomings that international institutions (and actors) are missing when it comes to protecting the most vulnerable groups excluded from citizenship. It was the 1982 Citizenship Law that excluded the Rohingyas from being rightfully Burma citizens, while the 2008 Constitution has been expressed to have tactically created Muslims as enemy. Both of these official decisions from the Myanmar government can be seen as causes for fueling the fundamental Buddhist nationalist grip over the country. At the same time, there is also no easy access for Western actors and stakeholders to engage in the conflict. When they have succeeded to get involved, the focus have widely been too much on democratic reforms rather than on pre-existing internal conflicts. The concern of putting too much pressure on the military so that it might harm both current and future cooperation, creates a dilemma within the United Nations as it indicates lack of strategic approach and coordination. The thesis is not suggesting that R2P need to be replaced, but that every atrocity crime must be analysed differently because of the role of the different actors involved, and that engagement does not create the same effect as interference in a state's sovereign rule. On a different account, it could be suggested that the United Nations R2P Principle does not fit the frame with 'Asian Way'; or even, that it's too premature and ambitious for a new democracy like Myanmar.

The document analysis of the pre-selected five UN Security Council meeting records between 2017 and 2018 found the following six recurring themes; the lack of basic human rights, the restricted access for humanitarian agencies to enter remote Rakhine state, growing sense of concern for regional security and instability, the difficulty of reaching a satisfactory

repatriation process, the fear and blame of terrorism as the cause of conflict, and lastly, the pressure to hold perpetrators from Myanmar accountable for their crimes against humanity.

It was, however, no mentioning about an intervention between the UNSC member states in any of the meetings that took place after the violent August 2017 attacks and up until a year later. All the meetings except on the 6th November 2017 allowed for individual analysis on each member state's further position on the matter since it was through a unified statement that delivered as an institutional collective response.

The international community can be highly engaged and invested in wanting to defend the Rohingyas, but to interfere without cooperation from the Myanmar government, especially the military, is a venture decision the member states of the United Nations still haven't reached a unanimous resolution on. With this in mind, the thesis objective was to investigate the international community's inability to stop violent persecutions against the Rohingyas, and specify the restraints that are still crippling the United Nation's principle of responsibility to protect.

Ibrahim note that in reality, "if Myanmar has a future as a state, it has to acknowledge its ethnic diversity and it must be essentially federal in structure. In this respect, the army is a major obstacle to progress" (Ibrahim, 2016, p 59). "The military might be brutal, venal and corrupt, but they also believe their own claims that only they really embody the spirit of the nation and only their power holds Myanmar together" (Ibrahim, 2016, p 61). Kurtz and Rotmann conclude that "the Myanmar debate (Cyclone Nargis) solidified a shared global understanding as a crime against humanity, and dampened the optimism for using R2P to mobilise international support for coercive engagement" (Kurtz & Rotmann, 2016, p 17). The same year Myanmar welcomed a new Constitution that would have further implications for the Rohingyas chances to obtain citizenship. Doyle have noted that the meaning of sovereignty has changed. States are still sovereign, independent in their domestic affairs, but they are no longer free to commit one of the four crimes without the risk of international constraint (Doyle, 2016, p 16).

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Appendix 1: Notes from UNSC meetings

Notes from UNSC meetings 2017

S/PV.8060 - 28.09.2017

United Kingdom:

- What began as a series of attacks by the Arakan Rohingya Salvation Army has spiralled into an acute humanitarian crisis, one which now poses a threat to stability and security in the region - 4
- Make no mistake — this is a human tragedy and an acute humanitarian crisis that has exploded with almost unprecedented speed – p 4
- It falls on Burma, in particular the Burmese military, to respond. The Burmese military bear the primary responsibility for resolving this crisis – p 5
- The Burmese authorities need to grant United Nations agencies and their partners full and unhindered humanitarian access to Rakhine State – p 5
- The Council considers many crises around the world, but the situation in Burma strikes many of us around this table with particular poignancy. Many of us here today have stood by the people of Burma for long years, have watched the inspiring steps taken towards democracy and have welcomed the country back into the international community with open arms – p 5
- They can choose to end the violence, protect civilians and defend human rights. They can choose to allow humanitarian access, including by the United Nations - p 5

The United States:

- We have tried to engage the Burmese military at the highest levels. We have supported regional efforts to de-escalate the violence and expand humanitarian access – p 6
- We cannot be afraid to call the actions of the Burmese authorities what they appear to be — a brutal sustained campaign to cleanse the country of an ethnic minority, and it should shame senior Burmese leaders who have sacrificed so much for an open democratic Burma – p 6
- The time for well-meaning diplomatic words in the Council has passed. We must now consider action against the Burmese security forces, who are implicated in abuse and in stoking hatred among their fellow citizens – p 6
- The Burmese military must respect human rights and fundamental freedoms – p 6
- The Burmese authorities must immediately allow rapid, safe and unhindered humanitarian access for United Nations agencies and other relief organizations – p 6
- What is perhaps most frustrating about the conflict is the fact that we should have seen it coming – p 7

Senegal:

- It is fortunate that the Security Council has heeded such an urgent call to action and has acceded to the joint request...calling on the Council to meet in this format and exchange views, in full transparency and bearing full responsibility, on the growing threat to international peace and security – p 7
- Secretary General also insisted on the importance of restraint and calm in our efforts to avert a humanitarian catastrophe and ensure full respect for human rights and international humanitarian law, as well as the importance of the continued presence and security of United Nations agencies and personnel and other partners – p 7
- Let there be no mistake: the unwavering support and active solidarity that Senegal has rightly expressed for and with the Rohingyas, who are considered by the United Nations to be the most persecuted religious minority in the world, leaves no room for acceptance of terrorist acts – p 8

- Senegal, whose belief in dialogue among peoples of all ethnic groups, races, religions, languages is a long-standing and principal feature of our foreign policy that has withstood the test of time – p 9

Egypt:

- The Rohingya crisis in Myanmar, which, with all its religious, ethnic, political and historic complications, is a humanitarian emergency that has imposed itself on the international community- p 9
- During this crisis, hundreds of thousands of innocent people have been killed, persecuted and ethnically cleansed – p 9
- Egypt believes that the international position on the crisis must be based on a set of principles that remain vital in the way we view the crisis, its root causes and the means to contain it – p 9
- The message we are sending to the Government of Myanmar today is a message from the entire international community, urging it to shoulder its responsibility and take immediate actions to end violence and allow for humanitarian access – p 9
- Our unconditional solidarity with the Rohingyas as human beings who have the right to live their lives in safety and security does not mean in any way that we support any organization or militia that chooses terrorism under the pretext of protecting the residents of Rakhine state – p 9
- It is urgent for the Myanmar Government to shoulder its moral and humanitarian responsibility and to swiftly address the crisis by ending all military actions by the Myanmar Army – p 9
- I (Egypt) stress the need for an implementable United Nations road map and the need to speak in one unified voice so as to make the necessary impact – p 10
- We call upon the Council and the international community to take swift action to offer help and alleviate the suffering of those refugees and to protect their souls and their humanitarian rights – p 10

