

Tufts Seminar 2020

Preventing Genocide and Mass Atrocities In Myanmar

Briefing Paper - ASEAN

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INTRODUCTION

Representative: Max Seigerman

We stand for “one vision, [with] one identity, [as] one community.” The Association for Southeast Asian Nations (ASEAN) was established to “advance economic growth, social progress, and cultural development” in the region of Southeast Asia through collaboration and international harmony. We adhere to the principles of the United Nations Charter, which provide for a more peaceful and prosperous world through our distinct respect for justice and the rule of law within the relations between countries of the region. In accordance with these goals, our ASEAN leaders emphasize the need to identify a thorough and stable solution with which to address the foundation of conflict in Myanmar and to establish a constructive and conciliatory environment in which affected groups can recuperate their lives. We maintain our support for an enhanced and more discernible role of ASEAN to support Myanmar in administering humanitarian aid, assisting in the repatriation process, and promoting sustainable development. We further support Myanmar’s implementation of the bilateral agreements with Bangladesh on repatriation and stand ready to support Myanmar through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA). We look forward to the willing return of displaced persons in a “secure and dignified manner.” We anticipate that the Independent Commission of Enquiry, founded by the Government of Myanmar, will seek responsibility by continuing to carry out an independent and objective investigation into the alleged human rights violations in order to promote reconciliation. ASEAN reaffirms its support of Myanmar’s “efforts to bring peace, stability, the rule of law, and to promote harmony among the various communities as well as to ensure sustainable and equitable development in Rakhine State” (Chairman’s Statement of the 34th ASEAN Summit). Thus, we have and will continue to be entirely committed to regional peace and strength.

Key Points:

- a. We have called for Myanmar to strengthen measures to protect the voluntary, safe, and dignified passage of refugees. We continue to support the government's efforts to bring back displaced persons and provide a conducive environment in which they can return to Myanmar and rebuild their lives.
- b. We looked forward to the full-fledged implementation of the MoU signed among Myanmar, the United Nations High Commissioner for Refugees (UNHCR), and United Nations Development Programme (UNDP) to aid and expedite the sustainable repatriation of refugees from Bangladesh, as well as to help establish rehabilitated and resilient living for all communities in Rakhine State.
 - i. Among other statements, the MoU includes the declaration that the Government of Myanmar can employ the services of the UNHCR as needed in stages of return, resettlement, and growth.
- c. We expect Myanmar to pursue responsibility by executing an impartial investigation of the alleged human rights violations through the Independent Commission of Enquiry.
- d. We advise the Government of Myanmar to enforce more of the recommendations made by the UN Advisory Commission of Rakhine State, as they address the core causes of the conflict. The proposed measures cover investment in infrastructure and internet access, enhancement of vocational training, acceleration of the citizenship verification process, and increase of freedom of movement for all people irrespective of religion, ethnicity, or citizenship, and more. They are all aimed at reducing poverty of displaced persons and promoting trust and reconciliation.
- e. We will continue to administer active humanitarian assistance as well as continued shipments of relief items such as family tents, family kits, personal hygiene kits, kitchen sets, aluminum boats, and generators. All relief items have and will be apportioned by representatives of the Minister of Social Welfare, Relief, and Resettlement (MSWRR) of Myanmar to ensure equal distribution without discrimination.

Background Information:

Over the past few years, there have been frequent international appeals to stop the violence taking place in Rakhine State, Myanmar, reinforce traditional socio-economic conditions, and address the refugee crisis by means of the verification process. Myanmar enforced a humanitarian relief programme and launched the government-led system in partnership with the Red Cross Movement, as well as the assistance from the international community. The ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA) also instituted aid in tandem with the Myanmar Government's humanitarian assistance. The Secretary-General of ASEAN, the AHA Centre, and officials from the Government of Myanmar conducted the Preliminary Needs Assessment (PNA) Mission. It was agreed that the Secretary-General go further with the recommendations enclosed in the PNA, including those that concentrate on capacity-building, distribution of information, and support to the provision of basic services in Rakhine State.

The Arrangement on Return of Displaced Persons from Rakhine State was signed between Myanmar and Bangladesh on 23 November 2017. The arrangement works to organize the reception of the verified Myanmar residents who crossed over to Bangladesh between 9 October 2016 and 25 August 2017. It also calls for Bangladesh to establish five transit camps, and Myanmar to establish two reception centers, in order to make the transition of the refugees harmonious. The agreement at the Joint Working Group meeting between Bangladesh and Myanmar worked to also commence the repatriation process. An MoU was signed between Myanmar, the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Development Programme (UNDP) on 6 June 2018 to facilitate the repatriation process of displaced persons from the Rakhine State. The implementation of the three points reached at the Informal Foreign Ministers' Meeting among Myanmar, Bangladesh, and China on 23 September 2019 facilitate the operation of the bilateral agreements between Myanmar and Bangladesh on repatriation. In 2018, Myanmar created the Independent Commission of Enquiry to investigate the allegations of human

rights violations with “a view seeking accountability and formulating recommendations on steps to ensure peace and stability in the Rakhine State” (Ministry of Foreign Affairs of the People’s Republic of China).

