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The Rohingya Genocide

The internationally neglected people of the Rakhine
State

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“Expulsion and genocide, though both are international offenses, must remain distinct; the former is an offense against fellow-nations, whereas the latter is an attack upon human diversity as such, that is, upon a characteristic of the "human status" without which the very words "mankind" or "humanity" would be devoid of meaning.”

– Hannah Arendt, *Eichmann in Jerusalem*, 2006

Abstract

Up to this date Rohingyas have not yet been recognised as an ethnic group in Myanmar, a country containing another 135 ethnic groups within its borders. Muslims from Rakhine State in Myanmar – formerly known as Burma – have been consistently denied of their human rights, included that of citizenship. They are persecuted and antagonised by the Buddhist sector of the country. An escalation of this situation has led to the staging of a genocide against this Muslim minority in Myanmar, the home country to Nobel Peace Prize winner Aung San Suu Kyi. She currently holds the position of Minister of Foreign Affairs as well as State Counsellor of Myanmar, a position that accounts for that of Head of State. International action has been conspicuous by its absence with major superpowers such as China and the Russia turning a blind eye on the atrocities and international organisations such as ASEAN and the UN remaining quiet. It was not until 27th August 2018 that the UN officially acknowledged the Rohingya genocide and asked Myanmar to take responsibility for its actions.

In this paper I will examine the international inaction towards an event which, at some other time, some other place, or against a different religious group, would have drawn the attention it truly deserves.

Key words: Rohingyas, genocide, Myanmar, R2P, Human Security, United Nations, ASEAN, Aung San Suu Kyi.

A día de hoy, Myanmar continúa sin reconocer a los Rohinyá como una de sus 135 etnias. Los derechos humanos de la población musulmana de Myanmar, también conocido como Birmania, se han violado sistemáticamente. Entre ellos, su derecho a la ciudadanía. Los Rohinyá son víctimas de persecuciones y de propaganda anti-musulmana por parte de la población budista. El recrudecimiento de la violencia he llevado a la consecución de un genocidio musulmán. Myanmar es el país de origen de la Premio Nobel de la Paz Aung San Suu Kyi, quien ocupa el puesto de ministra de Asuntos Exteriores y consejera de Estado, lo que en la práctica la convierte en la jefa de Estado. La intervención internacional en este asunto ha brillado por su ausencia. China y Rusia han ignorado estas violaciones mientras que ASEAN y la ONU han mantenido también una actitud pasiva. El 27 de agosto de 2018, Naciones Unidas reconoció el genocidio Rohinyá.

Este trabajo examinará la inacción internacional ante un suceso que de haberse dado en otro momento, en otro lugar o contra miembros de otra religión, habría recibido la atención que se merece.

Palabras clave: Rohinyás, genocidio, Myanmar, R2P, Seguridad humana, Naciones Unidas, ASEAN, Aung San Suu Kyi.

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ACRONYMS

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|-----------|--|
| AFPFL | Anti-Fascist People's Freedom League |
| AICHR | ASEAN Intergovernmental Commission on Human Rights |
| ARSA | Arakan Rohingya Salvation Army |
| ASEAN | Association of Southeast Asian Nations |
| BDA | Burma Defence Army |
| BIA | Burma Independence Army |
| BNA | Burma National Army |
| CHS | Commission on Human Security |
| ICISS | International Commission on Intervention and State Sovereignty |
| IDP | Internally Displaced Person |
| Ma Ba Tha | Association for Protection of Race and Religion |
| NLD | National League for Democracy |
| R2P | Responsibility to Protect |
| RNDP | Rakhine Nationalities Development Parties |
| SEA | Southeast Asia |
| SLORC | State Law and Order Restoration Council |
| SPDC | State Peace and Development Council |
| UDHR | Universal Declaration of Human Rights |
| UNSC | United Nations Security Council |
| UNSG | United Nations Secretary General |
| USDP | Union Solidarity and Development Party |

TIMELINE OF EVENTS MENTIONED

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|-------------|---|
| 1824 | Burma falls under British influence and becomes a colony of the empire. |
| 1937 | Burma gains independence from India and becomes a separate colony. |
| 1941 | Japanese invasion of Burma commences with the help of Burmese citizens who wish to free their country from the British. |
| | Aung San comes back home to Burma accompanied by the <i>Thirty Comrades</i> and they contribute to the invasion on the Japanese side. |
| 1942 | The Japanese gain control of Burma. |
| | Aung San continues to fight for the independence of Burma and turns against the Japanese. |
| 1943 | The Japanese declare the independence of Burma and establish a puppet government to face opposition. |
| 1945 | The Japanese occupation of Burma comes to an end. |
| 1947 | 12th February: the Panglong Conference takes place and independence of Burma is signed in the Panglong Agreement. |
| | The AFPFL wins pre-independence elections and Aung San is elected to become President after the declaration of independence. |
| | July: Aung San and most of his cabinet are murdered. |
| | U Nu takes over the government and succeeds the late Aung San. |
| 1948 | Burma gains independence from the British Empire. |
| | The United Citizenship Act is passed and Rohingya are excluded from the ethnicities recognised in the newly independent state of Burma. |
| 1951 | AFPFL wins the elections and U Nu continues to be in power. |

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| 1956 | U Nu resigns and Ba Swe supersedes him. |
| 1958 | Ne Win temporarily takes over the government after the AFPFL divides due to internal disputes. |
| 1960 | U Nu wins the elections and Ne Win steps down from power. |
| 1962 | Ne Win becomes president in a coup d'état. |
| 1978 | Operation Naga Min (King Dragon) takes place, targeting members of the Rohingya Patriotic Front. |
| 1982 | A new Citizenship Act is passed, reaffirming the exclusion of Rohingya from the Act of 1948. |
| | Bengali citizenship is included among the 135 ethnicities recognised. |
| 1987 | The UN includes Burma amongst the least developed countries in the world. |
| 1988 | 8th August: 8888 uprising claims for a democratic transition of the country. |
| 1989 | The SLORC changes Burma's name to Myanmar. |
| | Aung San Suu Kyi is placed under home arrest. |
| 1991 | Aung San Suu Kyi is awarded the Nobel Peace Prize. |
| 1992 | The Military Junta organises an attack targeting the Rohingya Solidarity Organisation. |
| 1997 | Myanmar joins ASEAN, 30 years after the creation of the organisation. |
| 2001 | The principle of R2P is conceptualised for the first time. |
| 2005 | R2P is passed by the UNGA in the UN World Summit. |
| | Myanmar passes a birth-control law for Rohingyas, violating their reproductive rights. |

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| 2007 | 12th January: The US and the UK call for a UNSC meeting to discuss ethnic violence in Myanmar. France calls for the implementation of R2P. The motion obtains nine votes in favour, but is vetoed by China and Russia. |
| | Aung San Suu Kyi obtains Honorary Canadian Citizenship (revoked in 2018). |
| | May: The Saffron Revolution begins after fuel prices rise by 500%. Peaceful protests are led by monks. |
| | 11th October: The UNSC passes a resolution condemning the repression of the peaceful revolts. No sanctions are imposed to the Junta. |
| 2008 | Cyclone Nargis strikes Myanmar and generates a humanitarian crisis. |
| | The government refuses to allow humanitarian aid to enter the country in detriment of the needs of its population. |
| | France calls for the implementation of R2P in Myanmar to forcefully provide humanitarian aid. |
| | ASEAN agrees to provide aid to Myanmar to avoid international interference. |
| | The Junta passes a military constitution. |
| 2009 | Aung San Suu Kyi obtains Amnesty International’s Ambassador of Conscience Award (revoked in 2018). |
| 2010 | March: The NLD refuses to qualify for the elections and denounces an unfair census. |
| | The USDP enfranchises Rohingya through “white cards”. |
| | The USDP wins the elections and Thai Sein is proclaimed President. |
| | November: Aug San Suu Kyi is released from house release. |

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| 2012 | April: Partial elections are held and the NLD enters Parliament for the first time in their history. |
| | May – June: The first wave of violence breaks out. Nasi quarter ends up burnt to the ground. Around 115,000 Rohingyas are displaced. |
| | 10th June: Thein Sein calls the state of emergency. |
| | Aung San Suu Kyi is bestowed the U.S. Holocaust Memorial Museum's Elie Wiesel Award (revoked in 2017). |
| | October: There are new attacks. Mrauk U and Mibya are set on fire. Approximately 200,000 Rohingya have fled to Bangladesh, and another 120,000 are in IDP camps in Myanmar at this point. |
| 2013 | Symbolisation heightens – 786 and 969 stickers are seen everywhere. |
| | March: Second wave of violence breaks out. |
| | 22nd March: the state of emergency is called once again. |
| | Human Rights Watch warns of ethnic cleansing of Rohingya |
| | June: 969 Movement is declared a “symbol of peace” by the government. U Wirathu is named “son of Buddha”. |
| | July: Many of the most prominent members of 969 Movement leave to create Ma Ba Tha. |
| | August: 969 Movement is declared illegal for instigation of violence against another religious group. |
| 2014 | A new census is made in preparation for the elections of 2015. Rohingya ethnicity is, once again, not recognised. |
| | Rohingya access to healthcare is cut by the government. |
| | December: Protection of Race and Religion Laws are passed, further restricting the rights of Rohigya. |

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| 2015 | USDP disenfranchises Rohingya and takes away their “white cards” in preparation for the elections. |
| | The first internationally recognised free elections in Myanmar are celebrated and the NLD wins by a landslide. |
| 2016 | April: Aung San Suu Kyi is appointed State Counsellor and becomes Head of State. |
| | NLD refuses to revoke the Protection of Race and Religion Laws. |
| | The UN denounces the perpetration of crimes against humanity in Myanmar against Rohingya |
| | October: The Arakan Rohingya Salvation Army is created and they perpetrate their first attack against the Tatmadaw. |
| 2017 | ARSA is declared illegal. |
| | Ma Ba Tha is declared illegal. |
| | 25th August: ARSA attack police posts and initiate the greatest refugee crisis in the history of Rohingya Muslims. |
| | A fact-finding mission is appointed by the UN to gather data on alleged human rights violations in Rakhine State. |
| | The UN speaks of ethnic cleansing of Rohingya. |
| 2018 | Ma Ba Tha changes its name to Buddha Dhamma Charity Foundation to try to avoid ban, but fails. |
| | 27th August: Rohingya genocide is recognised by the United Nations |



Image 1: Map of Myanmar and neighbouring countries with main cities pinned (Ebersole, 2013)



Image 2: Map of the Rakhine State and Cox's Bazar, one of the main Rohingya settlements in Bangladesh (al Jazeera, 2017)

1. Introduction

On the 27th of August, 2018, the UN officially recognised the Rohingya genocide. Up until this point, the conflict had been identified as an ethnic cleansing and in the eyes of some, had even remained as mere civilian revolts. Finally, it has now been acknowledged as a systematic and deliberate targeting of an ethnic group, which is being killed physically and emotionally with the intent of being exterminated. Conflict between Muslims and Buddhists in Myanmar is neither new nor casual. However, the brutality and the levels of violence that are currently taking place are unprecedented in this clash of religions in the country. Said levels of conflict and animosity are a historical, man-crafted heritage, which has been fed by the recent governments.

As will be further explored later on in this dissertation, Rohingyas are a historical ethnicity of Myanmar, and they have had presence in the country dating back to the 9th century AD (Wade, 2017, p. 17). However, violence towards the group and difficulties in coexistence are somewhat more recent, starting to be more traceable during the 20th century and as an aftermath of the politics made by the British after the invasion of Myanmar at the end of the 19th century. Their presence in the country is not a novelty, however the ethnic grouping *Rohingya* in which they have been classified is quite recent. This is one of the reasons why it has not been hard to convince the population of Myanmar that these Rakhine Muslims are immigrants who do not belong in the country. In fact, Rohingya nationality is not one of the 135 nationalities included, recorded and accepted by the Citizenship Act of 1982, which determines whether or not one is a national of Myanmar.

Rohingyas in Myanmar are being denied citizenship by their government through the Citizenship Act of 1982. Thus, incurring a violation of the human right to nationality as contained in article 15 of the Universal Declaration of Human Rights of 1947, and further reaffirmed through article 18 of the ASEAN Human Rights Declaration (ASEAN, 2012). As stated in these texts, by virtue of being a human being, every person has their inherent Human Rights regardless of sex, colour, nationality, creed, race, sexual orientation, or any other such characteristic acquired at the moment of birth. Human rights derive from the human essence of the individual, not from their nationality, and their existence always prevails, even when they are ignored or violated.

Nationality is not the only privation that Rohingyas are suffering from. The state has established a system of oppression of the group, which clearly segregates Muslims from Buddhists. There are very strict limits to the movement of the Rohingya community within the country, as well as to the trading of their harvest with Buddhists or in markets outside of the aforementioned limits. In addition to these, there have been further measures taken regarding the limiting of Muslim reproductive rights and a loss of access to vital services such as security or healthcare.

For years, Rohingya people have been suffering the decisions made by an unfair state that disregards them as citizens and mistreats them as human beings. The group is defenceless. On the one hand, the very state that has the responsibility to protect their safety and safeguard their wellbeing does not include them in its compromise of preservation of its nationals. On the other hand, the international community has not taken action under their responsibility to protect. Partly, this inaction has been a result of the lack of resources to verify the existence of a neglect of the group by the government. A situation that, incidentally, has been a by-product of state-funded efforts to keep the international media and NGOs out of the question and away from the hotspots of the conflict.

1.1. Purpose and reasoning

The object of study of this paper will be the Buddhist violence against Rohingyas with a focus on the period between 2012 and 2018. There will be an observation of prior events starting from the time of British colonialism for historical background. The stages of genocide will be broken down and identified throughout the escalation of violence. The purpose of this paper is to provide an in-depth analysis of the concepts of human security, responsibility to protect, genocide, Rohingya and ethnic cleansing and interconnect them for their application to this case study. Firstly, this dissertation aims to find proof of applicability of R2P to the case of Rohingya in Myanmar. In order to succeed in this task, rights and living standards of the different social groups in Myanmar will be considered. Secondly, this work will aim to judge neglect of the international community of its responsibility to protect. In order to refute or confirm this thesis, the role of the government of Myanmar must be evaluated. For this inspection, institutional behaviour and measures taken will be looked at in order to find discriminatory patterns that invalidate the government as protector and support the consequent entrance of the international community into the conflict as a conciliatory actor.

This paper is built around the hypothesis that both, Myanmar and the international community are neglecting Rohingyas. This ethnic group is being erased from the history of the country and violence has erupted in areas where living and neighbouring had been cordial and peaceful in the past. After British occupation in the 19th century, the Military Junta and the influence of a number of very influential monks, Buddhist animosity towards Myanmar Muslims has been growing over the years to have reached its peak in recent times. The main questions to be answered through this discussion will be:

- Is R2P applicable to the case of Rohingya Muslims in Myanmar?
- Is R2P being neglected by the international community?

The premise of this paper is that both questions should be positively answered. The introductory study laying out the history of Rohingya in Myanmar aims to prove that this ethnic group has been involved in the flourishing of the state throughout history. Said background is nowadays being taken away from Rohingya in an effort to erase the group from national history. Secondly, this discussion will look into Myanmar's duties regarding its citizens and whether or not they are fulfilling them. The analysis of Myanmar's responsibility to protect its nationals and the status of Rohingya rights will have a special focus on the UDHR. However, it would be of no use to study the situation of Rohingyas in isolation. Their reality will be compared to that of other ethnicities in the state, namely Buddhist ethnic groups, in order to show their disadvantage. While countries do have their right to sovereignty, they have to pay the price through the fulfilling of their responsibilities. Thirdly, the response of the international community, or lack thereof, to these violations and privations that Rohingya are suffering nowadays will be explored and analysed. This section of the analysis will be mainly focused on the basis for international intervention as laid out by R2P and possibility of the international community to have gotten involved in solving the conflict. Seeing as the UNSC is in charge of approval of intervention, the interests that the members of the Council might have on the country will play a key role in understanding the lack of action taken.