Sweden:

- Once again, we see the human cost of not investing enough in prevention – p 10
- The crisis in Rakhine state is complex and multidimensional. It requires a comprehensive and sustained response, with support from the international community – p 10
- It is important too that the Council remain seized and stand united in finding and helping a peaceful resolution to this crisis – p 11

France:

- As President Macron reminded us at the General Assembly (see A/72/PV.4), ethnic cleansing is happening today in western Burma - p 11
- The Security Council has the enormous responsibility to unite and act to break the negative spiral and urgently find a path leading towards a peaceful and political way out – p 11
- The denial of the Rohingya's rights for decades has led to the radicalization of a minority among them. Civilians must not pay for the violence committed by an extremist group. That is why we cannot ignore the massive violations of human rights that may constitute crimes against humanity – p 12
- We are continuing our work with our partners on the Council to show its firm and collective commitment, which France believes is crucial and urgent – p 12

Kazakhstan:

- Kazakhstan is of the view that inter-ethnic and interreligious strife, as well as the growing problem of refugees in the neighbouring countries of Myanmar, could serve as fertile ground for domestic and international terrorism. That could spread beyond Myanmar and become a source of threat to regional and, over time, even international peace and security – p 13

Japan:

- Japan is deeply concerned by the human rights and humanitarian conditions on the ground, the allegations of the killing of civilians, and the fact that approximately 500,000 people have been displaced to Bangladesh since August – p 14
- What is important is prompt action. Japan will support the efforts of the Government of Myanmar to address the human rights and humanitarian conditions on the ground – p 14

China: VERY SHORT!

- China, as a friendly neighbour of both Myanmar and Bangladesh, has been actively engaging with those countries to influence them positively and encourage them to address the issue through dialogue and consultation – p 14
- As we speak, the situation on the ground is beginning to stabilize. All parties should work constructively to help reinforce that momentum, de-escalate the situation and alleviate the humanitarian conditions step by step – p 15

Russia: BLAMING ON EXTREMISTS/TERRORISTS?

- We share the concern about the serious worsening of the situation in the region, which was provoked first and foremost by fighters of the Arakan Rohingya Salvation Army. We resolutely condemn their armed attempts to undermine efforts to stabilize the situation in Rakhine state – p 15
- There is evidence that the extremists have forced members of Myanmar’s Hindu community in border villages to leave their homes and migrate to the territory of neighbouring Bangladesh in the same stream as Muslims – p 15
- Furthermore, there is evidence of arson attacks on entire villages carried out by terrorists. Photographs confiscated from detained militants were apparently intended to contribute to reports to the leadership of the Arakan Rohingya Salvation Army or its foreign sponsors. Those data back up statements made earlier by the authorities of Naypyitaw that the initiators of the outbreak of violence in Rakhine state sought to maximize the scale of the humanitarian catastrophe and shift all blame for it to the Government – p 15
- We maintain our unchanging position that there is no alternative to resolving the existing problems in Rakhine state except through political means and a dialogue between representatives of all nationalities and faiths. We call on the parties involved and external stakeholders to demonstrate restraint and objectivity in their assessment of ongoing events. We need to be very precise in using terms like “genocide” and “ethnic cleansing” – p 15
- We must prevent further radicalization in the region, which can be used by terrorists and extremists who are already trying to establish roots in South-East Asia – p 15

Italy:

- It is the responsibility of the Council to urgently address the situation and collectively engage in providing assistance. The Security Council must send a strong, unified and constructive message -p 16
- The United Nations, including the Security Council and the Secretary-General, can play a constructive role in helping Myanmar overcome the crisis and advance on its path towards an inclusive democracy. Respecting human rights is an essential prerequisite that cannot be ignored. Italy stands ready to take into consideration further constructive action by the Council and remains committed to Myanmar’s democratic transition and national reconciliation – p 17

Ukraine:

- As the Security Council, we should also look into information about the possible involvement of external terrorist factors in inflaming violence in Rakhine – p 17
- In this Chamber, we talk a lot about prevention. Today, it is still not too late to deliver. For the Council and wider international community, it is imperative to be more proactive in ensuring that the violence stops – p 17

Uruguay

- Respect for the rule of law, equality before the law, the defence and promotion of human rights, dialogue and resort to peaceful means to settle disputes are some of the principles Uruguay actively defends and promotes in all of the forums in which it participates – p 18
- Democratic reform and genuine change in Myanmar can take place only if human rights are respected and a true national reconciliation takes place – p 18
- The only way to overcome the crisis is by approaching it from a human-rights perspective – p 18
- We are also aware of the military activities of the Arakan Rohingya Salvation Army against the Myanmar security forces, which we naturally condemn. But the responsibility for protecting civilians always falls primarily on States – p 18

Bolivia: THE ONLY COUNTRY NOT FOR INTERVENTION?

- Having condemned the acts of violence, discrimination and suffering that victimize not just the Rohingya people but also other ethnic minority groups such as the Daing-net, the Mro, the Thet, the Mramagyi and Hindus, Bolivia once again reaffirms that any conflict within a State must be resolved first and foremost within its borders, respecting the principles of sovereignty, independence and territorial integrity – p 19
- We believe that it is also important to respect the principles of non-intervention in the internal affairs of States and the non-use or threat of use of force to settle conflicts, in accordance with the principle of a peaceful settlement of conflicts – p 19
- We believe that it is inconceivable today to deny a person the right to nationality, which carries prerogatives that allow all human beings to fully enjoy the benefits of a State – p 20

Ethiopia: Statement made by President

- We wish to underline the need to address all forms of hate speech that incite and fuel violence, and stress the need to take the measures necessary to defuse intercommunal tensions and protect the rights of all communities – p 20
- Here we wish to stress one very critical matter: the need to do what we must to ensure an acceptable level of mutual trust between the Myanmar Government, the United Nations and the international community at large. The role of diplomacy should never be overlooked, including an even greater role by the Secretary-General – p 20

Myanmar: Mr. Tun Special Envoy of the State Counsellor and National Security Adviser of Myanmar.

