

International politics' role in the lasting solution to the Rohingya crisis



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Political realism has a long tradition, stretching back from the modern era through Hobbes and Machiavelli to ancient Greece. While not all political realists deny that ethical norms apply to international relations, their focus on power and self-interest offers a useful perspective when evaluating the role that politics can hope to play in resolving the Rohingya crisis.

It could be argued, within this tradition, that in the West, the law, in combination with a free press and the electoral system, does enough to constrain political feasibility within the framework of what we would call "international law," the rules established and bound by treaty between nations. But this is not the case everywhere, and certainly not in Myanmar.

In Myanmar, the domestic legal system is largely dysfunctional. Myanmar has signed the Universal Declaration of Human Rights, and is a party to the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention); the Convention on the Rights of the Child; the

Convention on the Rights of Persons with Disabilities; and the International Covenant on Economic, Social and Cultural Rights. These obligations, however, do not translate into real humanitarian protection. On the contrary, the Myanmar regime has blocked access to medical care for victims harmed in its attack that was itself an apparent violation of the laws of war¹. It has perpetrated mass killings². International humanitarian aid has also been blocked as part of a pernicious and illegal "four cuts" strategy to suppress civilians³.

These are just a handful of examples of the letter of the law simply not being sufficient to keep those who wield power — military officials and high-ranking politicians — from disregarding the rules, less still from engaging with the West in ways that might lead them to an international court, or see them punished for their crimes. The goal must be to make dialogue and compliance with their international obligations less painful than breaking the rules.

Fortunately, there are feasible ways to achieve this — and not all from the bleak perspective of political realism. Many derive from liberal political goals: cooperation,



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justice and moral discourse. This report will explore them and highlight the great potential of politics as a solution. Politics certainly caused this crisis – and certainly holds the key to its resolution.

INTRODUCTION TO THE ROHINGYA CRISIS

At stake is a population of almost 1.6 million displaced from Myanmar since the 1970s, with the largest wave of about 700,000 having fled to Bangladesh since 2017⁴. About 900,000 are forced to live in Cox's Bazar, a refugee camp in Bangladesh, without some of the most basic provisions, including education, work, rights and medical care. Over 100,000 remain confined in camps within Myanmar⁵. About 600,000 stateless Rohingya still live in Rakhine state, their ancestral homeland.

What separates the suffering of the Rohingya from that of the many displaced groups around the world is how the Rohingya were cynically made stateless through Myanmar's 1982 Citizenship Law⁶. This ruling predicates full citizenship largely on being part of the "national races," deemed by the state to have resided in Myanmar before

The Burmese army systematically killed hundreds of Rohingya Muslims in Tula Toli village, Rakhine State in Aug. 2017, according to HRW. AFP

1824. The Rohingya, not being recognized as one of these national races, are treated as foreigners. This has led to a situation where the overwhelming majority of Rohingya, including children, are stateless.

The exclusion of the Rohingya denies them the full privileges of citizenship, a situation attributed to their "nonindigenous ancestry." Under this law, the Rohingya are allowed to hold only Foreign Registration Cards, which are often not accepted by many educational institutions and employers. The Rohingya are deprived of their rights to property ownership, marriage and freedom of movement, rights that are supposed to be enshrined under international law⁷.

Starting from the basis of ethnic and religious discrimination, the treatment of the Rohingya has developed into one of the most violent and protracted humanitarian crises of the 21st century⁹. In 2017, it resulted in one of the largest mass murders and forced deportations of the past century, by which time the Lowenstein International Human Rights Clinic at Yale Law School had already collected the evidence and identified the murder of the Rohingya as a genocide. In 2018, a key history of the period by Haradhan

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Mohajan of Premier University, Bangladesh, described in detail the “controversy” about the ethnic origin of the Rohingya, and charted the history of the ethnic violence as it “became extensive, which has transformed into ethnic cleansing and genocide¹⁰.”

Throughout their troubled history since independence in 1948, Rohingya have often fled across the border and been “repatriated” to Myanmar in ways that were not voluntary, or were influenced by the awful conditions engineered in the Bangladeshi camps¹¹. They have suffered dearly on both sides of the border. The UN Refugee Agency, or UNHCR, in place ostensibly to protect them, has shown throughout the years that it has often been incapable of preventing abuses of the refugees in the camps, and has cooperated with deportations in cases where refugees had not been consulted. Some of these issues have derived from Bangladesh not being a signatory to the 1951 Refugee Status Convention and 1967 Protocol, meaning that, in terms of international law, its obligations are quite limited, although they are still bound under the UN Charter to safeguard non-citizens in its territory¹².

