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Report

International Conclave Justice and Accountability for Rohingya

Centre for Peace and Justice
Brac University

Report on
International Conclave on
Justice and Accountability for Rohingya
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Summary

The Centre for Peace and Justice, Brac University (CPJ), partnered with the International Institute for Social Studies (ISS), Erasmus University Rotterdam and Asia Justice Coalition (AJC) to convene an International Conclave on Justice and Accountability for Rohingya on 18 October 2019 at ISS in The Hague.

Key stakeholder participation

CPJ liaised closely with key stakeholders throughout the planning process for the Conclave, most notably Government of Bangladesh officials including Foreign Secretary Md. Shahidul Haque, and Bangladesh Ambassador to The Netherlands, Sheikh Mohammad Belal.

The Foreign Secretary of Government of Bangladesh (GoB) planned to attend the Conclave but was regrettably unable to attend for personal reasons. The Ministry of Foreign Affairs (MoFA) was represented by Shahanara Monica, Director of UN Affairs. Both Ambassador Belal and Monica participated actively throughout the Conclave.

Keynote speakers



Two keynote speakers made opening presentations with the Gambian Justice Minister Abubacarr Marie Tambadou announcing that on 4 October he had instructed his government's lawyers to file a case against Myanmar at the International Court of Justice (ICJ) for the crime of genocide. Minister Tambadou reflected the need for not only individual but state accountability to bring about justice for the Rohingya.

Keynote speaker Bob Rae, Canada's Special Envoy to Myanmar, spoke about the need to bring justice to the Rohingya as an ongoing social and political process that transcends purely legal avenues. Mr Rae cited the need to hold Myanmar accountable for its crimes against the Rohingya but stated that this in itself is insufficient. There are also needs for education in the camps, humanitarian access, refugee rights, and for the Rohingya themselves to have a voice and participate in processes toward sustainable solutions.

Notable guests – inaugural session

In addition to the keynote speakers, the Bangladesh Ambassador and other senior officials and members of the diplomatic corps, other inaugural session speakers were Brac University Vice Chancellor Professor Vincent Chang, ISS Rector Professor Inge Hutter, ISS Professor Syed Mansoob Murshed, CPJ Executive Director Manzoor Hasan, and Amnesty International Director for South Asia, Biraj Patnaik.

Other key participants

Other Conclave participants included policymakers, academics, and Rohingya leaders. Each of the three thematic panels was initially designed to include one representative from each of these categories. Unfortunately, due to visa issues one of the three Rohingya panellists was unable to attend. AJC steering committee attendees included Manzoor Hasan, Biraj Patnaik, Dr. Priya Pillai, Kingsley Abbott and Tun Khin.

Summary of thematic panels

The three thematic panels were organised to examine the multifaceted challenges involved in bringing about justice and accountability for the Rohingya, as well as other components that must be addressed in order for sustainable solutions to take hold. The first panel aimed to build participants' awareness of the current situation in Myanmar and the massive challenges involved in overcoming the Myanmar military's impunity, the neglect of the country's development and governance, and how this particularly impacts ethnic Rohingya. The second panel provided an update on current justice and accountability mechanisms and the processes already underway, while the third panel examined the impacts of the crisis on different levels, including the host community, Myanmar civil society at large, ASEAN, and within the broader geopolitical context.

Panel 1: The Rohingya Crisis and Myanmar's Social and Political Landscapes



The first panel was entitled “The Rohingya Crisis and Myanmar’s Social and Political Landscape” and consisted of moderator Shireen Huq of Naripokkho Bangladesh and panellists Nickey Diamond of Fortify Rights Myanmar, Laetitia van den Assum of the Advisory Commission on Rakhine State chaired by Kofi Annan, and Brian Gorlick of University of London (formerly UNHCR). Diamond provided an overview of Myanmar’s problematic 1982 Citizenship legislation and 2008 Constitution, as well as the rise of Islamophobia and the incomplete nation-building process under the military junta as issues to be addressed to overcome the country’s legacy of civil conflict.

Van den Assum described the Annan Commission’s mandate and the incomplete status of implementation of its recommendations, and the ongoing relevance of the report as violent conflict persists in Rakhine State. She emphasized that the National Verification Card (NVC), strongly opposed by the Rohingya, is shown to exacerbate rather than overcome the entrenched inequalities and statelessness of the Rohingya. Gorlick noted that the recent final report released by the Independent International Fact-Finding Mission on Myanmar (IFFM) provides a well-documented account that conditions in Rakhine are unsuitable for repatriation. Any efforts towards seeking accountability and justice will be a slow process and indeed such measures could frustrate the possibility for refugee return. Further, the UN Security Council has to date failed to take decisive action. Operationally, the UN in Myanmar has limited manoeuvrability, leverage and presence, and in some cases has adopted negative coping strategies with respect to humanitarian response; it has also compromised its obligations to promote human rights and protection principles. Gorlick proposed that in

addition to seeking justice and accountability, all solutions should be on the table including the possibility of the Rohingya accessing work rights and other services with government support in Bangladesh, pursuing reparations, and regional responsibility-sharing including resettlement of some Rohingya refugees in the Asia region and beyond to alleviate pressure on Bangladesh.

During the discussion, the topic of economic sanctions was discussed, with several participants supportive but questioning the potential effectiveness. A Bangladeshi official addressed the expressed concerns of Bangladesh's management of the refugee crisis and suggested that public and international pressure should remain focused on Myanmar.

Panel 2: Justice and Accountability



The second panel entitled “Justice and Accountability” consisted of moderator Dr Priya Pillai and panellists Professor Azeem Ibrahim of Centre for Global Policy, Kingsley Abbott of International Commission of Jurists (ICJ), and Tun Khin, Rohingya leader and Co-Founder of Burmese Rohingya Organisation UK. Ibrahim expressed doubts that Myanmar would ever change as the military (commonly known as the Tatmadaw) has demonstrated no intention of taking responsibility for its actions or limiting its authority. He shared the prediction that the refugee crisis will become further protracted and repatriation will not become a realistic option.