It must be noted that, although the author chooses to use the official name of the Republic of the Union of Myanmar for the purpose of this dissertation, the names Burma and Myanmar will be used interchangeably in some sections. This criteria undoubtedly applies to quotes and, notably, to those sections devoted to the exploration of the history of the country and the origin of the conflict.

The motivation of the choice of topic for this dissertation lies in the outrage and frustration that these situations continue to take place, yet they go unnoticed because they don't fit the mainstream narrative or they don't go against certain interests. Genocides continue to take place regardless of international efforts to establish criminal courts to trial genocidal criminals of the past. These trials do not seem to be enough to discourage others from following suit. During a genocide, the dehumanisation of *the other* already shows a dehumanisation of the *self*. Nowadays, crimes as heinous as this should find no difficulties to be reported on in the news, yet they still go unnoticed. Myanmar is a far away land and Muslims are more often portrayed antagonistically in the media than they are as the victims. The Western conception of Islam and Buddhism leads minds to reject the logic of the Rohingya genocide. This is a story that would turn Muslims into the victims, leading to a rebuttal of the mainstream narrative that Muslims are dangerous radicals migrating into our countries with the intention of doing evil.

On the other hand, more often than not, domestic interests get in the way. Some of Myanmar's neighbours and allies have protected the regime from international attempts to shed a light on this genocide. China and Russia alike have joined forces in the UNSC to veto any damaging resolution. Meanwhile, some of Myanmar's ASEAN colleagues have created a smokescreen by offering regional vigilance in spite of allowing international observers to intervene. In avoiding external interference in Myanmar's domestic affairs, these countries are also escaping a precedent that could serve as an excuse to breach their sovereignty in the future too. Other ASEAN members such as Indonesia and especially Malaysia have been widely outspoken on the need to take action to stop Myanmar's genocidal practices. Nonetheless, efforts to hinder international interference in the country have proven so far successful. Thus, in order to avoid such crimes being ignored, it has been determined that this dissertation should be focused on the disadvantaged situation of the Muslim minority population of a Buddhist majority country that is performing a genocide and attempting to hide it from the world with the help of its regional allies.

1.2. Methodology.

On the grounds of the main hypotheses of this dissertation, the analysis will be carried out through a case study of applicability of R2P to the Rohingya genocide and the role and implication of the international community. It must be noted that this paper has not

carried out a survey of any kind and all data will be extracted from the properly cited sources. All the reading material used for the consecution of this work is listed and referenced in the bibliography. These works include a variety of literature comprising sources ranging from books and research articles, to human rights reports, state reports and legal texts such as Myanmar legislation and international treaties. The premises and inferences made throughout this study in relation to violence waves and their effect on the population are supported by the data found regarding the number of individuals displaced, migrating, seeking refuge, targeted and assassinated under genocidal practices. The focus of study is combined with the influence and role of the sovereign state at the centre of it. In order to reach concluding outcomes, this dissertation uses a variety of literature to ensure a holistic answer to the research questions. The topic is analysed through the lenses of the empirical-analytical method, based on clear facts that will provide a solid base for further interpretation of the possibility of implementation of R2P to the case of Rohingya in Myanmar.

This paper will first provide a theoretical knowledge of the topic as well as certain terms that should not be confused but often are. Later on, the debate of the presence of Rohingya Muslims in Myanmar is explained and the two main theories are laid out for their exploration. Subsequently follows a historical context of Myanmar and its 124 years of colonial past as Burma. Struggle for independence from the British Empire and the Japanese Empire is explored, including the subsequent elections and brief democratic period lasting 14 years. In 1962, there is a change of regime when the Military Junta is established. As follows, Myanmar's 49 years of dictatorship are explored, including civil uprisings, sabotaged elections and Aung San Suu Kyi's 15 years under house arrest. Not forgetting the international attention, praises and awards she gained during this time.

This dissertation will follow a diachronic development due to the many significant dates involved, which could prove confusing if exposed otherwise. The main analysis of this paper will unfold within the scope of the years comprehended between 2012 and 2018, when the genocide went into full motion. Special emphasis will be put on two of the four main outbreaks of violence against this ethnic group in 1978, 1992, 2012 and 2017. A brief explanation and context for the first two attacks can be found in the state of the issue. However, the attacks of 2012 and 2017 are given more relevance due to their notable aftermath. In fact, the violent outburst of 2012 lasted an entire year until culminating with its final revolts in 2013 – both outbreaks commonly named first and second wave of

violence respectively. These violent flares will be explored and analysed through the lenses of R2P applicability and the stages of genocide involved to explore the feasibility of international intervention to halt the crimes taking place in Myanmar.

In a first instance, the first wave of violence in 2012 will be taken as the starting point of the breakout of outright violence in Myanmar. Following, the second wave of violence of 2013 will be analysed and the numbers of Rohingya refugees and IDPs will be provided. Thirdly, the development of violence and growing hostility in the following years will be displayed until reaching the major outbreak of violence in 2017. This year will be taken as the point of no return for the condemnation of the genocide and the root of the refugee crisis that has unravelled in the region, particularly affecting Bangladesh. Lastly, the events that followed the recognition of the Rohingya genocide on the 27th August 2018 will be examined in order to bring awareness to the current situation of this minority.

2. Theoretical framework

In order to obtain the highest profit from the reading of this dissertation, some of the most relevant terms to this work will be now discussed for clarification. The distinction between genocide and ethnic cleansing, the definition of Responsibility to Protect and the analysis of human security are amongst the most crucial of these concepts for being the most concrete to this work. Meanwhile, strategic interests, humanitarian intervention and international and regional organisations, serve as context for the rest of the concepts as much as they do for the analysis.

2.1. Genocide and ethnic cleansing

The Rohingya genocide has taken years to be acknowledged as such, instead being classified as ethnic cleansing. When analysing what this distinction between terms implies, it is important to keep in mind that, at times, genocide and ethnic cleansing do overlap in their practice. In fact, Dr. Gregory H. Stanton, founder of Genocide Watch and activist against genocide in the light of international law, has determined that ethnic cleansing has become a potential impediment to a rapid diagnosis of genocide. Ethnic cleansing is a relatively new term, born from the conflict in the Balkans in 1992, although its practice is far more ancient. The term, he argues, was “originally invented as a euphemism for genocide in the Balkans” (Stanton D. G., 2005). Ethnic cleansing is based on the pure will to draw an ethnic, religious or cultural group out of a territory and into another. Ethnic cleansing can be disguised as forced migration or confused for genocide. Usually, both terms are regarded as mutually exclusive; however, there is no consensus on this argument, considering that there have been instances in which both crimes were happening simultaneously. At times, both crimes collide when ethnic cleansing is carried out through the use of terror caused by acts characteristic of genocidal crimes. In the case of Myanmar, this could be compared to Rohingyas being mobilised by Buddhists from Nasi quarter into Sittwe when the first wave of violence started in 2012.

On the other hand, genocide is a crime aiming for the physical destruction of a national, ethnic, racial or religious group. It is defined in the Convention on the Prevention Punishment of the Crime of Genocide of 1948, which has by now become custom law. The crime of genocide conveys the conscious perpetration of

“acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.” (UN General Assembly, 1948)

Rohingya in Myanmar have suffered all five of these atrocities, too. As mentioned above, genocide and ethnic cleansing at times overlap. What might start as an intent to be rid of a group through its expatriation might lead to the will to eradicate the group as a whole. Genocidal violence might be a tool to the service of ethnic cleansing as a way to terrorise population into leaving the territory.

In accordance with Dr. Gregory H. Stanton, (2013) there are ten stages of genocide that denote the violence involved in the process at each stage of the process and should be tackled in different ways in order to revert the damage they cause to the population. These stages are cumulative and can happen simultaneously or individually. These are: classification, symbolisation, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, extermination and denial.

During the process of classification (1), a clear distinction between “us” and “them” is established, causing a situation in which groups have no direct contact with one another. Secondly, through symbolisation (2), the separation is conceptualised into symbols, which make it easier to identify “the other” wherever they might be. Thirdly, institutional discrimination (3) begins and the members of the target group are denied of their rights. Afterwards, the process of dehumanisation (4) strips the target group of their humanity, thus making it easier to kill them without the remorse of taking a human life. Subsequently, the stage of organisation (5) follows. Usually, the state is in charge of this stage, often putting terrorist groups and militias at their service as a cover-up. It is at this stage that the planning of mass murders begins. After the stage of organisation comes the stage of polarisation (6), through which propaganda is spread, all social interaction between groups is forbidden and moderates are silenced or even killed. During the stage

of preparation (7), the perpetrator group makes sure to secure a big enough stockage of weapons and have their ranks full of soldiers. It is at this stage that genocide tends to be watered down by perpetrators, who refer to it as “ethnic cleansing”. Later, during persecution (8), the target group is denied of basic rights, access to natural resources such as water, they are stripped of all private property, forcedly moved to ghettos and their names are written down in death lists. After persecution comes extermination (9), in which mass killings occur in order to wipe out the target group completely and rape is used as a tool of war in order to alter the genetic code of the target group. In the end, there is denial (10). The perpetrators hide and burn the corpses of those killed and deny all violence. At this stage, the powerful try to withhold power until they have no choice but to resort to exile.

According to Genocide Watch, Rohingyas in Myanmar are currently undergoing stages eight and nine: persecution and extermination. Even though the genocide has reached the last stages, it has taken years to be recognised. The mass waves of migration of Rohingyas fleeing to Bangladesh have been widely classified as ethnic cleansing. In fact, it was only after the United Nations denounced Myanmar’s systematic targeting of this group as a genocide on the 27th of August 2018 that other countries gained the courage to recognise this genocide. After the UN’s denounce, Aung San Suu Kyi, State Counsellor and *de facto* Head of State of the country, was stripped of some of her honorary titles and honours. Namely, the honorary Canadian citizenship, the US Holocaust Museum’s Elie Weisel Award and the Freedom of the City Awards.

The logical unfolding of events would have been to denounce the genocide, to officially internationally condemn it and to intervene under the principle of R2P to relieve the distress and targeting of Rohingyas. However, these symbolic acts have not been accompanied by any effective action. There has been no intervention into the domestic affairs of the country, and the UNSC has not pronounced itself of the issue as of today. Under the disclaimer that the “use of the term ‘genocide’ does not necessarily guarantee intervention” (Blum, Richter, Sari, & Stanton, 2007, p. 205), Dr. Gregory H. Stanton carried out a study relevant to the distinction between these two terms in relation to the urgency they created for international intervention. In this study, Stanton concludes that the frequency of the use of the terms “roughly indicated the level of interest”, but that, indeed, “the ratio between the terms—‘genocide’ and ‘ethnic cleansing’—measures the will for emergency response.” (Blum, Richter, Sari, & Stanton, 2007, p. 205)

2.2. International organisations

International organisations are the visible embodiment of an international compromise. They coexist and interact with other actors within the international arena. However, without states, international organisations would hold no power and would have no ulterior motive to justify their existence. They are subject to the willingness of member states in relation to transfer of sovereignty and aim of the organisation. The functioning of an international organisation can be a virtuous or a vicious cycle, depending on the eagerness of member states to commit to the organisation. The purpose of an organisation might be one of an outstandingly humanitarian and abnegate nature; however, if member states do not give up any or enough of their sovereignty, these objectives will never be achieved, because the organisation will not hold any real power.

2.2.1 United Nations

The biggest international organisation is the United Nations, created in the aftermath of World War II to promote and protect world peace and to avoid a new conflict that would reach the dimension of this war. The UN is born as an heir to the League of Nations, created after World War I with the same objective. Composed by 193 member states, membership to this organisation is nowadays equated to international recognition of a state. The UN does not have an army of its own, but it does have the *blue helmets*, a peacekeeping force composed by soldiers coming from any country with membership to the organisation. Soldiers usually volunteer to join UN peacekeeping forces and the Secretary General of the organisation is in charge of assembling the troops for each mission (Garrido Rebolledo, 1996). The reason why troops are only gathered after the UNSC passes a resolution for intervention is mainly economic and practical. In order to offer optimal help, troops should have certain abilities, capacities and speak a certain language. Such accuracy would mean that a very diverse group would have to be ready to act at all times and maintaining such a great group would mean a big economic effort directed towards a programme which is not considered a priority for the UN (United Nations, 2018). In order for the UN peacekeeping forces to enter into action, there must be an agreement between the UN and the host state, which must accept their entrance. The sovereignty of the host state is thus respected through this mutual agreement on the need for external interference in domestic matters. The UNSC must give its approval through a voting session, in which there must be a minimum of nine positive votes and

no vetoes by the permanent members – this is where strategic interests come into action and the reason why peacekeeping missions are often voted against when they should not be.

2.3. Regional organisations

Regional organisations are a restricted model of an international organisation. It is limited to those countries within a delimited geographic area. The appearance of these organisations is more recent, with their existence starting to be recorded in the 20th century. This model was born as a method to leave the superpowers out of the question at a time when the world was mostly divided into two spheres of influence (Pereira Castañares, 2014). Nowadays, regional organisations work as a pathway for new international norms to enter areas where they seem unlikely to be adopted on a first instance (Pérez de las Heras, 2017). In the case of R2P and SEA region, for example, ASEAN is entrusted with the task of introducing this principle in the region, supported by a process of localisation of the responsibility so that it does not irrevocably clash with the principle of non-interference enshrined in these countries.

2.3.1 ASEAN

After the Bandung Conference of 1955, in which the developing world gathered to discuss their future with no external influence, ASEAN was created in 1967. It was an organisation born with the aim to come together as a region and push forward towards the same objective of development and traditional security. The Charter focused on the promotion of regional peace and security, an acceleration of economic growth, social progress and cultural development (Responsibility to Protect, n.d.). ASEAN was born at a time when “for the newly independent, relatively weak states of Southeast Asia, solidarity in the face of growing geopolitical tensions made sense” (Beeson & Bellamy, 2010).

However, the full integration of these countries was always consciously avoided, leaving aside the *Western model*. In other words, these countries were mindful to avoid the creation of institutions and communitarian structures similar to those established by the European Union model, which could potentially obstruct the freedom and sovereignty of member countries, tightening and limiting their scope of action within their own territories. The decisions and agreements reached by ASEAN are non-binding and are the result of negotiation and consultation with every member country. Needless to say, this

method makes contentious agreements almost impossible to reach. The resulting document usually contains a soft agreement, which tends to work as a symbol rather than as a useful tool. “On the contrary [to the EU], the inclusion of new members with complex domestic political situations, spotty human rights records, and limited state capacities has made agreement on contentious issues even less likely” (Beeson & Bellamy, 2010).

It could be said that ASEAN was born as a block of nationalistic countries on their way to reaffirming their sovereignty. They were looking for allies in the international arena should the time come to face international criticism or punishment for their practices, for instance, in the form of sanctions. This search for regional allies has turned out to be successful in defending non-interference, especially when looking at UNSC votes. China, although not a member of ASEAN, has in fact acted as a shield to international interference in domestic matters with its SEA allies who indeed are members of the organisation. To illustrate this statement, all there is to do is look at how rarely Myanmar comes up in the UNSC agenda and, conversely, ASEAN’s failure to “address the ethnic and human rights issues in [Myanmar], particularly in regards to abuses against the Rohingya” (Responsibility to Protect, n.d.).

Nonetheless, the humanitarian crisis that developed in the aftermath of Cyclone Nargis in 2008 and the reaction of ASEAN to the rejection of humanitarian aid by Myanmar’s Military Junta suggests that the region does no longer justify sovereignty at the cost of its population. “However, this nascent conception of responsible sovereignty may not overcome opposition to interference in the domestic affairs of Southeast Asian states [...] this means that R2P must be reconciled with the principle of non-interference and applied in a manner consistent with it” (Beeson & Bellamy, 2010).

The Charter of the organisation provides in its article 14 for the formation of a human rights body within the scope of the organisation (ASEAN, 2007). In 2009, the AICHR was created with no power to directly hear cases on human rights and with the priority of promotion of these fundamental rights rather than their protection. Additionally, there are no provisions in the Charter for enforcement measures of human rights as a byproduct of the eternal regional dilemma of protection of the principle of non-interference (Responsibility to Protect, n.d.). It was in the 2014 review of the AICHR’s Terms of Reference that it was suggested that the Commission should have the competence to investigate and assess its member countries’ human rights records (AICHR, 2014).

