UNHRC

Letter from the Executive Board

Respected Delegates,

First of all, I would like to take this opportunity to welcome you all to the simulation of United Nations Human Rights Council at Podar Summit 2019. We hope that these three days of discussions and deliberations turn out to be fruitful in all aspects. This study guide shall serve as the starting point of research. At no point of time consider it to be the only sphere of discussion, kindly explore other fronts as well. This guide is just to provide you with a basic idea of as to what the agenda is. We expect debate and analysis from you. I do not expect you to speak out facts in the committee, however, analysis of situations and argumentation shall help you proceed forward in the committee. Also, any case study in this study guide is based on a compilation of various reports and does not necessarily reflect the views of the Executive Board. Keep in mind the foreign policy of your country since it is an essential parameter of judgement. In case there are any doubts regarding the committee proceedings, feel free to contact us. All the best for the conference and I hope we are able to make the two days a learning experience.

Regards,
Himanshi Sharma
+91 7045638425

Evidence or proof is acceptable from sources

1. <u>News Sources</u>

- REUTERS - Any Reuters article which clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council. (http://www.reuters.com)
- State operated News Agencies- These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other country in the council.

Some examples are,
a) RIA Novosti (Russia) http;//en.rian.ru./

b) IRNA (Iran) http://www.irna.ir/ENIndex.htm
c) BBC (United Kingdom) http://www.bbc.co.uk
d) Xinhua News Agency and CCTV (P.R. China)
   http://cctvnews.cntv.cn/

2. Government Reports

These reports can be used in a similar way as the State Operated News agencies reports and can, in all circumstances be denied by another country.
a. Permanent Representatives to the United Nations reports
    http://www.un.org.en/members/
(Click on any country to get the website of the Office of its Permanent Representative)

b. Multilateral Organizations like the
NATO (http://www.nato.int/cps/en/natolive/index.htm)
ASEAN (http://www.aseansec.org/)
OPEC (http://www.opec.org/opec_web/en/), etc.

3. UN Reports

- All UN Reports are considered credible information or evidence for the Executive Board of the General Assembly.

   a. UN Bodies like the SC (http://www.un.org/docs/sc/),
       GA(http://www.un.org/en/ga) HRC
       (http://www.ohchr.org/EN/HRBodies/HRC/pages/HRCIndex
       .aspx) etc.

   b. UN Affiliated bodies like the International Atomic Energy
       Agency (http://www.iaea.org.), World Bank
       (http://www.worldbank.org/), International Monetary Fund
       (http://www.imf.org/external/index.htm), International
       Committee of the red Cross
       (http://www.icrc.org/eng/index.jsp), etc.

   c. Treaty Based Bodies like the Antarctic Treaty System
       (http://www.ats.aq/e/ats.htm), the International Criminal
       Court (http://www.icc-cpi.int/Menus/ICC)

Under no circumstances will sources like Wikipedia, Amnesty International, human Rights Watch or newspapers like the Guardian, Times of India etc. be accepted.

SUGGESTED PATTERN FOR RESEARCHING

Researching and understanding the United Nations and the Committee/Council being simulated — its Mandate, including understanding historical work done on the agenda, research on the allotted country. Understanding its polity, economy, military, culture, history, bilateral relations with other countries, ideological position on various other relevant issues related to the agenda etc.

Comprehending the Foreign Policy of the allowed country. It includes understanding the ideology and principles adopted by the country on the agenda. It further includes studying past actions taken by the country on the agenda and other related issues—specifically analyzing their causes and consequences. Reading the background guide thoroughly.

Researching further upon the agenda using the links given in the guide and from other sources such as academic papers, institutional reports, national reports, news articles, blogs etc. Understanding policies adopted by different blocs of countries (example: NATO, EU etc.) and major countries involved in the agenda, including their position, ideology, past actions and position adopted.

Characterizing the agenda into sub-topics and preparing speeches and statements on them. It is the same as preparing topics for the moderated caucuses and their content. Preparing a list of possible solutions and actions the UNSC can adopt on the issue as per your country's policies.

Assemble proof/evidence for any important piece of information/allegation you are going to use in committee and keeping your research updated using various news sources.

Rough Guide to be A Good Delegate
Style is the manner in which you communicate your arguments. This is the most basic part of debating to master. Content and strategy

are worth little unless you deliver your material in a confident and persuasive way.

Content is what you actually say in the debate, the arguments used to develop your own side's case and rebut the opposite side's. This is the bread and butter off debating. The conceits are simple but often a lot of practice is needed before speakers master the skills of defining the motion, developing a case and rebutting the opposition.

Whatever the motion is, the first speaker in the debate must define it. This means explaining what the debate will be about. Sometime the motion given is very clear (e.g.: This House believes we Should bomb Iraq) and sometimes it is very vague
(e.g.: This House Would use Force). In the former case, it is necessary to just clarify the terms of the motion. In the example above, it would be necessary to explain what exactly was meant by the terms "we" and "bomb", whereas in the latter case the actual issue itself must be decided and explained and a reasonable link must be made with the motion as given.

Examples of possible definitions for the two motions above are given below:

"This House Believes We Should Bomb Iraq…. This means the UK and the US alone should start a program of air strikes against Iraqi military targets right now"

This means that if UN diplomacy breaks down, the UN as a whole should sanction a program of air strikes against Iraqi military targets" This means that the UK should drop a nuclear bomb on Baghdad as soon as possible," and so on.

"This House Would use Force…the force in question here is the force of the law and we would use it to make voting in general Elections in the UK compulsory" ….
"The force in question here is the police force and we would use it to adopt a policy of zero tolerance on petty crime (as in New York) throughout the UK" …
The force in question is the force of nature and we believe that we should harness this by investing more in renewable energy sources", and so on.

As you can see, even a quite specific motion can still apply to a wide range of possible cases and a vague one can apply to almost anything at all. The two most important things are that the resultant debate is fair and two-sided and that the subject you have chosen links satisfactorily to the motion. Unlike in schools, debating the definition you have given cannot be challenged by any other speakers unless it is unfair.

Try making arguments that support your case. Arguments are characterized by having two parts — a premise (or fact) and the justification (creative analysis). We value wisdom more than knowledge because wisdom is a result of refining our character.