Abbott provided an overview of the various mechanisms and legal institutions currently pursuing pre-investigative and investigative activities toward justice and accountability, as well as Myanmar’s claims that it is pursuing accountability domestically. Tun Khin shared his own family’s experience of having their citizenship status gradually stripped, pointing out the absurdity of the Rohingya being painted by Myanmar as outsiders. He stressed the need to engage Rohingya leaders in political processes and amplify the voices of the Rohingya people who continue to face an existential threat. The restoration of citizenship must be at the core of a long-term solution to the current crisis.

In discussion, participants asked about coordination between the different legal entities; Abbott commented that this is already occurring and that the legal processes are moving forward much more quickly than previous cases investigated by the International Criminal Court (ICC). Professor Ibrahim, a Bangladeshi official and some other participants expressed differing views on whether it is worthwhile to focus solely on repatriation.

Panel 3: Toward Sustainable Solutions: Multi-faceted Engagements for Concrete Action



The third panel entitled “Toward Sustainable Solutions: Multi-faceted Engagements for Concrete Action” consisted of moderator Farah Kabir, Country Director of Action Aid Bangladesh and panellists Rezaul Karim Chowdhury of COAST Trust, Yasmin Ullah of the

Rohingya Human Rights Network, Lilianne Fan of Asia Pacific Refugee Rights Network, and Professor Imtiaz Ahmed, Director of Centre for Genocide Studies, Dhaka University.

Chowdhury shed light on the plight and grievances of the host communities of Cox's Bazar and called for localization of funding and management of the humanitarian response to ensure that Bangladeshi NGOs are in the lead. Ullah described the "divide and rule" approach of the Tatmadaw and the need for ethnic groups to establish trust, build coalitions and work together for justice. Fan explained how ASEAN countries are responding in different ways to the crisis, with Malaysia taking a more assertive stance than most nations. She described possible means by which ASEAN's traditional positions of non-interference and consensus might be overcome, sharing that many within ASEAN are dissatisfied by the tone of indifference this tradition presents in the face of human rights violations. Like earlier panellists she emphasised the need for education and refugee rights. Finally, Professor Imtiaz called for Myanmar's "friends," namely, China, India and Japan, to play a constructive role toward solutions. He voiced his views in favour of education, sanctions and Rohingya leadership, and against the suggestion that repatriation was not the priority solution or feasible, stating that this would only fulfil Myanmar's desire to permanently displace and remove the Rohingya population.

During the discussion, the conversation focused on ongoing debate about repatriation and resettlement and the need for intensified pressure on Myanmar including through ASEAN.

Concluding session

Following the three thematic panels, a final panel assembled to share reflections and recommended action points. The final panel was moderated by Laetitia van den Assum; with panellists Yasmin Ullah, Barrister Nina Tavakoli of Red Lion Chambers, UK, K.A.M. Morshed of BRAC, Professor Payam Akhavan of McGill University, and Ambassador Belal.



Ullah called for greater Rohingya participation in similar proceedings in the future and emphasised the need for justice and accountability to stand as the main pillars of a sustainable solution. Morshed highlighted the need to overcome the growing sense of hopelessness amongst refugees as well as the host community. Tavakoli highlighted the progress made in the past year as a case for tentative optimism and called for ongoing coordination amongst various accountability and investigative mechanisms and legal bodies.

She also noted the need for involvement of the Rohingya community and the importance of properly collecting and preserving evidence which may be used in the criminal process. Professor Akhavan highlighted the need for political rather than humanitarian solutions and the fact that justice processes have indeed resulted in substantive changes for victims. He also called for other states to help ease some of Bangladesh's burden. Ambassador Belal stressed the need for repatriation and sustainable solutions, the need for justice for the Rohingya, and the importance of deterring future perpetrators from committing genocidal acts.

Finally, the Ambassador offered closing remarks and a vote of thanks was delivered by CPJ Research Coordinator and ISS doctoral candidate Muhammad Badiuzzaman.

Final analysis

The Conclave created a constructive space in which the complex and nuanced issues comprising the Rohingya crisis could be debated and examined in detail. While there was recognition that international legal mechanisms are moving forward more quickly than anticipated, several participants highlighted that these processes do not constitute standalone sustainable solutions. Myanmar's political, social cohesion, development and security challenges are likely to persist even as justice and accountability processes move ahead.

There was at times an atmosphere of constructive disagreement in the room, with several participants pointing out that because Myanmar appears unlikely to change, conditions are likely to remain un conducive for repatriation. There are many indications the refugees' residency in Bangladesh is likely to become protracted. Thus, these participants argued, Bangladesh and the international community should begin looking toward creative and multi-faceted approaches in addition to justice and accountability. This requires improved conditions for refugees, particularly in terms of accessing education, livelihoods, and participation in political dialogue and other efforts to negotiate solutions. Additional suggestions such as third-country resettlement were also raised. Others disagreed, stating that a focus on third-country resettlement or the Rohingyas' long-term integration into Bangladesh merely helps Myanmar accomplish its goal of disintegrating the Rohingya people and culture.

These dilemmas have no easy answers: the Rohingya people's own inputs must be sought and incorporated as each difficult question is navigated. Not only is their participation critical for the pursuit of justice to be successful, the international community bears a moral obligation to listen to and amplify their voices as a stateless people lacking formal political representation. As one participant noted, the refugee camps of Cox's Bazar and the intractability of the political problem have begun to resemble "the Gaza of the region". Although the crisis emerged out of civil conflict rooted in Myanmar's inability or

unwillingness to foster a cohesive nation-building process in its post-colonial era, it has spilled across the country's borders to create a destabilizing regional challenge and potential threat to international peace and security. Therefore, all affected actors should work together in a bold and innovative manner. Justice and accountability for both individual and state perpetrators of the atrocities committed against the Rohingya will continue to be key pillars of this process.