COMMITTEE ON REPRESENTATION AND GOVERNANCE

Representative: Max Seigerman

-Governing Structures of ASEAN:

- ASEAN Summit:
 - The Summit is composed of the Heads of State or Government of the Member States. It is the principal policy-making body of ASEAN, as it provides policy guidance and decides on important governmental affairs which pertain to the realisation of the intentions of ASEAN, important matters of interest to Member States, as well as all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils, and the ASEAN Sectoral Ministerial Bodies.
 - ASEAN Coordinating Council: The ASEAN Coordinating Council comprises the ASEAN Foreign Ministers and convenes a minimum of two times each year. It arranges the meetings of the ASEAN Summit, organizes the implementation of agreements and decisions of the Summit, coordinates with Community Councils to enhance policy unity, considers the yearly report of the Secretary-General on the work of ASEAN, along with other assignments given by the ASEAN Summit.
 - ASEAN Community Councils: Comprised of three different councils which meet at least twice a year.
 - The Political-Security Community Council: It encourages a stronger awareness of the political systems, culture, and history of the ASEAN Member States, as a protector of human rights. It aims to ensure that the

Member States have peaceful relations with one another. This includes promoting the principles of democracy as well as tolerance and respect for diversity.

- The Economic Community Council: It works to remove tariffs, facilitate trade, promote investment, stimulate skilled labor mobility, strengthen relations with external parties, and advocate for the development of regional plans in competition policy, consumer protection, and intellectual property rights.
- The Socio-Cultural Community Council: It is dedicated to boosting the quality of life through activities that are people-oriented, environmentally friendly, and adapted for the promotion of sustainable development.
- Each Member State appoints its national representation for each Community Council meeting. Each Community Council secures the implementation of the pertinent decisions from the Summit, coordinates the work of various sectors which cut across other Community Councils, and submits reports and recommendations to the ASEAN Summit.
- ASEAN Sectoral Ministerial Bodies: They implement the agreements of the ASEAN Summit, enhance cooperation in their particular fields in support of ASEAN integration and community building, and submit reports and recommendations to their respective Community Councils.
 - It advises the relevant Ministers in each of the Councils concerned to hold inter-Ministerial meetings, and address important issues that involve different Community Councils. It directs effort for emergency situations affecting ASEAN. It authorises the establishment and the dissolution of ASEAN institutions. It installs the

Secretary-General of ASEAN, with the status of Minister, who will serve at the contentment of the Heads of State of Government by recommendation of the ASEAN Foreign Ministers Meeting. These meetings are held twice annually and are hosted by the Member State holding the ASEAN Chairmanship. It can also convene whenever necessary.

- The Secretary-General of ASEAN is selected by the ASEAN Summit for a term of office of five years. They are chosen from nationals of ASEAN Member States based on alphabetical rotation with examination of virtue, capability, experience, and gender equality. The Secretary General facilitates and oversees growth in the implementation of ASEAN agreements and decisions, submit the annual statement on the work of ASEAN to the ASEAN Summit, take part in meetings of the ASEAN Summit, the Community Councils, the Coordinating Council, the Sectoral Ministerial Bodies, etc, present the views of ASEAN in meetings with external parties, and more. They are assisted by four Deputy Secretaries-General who come from four different Member States.

-Representation:

- ASEAN is comprised of 10 member nations: Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. All of which are unified by a shared desire and intention to live in a region of sustainable peace, security, stability, economic growth, shared prosperity, and social progress. They stand by the principles of democracy, the rule of law, and the protection of human rights and fundamental freedoms.
- Each ASEAN Member State assigns a Permanent Representative to ASEAN with the rank of ambassador. These Permanent Representatives compose a Committee of Permanent Representatives which reinforces the work of the Community Councils and the Sectoral Ministerial Bodies, works with the National Secretariats and the Secretary-General, enhances

ASEAN collaboration with partners abroad, and contributes administrative direction and assistance to the ASEAN Summit.

- ASEAN National Secretariats: Each Member State creates an ASEAN National Secretariat which serves as the national focus, maintains information on ASEAN affairs at the national level, coordinates the implementation of ASEAN decisions at the national level, and supports ASEAN community development.
- Representation of Populations (Ethnicity, Religion, Sex, etc)
 - There are a variety of ethnicities and religions represented in the ASEAN governing structure and both genders are represented, as there are approximately 35 different ethnicities and about 14 different religions represented within the 10 ASEAN Member States. Additionally, 51.06% of the total population is women.
- Does the model of representation tend toward majoritarian rule or protection of minorities?
 - Decision-making in ASEAN is founded on consultation and consensus. If consensus isn't achieved, the ASEAN Summit has the ability to choose how the decision will be made. Thus, any member can veto any proposal that is recognized as threatening to national interests. ASEAN requires that there is acceptable support to endorse the adoption of a proposal and that no member votes against it.

