

# VVPMUN

2024

## United Nations Human Rights Council BACKGROUND GUIDE

Agenda: Deliberating upon the Conditions(Humanitarian) for Refugees with Special Reference to the Myanmar and Rohingya Crisis(s).

## **Letter from the executive board**

We trust this letter finds you all in good health and high spirits. As the United Nations Human Rights Council Executive Board, Model United Nations, we extend a warm welcome and formal invitation to you to attend UNHRC ! Whether you are a first-timer, or have already experienced the MUN way of life, we can assure you this committee will be enriching for all of you.

This year's conference holds the promise of serving as a platform for insightful discussions concerning urgent and pressing issues. In today's world of ever-ongoing and relentlessly devastating conflict, refugees and minorities in particular remain immensely vulnerable to the political and socio economic challenges that engulf countries worldwide. Join us as we embark on an enriching journey where all of you are encouraged to make your voices heard and to chart creative, necessary, and multidimensional solutions to this agenda. Our thoughtfully curated committee and topic have been selected to reflect the most urgent concerns on the global agenda. This approach offers all attendees the unique opportunity to step into the shoes of diplomats, politicians, and decision-makers, thereby gaining a profound insight into the intricate dynamics that mould our world. As distinguished delegates, your collective experiences and insights hold immense value for our conference, debates, and unparalleled opportunities for personal and intellectual growth. We are committed to fostering an environment that propels innovative thinking and collaborative problem-solving among all our esteemed delegates.

This committee will provide you with the chance to contribute to intellectual discourse, engage with young delegates, and share your invaluable experiences. We anticipate your positive response and are excited about the prospect of hosting you at this pioneering event. We aspire to witness all of you progress as individuals and are committed to ensuring that we offer the most exceptional experience possible to all our delegates! Should you have any queries or concerns regarding the conference, the agenda, the committee or MUN as a whole, our emails are always open! We know it can be a daunting experience, especially being a junior/Middle Schooler, hence we will do our best to make the conference as enjoyable for everyone.

Regards,

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## **Introduction to the United Nations Human Rights Council (UNHRC)**

The United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations system that plays a crucial role in promoting and protecting human rights worldwide. Its primary purpose is to uphold fundamental rights and freedoms for all individuals, regardless of nationality, race, religion, or gender. The council fulfils this purpose through various means. It actively monitors and reports on the human rights situation in member states, issuing recommendations and reports on specific countries or thematic human rights issues. One of its significant processes is the Universal Periodic Review (UPR), which involves reviewing the human rights records of all UN member states to encourage improvements.

The UNHRC also appoints independent experts called Special Rapporteurs to investigate and report on specific human rights issues or country situations. When addressing human rights violations, the council can establish commissions of inquiry or fact-finding missions to investigate alleged abuses and promote accountability.

The UNHRC's work extends to developing international human rights standards. It participates in the drafting and promotion of treaties and conventions, contributing to the establishment of a comprehensive framework for the protection of human rights. Through resolutions and recommendations, the council provides a platform to address human rights issues, condemning violations, and making suggestions for corrective actions. It has the authority to publicly name and shame human rights violators, drawing attention to their actions and exerting pressure for change.

Moreover, the UNHRC engages with member states to foster dialogue, cooperation, and assistance, offering technical support and capacity-building measures to help countries enhance their human rights practices. The council's powers also encompass fact-finding and investigative capabilities. It can establish commissions of inquiry or fact-finding missions to collect evidence and document human rights abuses, contributing to the pursuit of justice and accountability.

Collaborating with other UN bodies, non-governmental organisations (NGOs), and civil society organisations, the UNHRC advocates for human rights globally. It encourages the implementation of international human rights standards, promotes ratification and compliance with human rights treaties and conventions, and works towards the advancement of human rights worldwide. However, it is important to note that the UNHRC's powers are limited by the voluntary cooperation of member states, and it lacks the enforcement capabilities of certain other UN bodies like the Security Council. The UNHRC is capable of massive influence on the welfare of humankind, and yet, the only people capable of using this influence for

the better are you, the delegates.

## **Mandate and Functions**

The HRC possesses a unique and comprehensive mandate outlined in the General Assembly resolution 60/251 of 2006 on the “Human Rights Council” and guided by the principles of “universality, impartiality, objectivity and non-selectivity, constructive international dialogue, and cooperation.” The General Assembly mandates the HRC to promote universal respect for human rights and fundamental freedoms; to address and provide recommendations on all, particularly grave and systematic violations of human rights, and to promote an effective system of coordination within the UN system with respect to human rights issues.

In 2007, the HRC adopted resolution 5/1 on “institution-building,” which established mechanisms and structures to guide its program of work, rules of procedure, and other operational functions.

The resolution also established the format for the Special Procedures, the UPR, and the Complaint Procedure, which comprise the main powers of the HRC. Special Procedures are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic situations for the HRC. Each investigation has a mandate and a mandate holder, who is typically a Special Rapporteur, an independent expert, or a working group, to carry out the investigation. Special Procedures are empowered to undertake country or field visits, with the support of OHCHR, and to bring specific cases and concerns to the attention of Member States. They can send communications detailing accusations of violations or abuses of human rights, engage in advocacy efforts, and offer technical assistance when possible.

# RULES OF PROCEDURE

## Roll Call

The Roll Call, similar to attendance, is conducted at the beginning of each day of the Committee. The executive board will call out countries and delegates shall establish their presence in the Committee by raising their placards and declaring themselves as 'Present' or 'Present and Voting'.

