

Tufts University Seminar 2020

Genocides and Other Human Atrocities

Briefing Paper: The Delegation of Bangladesh

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Introduction

Representative: Mary Adewumi

Bangladesh has not gone without knowing its share of political troubles. Originating as part of India, the people of this land fought for independence from the colonialist grip of Great Britain.. Simultaneously, these were people trying to be politically independent from India, to separate from the majority Hindu nation. Later, they needed to go through the same situation again, deciding that it was unnecessary for all the Muslim majority lands to operate under the same government, thus, East Pakistan became Bangladesh. After experiencing multiple changes in their political borders, Bangladesh knows what their land is and who their people are. Despite the claims of the government of Myanmar, the Rohingya people are not our people. We cannot ignore the history of these people because their government chooses to. We have performed our duty as citizens of the world and received many of the exiles, but there is a limit to what we can do, especially if Myanmar continues down this path of denying the Rohongya their rightful home.

Key Points:

- We do not consider the Rohingya to be stateless because we know that they possess ancestral ties to Myanmar, not Bangladesh.
- Part of the reason why we do not recognize them as stateless is because they are a threat to Bangladesh's development; it is costly to support this many displaced nationals.
- We hope that the Government of Myanmar will repatriate the Rohingya people, reinstating their citizenship and bringing them out of exile.

Background information:

Myanmar, formally known as Burma, was colonized in 1886 by the British. The British then expanded their rule to include India and the surrounding lands, as part of the work done by the British East India Company. The British ruled Burma until its independence in 1948. In 1982, the Burmese government passed the Citizenship act, in which all Rohingya were stripped of their Burmese citizenship. This was done under the claim that the Rohingya people's lineage did not come from Burma, but from Bangladesh. Since Burma operates under the principle of *jus sanguinis*, a lack of Burmese lineage meant that they had the right to revoke the citizenship of Rohingyas under this claim. The Rohingyas trace their origin to Burma from the fifteenth century, but despite this, Myanmar refuses to acknowledge the Rohingya's connection to the territory.

In 1986, the government of Burma renamed the country to Myanmar after "myanma naing ngan," how the Burman ethnic group referred to the land. The Burmans were one of many ethnic groups in the land, with another earlier group being the Rohingyas. Yet, the government of Burma refutes their claim and has taken action against it, going so far as to undergo ethnic cleansing, killing approximately ten thousand Rohingyas. Many of the Rohingya have crossed into Bangladesh, where we have set as many as we can up in displacement camps. However, a camp is not made for long-term stays; we do not have infinite resources to support an influx of forcibly displaced Rohingya, nor do we have the facilities to the education of the Rohingya children is suffering because we cannot accommodate for this large surge of people.

Representation and Governance

Representative: Mary Adewumi

Bangladesh's governmental structures

- Bangladesh possesses three government Branches: the Legislative Branch, the Executive Branch, and the Judicial Branch.
 - The Legislative Branch has a unicameral parliament called the Jatiya Sangsad. The Jatiya Sangsad is presided over by the Speaker, currently Shirin Sharmin Chaudhury. The Speaker plays a neutral role in Parliament, and becomes the next President should the current president become unable to serve.
 - The Executive Branch is led by the Prime Minister, currently Sheikh Hasina Wazed. The Prime Minister is appointed by the President, currently Abdul Hamid. The Prime Minister, in turn, appoints the other Ministers of the nation, with the most senior among them making up the President's cabinet.
 - The Judicial Branch consists of multiple court systems, and it is headed by the Supreme Court. The Supreme court is composed of two parts, the High Court Division and the Appellate Division. The High Court receives and processes appeals from the lower courts and tribunals.

The representation of citizens in the government

- The Jatiya Sangsad serves as representation of the people of Bangladesh, with

- There are a certain number of seats reserved for women in the Jatiya Sangsad, allowing for women to be better represented in the policy-making process and allowing for potential laws to be considered from the perspective of both sexes.
- The Awami League, in which both the Prime Minister and Speaker are a part of, is currently making headway in minority rights protection, helping to create unity in the nation by allowing those with religious differences to practice their faiths and publicly partake in their holidays under the security of the government.