-Interaction Between ASEAN and Non-State Actors:

- The ASEAN Foreign Ministers Meeting may discuss an external party. They may be encouraged to attend ASEAN meetings of coordinated activities without being conferred.

-Government of Myanmar:

- We are in full support of Myanmar's current government to establish an environment in which the displaced persons can return and rebuild their lives.

COMMITTEE ON SECURITY**Representative: Philip Azarcon**

- ASEAN notes with grave concern the ascendance of terrorism in our region caused by the waves of Islamic militants that are returning from the Middle East with increasingly sophisticated tactics and deadly weapons
- The southernmost of the Philippines' three main islands, Mindanao, has been under martial law since October 2017 following the five-month siege by ISIS-aligned militant groups Maute and Abu Sayyaf on the city of Marawi which flattened the city and killed at least 45 civilians and 165 government troops. Currently, the evacuated city is a recruitment ground for ISIS.
- ASEAN is cautious considering we host the majority of the world's Muslim population. The threat of terrorism is present in Brunei, Cambodia, Laos, Myanmar, the Philippines, Singapore, Thailand, and Vietnam; the mostly Muslim states of Malaysia and Indonesia present the greatest risk.
- Since 2016, Myanmar has confronted Islamic militant groups that are based in its western state of Rakhine. The militants originate from Myanmar's population of Bengali illegal immigrants.
- Prior to the conflict, Myanmar had relative stability. Yet following the attacks on government posts by militants across the Rakhine state that killed several officers, a concerted effort must be taken to prevent the proliferation of the militants and subsequent devastation over the country.
- The conflict between state forces and militants in the Rakhine state has caused a humanitarian crisis embodied in the displacement of the Muslim Bengalis.
- Burmese civilians, especially those in the Rakhine state, are at risk of becoming victim to further aggression as militants are dispersed by state forces.
- The influx of displaced persons into Bangladesh is beginning to overwhelm the Bengali government as the amount of resources committed to displaced persons camps depletes.

- An inability to sustain the camps will result in another mass migration of the Bengalis into states neighboring Bangladesh or other ASEAN states immediately neighboring Myanmar: Thailand and Laos.
- Excessive international intervention on the crisis in Myanmar is discouraged due to heightening the polarity between the Burmese and the Bengalis.
- ASEAN does not condone the Application of the Convention on the Prevention and Punishment of the Crime of Genocide brought by the Gambia to the United Nations International Court of Justice in January 2020.
- The concern of violations of human rights caused by the decisions of the Burmese government on the crisis should not be exaggerated. It is the responsibility of Myanmar to prioritize the rights of its citizens.
- Our region acknowledges Myanmar's sovereignty in the measures it deems appropriate in handling its domestic issue concerning the Bengalis, and that such measures have not amounted to genocide. We support the terms by which Myanmar seeks to resolve the issue.
- Success of Myanmar's campaign is necessary to restore peace, especially within the Rakhine state. Stability of the Rakhine state will green-light development plans laid out by Chinese and Japanese investors for the region, such as the construction of sea ports, manufacturing districts, and railways.
- Realization of such development plans will bring further stability and economic profit to member nations of ASEAN surrounding Myanmar.

COMMITTEE ON DEVELOPMENT**Representative: Avery Adelman**

-Briefly Describe the economies of Myanmar and Bangladesh.

- Bangladesh has consistently growing economies that are currently soaring. Much of the growth in Bangladesh is motivated by private sector investment. Both are seeking infrastructure reforms in order to continue economic growth. The economy in Myanmar is also doing well, with an emphasis on building infrastructure and market reforms necessary to keep the economy growing.
- Bangladesh has the largest textile industry in the world. Shipbuilding and tourism are growing sectors. Agriculture is also important to the Bangladeshi economy as it is the country's largest employer. In Myanmar, agriculture is very important, accounting for 65% of the country's GDP. Myanmar mines 90% of the world's rubies. Oil and tourism are also important sectors.
- Just as in all countries, both Myanmar and Bangladesh are facing many challenges. In Myanmar, the biggest challenges include, first, its infrastructure. The Asian Development Bank estimates that repairs to roads and other infrastructure could cost up to \$60 billion through 2030. Second, conflict between internal minority groups is common in Myanmar. Third, illegal drug trade of both opium and meth is common. Fourth, the restriction of internet communication across the provinces and also internationally. And fifth, migration of minority groups from Myanmar has created a labor shortage as well as tension between Myanmar and surrounding countries.
- In Bangladesh, the biggest challenges include, first, the overpopulation, leading to economic strife. Second, the lack of a solid educational infrastructure. Third, the lack of reliable healthcare. Fourth, high unemployment. And fifth, economic strain from the influx of refugees from neighboring countries.
- Currently, Bangladesh has a centralized economy and is working to decentralize it and make it more inclusive. Myanmar is also a centralized state though it has become increasingly

decentralized since the 2008 constitution. Currently, the Union government does not need permission from the local government for large scale investments.

