

Will Myanmar fool the international community?



TWO recent developments have once again raised questions about the role of the international community with regard to the Rohingya refugee crisis. These are: the appointment of an "independent Commission of Inquiry (COI)" by the Myanmar government, and the decision of the United Nations Security Council (UNSC) to commemorate the anniversary of the Myanmar Army's atrocities against the Rohingyas. The question is whether the Myanmar government will be able to get away with this charade, and whether the UNSC commemoration will have any impact beyond its symbolic importance.

On July 31, the Office of the President of Myanmar appointed a "commission of inquiry" to probe the allegations of human rights abuses in the conflict-torn Rakhine state. The four-member committee has been described by the pro-government media as "an independent commission". As we already know, the military operation beginning in August 2017 has displaced almost a million people who have taken refuge in Bangladesh. The Myanmar government's claim that it was a security operation against the Arakan Rohingya Salvation Army (ARSA) has been proven to be false. The Myanmar government has used the ARSA attacks as a pretext to accelerate its longstanding policy of ethnic cleansing. Since then, despite clear evidence of human rights violations, killings, rape, arson and looting perpetrated by the army, the government has denied any wrongdoing. It has also denied permission to the UN Human Rights Council-mandated Fact-Finding Mission (FFM). On previous occasions, Myanmar government has rejected any suggestion of appointing a COI to investigate any persecution against the Rohingyas. For example, as serious allegations of persecution



Rohingya refugees who fled from Myanmar wait to be let through by Bangladeshi border guards after crossing the border in Palang Khali, Bangladesh.

REUTERS FILE PHOTO

surfaced, particularly since October 2016, the Myanmar representative to the United Nations Human Rights Council rejected outright such suggestions in March 2017. The Myanmar government's decision now to appoint a COI is not an acknowledgment of the crimes its military has committed or to produce a tangible result, but to deflect the pressure in recent months from various international bodies, particularly from the International Criminal Court (ICC). The ICC initiative to investigate Myanmar officials for committing crimes against humanity under Article 7(1)(d) started in April when the ICC prosecutor Fatou Bensouda asked the court's judges to rule on whether the ICC "can exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh." In

May, the ICC asked Bangladesh to submit observations, either publicly or confidentially, to the prosecutor about the circumstances surrounding the presence of the members of the Rohingya people from Myanmar on the territory of Bangladesh. Bangladesh concurred with the ICC jurisdiction. The Judges of the ICC, in June, gave Myanmar until July 27, 2018 to respond to a prosecution request that they consider hearing a case on the alleged deportation of Rohingya minorities. (Whether Myanmar has responded to the request is not known as of August 5, 2018). Myanmar has repeatedly contested the ICC's jurisdiction, but with this COI it is trying to provide an impression that it is internally addressing the issue. Such a move is to show that a case in the ICC is inadmissible—because Article 17 of

the Statute, which deals with admissibility, stipulates that a case will be inadmissible if it is "being investigated or prosecuted by a State which has jurisdiction over it" or "the case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned" or "the person concerned has already been tried for conduct which is the subject of the complaint." Thus far, one of the reasons that the ICC Office of the Prosecutor gave to proceed with the process was the provision that the "State is unwilling or unable genuinely to carry out the investigation or prosecution." There are ample reasons to question the sincerity of the Myanmar move. For example, if it was really sincere, it would have cooperated with an existing investigating panel: the UN Human Rights Council-mandated