RULES OF PROCEDURE

1. General Speaker's List (GSL) –

It is the "standard" type of debate at Model UN conference in which delegates speak for a certain time in an order based on a speakers' list. The Chair will recognize speakers for the same. Each speaker's time for a GSL can be between 90-120 seconds following a yield that the delegate can make either to comments, Points of Information, to the Chair or to another delegate for the remaining time of speech.

2. Point of Order –

Both factual and procedural Points of order will be allowed in the Council. P.O.O.s will also be allowed during Moderated caucuses if the committee wishes so. However, no P.O.O. shall interrupt the speaker. Logical fallacies do not constitute a P.O.O. Instead, they are to be used within your arguments. A P.O.O. must first of all, quote verbatim (not the essence or the summary, but word to word) the incorrect statement, and then state the correct facts and MUST mention the source of the correct fact. Any P.O.O. not following the above format shall not be accepted.

3. Provisional Speakers' List –

A PSL can be set up for any controversial topic that the delegates feel needs to be clarified before debate can move further. This motion can only be raised when there has been some update which has been presented to the committee, for example, a crises situation which the committee needs to deliberate upon. A provisional speakers list can have each individual speaker's time between 90-120 seconds. There is no total time for a provisional speakers list. A provisional speakers list can be used to entertain points of

information, points of order to a provisional speakers list shall also be in order.

4. Unmoderated Caucuses-
Delegates are urged to use Unmoderated caucuses as often as required, because we must remember that this is a committee where negotiations need not necessarily be structured and moderated most of the time. This is where the lobbying skills of the delegates will be tested. At the same time, all the unmoderated caucuses will be judged and delegates are expected to converse in the official language and maintain decorum (pursuant to foreign policy).

1 ROHINGYAN REFUGEE CRISIS

1.1 ABOUT

The Rohingya refugee crisis is a human rights and humanitarian disaster that has, in one year alone, rapidly grown in numbers, yet declined in access and resources. More than 1.3 million refugees — targets of violent attacks in Rakhine State in Myanmar— and host community members have been affected.
Many of the Rohingya people fled to Bangladesh and set up camps in the city of Cox's Bazar. Unfortunately, the two largest camp settlements quickly overfilled, and many refugees are attempting to set up camp in the surrounding areas. There are now more than 30 unregistered settlements.
Overcrowded camps are not the only poor conditions the refugees are facing. Nearly a quarter of all Rohingya refugee children living in camps (between 6 months and 5 years-old) are malnourished. Lack of clean water, unsafe environments for girls and women and the inability for children and young people to seek emotional support for their experiences are all negatively affecting the displaced Rohingya people.

1.2 WHO ARE THE ROHINGYA?

The Rohingya are an ethnic Muslim minority who practice a Sufi-inflected variation of Sunni Islam. There are an estimated 3.5 million Rohingya dispersed worldwide. Before August 2017, the majority of

the estimated one million Rohingya in Myanmar resided in Rakhine State, where they accounted for nearly a third of the population. They differ from Myanmar's dominant Buddhist groups ethnically, linguistically, and religiously.

The Rohingya trace their origins in the region to the fifteenth century, when thousands of Muslims came to the former Arakan Kingdom. Many others arrived during the nineteenth and early twentieth centuries, when Rakhine was governed by colonial rule as part of British India. Since independence in 1948, successive governments in Burma, renamed Myanmar in 1989, have refuted the Rohingya's historical claims and denied the group recognition as one of the country's 135 official ethnic groups. The Rohingya are considered illegal immigrants from Bangladesh, even though many trace their roots in Myanmar back centuries.

Neither the central government nor Rakhine's dominant ethnic Buddhist group, known as the Rakhine, recognize the label "Rohingya," a self-identifying term that surfaced in the 1950s, which experts say provides the group with a collective political identity. Though the etymological root of the word is disputed, the most widely accepted theory is that *Rohang* derives from the word "Arakan" in the Rohingya dialect and *ga* or *gya* means "from." By identifying as Rohingya, the ethnic Muslim group asserts its ties to land that was once under the control of the Arakan Kingdom, according to Chris Lewa, director of the Arakan Project, a Thailand-based advocacy group.

1.3 WHAT IS THE ROHINGYAS' HISTORY?

The majority of the current refugee crisis exists in Bangladesh, specifically surrounding the refugee camps in Cox's Bazar. Kutupalong and Nayapara started as the two registered refugee camps. After 1992, when more and more Rohingya families began fleeing into Bangladesh, smaller fields were built surrounding the official hubs, causing even more overcrowding and limited availability of resources. There are now an estimated 919,000 refugees living in Cox's Bazar.

Kutupalong is the largest refugee camp area to date. The Rohingya are flooding into Cox's Bazar in search of shelter, food, safe drinking water and often healthcare. Those who arrive have few, if any, belongings, and are searching for aid and resources that are steadily declining in availability. Even though the population of the

Kutupalong registered refugee camp has been declining in recent years, the number of refugees hoping to find shelter in the unofficial and unregistered settlements has jumped significantly. It is important to note why the refugees are fleeing their homes and residences in Myanmar. Years of violence, discrimination and prejudice have launched some uprisings on the part of the Rohingya.

Many Rohingya villages have been targeted and destroyed by fire in the Rakhine State, forcibly displacing the Rohingya population. The Rohingya refugee crisis began in their homeland, much of which has been demolished and continues to burn and fade away.

1.4 TIMELINE:

- 1962: Military rule becomes the norm and law throughout Myanmar. As a result, the Muslim population in Rakhine State is overpowered by militants and a Buddhist majority. Refugees begin fleeing to Bangladesh as multiple government campaigns forcibly displace Myanmar Nationals.

- 1982: An official Myanmar announcement declares 135 nationally recognized ethnic groups. The Rohingya are not included, leaving them stateless and without citizenship.

- June and October 2012: Targeted religious violence in Rakhine State noticeably affects large groups of Rohingya. More than 200 people are killed, and another 150,000 rendered homeless.

- 2014: The first official census in decades is conducted — and the Rohingya are forbidden to participate.