- In Bangladesh, all natural gas resources are handled by the state. The Myanmar government is working to control more of the natural resource extraction and adopt the international standards on these practices.
- Both Bangladesh and Myanmar recognize the importance of private foreign investment to help stimulate the economy. Industries being targeted by private foreign investment include healthcare, light engineering, pharmaceuticals, and tourism.
- The government in Myanmar is greatly influenced by the military, and because it is such a centralized state, the military plays a role in almost every sector. This is similar to the situation in Bangladesh, in which the military also covers internal conflict.
- Myanmar's top exports are petroleum and textiles and top imports are Broadcasting equipment and delivery trucks. Bangladesh's top export is overwhelmingly textiles and its top import is raw cotton.
- Six percent of the Bangladesh budget is spent on the military. In Myanmar, about 13% of the budget is devoted to the military.
- In Bangladesh, 5.5% of the annual budget is spent in the health sector. Similarly, Myanmar spends about 5% of its annual budget in the health sector.
- Both Bangladesh and Myanmar favor spending money on economic development on the federal level rather than on the local level in order to further economic development for a larger number of people.
- About 8% of the budget is spent on education in Myanmar. About 11% of the total budget is spent on education in Bangladesh.

- Myanmar and Bangladesh are unequal just as any society is unequal. Both countries need improvement on income inequality and other forms of inequality such as gender inequality.
- Historically, minority groups along with majority groups within Myanmar have worked as fishermen or other laborers. Those who have been able to afford education could become teachers or most other professions open to non-minority groups, excluding government positions. Currently, refugees are not permitted to work in the countries they have fled.
- Myanmar is facing a lack of labor because of the large number of refugees leaving the country. Myanmar also has a history of isolationism which means the country is still working on building up its trade regionally and globally. Although Bangladesh is currently doing very well economically, it is still fighting against overpopulation and poverty.
- The Rakhine State is not able to fully take advantage of its opportunity for tourism, agriculture, fisheries, and livestock because of the refugee challenges. The conflict has discouraged foreign investment in the Rakhine State and greatly hurt its development.
- Minority groups are geographically separated from the majority groups and so often separated economically as well. This can often hurt those minorities economically and in other sectors.
- In Myanmar, all lands and resources belong to the state, not the people. This includes minority and indigenous groups.

COMMITTEE ON RECONCILIATION

Representative: Emma Boockvar

-How would you define reconciliation?

- ASEAN defines reconciliation as the rebuilding of individual, interpersonal, sociopolitical, and institutional relationships in the aftermath of widespread human rights violations.
- With regard to Myanmar, ASEAN views reconciliation as the cooperation of institutions and ethnic groups both within Myanmar as well as between Myanmar and its neighboring countries.

We also include the repatriation and resettlement of displaced peoples within the bounds of reconciliation.

-What are some national/international efforts at reconciliation? Were they successful?

- On a national scale, ASEAN has implemented the Memorandum of Understanding between the Myanmar Government, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Development Programme (UNDP) to provide a forum for both individual and institutional reconciliation. Implementing this program helped to induce interactions between Myanmar and Bangladesh, prompting dialogues that aimed to effectively facilitate the repatriation process of displaced persons from Rakhine State.
- Additionally, as we reaffirmed at the 34th ASEAN summit this past summer, ASEAN supports Myanmar's efforts to not only use peace, stability, and just law to promote harmony and reconciliation among its various Muslim communities, but also to ensure sustainable and equitable development in Rakhine State.
- Many of our members—especially Indonesia, Malaysia, Singapore, and Brunei—express support for the repatriation of the displaced communities in Rakhine State. Before the 33rd ASEAN summit Secretary-General Dato Lim Jock Hoi visited Rakhine State to interact specifically with affected communities as well as coordinate future trajectories of assistance with Myanmar State Counsellor Aung San Suu Kyi and the Union of Ministers. Not only did he successfully take collective measures at the regional level, but he also emphasized the generous humanitarian contributions of other ASEAN member states to the Myanmar Government and the displaced persons of Rakhine State. Following this trip, Dato Lim successfully garnered the support of both ASEAN partners and the international organizations present at the summit, and these partnerships will continually discuss efforts to address the needs in the Rakhine State in the future.

-Have war crimes and gross violations of human rights occurred in Myanmar's past? Has that been acknowledged? How have past abuses been dealt with?