1. Present : If a delegate chooses to be "present," they retain the option to abstain from voting on the final document
2. Present and Voting: If a delegate chooses to be "present and voting," they cannot abstain from voting on the final document.

## Voting Rights

Each present delegation shall have one vote. Observing nations cannot vote on substantive matters. Each vote may be a Yes, No, or Abstain. On procedural motions, members may not abstain. Members "present and voting" shall be required to cast an affirmative or negative vote (no abstentions) on all substantive votes.

## The General Speaker's List (GSL)

The General Speaker's List (GSL) is an inexhaustible speaker's list. Speakers are granted the floor for 90 seconds and are expected to discuss their stance or any relevant topic related to the agenda.

## Motions (Motion to Caucus)

Upon the recommendation of any delegate, the committee may consider a motion to suspend debate for the purpose of a moderated or unmoderated caucus. This motion requires a majority vote.

- *Moderated Caucus:* The recommendation for a moderated caucus must include a specific topic, a time limit for delegate speeches, and a time limit for the entire caucus (e.g. "The delegate of [country name] would like to raise a motion to suspend formal debate for a moderated caucus on the topic [topic] for a total timer period of [total time] allotting [time per speaker] per speaker"). If the proposed motion passes, the executive board shall recognize delegates who will speak in the moderated caucus.
- *Unmoderated Caucus:* An unmoderated caucus is a suspension of the rules allowing delegates to converse freely and have informal discussions. Just as in a moderated caucus, a motion must include a time limit (e.g. "The delegate of [country name] would like to raise a motion to suspend formal debate for an unmoderated caucus for a period of [total time]).

## Points

- *Point of Personal Privilege:* A Point of Personal Privilege must pertain to matters of personal comfort, safety, and/or well-being of committee members. A point of privilege may interrupt a speaker's speech.
- *Point of Parliamentary inquiry:* A Point of Parliamentary Inquiry is used to request clarification on the rules of parliamentary procedure or the procedural status of a discussion. It may only be raised after a speech concludes and should not interrupt a speaker.
- *Point of Order( two types):*
  1. Factual Inaccuracy- If a speaker presents incorrect facts, delegates can raise point of order for factual inaccuracy. Format: "Point of Order, factual inaccuracy, the delegate of [country name] stated [mention incorrect statement], and the correct statement is [mention the correct statement/fact].
  2. Logical Fallacy- If a speaker presents a logically unsound point, delegates can raise a point of order for logical fallacy. Format: "Point of Order, logical fallacy, the delegate of [country name] stated [mention the logically fallacious statement], which is logically fallacious as [briefly explain the reasoning behind it].
- *Point of Information:*  
Point of Information is used to ask a delegate a question after their speech. Point of Informations are not always allowed but rather accepted at the discretion of the Executive Board.

## **Introduction & Overview of the Agenda**

Human rights and political, social, and economic development have been especially inseparable in the shift towards a more encompassing and considerate global order, serving as a critical underlying framework and guide for nations to adhere to. The evolution of human rights remains a fundamental and ever-growing consideration that challenges the very essence of how sovereignties, regional and national entities, international institutions, and individuals themselves strive to uphold by virtue of their universality - applicability to every human being by virtue of being a human) as well as their inalienability - the theoretical inability to deprive any individual of availing their irrefutable sets of rights. Every nation and political institution is subject to the obligation to uphold the preservation and enforcement of human rights across a plethora of fronts; falling short on human rights protection and ensuring ethical practices throughout exists, at least theoretically, as a non-negotiable underpinning of how society needs to function. However, the ability of every human to avail their fundamental rights remains a never-ending struggle in the absence of decisive action and mass consensus.

Throughout the human rights revolutions that were inceptioned, codified, and formulated following the termination of the Second World War, only a handful of nations across the world have attained a **pariah state** status. While heavily condemned Myanmar's history has been highlighted and fixated around the ever-growing and insurmountable human rights crises that perpetually have highlighted the insurmountable challenges presented towards the human rights of **ethnic and religious minorities** and **Rohingyan and other communal refugees** in particular. Having had a military junta in power since 1988, the multitude of transgressions of international law continue to present dire complications for the millions of oppressed individuals, ranging from the marginalised Rohingya Muslims to anti-coup protests, as well as numerous ethnic minorities. It has been evident that the multiplicity of human rights violations has reached alarming proportions, demanding urgent and coordinated international attention; however, as Myanmar's political landscape remains unresolved, constructive and effective multilateral and multifaceted frameworks are necessary to uphold global human rights law.

For context, the Rohingya are an ethnic group predominantly situated in the state of Rakhine, Myanmar that have been the brunt of excessive and unstoppable human rights violations, making them one of the most persecuted ethnic groups globally. Being the largest they have been denied Myanmar citizenship and have never been legally recognized in Myanmar as an ethnic group. About 90 percent of the 50 million population of Myanmar is Buddhist, while Muslims represent a religious minority of just over 4 percent of the population. The Rohingya is the largest Muslim group in Myanmar, although a fraction of the Rohingya are Hindu. The Rohingya have suffered long standing marginalization. <sup>2</sup> Many people in Myanmar hold the opinion and belief that the Rohingya are originally from Bangladesh, while many Bangladeshis similarly

think that the Rohingyas originate from Myanmar. Neither Bangladesh nor Myanmar is willing to recognize them as citizens.