- November 2015: Democratic elections are held for the first time since the easing of military rule. The Rohingya are excluded from participating as both candidates and voters.

- October 9, 2016: Armed conflicts in Rakhine State cause 87,000 Rohingya to flee to Bangladesh.

- August 25, 2017: Violence again erupts and a series of attacks, with deaths on both sides, catalyzes the current movement of Rohingya people into camps within Cox's Bazar.

- October 23, 2017: More than 600,000 Rohingya people have fled Rakhine State since their communities were destroyed August.

- April 2018: An estimated 781,000 refugees have set up camp in nine settlements within Cox's Bazar.
- 13 February 2018 - "We are now in a race against time as a major new emergency looms," United Nations High Commissioner for Refugees Filippo Grandi told the Security Council via videolink from Geneva, Switzerland. He said that the Kutupalong area in Bangladesh's Cox's Bazar is now the largest refugee settlement in the world, and with the monsoon season to start in March, 107,000 refugees are estimated to be living in areas prone to flooding or landslides.

"The [Bangladeshi] Government is steering a massive emergency preparedness effort, but international support must be stepped up to avert a catastrophe," he said, stressing that "as we have repeatedly said, resolving this crisis means finding solutions inside Myanmar."

He said that conditions are not yet conducive to the voluntary repatriation of Rohingya refugees to Myanmar.

The refugee crisis erupted in late August when Myanmar armed forces launched a security operation in the north of Rakhine State, driving thousands of children, women and men to flee over the border to Bangladesh in search of safety. "The causes of their flight have not been addressed, and we have yet to see substantive progress on addressing the exclusion and denial of rights that has deepened over the last decades, rooted in their lack of citizenship," Mr. Grandi said. "It is time to bring an end to this repeated, devastating cycle of violence, displacement and statelessness to invest in tangible, substantial measures that will start to overcome the profound exclusion that the Rohingya community have endured for far too long," he added. Also addressing the Council was UN Assistant Secretary-General for Political Affairs Miroslav Jenca, who said that while there has been certain progress on the three priorities laid out by the Secretary-General, not all have been implemented thus far. Turning first to the need to end violence and improve the security situation, he said that although large-scale acts of violence have subsided, concerns about threats and intimidation

against the remaining Rohingya population from Bamar and Rakhine communities, as well as from militia and security forces in Rakhine state, persist. Second, the UN does not have sufficient access to make a meaningful assessment of the humanitarian or human rights situation in Rakhine. As for the third point, which is voluntary, safe, dignified and sustainable return of refugees and internally displaced people to their places of origin or choice, Mr. Jenca said the Government has taken some high-level steps to advance this process, including the convening of an Advisory Board, whose recommendations include the inclusion of the UN at an early stage, soonest full humanitarian access, wider media access, and the formation of an independent fact-finding commission. Mr. Jenca called on the authorities in Myanmar to release the two arrested Reuters journalists and respect the right to freedom of

expression and information. Reuters has now published the story these journalists were working on, a deeply disturbing account of the execution of 10 Rohingya men in Inn Din village (Maungdaw) in northern Rakhine state,he said, while the Associated Press (AP) has also published a report of five mass graves in Gudar Pyin village (Buthidaung). "These and other shocking reports of grave abuses demand our attention and action, for the sake of lasting peace and justice," he said.

1.5 WHAT STARTED THE ROHINGYA REFUGEE CRISIS?

The Rohingya people have faced decades of systematic discrimination, statelessness and targeted violence in Rakhine State, Myanmar. Such persecution has forced Rohingya women, girls, boys and men into Bangladesh for many years, with significant spikes following violent attacks in 1978, 1991-1992, and again in 2016. Yet it was August 2017 that triggered by far the largest and fastest refugee influx into Bangladesh. Since then, an estimated 745,000 Rohingya— including more than 400,000 children—have fled into Cox's Bazar.

In Myanmar, entire villages were burned to the ground, families were separated and killed, and women and girls were gang-raped. Most of the people who escaped were severely traumatized after witnessing unspeakable atrocities. These people found temporary shelter in refugee camps around Cox's Bazar, Bangladesh, which is now home to the world's largest refugee camp.

As of March 2019, over 909,000 stateless Rohingya refugees reside in Ukhiya and Teknaf Upazilas. The vast majority live in 34 extremely congested camps, including the largest single site, the Kutupalong-Balukhali Expansion Site, which is host to approximately 626,500 Rohingya refugees.

More than one year into this multifaceted collaborative response, the situation has gradually begun to stabilize. Basic assistance has been provided, living conditions in the camps have improved somewhat and disaster risk mitigation measures have been largely successful. However, despite progress, the Rohingya remain in an extremely precarious situation. The root causes of their plight in Myanmar have not been addressed and their future is still uncertain. 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. To address the ongoing needs, a new Joint Response Plan was launched in February 2019, requesting US$920.5 million to provide life-saving assistance to 1.2 million people, including Rohingya refugees who fled Myanmar to Bangladesh and local host communities. As of 17 April, the appeal is 17

per cent funded. The priority needs in the plan, which covers the January-December 2019 timeframe, include food, water and sanitation, shelter, and medical care.

1.6 WHAT IS THE LEGAL STATUS OF THE ROHINGYA?

The government refuses to grant the Rohingya citizenship, and as a result most of the group's members have no legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until recently, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990s. The white cards conferred limited rights but were not recognized as proof of citizenship. Still, Lewa says that they did provide some recognition of temporary stay for the Rohingya in Myanmar.

In 2014 the government held a UN-backed national census, its first in thirty years. The Muslim minority group was initially permitted to identify as Rohingya, but after Buddhist nationalists threatened to boycott the census, the government decided Rohingya could only register if they identified as Bengali instead.

Similarly, under pressure from Buddhist nationalists protesting the Rohingya's right to vote in a 2015 constitutional referendum, then President Thein Sein canceled the temporary identity cards in February 2015, effectively revoking their newly gained right to vote. (White card holders were allowed to vote in Myanmar's 2008 constitutional referendum and 2010 general elections.) In the 2015 elections, which were widely touted by international monitors as free and fair, no parliamentary candidate was of the Muslim faith. "Country-wide anti-Muslim sentiment makes it politically difficult for the government to take steps seen as supportive of Muslim rights," writes the International Crisis Group.