- As we described in our Needs Assessment for Repatriation report, we are aware that there is a need for stability in the Rakhine State.
- While some violence recently erupted as a result of heightened tensions, the conflict was inter-ethnic, and it is presently Bangladesh that impedes the return of persons, particularly Muslims, displaced as a result of this conflict. An on-ground assessment of the Rakhine State has determined that the present conditions in Myanmar—as conditions in the past have been—are conducive to the return of displaced persons. This assessment additionally showed that the higher the presence of the Border Guard Police, the safer local villagers felt.
- Thus, ASEAN urges Myanmar to continue with its peaceful efforts at national reconciliation.

-How does Myanmar view reconciliation?

- The Government of Myanmar has taken deliberate steps towards national reconciliation, holding dialogues among key institutions to ensure a peaceful transition to democracy. It is their priority.
- By signing the Memorandum of Understanding at the 33rd ASEAN summit, the Government of Myanmar demonstrated their commitment to the reconciliation and repatriation of displaced persons as well as the collective development of Rakhine State.

-How does the government of Rakhine State view reconciliation?

- The government of Rakhine State views reconciliation primarily as the repatriation of displaced peoples. The local government acts in accordance with the Government of Myanmar to facilitate the resettlement of displaced persons.
- The ASEAN Coordinating Center for Humanitarian Assistance (AHA Center) has continually worked with the government of Rakhine State to deliver more than 80 tons of relief items—including tents, personal hygiene kits, and generators—for displaced communities

throughout the region. Their trust and commitment to delivering this aid demonstrates the deep level of emphasis the government of Rakhine State places on the reconciliation of displaced groups.

-How do the Rohingya view reconciliation?

- The Muslim communities that have been displaced within and surrounding Rakhine State yearn for repatriation and resettlement as a means of reconciliation.
- Following a hefty delivery of humanitarian aid to Rakhine State in 2017, Adelina Kamal, the Executive Director of the AHA Center, expressed gratitude on behalf of the displaced Muslim communities in Rakhine State not only for the government's generous aid but for their continued commitment to repatriation and resettlement as well.
- Displaced Muslim communities in Rakhine State place their trust in ASEAN organizations to both deliver critical humanitarian aid as well as socially, politically, and economically restabilize the region.

-Are there past examples of local and/or national efforts at reconciliation in Myanmar?

- In the 1990s and through the early 21st Century, politics in Myanmar stood at a deadlock between the ruling State Peace and Development Council (SPDC) and Aung San Suu Kyi, who was placed on house arrest for six years between 1985 and 1991.
- In 2000, the UN sent Razali Ismail to Myanmar as a special envoy to attempt to foster political reconciliation. To achieve this, Razali urged both sides of the government to immediately initiate a political dialogue on national reconciliation. After initial reconciliatory meetings between the two sides, the Myanmar Government began releasing political prisoners and allowing for the establishment of branches of the National League of Democracy throughout the country. These actions represented the first substantial steps towards reconciliation. Though the process was

gradual, eventually, trust was regained on both sides and the partitioned government merged into a cohesive entity.

- On a local level, trust and institutional reconciliation was restored to the populace when the government became more transparent.
- On a national level, the Governments of Japan and various Western countries incrementally increased their developmental contribution as Myanmar worked towards reconciliation. This incentivized political institutions and popular organizations to seek common grounds and cooperate.

-Who has written the history of the Rohingya in Myanmar? How does the government version differ from that of the Rohingya?

- The Government of Myanmar recognizes that various Muslim groups in the Rakhine State have been displaced. All parties acknowledge that local conflicts have previously caused these communities to seek refuge in neighboring countries, especially Bangladesh, and the Government has consistently engaged in dialogues regarding the future of these displaced groups. The Government has trusted in organizations like the Emergency Response and Assessment Team (ASEAN-ERAT)—as well as various other offshoots of ASEAN—to help facilitate their efforts.

-How does Bangladesh define the Rohingya?

- Bangladesh recognizes that the influx of refugees groups flooding across their borders is caused by conflicts in neighboring Myanmar. Since August 2017, more than 740,000 displaced groups from Rakhine State have crossed into Bangladesh. However, since March of 2019, Bangladesh has impeded the flow of incoming refugees.
- The Prime Minister of Bangladesh Sheikh Hasina, who has engaged in various dialogues with the Government of Myanmar regarding the repatriation of displaced persons, calls upon China to

pressure Myanmar to increase its refugee uptake. Despite this pressure, Bangladesh is open to cooperation with Myanmar to develop effective methods of repatriation.

-If the histories or narratives differ between the Rohingya and the government, what challenges do reconciliation efforts face?

- The Government of Myanmar has held continuous discussions regarding effective solutions for repatriating displaced communities in Rakhine State. It adequately recognizes the need for resettlement and reconciliation among these Muslim communities.
- However, while the Government of Myanmar recognizes the need to enable displaced groups to repatriate, the Government of Bangladesh—though they have historically been cooperative and supportive in resettling displaced groups—has recently stopped accepting these refugees, making attempts at reconciliation difficult to uphold. Because reconciliation is costly, it would be more effective if these governments could work together to relocate the displaced groups of Rakhine State.
- Though Rakhine State consists of various ethnic groups, the Memorandum of Understanding implemented by the Government of Myanmar serves to bridge the divides both among displaced groups as well as between these communities and their governmental organizations.