To provide a historical overview of the situation, Myanmar has been a military-run state since 1988, wherein the *Tatmadaw*, the term used to refer to Myanmar's military junta, launched mass upheavals to obtain a grip on the government of Myanmar. After many years, these sanctions forced Myanmar to make many changes, which included the release of one of the world's and country's most important peace activists, Aung San Suu-Kyi in 2010 and democratic elections in 2010 and 2012. Despite the prospects of democratic transitions that subsequently ensued, hopes of sustained and reinvigorated impetus towards the treatment of ethnic minorities, especially Rohingya Muslims, in Myanmar, were promptly quelled. Despite the United Nations having repeatedly referred to Myanmar's government as the world's leading perpetrator of flagrant human rights violations, ever-growing international condemnation proved to be insufficient in effectively disincentivizing any marginalisation of the Rohingya population. According to a DW Publication in 2023, inhumane tactics such as "earth scorching" and mass arson of villages in the Magway and Sagaing regions have complemented the militaristic efforts post the most recent coup which took place in February 2021.



## **Historical Overview of the Rohingya Refugee Crisis & Key Events**

### **WWII Japanese Invasion of Myanmar & Implications on Rohingya Security**

The origins of the conflict against Rohingya Muslims are deeply intertwined in the religious and social differentiation between the regional Buddhists and the Rohingya Muslims. During War II, the Rohingya Muslims allied with the British as they were promised an independent Muslim state in exchange. On the contrary, the Buddhists of the Rakhine state served under the Japanese battalion. Following independence in 1948, given Burma's (present-day Myanmar) predominantly Buddhist population, the Rohingyas were subject to extreme systematic discrimination and were denied Burmese citizenship altogether. The Japanese invasion developed a situation that was ripe for excessive communal violence and deadly riots, resulting in inhumane actions carried out by both sides.

In the years following Myanmar's independence, sustained attempts were made by the Rohingya Mujahideen (practitioners of jihad, or heavily radical attempts at protecting against the enemies of Islam) to counteract the Buddhist government and the Tatmadaw by attempting to integrate into East Pakistan (present-day Bangladesh); however, this separatist ambitions would be quickly eliminated by the Myanmar government. Revived skirmishes emerged through the formation of the Rohingya Liberation Party in 1972, whereby Rohingya politicians were effortlessly disposed of by Myanmar's military.

### **Naga Min - 1978**

The end of the Bangladesh Liberation War, the revolution and armed conflict that resulted in the independence of Bangladesh from Pakistan birthed immense apprehension within Burma's government concerning foreign infiltration. Given the religious proximity of the Rohingya ethnic group as well as the geographical closeness of Bangladesh, Burma's government launched *Operation Naga Min* or *Operation Dragon King* on February 6th, 1978 to expel anyone deemed to not be of Burmese descent, irrespective of whether their families and ancestors have permanently settled within Burma's borders. It is estimated that close to 250,000 Rohingya refugees forcefully fled to Bangladesh to escape any military purges, marking the first major Rohingya exodus.

### **Enactment of the Burmese Nationality Law, 1982**

Despite decades of Muslims in Burma having the incapability of gaining citizenship within the nation, the discrimination against Rohingyas and other Muslim groups was officially formalised through the enactment of the Burmese Nationality Law in 1982. Myanmar's 1947 Constitution defines its citizens to be any individual who belongs to an "indigenous race", has a grandparent from an "indigenous race", is a child of already-recognised citizens, or was a resident of British Burma before 1942. Both these legal documentations have continuously excluded Rohingyas as one of the 135 legally recognised ethnic groups

of Myanmar, setting standards that have been in place ever since the enactment of the law. Despite the Government of Myanmar claiming that the Rohingya people are citizens of Bangladesh, the Government of Bangladesh has repeatedly denied this claim, leaving the Rohingya people without an official country to accept them.

### **8888 Uprising**

The Burma Socialist Programme Party ruled the country as a totalitarian one-party state between 1962 and 1988, which resulted in the nation following the “Burmese Way to Socialism”. As a result of almost three decades of following this ideology, Burma became one of the most isolated countries in the world, resulting in disastrous complications for economic progression, income disparity, as well as per capita GDP, which experienced the slowest growth rate in East Asia over this period at 1.3% per year. With extensive government interference and intervention in virtually every sector of society and the economy, hundreds of thousands of workers and students across Myanmar launched an incredibly violent revolt against the ruling government in 1988, known as the **8888 uprising**.

The uprising ultimately culminated in the installation of the Tatmadaw as the principal ruling entity, aggravating discrimination against the Rohingya people to even greater extents. While military troops would indiscriminately fire on protestors, a growing resentment towards Rohingyas in particular became a key focal point of upholding Myanmar’s nationalism, according to the military junta. Aung San Suu Kyi emerged as a national icon who won the first election organised by the military junta since the uprising; however, despite winning 81% of the seats, the Tatmadaw failed to recognise and acknowledge the results as legitimate, thereby imprisoning Suu Kyi under house arrest. **Glimpses of democracy during the time provided a narrow window of hope for the Rohingya population. The restoration of military rule would ultimately begin the massive wave of refugee displacements.**

### **Rohingya Genocide 2016-2017 - The False Promises of Democracy**

#### **Build-Up to the Crackdowns**

According to Myanmar state reports, on October 9th, 2016, armed individuals attacked several border police posts in the Rakhine State, prompting the Myanmar military to launch a major crackdown in the villages of the northern Rakhine State. As the crackdowns continued, arbitrary arrest, extrajudicial killings, gang rapes, looting against civilians, as well as brutalities against civilians were carried out. This was further corroborated by the release of satellite images by *Human Rights Watch*, which showed about 1,250 Rohingya houses in five villages decimated by security forces. Due to the severe government censorship, the exact figures of civilian casualties remain unknown. In February 2017, the Office of the United Nations High Commissioner for Human Rights released a report that was based on a compilation of 200 Rohingya

refugees that provided first-hand testimonies of the atrocious treatments that the refugees were being subject to at the hands of the Tatmadaw.