Religious nationalism in Bangladesh

- Nearly ninety percent of our country's population is Muslim, thus allowing Islam to serve as a unifying force among our nation's majority. Muslims make up the majority of the government and the police force, both of which lend to positions of power, but that is not to say that religious groups in the minority are ignored.
- The majority of the religious minority are Hindu, with them making up about 10% of Bangladesh's population, with Buddhists making up 0.6%, Christians making up about 0.3%, and the remaining percent being made up of different religions, including some variations of Islam. Because their numbers are so small compared to the overwhelming large Muslim population, this makes them an easier target for discrimination.
 - Curbing violence against religious minorities will require the energy and attention of the government, but this energy is currently being diverted to deal with the Forcibly Displaced Myanmar Nationals.

The ethnic composition of Bangladesh

- Bangladesh currently recognizes 27 ethnic groups in Bangladesh. While international reports may claim that there are about 75, many of these groups are merely subsets of the larger groups we do recognize.
- Because Bengalis contribute to such an overwhelming percent of Bangladesh's population, they are rather widespread throughout the country's geography. The city of Chittagong has a higher percentage of those of Persian or Iranian descent. The areas of Dhaka and Rangpur have a higher minority population of Biharis because when India was partitioned in 1947, Muslim from northern India moved to East Pakistan to join the Muslim-majority state.
 - In 1971, these Biharis sided with Pakistan Bangladesh's war for independence, and those who remained in Bangladesh were placed in displacement camps and denied Bangladeshi citizenship until 2008.
- 98 percent of Bangladesh's population is Bengali, with the remaining two percent comprised of religious minorities, including the Rohingyas. Some ethnic groups are more related to the people of Mongolia than the people of India, and the majority of these people live in the northern and southeastern plains of Bangladesh. We as a government do not recognize the idea of indigenous peoples.

Security

Representative: Josh Ye

The state of militant presences in Bangladesh

- We have 10,736 troops deployed with UN Peacekeeping forces, and are ranked second in personal contributions to UN forces.
- While there is no ISIL (Islamic State) presence in our country, various militias are responsible for certain attacks across our country, including some affiliated with the BNP (Bangladesh Nationalist Party).
- There is massive pressure on us to admit to ISIL presence in our country. These interests want to taint our image and create a situation like those in Afghanistan, Pakistan, Syria and Libya
- We have an elite covert intelligent unit, the Counter Terrorism and Intelligence Bureau (CTIB), trained by our own Directorate General of Forces Intelligence (DGFI) as well as the American CIA.
- Since the formation of the CTIB in 2006, we have greatly reduced the number of terrorist incidents in our country.
- As of 2019, eight militant groups have been outlawed within our country. The sabotage of our country in any way will not be tolerated.
- Out of the 170 miles of border with Myanmar, 130 miles are fenced.

The state of civilian security in Bangladesh

- Since the return to the parliamentary system in 1991, 11 parliamentary elections have been held.
- While elections held in Bangladesh are free and fair, violence has accompanied all past elections since 1996. However, in general, elections are peaceful, and election-day violence is only a small part of the process. Law Enforcement Agencies are always working to ensure peace on election day.
- In all instances of election-day violence, all sides (incumbent and challenging parties) are involved.
- In our government, the National Police Force is paramount to the security of our state. It is our sole law-enforcement agency.
- Headed by the Inspector General of Police (IGP), Bangladesh Police is divided into 19 units, including the Metropolitan Police, Armed Police Battalion, the Criminal Investigation Department, among others.
- In the protection of our people, the Bangladeshi Police is firmly committed to the protection of human rights, equitable access to justice, and the rule of law. We always attach paramount importance to these principles.

The state of security and foreign nationals

- We have a growing concern for the number of Rohingya in our country. To date, we host over 1.2 million Forcibly Displaced Myanmar Nationals (FDMNs). We are concerned about the future of our security and peace.
- We will no longer accept any more Rohingya Muslims who flee from Myanmar.