-How does Myanmar view remembrance and memorialization of its history? Who and what does it remember and through what type of memorials?

- Myanmar acknowledges that the memorialization and remembrance of its history is paramount to maintaining its culture and customs. It teaches a select history of its past and memorializes those events it deems as essential assets to the Burmese character.
- Myanmar has constructed various memorials to commemorate its history, particularly emphasizing its involvement in World War II. An example of such a memorial is the Rangoon

Memorial, which commemorates the 27,000 Burmese Land Forces of the British Empire who died during World War II.

- While Myanmar selectively projects, through memorials and museums, the pride-inducing pieces of their history that reflect the resilience of Burmese character, the Government also limits specific knowledge on certain events for the good of the general public, as the Government believes that exposure to potentially upsetting histories of the nation's past crimes would unnecessarily risk a return to violence.

COMMITTEE ON DISPLACEMENT

Representative: Casey Mathur

-Political Interests:

- The attacks against Myanmar security forces on 25 August 2017, as well as other acts of violence that resulted in loss of civilian lives, destruction of homes, and displacement of large numbers of people are condemned by ASEAN, and a peaceful solution is sought after. ASEAN strongly urges the multiple parties involved to avoid deadly actions that will further complicate the situation on the ground.
- The displaced peoples from the Rakhine region are considered temporarily stateless, as Bangladesh has prevented acceptance of more of the displaced. Regarding statelessness, the 1961 Convention on Statelessness must be consulted. This convention requires that states prevent statelessness at birth and later in life. According to the convention, children are meant to acquire the nationality of the country in which they are born. The convention also highlights important safeguards to prevent statelessness due to loss or renunciation of nationality and state succession, as those who are displaced. The Rakhine Situation must be dealt with through open dialogue between the displaced populations and the Myanmar Government.

- Bangladesh has accepted approximately 723,000 displaced peoples from the Rakhine State, but as of March 2019, Bangladesh has stopped accepting these stateless people.
- It is clear that long-term solutions to the root causes of the conflict must be found, including encouraging closer dialogue between Myanmar and Bangladesh, so that the affected communities can rebuild their lives.

-Economic Interests:

- The Ministers of ASEAN officially commemorate the commitment by Myanmar's authorities to ensure the safety of civilians, take immediate steps to end the violence in Rakhine, restore normal socio-economic conditions, and address the refugee problem through verification process.
- ASEAN and the Myanmar government have agreed to begin practical measures to alleviate the situation in Rakhine State. The Preliminary Needs Assessment (PNA) and the plan for the Comprehensive Needs Assessment will facilitate the repatriation of the displaced in Rakhine State.
- ASEAN will establish a technical working group, comprising representatives of the ASEAN Secretariat, the AHA Centre, the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, the Department of Disaster Management, and other relevant officials and experts, to discuss areas of collaboration identified in the Rakhine report. This body will facilitate ASEAN's assistance to the Government of Myanmar and the displaced persons of Rakhine through humanitarian assistance and basic services, such as health, education, technical assistance, and livelihood assistance.

-Humanitarian Interests:

- The situation in Rakhine State is a complex sectarian conflict with deep historical roots, concerning the previous imperial history of Myanmar, as well as the previous military control.

This concerns the previous colonial rule of Myanmar as well as the settlement of multiple peoples over vast periods of time.

- Non-Refoulement refers to the principle of preventing a group of people returning to hostile conditions. The principle of Non-Refoulement does not apply, as the government of Myanmar shall receive comprehensive aid and assistance in terms of repatriation of the displaced.
- ASEAN will support Myanmar's Government in its efforts to bring peace, stability, rule of law and to promote harmony and reconciliation between various communities, as well as sustainable and equitable development in the Rakhine State

COMMITTEE ON LAW

Representative: Hogan Greenfader

-How has accountability in other countries been addressed after mass atrocities, such as:

1. Amnesty
 - In Chile, from 1973 to 1990, the military dictatorship ruled by General Augusto Pinochet was responsible for a series of human rights abuses, such as detaining, torturing, kidnapping, executing, and assassinating citizens for political reasons. It is suspected that there were around 40,000 victims.
 - Pinochet was indicted for his human rights violations, but a constitutional amendment gave ex-Presidents immunity from prosecution in Chile. Thus, Pinochet was never convicted for the alleged crimes.
 - Many government officials of Pinochet's government kept their positions when Chile became a democracy.
 - How Effective is Amnesty: Since the fall of the military dictatorship, Chile has been relatively economically successful when compared to other South American nations. However, when

protests broke out in November 2019 because of increased subway fares, there was a repressive crackdown—one very reminiscent of Pinochet's government. Without reconciliation, the probability of history repeating itself is too high, which may unfortunately be the case with Chile.