CAMP POLITICS

One important barrier to the political organization of the Rohingya in Myanmar and Bangladesh is the existence of the gangs which dominate the refugee camps and control the routes across the border. Various factions, chief among them the Arakan Rohingya Salvation Army, have sought to impose their political will on the region. This is a Rohingya insurgent group previously active in northern Rakhine State, Myanmar. As Ronan Lee discusses in the journal *Perspectives on Terrorism*, political Islam has a higher value placed on it “than the group might be comfortable to admit to outsiders¹³.” The group’s strategy is still poorly formed, as Lee points out, since the Rohingya have “collectively demonstrated themselves to be resistant to radical Islamic perspectives” and so ARSA is quickly losing what support it once had among the Rohingya.

ARSA attacks on about 30 police and army posts that began in the early hours of Aug. 25, 2023 were the initial trigger for the ruthless military counterattack which has driven more than half a million Rohingya into Bangladesh. This militancy, led by ARSA, had already taken root by 2017¹⁴. The

Rohingya leader and ARSPH co-founder Mohib Ullah posing for a picture wearing a traditional dress at Kutupalong refugee camp near Ukhia. AFP

militant group has grown, getting its arms from Bangladesh, training from Tehrik-e-Taliban Pakistan and funding from drugs trafficking, especially methamphetamines¹⁵. Lee concludes that ARSA now has “closer ties to transnational jihadis and narco-traffickers than the group’s public-face communications have previously indicated.”

Being largely expelled from the Rakhine State in Myanmar, ARSA and rival groups, including the Rohingya Solidarity Organization, invest their resources in attempting to monopolize the drugs trade across the border into Bangladesh, as well as to extort the Rohingya people in protection racketeering¹⁶.

The two groups, RSO and ARSA, are involved in longstanding violence in the camps that continues to escalate. Reprisal killings take place on a weekly basis. Violence is also directed toward community leaders who have attempted to offer some form of alternative leadership or political organization, or have attempted to reach out to Western governments or NGOs¹⁷. Left completely unchecked by camp authorities, ARSA was able to establish its status as a law unto itself.

Mohib Ullah was a prominent figure in the Rohingya community, known for his peace activism and leadership¹⁸. He was instrumental in establishing the Arakan Rohingya Society for Peace and Human Rights, an organization led by fellow refugees and based in the Kutupalong refugee camp in Cox’s Bazar. His activities with the group included documentation, not only of the victims of the Rohingya gangs, but also of those killed in earlier decades in Myanmar, including victims of torture and rape, and the burning of homes and villages. He did this in the hope that the evidence could eventually be used in court proceedings. Ullah was also busy building the basis of a future Rohingya political movement.

Ullah had traveled to Geneva to the UNHRC¹⁹, transforming him from a teacher to a representative of the Rohingya polis. In his address in Geneva, he said: “For decades we faced a systematic genocide in Myanmar. They took our citizenship. They took our land. They destroyed our mosques. No travel, no higher education, no healthcare, no jobs ... We are not stateless. Stop calling us that. We have a state. It is Myanmar²⁰.”



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Eva Buzo, of Victim Advocates International, told the BBC that Ullah’s “pursuit of international justice posed a threat to the armed gangs operating in the camps²¹,” and that he was killed despite having alerted the UNHCR to the threats made to his life by ARSA. Tens of thousands turned out for his funeral. Buzo described the UNHCR as “indifferent” to Ullah’s plight, and claimed that the organization’s representatives had told him that if his political expressions were putting him at risk, he should stop expressing himself²².

Buzo further alleged that the UNHCR downplays the threats of the Rohingya gangs at the behest of the Bangladeshi government. Though it is the UNHCR which holds the mandate to ensure the rights and safety of the refugees, it is “playing second fiddle to whatever the host country is saying.” The BBC investigation caused sufficient concern at the UNHCR that a response was issued the same day, expressing dismay at the comments that “are unacceptable and in no way reflect our values and principles²³.” The UN agency detailed the lack of funding and the lack of “authorization from concerned authorities,” appearing to corroborate Buzo’s testimony²⁴.

With both relocation and resettlement rarely an option, even to those deemed to be under significant threat, thousands are forced to entrust their lives to traffickers.

Ullah was not unique. There are dozens of would-be leaders and activists at great personal risk who hold among themselves the solution to a large part of Myanmar’s political salvation. Representation and advocacy are sorely lacking, and must be considered a necessary but not sufficient condition for the restoration of Rohingya political rights. The repression has not been absolute, however. For instance, a paper published in the journal *Humanities and Social Sciences Communications* in February 2023 explored how online organization has been effective at galvanizing political identity and putting pressure on Myanmar’s persistent policies, such as referring to Rohingya as foreigners or illegal settlers²⁵.