Muslim minorities continue to "consolidate under one Rohingya identity," says Lewa, despite documentation by rights groups and researchers of systematic disenfranchisement, violence, and instances of anti-Muslim campaigns.

1.7 WHY ARE THE ROHINGYA FLEEING MYANMAR?

The Myanmar government has effectively institutionalized discrimination against the ethnic group through restrictions on marriage, family planning, employment, education, religious choice, and freedom of

movement. For example, Rohingya couples in the northern towns of Maungdaw and Buthidaung are only allowed to have two children. Rohingya must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face, practices that conflict with Muslim customs. To move to a new home or travel outside their townships, Rohingya must gain government approval.

Moreover, Rakhine State is Myanmar's least developed state, with a poverty rate of 78 percent, compared to the 37.5 percent national average, according to World Bank estimates. Widespread poverty,

poor infrastructure, and a lack of employment opportunities in Rakhine have exacerbated the split between Buddhists and Muslim Rohingya. This tension is deepened by religious differences that have at times erupted into conflict.

1.8 WHAT'S CAUSED THE RECENT EXODUS?

Clashes in Rakhine broke out in August 2017, after a militant group known as the Arakan Rohingya Salvation Army (ARSA) claimed responsibility for attacks on police and army posts. The government declared ARSA a terrorist organization and the military mounted a brutal campaign that destroyed hundreds of Rohingya villages and forced nearly seven hundred thousand Rohingya to leave Myanmar. At least 6,700 Rohingya were killed in the first month of attacks, between August 25 and September 24, 2017, according to the international medical charity Doctors Without Borders. Myanmar's security forces also allegedly opened fire on fleeing civilians and planted land mines near border crossings used by Rohingya to flee to Bangladesh.

Since the start of 2018, Myanmar authorities have reportedly cleared abandoned Rohingya villages [PDF] and farmlands to build homes, security bases, and infrastructure. The government says this development is in preparation for the repatriation of refugees, but rights activists have expressed concern these moves could be intended to accommodate other populations in Rakhine State.

Furthermore, some have raised doubts that the government's tactics have been in response to ARSA attacks, with reports showing that the military began implementing its policies nearly a year before ARSA struck.

UN Secretary-General Antonio Guterres has described the violence as ethnic cleansing and the humanitarian situation as catastrophic. Rights groups and other UN leaders suspect acts of genocide have taken place. At an emergency UN Security Council meeting, U.S. Ambassador to the United Nations Nikki Haley said Myanmar authorities have carried out a "brutal, sustained campaign to cleanse the country of an ethnic minority," and she called on members to suspend weapons provisions to the military. Other Security Council members, including Russia and China, have resisted increasing

pressure on Myanmar's government because they say it is trying to restore stability.

Sectarian violence is not new to Rakhine State. Security campaigns in the past five years, notably in 2012 and 2016, also resulted in the flight of tens of thousands of Rohingya from their homes.

1.9 WHERE ARE THE ROHINGYA MIGRATING?

- *Bangladesh:*

Most Rohingya have sought refuge in nearby Bangladesh, which has limited resources and land to host refugees. More than 1.1 million people are refugees in the country, according to Bangladeshi authorities. The World Health Organization projects the birth of sixty thousand babies in Bangladesh's crowded camps in 2018. Meanwhile, the risk of disease outbreak in camps is high, with health organizations warning of possible outbreaks of measles, tetanus, diphtheria, and acute jaundice syndrome. Moreover, more than 60 percent of the available water supply in refugee camps is contaminated, increasing the risk of spread of communicable and water-borne diseases. Vulnerable refugees have turned to smugglers, paying for transport out of Bangladesh and Myanmar and risking exploitation, including sexual enslavement. In November 2017, Myanmar and Bangladesh signed a deal for the possible repatriation of hundreds of thousands of refugees, though details remained vague and the plan was postponed. Planned repatriations were delayed repeatedly throughout 2018.

- *Malaysia:*

As of October 2018, eighty thousand Rohingya were in Malaysia, according to the United Nations, though tens of thousands of others are in the country unregistered. Rohingya who arrive safely in Malaysia have no legal status and are unable to work, leaving their families cut off from access to education and health care.

- *Thailand:*

Thailand is a hub for regional human smuggling and serves as a common transit point for Rohingya. Migrants often arrive there by boat from Bangladesh or Myanmar before continuing on foot to Malaysia or by boat to Indonesia or Malaysia. The military-led Thai government has cracked down on smuggling rings after the discovery of mass graves in alleged camps where gangs held

hostages. But some experts say that while punishing traffickers disrupts the networks, it does not dismantle them.

- *Indonesia:*

The Rohingya have also sought refuge in Indonesia, although the number of refugees from Myanmar there remains relatively small because they are treated as illegal immigrants. Indonesia has rescued migrant boats off its shores and dispatched humanitarian aid and supplies to Bangladesh's camps. Indonesian President Joko Widodo pledged more help during a visit to refugee camps in Bangladesh in January 2018.

1.10 HAS CIVILIAN LEADERSHIP CHANGED THE MYANMAR GOVERNMENT'S POLICIES?

In 2016, Myanmar's first democratically elected government in a generation came to power, but critics say it has been reluctant to advocate for Rohingya and other Muslims for fear of alienating Buddhist nationalists and threatening the power-sharing agreement the civilian government maintains with the military. Some observers saw the establishment in August 2016 of an advisory commission on ethnic strife led by former UN Secretary-General Kofi Annan as a positive development. However, subsequent outbreaks of violence and several long-simmering conflicts between other ethnically based insurgent groups and the government have curbed this optimism.

Aung San Suu Kyi, Myanmar's de facto leader, has denied that ethnic cleansing is taking place and dismissed international criticism of her handling of the crisis, accusing critics of fueling resentment between Buddhists and Muslims in the country. In September 2017, the Nobel Peace Prize laureate said her government had "already started defending all the people in Rakhine in the best way possible." That December, the Myanmar government denied access to the UN special rapporteur on human rights in Myanmar, Yanghee Lee, and suspended cooperation for the remainder of her term. Nevertheless, in September 2018 the UN's fact-finding panel released a report recommending Myanmar's army leaders be referred to the International Criminal Court (ICC) and urging the UN Security Council to impose arms embargoes and sanctions.