- Assertions in the media that a campaign of terror has been unleashed in northern Rakhine and that unspeakable crimes have been committed against innocent people have only served to heighten the concern of the international community. While such assertions might appear reasonable at first glance to a lay observer, expert observers with knowledge of the history of Rakhine and of Myanmar and exposure to the propaganda tactics of terrorists will see such comments for what they really are: subjective and emotionally charged accounts – p 21
- First, we recognize that there is a serious situation that needs to be addressed. But we also need to recognize that the recent round of violence was triggered by the attacks launched by the so-called Arakan Rohingya Salvation Army (ARSA) terrorists – p 21
- We feel deeply the suffering and plight of all affected communities — Rakhine, Muslim, Daing-net, Mro, Thet, Mramagyi and Hindu. They are all victims of violence and terrorism – p 21
- It is striving to restore normalcy. There have been no armed clashes or clearance operations since 5 September – p 21
- I wish to stress the fact that there is no ethnic cleansing or genocide in Myanmar. Ethnic cleansing and genocide are serious charges that should not be made lightly. It would be a sad commentary on our times if we allowed emotions to cloud our view and asserted that what is happening in Rakhine was ethnic cleansing without first undertaking a legal review and making a judicial determination. I can assure the Council that the leaders of Myanmar, who have been struggling so long for freedom and human rights, will never espouse a policy of genocide or ethnic cleansing and that the Government will do everything it can to prevent it – p 21

- The security forces have been instructed to adhere strictly to the code of conduct in carrying out security operations, to exercise all due restraint and to take full measures to avoid collateral damage and the harming of innocent civilians – p 21
- Religious groups have been living in harmony throughout our history. The situation that we face today is due to terrorism and is not based on religion – p 21
- The Government of Myanmar is fully aware of its primary responsibility to address the humanitarian situation. We have been providing assistance to all displaced persons without discrimination - p 22
- We are concerned by reports that thousands of people have crossed into Bangladesh. We would like to understand the real reasons for the exodus. The vast majority of those who fled did so out of fear. Fear was instilled in their hearts by the terrorists. Some hundreds of Muslim villagers recently left their homes and headed towards the border, notwithstanding the efforts of the regional authorities to persuade them to return to their villages. The villagers voiced their concerns regarding the availability of humanitarian assistance in a sustained manner, as well as fears that they are becoming a minority in their own area – p 22
- I would like to stress here that Myanmar is prepared to start the verification process at any time. Bangladesh and Myanmar are neighbours, and our two neighbours already went through a repatriation process in 1993 – p 22
- Our stated willingness to discuss the issue of repatriation discredits the assertion that there is a policy of ethnic cleansing on our part - p 22
- The new Government in Myanmar inherited a challenging situation in Rakhine state and has had to deal with the consequences of actions by other actors. The current crisis is due to the acts of terrorism perpetrated by ARSA – p 22
- At this critical juncture in the life of our young democracy, it is imperative that the international community join hands with us to ensure that democracy takes firm root and that we will succeed in carrying out our responsibility to establish peace, stability, and development in Rakhine and in the whole of Myanmar. That is the only way that we can solve the conundrum in Rakhine. The Security Council must refrain from taking measures that exacerbate rather than alleviate the situation there – p 22

Bangladesh: Mr. Bin Momen

- Despite claims to the contrary, violence has not ceased in northern Rakhine state, nor has the exodus of Rohingyas to Bangladesh – p 23
- The indiscriminate killing and torture by the Myanmar security forces, aided by vigilante groups acting on the basis of religious and ethnic affiliation, have already been cited as a textbook example of ethnic cleansing by the United Nations High Commissioner for Human Rights – p 23
- In line with our zero-tolerance policy towards terrorism and violent extremism, we have unequivocally condemned the alleged attacks on the Myanmar security forces by extremist elements and offered to help Myanmar to combat terrorism through coordinated patrols, joint inspections and even joint operations. Regrettably, against the backdrop of our overtures, we have heard senior Myanmar leaders and officials of state entities referring to the alleged extremists as “Bengali terrorists”. There is perhaps no taker for the baseless and malicious propaganda that projects the Rohingyas as illegal immigrants from Bangladesh. This is not only a blatant denial of the ethnic identity of the Rohingyas, but also an affront to Bengalis all over the world. It has to stop – p 23
- As a responsible and responsive State, we shall forge ahead in seeking a peaceful and lasting solution to this protracted situation through diplomacy, dialogue and cooperation – p 24
- Our experience from the past three decades makes it obvious that the bilateral track loses its momentum as soon as the international community shifts its attention elsewhere. We therefore urge the Council to keep this issue at the forefront of its agenda and make sure that we manage to arrive to the point of its logical conclusion – p 24

S/PV.8085 – 06.11.2017

None of the member states issued a statement, it was only the President and representatives of Myanmar and Bangladesh who gave their statements.

President:

- The Security Council notes the initial steps taken by the Government of Myanmar and humanitarian agencies to provide humanitarian assistance to individuals in Rakhine state, expresses its deep concern that humanitarian access remains severely limited and that humanitarian needs exceed the current levels of provision, and demands that the Government of Myanmar grant immediate, safe and unhindered access to United Nations agencies and their partners – p 2
- The Security Council welcomes the signing of a memorandum of understanding on 24 October 2017 between the Governments of Myanmar and Bangladesh on the situation in Rakhine state, urges the Government of Myanmar to work with the Government of Bangladesh and the United Nations to allow the voluntary return of all refugees in conditions of safety and dignity to their homes in Myanmar – p 3
- The Security Council urges the Governments of Myanmar and Bangladesh, the United Nations and other humanitarian partners to pay special attention to the specific needs of women and girls in all assessments, planning and delivery of humanitarian assistance and to ensure the availability of specialized medical and psychosocial services for survivors of sexual violence p 3

Myanmar: Mr. Suan

- We are deeply concerned by the adoption of presidential statement S/PRST/2017/22, on the situation in Myanmar. It fails to give sufficient recognition to the Government of Myanmar for its efforts to address the challenges in Rakhine state. It also singles out a Member State based on accusations and false evidence – p 4
- Recognizing the unfolding humanitarian tragedy, the Government of Myanmar, in a spirit of good-neighbourliness, has reached out to Bangladesh. There has been exchange of visits at the ministerial level, most recently in October. On 24 October, two memorandums of understanding were also signed on the establishment of border liaison offices and on security cooperation and dialogue - p 4
- We are disappointed by the presidential statement's failure to mention the attacks of 25 August as a terrorist act. Everyone in the Chamber agrees with me that we cannot condone terrorism in any form or manifestation - p 5
- We are determined to work with the international community, including the United Nations and interested parties, towards sustainable peace and development for all in Rakhine state p 5