- Myanmar's uncondusive environment for the return of the Rohingya has lead to Bangladesh paying the price for their empathy.
- We are troubled by violent trends among the Rohingya. Violence by Rohingya against Bangladeshis is on the rise. On 22 August 2019, Omar Faruk (30 years old), the leader of the Bangladesh Awami Jubo League, the youth wing of the Awami League, a major political party in Bangladesh, was brutally killed by four Rohingya hitmen.
- We have taken measures to ensure the security of Bangladeshis. Between the times of 5 PM and 6 AM, mobile internet usage is shut town in thecamps
- Proper security can only be ensured if nobody can go in or out of the camps, and this is only accomplished with a barbed wire fence securing the perimeter
- The Rohingya can not only be a threat to Bangladesh, but also the whole of South Asia. About 1 Lakh (100,000) children ages 5-6 that are not getting education. Terrorist groups may radicalize and exploit them.
- Large gatherings of Rohingya (such as during protests) presents a security risk and should be disallowed.
- The density of the camps gives Bangladesh grave concern for militant radicalization of the inhabitants there.
- We are unable to accommodate the bad health conditions (both physical and mental) of these Forcibly Displaced Myanmar Nationals.

Myanmar's unfulfilled promises

- While Myanmar has stated to us that they would take initiative to halt the illicit transport of “yaba” methamphetamine tablets across the border, we have not seen initiative on their part. In 2019, we seized 9,217,687 tablets.
- We began initial discussions with Myanmar for repatriation efforts in 2017, and yet no efforts have succeeded.
- Myanmar had agreed to accept 1,500 Rohingya each week, under the plan to return all Rohingya to Myanmar within two years.
- No interviewed FDMNs have expressed interest in returning to Myanmar.
- It is up to Myanmar to do their part.

Development

Representative: Peter DeLuca

The development of the Rohingya crisis

- For Bangladesh, our main aim is to repatriate the Rohingya people back to Myanmar if they are granted citizenship. The massive influx of the displaced Myanmar nationals has taken an enormous toll on the economy of Bangladesh and Rohingya militant groups also pose a risk to our national security. It is imperative that Myanmar recognize the Rohingya as Myanmar Nationals.
- While Aid organizations, NGOs, and other nations have assisted, other aid organizations such as Adventist Development and Relief Agency have urged the Rohingya to reject repatriation and have helped finance protests. This is unacceptable.
- Conditions in these camps are difficult to manage and expensive. The displacement camps have had issues with disease and clean water. Malnourishment and environmental catastrophes are also issues. The Government of Bangladesh is simply stretched too thin in being able to provide for the Rohingya while prioritizing our own citizens.
- The displacement camps also pose security risks to Bangladesh Nationals in that militant Rohingya groups have caused domestic violence.

The proposed temporary and long-term solutions

- Until a comprehensive repatriation agreement can be reached, Bangladesh will be moving the refugees into new camps on islands in the Bay of Bengal. These camps will have more suitable infrastructure to handle the Rohingya and will also be beneficial to our

national security. This is a temporary solution, however, and our final goal is still to repatriate the Rohingya back to Myanmar. These camps are expensive and place a great strain on our economy.

- It is only until the Rohingya are repatriated back to Myanmar that we can begin growing the economy of Bangladesh and improving it. While our economy has had recent successes, we are spending money on the Rohingya which can be spent on Bangladesh.
- After the Rohingya are repatriated it will also be essential to begin rebuilding our forests. The forests are an important environmental asset to Bangladesh and they have been cut down in order to make room for the Rohingya.
- In summation, Bangladesh would like to repatriate the Rohingya back to Myanmar. Until this task becomes feasible, we will be relocating the Rohingya to islands in the Bay of Bengal. Once repatriated, we may begin rebuilding the economy and restoring our environment.