2. Trials

- Following the Holocaust, 185 people were indicted for various crimes. The Nuremberg Trials from 1945-1949 were responsible for the sentencing of 12 defendants to death, 8 to life in prison, and 77 to other prison sentences of different lengths.
- After the Bosnian Genocide, which took place during the Bosnian War from 1992-1995, 161 individuals were indicted for one or more of these four crimes: Genocide, Crimes Against Humanity, Violations of the Laws or Customs of War, and Grave Breaches of the Geneva Conventions. 90 of these 161 individuals were sentenced due to the proceedings of the International Criminal Tribunal for the former Yugoslavia (ICTY). The ICTY lasted 24 years, as it was founded in 1993 and it closed in 2017.
- After the genocide of the Tutsis of Rwanda in 1994, the International Criminal Tribunal for Rwanda (ICTR) was established. The ICTR indicted 96 individuals, and 61 of these individuals were convicted for their part in the genocide. The ICTR lasted 21 years, as it was founded in 1994 and it was dissolved in 2015.
- How Effective are Trials: Trials have enabled a certain amount of justice to be found after a genocide or atrocity has taken place. However, trials only allow for the conviction of high ranking officials in the genocide. It is nearly impossible to convict every person who took part in a genocide, as there are often far too many perpetrators. Therefore, trials struggle to bring about justice for the victims. Reconciliation is a solution that most would deem more favorable, as it is more effective. Through reconciliation, a dialogue can form between the victims and the perpetrators.

3. Truth and Reconciliation Commissions

- After apartheid ended in South Africa in 1994, a Truth and Reconciliation Commission was established. Victims and perpetrators of human rights violations were allowed to share what they had experienced and discuss their role. In some cases, the perpetrators received amnesty (depending on the severity of their crimes).
- How Effective are Truth and Reconciliation Commissions: These commissions are a form of restorative justice. They differ from the retributive justice that is sought after through trials, as they do not seek punishment, only they seek the truth. Thousands of people appeared before the commission, with their statements airing on television every Sunday from April 1996 to June 1998. The commission did help to spread information about the crimes committed during the apartheid era, yet there were many who appeared before the commission and did not tell the truth, as they only sought amnesty. The commission was successful in strengthening awareness, but the information they obtained was not always accurate.

4. Local Reconciliation Efforts

- In 1999, the National Unity and Reconciliation Commission (NURC) was established in Rwanda. The goal of NURC is to promote unity between the perpetrators and the victims of the Rwandan Genocide—the Hutus and the Tutsis. They had a focus on homegrown, local initiatives. One such initiative was Ingando, solidarity camps throughout Rwanda where reconciliation was achieved through education and cooperation.
- How Effective are Local Reconciliation Efforts: Hutus and Tutsis have lived side by side without any major conflicts since the end of the Rwandan Genocide, and reconciliation has played a big part in this. However, reconciliation is often impeded by genocide denial, lasting divisions, destroyed property, and socioeconomic inequality. This is why reconciliation can only unite a divided country to a certain extent.

-The ICC and the ICJ:

- The International Criminal Court (ICC) is responsible for the prosecution of individuals for crimes such as genocide, crimes against humanity, and war crimes. It only has jurisdiction over its member states, of which the US is not included.
- The International Court of Justice (ICJ) is responsible for legal disputes between nations, not individuals. It is a United Nations entity, so it has jurisdiction over all members of the UN.

-How effective is the ICC:

- The ICC has investigated 12 different situations such as Darfur, Libya, and Bangladesh/Myanmar. The ICC has indicted 44 people. Of these 44 individuals, the ICC has only had 2 convictions. Therefore, the ICC is not very effective, as it is rarely successful.

-Would the ICC or ICJ be appropriate to consider the situation with the displaced peoples in Myanmar:

- No, neither of these bodies should be involved in this situation. The ICC can be ruled out because it is an ineffective institution, and it does not have the ability to fix the problem that is occurring in the Rakhine State of Myanmar. The purpose of the ICJ is to settle disputes between nations. This is not a conflict between nations, so the ICJ should not get involved. Also, both of these courts go against one of the main principles of ASEAN: non-interference.

-Were any specific communities/religions/ethnicities targeted during the war:

- Unfortunately, war always brings about a certain number of casualties.

-Does Myanmar recognize international law?

- No, because Myanmar is not a member state of the ICC. However, Myanmar is a member state of the United Nations, therefore it is under the jurisdiction of the ICJ.

-Does Myanmar national law conflict with international law regarding human rights and refugees?:

- As a member of ASEAN, Myanmar values human rights, however these may differ from international human rights slightly.