Taken as a whole, there remains scope for those in the camps to organize, and international agency workers to alleviate the threats to the Rohingya that are preventing the effective development of a workable system of social and political discourse.

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Outsted Myanmar's leader and Nobel laureate Aung San Suu Kyi attends an International Youth Day ceremony in Naypyidaw. AFP

The UNHCR must be willing to leave and dissociate itself from Bangladesh if it continues to interfere with and obstruct the agency in carrying out its mandate. Security must be made tighter, and resources must be made available to those whose political expressions put them at risk of being targeted by the gangs. Finally, there must be encouragement for greater civilian leadership among the refugee population.

A BETTER ROLE FOR BANGLADESH?

This interplay between international agencies, Bangladesh and the junta in Myanmar highlights a new political path that depends on the willingness of Bangladesh to commit to solving the crisis. With the deposition of Aung San Suu Kyi in the political contest between her (UNHCR-backed) National League of Democracy and the new military junta, harmonious political moves from Myanmar became even less likely.

Bangladesh has been committed to repatriation of the Rohingya from the start, but hardly for reasons of international peace or goodwill. An article published in 2018 in Humanitarian Exchange, a publication of the Humanitarian Practice Network at the Overseas Development Institute, details how the Bangladesh government has used tactics including attacking refugees to force them

to leave. It has also withheld food and other basic supplies, creating what UN officials have described as “death traps,” in a policy designed to starve refugees into leaving. As noted in the last section, the UNHCR was made to comply with Bangladesh's cynical policy in order to carry out its work, making it witness to thousands of unnecessary deaths²⁶.

So bad has been the deterioration of conditions in Cox's Bazar and neighboring camps, that increasing numbers of Rohingya are fleeing the coast of Bangladesh and making a perilous 1,800 km sea crossing to Indonesia. Die Welt reported in November 2023 that more than 1,000 Rohingya had arrived in Indonesia that month, and that desperate refugees were paying \$1,800 for the crossing²⁷. To put this in context, the World Food Programme's ration for refugees is only \$8 for a whole month²⁸. There is some belief among the Rohingya that they will have more economic rights outside Bangladesh. At the least, Indonesia attempts to provide conditions better than those from which the Rohingya are fleeing.

Various sources of tension between the Bangladeshis and the Rohingya are also frustrating efforts to advance their wellbeing in their host nation. There is a perception that the Rohingya receive special attention, such as the issuance of birth certificates, which are not easily obtainable for Bangladeshis living in the same region of Cox's Bazar. There is a widespread reticence to offer passports to Rohingya in any circumstances since this would jeopardize repatriation talks with Myanmar. This has stopped the country from securing agreements with other host countries, including Saudi Arabia²⁹.

Bangladeshi commentators have pointed to the high incidence of involvement of the Rohingya in deforestation, drug smuggling, robbery and piracy³⁰. The widespread poverty in Bangladesh has also bred resentment from Bangladeshis resentful at money and resources being spent on a foreign population, and many Bangladeshis have fallen victim to the same people trafficking and criminal activities as have the Rohingya. Evictions of Rohingya from land belonging to Bangladeshi locals have also continued to stoke ethnic tensions against them³¹.

As the crime and security concerns show,

A Rohingya refugee child stands by a make-shift shelter in an unregistered camp in Bangladesh. Since 2009, Bangladesh has waged a campaign of arbitrary arrest, illegal expulsion and forced internment against Muslim refugees from neighbouring Myanmar. AFP



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the government of Bangladesh has more to do to ameliorate the situation of the Rohingya, with some of the most important and decisive changes in their gift alone³². The Atlantic Council's 2019 brief showed that human rights, security, living conditions and economic opportunities were deteriorating, and that the prospect of long-term resolution and integration was "nonexistent." That no progress has been made in this respect is a result of the belief among Bangladeshi officials and decision makers that if the conditions and rights of the Rohingya are improved, they will be set on the path to permanent settlement in Bangladesh, something the country's politicians are putting significant resources into avoiding.