Action points

Action point 1: Bolster support for individual criminal accountability and state responsibility The international community can support international legal processes by supporting key legal institutions, such as the ICJ, ICC, and the Independent Investigative Mechanism for Myanmar (IIMM) by coordinating with each other in these initiatives. Civil society actors should continue to raise awareness on the need for justice and accountability. To preserve the reliability of evidence and testimonies, researchers and those working closely with victim communities should avoid duplicative documentation and ensure proper procedural and ethical practices are in place.

Action point 2: Harness political pressure, particularly amongst key state actors

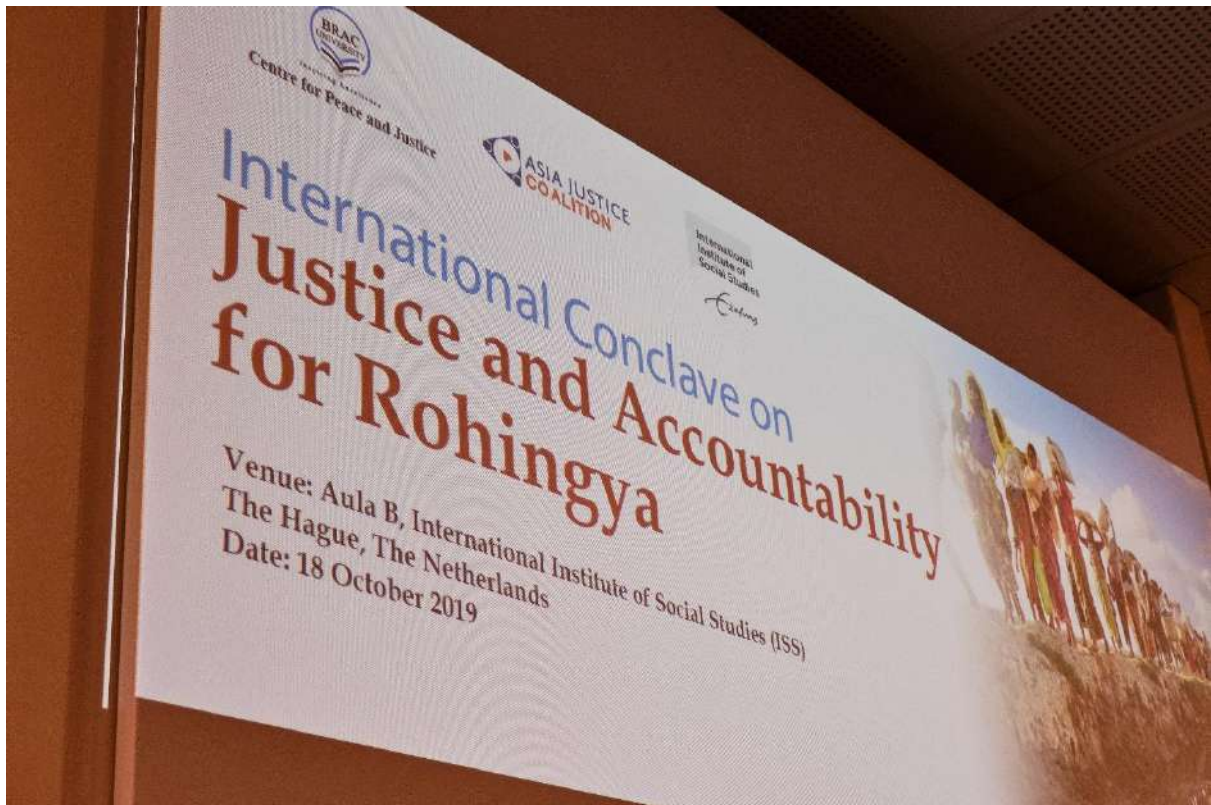
The Bangladesh officials in attendance and others stressed their sense that the best way for the international community to lend support is to intensify pressure on Myanmar; they urged the international community to focus on justice and accountability. China, India and Japan should be urged to become more proactive, as they are key supporters of Myanmar.

Action point 3: Increase economic pressure

Participants widely agreed that more action must be taken to “follow the money” and the international community must increase economic pressure on Myanmar. All states and actors of good faith must uphold their responsibility to refrain from doing business with the Myanmar government and Tatmadaw. The public and private sectors alike must avoid complicity in supporting Myanmar government investments and enterprises which have increased the consolidation of state interests and activities against the Rohingya.

Action point 4: Uphold the dignity of Rohingya survivors

As they face an ongoing existential threat due to the seriousness of the crimes committed against them, Rohingya communities require the support of the entire international community to ensure that they are continually engaged in, updated on, and empowered to participate in the justice and accountability processes. Refugees also deserve rehabilitation support in the form of the extensive and ongoing humanitarian services, education, and related access to other basic human rights.



DETAILED NOTES ON PROCEEDINGS

Inaugural Session of International Conclave

Moderator **Manzoor Hasan**, Executive Director of CPJ, Brac University started the Inaugural Session by offering a few words of welcome and outlining the objectives of the Conclave.