Following the attack on the Security Forces, the Myanmar military has responded with religiously-motivated counter-offensives and clearance-operations. According to the United Nations, as of 2023, there are about 600,000 Rohingya remaining in Rakhine state, while nearly one million of them are in neighbouring countries, mainly Bangladesh. The UN has described the Rohingya as “the most persecuted minority in the world”. Approximately 936,000 Rohingya refugees are living at the Kutupalong and Nayapara refugee camps in Bangladesh’s Cox’s Bazar region - camps that have transformed into some of the largest and most densely populated in the world.

In early April 2020, the government of Myanmar released two presidential directives: Directive No. 1/2020 and Directive No. 2/2020. They were released after the January orders issued by ICJ for the government and military to stop genocide against the Rohingya Muslim ethnic group. Directive No. 1/2020 legislates that the answerable authorities are liable to ensure anyone under their control do not commit activities that lead up to a genocide. Directive No. 2/2020 restrains all Ministries and the government of Rakhine State from destroying The ICJ's January order and also mandated the preservation of evidence of any criminal activity that can possibly build up to a genocide.

### **Devastating Widespread Massacres & Weak Democratic Structures**

Myanmar’s ineffective democracy period in the 2010s, while witnessing the reinstating of Aung San Suu Kyi into power, highlighted incredible partiality and negligence towards the protection of the rights of Rohingya refugees. Suu Kyi, the democratic head of Myanmar’s government, was coerced into excusing the junta’s actions on an international level. Instinct that all UN documentations of the treatment of Rohingyas were highly “exaggerated and misconstrued”, failing to even mention the term “Rohingya” even once at The Hague in 2019. Further reaffirming the military’s stance, Suu Kyi, according to a 2019 publication at Al Jazeera, showcased a stark opposition demonstrated by the democratic leader towards international pressure and any accusations of ethnic cleansing actions. Suu Kyi went to the extent of terming the preliminary actions of the Rohingya Muslims as a “war crime” that deserves to be “prosecuted within (Myanmar’s) military justice system.” The false promise of democratic transitions would only place the ethnic group in even greater danger.

### **February 2021 Military Coup & Myanmar Civil War**

With Myanmar’s constitution safeguarding the ability for military rule to be sustained in the conflict-struck nation, the reimposing of the military junta in the February 1 2021 coup d’etat resulted in a complete elimination of any prospects directed towards democratic improvement. Tatmadaw security forces have

arrested thousands of Rohingya for “unauthorised travel” and imposed new movement restrictions and aid blockages on Rohingya camps and villages. The junta’s systematic abuses against the Rohingya amount to the crimes against humanity of apartheid, persecution, and deprivation of liberty. More than three months since the deadly Cyclone Mocha struck Rakhine State, the junta continues to block life saving humanitarian aid, including urgently needed medical care for communities experiencing dengue and malaria outbreaks.

Interestingly concerning the Rohingya crisis, the day after the coup, Myanmar’s army chief pledged to protect the Rohingya (Westerman, 2021; Zahed, 2021a). The army coup leader, Min Aung Hlaing, employed a lobbyist to improve the relationship with the United States, promising that the Myanmar general would proceed with Rohingya repatriation from the sprawling camps in Bangladesh (Lewis, 2021; Zahed, 2021a). However, it was all very confusing for the Rohingya, as this was the same military chief who had carried out the genocide against Rohingyas on 25 August 2017, and the NUG’s leaders are the same ones that had supported the military’s genocidal activities. The interim National Unity Government (NUG) in Myanmar announced that it would amend the 1982 Citizenship Law, which had revoked Rohingya citizenship rights (Westerman, 2021). This was NUG’s move to get international recognition. The NUG has been viewed as a potential saviour of the Rohingya population, looking towards reversing the repressive laws and treatments directed towards the minority group.

With the NUG launching an extensive series of counter offensives against the military in recent months, conflicts between both parties continue to intensify. The future of Rohingya acceptance in Myanmar continues to become increasingly uncertain as a result of the ongoing civil war.

### **Overview of Economic Implications of the Myanmar Refugee Crisis**

The situation in Rakhine State is grim, in part due to a mix of long-term historical tensions between the Rakhine and Rohingya communities, socio-political conflict, socio-economic underdevelopment, and a long-standing marginalisation of both Rakhine and Rohingya by the Government of Burma. The World Bank estimates Rakhine State has the highest poverty rate in Burma (78 per cent) and is the poorest state in the country. The lack of investment by the central government has resulted in poor infrastructure and inferior social services, while lack of rule of law has led to inadequate security conditions. Members of the Rohingya community in particular reportedly face abuses by the Government of Burma, including those involving torture, unlawful arrest and detention, restricted movement, restrictions on religious practice, and discrimination in employment and access to social services. **We highly encourage you to conduct further research on the economic implications of Myanmar’s economic crisis.**