There is an urgent need for Dhaka to adjust its policy toward the Rohingya and for political leadership to help to assuage the legitimate concerns of Bangladeshi voters. The International Crisis Group has called for improved policing from Bangladesh, new policies to assist rather than hinder international aid efforts, and for steps to be taken to allow Rohingya to be economically active while in the camps³³. Legal scholars are keen to point out that making these improvements will not vary or diminish

the right of the Rohingya to return to their homelands to the extent that it currently exists. Even if the Bangladeshi government insists that repatriation is the only viable solution to the crisis, there is plenty that can be done to alleviate matters in the meantime.

THE ROLE FOR THE WEST

Charitable concern from Western nations and charities has declined considerably since 2021, when \$700 million was donated to the joint response plan. That amount has fallen to less than \$500 million in 2023³⁴.

Even among generous nations with deep pockets, aid has been petering out in a significant way. Joint response funding initially reached 75 percent in 2017, but fell to 65 percent in 2020 and has yet to recover³⁵. It is likely that new causes in Ukraine, Afghanistan and, more recently, Israel and Gaza, have directed finite humanitarian resources away from the Rohingya.

Politicians, and the political process more generally, can be incredibly responsive to activism. Raising the profile of the Rohingya crisis, reminding the public and politicians in the West that this humanitarian issue remains unsolved, and reporting on the facts of the negotiations and repatriation talks would

Former UN secretary-general Kofi Annan (C) and commissioner Aye Lwin (R) of the multi-sector advisory commission meet with the Muslim community in Kyatyoepyin village in Maungdaw, located in Rakhine State near the Bangladesh border. AFP

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help to attract funds and put public pressure on actors in the region. By talking about it the West can leverage its large donor base and impressive media influence to regitalize support for the needy in Rohingya. There have been useful suggestions, not least from Crisis Group, which has suggested that political support could be drummed up for multi-year pledges, which commit to future funding and allow the UN response to seek greater efficiencies³⁶.

Increased Western attention and scrutiny has achieved results in the past. While not every intervention has been successful, it is a powerful force that can be viewed in the context of this crisis as a tool to break through into talks that have seized up. It was under international pressure that, in 2017, Myanmar agreed to allow the Kofi Annan Foundation to chair the Advisory Commission on Rakhine State, which submitted its final report to national authorities on Aug. 23, 2017. It was a landmark moment when a foreigner, a Western-aligned former UN secretary-general, was brought into the government of Myanmar with authority to address the brewing Rohingya crisis³⁷.

The report recommended urgent and sustained action on a number of fronts to prevent violence, maintain peace, foster reconciliation, and offer a sense of hope to the state's hard-pressed population. The final report of the commission puts forward recommendations to surmount the political, socioeconomic and humanitarian challenges that currently face Rakhine State. The report, the outcome of over 150 consultations and meetings held by the commission since its establishment in September 2016, proposed 88 policy recommendations to the president's office. But only eight hours after its launch, ARSA launched an attack in Maungdaw, killing several army personnel, and setting off the systematic chain of murder, rape, arson, and plunder perpetrated by the Myanmar regime³⁸. As well as demonstrating clearly how primed the situation in Rakhine State had been for an unlawful and tragic escalation, it also showed how international involvement is a big deal. It came as no surprise that ARSA launched its attack when it did. The militant group wished to prevent a rapprochement between Myanmar and the free world, and to do so at a time when the whole world was watching. The West can



China benefits strategically from Myanmar's alienation from the West, and holds enormous sway within the southeast Asian geopolitical theatre

motivate significant progress in the region by appealing to human reason and the spirit of international cooperation.

A rejuvenated Western political will would likely be successful at motivating a more realistic approach to refugee repatriation from Bangladesh. To begin with, more funding alleviates domestic pressure on Bangladeshi politicians and officials who, as discussed, face criticism due to the economic and social costs of providing refuge to the Rohingya. The international community can lower the stakes for both sides, creating the environment for substantive negotiations,^{39 40} and helping to improve living conditions in the meantime.

In what would be categorized under the umbrellas of stabilization and governance diplomacy, the US-led West should seek to use its financial resources and soft power to allay the worst fears of either side and help them to draw up cooperative roadmaps. For instance, that Bangladesh would be forced to accept the Rohingya, whom they now refer to as "foreign displaced Myanmar nationals," on a permanent basis or be expected to pay for their refuge. Myanmar might fear that by accepting some Rohingya back they will open the gates to the whole population that they have turned into an enemy. A leaf may be taken from the case of the Nepal-Bhutan Lhotshampa crisis, where the rest of the world, including the US, Canada, Australia and others, took refugees who had been in a similar limbo as the Rohingya for two decades in order to lower the burden on Nepal⁴¹.