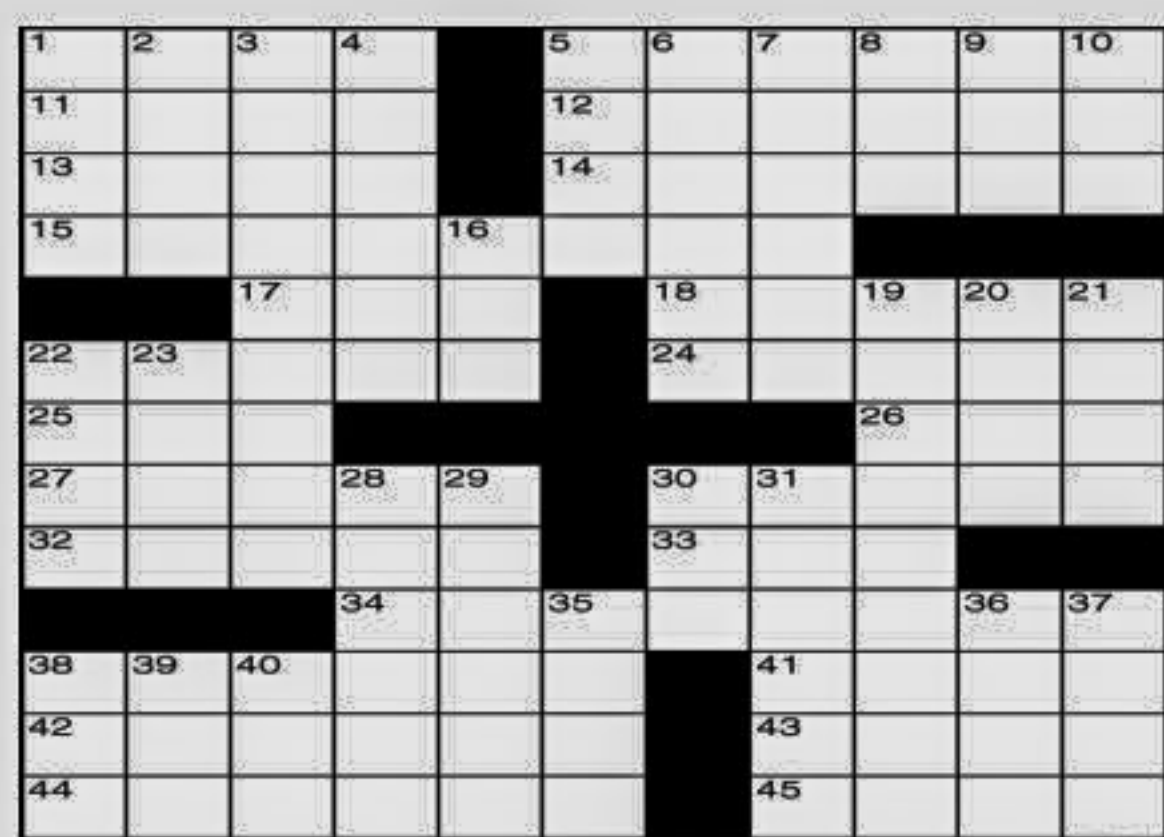
Fact-Finding Mission (FFM). Myanmar's refusal to cooperate with the FFM and not allowing the UN special rapporteur on Myanmar, Yanghee Lee, into the country are clear proof of its intention of exonerating the perpetrators rather than holding them accountable. It is not difficult to understand that the appointment of a commission, a year after the atrocities, and after the likely erasure of evidence, is intended only to whitewash the crimes committed. The question is whether the international community will be fooled by the ploy. The question is being asked because the international community has repeatedly failed the Rohingyas over the past decades, particularly in recent years. In 2015, it was evident that Rohingyas were facing an imminent danger and a mass atrocity was in the making. An in-depth and detailed report published by the International State Crime Initiative titled "Countdown to Annihilation: Genocide in Myanmar" insisted that the country has reached the brink of a genocide. Yet, there was very little action from the western countries. The economic interests of Western

companies and a flawed foreign policy of the Western governments, including the Obama administration, have contributed immensely. For example, the Obama administration's decision, followed by the EU's in 2013, to lift all sanctions (except the arms embargo) ignored the signs of strains between Rohingyas and Buddhists, particularly the violence in 2012. The "no-stick-all-carrot" policy has helped the Myanmar regime to pursue exclusionary policies and allowed continued persecution of ethnic minorities, including the Rohingyas. Despite such clear warnings, the international community has failed to take note of them, let alone act to prevent the imminent crisis. The abject failure of the UNSC to take any punitive measure against the Myanmar government since 2017 also makes one wonder whether there will be any steps going forward. The visit of the UNSC members in late April and the joint visit of the UN Secretary General António Guterres and the World Bank President Jim Yong Kim in July to the camps and face-to-face meeting with the refugees, have yielded very little progress towards any solution to this humanitarian catastrophe. Citing the obstructions by global powers such as China and Russia, the UNSC has been paralysed. The agreement between the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Program (UNDP) and the Myanmar government, signed on June 6, does not make us very optimistic either. The citizenship issue, a fundamental source of sufferings for the Rohingyas, has been ignored in the deal. It is against this background that the UNSC has decided to mark the one-year anniversary of the military operation against the ethnic group on August 25. Of course, it carries an enormous symbolic value, but symbolism is not enough for the suffering Rohingyas who are languishing in the refugee camps in Bangladesh. Ali Riaz is a distinguished professor of political science at the Illinois State University, USA.

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CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 FDR pouch
 - 5 Didn't punish
 - 11 Weary sigh
 - 12 Environmental topic
 - 13 Peril
 - 14 Sports sites
 - 15 Sudan neighbor
 - 17 Conclude
 - 18 Fancy neckwear
 - 22 Narrow shelf
 - 24 Profound
 - 25 In the past
 - 26 Dine late
 - 27 River part
 - 30 Sad sack
 - 32 The Jetsons' dog
 - 33 "The Bells" writer
 - 34 Nile spanner
- DOWN**
- 1 Flight cost
 - 2 Landed
 - 3 Made verbal attacks
 - 4 Kind of price
 - 5 Ginger cookie
 - 6 Outcast
 - 7 Relaxed
 - 8 Baseball score
 - 9 Baseball stat
 - 10 -- Moines
 - 16 Praiseful poem
 - 19 Redeemed one's chips
 - 20 Egg cell
 - 32 Keyboard goof
 - 22 Tibetan monk
 - 23 They may clash
 - 28 Emotional wound
 - 29 Low-cost inn
 - 30 Hotel feature
 - 31 Winding dances
 - 35 Marries
 - 36 Cost of a hand
 - 37 Cat call
 - 38 Crunch targets
 - 39 Spot
 - 40 Call on



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