## **Major Countries and Organisations Involved**

The previous section extensively focused on the developments, enactments, and repressive actions undertaken by the Tatmadaw to perpetuate the Rohingya refugee crisis. With the persecution of the Rohingya transforming into an international issue that has acquired unparalleled amounts of attention from a plethora of human rights organisations, countries, as well as global organisations, it is important to understand the key stakeholders involved in the issue as a whole. Please keep in mind that while the countries and organisations mentioned below are the most important ones involved in the refugee crisis, this list is not exhaustive. Please refer to **Section 9 and Section 10** of this research report to specifically understand the involvements of the UNHRC and the UN as a whole. We would highly recommend that you conduct a sincere best to investigate how your country specifically views the Rohingya conflict, as well as the treatment of refugees as a whole. **Understanding the refugee laws in your country will be very important to grasp a clear perspective of the problem.**

### **National Unity Government (NUG)**

The National Unity Government (NUG) serves as Myanmar's exiled government that comprises elected ministers who were removed in the coup, along with representatives of Myanmar's pro-democracy movement. The NUG works towards garnering international support and developing innovative strategies to negate the authority of the Tatmadaw. Significantly, the NUG has implemented incredible cultural and political shifts by appointing an openly homosexual minister Aung Myo Min into the human rights cabinet as well as a Rohingya, Aung Kyaw Moe, as their deputy. The efforts of the NUG have particularly amassed considerable traction in October 2023, with detainments of key military officials sparking international recognition of attempts to counter the oppressive policies of the Tatmadaw.

Most notably, the NUG has not only expressed sincere apologies towards the Rohingya group, but has also launched significant political and legal efforts to reverse the ethnic-cleansing damages perpetrated by the military. Despite close to one million being expelled to neighbouring Bangladesh, the Rohingya remaining in Myanmar are one of the single largest ethnic and religious minorities in Myanmar with a politically representable population. The NUG asserts that "The Rohingya have always been a part of Myanmar, it is now, and it always will be.", while regarding the termination of all military-induced fighting as essential in restoring stability for the future of the Rohingyas and the nation as a whole. The NUG is committed towards increasing the political representation and contribution of the Rohingya population to mitigate decades-worth of systematic depression, should the entity succeed at overpowering the military.

Dr. Win Myat Aye, the humanitarian minister of Myanmar's anti-military shadow government, in August 2023, produced the following remarks that work to criticise the military actions. "The junta has used this

flawed logic to justify targeting civilians in Sagaing, by claiming they are all combatants," he said. "This is another example of how, from the military's perspective, the people within the country are seen as enemies." Aye also issued an apology for the civilian government's inability to safeguard the rights of the Rohingya during the 2017 genocide.

## **Bangladesh**

As corroborated by the Australian Institute of International Affairs (AIIA) and the Observer Research Foundation, Bangladesh has served as the largest recipient of forcibly displaced Rohingya refugees since the 2017 and 2021 humanitarian crises. Since Bangladesh's independence in 1971, the country has always served as a safe haven for the mass exodus of Rohingya refugees, having largely displayed an accommodating stance towards these oppressed populations. It is important to acknowledge that Bangladesh is **not a signatory to the 1951 Refugee Convention**; further attracting widespread regional praise for its humanitarian approach. Along with the narrative of Islamic solidarity, and the legacy of a harrowing refugee experience experienced by Bangladesh during the 1971 liberation war, it is directly within the national and sovereign interests of Bangladesh to uphold these wide scale human rights protections. Bangladesh's accommodating refugee policies are further cemented by the \$1.2 billion provided in financial assistance to the Rohingya Muslims on an annual basis, as well as through constant updating of asylum policies to allow for the distribution of refugee camps across 34 centres in the Cox Bazar district.

There are a plethora of security complications on the Bangladesh-Myanmar border, with both sides aspiring to establish greater security measures. Bangladesh's Department of Narcotics Control has identified the Myanmar border as an important entry point for illegal drugs. Bangladesh has made arrests and busted drug-running networks; among those arrested have been several displaced Rohingyas. In two years, 2017 and 2018, Bangladesh has either arrested or killed more than 100 Rohingya drug traffickers as they were crossing the border. The appalling living conditions in the camps set up for Rohingyas in Bangladesh, along with the lack of educational and employment opportunities for them serve as a prominent driving force towards wide scale crimes and conflicts. Integration into the Bangladeshi economy has also proven to be quite futile, given the harshness imposed by domestic companies in accepting devastated refugees (Faye, 2021)

Rohingya militant groups additionally present significant military challenges for Bangladesh, which has aggravated border and national conflicts in Bangladesh territories. Though based in Myanmar, they have members and sympathisers among the Rohingyas in Bangladesh. The Border Guards Bangladesh (BGB) and the Myanmar police hold regular top-level meetings to counter this and other threats. The last such meeting, the seventh in the series, was held in January this year and highlighted the need to curb illegal entry of Myanmar citizens into Bangladesh, smuggling – especially of narcotics – across the border, combating

border crimes, including terrorist crime, and joint border patrolling. Sensitive issues, such as the exchange of border security members of one side who happened to cross the border unknowingly, and were detained, or the curbing of firing across the border by Myanmar's police or army, have also served as key focal points of discussion.