1.11 How is the region responding?

Protesters have at times gathered in cities in Pakistan, India, Thailand, Indonesia, and Bangladesh to condemn the killing and persecution of Rohingya. Bangladesh's foreign minister condemned the violence in Rakhine as "genocide" in September 2017 and Indonesia and Malaysia called on the Myanmar authorities to halt their campaign and bring an end to the violence. Bangladesh and Myanmar have held bilateral discussions aimed at repatriating the Rohingya and guaranteeing their rights in Myanmar, but these have been ad hoc and have yet to produce a breakthrough.

In October 2018, authorities in Bangladesh and Myanmar agreed to repatriate several thousand Rohingya but offered few specifics on how those refugees would be selected. Human Rights Watch suggested that those slated for repatriation had not volunteered, but rather were chosen at random by Bangladeshi authorities. Moreover, Myanmar officials did not specify whether returning refugees would be granted full citizenship rights, including freedom of movement.

Alongside criticism of the plan from the United States and human rights groups, the United Nations urged a cancelation and warned that conditions in Myanmar were still unsafe for Rohingya. Ultimately, the Rohingya in Bangladesh refused to return until their citizenship rights were guaranteed. Experts say the Bangladeshi government must decide whether to continue to struggle to provide shelter for so many refugees or expel them and draw the ire of Western governments and aid organizations. Other governments in Southeast Asia generally lack established legal frameworks to protect refugees' rights, and the ten members of the Association of Southeast Asian Nations (ASEAN) have not coordinated a response to the deepening crisis. Indonesia, Malaysia, Myanmar, and Thailand—all ASEAN members—have yet to ratify the UN refugee convention or its protocol. ASEAN itself has been mostly silent on the plight of the Rohingya and on the growing numbers of asylum seekers in member countries, largely because of its members' commitment to the principle of noninterference in each other's internal affairs. "They aren't going to take collective action on Myanmar, with Myanmar as one of its members," says CFR's Joshua Kurlantzick.

1.12 HOW HAS THE REST OF THE WORLD RESPONDED?

In December 2016, U.S. President Barack Obama lifted sanctions against Myanmar, saying it had made strides in improving human rights. The move came amid a crackdown on Rohingya and was criticized by some as premature. A year later, new U.S. sanctions were imposed against a Myanmar general for his alleged role in the military's attacks in Rakhine, and the U.S. government has continued to widen its sanctions regime on Myanmar military commanders in 2018, as evidence of the military's atrocities mounts. Meanwhile, countries including the United States, Canada, Norway, and South Korea, as well as international donors, have upped their humanitarian assistance as the flow of Rohingya to Bangladesh has grown, and in early 2018 a team of UK medics led an emergency response to help stem the spread of disease in camps. The United Nations has requested $951 million in immediate relief funds [PDF] for 2018. At the November 2018 ASEAN summit, U.S. Vice President Mike Pence ramped up pressure on Suu Kyi, saying that Myanmar's "violence and persecution" toward the Rohingya were inexcusable.

Advocacy groups including Human Rights Watch, Amnesty International, the Arakan Project, and Fortify Rights continue to appeal for international pressure on Myanmar's government. In November 2018, Amnesty International stripped Suu Kyi of the Ambassador of Conscience Award it had conferred on her during her fifteen-year house arrest. Earlier in the year, the ICC's chief prosecutor launched an investigation into alleged war crimes that forced the exodus of Rohingya.

Still, resentment of the minority group has run deep for generations. Without overhauling "a culture of pervasive prejudice" and ensuring that Rohingya are treated as human beings, the situation in Rakhine State is unlikely to improve, says journalist and author Francis Wade.

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2 RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE

2.1 CONCEPTUALISATION

Xenophobia-is the fear of that which is perceived to be foreign or strange. Xenophobia can manifest itself in many ways involving the relations and perceptions of an in-group towards an out-group, including fear of losing identity, suspicion of its activities, aggression and desire to eliminate its presence to secure a presumed purity. Xenophobia can also be exhibited in the form of an uncritical exaltation of another culture in which the culture is ascribed an unreal, stereotyped and exotic quality.

The terms xenophobia and racism are sometimes confused and used interchangeably because people who share a national origin may also belong to the same race. Due to this, xenophobia is usually distinguished by opposition to foreign culture.

Chauvinism has been extended from its original use to include fanatical devotion and undue partiality to any group or cause to which one belongs, especially when such partisanship includes prejudice against or hostility toward outsiders or rival groups and persist even in the face of overwhelming opposition. Ethnocentrism is judging another culture solely by the values and standards of one's own culture. Ethnocentric individuals judge other groups relative to their own ethnic group or culture, especially with concern for language, behaviour, customs, and religion. These ethnic distinctions and subdivisions serve to define each ethnicity's unique cultural identity. Ethnocentrism may be overt or subtle, and while it is considered a natural proclivity of human psychology, it has developed a generally negative connotation.

The important thing about these concepts is that, beliefs like ethnocentrism and chauvinism can take forms of xenophobia and extreme fear or dislike of foreigners which could in turn lead to instigation of violence against such people. So, it is important to deliberate upon the root causes of these beliefs emerging into the society and decide as to how should xenophilia which means a liking for foreigners be promoted.

2.2 INFAMOUS EXAMPLES OF XENOPHOBIC PRACTICES

Afrophobia is a perceived fear of the cultures and people of Africa, as well as the African diaspora. Primarily a cultural phenomenon, it pertains to the various traditions and people of Africa, irrespective of racial origin. As such, Afrophobia is distinct from the historical racial phenomenon Negrophobia, which is a contempt for negro peoples specifically. The opposite of Afrophobia is Afrophilia which is a love for all things pertaining to Africa.

To overcome any perceived Afrophobia, writer Langston Hughes suggested that white Americans must achieve peace of mind and accommodate the uninhibited emotionality of African Americans. Author James Baldwin similarly recommended that white Americans could quash any Afrophobia on their part by getting in touch with their repressed feelings, empathising to overcome their emotionally stunted lives, and thereby overcome any dislike or fear of African Americans.