The diplomatic approaches made by Indonesia and local actors are also worthy of consideration from the Western perspective⁴². They have been using influence through the Association of Southeast Asian Nations to support Myanmar in efforts to resolve the conflict, using their leverage to petition for an end to the discrimination and human-rights violations. They have also been using aid and funding with a specific view to motivating the first few repatriations, in the hope that setting a precedent will allow gradual progress to take hold⁴³. The regional and ASEAN response is gradually moving from a misguided and rushed attempt to force quick repatriations, to an acknowledgement of the need to solve the root causes of the crisis and to alleviate

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the immediate pressing humanitarian needs where they currently exist — in the camps⁴⁴. They have not been taking any active steps however, instead pursuing a light-touch approach of noninterference.

Brad Adams, Asia director of Human Rights Watch, summarized that “ASEAN member states should drop their harmful ‘non-interference’ mantra and express their readiness to respond to Myanmar’s abuses and lack of cooperation with international agencies⁴⁵.” It is in this context that renewed Western leadership on the issue can be seen to be so important. In a part of the world where nations give one another perhaps more leeway than they should, following the West is preferable, allowing them to use their influence without drawing too much attention to their own affairs.

China also complicates diplomatic matters in a region deeply divided between the Eastern and Western spheres of influence. China continuously uses its vetoes to protect Myanmar and block condemnation at the UN level. Beijing is, of course, tied up militarily with the regime, and takes great interest in Myanmar economically as a partner in its Belt and Road Initiative⁴⁶. Yet, from a more political perspective, Beijing is skeptical

UN Security Council meeting on Myanmar in New York, where emissary Ibrahim Gambari discusses anti-government protests expressing “deep and widespread discontent” about social and economic conditions in the country. AFP

of, and most often hostile to, Western interventionism, and wishes to promote and align itself with revisionist powers that it believes would join a coalition opposing a unipolar US-led, rules-based world order. China benefits strategically from Myanmar’s alienation from the West, and holds enormous sway within the Southeast Asian geopolitical theater.

CONCLUSIONS

The Rohingya, often described as one of the most marginalized groups globally, have faced long-standing persecution. Despite efforts to provide humanitarian aid, the response from aid agencies has been insufficient. The Rohingya have been systematically deprived of their basic human rights by both governmental and societal authorities. In a world where security is paramount, the Rohingya grapple with a lack of safety and even the prospect of violence. They remain at considerable risk of violence, and recruitment into criminality and militancy.

The international community’s limited intervention has led to the Rohingya refugees becoming a significant concern for Bangladesh, which is making considerable



UN High Commissioner for Human Rights Michelle Bachelet (C) visits a Rohingya refugee camp in Ukhta. Bangladeshi activists repeatedly briefed Bachelet on gross violations including extrajudicial killings and disappearances under PM Sheikh Hasina. AFP

efforts to assist them, but stopping short of offering any help that might imply their stay in Bangladesh could be seen as more permanent. As a result, considerable avoidable suffering happens on Bangladesh's watch, through the obstruction of aid organizations and the denial of economic rights to the refugees.

Myanmar also needs to respond to the global call to action to resolve this issue. It is only under sustained international pressure that Myanmar can be made to address the root causes of the crisis, recognize the Rohingya as citizens, and put in place safeguards to ensure that they can be safe in their homeland once again. Considerable leadership will be required in Myanmar to overcome racial and religious hostility toward the Rohingya, but there is precedent if the scale of the international effort is ambitious enough.

Politics offers the potential in each faction to de-escalate racial tensions, and in the case of the Rohingya to provide representation through which they can self-express, organize, and mobilize behind particular preferred solutions.

It was bad politics that brought this crisis to the Rohingya, but it will be politics, from the community to the international level,

that will, eventually, provide the solution. The Rohingya must be emboldened and encouraged to raise a voice for themselves. This means that Bangladesh and the UNHCR must not only take seriously the conditions in the camps and security against groups such as ARSA, but also actively fund and support community organizations within the camps. International actors, including advocacy from the media and the general public, can redirect international humanitarian resources, as well as the sterilizing light of international scrutiny, by raising once more the profile of the crisis. When that scrutiny comes, it must be hoped that it is in the form of a strong, but conciliatory, effort to assuage fears and to bring Myanmar back to the table, regardless of protestations from China.

As Madeline Albright, former US secretary of state, famously said: "A lot of people think international relations is like a game of chess. But it's not a game of chess, where people sit quietly, thinking out their strategy, taking their time between moves. It's more like a game of billiards, with a bunch of balls clustered together." Politics is the key ingredient through which we can soften stances, and advocate for better conditions and justice for villains.

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