Bangladesh: Mr. Momen

- We believe that the presidential statement can be a critical building block to help the Council to pursue timely, decisive and appropriate action until the time when a peaceful, just and lasting solution to this unfolding humanitarian crisis is achieved. From our perspective, it is of paramount importance that the Council speak in a unified manner on this situation, even though time is of the essence – p 5
- the Union Enterprise Mechanism for Humanitarian Assistance, Resettlement and Development in Rakhine set up by the Myanmar authorities must start making a real difference on the ground in Rakhine state, and the joint working group between Bangladesh and Myanmar must start demonstrable, result-oriented and sustainable work on the repatriation process – p 6
- Referring to the statement made by the representative of Myanmar, the allegation that Bangladesh abets terrorism in Rakhine state is pure fiction – p 6

S/PV.8133 – 12.12.2017 (several countries commended the statement/vote from the President on 06.11.17) highlights of sexual violence against women, children and men. The mentioning and reminder of the growing number of refugees

United Kingdom

- Today's conditions in Rakhine state do not yet allow for the safe, voluntary and dignified return of refugees to their homes, as that the Security Council called for last month – p 6
- So far, all we have seen is a whitewash by the military. In that statement, we called for full and unhindered access to Rakhine state for United Nations agencies, humanitarian partners and the media. But the Government continues to severely limit access to Rakhine, making it impossible to deliver vital humanitarian assistance, or verify the situation on the ground – p 6

China

- It is the consistent view of China that the question of a Rakhine state should be addressed appropriately by Myanmar and Bangladesh through bilateral channels. Only an agreement accepted by both countries concerned can be implemented and sustained or win the necessary understanding and support of various sectors within the countries. Any solution reached under strong external pressure may ease the situation temporarily but will leave negative after effects – p 8

United States of America (playing on emotions?)

- More people are dead and displaced inside Burma, yet we still have not seen any concrete action to hold accountable those responsible for these atrocities. Instead, we see an investigation by the Burmese military that denies all responsibility – p. 8
- There are steps that we can take right now to help the Burmese people. We can demand that independent investigators be allowed to enter the country to help hold those responsible for atrocities to account. We can provide help to those who have been brutally attacked by members of the Burmese security forces and we can speak out for the human rights of all people in Burma – p 9

Russia (more supportive of sovereignty)

- Our position on the issue remains the same, which is that there is no possible alternative to resolving the complex issues in Rakhine state, which are based on historical, socioeconomic, cultural and religious factors, other than by exclusively political means and establishing a dialogue between the representatives of all ethnicities and faiths. We call on all parties to refrain from violence, and we underscore the need to respect Myanmar's national sovereignty – p 9
- In our view, it is essential to refrain from counterproductive accusations and condemnations of Myanmar and to avoid politically and emotionally tinged speculation about the alleged genocide of Muslims – p 9
- It will be impossible to resolve matters if the two of them cannot come to a rapprochement on this age-old problem, whose foundation was laid in the previous century by a colonial administration, with its arbitrary drawing of borders and shifting of populations from one part of its colonial dominions to another – p 9

Kazakhstan

- Solving the problems of poverty and underdevelopment, while granting the Rohingya community equal and unhindered access to basic services, should be at the core of long-term sustainable development. In that regard, Kazakhstan notes Myanmar's decision to form an advisory body that includes foreign and local experts to implement the recommendations of the Advisory Commission – p 10

Egypt

- It is crucial to cease hateful narratives, whether emanating from the Government or Buddhist extremists, which incite violence and destruction – p 11

Sweden

- Reports of ongoing trafficking in human beings, including children, are extremely worrisome. The risk of radicalization in the camps is also a real concern – p 11
- Numerous reports of systematic, widespread and coordinated acts of violence strongly indicate that crimes against humanity have been committed - p 12

Ethiopia

- It is critical that the humanitarian crisis remain humanitarian and not be transformed into a political one that entails violence — a development of which we should be aware given that the situation has begun to deteriorate – p 13

France

- Violations continue in full impunity, while neither the United Nations High Commissioner for Human Rights nor the fact-finding mission has access to Rakhine state. Some acts being carried out systematically in Rakhine state could amount to crimes against humanity – p 14

Italy

Bolivia

- Bolivia reiterates that the only way to resolve this crisis is through dialogue, and to that end the parties must commit to implementing strategies that strengthen mediation, consultations, good offices, negotiation and avoid at all cost any confrontation-based rhetoric – p 16

Uruguay

- Would like to emphasize that, beyond the religious affiliation of the Rohingya people, we are facing a protection of civilian's issue. Civilians must be protected unconditionally, without any distinction. Consequently, applicable norms of international human rights law and international humanitarian law must be respected – p 17
- Respect for human rights is the cardinal rule for maintaining fundamental freedoms and democratic life in all nations. For Uruguay, there are no limits or exclusions as to the forums in which human rights can be discussed, nor does Uruguay accept sovereignty or domestic jurisdiction as an excuse for attempts to prevent the consideration of the situation of human rights in Member States. – p 17
- The crisis in Rakhine state can be resolved only through a human rights-based approach. The human rights of all people must be respected unconditionally, as that is the only way to achieve true national reconciliation – p 17

Senegal

Ukraine

- We remain deeply concerned about the violence in Rakhine state and reports of serious human rights violations and abuses, including those of a gender-based nature – p 18

Japan (by the President)

Myanmar

- With regard to the alleged sexual violence, the Government of Myanmar has made its position clear that it will not condone any human rights abuse. If there is concrete evidence, we are ready to take action against the transgressor, in accordance with the law, no matter who or what he is. – p 20
- There have been no major clashes with the terrorists reported since 5 September, Public security and the maintenance of law and order have been taken over by the Myanmar police force, The Government

of Japan has accepted the request of Myanmar to provide community-policing training to Myanmar police personnel in Rakhine state – p 20

- Application forms for returnees have been sent to Bangladesh. The returnees will be temporarily accommodated in those reception centres, but they will be resettled in their places of origin or places that are close by – p 21
- We have stated in unequivocal terms our objection to the discriminatory and selective application of overlapping actions against my country in the name of human rights under various United Nations mechanisms. The pattern of exerting undue political pressure and coercive measures will not achieve any positive results. Moreover, the expressions “ethnic cleansing” and “crimes against humanity” should not be used lightly without concrete evidence and a conclusive legal judgment. We have serious doubts about the attitude of some members of the Council that repeatedly refuse to even call my country by its proper name. Such arrogant behaviour, coupled with a hostile mentality, will not contribute to constructive cooperation – p 21
- As a responsible State Member of the United Nations, Myanmar has never failed to maintain its relationship with the United Nations. We always choose the path of engagement and cooperation, based on mutual understanding and mutual respect – p 21