Reconciliation

Representative: Oamiya Haque

There are various factors of reconciliation that we should be aware of

- Myanmar refers to the Rohingya population as “illegal immigrants” from Bangladesh. However, the Rohingya trace their lineage to the 15th century, when thousands of Muslims moved to the Arakan Kingdom. Others arrived during the British colonial rule in the 19th and 20th century when Myanmar was still considered a part of India.
- Myanmar achieved independence in 1948. Since then, it has recognized 135 different ethnic groups, with the exception of the Rohingya.
- Myanmar’s 1982 Citizenship Law strips the Rohingya of access to full citizenship. For this reason, most of the group lacks legal documentation from Myanmar.
- In August of 2017, Rohingya militants attacked the Rakhine police posts. In response, the government’s security forces carry a deportation that is recognized as an ethnic cleansing against the Rohingya population.
- In August of 2018, a UN report accuses military leaders of Myanmar of carrying out genocide, war crimes, and crimes against humanity. Six generals are called to face trials at the ICC. Myanmar rejects these findings.
- On 14 November 2019, Pre-Trial Chamber III of the ICC authorized the Prosecutor to proceed with an investigation for the alleged crimes within the ICC's jurisdiction in the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar.

- At the International Court of Justice in December 2019, Suu Kyi continued to reject charges of genocide, despite the evidence, and said that “if war crimes have been committed by members of Myanmar’s defense services, they will be prosecuted through our military justice system.”

Bangladesh's role in the crisis:

- Rohingya people have been fleeing to Bangladesh since 1978.
- In October of 2017, it is estimated that one million Rohingya are living among 34 displacement camps primarily in the Cox’s Bazar region, which has now become the world’s largest displacement camp.
- On 28 February 2019, Bangladesh announced to the UN Security Council that they are no longer in a position to accept any more refugees from Myanmar.
- In late 2019, Bangladesh and Myanmar agreed to bring back several thousand of the displaced. However, none agree to return because their citizenship rights were not guaranteed and they fear going back under such circumstances. This is the second attempt at repatriation.
- Bangladesh will not make displaced Rohingyas return to Myanmar against their will. Thus, they remain on our soil for the time being.

Reconciliation must be considered, but only under the right conditions

- Bangladesh maintains that we will support the return of Rohingya only if appropriate conditions are put in place for a safe and and voluntary return. Rohingya in Bangladesh repeatedly expressed their desire and willingness to return to their homes only if certain conditions are met.

- Bangladesh PM Sheik Hasina maintains that to create suitable conditions, four specific points must be met: the Citizenship Act of 1982 and other restrictive laws should be repealed; Myanmar should allow Rohingya representatives to North Rakhine so they can observe its present situation there; Myanmar should deploy international civilian monitors in the Rakhine state; and the international community hold Myanmar accountable for the atrocities they have committed.
- The Rohingya crisis has developed due to growing tensions between the Buddhist majority and Muslim minority. Myanmar must recognize how claims regarding the Muslim-majority Rohingya as “illegal immigrants” add to the rise of Buddhist nationalism and sentiments of ethnic superiority, which in turn contributes to the rise in such tensions.

Committee on Displacement

Representative: Nina Jakobson

The situation of citizenship in Myanmar

- After the 1962 military coup in Myanmar, the Rohingya were given foreign identity cards, limiting access to education and job opportunities. The 1982 Citizenship Law required proof that a family resided in Myanmar before 1948. Yet, the majority of the Rohingya did not have access to such documents and were therefore rendered stateless.
- Bangladesh is not a signatory in the 1951 Refugee Convention and therefore does not consider the Rohingya to be a refugee group. Instead, Bangladesh refers to them as “Forcibly Displaced Myanmar Nationals” or FDMNs.
- Together with the United Nations, our authorities have provided identity cards and registered over 250,000 FDMNs in the course of two years. All identity cards denote Myanmar as the country of origin.

There are certain criteria for Repatriations that must be met

- We, in conjunction with the UN refugee agency, have negotiated with Myanmar’s government to approve the voluntary repatriation of 3,450 FDMNs in Bangladesh. This has been our second attempt to repatriate the Rohingya, however, the FDMNs in Bangladesh have been extremely hesitant to return.
- It is imperative that we continue to place pressure on Myanmar to repatriate Rohingya as swiftly as possible and aim to dissipate the terror around repatriation.

Consideration of Relocation

- On November 3, 2019 Minister of Disaster Management and Relief, Enamur Rahman, announced that plans to relocate FDMNs residing in overcrowded border camps to Bhasan Char island will be put on hold due to humanitarian concerns and that any relocations to Bhasan Char would be voluntary.