Mr Hasan emphasised that the Rohingya crisis cannot be resolved by Bangladesh alone. It is a humanitarian crisis that requires regional and international collaboration. The crisis has had a destabilising effect on the region with Bangladesh bearing most of the burden. It is now the time of the international community to resolve the crisis. Mr Hasan implored the international community to work towards justice and a roadmap for moving forward. In his view the international community has a common interest to learn from each other and strive for the peaceful resolution of the crisis. Three points of discussion central to the theme of the Conclave are:

1. Understanding the root causes of the crisis
2. Progressing towards justice and accountability
3. Striving for multi-faceted engagement to resolve the crisis

Mr Hasan discussed the need to ensure deeper engagement from different communities including academia, advocates, and host and refugee communities, and the international community to achieve a peaceful and sustainable resolution of the crisis. Based on his own experience visiting the camps in Bangladesh, he has seen improvements in offering stability

and dignity to refugees. However, he was also struck by the juxtaposition of hopelessness and resilience in the bright young Rohingya people that he encountered.

Mr Hasan concluded by emphasising the need to work together to understand the nuances of the crisis. There is a tendency to focus on the vulnerability of victims, often at the cost of recognising the resilience of people surviving the crisis. Conflict requires complex solutions. There is a need to think carefully and realistically for a sustainable resolution, which cannot be done in the absence of domestic changes within Myanmar particularly in relation to citizenship rights for the Rohingya.

Professor Syed Mansoob Murshed, representing the International Institute of Social Studies (ISS), welcomed participants stating that, “There could be no better venue than ours because our institute is the oldest development institute in the world.” Professor Murshed highlighted the importance of discussing the unfortunately sad topic of Rohingya refugees and



acknowledged this issue is not new to South and Southeast Asia. He argued the root cause of the issue lies in the growing inequality between the haves and have-nots; between those who own capital and those who work. In addition, the rise of right-wing populism works to divert attention from the root cause of marginalisation to the issue of identity. He sees this as a dangerous trend that is happening in different parts of the world and is not confined to countries with authoritarian state rule. The topic of democracy cannot only focus on elections and multi-party competition, but also needs to focus on inequality as a root cause of these problems.

Professor Inge Hutter, Rector of the International Institute of Social Studies (ISS), Erasmus University Rotterdam, also offered welcome remarks to participants highlighted the Institute’s longstanding relationship with Bangladesh through its MA and PhD programme and joint research collaborations. She reiterated the suitability of ISS as the conference host considering its expertise relevant to the topic of the Rohingya crisis such as refugees and migration, conflict and humanitarian studies, social justice, gender and reproductive



rights. Professor Hutter also emphasised ISS's commitment to ensuring high quality academic outcomes that underline the importance of societal relevance through engagement of issues and institutions in the Global South and Global North. She concluded by mentioning the celebration of the 67th *Dies Natalis* at ISS and its pledge to be a platform for dialogue to promote values of social justice and equity.

Professor Vincent Chang, Vice Chancellor of Brac University, began by talking about his experience living in Dhaka for the last eight months. He found the most frequent conversations he has had during this time involved two main topics: firstly, higher education, and secondly the Rohingya crisis. He said, "All conversations somehow lead to the Rohingya." At Brac



University, the plight of the Rohingya plays an essential part of the University's commitment to social impact. He explained this commitment through an anecdote regarding two friends of his, one a doctor and another a lawyer, two people who contribute positively to their communities and share a common experience as refugees who fled Vietnam in the 1970s. Professor Chang shared that when he visits Rohingya refugee camps he can't help think that, if given the opportunity, one day maybe these people might become a lawyer or a peace advocate, or play roles that may help the world. He concluded his opening remarks by reading a poem written by a Rohingya refugee.

Biraj Patnaik, South Asia Director, Amnesty International, welcomed participants and introduced the Asia Justice Coalition was conceptualised in 2018 to promote justice and accountability in response to violations of human rights in Asia. The International Conclave can be seen as a soft launch of the Coalition. He expressed his hope for a productive deliberation during the event that



addresses the need to dismantle the apartheid structures in Myanmar and promote accountability and justice for the Rohingya people.

Keynote Speakers



H.E. Abubacarr Marie Tambadou, Minister of Justice, Republic of The Gambia, started his keynote speech by expressing his gratitude to the Brac University, Asia Justice Coalition, and ISS for hosting the Conclave. Almost 75 years ago, after the end of World War II, the world committed itself to the words “Never Again”. Meaning “never again” will the international

community standby and watch destruction of a people based on their nationality, ethnicity, ways of life, and religion. “Never again” would the international community allow genocide. And yet, the Honourable Minister pointed out, here we are today.

The world has continued to witness genocide, such as the Rwandan Genocide against the Tutsis, the Bosnian Genocide in Yugoslavia, the Darfur genocide in Western Sudan and currently the genocide of the Rohingya people in Myanmar. H.E. Tambadou asked the audience, “Why after 75 years of ‘never again’ does the world still see genocide? Is genocide not preventable? Yes, it is, but how?” He acknowledged that there are no simple answers because there are several causes that are unique to the historical and political contexts where acts of genocide occur.

However, genocide does not happen in a vacuum and does not occur overnight. Genocide is always preceded by a history of distrust and hateful propaganda that dehumanizes ‘the other’ and results in one group acting in violence. Minister Tambadou submitted that while we cannot universalise the experiences of genocide in different parts of the world, there are insights and lessons that we can take. The mechanisms through which genocide occurred may vary, but they always expose the weaknesses of fragile states and therefore the international community must take prevention more seriously.

The case of Rwanda showed that an ideal host environment for genocide develops when the ideology of hate is promoted and easily spread and not stopped in time due to the indifference of the international community. In 2014, an international alliance under The Hague Institute for Global Justice brought together decision-makers involved in the management of the 1994 Rwandan crisis and identified several factors that prevented effective international response:

1. Lack of political will
2. Lack of unanimity
3. Failing of communication and coordination
4. Lack of information and engagement
5. Failure to engage with preventive action.

H.E. Tambaou further suggested the experience in Rwanda holds many lessons on the need and limitations of international interventions in response to genocide. Therefore, the best option is a strategy to prevent mass atrocity through a commitment of building an international community based on justice and human rights.