Bangladesh

- Many of the fresh arrivals are taking place due to alleged coercion to accept national verification documents that designate the Rohingya as Bengalis – p 22
- Given the number of facilities being created for the reception of returnees and their capacity to manage caseloads per week, it would take decades to conclude the repatriation of nearly 650,000 people. That would be an untenable situation, to say the least – p 22
- The verification to be conducted prior to return must factor in the total dehumanization, dispossession and disenfranchisement of the Rohingya, and all the more so because they fled their homes without any documents or evidence in support of their residency in Rakhine state p. 23
- We also remain concerned over the lack of efforts to address the hate speech that continues to be propagated by certain segments of the local population in Rakhine state and elsewhere – p 23
- The bilateral repatriation arrangement is rather limited in its scope and is not perhaps expected to address the root causes of a protracted crisis that has led to what has been termed a “textbook case of ethnic cleansing” – p 23
- The United Nations fact-finding mission continues to be denied access by Myanmar, even after it put forward a constructive proposal for gathering a group of interlocutors from concerned entities of the Government to engage with them in a transparent manner – p 23

Notes from UNSC meetings 2018

S/PV.8179 - 13.02.2018 (first meeting in 2018)

Mr. Miroslav Jenča - Assistant Secretary-General for Political Affairs

- First, we need to end the violence and improve the security situation. Although large-scale acts of violence have subsided, concerns about threats and intimidation against the remaining Rohingya population from Bamar and Rakhine communities, as well as from militia and security forces in Rakhine state, persist – p 2
- Secondly, humanitarian access must be secured immediately in the affected areas of Rakhine. Such access continues to be severely curtailed. The majority of humanitarian organizations that previously worked in Rakhine are simply not allowed to enter the area. A handful of organizations have been given travel authorizations, but in a short-term and unpredictable manner that impedes the systematic delivery of assistance. The United Nations does not have sufficient access to make a meaningful assessment of the humanitarian or human rights situation – p 2
- Thirdly, we must ensure the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons to their places of origin or choice. It is also important to note that Myanmar has made progress in its logistical preparations to receive returning refugees – p 2
- We are concerned that fighting in Kachin and northern Shan states has escalated in recent months. This has cast a shadow on peace negotiations and provoked a number of serious human rights and humanitarian concerns – p 3
- the unfortunate arrest of two Reuters journalists, Wa Lone and Kyaw Soe Oo. The Secretary-General has called in clear terms for the release of these journalists and urged the authorities to respect the right to freedom of expression and information - p 3

Mr. Filippo Grandi - United Nations High Commissioner for Refugees (starts by depicting a story from a Rohingya man who became a refugee for the third time)

- The monsoon season will start in March. We estimate that more than 100,000 refugees are living in areas prone to flooding or landslides. Tens of thousands of particularly vulnerable refugees must be urgently relocated. Their lives are at grave risk – p 4
- Humanitarian action and funding must be sustained but longer-term support will also be required to help the Government reinforce local infrastructure and economy and ensure access to opportunities for refugees and the communities hosting them. Education and opportunities to develop skills and earn an income will be critical in order to avoid the deep despair that can set in when refugees are abandoned on the margins of societies. We must ensure that young people retain a vision of a future and that the ground is laid for eventual voluntary return p 4
- Refugees must be able to return to a place of their choice, including the location where they previously resided. Temporary arrangements should be avoided. Refugees must determine the timing and pace of returns; building their confidence is crucial – p 5

United Kingdom

- This weekend the United Kingdom's Foreign Secretary, Boris Johnson, visited Cox's Bazar, where he met some of the almost 1 million Rohingya refugees enduring the difficult living conditions that we have heard about today – p 5
- When he met Daw Aung San Suu Kyi on Sunday, the Foreign Secretary said that there needed to be the right conditions created in Rakhine that made it safe for Rohingya refugees to return home free from fear and in the knowledge that their basic rights would be protected and upheld - p 6
- We should be clear on three things. We should be clear on why refugees fled Rakhine in the first place, indeed why they continue to do so; we should be clear that the conditions in Rakhine today are not yet suitable for informed, safe, voluntary and dignified returns; and we should be clear about what needs to be done now – p 6
- the United Kingdom believes that the conditions in Rakhine do not yet allow for the safe, voluntary and dignified return of refugees – p 6
- The United Kingdom stands with Bangladesh. The Council has played a vital role in shining a spotlight on the situation and encouraging action by the authorities on the ground. We must not turn away or become distracted. We ourselves should stand ready to visit, and we must be ready to take further action - p 7

France

- The two journalists conducting the investigation are currently detained. We call for the immediate release, just as we reiterate our commitment to the freedom of the press and the protection of journalists, who must be able to exercise their profession freely, without fear of being intimidated or arrested. Respect for those freedoms is one of the foundations of any democratic society – p 8
- While the steps taken by the Burmese authorities are a first step, the commitments must continue to be translated into action. It is essential that the international community, especially by means of the Council, remain extremely vigilant and actively engaged – p 8
- France reiterates its support for the Burmese democratic transition and the efforts of the Government led by Aung San Suu Kyi in that regard – p 8

China

- China is a friendly neighbour of Myanmar and Bangladesh. We attach great importance to the situation in Rakhine state and have provided emergency humanitarian relief for the displaced persons. At the same time, we have actively worked with both parties to push for dialogue and consultations with a view to finding a solution – p 8
- At present, the situation on the ground has been visibly eased. Humanitarian relief operations have been actively carried out – p 8 (*does this contradict with other member statements?*)
- China has noted that the process of repatriation of the displaced by Myanmar and Bangladesh has recently been delayed. We hope that the international community can objectively observe the difficulties and challenges encountered by the Governments of Myanmar and Bangladesh, remain patient and provide support and assistance – p 9
- At the moment, the situation in Rakhine state is generally stable. China has consistently maintained that the appropriate way to resolve the issue of Rakhine state is through bilateral efforts by Myanmar and Bangladesh – p 9 (*a possible ASEAN way to steer away from international intervention?*)

Sweden

- Six months after the initial mass displacements from Rakhine, the situation in Myanmar and Bangladesh continues to be seriously worrying, and the crisis has clear implications for regional peace and stability – p 9
- Rohingya refugees are still arriving in Bangladesh. The situation in Rakhine is clearly not yet ripe for their voluntary return – p 9

- UNHCR must be given access to Rakhine in order to assess conditions on the ground and support return operations from inside the country. Transition and reception centres should be temporary, and UNHCR and other organizations should have full access to them - p 9
- Implementation of the Rakhine Advisory Commission report's recommendations must now be stepped up, in cooperation with international and regional partners. That will be critical if we are to address the root causes of the conflict, which are underdevelopment and discrimination – p 10
- We are deeply concerned about the recent reports of mass graves, which must be duly investigated. Impunity for crimes against humanity in Rakhine cannot be tolerated, and those responsible for them must be held to account – p 10
- If the Myanmar authorities do not genuinely address the issue of accountability, help should be sought from the international community, including by considering a referral to the International Criminal Court – p 10
- The conditions in the camps are dire, and with the monsoon rains coming, there is a risk of a second humanitarian crisis within the crisis – p 10