2.4. Strategic interests

The means and ends of a state define its scope of action and its strategic interests define the motivation in the action the state is going to take. Strategic interest can be in the short, medium or long-term and they can be motivated by a region, a country or an issue related to a given policy that they seek to influence. The strategy of a country is also influenced by matters including security, environment, unemployment, and so on. States have the responsibility to watch over the preservation of their position in the international sphere and the wellbeing of its citizens. A *healthy* State would have in its best interest to nurture its population in order to perpetuate the functionality of its institutions and promote growth within itself (Goswami, 2014).

Strategic interests often times go hand in hand with national interests. National interests are mostly influenced by domestic affairs, more specifically, domestic needs. They involve matters related to wellbeing, public works, public safety, and so on. It is paramount that national interests of a state are in line of those interests sustained by the international organisations for which they hold a membership (Iglesias Berlanga, 2016). On the other hand, strategic interests would represent a broader international focus, targeting issues such as international security and the defence of national interests. Geopolitics of a state play a great role in the definition and limitation of the strategic interests it follows (Pereira Castañares, 2014). These interests are mostly influenced by external affairs, amongst which are included matters such as the international system, international peace, or human rights. Strategic interests and current situation of neighbouring states are also a turning point that might tip the balance one way or another when it comes to policy making in external affairs.

2.5 Responsibility to Protect (R2P)

After various international crises that took place in the 1990s and the response of the international community to each of them, the debate opened on how the world should proceed when in the face of such state-performed heinous crimes. The Balkans showed that state violence against its own population had not been overcome in Europe and Rwanda proved that crimes of this character were happening worldwide. Kofi Annan, as Secretary General of the UN, challenged world leaders to find a way to protect humanity upon which they would agree. UNSG posed the question that turned the tables: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should

we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?” (Annan, 2000, p. 48). Canada was the first to respond to this call and established the International Commission on Intervention and State Sovereignty (ICISS). The concept of Responsibility to Protect was born within this Commission, which released a report by the same name in 2001, only one year after it was established. This concept weighted the rights and responsibilities of state on the same scale and levelled them. Thus, the direct correlation between state sovereignty and protection of its population was formalised. In fact, it was Pakistan who suggested in 2005 that the applicability of R2P should apply in the cases of genocide, ethnic cleansing, war crimes and crimes against humanity (Beeson & Bellamy, 2010).

At the United Nations World Summit of 2005, the UNGA formally compromised in a non-binding resolution to their responsibility to protect their population. As defined by the UN,

“The responsibility to protect embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States’ pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity” (United Nations, n.d.).

The principle is based on three pillars, which define the core of the agreement. In the first place, the state is responsible for the protection of its population from heinous crimes and the protection of their rights. Secondly, shall the state not be able to comply with its obligations, the international community is burdened with the duty to respond to a cry for help from the aforementioned state. Lastly, shall the sovereign state be ignorant or the source of the suffering of its population, the international community has the responsibility and the right to act against the state’s unwillingness to comply with R2P. This action shall be taken in a peaceful manner, although the use of force is contemplated as a last resource. In order to proceed to breach the state’s sovereignty and activate R2P, the UNSC has to approve the mission through a vote.

When states fail to comply with R2P, it is due to two main reasons: lack of ability to protect or lack of willingness to do so. In the first case, R2P establishes that the international community has a duty to assist any state that might seek support in its obligations. In the second case, however, R2P doctrine dictates that the international

community shall assist the given population regardless of a lack of cooperation by the sovereign state. Even if international intervention is refused, the international community has a moral and legal obligation under this principle to take action. As observed, R2P is a preventive tool rather than a reactive one, a feature that differentiates this principle from humanitarian intervention. Intervention based on R2P is divided in three dimensions, these being preventive, reactive and post-conflict rebuilding. The preventive dimension of R2P is the most important one, the reactive aspect is based on measures like sanctions and, in extreme cases, the use of armed force and, lastly post-conflict building seeks to consolidate long-lasting peace and provide stability in the area affected (Zabaleta Cartón, 2014).

The Responsibility to Protect has been features in several UN resolutions allowing international intervention in order to protect civilians. The first time R2P was mentioned in a resolution of these characteristics was in resolution 1970, allowing armed intervention in Libya (Department of Public Information, 2012). After this, came Côte d'Ivoire, Yemen and South Sudan in 2011. However, resolutions including R2P have not always been successful – the draft resolution on intervention in Syria in 2012 was blocked by China and Russia, who vetoed the resolution. Furthermore, in 2007, the US and the UK called for a UNSC meeting to discuss ethnic violence in Myanmar. Once again, France called for the implementation of R2P. The motion obtained nine votes in favour in the UNSC, but was vetoed by China and Russia (Lucci, 2012). Additionally, in 2008, France called on R2P as a response to the disregard by the Myanmar government to the humanitarian crisis resulting from Cyclone Nargis. The aim was to send humanitarian assistance to the population without the consent of the Junta (Beeson & Bellamy, 2010).

2.6 Humanitarian intervention

The principle of humanitarian intervention is a reactive one. In the face of natural disasters, man-made disasters or structural crises, foreign breach of a country's sovereignty can be justified. By invoking this principle, countries get a *free pass* to meddling with the domestic affairs of another without the need for the latter's consent. According to international law and international humanitarian law, the UNSC is the organ in charge of assessing and deciding on the approval of intervention. Other terms used to refer to humanitarian intervention in the past have been *intervention in the grounds of humanity* or *right to intervene*. This concept does not enjoy wide consensus among the

international community, although some of its advocates defend that, by now, its use has become customary law. Due to the lack of consensus, there is not a clear definition of the term. These are two of the most common ones:

“The theory of intervention on the ground of humanity (...) recognizes the right of one State to exercise international control over the acts of another in regard to its internal sovereignty when contrary to the laws of humanity” (Abiew, F. K. qtd. in Ryniker, 2001).

“Humanitarian intervention is defined as coercive action by States involving the use of armed force in another State without the consent of its government, with or without authorisation from the United Nations Security Council, for the purpose of preventing or putting to a halt gross and massive violations of human rights or international humanitarian law” (Danish Institute of International Affairs qtd. in Ryniker, 2001).

Humanitarian intervention has caused controversy in its use, often giving the impression of being motivated by political interests rather than actual need. In an attempt to avoid unjustified use of the doctrine, the International Court of Justice took the chance in a 1986 ruling to resolve that this principle should be limited to the purposes of the Red Cross, thus permanently binding together the doctrine and the organisation (Ryniker, 2001). In fact, humanitarian intervention is seen by some as a new tool of imperialism, used to impose Western concepts of liberalism and rights in the countries whose sovereignty is breached (Bell, 2013). The lack of attention paid to Rwanda in 1994 and the politically loaded entrance in Iraq in 2003 under this premise are two of the interventions under this precept often used to illustrate these suspicions.

Currently, the debate is set on the legal framework of this type of intervention in order to protect countries from discriminatory applications of intervention. In fact, UN blue helmets can only act under humanitarian intervention, given the organisation’s principles establishes in its Charter, not able to go into war despite being formed by military personnel (Zabaleta Cartón, 2014).

2.7 Human security

Human security was born as a bridge between traditional and new concepts of security; it is a theory that serves as a link between state security and population safety. In order to

do this, human security is a people-centred multi-disciplinary approach that takes into account other fields other than the traditional international community, politics and security. Furthermore, this method takes into account aspects such as environment, nutrition and healthcare. As defined by the CHS, human security was developed with the aim:

“[...] to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms— freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity” (Commission on Human Security, 2003).

Human security studies traditional military and security menaces, and factors in threats suffered by the individual. This approach operates on the basis that any national or localised threat can become widespread and *infect* other areas until it expands to an entire region. Its logic is based on the assumption that threats feed off one another. This idea is related to the warnings international observers are making about the Rohingya refugee crisis in Myanmar. Due to refugees being so numerous and the mismanagement and shortage of supervision in the camps, Rohingyas are becoming easy victims of human trafficking and customers of human smuggling. Human security aims to tackle hazardous situations like this through the promotion of civil protection and empowerment. On the one hand, protection is a top-down approach aiming to provide security to individuals, acknowledging that there are certain dangers they cannot fight on their own. On the other hand, empowerment is a bottom-up approach that focuses on transferring skills and knowledge to the population. Through this development of individuals’ resilience, the aim is for them to be aware of their ability to face those challenges that are within their reach. In short, “human security complements state security, enhances human rights and strengthens human development” (Commission on Human Security, 2003).

3. State of the issue

3.1. A brief history of Rohingya

The origin of the presence of Rohingyas in Myanmar is unclear, and there are several theories that explain it. The *historical* theory, as it will be called for the purpose of this study, defends the existence of evidence of Rohingya presence in Myanmar dating back to the 9th century AD (Wade, 2017). Following this assumption, original Rohingyas would have been traders from Persia and India, who got stuck in the country due to meteorological phenomena such as tides, which made the sea impracticable. The group could have arrived either by sea or by land. By sea, Myanmar can be easily accessed through the route of the Bay of Bengal, quite popular for trading purposes in the region. Many Muslims from Eastern regions would have had the chance to reach and settle in Myanmar through this route. On the other hand, these Muslims could have arrived by land crossing passages through the mountains. The Myanmar-Bangladesh border has many porous routes along its mountains. The geography of the region would not have posed many challenges for numerous groups to cross from one country to another repeatedly. It is not difficult to imagine that some of these groups would have eventually settled down in current-day Myanmar as a result of such free movement. This region of SEA used to be a busy route for commerce, creating a multicultural religious and ethnic environment in the area. Ironically, the Bay of Bengal is nowadays simultaneously one of the main commercial routes of the country and the main exit route for those Rohingyas who flee their homes by sea.

The *imperial* theory proposes a completely different route and origin for the group. Presumably, Rohingyas would be descendants from Bangladesh Bengalis, who would have crossed the porous border to Myanmar during the British occupation of the territories. Eventually, they would have settled down in Myanmar for good. This theory is founded on Myanmar and Bangladesh's past as a province of colonial India. "While Burma was actually the geographically largest province in India, it only had 9 million people in 1908. The neighbouring province of Bengal, meanwhile, had 75 million people" (Pillalamarri, 2017). The British, as administrators of these lands, are said to have encouraged Bengali migration to Burma province in order to balance the population ratio. In addition, Bengalis in Myanmar served the British as informants. Typically, they were loyal workers who imposed British authority over the Burmese of old. However, that does

not mean that all Rohingya came into the country in this way. Furthermore, while both theories are complementing and both are true, the latter has gained the most strength in the country, especially amongst Buddhists. Through this rewriting of history, Rohingyas are stripped from their ancient presence in the country. Moreover, current hatred of Rohingya partly resides on their conception as *colonial leftovers*. In a new Myanmar transitioning to a better and democratic future, there is no room for colonial reminiscence. They are vastly seen as an imperial remanent, forced upon aboriginal Burmese population, often accused of not allowing Myanmar to thrive in its independence and constantly being blamed for the misfortunes of the country.

The evidence backing the *imperial* theory does not take away the truth from the *historical* explanation of the group's presence in the country. The former would have brought a greater influx of today's Rohingyas to Myanmar, while the latter would have established the basis for a Muslim community in the territory in the first place. However, this ancient origin tends to be forgotten and the government aims to erase all trace of it from the collective mind. In fact, the Junta used anti-Muslim and anti-Rohingya propaganda for years as a means to gain support. At that time, the Ministry of Immigration's slogan read: "the Earth will not swallow a race to extinction, but another race will" (Wade, 2017, p. 33). There are many other hateful and fear-installing testimonies coming directly from prominent figures in the country.

"One monk said of the Rohingya: 'They stole our land, our food and our water. We will never accept them back.' A Rakhine politician said: 'All the Bengalis learn in their religious schools is to brutally kill and attack... It is impossible to live together in the future.' A local administrator elsewhere in Myanmar said, 'Kalar [a derogatory term for Muslims in Myanmar] are not welcome here because they are violent and they multiply like crazy, with so many wives and children.'" (Pillalamarri, 2017)

The strategy worked as a unifying factor to turn in favour of the Junta a citizenship in the midst of revolting against the regime. Once proven the success of this propaganda, it was used to create a tight national identity among Buddhists during the democratisation years. In a matter of decades, centuries of Rohingya history were neglected and they became villains to their own neighbours. Regardless of the migratory wave they came in, be it 2 or 12 centuries ago, Rohingya are not new to Myanmar. In fact, they were there when the

country was still called Burma, Yangon was still known as Rangoon and the Rakhine state was the Arakan province. It is not surprising, however, to see how the narrative has developed. Especially when considering the history of neighbouring countries in relation to Muslim immigration.

Throughout history, traditionally Buddhist populations have become Muslim majority peoples. Some Buddhist nations have disappeared in favour of Muslim ones, *forgetting* their roots as seen in Afghanistan and Pakistan. Other traditionally Buddhist societies have had to see how their Muslim population grew and caused a social rupture, like it happened in Thailand, Sri Lanka, Ladakh or Kashmir. “Unfortunately, this history, and demographics, have led to great fear of Islam among Buddhists, which in turn has led to genocide in Myanmar, and violence in Thailand, Sri Lanka, and Ladakh” (Pillalamarri, 2017). Myanmar, in a way, became the last Buddhist majority country in the SEA region and the presence of Rohingya poses a threat to the prevalence of its core values. This is one of the main points of Ma Ba Tha’s discourse, through which the group portrays Rohingyas as representatives of global Islam who seek to turn Myanmar into an Islamic state. Ma Ba Tha leader Ashin Wirathu even shared some of his preachings with CNN in 2015, saying that Muslims “take many wives and they have many children. And when their population grows they threaten us” (Hunt, 2017). Through the spreading of this rhetoric, Rohingyas have become a threat to the very existence of Buddhists in the country. Nonetheless, the answer to the insecurity and fear of a group should never come in the form of a genocide.

3.2 A brief history of Myanmar

Myanmar was under British rule from 1824 until 1948. After World War II, the decolonisation period started and the British Empire left most of its territories, including Myanmar, then called Burma. By the time of its independence, Myanmar had already gained autonomy from India in 1937, which made it easier for the territory to establish itself as a separate country in 1948. During the British period, Myanmar became the most developed country in SEA and the second most prosperous, only preceded by the Philippines (Lucci, 2012). The country had a bright future ahead and, in capable hands, it fulfilled all conditions to become the economic motor of SEA. However, there was no visible face of a clear common movement towards the future. Therefore, the absence of clear leadership and a lack of farsightedness led Myanmar to a political deadlock that

attracted economic stagnation. As seen during its first few years as a free country, the Burmese political field was quite unstable. The case of Myanmar was that of a new-born democracy (1948-1962) that was overruled by a dictatorship (1962-2011) that had the country on a political shutdown for 49 years. After a brief period of democratic transition (2012-2015), Myanmar is once again trying to build a strong democracy that will work to ensure that Myanmar thrives in the 21st century. Nonetheless, the ethnic confrontation in the country is a bump on the road to progress.

Once the British stopped administering the economy of the country, exports lowered and the international presence of Myanmar in the market was minimal. In a matter of decades, Myanmar went from being one of the main exporters of rice and teak worldwide to a socialist autarky that erased all trace of their trade in the global market (Lucci, 2012). During the first years of independence, Myanmar looked for a way to maintain their economic success while also finding a new way to trade which would be significantly different to that of the British. Symbolically, this search for new horizons meant the ultimate emancipation from British imperialism for the country. However, Myanmar had been under British rule for over a century and was now faced with the challenge of freedom.