However, when prevention fails then the intervention of international justice mechanisms must hold accountable the states and high-level individuals guilty of crimes against humanity. Prosecution based on evidence becomes a priority. Investigators in Rwanda did not have enough to put together material for trial and had to rely on the witness statements of survivors. This was limited to the participation of the accused in specific localities. They also relied on NGO reports which pointed to a genocide that was well planned by national leaders, and media documentation that helped qualify and confirm information from other sources. The Honourable Minister added that there cannot be any room for impunity; state immunity and sovereignty are not grounds to evade justice.

This is also the case for Myanmar.

When H.E. Tambaou visited Rohingya refugee camps in 2018, he recognized what he called the 'smell of genocide' through the stories of killing and torture just across the border in Myanmar. Many of these testimonies were familiar to him based on experiences of the Rwandan genocide. He saw the looks of despair; the looks of victims, of people who were targeted just because they were different. Minister Tambaou told participants that any one of us could be a victim had we been born different, in the wrong place and wrong time. That is the only crime of the Rohingya people: to be born different, and the world has done nothing. He added, "Let us call it what it is: a genocide."

H.E. Tambaou pointed to what he identifies as an obvious focus on individual responsibility in the international courts. By default, the notion of state responsibility has been delegated to less importance. Therefore, the Independent International Fact-Finding Mission on Myanmar Report published in September 2019 was a welcome development as it focused on state responsibility. As much as we hold individuals responsible, we should never lose sight of state systems that enable crimes against humanity to occur.

Recently, Minister Tambaou learned that during World War II, Gambian soldiers of the British Army were stationed in Rakhine State. In that regard Gambia has a historical relation to Rakhine State. He then announced that on 4 October 2019, his government instructed its lawyers to take Myanmar to the International Court of Justice. This initiative could not have been done without the support of organisations committed to the process of justice and

accountability for the Rohingya people including the Organisation of Islamic Cooperation. In conclusion, the Minister noted: “We no longer have excuses. We have the inspiration, evidence, legal action and moral responsibility to hold Myanmar accountable. It is time to act and the time is now.”



The Honorable Bob Rae, Canada’s Special Envoy to Myanmar, provided the second keynote speech and started by complimenting the Minister of Justice, H.E. Tambahou, for his eloquent speech and the initiative taken by Gambia. He then introduced himself as Canada’s special envoy to Myanmar and not a Canadian diplomat, and explained Prime Minister

Trudeau asked him to take on this role after events the events of August 2017, which led to the flight of 750,000 Rohingya refugees from Myanmar to camps in Bangladesh that were already hosting some 250,000 displaced individuals. Mr Rae has written two reports on the situation and one has been published. He noted the international community has limited access to these locations remains a concern.

He proposed five required approaches to the crisis:

1. **We must listen to the voices of the Rohingya people.** Marginalized people have been stifled to describe the conditions which they have been living and which they continue to live today. There will be no solution to the crisis without the participation of the Rohingya. It is an illusion for states to think that they can come to a conclusion on their own without the participation and consent of the refugee and displaced community.
2. We need to focus on the **current humanitarian crisis**. Referring to the anecdote shared earlier by Professor Chang of Brac University, Mr Rae suggested there is no chance of looking forward the Rohingya people to become doctors and lawyers that give back to their communities if they are not given opportunities to access basic, secondary and tertiary education. There is a reluctance to do so since the Rohingya refugees’ presence in camps in Bangladesh is not a permanent solution. However, if the host communities don’t deal with the educational crisis in the camps, and if there continues to be a lack of opportunities for people living in these conditions, this can lead to humanitarian and political problems. More than half the people living in camps are under 20 years of age. None of them have access to formal education and they are crying out for it. Moreover, if the Bangladesh government continues its plans to get rid of SIM cards for refugees, then it is only stifling the problem. There needs to be an embrace of ways that will permit and encourage refugee and host communities to live together. There will always be an appetite from NGOs and international institutions to

participate and invest in vocational trainings for the Rohingya refugees. Countries hosting refugees should not make it more difficult for NGOs, there needs to be change on the ground to allow solutions to happen. Holding Myanmar accountable is critical, but we also need to deal with the depth of the humanitarian crisis to ensure people are given the opportunities they need to be empowered.

3. **Political change needs to happen in Myanmar.** Mr Rae candidly suggested the cause of the crisis has to do with Myanmar's inability to implement reform; reform that is not only about money but also a reform on human rights. There is a global debate on growth of the market and so on, but that is only part of the problem. If people think there can be successful development in the region without protection of human rights, citizens' right, people's active participation and ability to express their aspirations to the nation, then they are mistaken.
4. On the matter of **accountability**, Minister Tambahou, has already described the paths that can be taken. However, progress on accountability takes time because the wheels of justice turn slowly. The international community needs to find effective ways of gathering evidence and connecting people's testimonies that can lead to holding accountable individuals responsible for crimes against humanity and states that have engaged in acts or failed to engage in acts that led to crimes against humanity, including genocide. Independent mechanisms are being developed through the United Nations which will hopefully lead to successful criminal prosecutions. If we cannot proceed directly to a path to accountability and justice, it will make a mockery of everything we developed since 1945.
5. We need to encourage **dialogue and coordination among all the actors** involved in the process. There is not enough dialogue between countries on the various matters of human rights, accountability, development, and conditions for repatriation and resettlement, all of which will be part of the solution. We must acknowledge we cannot resettle a million people. Is resettlement part of a solution? Yes, but it is not the only answer. Part of the answer will need to be to in ensuring a political home to the Rohingya people that is in fact their home.