Peru

- While we welcome Bangladesh's generosity and efforts, we are concerned about the likelihood that the forthcoming monsoon season will worsen the situation, bringing the risk of new disasters and diseases – p 10
- We are also concerned about the difficulties and delays in the implementation of the repatriation agreement signed by both countries in November, and especially about the lack of the conditions needed to ensure that the refugees' return of refugees is voluntary, safe, dignified and sustainable – p 10

Ethiopia

- The role of the international community, including the United Nations and its various agencies operating on the ground, as well as other organizations, such as, inter alia, the Association of Southeast Asian Nations, is also very important in support of such efforts. Ultimately, as we said earlier, what matters most is to address the root cause of the problem – p 11

Netherlands

- The recent testimonies of the situation in Myanmar are shocking. They press upon us the need to address the mass atrocities and to find a durable and just resolution to the dreadful plight of the Rohingya. The crisis continues to affect the security not only of Myanmar but also of its neighbours. The situation therefore warrants the close and continued attention of the Security Council – p 12
- The voices of the Rohingya themselves also need to be heard. The large majority of Rohingya do not want to go back yet. They fear a repetition of the abuses that forced them to flee – p 12
- The many reports of grave violations and abuses of human rights, including by the military, need to be thoroughly investigated and to be prosecuted. We need accountability – p 12

United States of America

- The Burmese Government regularly denies the existence of massacres and mass graves and claims to be fighting terrorists – p 13
- powerful forces in the Burmese Government have denied the ethnic cleansing in Rakhine state. To make sure that no one contradicts their preposterous denials, they are preventing access to Rakhine to anyone or any organization that might bear witness to their atrocities, including the Security Council – p 13
- The need for humanitarian aid in Burma is dire and it is immediate – p 13
- The leader of Burma has been internationally celebrated in the past for her commitment to peace and to her fellow man. If any of that love of humankind can still be found in the Government of Burma, it must act now – p 13 (*speaking indirectly to Aung S.S.Kyi?*)

- The world is watching and waiting for Burma to act. What we have seen so far is cruel and barbaric. To top it off, it has the gall to blame the media. Unhindered media access is vitally important. Journalists, like the two imprisoned Reuters reporters, are an indispensable source of information – p 14
- Burma and Bangladesh have had substantive discussions on repatriation and that is a good thing. But we can talk forever and not make progress, as long as the military and the Government continue to make living in Burma a death sentence for the Rohingya people - p 14
- There are powerful forces at work trying to cover up the unspeakable horror taking place in Burma, but we owe it to both the victims and the rest of the Burmese people to demand transparency, access and accountability – p 14
- Unfortunately, the Security Council has so far failed in its responsibility to act in response to the clear threat to international peace and security that has resulted from recent events in northern Rakhine state. We cannot look the other way in this situation. What happened and continues to happen in Burma is not okay. The Council must hold the military accountable for its actions and exert pressure on Aung San Suu Kyi to acknowledge that those horrific acts are taking place in her country. No more excuses – p 14

Côte d’Ivoire

- My delegation believes that the return of the Rohingya people to their homes of origin is a moral obligation for the international community- p 15
- My country is concerned about limitations that have been placed upon humanitarian access, the freedom of expression of the media and the freedom of movement of independent observers – p 15
- my delegation condemns the attacks perpetrated by the Arakan Rohingya Salvation Army against the Myanmar security forces. Côte d’Ivoire is concerned about how terrorist groups such as Al-Qaida and the Islamic State might exploit the situation under the pretext of solidarity with Muslim communities, thereby leading to destabilizing terrorist activities – p 15

Equatorial Guinea (focus on poverty/economic development)

- Current objectives and temporary solutions must go hand in hand with long-term goals and the search for a solution that analyses the root causes. Poverty is a major source of instability and conflict. The international community should pay more attention to, and support the reduction of, local poverty, focus on development by alleviating poverty and seek peace through development in order to definitively solve the problem – p 15

Poland

- We are deeply concerned about the humanitarian situation of the displaced Rohingya community. It is up to the international community to maintain the humanitarian and development assistance to both Rohingya refugee camps situated in Bangladesh and to Myanmar’s institutions, which provide assistance to Rakhine state – p 17
- I wish to underline that Poland and the European Union are strongly committed to supporting Myanmar’s democratic transition, peace, national reconciliation and socioeconomic development – p 17

Kazakhstan

- The Rohingya refugees have no trust or confidence in the sincerity of the Myanmar authorities’ actions. Indeed, there can be no durable or lasting solution for the return of Rohingya refugees without addressing the questions of the restoration of their rights and freedoms, including access to education and employment, freedom of movement and a path towards a just and sustainable solution to the issue of citizenship - p 18
- Only through full disclosure of the atrocities and by taking action against those responsible can we expect the Rohingyas to have the confidence they need to return home and for trust among all communities to be re-established at the national level, thereby deterring the recurrence of these kinds of violence in future – p 18

Bolivia

- Bolivia would like to emphasize once again that there is no alternative to dialogue for resolving this crisis, and for that, the parties must commit all their efforts to implementing strategies conducive to negotiation, mediation, consultations and the exercise of good offices and refrain from resorting to rhetoric that may provoke confrontation or violence – p 19

Russia

- In our opinion, the situation in the Rakhine national region, including its northern areas adjacent to Bangladesh, remains difficult but in general under control. The Myanmar authorities' planned social and economic development efforts there have in large part contributed to that, and steps are being taken to create special economic zones in the region – p 19 (*have other countries also had access to confirm this?*)
- We would like to emphasize that the Myanmar refugee situation is a issue of bilateral relations between Myanmar and Bangladesh that should be resolved through appropriate consultations – p 20 (same as China)
- Needless to say, their living conditions must comply with humanitarian standards, but the arguments of those who are creating artificial obstacles to the process and inciting refugees by fuelling their anxiety are unacceptable. We will continue to urge all the parties to refrain from violence, emphasize the importance of respecting Myanmar's sovereignty and work to resolve the multilayered and complex problems in Rakhine by exclusively political means, through a dialogue between Naypyidaw and Dhaka and between representatives of all nationalities and faiths – p 20

Kuwait/ The President

- We here may speak different languages and have different customs and views, but once we sit in this Chamber we all become responsible for the maintenance of international peace and security. The Council, when united, has taken historic and memorable positions – p 21
- Ended their statement with a verse from the Holy Koran