“[E]merging into independence, the Burmese fiercely rejected the economic structures of British rule [...] In other words, the economic ‘predilections’ of the Burmese military for state domination of the economy and economic isolation were shaped by their understanding of Burma’s colonial economic experience.”
(Brown, 2011)

Under the administration of U Nu (1948-1962), the economic system previously established by the British crumbled. The British Empire did not only provide expertise in managing the economy, but they also provided a market to participate in. Once this *special market* stopped being accessible for Myanmar, it became more difficult to continue trading at the usual rate. U Nu attempted to establish a welfare state, but failed to do so and plunged the country into an economic chaos. As a result, national production of primary goods such as cotton or minerals dropped by up to 96% (Lucci, 2012). When Ne Win (1962-1988) took over the country in the early 1960s, the period of “final expulsion of foreign interests and disengagement from external economy” (Brown, 2011) commenced. Myanmar decided to remove itself from the international market and adopt

a system of socialist autarky, which lasted until the decade of the 1970s. During this period, the government nationalised foreign businesses in all industries – safe for agriculture. Ne Win's plans did not work well for the country either. In 1987, the UN added Myanmar to the list of least developed countries in the world – primarily due to its economic performance – and the country has remained in that list until today. In 2018, for the first time, Myanmar was eligible for having its name taken off that list (UN Economic Analysis & Policy Division, 2018). Although their humanity in ruling the colonies was arguable, the efficacy of the British in handling the economy was undoubtedly successful.

British administration of Myanmar was briefly interrupted by Japan in the early 1940s. While Muslim Rohingyas were fighting the British, Bamar Buddhists were busy fighting the Japanese (Wade, 2017, p. 80). The Japanese occupation of Burma developed during the years 1941-1942, ending in 1945. It was at this time that Aung San, father of today's state counsellor and *de facto* head of the country Aung San Suu Kyi, rose as a prominent figure in the fight for freedom of Myanmar. Aung San left Myanmar in search for allies in the fight against the British. After his attempt failed in China, he found support in the Japanese and secretly returned to Myanmar with the intent to recruit some of his fellow countrymen to join him in his quest for independence. He managed to gather 29 men and, together, they made the journey to Japan, where they would be trained by the Japanese military as the "Thirty Comrades" (Aung, Aung-Thwin, & Steinberg, 2019). Ironically, one of the men was Ne Win, who would later overthrow U Nu's elected government in a coup d'état in 1962. The *Thirty Comrades* were trained by Japanese military forces and returned home in 1941 with the aim to free their country from British influence. At first, the Japanese were welcomed by the Burmese under the premise that they would keep their promise of independence once they defeated the British. Although the sentiment did not last for long. With no intention to keep their word, and fearing the possibility of a nationalistic uproar that might follow the expulsion of the British from the country, the Japanese "conducted a reign of terror, detaining and torturing people for little or no reason" (Seekins, 2007). Consequently, the *Thirty Comrades* changed their name and mission – they became the Burma Independence Army (BIA) and fought to throw out the Japanese. In 1942, after failing in their quest and being disbanded by Japanese armed forces, the BIA changed its name to Burma Defence Army (BDA) and continued to fight the occupiers under the command of Aung San (Aung, Aung-Thwin, & Steinberg, 2019).

In 1943, in face of Burmese opposition, the Japanese declared independence of Burma and established a puppet government in the country, within which Aung San held the position of Minister of War (Seekins, 2007). However, Aung San was not content with a title and position and continued to fight for the full freedom of this country, revolting against the Japanese. The BDA became the Burma National Army (BNA) in 1945 and joined the British against the Japanese (Aung, Aung-Thwin, & Steinberg, 2019). Thanks to the efforts of the BNA, along with Japanese exhaustion of their troops due to their involvement in World War II, the occupation of Burma effectively ended in 1945. When the country fell back under British control, self-determination talks began.

When distant rumours of independence started to become louder, Buddhists in Myanmar promised those ethnic groups living at the border that they too would get the choice to join the country or establish themselves as a separate nation through a self-determination process (Wade, 2017, p. 38). After two years of negotiations, the Panglong Conference finally took place on the 12th February 1947. In the Conference, the parties to the agreement “laid out the contours of a constitutional settlement” (Seekins, 2007). The agreement acknowledged the different ethnicities and nationalistic sentiments of the peoples of Myanmar and respected the “full autonomy in internal administration for Frontier Areas” (Lynn, 2017). However, not all Burmese agreed to this compromise. In fact, once Aung San and most of his cabinet were murdered in July of that year by opposing former prime minister U Saw’s gunmen, this commitment died with them (Aung, Aung-Thwin, & Steinberg, 2019). As leader of the interim government of Myanmar before its independence, Aung San was lined up for the position of negotiator in the Panglong Conference with an outlook on becoming Head of State of Burma. Aung San was murdered just a few months before Burmese independence was declared and a few months after signing the Panglong Agreement and being elected for the role of Prime Minister of the country after its independence. Following these events, U Nu was named Prime Minister on his behalf and the late Aung San never got to see the work of his life completed – a free Burma.

History proves that U Nu did not turn Aung San’s words into actions. In 1948, Myanmar took all of its territory without a moment of hesitation and minority groups were forced to become part of a community they felt they did not belong to. This is how over 135 ethnicities were joined under one nationality, creating one of the most diverse nations in the world. However, those ethnicities were not integrated, but rather segregated into

groups. It was the British, in a way, who exported the Western concept of social division into Myanmar. This separation was decided based on classes. In a twist, instead of classes being determined by guilds, as they do in Britain, they were established by ethnicity of the person. Hence, a Bamar Buddhist would enjoy a privileged life, while an Arakan Muslim, nowadays known as Rohingya, would have a less favourable situation. As will be explored further, these divisions are very well represented in the exclusion of some ethnicities from the 1948 Union Citizenship Act, the Citizenship Act of 1982, and the 2014 census for the 2015 elections, rendering a portion of the Myanmar population stateless.

3.2.1 The years after independence

In 1947, U Nu gained control of the government and resigned from power in 1956 after winning the elections held in 1951 and that same year. His party continued to rule the country but, in 1958, Ne Win, in the name of the military, took over the government. The AFPFL was having some internal disputes and Ne Win remained in power until U Nu won the election in 1960 again. However, this government was short lived after the 1962 successful coup d'état returned power to the hands of Ne Win. During his ruling, Ne Win systematically targeted Rohingyas, causing waves of refugees fleeing the country. He was the one to orchestrate the first major attack against Rohingyas. It was the *Operation Naga Min* (a.k.a. Operation King Dragon) in 1978, mainly targeting members of the Rohingya Patriotic Front. Over 250,000 Rohingya were forced out of the country and ran away to neighbouring Bangladesh, although most of them were able to return after the UN intervened in Bangladesh-Myanmar negotiations (Martin, 2017). Ne Win accused Rohingyas of being Bengali immigrants and pushed for their segregation from society (Khairi, 2018).

Through the Citizenship Act of 1982, he managed to erase Rohingya from the demographic map of Myanmar. Ne Win's government justified that, from their point of view, Rohingya Muslims did have a choice to obtain citizenship; they just did not take it. After all, Rohingya ethnicity was not recognised under the 1948 Act in the first place. Furthermore, the 1982 Act introduced Bengali ethnicity as an identity, even if that does not *actually* include Rohingyas (Lewis & McPherson, 2018). Therefore and according to this logic, Rohingya Muslims would have been able to obtain citizenship under the 1982 Act, provided that they *unwillingly* and *incorrectly* identified themselves as Bengalis. In

other words, Rohingyas were forced to decide between being citizens of their own country and renouncing to their ethnicity, or protecting their identity and being rejected by their own state. Hannah Arendt said, herself having been rendered stateless by the Nazis, “it seems that a man who is nothing but a man has lost the very qualities, which make it possible for one people to treat him as a fellow-man” (Arendt, 1998).

In 1988, the 8888 uprising came as a peaceful civilian protest caused by the economic stagnation, police repression and the erratic policies of the government. Buddhist monks, students and prodemocracy advocates came onto the streets to protest against the military regime ruling the country. The demonstrations forced Ne Win to step down, but the Junta continued to rule. When leaving office, Ne Win decided to appoint comrade General Sein Lwin as his successor. On the 8th of August, the protests intensified and Sein Lwin resigned on the 12th of the same month. A period of search for a new leader followed and protestors demanded that Maung Maung be appointed. After only a month, Maung Maung stepped down from the presidency and a new period of political instability began. At that time, the probability of the downfall of the Junta’s dictatorship seemed to materialise. In the end, General Saw Maung (1988-1992) staged a coup d’état, seized power and took control of the Junta (Szczeplanski, 2018). It is thought that, born from the disruption of this movement, the organisation 969 Movement was fabricated as a tool to create a more cohesive society through the instrumentalisation of the speeches given by respected monks in the country such as U Wirathu, U Wimala or Ashin Kawi Daza (Marshall, 2013). In 1989, the SLORC changed the country’s name from Burma to Myanmar, along with other regional and territorial names, in order to erase all colonial names. That same year, the Junta also sentenced Aung San Suu Kyi to home arrest, giving her the option of fleeing the country and never coming back – a proposal she rejected. The following year her party, the NLD, won the elections. Unsurprisingly, the Junta ignored the outcome and continued ruling Myanmar under the acronym SPDC (State Peace and Development Council).

In 1991, after being under home arrest for two years, the Swedish Academy awarded Aung San Suu Kyi with the Nobel Peace Prize. This would become one among many awards and honorary titles she would receive throughout her captive period – some of which she has been stripped of, namely her Honorary Canadian Citizenship – 2007-27th September 2018 – and Amnesty International’s Ambassador of Conscience Award – 2009-12th November 2018. Ironically, the state counsellor of today’s genocidal Myanmar

owned two citizenships while Rohingya people were not even allowed one. Notably, both honours were taken from her after the UN's official recognition of the Rohingya genocide on the 27th of August 2018. On its behalf, the Swedish Academy has ruled out the revocation of the Nobel Peace Prize awarded to her alleging that, although her actions are regrettable, the prize was awarded to her for her fight for democratisation of Myanmar, not for her treatment of Rohingyas. Last, but not least, she also ironically was bestowed the U.S. Holocaust Memorial Museum's Elie Wiesel Award in 2012, a decision revoked five years later in 2017. This human rights award is granted to "internationally prominent individuals whose actions have advanced the Museum's vision of a world where people confront hatred, prevent genocide, and promote human dignity" (Schwartz, 2018).

Back to 1992, the Junta organised a new attack similar to the 1978 Operation Naga Min, this time against a branch of the RPF, the Rohingya Solidarity Organisation. This was the second major attack directed against Rohingyas in the history of the conflict. Again, over 250,000 Rohingyas ran away to Bangladesh and returned to their homes once the situation improved (Martin, 2017). In 1997, Myanmar joined ASEAN. After a period of relative calm, on the 12th January 2007, the UNSC gathered to discuss the Junta's repression of ethnic minorities and opposing individuals under petition of the United States and the United Kingdom, but the draft resolution was vetoed by China and Russia (UN Security Council, 2007). Although both countries did agree that human rights abuses perpetrated in the country were grave, they remained convinced that it was not a matter of international security and there was no reason to breach Myanmar's sovereignty. In that instance, the international community – more specifically China and Russia – failed to fulfil their responsibility to protect. In the words of R. Barber, as quoted by Beatriz Vázquez: “the human rights violations described by the proposed resolution, clearly amounting to crimes against humanity, may well have warranted the invocation of the responsibility to protect” (Vázquez Rodríguez, 2017, p. 169).

In May, the government increased fuel prices by up to 500 % and the Saffron Revolution was initiated. Myanmar had not experienced such revolts since the 8888 uprising. Bizarrely, monks played a great role in these peaceful revolts, leading them, participating in the demonstrations and demanding the end of the Junta for the opportunity of a truly democratic Myanmar (Freeman, 2017). In fact, the name of the revolution was inspired by the saffron colour of the robes of the monks. On the 11th October 2007, the UNSC passed a resolution condemning the repression of the peaceful revolts, although no

sanctions were imposed to the Junta (UN Security Council, 2007). In 2008, Cyclone Nargis hit Myanmar and resulted in a humanitarian crisis. Even “despite the massive scale of the humanitarian catastrophe confronting Myanmar and the government’s obvious inability to respond in an effective and timely fashion, the country’s military regime initially blocked access to humanitarian agencies” (Beeson & Bellamy, 2010). In the end, after French invocation of R2P, there was no foreign intervention in Myanmar and ASEAN countries were the ones to “provide urgent relief assistance” (ASEAN Secretary General Surin Pitsuwan qtd. in Beeson & Bellamy, 2010).

In March 2010, the NLD refused to qualify for the election that year and denounced that the census did not allow incarcerated prisoners to vote. At this point in time, several people belonging to the NLD were incarcerated, amongst which was Aung San Suu Kyi herself. For the purpose of these elections, the USDP enfranchised Rohingyas by giving them “white cards” that served the purpose of *de facto* citizenship cards for the election (Wade, 2017, p. 216). This strategy was based on the assumption that Rohingyas would vote for the USDP out of gratitude for the recognition of their political rights. As a result of the drawback of the NLD and the enfranchisement of Rohingyas, the USDP won the vote and U Thein Sein was proclaimed president of the country. Nonetheless, the elections were internationally dismissed due to the circumstances. In November of that same year, Aung San Suu Kyi was finally released and became a free citizen again, this time for good. Of the 21 years that passed since she was first sentenced in 1989, Suu Kyi spent 15 placed under house arrest.

4. Analysis

4.1 The First Wave of Violence: 2012

In the partial elections of April 2012, the NLD entered parliament for the first time. A month later took place the third major attack suffered by Rohingyas. In a shift of the usual *modus operandi*, these attacks were not organised by the government, but were a product of civilian violence instead. On the 28th May, the so-called *first wave of violence* between Rohingyas and Buddhists surged in the Rakhine State. The attack was an alleged rape and murder of a Buddhist girl by a group of Rohingyas. A few days later, a group of three men defined by the media as “‘Bengali Muslims’ or ‘Islam followers’” were detained and sentenced to jail (Wade, 2017, p. 13). Only six days later, on the 3rd June, a group of Buddhists retaliated and attacked a bus filled with Muslims, although none of them were Rohingyas. The aim was not so much to get back at Rohingyas as it was to get back at Islam in general. The violence continued and Rohingya Muslims attacked Buddhist properties on the 8th June. Thein Sein tried to avoid major confrontation and declared the state of emergency on the 10th June. Nonetheless, by the time the 12th June came by, violence was unstoppable and by sunrise Nasi quarter was burnt to ashes. Around 115,000 Rohingya were displaced as a result of this violence, most of them seeking refuge in IDP camps (Wade, 2017, p. 127).

The first wave of violence marked a milestone of segregation and violation of minority human rights in the history of Myanmar. Suddenly, it became blatantly obvious that in the eyes of Rakhine Buddhists, Rohingyas “weren’t worthy of the same protections afforded to Rakhine, limited as those were, and they became, in the eyes of those who either participated in attacks or supported them from afar, subhuman” (Wade, 2017, p. 97). On the 13th June, the day after the burning of the Nasi quarter, Hmuu Zaw, Director of the President’s Office, posted on his social media a message acknowledging Rohingya violence toward Buddhists, but discrediting Buddhist violence against Rohingyas. It became a complete polarisation of the population into two groups, even within the institutions. At last, the truth was on full display that the hate speech and racism was already institutionalised. Monks started to preach those same ideas of the government based on self-preservation and senseless hate. In fact, a group of monks of the area of Mrauk U gave a speech in response to the establishment of the state of emergency in the country on the 10th June, declaring that

“The Arakanese people must understand that Bengalis want to destroy the land of Arakan, are eating Arakan rice and plan to exterminate Arakanese people and use their money to buy weapons to exterminate Arakanese people. For this reason and from today, no Arakanese should sell any goods to Bengalis, hire Bengalis as workers, provide any food to Bengalis and have any dealings with them, as they are cruel by nature.” (Wade, 2017, p. 110)

Buddhist religious leaders made it clear that it was not only their political rights that would be violated, but that Rohingyas would no longer see respected their labour rights. They would no longer be able to go to the market and trade. Their reproductive rights would also continue to be violated by the birth-control law imposed in 2005 in the Rakhine State. Rohingyas would no longer be allowed to choose to build a family as large as they would please due to this restriction. This law was purely based on the intention to reduce Rohingya population. It was born out of the irrational fear of Rakhine Buddhists that they would be outnumbered by their Muslim neighbours.