There are an estimated 7-12 million people of African descent and Black Europeans in Europe and they are particularly affected by racism and discrimination across the European Union. So far, however, they are the most invisible 'visible' minority on the European political agenda. Millions of Black Europeans lack equal access to employment, education, housing as well as goods and services. A 2009 survey by the EU fundamental rights agency shows that 41% of Sub-Saharan African respondents had been discriminated against on the basis of their ethnicity at least once in the previous 12 months. Black people in the United Kingdom are on an average 6 times more likely to be stopped and searched by the police than white people. A recent report on Afrophobia in Sweden reveals that Afro-swedes are the Swedish minority most exposed to hate crimes according to statistics on hate crimes, indicating a 24% increase since 2008.

Despite these persistent levels of Afrophobia, the European Union and its member states are reluctant to recognise the existence of this specific form of racism.

ENAR Chair Sarah Isal said: "EU decision makers must publicly recognise Afrophobia and develop effective strategies to counter the structural racism that prevents the inclusion of many black people in European society. It is high time to address the fact that

millions of black people in Europe are treated as second class human beings every day because of their skin colour".

Islamophobia or Muslimophobia is the prejudice, hatred or bigotry directed against Islam or Muslims. The causes and characteristics if Islamophobia are still debated. Some scholars have defined it as a form of cultural racism. Some commentators have pointed an increase in Islamophobia resulting from the September 11 attacks, while others have associated it with the increased number of Muslims in the United States and in the European Union.

In some societies, Islamophobia has materialised due to the portrayal of Islam and Muslims as the national 'other', where exclusion and discrimination occurs on the basis of their religion and civilisation which defers with national tradition and identity. Examples include Pakistani and Algerian migrants in Britain and France respectively. This sentiment, according to Malcolm Brown and Robert Miles, significantly intersects with racism, although Islamophobia itself is not racism. Author Doug Saunders has drawn parallels between Islamophobia in the United States and its older discrimination and hate against Roman Catholics, saying that Catholicism was seen as backwards and imperial, while Catholic immigrants and poorer education and some were responsible for crime and terrorism.

Brown and Miles write that another feature of Islamophobic discourse is to amalgamate nationality, religion and politics — while most other religions are not associated with terrorism, or even "ethnic or national distinctiveness". They feel that "many of the stereotypes and misinformation that contribute to the articulation of Islamophobia are rooted in a particular perception of Islam, such as the notion that Islam promotes terrorism —especially prevalent after the September 11, 2011 attacks.

The two-way stereotyping resulting from Islamophobia has in some instances resulted in mainstreaming of earlier controversial discourses, such as liberal attitudes towards gender equality and homosexuals. Christina Ho has warned against framing of such mainstreaming of gender equality in a colonial, paternal discourse, arguing that this may undermine minority women's ability to speak out about their concerns.

The largest project monitoring Islamophobia was undertaken following 9/11 by the EU watchdog, European Monitoring Centre on Racism and Xenophobia (EUMC). Their May 2002 report "Summary report on Islamophobia in the EU after 11 September 2001", written by Chris Allen and Georgen Nielsen of the University of Birmingham, was based on 75 reports. The report highlighted the regularity with which ordinary Muslims became targets for abusive and sometimes violent retaliatory attacks after 9/11. Despite localised differences within each member nation, the recurrence of attacks on recognisable and visible traits of Islam and Muslims was the reports most significant finding. Incidents consisted of verbal abuse, blaming all Muslims for terrorism, forcibly removing women's hijabs, spitting on Muslims, calling children Osama and random assaults. A number of Muslims were hospitalised and in one instance paralysed. The report also discussed the portrayal of Muslims in the media. Inherent negativity, stereotypical images, fantastical representations, and exaggerated caricatures were all identified. The report concluded that a greater receptivity towards anti-Muslim and other xenophobic ideas and sentiments has, and may well continue, to become more tolerated.

The EUMC has since released a number of publications related to Islamophobia, including the Fight Against Antisemitism and Islamophobia: Bringing Communities Together (2003) and Muslims in the European Union: Discrimination and Islamophobia (2006).

Professor in History of Religion, Anne Sophie Roald, states that Islamophobia was recognised as a form of intolerance alongside xenophobia and antisemitism at the 'Stockholm International Forum on Combating Intolerance", held in January 2001. The conference, attended by UN Secretary General Kofi Annan, High Commissioner for Human Rights Mary Robinson, the Organisation for Security and Co-operation in Europe Secretary General Jan Kubis and representatives of the European Union and Council of Europe, adopted a declaration to combat "genocide, ethnic cleansing, racism, antisemitism, Islamophobia and Xenophobia, and to combat all forms of racial discrimination and intolerance related to it".

The Organisation of Islamic Cooperation, in its 5th report to Islamophobia Observatory of 2012, found an "Institutionalisation and legitimisation of the phenomenon of Islamophobia" in the West over the previous years.

In 2014 Integrations (Swedish National Integration Board) defined Islamophobia as "racism and discrimination expressed towards Muslims"

In 2016, the European Islamophobia Report (EIR) presented the "European Islamophobia Report 2015" at European Parliament which analyses the "trends in the spread of Islamophobia" in 25 European states in 2015. The EIR defines Islamophobia as anti-Muslim racism. While not every criticism of Muslims or Islam is necessarily Islamophobic, anti-Muslim sentiments expressed through the dominant group scapegoating and excluding Muslims for the sake of power is.

Religious antisemitism is aversion to or discrimination against Jews as a whole based on religious beliefs, false claims against Judaism and religious antistatic canards. It is sometimes called theological antisemitism.

Some scholars have argued that modern antisemitism is primarily based on nonreligious factors, John Higham being emblematic of this school of thought. However, this interpretation has been challenged. In 1996 Charles Glock and Rodnet Stark first published public option polling data showing that most Americans based their stereotypes of Jews on religion. Further opinion polling since America and Europe has supported this conclusion.

The Nazis used Martin Luther's book, On the Jews and Their Lies (1543), to claim a moral righteousness for their ideology. Luther even went so far as to advocate the murder of those Jews who refused to convert to Christianity, writing that "we are at fault in not slaying them".