### **Sri Lanka**

Sri Lanka has had a multitude of opportunities to cultivate international goodwill by accepting and protecting Rohingya refugees, potentially leveraging their standing on the international stage. Since 2008, Sri Lanka, working extensively with the UNHCR, has granted temporary asylum to Rohingya Muslims in 2008, 2013, and 2017. The most renowned of these instances took place in December 2022, when the Sri Lankan Navy rescued 104 fleeing Rohingya refugees and undertook key deliberations to determine the integration methodologies that could be provided to the influx of refugees. The international community has advised Sri Lanka to uphold the practice of non-refoulement - the practice of not forcefully deporting refugees to their country of origin - as well as other customary international laws.

However, the growing number of Rohingya refugees in the region also highlights the absence of political will and national policy in Sri Lanka to deal humanely with asylum-seekers and to integrate refugees. It should be noted that "refugees" are persons recognised as having a well-founded fear of persecution in their home countries, while "asylum-seekers" are persons who claim to be refugees and await recognition of this status. Sri Lanka has not ratified the 1951 Convention relating to the Status of Refugees (the "1951 Convention") or its 1967 Protocol and also lacks national legislation. The international community has further recommended the prioritisation of minority rights across other ethno religious groups to prevent further violence from escalating, notably a rise in nationalist sentiment.

Looking into Sri Lanka's National Policy on Durable Solutions for Conflict-Affected Displacement, enacted in 2016, could provide greater insight as to how Sri Lanka can navigate the humanitarian implications of insurgencies in Myanmar.

### **Thailand**

Thailand's entanglement in the Rohingya genocide is a convoluted narrative shaped by various key developments, policy proposals, and evolving political stances. Serving as a crucial transit route, Thailand has played a pivotal role in the Rohingya crisis, with Rohingya refugees undertaking perilous sea journeys, making Thailand a crucial stop before reaching other destinations, particularly Malaysia. With the overcrowding of the Bangladesh border, voyaging through Thailand became the most viable option for thousands of refugees. Unfortunately, this transit status has made Thailand a focal point for human trafficking networks, subjecting Rohingya refugees to exploitation, abuse, and forced labour.

In May 2015, gruesome mass graves were unearthed in southern Thailand, revealing scores of bodies belonging to mostly Rohingya refugees who had been victimised by human traffickers. According to The Diplomat, Thailand was subsequently placed under a global spotlight at the time when the country was seeking to be upgraded by the United States in terms of its handling of human trafficking. Seeking to distance itself from any guilt and potentially overcome the imminent international backlash, the ruling regime charged at least 85 persons with complicity in the scandal.

Thailand's overall treatment of forcibly displaced Rohingya individuals has been widely regarded as deplorable and continues to blur the lines between security officials and human traffickers. Without adequate government response, Rohingya and local Thai populations are adversely exposed to detrimental violations of Human Rights. At around the time of the Rohingya genocide, Thailand's military had been waging a heightened conflict against a Malay-Muslim insurgency in far southern Thailand, the same territory necessary for Rohingya Muslims to pass through to enter Malaysia. Given the militant uprising, the mindset of many Thai security officials quickly became hostile toward southern Thai Muslims, and subsequently, Rohingya emigrants.

To date, Thai authorities remain heavily reluctant to criticise the junta in Myanmar for their ethnic cleansing efforts. Several non-government organisations such as *Fortify Rights* as well as key international allies have pressured Thailand into officially suspending any relations with Military Leaders in Myanmar, and instead support the National Unity Government of Myanmar. Quoting a statement made by Fortify Rights, "Thai Authorities should urgently recognise, provide legal status to, and protect refugees from extortion, arrest, and forced return.

## **Laos**

The communist Lao People's Revolutionary Party (LPRP) has similarly been under the international condemnation spotlight for their own array of multifaceted human rights violations, which has also caused an unnoticed refugee and displacement crisis. The preservation of human rights in Laos is regarded as one of the most egregious worldwide; "despite constitutional guarantees, civil society within Laos is effectively non-existent due to the prevalence of the ruling LPRP in almost every aspect of society." as reported by the Asia Pacific Centre for the Responsibility to Protect (APC R2P). Akin to Myanmar, Laos is officially unilaterally governed, with the incumbent LPRP renowned for especially exploiting and unjustifiable prosecuting the Hmong minorities. In conjunction with harsh policies concerning entry and exit to and from the Southeast Asian military nation, Laos is on the United Nations watchlist of nations with absolutely repressive mechanisms for human rights enforcement.



With respect to the Myanmar Rohingya exodus, the APC R2P emphasizes how Laos “remains ambivalent to the Rohingya genocide in neighboring Myanmar as well as the violence following the coup that took place on February 1, 2021.” In March 2021, the country issued a declaration reiterating the official ASEAN statement for “all parties concerned to engage in a peace resolution through constructive dialogue and reconciliation.”, and has not issued any concrete statements since.

### **United States of America**

The UNHCR launched a Joint Response Plan (JRP) for the Rohingya Humanitarian Crisis, an initiative spearheaded by the United States to provide US \$951 million in assistance between March to December 2018. Under the administration of Donald Trump, the United States was quick to denounce the actions of the Burmese government, with former Vice President Mike Pence calling the situation a “historic exodus” and a “great tragedy.” The United States is a firm believer in quick resolution, for persistent conflict and elongations of the crises can develop intercommunal hatred in the region for generations to come. Moreover, the United States State Department has repeatedly complimented the efforts of the neighbouring Bangladeshi government to provide aid and refuge to fleeing Rohingya.