Myanmar (answering all the allegations pointed out earlier in the meeting)

- The physical arrangement for repatriation agreement was signed by the two sides on 16 January. According to that agreement, the repatriation process was scheduled to commence on 23 January. The returnees will be received at two reception centres and then temporarily accommodated at a camp before permanent settlement – p 22
- As an initial step, Myanmar will receive 300 returnees a day to ensure a smooth and safe return. The number will be increased based on the progress of the return and will be reviewed in three months – p 22
- In recent days, members of the diplomatic corps and representatives of United Nations agencies — including the Office of the United Nations High Commissioner for Refugees, World Food Programme, the United Nations Food and Agriculture Organization and the World Bank — have been given access to the Maungdaw areas to observe the preparations for repatriation and the situation on the ground. The Government has arranged a day trip for all diplomatic corps members residing in Myanmar, including United Nations agency representatives, to Rakhine state in three groups – p 22
- Although no major clashes with terrorists have been reported in the past six months, there is always a threat posed by Arakan Rohingya Salvation Army terrorists, who are taking refuge among innocent people. They will take every opportunity to undermine law and order and public security. They will not hesitate to use their brutal tactics of intimidation and killing of innocent people who want a peaceful life in harmony with other communities in Rakhine – p 22
- It is regrettable that, at a time when we most need international support for building the capacities of our security personnel, some countries have adopted new restrictions and sanctions on Myanmar with regard to cooperation in the security sector – p 23
- With regard to the Reuters report of December last year on the finding of 10 bodies in a cemetery in Inn Din, Maungdaw, the Tatmadaw immediately formed a high-level enquiry team and conducted an investigation of the incident – p 23

- It was found that 10 Arakan Rohingya Salvation Army members had been arrested by security forces on 1 September 2017, soon after the terrorist attacks on 25 August. The next day, 2 September, they were executed and buried in the village cemetery without being handed over to the police. Therefore, actions are being taken against 16 individuals, including army and police officers and some villagers who acted in violation of standard operating procedures and rules of engagement – p 23 (why couldn't they get an open and fair trial?)
- Recently, the Associated Press and the BBC reported widely on alleged mass graves in the village of Gu Dar Pyin, in Buthidaung township. The Rakhine state Government sent a 17-member inspection team to the village, comprised of regional administrative officials, local Rakhine and Muslim community elders, doctors, immigration officers and security officers. According to the interviews and area inspections, no mass grave was found in the reported area. Moreover, the local elders confirmed that there had been no such incidents in the village – p 23
- The case of two Reuters reporters has attracted much attention in recent weeks. Myanmar recognizes the freedom of the press, and they were not arrested for reporting. The two reporters are charged under the Official Secrets Act for illegally possessing confidential Government documents. It is important that the action of a journalist also be within the bounds of the law – p 24
- The current humanitarian crisis, which involves the Muslim people of Rakhine state, did not result from communal violence, as happened in 2012. It is the consequence of terrorist attacks on security posts, which triggered the security response of the Government forces. Such attacks were a clear and real threat to the security, sovereignty and territorial integrity of Myanmar. The matter is not a religious issue, as some people are trying to portray. The majority of Muslims in other areas across Myanmar have lived peacefully and in harmony with people of different faiths throughout history – p 24
- Ultimately, it is up to the people of Myanmar to determine how to achieve a peaceful and prosperous Rakhine state. The solution must come from within. It must not be imposed from outside – p 24

Bangladesh

- One major restraining factor to voluntary return among the forcibly displaced is the fact that, despite Myanmar's claims to the contrary, the influx of the Rohingya into Bangladesh continues unabated to date. According to reports, the remaining Rohingya based in northern Rakhine state continue to cross the border to escape from hunger, hostility and abuse - p 25
- The prospective returnees have made it clear that they do not expect to go back to Myanmar to stay in camps. They would like to have assurance from the international community about the possibility of the following: first, resettlement in their original villages, not in closed camps; secondly, the restoration of their agricultural land and business ventures; thirdly, the right to cultivate and harvest their land and to run their business ventures; fourthly, the right to traditional fishing; fifthly, access to local markets; and sixthly, freedom of movement to conduct a normal life – p 26
- Even though the Rohingya humanitarian crisis is often projected as a bilateral issue between Bangladesh and Myanmar, it needs to be acknowledged that the present crisis is the result of systematic discriminatory and abusive policies pursued by the Myanmar authorities over decades – p 26

S/PV.8333 – 28.08.2018 (The Fact-Finding Mission report issued the day before the meeting)

United Kingdom

- The report of the Independent International Fact-finding Mission on Myanmar (A/HRC/39/64) issued yesterday by the Human Rights Council is the most authoritative account to date of the crimes committed against the Rohingya community. The report details widespread rape and murder committed by the Burmese military, the systemic oppression and persecution they have suffered for many years, and the patterns of violence and violations committed elsewhere in the country – p 7
- The Burmese authorities need to provide UNHCR and UNDP unconditional and unqualified access to northern Rakhine. Until those United Nations agencies can operate effectively, it is impossible to argue that conditions in Rakhine are anywhere near what is required for the safe, voluntary and dignified repatriation that the Council has called for – p 7

- As we mark one year on from the violence of August 2017, therefore, the Council should shoulder its responsibility and do justice to the gravity of the attacks on the Rohingya community. We should not be just discussing and debating. We need to be acting, acting to bring an end to the appalling ethnic cleansing, to help those suffering refugees and bring justice for the victims of those appalling crimes – p 8
- With regard to the recommendations of the Advisory Commission on Rakhine State, led by the late Secretary- General Kofi Annan, figures are regularly put forward by the Burmese authorities, but we have very little concrete information on how the measures are actually being implemented – p 9

Sweden

- Several initiatives by the Myanmar Government to meet repeated demands for accountability have been announced, but they have regrettably all proven to fall short of expectations. With facts now having been established, the international community must shoulder its responsibility and act on accountability – p 10

Russia

- For our part, we consistently advocate a balanced and non-confrontational approach when discussing the situation in this country and when looking for ways to normalize the situation in Rakhine state, including when dealing with the issue of refugees – p 11
- Attempts to assign responsibility to Naypyidaw for resolving the crisis disregard the terrorist attacks that have exacerbated the crisis Rakhine state and made it more difficult to establish sustainable inter-ethnic peace in the country and to ensure effective cooperation with the international community – p 11