The rights of the displaced nationally and internationally

- Many of the Rohingya have been internally displaced by “scorched earth” military tactics and, as a result, have been forced to live in mismanaged camps formed in the Rakhine State. The Rohingya are cut off from their livelihoods, unable to relocate due to the threats of violence from Buddhists and official checkpoints that stifle their movement.
- According to the UN Human Rights Committee, the Myanmar government’s treatment of the internally displaced Rohingya is in violation of The Guiding Principles On Internal Displacement. Specifically, a clear violation of Principle 14, the right to “liberty of movement and freedom to choose his or her residence” alongside the statement that “internally displaced persons have the right to move freely in and out of camps or other settlements.”
- Thus far, Bangladesh has done its best to uphold The Guiding Principles On Internal Displacement regarding FDMNs, however, it becomes increasingly difficult as international funding dwindles.

Committee on Law - Bangladesh
Representative: Chris Yoon

International Law Regarding Refugee Crises

- Article 33 (1) of the *1951 United Nations Refugee Convention* states:

"No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race nationality, membership of a particular social group or political opinion" (UN Refugee).
- Article 3 of the *1984 United Nations Convention against Torture* states:

"No state parties shall expel, repel, return, or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture" (UNHR).
- The above international conventions are mandated only to the countries that subscribe to it. For instance, Thailand and Malaysia, both of which are non-signatories of the 1951 Refugee Convention, also refused to provide asylum for Rohingya refugees (their motivations hinge on concerns over national security).

Bangladesh's National Law (and vis-à-vis International Law)

- Bangladesh is not a party of the 1951 Refugee Convention, its 1967 Protocol, and the 1954 and 1961 Statelessness Conventions. Nevertheless, Bangladesh has opened its arms to Rohingya Forcibly Displaced Myanmar Nationals (FDMN) purely on humanitarian grounds (Imran and Mian).
- There are certain legitimate exceptions to the responsibilities imposed by the UN Conventions.
 - By Article 33 (2) of the *1951 UNHCR Refugee Convention*, refugees can be returned to their original country if (i) "there are reasonable grounds for regarding him/her as a danger to the security of the country in which he/she is," and (ii) if they have been "convicted by a final judgment of a particularly serious crime, [and] constitutes a danger to the community of that country" (UN Refugee).

- By Article 31 (1) of the *1954 Statelessness Conventions*, "The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order." The latter part of this statement implies that the Bangladesh government can deny refuge when its national security and public order are deemed to have been compromised (UNHCR).
- As addressed in the security brief, Bangladesh should not be expected to provide refuge considering the growing security concerns in regions of and nearby the Rohingya camps.
- Furthermore, the provisions of Bangladesh National Law have always been given priority over the customary international law. This stance is precedented by:
 - In *Bangladesh and others v Sombon Asavhan* [1977], the Supreme Court of Bangladesh applied the provisions of the Bangladesh Territorial Waters and Maritime Zones Act of 1974, instead of applying the existing norms of international law (Imran and Mian).
 - In *Hussain Muhammad Ershad v. Bangladesh and others* [2005], the Supreme Court held that "In the cases where the domestic laws are clear and inconsistent with the international obligations ... the courts will be obliged to respect the national laws ... " (Imran and Mian).
 - In *Chaudhury and Kendra v Bangladesh* [2008] and *BNWLA v Government of Bangladesh and Others* [2009], the Supreme Court held that the "courts in Bangladesh cannot enforce treaties ... even if ratified by the state ... unless [they] were incorporated in the municipal laws" (Imran and Mian)..
 - In *Bangladesh and Others v Hasiana* [2008], the Supreme Court held the courts would not enforce international human rights treaties unless they are incorporated into municipal laws. Instead, the court will "[interpret] provisions of the [Bangladesh] constitution to determine the rights of life, liberty and others" (Islam).

As such, the Bangladesh government will determine its policies toward FDMNs within its territory. In particular, the recent strict domestic legislation against hosting FDMNs

reflects the government's sovereign right to prioritize national security over compliance with international human rights conventions.