4.1.1 Completion of the First Stages of Genocide

This was the year in which violence against Rohingya irrevocably derived from ethnic cleansing to a genocide. The stages of classification, symbolisation and discrimination had already been initiated long ago. However, the 2012 attacks gave rise to a definitive strike of dehumanisation, organisation and polarisation of Rohingya. At the same time, the hostile environment of the attacks and the uncontrolled strikes of violence led to a ripe environment for the stage of preparation to begin. While there were no explicit plans to orchestrate mass killings of Rohingya or preparing a *Final Solution* like the Nazis did with the Jewish, Buddhists did suggest that an entire ethnicity should be erased from Myanmar and moved elsewhere. After the burning of Nasi quarter, the RNDP suggested that Rohingyas be massively deported to a third country in order to avoid ethnic conflict within Myanmar. There was no suggestion of where would the interests and rights of Rohingya may be best served and protected, the initiative was to simply be rid of an entire race. This kind of shameless statements became more prominent during 2012 and

“began to beg the question of whether there was an intent on the part of the state towards Rohingya beyond mere containment; that it might be embarking on a strategy to make life so untenable for them that they would have no choice but to

flee Myanmar altogether, thereby removing that group from the country once and for all.” (Wade, 2017, p. 96)

In sight of the turmoil and the revolts, some terrorist groups such as Pakistan Taliban and Daesh preyed at Rohingya. On paper, they would seem like a good group to target for recruitment given their neglect and abandonment from the government that is responsible for their protection. They already had no rights and an entire village had been burned to ashes, leaving hundreds of thousands homeless. Virtually, Rohingya did not have much more to lose. However, as Wade notes in his 2017 book *Myanmar's Enemy Within*, Rohingya never showed a particular tendency to make use of violence or use weapons. The call to arms from Daesh went unanswered by the Rohingya population, who continued to fight for their ethnicity while staying away from jihadist practices and/or groups. At the end of the day, Rohingya are greatly outnumbered and would have to face the full force of the armed forces of Myanmar by themselves. A quest for which they are highly unprepared for and have no desire to carry out.

4.1.2 Basis for Applicability of R2P

At this level of violence and institutionalised targeting of a civilian group, the base for intervention is more than justifiable. Following the double obligation of R2P, the international community is at fault for ignoring the seriousness of the events just as much as Myanmar is at blame of not protecting its civilians. Firstly, the government of Myanmar did not only not fight the heightening of hate speech, but they instigated it. Once the attacks calmed down, there was no provision by the State for a system to make sure medical attention and humanitarian assistance reached the Rohingya. The establishment of the state of emergency by Thein Sein was taken as a proof of state action for the protection of its population, but the events that followed on the 12th June proved this theory wrong. No state security forces stopped the burning of an entire village on that day. Therefore, it was not so much a matter of lack of state capability to take action in favour of Rohingya, but a lack of willingness to do so. Either way, Myanmar breached its primary responsibility to protect, be it by its own means or asking for international assistance in its sovereign duty towards its population.

“Notwithstanding the scale of the killings, elements of the attacks and killings indicate that these attacks of violence were part of a process intended to destroy the Rohingya people both as individuals and as a group, as well as drive them

from their lands. [...] The combined tactics of killings, violence, destruction of property and communities, accompanied by social and economic boycotts and hate campaigns against the Rohingya, are perceived by Rohingya communities both at home and in exile, as concerted state-backed attempts to destroy the Rohingya or drive them from their lands in Rakhine State.” (Cowley & Zarni, 2014)

Secondly, the international community failed to fulfil its subsidiary responsibility to protect when they remained passive witnesses of the 200,000 Rohingya who fled their country, leaving behind all of their belongings, which had been burned in a man-made wildfire. At this point, with Rohingyas political, labour, reproductive and several other rights being widely violated by the state of Myanmar, international intervention would have been justifiable under the premise of article III of the Genocide convention. This article not only includes the crime of genocide itself, but also attempt, complicity, conspiracy and incitement to commit genocide (UN General Assembly, 1948). Although R2P cannot be used as a generic call for any case of defence of civilian human rights, it is in fact meant to address “violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing”, such as the genocidal treatment that Rohingyas were suffering from the Myanmar government (UN Security Council, 2012). However, national interests and the principle of non-interference in domestic affairs prevailed in this instance. Not ASEAN, nor the UN, nor any third state party interfered with the actions carried out by the government of the country. There was no action taken even when Buddhist IDPs were allowed to return to their homes after the revolts calmed down and the fire ended, as opposed to Rohingya IDPs, who were not allowed to return to their villages, even if just to rebuild them (Cowley & Zarni, 2014).

After the attacks of June 2012, attacks calmed down but the sentiment remained present and conflict could break out at any moment. It was inevitable that a second wave of violence would arrive like it did in October of that same year. On the 22nd and 23rd October, groups of Rakhine descended to Rohingya villages in the areas of Mrauk U and Mibya and set fire to the houses, like they had previously done in Nasi quarter three months prior (Wade, 2017, pp. 111-112). Rohingya once again became migrants within and without their country. After the attacks of June and October combined, over 300,000 Rohingya were forced to leave their homes – “approximately 200,000 Rohingya fled to Bangladesh, and another 120,000 ended up in internally displaced persons (IDP) camps

in Rakhine State after rioting erupted” (Martin, 2017). It must be noted that despite Rohingya IDPs being prevented to return to the Rakhine State, Rohingya refugees in Bangladesh were indeed repatriated after the revolts.

4.2 The Second Wave of Violence: 2013

Following the attacks, the stage of symbolisation – second stage of genocide – intensified and it became clear that preparation had already started – eighth stage of genocide. As mentioned in the theoretical framework, stages of genocide are not exclusive and can take place simultaneously. Stages are *activated* in order, but they do not necessarily remain active for the entire duration of the genocide. Once they have been *activated*, they can be *turned on and off* as the crimes take place. This was done through the use of the numbers 786 and 969, both carrying a heavy religious significance. Muslims in Rakhine were used to identifying *halal* places with 786 stickers; however, Rakhine Buddhists turned this symbol into a weapon of discrimination and segregation. Arguably, this distinctive does perform the function that the David star did in the Holocaust. Nonetheless, 786 is a distinctive that was already in use amongst Muslims and was not imposed on them; on the contrary, until Buddhists changed its meaning, Muslims would proudly display the number to mark the places where their tradition prevailed. Additionally, several monks – some already influential and some would become so – started the Buddhist extremist 969 Movement, led by prominent U Wirathu. The movement weaponized the significance of the number 969 in the Buddhist faith to counter the Muslim 786. Followers of this movement would plant 969 stickers on stores owned by Buddhists so that others would know where they were allowed to trade and who they could fraternise with. In fact, the number and the movement became so popular that one could buy all sorts of 969 merchandising (Palatino, 2013). Nevertheless, the meaning of these symbols is not conflictive or violent in their original conception. On the one hand, 786 refers to a phrase from the Quran “In the name of Allah, Most Gracious, Most Merciful” (Quran 1:1). On the other hand, 969 is a symbol for peace, signifying “Buddhist tradition in which the Three Jewels (*Tiratana*) are made up of 24 attributes: nine special attributes of the Lord Buddha, six core Buddhist teachings, and the nine attributes of monkhood” (Palatino, 2013).

U Wirathu is one of the most prominent Buddhist monks in Myanmar. He has a history with Islamophobia; Wirathu was de-robed and incarcerated for eight years by the Military

Junta in October 2003 for violence against Muslims, an act that goes directly against monks' swear of doctrinal commitment to non-violence. He has also referred to himself as the "Burmese bin Laden" and acknowledged mosques as "enemy bases" (Marshall, 2013). As a prominent figure amongst the 969 Movement, he is one of the main instigators of segregation and dehumanisation of Rohingyas as well as one of the main instigator of the events that unravelled in March of 2013. On the 19th, a Muslim jewellery was attacked for allegedly selling a fake hairpin to a Buddhist couple. Muslims claimed that the hairpin was real and they were targeted beforehand based on the 786 and 969 stickers. Regardless of the truth of the story, the following day, a Buddhist monk was beaten up by a group of Rohingya in retaliation. On the 21st, chaos broke out and heavy violence and conflicts took place. Once again, villages were burnt and many civilians became casualties of an unnecessary war. Furthermore, monks were included amongst the attackers this time, as opposed to previous ethno-religious conflicts in the past, including the first wave of violence in 2012. On the 22nd March 2013, the state of emergency was again called by the government of Thein Sein, although hundreds of buildings had already been burned to the ground (Wade, 2017, pp. 140-143).

Once again, the international community failed to address the ethno-religious conflict taking place in Myanmar, which was starting to gravely affect third countries due to the mass waves of refugees fleeing Myanmar. Refugees were mostly bound to Bangladesh at the time, although Malaysia has become a very popular destination amongst Rohingya refugees in more recent times. Granting that Malaysia offers a better future prospect, the journey by sea undeniably poses many challenges. Many of the refugee boats that sail to Malaysia today do not make it safely and, due to the poor conditions of the boats and the lack of resources for the journey, many Rohingyas die at sea. Those who survive have to face Thai mafias, who ask for an additional payment to the families of those Rohingya intercepted. If the payment is made, the refugees will have a chance to cross the border to Malaysia. Nonetheless, those intercepted refugees whose families have no resources to make a second payment will be sold as slaves in the case of men and male children, or as sexual workers in the case of women and female children (Grudgings & Szep, 2017).

In June 2013, the 969 Movement gained support from the government and was declared a "symbol of peace" by the government and U Wirathu was named "son of Buddha", an act instigated by Myanmar's Muslim population. Sann Sint, minister of religious affairs of Myanmar, even told Reuters in an interview that "Wirathu's sermons are about

promoting love and understanding between religions [...] It is impossible he is inciting religious violence” (Marshall, 2013). A month later, many of the members of 969 created a new anti-Muslim group – Ma Ba Tha. In August of that same year, 969 Movement was declared illegal for instigation of violence against a religious group and were no longer considered representative of Buddhism. Throughout this whole process, the NLD refused to speak up in relation to anti-Muslim terrorist groups. As aforementioned, Rohingya are a sensitive topic in the country and a breaking point in politics. Any party who would speak against anti-Muslim violence would be considered a Muslim sympathiser by Buddhist extremists, which would mean losing a significant portion of their electorate. This factor explains the inaction of the NLD regarding anti-Muslim violence, segregation and marginalisation.

4.2.1 Hostility towards Foreign Intervention in Myanmar

While the ascension and doom of 969 was taking place, the UN was finding difficulties with his Special Rapporteur Tomás Ojea Quintana. He was taken by his Myanmar crew to selected areas outside of conflict zones. Although he knew that there was a heavy conflict unfolding in the country, he had no access to these areas and, therefore, he was unable to gather evidence of the violence and its aftermath. Nonetheless, he did include minority segregation and marginalisation in his report, assessing that:

“[67. T]he rule of law cannot yet be said to exist in Myanmar. In that regard, tackling the impunity and systematic discrimination in Rakhine State represents a particular challenge which, if left unaddressed, could jeopardize the entire reform process. [...]

69. A critical step will be to secure ceasefire and political agreements with ethnic minority groups, so that Myanmar can finally transform itself into a peaceful multi-ethnic and multi-religious society.” (Quintana, 2014)

Quintana, similarly to others who travel to the country to assist Rohingyas, became infamous amongst Buddhist population for allegedly *giving preferential treatment to Rohingya in the conflict*. Generally, Buddhists feel – even nowadays – wronged by the international community who, in their opinion, have an *unjustifiable tendency* to favour the Rohingya in this ethno-religious conflict. What these Buddhists misinterpret for a favouring of one party to the conflict is, actually, international assistance to a damaged group that is suffering systematic attacks and violations of their rights.

In fact, the international community was actually being lenient with the government of Myanmar in a situation where they had telling evidence to accuse the country of genocide and call for intervention. After all, the notion of sovereignty as responsibility – applicable to the situation of ethnic minorities in Myanmar – is essential for both, R2P and human security. The concept was born from the “recognition that the primary responsibility for protecting and assisting IDPs lay with the host government” (Beeson & Bellamy, 2010). Precisely, Rohingya IDPs are the ones not allowed to return to Rakhine.

“The proliferation of internally displaced persons camps in Rakhine state (also known as Arakan) and sealed-off ghettos within urban areas may constitute genocide by isolation, starvation, and deprivation of the necessities of life if done with the intent to destroy the group. Historically, not all genocides have been committed solely through mass killing, and if the Rohingya continue to be systematically purged from towns, villages, and cities throughout Rakhine and Burma in general, and if the IDP camps continue to be deprived of aid, the intent of genocide will appear more certain.” (Kalmats, Kiersons, Mediratta, & Stein, 2013)

In line with this victimhood, the Myanmar government decided to plead the Buddhist case in March 2014, when they cut access to healthcare for Rohingyas. International response did not take long, and soon there were international teams providing healthcare to Rohingyas. Accordingly to their health rights, aid was not extended to the entire population of the Rakhine state, which angered Rakhines. As a response, Buddhists organised a raiding of NGO camps for food and medicines and forced landlords to cut ties with these organisations. They were banned from renting their lands to international aid teams. In an attempt to achieve a peaceful environment to carry out their duty, NGOs agreed to a 50-50 division of the resources available, giving up on a needs-based share and erasing the inequality of opportunities of both groups. Consequently, these organisations disrespected the “fundamental principle of the international humanitarian system – that aid goes where it is most needed” in favour of being able to bring Rohingyas any aid at all (Wade, 2017, p. 211).

4.3 Escalation of anti-Muslim Sentiment: 2014-2016

In 2014, a new census was made in preparation for the elections that would be held the following year. Rohingyas were once again ignored as an ethnicity and marginalised from

the political life of the country. The strategy to isolate the race from the rest of the population was based around the Buddhist belief that these individuals are descendants of Bengali immigrants and do not belong in the country. Therefore, when the time came to sign up for the census, Rohingyas were faced with a choice: they could either turn their back on the decades-long fight for recognition of their group or they could reject being classified as Bengalis and indefinitely remain in the limbo of statelessness. By doing this, Rohingyas are being denied of a nation, a home, and the acceptance of their Myanmar people. They are dehumanised and conceptualised as belonging to no one and nowhere. As a result of their imposed statelessness, their rights are not recognised and their history is being forcibly erased and substituted by a new Buddhist narrative. Thus, “the stateless exist only in their physical form; every other claim to living is denied” (Wade, 2017, p. 216). In fact, by not being represented in the census, they were not only being denied of their political right to choose their government, but also from their right to run for a position in parliament. Rohingyas were marginalised from all spheres of politics, a situation that remains even to this day.

In December 2014, the government passed an abusive anti-Muslim four-law package known as Protection of Race and Religion Laws – promoted and written by Ma Ba Tha. The NLD voted against the proposal, but their rejection was not enough to stop the process. The majority party at the time, the USDP, voted for the laws in exchange for Ma Ba Tha support in the run for 2015 elections, which invalidated NLD efforts to avoid the new legislation. This package established discriminatory measures regarding marriage, religion and reproductive rights. These measures, although not directly related to Rohingyas, did give a hint of a certain ethno-religious bias. Namely, polygamy was criminalised, interfaith marriages involving Buddhists would be conditioned to public opinion in order to keep the faith bloodline *clean*, those seeking religious conversion would be forced to seek official approval and, lastly, reproductive rates would be a local issue. Thus, local governments would be the ones in charge of judging the size of the population of their regions and regulate births accordingly (Wade, 2017, pp. 170-173). At first, this last measure would not seem particularly aimed at Rohingyas, although there is the Myanmar belief that Muslims reproduce at an alarming rate with the aim to overpopulate Buddhists, which, as already mentioned, leads to a fear of the safety of Buddhists in the country. Just like this, “monks and their legions of followers began to preach the same message of national unity – or ethno-religious uniformity – that their

jailers of old had done” (Wade, 2017, p. 16). Through this package, Ma Ba Tha morphed from being an anti-Muslim insurgent group to becoming a nationwide influencer of politics and a local legislator.