China

- In early August, Bangladesh and Myanmar held a ministerial meeting to discuss the implementation of the bilateral repatriation agreement. Consensus was achieved on issues such as verification forms, displaced persons in the border area and the establishment of a hotline between ministers. Currently, Myanmar is ready to receive those who fled to Bangladesh – p 12
- The Myanmar Government signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNDP. The three parties held two joint working group meetings and are preparing for a joint field visit. Recently, the Myanmar Government also received visits from officials of UNHCR, UNDP, the International Organization for Migration and the World Bank – p 12
- The Rakhine issue has complex historical, ethnic and religious contexts. Resolving it requires long-term efforts through a gradual and persistent approach. Given the current situation, the international community should cherish the hard-earned progress, fully understand the great difficulties faced by the countries concerned and continue to provide constructive assistance instead of simply pressuring them – p 13
- Issues such as freedom of movement and citizenship should be resolved gradually during the repatriation process – p 13 (*during and not before?*)

United States of America

- The difficult path to democracy must continue in Burma and culminate in a military that is subordinate to the civilian Government, not the other way around. Here at the Security Council, we must hold those responsible for violence to account. A responsive, democratic Government that respects the rights of its minorities will not emerge in Burma until the Government demonstrates that it is committed to accountability. We will continue to suffer the shame that our predecessors suffered after Rwanda and Srebrenica if we do not act when the Burmese Government falls short – p 14
- We are now all armed with the devastating eye-witness accounts of the Rohingya, which lead us to the following conclusions. Children, babies, women and men suffered unspeakable crimes. The attacks were planned, premeditated and coordinated. The perpetrator was the Burmese military and security forces. The whole world is watching what we will do next, and whether we will act – p 14

Netherlands

- One year later, virtually none of the Rohingya refugees has felt safe to return. That has become one of the largest humanitarian crises of the twenty-first century. It is in that sobering reality that we meet today – p 15
- The report of the Human Rights Council Independent International Fact-Finding Mission on Myanmar (A/HRC/39/64) highlights the need to prosecute crimes against humanity, war crimes and genocide and to hold those responsible to account – p 15
- It is up to the Myanmar Government to show that it meets those standards. If there is no progress at the national level, the international community has to take responsibility and provide alternatives, and then the Council needs to refer the situation to the International Criminal Court. There can be no impunity – p 15
- The Council has constructively engaged with the Myanmar authorities both during and following its visit. We have to conclude, however, that this approach has yielded minimal results. I hear a call for patience, but time is pressing – p 15

Peru

Côte d'Ivoire

- Despite the progress made since the Security Council's mission to Myanmar and Bangladesh from 28 April to 1 May, enormous challenges remain with regard to the conditions necessary for the return of Rohingya refugees to their homes and to the complex humanitarian and human rights situation – p 17

Poland

- We remain deeply worried about the humanitarian situation, especially in Rakhine state, where hundreds of thousands of people are waiting for our assistance. Every day lost to bureaucratic deliberations means that we are collectively responsible for human lives that are perishing – p 18
- Myanmar is a developing country with a fragile economy that is prone to natural disasters - p 18
- A comprehensive approach focused on building the resilience of its society and supporting the State's internal capabilities needs to be further developed – p 19

Kazakhstan

- We are still observing severe restrictions on their freedom of movement, as well as restricted access to education, health care and sources of livelihoods for those whom remain in Rakhine state, even today as we speak. It is obvious that only when the Rohingya refugees enjoy security, see tangible progress in the aforementioned areas and witness justice being served with respect to those who have suffered outrageous acts of violence will they start returning to the region – p 19

Ethiopia

- The complex challenges that Rakhine state is facing need a political solution, which requires a comprehensive strategy aimed at addressing the root causes of the crisis through reconciliation, peace, stability and development – p 20

Kuwait

- The world is following the proceedings of our Security Council meeting today and expects nothing less from us than to maintain our moral and humanitarian stance and to rise above all political considerations in dealing with one of the worst catastrophes in modern history – p 21
- Meetings among officials in both Bangladesh and Myanmar, the signing of a memorandum of understanding and the establishment of a body to investigate violations of human rights are all good, albeit limited steps, the majority of which are yet to be implemented on the ground – p 21

Equatorial Guinea

- We also share the various concerns about the situation of refugees in community centres, as well as the setbacks that have so far prevented a large-scale voluntary and safe return that is backed by a political settlement guaranteeing the rights of the Rohingyas in Myanmar. In that regard, we call on the Government of Myanmar to redouble its efforts to create conditions conducive to the safe, voluntary and dignified return of Rohingya refugees and internally displaced persons to their homes in Rakhine – p 22

Bolivia

- We call on all agencies and institutions of the Government of Myanmar to collaborate with the commission's investigations, particularly in the collection of data and information and in obtaining testimonies. We hope that the work of the commission will be conducted under the principles of independence, impartiality, objectivity, transparency, integrity and professionalism – p 23

Myanmar

- On 24 August 2017, the Rakhine Advisory Commission presented its final report to the Government of Myanmar – p 24
- Then, in the early hours of 25 August 2017, just a few hours after Mr. Annan submitted his final report, ARSA launched premeditated, well-planned and coordinated simultaneous armed attacks on 30 border guard posts and one army battalion headquarters in northern Rakhine – p 25
- The violent attacks were not coincidence. ARSA terrorists and their foreign masterminds knew all too well that the Myanmar security forces would respond to their attacks with full force. They must also have anticipated the exodus of people from northern Rakhine to Bangladesh. Those events were well planned and executed with the support of foreign terrorist organizations – p 25
- We have been ready to receive the first batch of verified returnees since 23 January. In February, Bangladesh provided us with a list of 8,032 people — without signatures, finger prints, proper photographs or, more important, the proper forms agreed by the two sides. Despite difficulties in verification owing to a lack of adequate information, we managed to verify 3,952 returnees as of 23 August 2018 – p 25
- The Government of Myanmar has made its position very clear that it will not condone any human rights abuses. Action will be taken against anyone if there is sufficient evidence. In that regard, the Government has established an independent commission of inquiry, led by Ambassador Rosario Manalo, an eminent diplomat with rich experience in the field of human rights – p 26
- With regard to the allegations of atrocity crimes committed by Myanmar security forces, as set out in the recent report (A/HCR/39/64) of the Independent International Fact-Finding Mission on Myanmar, I would like to reiterate that we did not accept the mandate of the Mission because we have concerns about its impartiality. The report, which was scheduled to be submitted only to the Human Rights Council on 18 September, was hastily released on the eve of this particular meeting of the Security Council. This action raises serious questions about the objectivity, impartiality and sincerity of the Fact-Finding Mission – p 26

Bangladesh

- As a Member State committed to international criminal justice, and as a State party to the Rome Statute and other relevant international instruments, Bangladesh will continue to cooperate with various international processes and initiatives on the accountability issue. At the same time, Bangladesh stands ready to cooperate with Myanmar on any of its security concerns and other issues of strategic interest in the spirit of good-neighbourliness – p 29



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