-Customary or local law in Myanmar:

- As of 2014, Myanmar is 87.9% Buddhist. Therefore, religion is very important in Myanmar. Insulting religion is an offense worthy of persecution in Myanmar. Insulting the Buddha in any way—such as having a disrespectful image or tattoo of the Buddha—is a punishable offence.

-Can minority groups in Myanmar have autonomy to make their own laws:

- No, they cannot.

-Rights of displaced peoples:

- The Myanmar government is working to create a conducive environment in which the displaced peoples can rebuild their lives and return to stability.

COMMITTEE ON HUMAN RIGHTS

Representative: Simone Saidmehr

-How would you describe the Rohingya in terms of religion and ethnicity?

- The displaced people are a stateless group who predominantly follow Islam. The Rakhine population is mostly concentrated in five northern townships of Rakhine State: Maungdaw, Buthidaung, Rathedaung, Akyab, Sandway, Tongo, Shokepro, Rashong Island and Kyauktaw.

-How secular/religious are Myanmar and Bangladesh?

- Myanmar is a multi-religious country. There is no official state religion, however according to the 2014 census of the Burmese government, Theravada Buddhism is the dominant religion with 88% of the population practicing Buddhism.
- Bangladesh is a Muslim majority nation with Islam as its state religion. Freedom of religion is guaranteed by its constitution in which it gives equal rights to all citizens irrespective of religion. Bangladesh was founded as a secular state, however, Islam was made the state religion in the 1980s. Today, the High Court has a strong stance against punishments by Islamic edict.

-What is Myanmar's history with human rights violations?

- Myanmar is responsible for attacks against Myanmar security forces on 25 August 2017 and several acts of violence which resulted in loss of civilian lives, destruction of homes and displacement of large numbers of people. Based on surveys of refugees who fled Myanmar for neighboring Bangladesh, 28,300 Rohingya children have lost at least one parent, while an additional 7,700 children reported having lost both parents, according to the ASEAN Parliamentarians for Human Rights (APHR).

-What does Bangladesh have in place now to respond to the needs of the influx of Rohingya, especially related to trauma?

- Psychosocial support has been provided by humanitarian organizations in Bangladesh and has been key to helping displaced peoples cope with the trauma of uprooting their lives. Religious organizations and Imams also contribute in a major way to helping the Rakhine move forward. However, the amount of resources committed to refugee camps in Bangladesh does not allow for extensive mental health services; this role has largely been filled by NGOs and non-profit organizations.

-How are the international community and Bangladesh assessing short-term needs of the Rohingya population and who is meeting those needs?

- The primary concern of the Bangladeshi government in responding to the needs of these refugees is working on repatriation. Building a closer dialogue between Myanmar and Bangladesh is instrumental in ensuring that the affected communities can rebuild their lives. The government of Myanmar has been working diligently to assess the readiness of Repatriation and Transit Centers including assessing potential relocation sites. Further, SEAN's Emergency Response and Action Team (ERAT) produced a "preliminary needs assessment" on repatriation for the approximately one million refugees now in Bangladesh. The main focus of the assessment is the importance of

getting the refugees population back home, the need for Myanmar's government to focus on capacity-building, dissemination of information, and the support of provisions of basic services in Rakhine State.

-Is Bangladesh able to ensure the short term needs of the Rohingya within its borders? Why or why not?

- Bangladesh has generously provided a safe haven to one million refugees. That said, it has been an ongoing challenge of determining how to best provide for the refugees who are currently living in camps in Bangladesh. While the Bangladeshi government has provided shelter and other necessities to the refugees, the massive numbers of refugees into Bangladesh is beginning to overwhelm the Bengali government as it requires significant resources/funding to maintain the camps. This has hindered Bangladesh from providing certain services, specifically phone service and education. Instead, NGOs have played a big role in providing education and healthcare. To address crowding in the camps, the government of Bangladesh has offered a plan to resettle about 100,000 refugees to Bhasan Char, an island formed from silt deposits in the Bay of Bengal.

-What is the role of the international community in speaking on behalf of the Rohingya?

- The International Criminal Court (ICC) in The Hague recently approved a request to investigate alleged crimes against humanity in Myanmar.

-Who is currently providing humanitarian assistance to the Rohingya?

- There are several major humanitarian organizations who are providing aid to the refugees including the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management, OCHA, and the European Union.
- The ASEAN Coordinating Center for Humanitarian Assistance (AHA Center) has worked to deliver more than 80 tons of relief items for displaced communities throughout the region.

-If the Rohingya return to Myanmar, what preventative measures can be put in place to ensure their safety?

- It is imperative that Myanmar play a role in the voluntary return of displaced persons in a safe, secure and dignified manner. A comprehensive and long-term solution must be found to address the root causes of the conflict. Specifically, humanitarian relief and reconciliation among communities will be instrumental in ensuring that the refugees can reside in Myanmar safely. The government of Myanmar has taken steps towards national reconciliation and has held dialogues among key institutions and communities in an effort to conduct a smooth transition into democracy.