4.3.1 Religion, Politics, Ma Ba Tha and Elections

In 2015, the first internationally recognised free elections in Myanmar took place. As usual, Islam was at the centre of Buddhist concern and remained a sensitive topic in Myanmar politics. Hence why the NLD did not include any Muslim candidates in their lists and, accordingly, neither did the UNDP. Not only did Muslims not get any political representation for the elections, but Rohingyas had their *white cards* removed, thus being disenfranchised by the same party that recognised their right to vote five years before. The aim was to gain votes from Buddhists supporters of NLD, which were more important than Rohingya this time around. It is of paramount relevance to be reminded that religion is highly mixed with politics in Myanmar and Rohingyas are often used as a campaigning tool. To be reminded, the USDP only enfranchised Rohingyas for the 2010 elections because they were aware that the vote of many of their Buddhist supporters would go to the NLD. Therefore, Rohingyas were given the right to vote not because their rights were being protected by the state, but because they served as a new, unexplored cleavage to gain the support of.

On the other hand, when asked about their lack of Muslim representation in the NLD lists, some members of the party admitted that it was purely a matter of likeliness of vote and propaganda. The National League for Democracy was trying to avoid being stigmatised as a pro-Muslim party by choosing to deny representation to a portion of the population of the country. In the words of U Win Htein "if we choose Muslim candidates, Ma Ba Tha points their fingers at us so we have to avoid it [...] we don't want to sell the bullet to Ma Ba Tha" (Fisher, 2015 & Wade, 2017). His party is nowadays running Myanmar pressured by the monks and doing everything they can to counter the suggestion that they are a "pro-Muslim" party. Indeed, their efforts to gain the trust of Buddhist voters were not in vain and in November the NLD won 86% of the seats in the 2015 elections, save for the constitutional 25% permanently reserved for the military. Out of the 30 million citizens allowed to vote in Myanmar, 80% exerted their right (Open Development, 2017). After their victory, the NLD created a new position for Aung San Suu Kyi in an effort to get around the prohibition for national leaders to have foreign relatives, which was

enshrined in the 2008 military constitution. Both, Aung San Suu Kyi's children and late husband held British citizenship. Thus, Suu Kyi was named State Counsellor in April 2016 instead, a tailor-made title that appointed her as Head of State of Myanmar.

After the NLD came into power, the international community celebrated that democracy had *finally arrived* to Myanmar. Nevertheless, ethnic minorities have continued to struggle for the recognition of their citizenship up to this day. Rohingya have continued to suffer violations of their health, reproductive, movement, food and trade rights. "Of the 52 women Human Rights Watch interviewed, only two knew what a condom was, and only one had received prenatal care when she was pregnant" (Fortify Rights & Human Rights Watch, 2018). There are endless stories spreading like wildfire through IDP camps of Rohingya who are taken to the hospitals and never come back. These stories often involve pregnant women who go into labour and are taken to the hospital, where neither the women nor the newborns return to their families. Hence why many Rohingya women prefer to give birth in the camps. These women are aware that they are risking their life and their baby's, but they also know that there remains a chance for survival that is taken away from those who are taken to hospitals. These testimonies were gathered in 2017 by Human Rights Watch from women who had suffered these horrors first-hand:

"One 40-year-old woman from Maungdaw township told Human Rights Watch that she knew of two neighbors who had died during childbirth after soldiers guarding her village would not allow them to leave the village to get medical help. Another woman, also from a village in Maungdaw township, said that her cousin died 'on the road' because soldiers at a checkpoint refused to allow her to travel to a hospital. In a third example, highlighting restraints on Rohingya prior to the late 2017 'clearance operations,' a woman from Buthidaung township said her sister died in childbirth around May 2017: 'My sister Mumena died giving birth... We had to wait to get money for a bribe. We needed to get money by phone from outside and then get cash and then go bribe the military. Then we knew we would need to bribe the nurse too. But she died before we got the money.'" (Fortify Rights & Human Rights Watch, 2018)

In 2016, the NLD let the UN know that the Protection of Race and Religion Laws passed in 2014 would not be revoked. As feared by national minorities and international observers alike, the change of party in the government did not extend to a change in

policies. At the end of the day, politics were now controlled by religion regardless of the party in power. Myanmar Buddhists had been liberated from the Junta but for minorities the danger remained. After the elections, it became clear that “the principal source of danger no longer came chiefly from the men in green uniform, but from the men in their saffron robes who appeared bent on engineering a shift to a religiously uniform state” (Wade, 2017, p. 257).

4.3.2 Confirmation of the Last Stages of Genocide

At this point, the ninth stage of genocide – extermination – was gaining strength. Those Rohingyas taken to the few hospitals authorised for them either took too long to get the medical attention they needed and arrived dead, or were taken to a hospital to never be seen again. Although it was difficult to access IDP ghettos or to gather evidence, it was obvious that Rohingyas were being killed *en masse*. Furthermore, although the genocide has not officially reached the tenth stage according to Genocide Watch, Aung San Suu Kyi has repeatedly denied the existence of a genocide or an ethnic cleansing in Myanmar. Arguably, Myanmar might not have ticked all the boxes to be classified to have reached the stage of denial, but they sure are on their way to do so.

After the attacks of 2013, the bodies of massacred Rohingyas were burnt in the streets; Buddhists are repopulating traditionally Rohingya settlements while they are being sent away to IDP camps; Journalists are denouncing rape and murdering of Rohingya individuals in these camps by troops (Wade, 2017). Additionally, UN Special Rapporteur Tomás Quintana was blinded by its local crew in an attempt to avoid any negative remarks on his report to the UNGA Human Rights Council. Aung San Suu Kyi denied entry in 2017 to a fact-finding mission appointed by the UN to gather data on “alleged human rights violations in Rakhine State” (Martin, 2017). The government rejects international humanitarian aid efforts and local *guerrilla-like* groups raid humanitarian camps and demand an equal share of international benefits with Rohingya as a form of denial of their disadvantage. While Rohingya envy Buddhist privilege within the country, Myanmar Buddhists resent Rohingya favour internationally.

Furthermore, when justifying intervention through R2P, there is *no need* to continue to argue the existence of an overlooked genocide in Myanmar after 2016. On this year, the UN denounced the perpetration of crimes against humanity against Rohingya. As established in the World Summit of 2005, this is one of the four major crimes which are

included under the principle of responsibility to protect along with ethnic cleansing, genocide and war crimes. This was the first time Myanmar was being publicly condemned by the UN for one of these crimes. However, words once again did not turn into actions and the international community remained passive to the brutalities taking place in the country.

In October of 2016, the Arakan Rohingya Salvation Army (ARSA) was officially created after carrying out an attack against three police posts and managed to kill nine police officers. This attack caused for a new 87,000 Rohingya refugees fleeing to Myanmar to avoid the clearance operations being carried out by the Tatmadaw (official military forces of Myanmar) after the attack (Martin, 2017). Although short-lived, the group holds authorship for the 2017 attack that initiated the greatest refugee crisis in the history of Rohingya Muslims. From the beginning, it was clear that there were two branches, one peaceful and another more conflictual. This second group called on Rohingyas worldwide to “get ready for jihad” (Wade, 2017, p. 263). This summoning for a global jihad is nothing new; however, Rohingyas did not answer the call. As mentioned before, Rohingya did not look for direct confrontation with Myanmar authorities; the aim merely was – and still is – to be acknowledged by their government.

4.4 The Ultimate Wave of Migration – 2017

The year 2017 marked a milestone in the history of the conflict. Both groups, ARSA and Ma Ba Tha were declared illegal. Ma Ba Tha would change their name to Buddha Dhamma Charity Foundation in 2018 in an attempt to stay alive like they did with 969 Movement, but the strategy did not work (Moe, 2018). This same year, in an effort to educate schoolchildren on human rights, a two-month course was added to the curriculum and imparted in six *guinea pig* schools of Yangon. When interviewed, one of the instructors of the programme, U Aung Myo Kyaw, said about the initiative:

“We aim to acknowledge respect for each other’s human rights and fundamental freedoms for the students. [...] We found out that even the teachers didn’t clearly know what human rights were. They were also actively interested in programme, and they asked for a CD and training assistance for further teaching in the classes. [...] Some requested that we talk about responsibilities as well in the topics. We are glad to get this chance as a discussion for promoting human rights.” (Aung Myo Kyaw qtd. in Aung T. T., 2017)

However, the real outbreak of violence took place on the 25th August 2017, when a group of ARSA members attacked 30 police posts, leaving 12 police officers and 59 insurgents dead (Wa Lone, 2017). Retaliation from the Tatmadaw to this attack was brutal and violence broke out throughout the country. The attack was followed by a counter-insurgency campaign that illegalised the group and declared them a “terrorist group”, alleging that its members have been trained abroad and were led by a Rohingya group hiding in Saudi Arabia – a theory first enunciated by the International Crisis Group in its 2016 report *Myanmar: A New Muslim Insurgency in Rakhine State* (Edroos, 2017).

The attack followed a report released by Kofi Annan the day before, on the 24th August, in which it was recommended that the Citizenship Act of 1982 be revoked as soon as possible and ethnic minorities finally be recognised their rights (Martin, 2017). The attacks of August 2017 were a desperate cry provoked by the words of Kofi Annan and directed to the international community. The state of Myanmar had changed its government but not its measures. In the eyes of ARSA, if the government was going to maintain their reign of terror over minorities, then they would have to make their voices heard themselves.

“‘If the sovereign threatened the individual with death’ or ‘could no longer fulfil the function for which he or she is given power,’ in this situation, wrote Hobbes, sovereign power ‘is no longer owed obedience, is no longer indeed a sovereign’” (Hobbes qtd. in Beeson & Bellamy, 2010)

ARSA members knew that the world was aware of their situation and took Annan’s words as an indicator of their support. However, the aftermath of the attack left striking figures for Rohingya and no intervention on the part of third countries. The only action taken by international actors was, as per usual regarding Rohingyas, a verbal scolding to Myanmar. In 2017, while the Rohingya genocide had already reached the last stages of genocide, the UN classified their suffering as ethnic cleansing. The news did not come as a shock given that, back in 2013, Human Rights Watch had already warned of ethnic cleansing of Rohingya. Furthermore, even if the UN seemed to be taking too long to classify these atrocities as a genocide, ethnic cleansing is also a crime regarded by R2P for intervention. By now, Myanmar had been accused of two out of these four *capital crimes*. Nonetheless, no action was taken against them, although this time the UNSC did call Myanmar out on the brutality of the Tatmadaw towards Rohingya.

According to data, during the first month of the attacks, an estimated 6,700 Rohingyas were reportedly killed; after the attacks, 120,000 Rohingya IDPs were transferred to camps spread throughout Myanmar (MacDonald, 2018). Simultaneously, 700,000 Rohingyas fled to Bangladesh seeking refuge. Most of them migrated to Cox Bazar, where the biggest Rohingya refugee camp is located. There, “refugees have access to the basics, such as food and health care, but they are still extremely vulnerable, living in highly challenging circumstances, exposed to the monsoon elements and dependent on aid” (OCHA, 2019). Cox Bazar is a swamp area and refugee housing is not very robust, a situation that makes monsoons a deathly threat for Rohingyas crammed into these camps. At this point in time, around one million Rohingya had been ghettoized. Living conditions there are subhuman, there is barely any space to lie down, there is not enough resources for all, healthcare is not ideal and available housing is made out of rubbish instead of actual construction material. Although not explicitly nor intentionally, living in ghettos in the long-term degenerates into the dehumanisation of the self. Additionally, there is no interaction with outsiders; refugees and IDPs are kept in a made-up contention camp that is against their right of free movement. The subjection to “physical segregation fuels a process of mental segregation that, overtime, lessens the potential for wounds to heal” (Wade, 2017, p. 206).

Bangladesh, as a neighbour of Myanmar and due to historical ties with the country, is the main receiver of Rohingya refugees. When given their ethnic *Bengali tag* in 1982, Rohingya suddenly became Bangladeshi immigrants in the eyes of Myanmar Buddhists. The number of Rohingya refugees in Bangladesh is so large that it was classified as “the world's largest refugee camp” by the US’s Deputy Ambassador to the UN (Nichols, 2019). According to the UNHCR, the attacks corresponded an increase by 664% of the refugees coming into the country during the period between 25th August 2017 and 31st December 2017 as compared to the number of refugees coming into the country between 9th October 2016 and 24th August 2017 (UNHCR, 2019). This unbearable influx of population unbalanced Bangladesh in the social, economic and environmental context. The response of the Bangladeshi government, not used to planning in advance for refugee waves even though they are frequent, was to cram these individuals into unsanitary ghettos. This situation pushed some Rohingyas to try to escape the camps in Bangladesh to flee to Malaysia by boat as illegal immigrants. Those runaways who decide to take this

journey face the danger of being trafficked and smuggled either while trying to escape the camps or during their boat journey.

“Bangladesh is primarily a source and, to a lesser extent, a transit and destination country for men, women, and children subjected to forced labour and sex trafficking [...] Bangladesh is host to an estimated 32,000 registered Rohingya refugees and up to 500,000 undocumented Rohingya, whose stateless status and inability to receive aid and work legally increases their vulnerability to human trafficking [...] Rohingya and Bangladeshi migrants who travel by boat to Southeast Asian countries are subject to exploitation when they are unable to pay ransoms and are instead sold into forced labour.” (MacDonald, 2018)

Some Muslim majority countries within ASEAN have denounced Myanmar’s mistreatment of Rohingyas. The most vocal advocates in this context have been Indonesia and Malaysia. Indonesia has remained strong in its position against the discrimination of Muslims, but has also repeatedly rejected foreign intervention. Their view remains that the situation of Rohingyas is a regional issue and should be dealt as such, while also respecting the principle of non-interference – one of the main pillars of ASEAN. Indonesia has been praised for opening its borders to Rohingya refugees rescued at sea. Withal, refugees in Indonesia are placed in camps, where their liberties are highly restricted. The covering of their basic needs fully depends on the authorities watching for their safety, who also make sure that they do not run away from their confinement (Fortify Rights, 2016).

As a growingly prominent destination for refugees, Malaysia has been more outspoken on the need for action. As noted, the country has been one of the few in the region that has denounced the treatment that Rohingyas receive in Myanmar. Najib Razak, Prime Minister of Malaysia, said in 2016 that “the world cannot sit by and watch genocide taking place” (Associated Press, 2016). They petitioned for the Islamic Cooperation Organisation (ICO) to hold a meeting expressly to treat the situation of Rohingyas in 2017. They have also tirelessly rallied for ASEAN to coordinate humanitarian aid packages and field investigations to analyse the real situation of Rohingyas (Shivakoti, 2017). Malaysia has been one of the main allies that Rohingyas have found within ASEAN. Generally, most of its members have ignored the genocide taking place and respected the principle of non-interference.

On the other hand, Thailand has remained mostly quiet in the context of ASEAN in relation to the Rohingya crisis. The country has received some refugees although most of the Rohingya in the territory are a product of the works of Thai pirates. These pirates intercept Rohingya boats lost at sea with the intent to use them for human trafficking and smuggling. Those who cannot pay the ransom are sold as sex workers or labour slaves. On the contrary, those who do pay the amount that pirates are asking of them are either sent to Malaysia to cross the border by foot or taken to immigrant detention centres (IDCs) in Thailand. The country has been called out for random detention of refugees and reminded by the organisation Fortify Rights that “international law forbids arbitrary, unlawful, or indefinite detention, including of non-nationals” (Fortify Rights, 2016). Reportedly, the organisation alleges that Rohingyas in Thai IDCs do not have coverage of their basic needs and many of them remain detained in the country against their will.