Archbishop Robert Runcie has asserted that; "Without centuries of Christian antisemitism, Hitler's passionate hatred would never have been so fervently echoed…. because for centuries Christians have held Jews collectively responsible for the death of Jesus. On Good Friday, Jews, have in times past, cowered behind locked doors with a fear of a Christian mob seeking 'revenge' for deicide. Without the poisoning of Christian minds through the centuries, the Holocaust is unthinkable." The dissident Catholic priest Hand Kung has written that "Nazi anti-Judaism was the work of godless, anti-Christian

criminals. But it would not have been possible without the almost two thousand years' pre-history of 'Christian' anti-Judaism…."

The second Vatican Council, the Nostra Aerate document, and the efforts of Pope John Paul II helped reconcile Jews and Catholicism in recent decades, however. According to Catholic Holocaust scholar Michael Phayer, the Church as a whole recognised its failings during the council, when it committed deicide and affirmed that they remained God's chosen people.

In 1994, the Church Council of the Evangelical Lutheran Church in America, the largest Lutheran denomination in the United States and a member of the Lutheran World federation publicly rejected Luther's antisemitic writings.

The massacres of Jews in Muslim countries continued into the 20th century. Martin Gilbert writes that 40 Jews were murdered in Tara, Morocco in 1903. In 1905, old laws were revived in Yemen forbidding Jews from raising their voices in front of Muslims, buildings their houses higher than Muslims, or engaging in any traditional Muslim trade or occupation. The Jewish quarter in Fez was almost destroyed by a Muslim mob in 1912.

Antagonism and violence increased still further as resentment against Zionist efforts in the British mandate of Palestine spread. The Grand Mufti of Jerusalem, Mohammad Amin al-Husayni played a key role in violent opposition to Zionism and closely allied himself with the Nazi regime. From 1941 al-Husayni was based in Germany from where he urged attacks on Jews. There were Nazi-inspired programs in Algeria in the 1930s, and massive attacks on the Jews in Iraq and Libya in the 1940s. Pro-Nazi Muslims slaughtered dozens of Jews in Baghdad in 1941.

2.3 ISLAMOPHOBIA VS ANTISEMITISM

It is important to understand that even when people do not have beliefs like Islamophobia and antisemitism ingrained in them while growing up, due to other people having such ideologies, people get used to it rather than oppose it. Simply explained, they get influenced by others. Also, in certain instances xenophobhic beliefs can be instigated by generalizing an act committed by an individual and attributing it to an entire community. For example – if a Muslim

commits an act of terror there follows in general a perception that Muslims are terrorists. Such sentiments when communicated to Jews instills anti-Muslim beliefs in them and then they enact counter-measures. These measures when communicated to Muslims instill in them a sense of antisemitism. Hence such acts have a major role in creating ideologies. Islamophobia and Anti-Semitism are two ideologies which have risen to prominence due to longstanding conflict between Muslims and Jews. Thus, we can safely conclude that xenophobic ideologies develop due to ongoing conflict, existing or customary beliefs of one society believing themselves to be superior to another "inferior" society. The objective of the discussion is to resolve disputes and permanently eliminate feelings of superiority in order to reduce conflict.

2.4 FAR RIGHT POLITICS

Far-right politics is right-wing politics further on the right of the left-right spectrum than the standard political right.

Far-right politics often involves a focus on tradition as opposed to policies and customs that are regarded as reflective of modernism. Many far-right ideologies have a disregard or disdain for egalitarianism, if not overt support for social hierarchy, elements of social conservatism and opposition to most forms of liberalism and socialism.

The term is commonly used to describe right-wing populist ideologies known for extreme nationalism and opposition to mass immigration, as well as Nazism, Neo-Nazism, Fascism, Neo-Fascism and other such ideologies or organisations that feature extreme nationalist, chauvinistic, xenophobic, racist or reactionary views which can lead to oppression and violence against groups of people based on their supposed inferiority or perceived threat to the nation, state or ultra-conservative traditional social institutions.

2.5 LINK BETWEEN FAR-RIGHT POLITICS AND XENOPHOBIC PRACTICES

It has been observed that xenophobia and certain discriminatory beliefs are generally instilled within people of extremist and nationalist ideologies. Thus it is this rise of far-right politics that directly or indirectly gives rise to xenophobic ideas.

The Alliance of European Conservatives and Reformists (AECR) is a conservative and Eurosceptic European political party, defending broader conservative and economically liberal principles. It has twenty-two member parties, as well as four independent members, spread across twenty countries. Its member parties have fifty MEPs and one European Commissioner. It has two heads of state and its members form part of two governments in the European council. Its wider non-EU membership also includes a further three parties in government. It has political groups in the European Parliament, the committee of the regions and the Congress and Parliamentary assembly of the council of Europe.

The party was founded on 1 October 2009, after the creation of the European Conservatives and Reformists (ECR) political group in the European Parliament. It was officially recognised by the European parliament in January 2010. The AECR had 8 members at its formation— predominantly in central and eastern Europe. It has accepted 12 more member parties since then, representing the Eurosceptic centre - right. The AECR is led by a board of directors who are elected by the council, which represents all AECR member parties.

The National Democratic Party of Germany is a far-right ultranationalist political party in Germany espousing German nationalism. It was founded in 1964 as successor to the German Reich Party. On 1 January 2011, the nationalist German People's union merged with the NPD and the party name of the national democratic party of Germany was extended by the addition of "The People's Union".

The party is usually described as a neo-Nazi organisation and has been referred to as the most significant neo-Nazi party to emerge after 1945. Since its founding in 1964, the NPD has never managed to win enough votes won the federal level to cross Germany's 5% minimum threshold for representation in the Bundestag; it has succeeded in crossing the 5% threshold and gaining representation in state parliaments 11 times.

The question here is that such political fronts in some prominent countries give rise to ideology of discrimination against certain societies and thus instigate people to resort to xenophobic acts.

How do we counteract the ideas and actions of such organisations to reduce the rise of xenophobia and discrimination, when there is so little awareness and activism for equality?