In 2018, the U.S. Government responded to the Rohingya by imposing sanctions on the Myanmar military over the Rohingya crackdown. These sanctions were imposed on top Myanmar generals, police commanders, and two army units, accusing them of ethnic cleansing against Rohingya Muslims and widespread human rights abuses. According to the Alliance for Citizenship Agreement, the United States has provided humanitarian aid amounting to more than \$760 million to the Rohingya refugees in Bangladesh since 2017. This aid was allocated to the UN bodies working in the area to establish refugee schools and provide necessary food, shelter, and other resources. The Biden administration is yet to give an official response concerning the crisis, but has continued former President Donald Trump’s sanctions on key military generals involved in engineering the crisis.

### **China**

China has upheld friendly relations with Myanmar, made investments in both Myanmar and Bangladesh via projects under the Belt and Road Initiative, and overseen two failed repatriation processes to send Rohingyas back to Myanmar. This raises the question of whether China, being an emerging global superpower, intends to preserve peace and stability or whether its actions reflect a salami-slicing strategy to expand its sphere of influence across the world. In September 2018, the UNHRC passed a motion to prepare a panel to investigate the driving forces of the Rohingya genocide, which was met by strong opposition by the Chinese envoy. China is striving to use the developments taking place in Myanmar as a platform to project the nation as a key preacher and mediator of global peace, strongly believing that the case of the Rohingya Muslims should be kept only between Myanmar and Bangladesh. China’s State Councillor in 2018, Wang Yi,

mentioned how “China does not approve of complicating, expanding, or internationalising the Myanmar crisis.

Myanmar is of great strategic importance for China as it acts as a fundamental intersection between South, East, and Southeast Asia. The proposed China-Myanmar Economic Corridor under the Belt and Road Initiative aims to connect the Rakhine region with key industrial provinces in China; however, it is speculated that these economic projects are likely to exacerbate the economic inequalities between the Rohingyas and the predominant Buddhist population. China’s desired engagement with the Rakhine region as an investment hub could encourage China to develop its efforts to become a major diplomatic superpower, given the country’s increased involvement with prominent international conflicts such as the Israel-Palestine dispute and the refugee crisis in Ukraine.

In November 2017, Chinese Foreign Minister Wang Yi, at a press conference with the then Myanmar State Counsellor Aung San Suu Kyi, announced a “three-phase solution” to the Rohingya crisis. The first phase involved a ceasefire in Rakhine State to halt further violence and displacement; the second encompassed bilateral dialogue between Bangladesh and Myanmar to find a feasible solution to the crisis; the third solution pertained to poverty alleviation (China Global Television Network, 2017).

### **Gambia & The International Court of Justice**

At the 2019 Organization of Islamic Cooperation (OIC) summit in Makkah, The Gambia was entrusted by the OIC to employ all available international legal instruments to hold the perpetrator of crimes against the Rohingyas in Myanmar accountable (The Republic of The Gambia Office of The President n.d.). Subsequently, The Gambia initiated legal proceedings against Myanmar, levying accusations of perpetrating genocide against the ethnic Rohingya at the International Court of Justice (ICJ). The Gambia, enjoying the unanimous support of all 57 member countries of the Organization of Islamic Cooperation, endeavours to compel Myanmar to answer for its actions against the Rohingya population.

In a press conference in the Hague, Justice Minister Abubacarr Tambadou substantiated Ghana’s passionately retaliatory stance by expressing how “It is a shame for our generation that we do nothing while genocide is unfolding right under our own eyes.” (Berg [2019](#)). Further elaborating on the initiative, Mr Tambadou emphasises how the OIC had asked. The Gambia to look into how to bring Myanmar to justice over the matter (Berg [2019](#)). In a 46-page filing to the ICJ, Gambia says Myanmar’s actions were “genocidal in character” and included killing, causing serious bodily and mental harm and imposing measures to prevent births. Gambia called upon the ICJ to grant necessary provisional measures to ensure an immediate cessation of the alleged atrocities in Myanmar.

Han Do Suan, Myanmar's permanent representative to the UN, unexpectedly lashed the Gambia for their "unwarranted interference" and their attempt at exerting a "politically motivated international pressure tactic against Myanmar." Gambia's unprecedented case has garnered support from major developed nations including but not limited to the United Kingdom, Germany, Denmark, France, and the Netherlands. Despite Myanmar being a signatory of the **1951 Prevention and Punishment of the Crime of Genocide**, as well as the fact that all members of the UN are bound by the ICJ statute, the Tatmadaw remains non-compliant towards any extra-judicial pressure.

## Key Terms, Legalities, Case Studies

- 1) **Definition of Refugee:** As per the 1951 Convention of the Status of Refugees, a Refugee is defined as any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Further clauses to the same are mentioned within **Article 1** of the convention.
  
- 2) **Internally Displaced Persons (IDPs):** Internally displaced persons (IDPs) are individuals or groups of people who have been forced to leave their homes or places of habitual residence, but remain within their country's borders.  
They are often forced to flee as a result of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters.  
Unlike refugees, IDPs have not crossed an international border to find safety. The Guiding Principles on Internal Displacement, created in 1998, restate and compile existing international human rights and humanitarian law germane to the internally displaced and also attempt to clarify grey areas and gaps in the various instruments concerning situations of particular interest
  
- 3) **International Covenant of Civil and Political Rights (henceforth referred to as ICCPR, Article 1.1):** All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
  
- 4) **ICCPR, Article 13:** An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.
  
- 5) **ICCPR, Article 18:**
  1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in

worship, observance, practice and teaching.