"Tell them we are human," Mr. Rae said. This is the title of his first report based on the answer that a Rohingya refugee gave him during a visit to Cox Bazar refugee camp when asked what message he should deliver to Prime Minister Trudeau. The attempt to dehumanize 'the other' lies as the core of the problem, and the response to it moves us towards solutions. Every person has the right and desire to enjoy dignity and to find a place where they belong. A large stateless population needs to be recognized in the home they have had for hundreds of the years. This part of the solution will never go away. He concluded by expressing his hope that as we go forward, we will appreciate the different

avenues and work in a coordinated manner. What is happening in Myanmar cannot stand and the international community must not pit one solution to another.

Questions and comments

1. Congratulate Gambia for their leadership in bringing the matter to ICJ.
2. What can we do to improve community service organisations (CSO) access to the refugee camps?
3. What about the situation of host communities living outside or near the camps?

Speakers' responses

H.E. Abubacarr Marie Tambahou expressed his gratitude on behalf of Gambia to the congratulations it received.



The Honorable Bob Rae said that while elections are ongoing, Canada cannot make any political commitments, but he is convinced that Gambia is not alone in bringing Myanmar to the ICJ. He noted the needs host communities must be addressed. We need to look at what is happening in the entire area around refugee camps, including Rakhine state. A lot of assistance is directed at the Rohingya people, even though all of Rakhine state is underdeveloped. The international community must not focus on one group only. There needs to be a better approach to development that include refugees and surrounding communities.

If asked to prioritise between infrastructure and human rights, Mr. Rae says we must prioritize both. We must think both about the refugee camps and the communities living in South Bangladesh. The arrival of a million people who have created an instant community can have a destabilizing effect. However, to the Bangladesh government, Mr. Rae said it is difficult to mobilise the necessary support if NGOs are having a hard time accessing the refugee camps. He expressed the need to talk about these issues candidly. We cannot move 100,000 refugees from one place to another for example without allowing them to have a say in it.

The Rohingya Crisis and Myanmar's Social and Political Landscape

Presentation and Discussion from the Moderator and Panellists



Shireen Pervin Huq, member of Naripokkho Bangladesh, was moderator of the first panel. Similar to the experiences of the Rohingya people, she reminded the audience that the people of Bangladesh suffered the same atrocities in 1971 during the struggle for independence which included the mass rape of Bangladeshi women. She noted: "That memory has never left us and this has motivated me and my organisation to get involved." Ms. Huq has spent time in the Rohingya refugee camps and in conversations with people she found many of the women she talked to shared their experiences of mass rape at the hands of Myanmar soldiers. Clearly the situation is very complex and volatile, demanding us to respond in both compassion and determination that this should not go on.



Nickey Diamond, Human Rights Specialist from Fortify Rights, the first speaker, addressed “The rise of Islamophobia, and politics of citizenship and extraordinary measures against Rohingyas in Myanmar”. His presentation covered three different areas: (a) the politics of citizenship, (b) the role of propaganda in genocide, and (c) local initiatives involved in

spreading propaganda.

Mr. Diamond argued that genocide never starts with violence, instead it begins within people’s minds and their anger against members of a targeted population. Before the violence there is the mobilisation of people. He asked why don’t the Burmese have sympathy and empathy towards the Rohingya? Propaganda is part of the reason and can be traced back to the 1930s when, under British rule, there were popular lines of propaganda accusing Indian Muslims of stealing Buddhist women. A similar line of propaganda was repeated in 1996 and 1997 to promote hatred towards Muslims.

In 2012, Mr. Diamond recognised a spread of similar propaganda prior to the violence targeting Rohingya Muslims in Rakhine state. He provided examples of how this propaganda spread, including a popular comedy duo in Myanmar that were saying Bengalis were coming from Bangladesh and becoming citizens to marry Burmese women. Other examples were: the 969 Buddhist-patriotism song that became the theme song used to mobilised people towards hatred and with lyrics that spread anti-Rohingya sentiments; military training that included promoting hatred against Rohingya and the Ministry of Labour, Immigration, and Population employing slogans promoting a fear of losing racial purity; and publications promoting violence against the Rohingya people and against Muslims.

When analysing the content of these documents, Mr. Diamond found an irrational fear rooted in race and Buddhist-nationalism with the main logic being, “We are the house owner, they are immigrants invading the country”. In order to encourage violence, propaganda was needed to create negative images such as the protection of Burmese women from Muslim men, the image of Muslims as terrorists, the fear that Myanmar one day will be overrun by Bengali people, and the ‘population argument’ that Muslims’ high birthrate will make them the majority population in Myanmar.

This type of propaganda is not only generated by the state, but also by the general public. Villagers are known to say Muslims are not allowed in certain zones and that Buddhists are encouraged to avoid doing trade with Muslims. Influential individuals openly use these narratives against Rohingya. One of many documents is from before the events in 2017 with military officials talking about the protection of Rakhine ethnic groups from the Rohingya

population. In August 2017, the Myanmar government issued a document ordering a policy that prevented Rohingya people from obtaining the same rights as other citizens.

Based on these findings, Mr. Diamond suggested the violence against Rohingya people is not communal violence or religious attacks, but the systematic mobilisation of the population against the Rohingya. The Myanmar government ignored and failed to take action against this mobilisation which ultimately resulted in the outbreak of violence in Rakhine state and other locations.

The Rohingya people are stateless. According to Mr. Diamond, the National Verification Card (NVC) which the Myanmar government has processed for Rohingya people is yet another barrier to becoming citizens. Those holding the NVC are prevented or restricted from moving within the country. Testimonies coming from Rakhine have documented violence committed by the military against other ethnic groups in the state. These cases indicate the same perpetrator but different victims.

Mr. Diamond concluded by saying that among the Buddhist population there are people with moderate views whose human rights are also being threatened by the military. Moderate actors and the human rights movement in Myanmar need support to counter negative propaganda against the Rohingya people.