4.5 Official Recognition of the Rohingya Genocide: 2018

On the 27th of August 2018, the Rohingya genocide was finally recognised by the United Nations. The havoc of August 2017 was key to this declaration. The UN launched an investigation to assess the humanitarian crisis generated in the aftermath of the attacks. Once the research had concluded, the experts affirmed that “the crimes committed [by the Tatmadaw against Rohingya] include murder, rape, torture, sexual slavery, persecution and enslavement” (UNHCR, 2018). Undeniably, the UN process is undeniably slow and has proven to be faulty. However, in an international context in which many sensitivities might be hurt, it is understandable that every step must be carefully studied and calculated. Nonetheless, there is much room for improvement in a world in which there is a need for a million individuals to flee their country in order to seriously study a situation of mass human rights violations. And, even after gathering the evidence, there is still no sign of a plan of action to improve the situation of these refugees.

Currently, there are talks underway for repatriation of Rohingya refugees, but the parties involved have proved themselves unable to reach an agreement. On the one hand, Myanmar-Bangladesh relations have never been ideal, which makes negotiation for repatriation of Rohingyas that much harder. Especially so when taking into account the fact that Myanmar Buddhists consider Rohingyas to be Bengalis and, therefore, Bangladeshis. Rohingyas, on their part, refuse to go back to Myanmar until their citizenship and ethnicity are recognised. They refuse to go back to a country where their

rights are systematically violated and their lives are constantly put in danger. On the other hand, the repatriation system suggested by Myanmar includes 2011 repatriation laws, which demand that the individual must provide valid proof of Myanmar citizenship prior to becoming a refugee. In these terms, virtually no Rohingyas would be able to go back to the country given their stateless situation. Thus, the repatriation date continues to be delayed and will likely continue to do so as the negotiations take place. As must be noted, repatriation is a voluntary process and, if forced upon an individual, it would be illegal. For the near future, it is likely that Bangladesh remains the main destination and location of Rohingya refugees.

International observers have divided opinions on what should be done next and, more importantly, the permanent members of the UNSC do not seem to come to an agreement on what should be done next. As told by Reuters in their publication *Bangladesh tells UN Security Council it cannot take more Myanmar refugees* in March 2019, there is a classic East-West divide in the Council. On the one hand, the British Ambassador to the UN Karen Pierce regrets the lack of efficient efforts on the side of the Myanmar government, saying: “we're very disappointed [...] that there hasn't been more progress on getting the refugees back, and that obviously includes creating the conditions where the refugees feel able to go back” (Nichols, 2019). On his part, Deputy US Ambassador to the UN Jonathan Cohen agreed with his British colleague and added that “the international community cannot ignore the world's largest refugee camp”, referring to Bangladesh, particularly in the area of Cox's Bazar (Nichols, 2019).

On the other hand, China's Deputy UN Ambassador Wu Haitao reaffirmed his position that the crisis is a bilateral affair “and as such, it is up to the two countries to work out a solution” (Nichols, 2019). On his part, Russia's Deputy UN Ambassador Dmitry Polyanskiy agreed with Wu Haitao, as often seen in UNSC meetings. These disagreements and divisions amongst the permanent members of the Council explain the lack of response to the atrocities lived not only in Myanmar, but worldwide. It is not new nor too surprising that, even when intervention was guaranteed on the basis of international law and international humanitarian law, there was no action taken. For as long as veto power remains, there will be injustice unpunished.

It is compelling that the recognition of the Rohingya genocide was very close in time to ASEAN's statement on the 24th August calling for the members of the UNSC to “refer

the situation in Myanmar to the International Criminal Court (ICC). Since Myanmar is not a signatory to the Rome Statute, the ICC does not have jurisdiction in the country and only the UNSC can trigger an investigation by the Court” (ASEAN Parliamentarians for Human Rights, 2018). The investigation carried out by the UN had been undergoing for a year, so it cannot be said for certain that ASEAN’s statement was the spark that lit the fire, but it surely did help UNSC member states to make a quicker decision on what should be done next. In fact, it was even included in a paragraph contained in the final report handed to the UN Human Rights Council:

“The Mission called for the situation in Myanmar to be referred to the international criminal court and that, of course, is the task of the Security Council to undertake. And so, the message to the Security Council is of course, ‘Refer Myanmar to the [International Criminal Court]’” (UNHCR, 2018).

The *Report of the independent international fact-finding mission on Myanmar* released on the 12th September 2018 by the UNGA Human Rights Council found that the inquiry commissions set by the government have not met the standards of an “impartial, independent, effective and thorough human rights investigation”. Additionally, the Tatmadaw was proved to be benefiting from impunity for their heinous actions. In fact, it is mentioned that those members of the forces who are trialled answer to a military court, in a process that lacks transparency. These rare cases that do get to a court hearing result in the impunity of the defendant, leaving no room for accountability of their actions. In this regard, the report suggests that

“Accountability would require an overhaul of the entire national justice and security sectors. The mission has concluded on reasonable grounds that the Government’s recently-created commission of inquiry will not and cannot provide a real avenue for accountability, even with some international involvement. The impetus for accountability must come from the international community.” (UNGA Human Rights Council, 2018)

Thus, with the conclusion of this investigation, the UNGA has acknowledged the need for intervention in the conflict, even if solely to ensure a fair trialling process that results in a just decision by the relevant Court. As of today, the Myanmar authorities have been found guilty of all four *capital crimes* composing R2P: crimes against humanity (2016), ethnic cleansing (2017), genocide (2018) and war crimes (2018).

5. Conclusion

This dissertation has proved its double hypothesis: firstly, the applicability of the responsibility to protect to the Rohingya genocide in Myanmar and, secondly, the neglect of the international community of its duty to fulfil the role of the state when it fails to protect its citizens.

Rohingya have not known citizenship since the time of British colonialism, and their acceptance into Myanmar society is not likely to be achieved in the near future. The group is likely to remain stateless until their situation is resolved and the terms for change within the country are agreed. There is a long road ahead for Rohingya, especially now that their situation has been acknowledged. Recognition of a genocide does not necessarily mean immediate intervention or immediate solutions. However, it does open a window for those who have had their voices silenced for so long and are finally being heard.

The idea of Buddhists as the violent party in a conflict is a strikingly contradicting concept, while the idea of the role played by Muslims tends to be that of the violent party nowadays. This might just be one of the reasons why the Rohingya genocide in Myanmar has been shut down by mainstream media. It is no secret that Rohingya have lacked the media coverage that the Syrian war or Daesh have received instead. The conflict poses a challenge to explain to the world that no religion is free from radicalisation. It poses a challenge to explain that Buddhism is not always as peaceful as it is often said. Fear of extinction of the Buddhist religion has driven Myanmar Buddhists to commit the most heinous of crimes.

Nevertheless, according to the Buddha, his teachings will one day vanish from the Earth, a time when total chaos would take over. It is only then that he will come again. There is a complex paradox conformed by the denial of the teachings of the Buddha on the disappearance of Buddhism through a radicalisation to preserve the religion. Following Myanmar monk's rhetoric, violence against Rohingya prevents the disappearance of Buddhism. Thus, violence against Rohingya prevents the coming of complete chaos to the world. Therefore, this violence is at the same time preventing a complete state of anarchic violence in which the concepts of good and evil are blurred. They are so in the same way in which a religion so preoccupied with maintaining the good and evil balance in the world has successfully carried out a genocide.

Religion has been the source of many conflicts throughout history, and the root of some of the worst atrocities known to humans: The Holocaust, the Balkans, Israel and Palestine, India and Pakistan and more recently Muslims in China, particularly Uyghur Turks, all have suffered from religious differences. Globalisation, though very positive in some aspects, has also installed pointlessly extreme preservation of tradition and nationalism in the hearts of many. “The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into conditions which, despite all appearances, are the conditions of savages” (Arendt, 1998). On the one hand, the acts on the part of the Buddhists are undoubtedly despicable and inhumane. On the other hand, Rohingyas have reciprocated this violence and, at times, have been the instigators of more violence, like it happened during the first wave in 2012. However, the lack of action on the part of the international community is disheartening. The passivity with which the Rohingya genocide has been mishandled is appalling.

The case of Rohingya has been deemed by international observers a textbook case of ethnic cleansing as well as a textbook case of R2P. The UNSC had very clear chances for the implementation of R2P after the conflict was officially considered a case of crimes against humanity (2016), of ethnic cleansing (2017) and of genocide and war crimes (2018). Possibly, international inaction was not due to the lack of initiative to step in, but rather to the predominance of the *responsibility to veto* over the responsibility to protect. Veto power is not ideal when intervention is required. National interests often times take up too much space in the contest for international presence in a region. In this case, China and Russia have posed the greater obstacles in intervention attempts. However, the UNSC has maintained an eerie radio silence policy on the topic, not even seriously attempting to vote on the issue.

In addition to the difficulty of the veto power in the UNSC for implementation of R2P, this principle majorly clashes with the principle of non-interference. The concept of R2P to which SEA has committed was born within an international community that did not prioritise non-interference at the time of its conception. At first, the idea of R2P had the potential to be considered an external intrusion in domestic or regional matters in certain areas of the world. Traditionally, external interference in domestic and regional matters by Western and colonial powers has posed a major threat to ASEAN’s pursuit of national strength and traditional security. As a result, R2P was at first considered a threat by most SEA region countries, although not by all. With time, the principle has grown to be more

accepted among the organisation. However, there remain some detractors to this measure within the walls of ASEAN, amongst which Myanmar is found.

Myanmar has rejected international aid in the past, even when unrelated to rights or governmental issues, like it happened with the humanitarian crisis that developed in the aftermath of Cyclone Nargis in 2008. Consequently, Myanmar has been even more reluctant to grant passage to international aid, media and organisations when related to the mistreatment of ethnic minorities in the country. As has been mentioned, Special UN Rapporteurs have been banned from entering the country and, those who have been allowed to carry out their observational tasks have been victims of trickery by their own crew. Aung San Su Kyi, along with other members of the present and past government, have shamelessly faced outside media and blatantly denied the reality of the genocide that is taking place in the country. Although the officially recognised stages of genocide that Rohingyas are undergoing are persecution (8) and extermination (9), there is a basis that supports the emergence of the stage of denial (10).

Nowadays, the major issue remains with the repatriation of the hundreds of thousands of Rohingya refugees crammed in refugee camps in Bangladesh. While Rohingyas refuse to go back to Myanmar unless their citizenship is granted, Myanmar upholds its 2011 repatriation law. Myanmar officials have repeatedly confirmed that the country is in perfect condition to repatriate those Rohingyas who would likely do so, but the UN insists on the lack of safe and secure conditions for the return of refugees. Meanwhile, the international community is attempting to mediate these talks. The task is proving to be challenging due, not only to Myanmar reluctance to allow international actor to get involved, but also to Chinese and Russian influence the UNSC. These countries pose a hindrance to the advancement towards a solution. In the future, the reticence of China to allow international intervention in Myanmar to prevent an anti-Muslim genocide should be carefully studied, given that a similar process is developing in the country in relation to Uyghur Turks.

With respect to Rohingyas, there is a long road ahead and it is likely that intervention will not go any further than it already has with the mediation of repatriation talks. In light of the failure of implementation of R2P in this case, the principle should undergo a revision to localise its weaknesses. International commitment to a principle, a law or a custom is meaningless if there is not a functional implementation mechanism designed for it. It is

constantly seen how treaties, agreements and accords are breached, watered down or straight-out ignored by signatories. Certainly, there is a need to regulate the international sphere, but there is also a need for these regulations to be effective and to conform an actual compromise to improve. It is pointless to create a treaty that will be signed by countries that already comply with it. The projection of international agreements is to force countries to be held accountable for their actions in the case that they are wrong. This is precisely why, regardless of the breach of the non-interference principle of the United Nations, R2P should have been approved by the UNSC and applied to the case of Rohingya in Myanmar. Instead, a regional crisis is burgeoning today.

National and strategic interests continue to get in the way of human security. The concept of security might be shifting from a state-centred approach to a human-centred approach, but the truth is that there is still a lot of work to be done. Countries are making this advancement at different speeds, and there is a need to level the transition in order to avoid a complete disconnection between the countries on one extreme and the other. Evolution on the concept of security needs to be coordinated in order to aid those countries still focused on a realistic approach to make the shift towards a more cosmopolitan and humanitarian one. However ideal, it is unrealistic and unlikely that this change will take place in the short or medium-term. Hence, for the time being, international observers are in charge of expanding the concept and culture of human security to those regions where it has still not flourished. In this effort, R2P offers a ripe tool for consecution of this objective, but only if applied as it should be.

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Annex



Image 3: Leader of 969 Movement and Ma Ba Tha, monk U Wirathu (a.k.a. Ashin Wirathu). Cover of July, 2013 *Times* magazine in which he was deemed “Buddhist Bin Laden” (Dean, 2013).

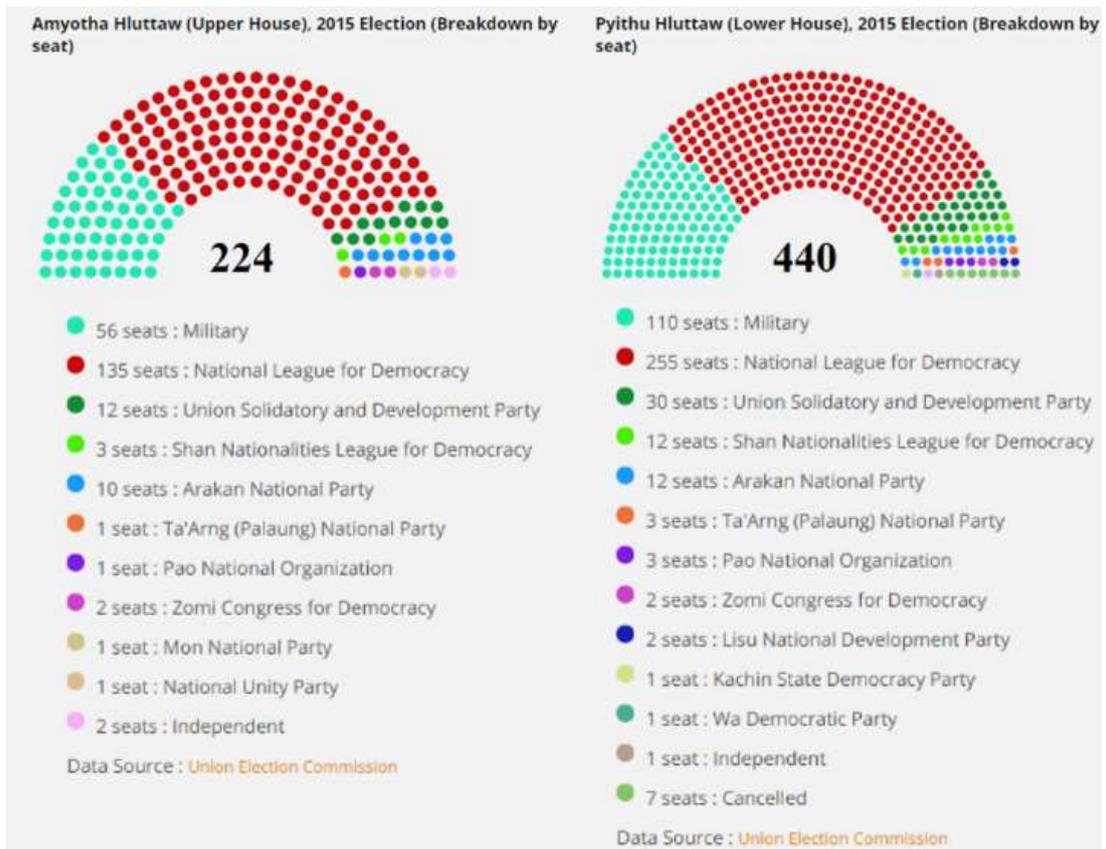


Image 4: Government of Myanmar after the 2015 elections (Open Development, 2015).