Bangladesh perspective on the role of the ICC/ICJ

- The government's primary concern lies in the impact of mass refugee influx on the country's security, public order, and economy. Bangladesh has adopted domestic and foreign policy agendas to address national interest above humanitarian concerns.
- Accordingly, in November 2018, Bangladesh and Myanmar signed an agreement on the repatriation of Rohingya refugees back to Rakhine state.
- Yet, this does not mean the Bangladesh government condones Myanmar's position; the government is willing to cooperate with international justice systems (ICC/ICJ); in 2019, they agreed that the ICC has territorial jurisdiction for Myanmar's crime of deportation.
- The Bangladesh government hopes that the international community (ICC/ICJ) will pressure the Myanmar government to resolve the Rohingya crisis and make changes needed for repatriation. The continued portrayal of Bangladesh as a refuge for FDMNs will reduce the pressure on the Myanmar government to resolve the crisis, and will draw even more Rohingya into Bangladesh territory.

Local (and National) Law

- The Bangladesh government has been and will be committed to its “War on Drugs.” Any party—including both Bangladeshi individuals and FDMN—involved in drug trafficking will be subject to extrajudicial punishment by the police (Siddartha)

- Bangladesh lawmakers will vocally support extrajudicial punishment against crimes such as drug trafficking and rap to be recognized as state policy (Adams). FDMNs complicit in such crimes will not be tolerated.

Committee on Human Rights

Representative: Allison Loving

The state of Advocacy

- Bangladesh has shown much economic progress. Their Gross Domestic Product growth rate has consistently grown 6-7% in the last two decades. However, there is much political and social conflict that impedes the development of democratic institutions. There is little understanding of governmental regulation and oversight of civil societal activities has hindered the sector's will to pursue advocacy and rights-based campaigns.
- There are many programs focussing on advocacy in Bangladesh such as:
 - The USAID-funded Promoting Advocacy and Rights (PAR) program which was created to advance democratic governance and citizen participation in Bangladesh.
 - Good Neighbors Bangladesh (GNB) which aims to protect women and children by strengthening child protection from abuse, neglect, exploitation, and other forms of violence, inform women and children of their rights, empower them to speak out for themselves, reduce the stigma and discrimination of children and women by improving the access of quality services, and provide an understanding to local laws, child rights and policies, and legal services.
- Bangladesh is sympathetic to the Rohingya's plight, but we have done everything we can for the Rohingya.
 - Prime Minister Sheikh Hasina blames Myanmar for the crisis and urges the international community to understand Bangladesh's hopeless position.

The state of religion in Myanmar and Bangladesh

- The Rohingya are Muslims and most of them share the Rakhine state which is where the tension is concentrated.
- Myanmar is overall Buddhists, especially the military.
- In Bangladesh, the 90% of people practice the religion of Islam, but a significant percentage of the population also adheres to Hinduism (9%).
- The Myanmar government refuses to use the term Rohingya as they do not view this religious community as part of the nation. They term the people Rakhine Muslims in order to consider them temporary migrants from Bangladesh.

The state of humanitarian assistance

- Donor governments must provide support to meet the humanitarian needs of the Rohingya in Bangladesh, as well as the internally displaced people in Myanmar.
- Bangladesh is constructing a large displacement camp in the Cox's Bazar district of the country for Rohingya refugees to help solve the problems of the camps in Bangladesh.
- The Bangladeshi authorities have also suggested that Rohingya refugees be relocated from the Cox's Bazar area to Thengar Char island, an uninhabited, coastal island.
- The Bangladeshi government has responded in a generous manner by keeping its borders open to the Rohingya refugees, but it is placing a great strain on Bangladesh.
- Myanmar should respect the right of those who are unable to return to their homes to choose to be compensated for the loss of their homes and properties.

The state of preventative measures

- Members of the Rohingya ethnic group who have fled to Bangladesh should be recognized as religious refugees and entitled to the rights attached to refugee status.
- Myanmar should respect refugees' right to return.
- Refugee return must be voluntary.
- Bangladesh should continue and complete refugee registration.
- IDP camps and "safe zones" in Myanmar should not be acceptable solutions for Rohingya returning.
- World leaders must urge Myanmar to end its abusive operations to prevent further atrocities as well as create conditions that will allow the Rohingya to return home safely.