Laetitia van den Assum, former Dutch Ambassador and former member of the Advisory Commission on Rakhine State chaired by the late UN Secretary-General Kofi Annan, the second speaker, argued for the importance of the reports produced by the Annan Commission and the need to use these reports effectively in negotiating a peaceful resolution for the Rohingya.



In April 2016, a few weeks after Aung San Suu Kyi was elected, she asked Mr Annan to form a Commission to develop recommendations that could better the conditions of ethnic communities in Rakhine state, at the time was the second poorest state and now the poorest state in Myanmar. Before agreeing to lead the Commission, Mr Annan ensured certain conditions such as all recommendations in the report must be aligned to international norms and standards, including human rights standards, were in place.

The report was presented in August 2017 just before the mass exodus. Many individuals have asserted the report is irrelevant after the exodus. However, Ambassador van den Assum argued it has become even more relevant because it looked at all ethnic

communities in Rakhine State and the solution the Commission came up with aimed to improve the lives of all ethnic communities. This was the first important takeaway of the report. She highlighted the crisis of Rakhine State has resulted in the marginalisation and abuse of different groups, although it is clear that for decades the Rohingya people bore the main affliction.

Looking at Rakhine state, Ms. van den Assum sees the need to acknowledge the suffering experienced by the people without ignoring the roles of individuals who participated in militias or made the mobilisation of violence possible. She relates this to the arguments made by previous speakers on the security, human rights and development crisis that exists in Rakhine State, all of which was included clearly in the Commission's report. In sum, the Report remains an important tool to use in dialogue and negotiations with Myanmar, particularly regarding the return of the refugees, their freedom of movement and right to access health and other facilities and services.

Ms. van den Assum concluded by expressing the urgency in combating disinformation. She stated that after the internet and social media became widely accessible in Myanmar from 2012, there was an explosion of lies and innuendos and false information aimed towards the Rohingya. The international community must disburse information to fight against disinformation and point out what is accurate and false. Now the Myanmar government has made matters worse through the NVC that threatens Rohingya people's freedom of movement, continuing segregation through an application of different rules to different groups.

Brian Gorlick, Refugee Law Initiative, School of Advanced Study, University of London, was the final speaker of the panel. He began by explaining that while he has a long experience working with the United Nations, he was presenting in a personal capacity as a jurist and academic who has lived and worked in Bangladesh and has been working on the Rohingya issue over several years.



He highlighted that the International Independent Fact-Finding Mission on Myanmar (IFM) that presented their report in September 2019 found that rape and other sexual violence was a central part of the atrocities inflicted on the Rohingya people. The report documented hundreds of cases of sexual violence, stating that 80 percent of women who experienced

sexual violence were gangraped by soldiers. Despite the seriousness and widespread of violence, no high rank military official has yet been held accountable in Myanmar.

Allegations of sexual violence is only one form of the violence that led hundreds of thousands Rohingya refugees to leave their homes for Bangladesh. While this is not the first time such violence was perpetrated against the Rohingya which resulted in mass displacement, the difference this time was the enormous media attention to the crisis and pressure imposed through the United Nations including establishing specific investigation and accountability mechanisms. However, as concerns pursuing accountability through international or other mechanisms, Mr. Gorlick noted “Justice is slow and international justice can be *really* slow.”

While the FFM report is important, Mr. Gorlick warned that it will take time for information and evidence to be ready for prosecution. The recent remarks of the representative of the government of Myanmar to the United Nations General Assembly shows their continued stance of rejecting allegations of human rights violations and interventions to hold their people accountable. This doesn't mean we should give up, but this is what we are dealing with.

There is a paradox in seeking accountability of the Tatmadaw. Pursuing criminal charges against Myanmar military and/or other leadership may result in them feeling they cannot risk letting go of the state and will take any measure necessary to remain in power.

Mr. Gorlick then posed the question: what about the United Nations Security Council (UNSC)? Eight months after the ‘clearance operations’, the UNSC members traveled to Bangladesh and Myanmar and met Aung San Suu Kyi. They flew over areas where the Rohingya people had come from. However, there has been little to no action from Security Council. Mr. Gorlick described United Nations presence in Myanmar as being placed between a rock and a hard place. UN staff on the ground have limited freedom of movement, however they are still expected to be the ‘eyes and ears’ of the international community. Limited operational presence and scope of activities by UN actors can compromise the ability to fulfill protection and human rights mandates which ultimately undermines operational impact and effectiveness. As a result, ‘negative coping strategies’ are adopted. Moreover, the track record of UN agencies coordinating and being able to promote a consistent human rights approach in Myanmar, despite calls to do so *by inter alia* the General Assembly to do so, is not evident.

Displaced and stateless Rohingya are rightly asking for citizenship, accountability, and their right to return. However, there is a real risk voluntary repatriation will not happen soon or ever. If that is the case what is the solution? Firstly, we need to consult the Rohingya, particularly women. Do people feel safe enough to go home? It can be expected most refugees will say no given the current situation.

Other solutions should be considered such pursuing reparations and compensation for Rohingya victims; providing access to work rights and public education and health services for Rohingya refugees in Bangladesh and other asylum countries; ensure humanitarian, development and related support not only to the refugees, but to host communities; and regional solidarity through third country resettlement both in the Asia region and beyond. The international community was able to resettle 110,000 refugees from Nepal over a period of several years, and several thousand Rohingya refugees have also benefited from resettlement to other countries from Southeast Asia. As one option, this should be explored for the Rohingya and operationalized with UN and IOM support as part of a managed process. Further, Rohingya diaspora leadership can play an important role in providing information and advocacy and much needed remittances. Taking the pressure off Bangladesh and promoting regional support and solidarity including through regional resettlement should be seriously discussed.