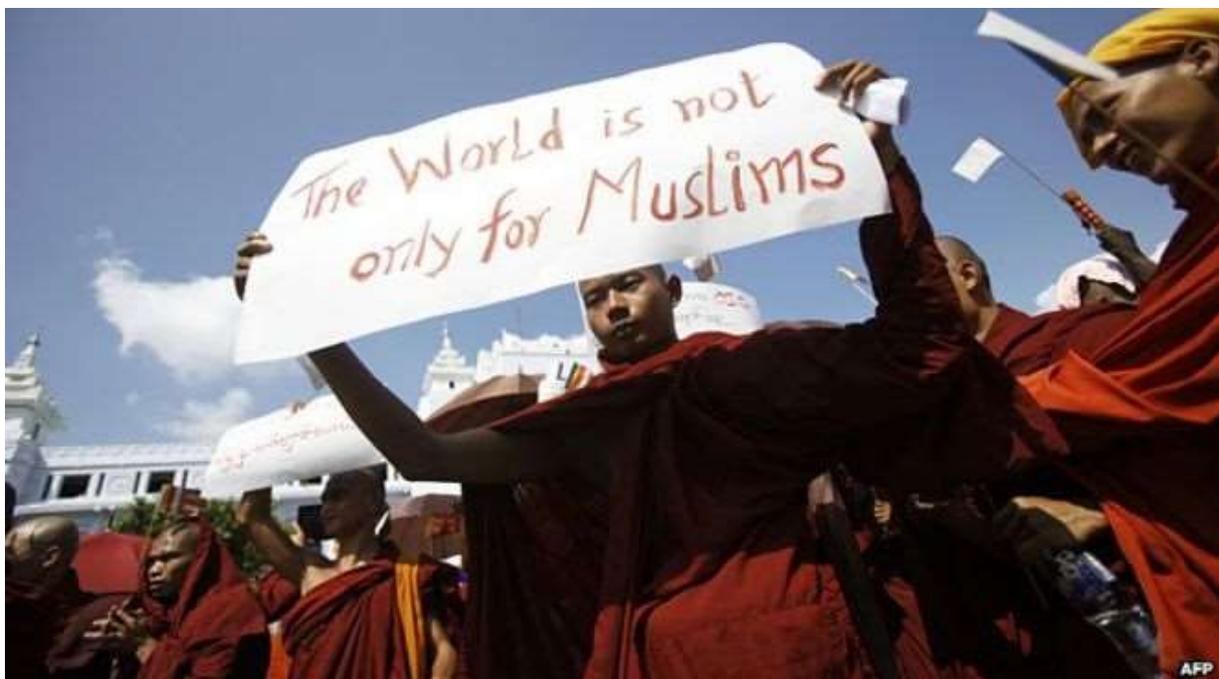


Image 5: Buddhist monks rallying against Myanmar Muslims and the spread of Islam in the country (Cardoso, 2018).



Image 6: Myanmar Buddhists protesting against Muslims in the country and denying their belonging to Myanmar. The *imperial* theory is supported in the banner at the front. In the banner at the back, Rohingyas, although not mentioned, are being blamed for the violence happening. The message aims to install fear in other citizens so they join the fight against Myanmar Muslims (Cardoso, 2018).

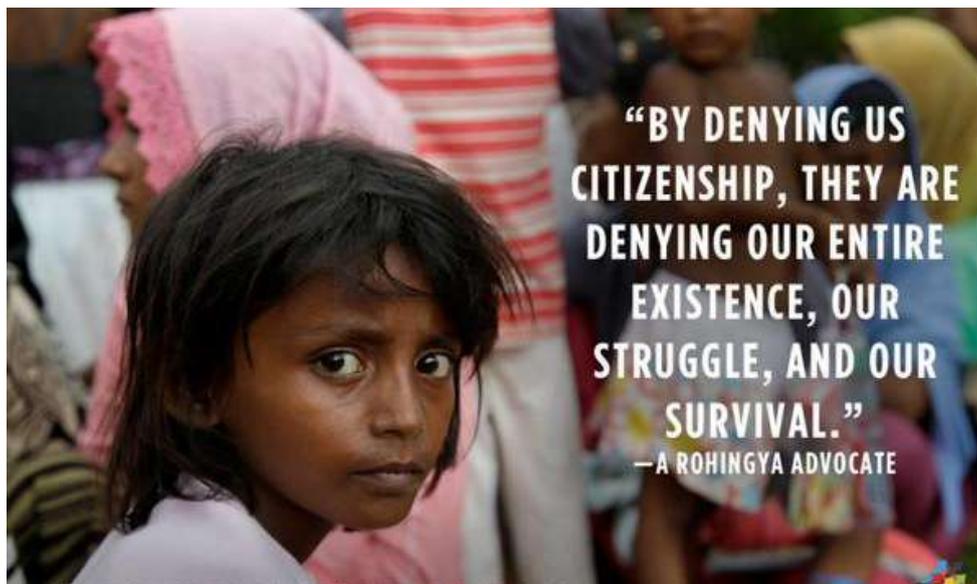


Image 7: Quote referring to the struggle for rights and citizenship of the Rohingya people and the dehumanisation that comes with it (Simon-Skjodt Center for the Prevention, 2015).

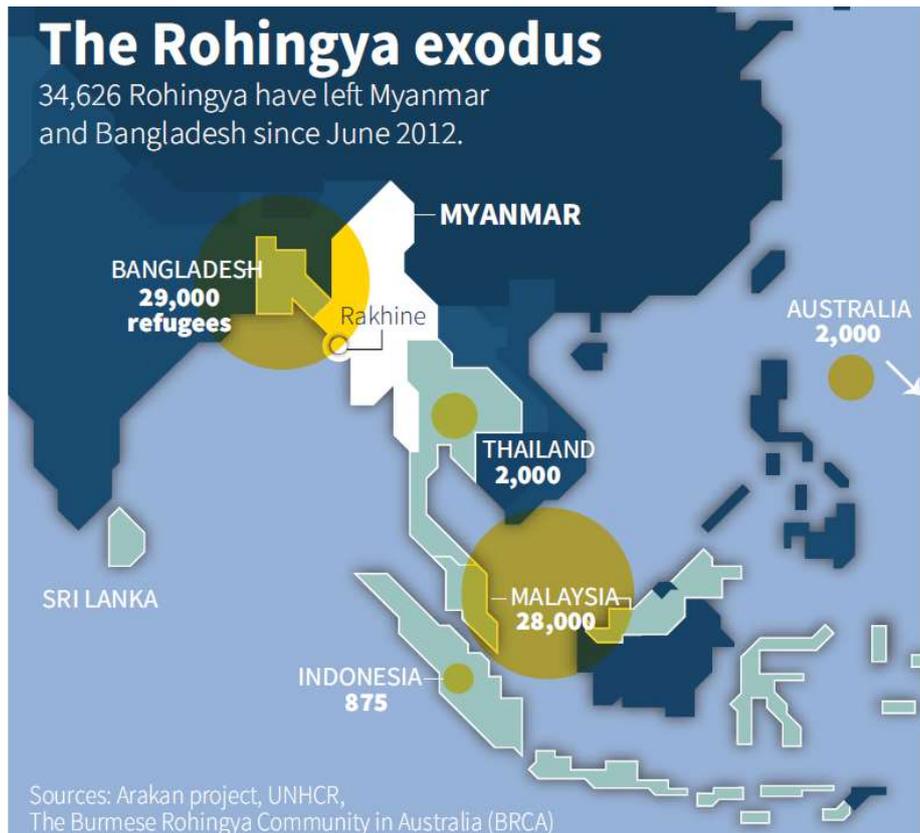


Image 8: Rohingya refugees that have fled Myanmar in the period after the first wave of violence in 2012 and before the 25th August 2017 attacks (Grudgings & Szep, 2017).

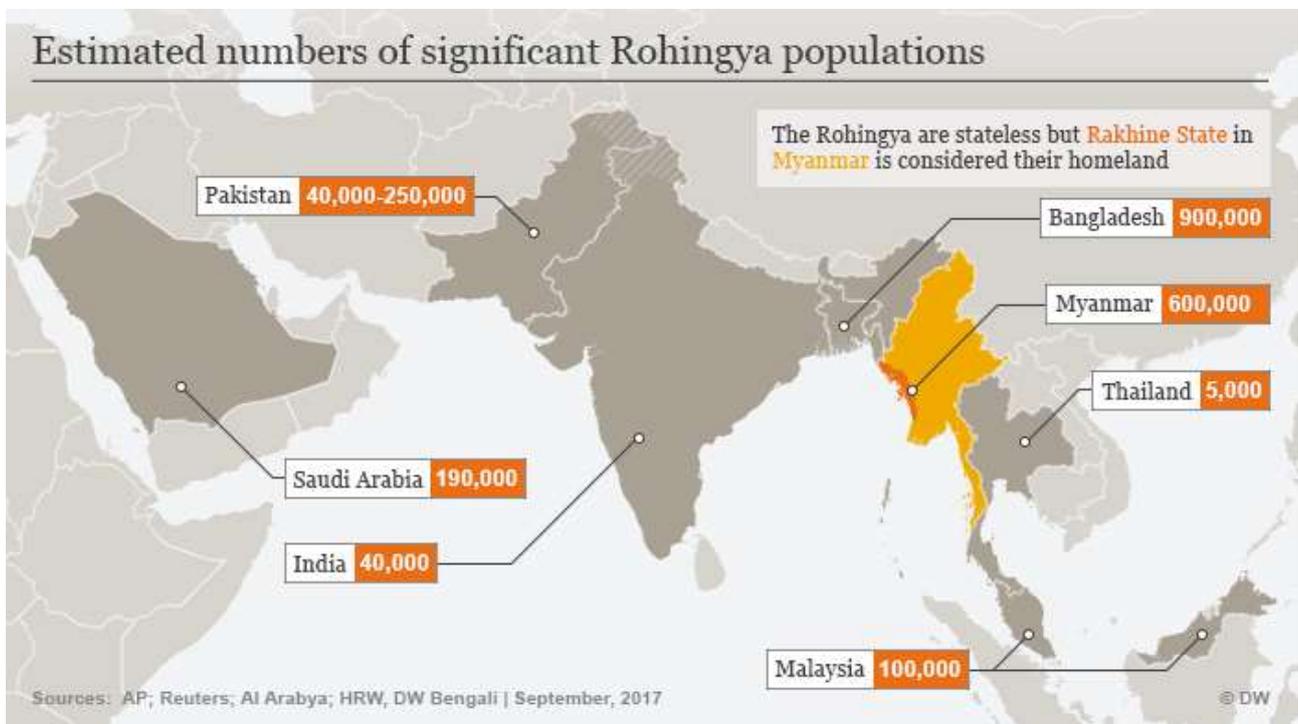


Image 9: Location of Rohingya refugees and IDPs after the attacks on 25th August 2017 (Pandey, 2017).

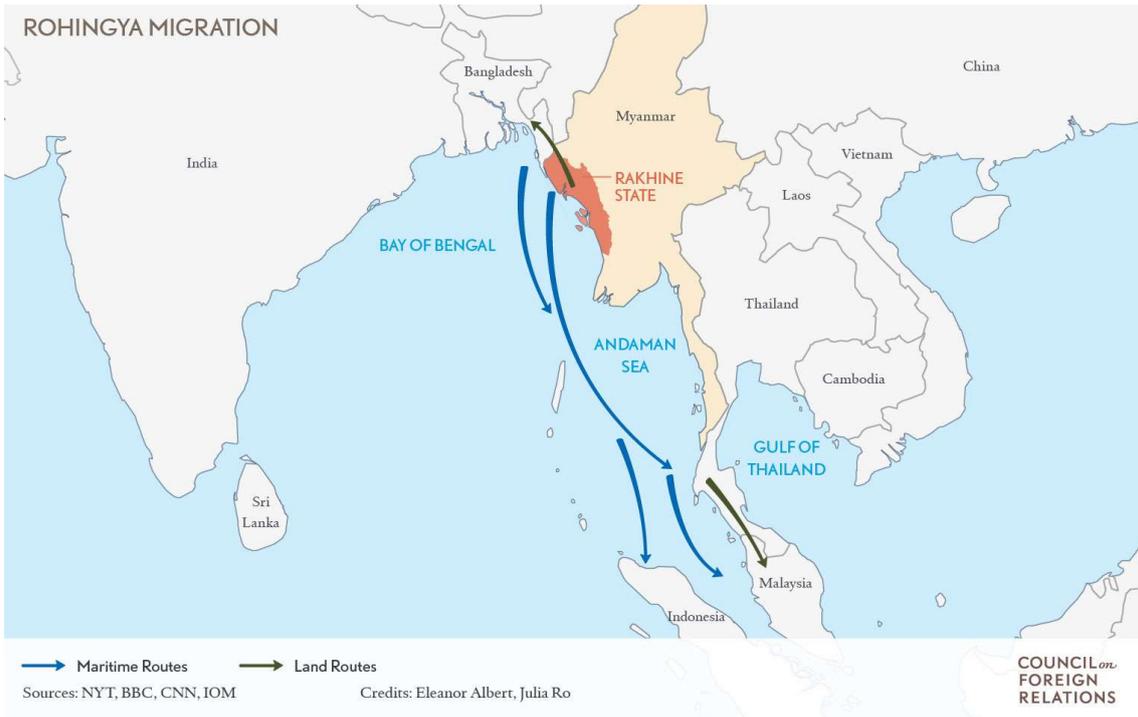


Image 10: Main routes of Rohingya fleeing from Myanmar to Bangladesh, Malaysia and Indonesia (Council of Foreign Relations, 2017).

Refugee settlements in Cox's Bazar

Around **605,000** Rohingya have fled to Bangladesh since August 25, 2017, mostly residing in temporary makeshift settlements.

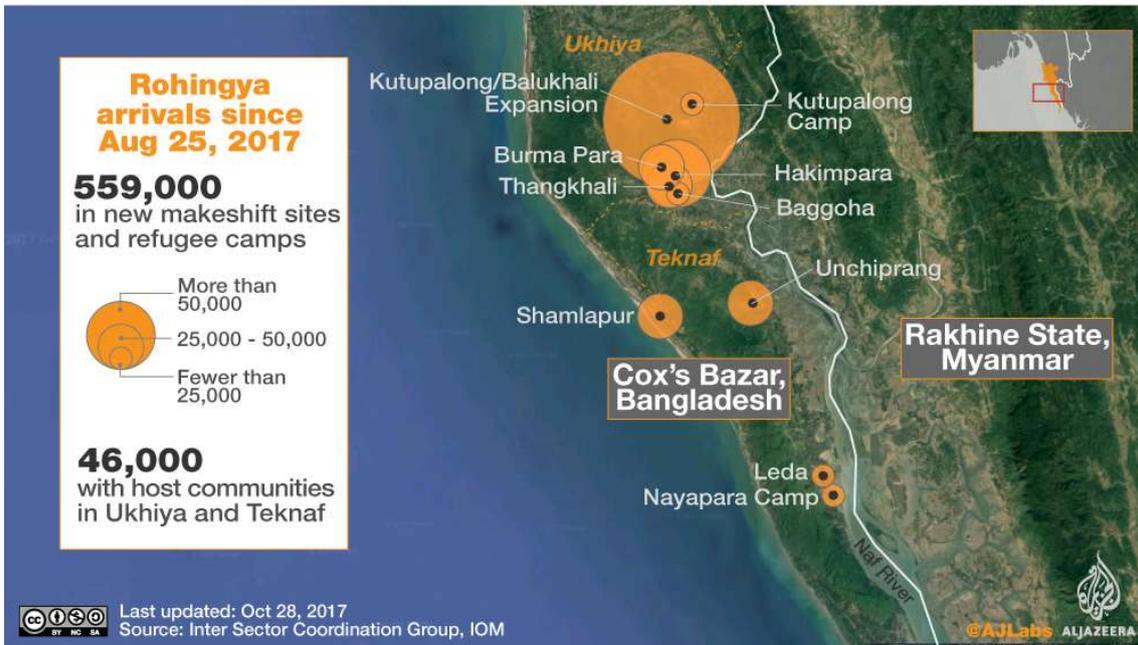


Image 11: Location of Rohingya refugees arriving to Bangladesh (al Jazeera, 2017).



Image 12 Rohingya watch their village in northern Rakhine State burn (King, 2013)



Image 13: Rohingya refugees fleeing Myanmar and crossing the border to Bangladesh, where landmines had been planted by the Tatmadaw to avoid their flight (Agence France-Presse, 2017).



Image 14: Image of the refugee camps in southern Bangladesh, home to over 1,000,000 Rohingya (Tremeau, 2018).