2.6 ROLE OF UNITED NATIONS

The 2001 World Conference against Racism (WCAR), also known as Durban 1, was held at the Durban International Convention in Durban, South Africa, under UN auspices, from 31 August to 8 September 2001.

The conference dealt with several controversial issues, including compensation for slavery and the actions of Israel. The language of the final Declaration and Programme of Action produced by the conference was strongly disputed in these areas, both in the preparatory meetings in the months that preceded the conference and during the conference itself.

Two delegations, the United States and Israel, withdrew from the conference over objections to a draft document equating Zionism with racism. The final Declaration and Programme of Action did not contain the text that the U.S and Israel had objected to, that text having been voted out by delegates in the days after the U.S and Israel withdrew.

In parallel to the conference, a separately held NGO Forum also produced a Declaration and Programme of its own (that was not an official Conference document) which contained language relating to Israel that the WCAR had voted to exclude from its declaration, and which was criticised by then United Nations High Commissioner for Human Rights Mary Robinson and many others. The NGO Forum ended in discord. Mary Robinson lost the support of the United States in her office of High Commissioner, and many of the potential political after-effects of the conference were annulled by the September 11, 2001 attacks. The attacks took place just three days after the conference ended, entirely eclipsing it in the news, and significantly affecting international relations and politics. The conference was followed by the 2009 Durban II conference in Geneva, which was boycotted by ten Western countries. A commemorative Durban III conference in September 2011 in New

York has also drawn significant criticism and was boycotted by 14 western countries.

Durban Declaration
http;//www.un.org/WCAR/durban.pdf

Durban Declaration is reviewed by the review conference and is assessed in order to review its implementation. The Review conference will review progress and assess the implementation of the Durban Declaration and programme of Action (DDPA)

Adopted by consensus at the 2001 World Conference against Racism (WCAR) in Durban, South Africa, the DDPA is a comprehensive, action-oriented document that proposes concrete measures to combat racism, racial discrimination, xenophobia and related intolerance. It is holistic in its vision, addresses a wide range of issues, and contains far-reaching recommendations and practical measures.

The DDPA embodies the firm commitment of the international community to tackle racism, racial discrimination, xenophobia and related intolerance at the national, regional and International level. Recognition that no country is free of racism, that racism is a global concern, and that tackling it should be a universal effort, is an important achievement. Although the DDPA is not legally binding, it has strong moral values and serves as a basis for advocacy efforts worldwide.

The question that arises is - "Should the Durban declaration be amended to better its effect and should its principles be made binding upon the parties to the declaration? If so, then how?"

2.7 SPECIAL RAPPORTEUR

At its forty-ninth session, the Commission on Human Rights appointed, in resolution 1993/20, a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. By its resolution 1994/64 of 9 February 1994, the Commission on Human Rights further defined the mandate of the Special Rapporteur for a further period of three years.

2.8 MANDATE

The Special Rapporteur has been mandated by the Human Rights Council resolution 7/34 to focus on a number of issues, listed here.

On 25 March 2011, the Human Rights Council adopted resolution 16/33 which extended the mandate of the Special Rapporteur for a further period of three years in accordance with the terms of reference contained in Human Rights Council resolution.

2.9 WORKING METHODS

In the discharge of his mandate the Special Rapporteur:

A) Transmits urgent appeals and communications to States on alleged violations regarding contemporary forms of racism, discrimination based on race, xenophobia and related intolerance to the State concerned, in order to induce the national authority to undertake the necessary investigations of all the incidents or individual cases reported. (See individual complaints)
B) Undertakes fact-finding country visits.
C) Submits annual reports on the activities foreseen by the mandate to the Human Rights Council and the General Assembly.

Note that the Special Rapporteur does not have Binding Authority and he represents a separate opinion of his own. However do take care of the role of Working Group of Universal Periodic Review mechanism and its Missions while debating upon the role of UN and its success.

2.10 CASE OF SOUTH AFRICA

Prior to 1994, immigrants from elsewhere faced discrimination and even violence in South Africa, though much of that risk stemmed from the institutionalised racism of the time due to apartheid. After democratisation in 1994, contrary to expectations, the incidence of xenophobia increased. Between 2000 and March 2008, a series of

riots left 62 people dead; although 21 of those killed were South African citizens. The attacks were apparently motivated by xenophobia. In 2015, another nationwide spike in xenophobic attacks against immigrants in general prompted a number of foreign governments to repatriate their citizens. Despite a lack pf directly comparable data, xenophobia in South Africa is perceived to have significantly increased after the installation of a democratic government in 1994.

According to 2004 study published by the Southern African Migration Project (SAMP):

"The ANC government — in its attempt to overcome the divides of the past and build new forms of social cohesion… embarked on an aggressive and inclusive nation-building project. One unanticipated by-product ion this project has been a growth ion intolerance towards outsiders…Violence against foreign citizens and African refugees and become increasingly common and communities are divided by hostility and suspicion."

The study was based on a citizen survey across member states of the Southern African Development Community (SADC) and found South Africans expressing the harshest anti-foreigner sentiment, with 21% of South Africans in favour of a complete ban on entry of foreigners and 64% in favour of strict limitations on numbers allowed. By contrast, the next-highest proportion of respondents in favour of a total ban on foreigners were in neighbouring Namibia and Botswana, at 10%.

A 2004 study by the Centre for the study of Violence and reconciliation (CSVR) of attitudes among police officers in Johannesburg area found that 87% of respondents found that most undocumented immigrants in Johannesburg are involved in crime, despite there being no statistical evidence to substantiate the perception. Such views combined with the vulnerability of illegal aliens led to abuse, including violence and extortion, some analysts argued.

In a March 2007 meeting with Home Affairs Minister Nosiviwe Mapisa-Nqakula, a representative of Burundian refugees in Durban claimed immigrants could not rely on police for protection but instead found police mistreating them, stealing from them and

making unfounded allegations that they sell drugs. Two years earlier, at a similar meeting in Johannesburg, mapisa-Nqakula had admitted that refugees and asylum seekers were mistreated by police with xenophobic attitudes.

Facts mentioned in the background guide should not be cited as conclusive proof in the committee.

Further links to ponder upon in general:
http://www.phchr.org/EN/Issues/Racism/SRRacism/pages/IndexSRRacism.aspx