2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

## **Previous Attempts to Solve the Issue**

### **UNHRC Intervention**

The UNHCR has played an integral role in the Rohingya refugee crisis during the 1990s branding Aung San Suu Kyi as its ambassador. Starting its campaign in Myanmar, UNHCR enormously exposed the status of Aung San Suu Kyi as its “messenger of peace” in Myanmar by flourishing the idea of harmonious neighbourhoods between the Rohingya community and other Myanmar’s major ethnic groups. From the 1990s onwards, UNHCR established a national office in the Capital of Myanmar, Yangon, following the support of Aung San Suu Kyi. Moreover, due to turbulent domestic political contests between Junta and Aung San Suu Kyi-led National League of Democracy (NDL) party, UNHCR had to bear resistance from the Military junta administration, prompting the withdrawal of several UNHRC officers.

Following the intricacies of domestic insurgency, the UNHCR established a number of refugee camps in the regions near Myanmar’s border, primarily in Bangladesh. UNHCR Rohingya Camps outside Myanmar for early rehabilitation and temporary resettlement, by providing temporary housing and livelihood aids for conflict-affected refugees. This was the first strategy employed by the UNHCR to intervene in the crisis. This had also scaled up a fundraising campaign to receive basic logistics supplies such as food and medical facilities. Additionally, the UNHCR also made available doctors to move around the camps for emergency purposes. The UNHCR further adopted several policies for a more strategic service delivery based on international enforcement of the non-refoulement principle in Geneva convention 1951. Regarding human rights, it is clear that certain rights are inviolable rights and cannot be taken from the human being. Therefore, non-signatory states or signatory states are expected to carry out a non-violent approach in providing aid as well as protecting human rights.

### **Wider International Community Approaches**

The UN-backed Independent Investigative Mechanism for Myanmar (IIMM) reported in July that it had collected and analysed evidence that reinforced the Mechanisms assessment ... that crimes against humanity continue to be systematically committed in Myanmar.” This happens as countries such as the US, UK, Canada, and European Union imposed further sanctions on individuals and entities linked to the junta in early 2023 to pressure the organisation to uphold human rights across the country. In February, the EU imposed sanctions on junta-controlled businesses, including the Myanmar Oil and Gas Enterprise (MOGE). In April, the BURMA Act passed the US House of Representatives, directing US President Joe Biden to sanction individuals who undermine stability and democracy in Myanmar. Sanctions are a common instrument used by the international committee to dissuade the military from carrying out any violent abuses of rights.

The European Parliament adopted two resolutions condemning ongoing abuses by the junta and urging tougher actions by the European Union. The March resolution recognized the opposition National Unity Government (NUG), Committee Representing Pyidaungsu Hluttaw (CRPH), and National Unity Consultative Council (NUCC) “as the only legitimate representatives of the democratic wishes of the people of Myanmar.” On a regional front, ASEAN continues to bar junta representatives from high-level meetings, noting at the August Foreign Ministers’ Meeting that they were “deeply disappointed by the limited progress in and lack of commitment of the Tatmadaw authorities.”

With respect to relevant and recent UN resolutions, in December 2022, the UN Security Council adopted a UK-drafted resolution denouncing the Myanmar military’s rights violations since the coup, in the first Security Council resolution on Myanmar since the country’s independence in 1948. All Security Council members voted for the resolution, except for China, India, and Russia, which abstained. The UN Human Rights Council adopted an EU-led resolution on Myanmar in March 2023 and a resolution on the Rohingya led by the Organisation of Islamic Cooperation (OIC) in July. The General Assembly’s Third Committee adopted a resolution on Myanmar in November.

## **Questions A Resolution Must Answer (QARMA)**

When drafting your resolutions or conducting research on potential solutions that can be utilised to resolve/address the refugee crisis in Myanmar, it is important that you answer the following questions as you are drafting your proposals. These questions serve the purpose of guiding you on your research and decision-making; you are allowed to go beyond the scope of these questions if you choose to do so.

1. What practises/policy recommendations can be enforced to restore democracy in the country of Myanmar and ensure the protection of minority and refugee rights?
2. How can any of the countries involved alter their stance to optimise the manner in which the problem is being addressed.
3. How can countries hold Myanmar accountable for human rights violations committed by the Tatmadaw against the Rohingya population?
4. How can countries collaborate multilaterally to address the root causes of the Rohingya crisis and prevent similar situations from arising in the future?
5. Are the current humanitarian aid efforts appropriate and sufficient to address the immediate needs of Rohingya refugees?
6. How can the international community ensure that the rights and well-being of Rohingya refugees are of the highest standard?
7. What does the United Nations, or any of its key organ bodies, need to undertake to resolve ethno-religious conflicts in the country. Why have attempts at enforcing previous legislation proven to be ineffective in addressing the issue?
8. What role can nations play in fostering a global environment that prioritises the prevention of mass displacement and human rights abuses?

When conducting your research, it is also highly recommended that you familiarise yourself, to a certain extent, with other prominent ongoing refugee and humanitarian crises occurring globally at the moment as a result of immense cross-national conflict. Having a decent understanding of policy recommendations utilised to address devastating situations such as but not limited to the mass-fleeing of Ukrainian refugees following its conflict with Russia, the exodus of Nigerian civilians following the July 2023 Niger Coup, the protection of refugees displaced due to the Armenia-Azerbaijan conflict, and most recently, the multitude of humanitarian crises taking place in Israel-Palestine disputes.



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