ASEAN and the UN amongst others should promote these potential solutions to help Rohingya refugees. There is a need to both implement interim and long terms solutions while ensuring humanitarian support on a large scale continues. The involvement of civil society organisations and the Rohingya people themselves are crucial to coming up with solutions. Refugees themselves are not a security risk but left without durable solutions or a sense of future resolution to their plight can result in further despair and desperate measures.

Questions and comments

1. What is the role of economic sanctions in finding a solution for Rohingya refugees?
2. There is displaced Myanmar population in Thailand and the possibility of return: are there lessons on what is working in that situation which could be applied to the Rohingya?
3. Atrocities in Myanmar is a historical issue and now we have a Bangladesh Prime Minister who has opened the door to victims of genocide. I have experience from the earlier Rohingya refugee camps when there was no assistance from the United Nations, but it was the Bangladesh government and local people that helped them. But this grassroots support for refugees will not be part of the record. I would suggest the United Nations has failed in dealing with the Myanmar crisis.

Speakers' responses



Laetitia van den Assum responded to the question on sanctions by agreeing that more sanctions should be considered but it needs to be with international consent, which is currently lacking. If sanctions are not universally enforced, then there is concern over their effectiveness. There are other sanctions that can be considered. The Fact-finding Mission looked at companies owned by the Myanmar government or under its control and suggested companies that deal with these businesses should do their due diligence and consult or collaborate with the international community. Some brands have already started to do this.

On the second question regarding the Thai border, Ambassador van den Assum said there is a long history. One of the lessons we can learn is that minorities at border areas all over Myanmar suffer in similar ways. At the moment the fighting and violence in Myanmar particularly in Kachin, Shan and Rakhine are elevated which is a growing concern.

Nickey Diamond agreed on the need to engage CSOs including with respect to imposing economic sanctions in Myanmar. In this connection any foreign direct investment going into Myanmar will not go to local business owners, but instead to the Tatmadaw. Targeted sanctions against the Myanmar military is a good idea because it allows smaller businesses to thrive, however he does not support sanctions on a national scale as this can negatively impact on persons who are not responsible for the current crisis.

Brian Gorlick responded to the third comment stating he would not consider the Rohingya crisis a failure of the UN and international organisations. Many international non-governmental organisations want to support Bangladesh but are facing difficulties with registering and operating in the country, for example. The number of issues the UN has to keep in mind is a political minefield, not only with regard to the situation in Bangladesh but of course also in Myanmar. This is not an excuse, but an operational reality. That said, cooperation with the UN does benefit states and there are a lot of good work that is happening, and we should acknowledge the significant amount of resources and work that a lot of people including national organisations and individuals are providing to the displaced Rohingya in Bangladesh.

Further questions and comments

1. What is the International Criminal Court doing? Will it and does it have an effect?
2. Representative of Bangladesh: Today there were discussions on the more than 600,000 Rohingya people that are at risk of genocide. We have also been hearing about the situation on the humanitarian response and the problems related to education and other issues the Bangladesh government has to deal with to support the Rohingya refugees. We find these discussions unfortunate because they only identify problems that exist in Bangladesh. This is the objective of Myanmar to shift the entire problem onto Bangladesh to get away with genocide. Bangladesh is successful in various sectors, yet we are being named and shamed about not providing education to refugees. We are a country that has been willing to shelter victims of genocide and yet we are being criticized. In such a discussion only Myanmar gains. Bangladesh is a member of the international community just like Myanmar. It should be the responsibility of all nation states and we would expect more understanding from our friends. We do not want to end up a scapegoat or held responsible for a failure that is not ours.

Speakers' responses

Shireen Pervin Huq responded to the second comment by expressing an understanding and appreciation towards the Bangladesh government, however she emphasised a need to also be frank with what is not happening.



Laetitia van den Assum responded by emphasizing that the points made by speakers of The Conclave is made precisely because Bangladesh is seen as a friend that is deserving of the highest respect for what the government has done for the Rohingya refugees, but there is also a need to recognise more can be done. She acknowledged the complexity of the matter, however there are concerns over what is happening in the last six months such as cutting internet access in the refugee camps. When a community is afraid and need their international links, we should not further victimise people who are already victims.

Nickey Diamond also expressed his appreciation to Bangladesh but implored them not to follow Myanmar's military example in their treatment of Rohingya refugees.

Brian Gorlick responded to the first question by explaining that it resonated around the world when ICC took up the issue of forced deportation as a potential crime against humanity and commenced a preliminary investigation. He said, "So, hats off to ICC, but let's see how things progress". It gives a lot of hope for people in the camps and it is a pressure point."

Laetitia van den Assum added that the ICC ruling also resonates positively to some groups in Myanmar because the way the Rohingya people have been treated is similar to what is happening to other ethnic communities and knowing that the ICC has become active gives some faith, especially the Muslims. There are several Muslims in Myanmar who are not Rohingya and for these groups it is hope.

Shireen Pervin Huq closed the panel by acknowledging the good discussion participants had on the manufacturing of an enemy from Myanmar media. It was positive the Annan Commission report was highlighted, and conversations are moving to solutions, such as combating misinformation. Social media is used to further hate speech and some actions have been taken. We also see the failure of the Security Council and therefore the initiative by the government of The Gambia is important. Finally, there was discussion on the ICC, and we know that staff are collecting consent forms from the Rohingya refugees and have received some 20,000 so far, which is positive development and demonstrates things are moving.

Ms. Huq also shared the work that her NGO has done with rape survivors in camps, who are clear they want criminal prosecutions to be pursued in Myanmar. However, they are not sure that the prosecution should only be about sexual violence. It should also be about all the other horrors these women experienced such as the murder of children and other family members. When we talk about other communities including those at the Thai borders, we should recognize that the Myanmar authorities are in conflict with many of their people and not only the Rohingya, but it should be made clear there is a difference. The Rohingya are particularly targeted in relation to rising Islamophobia. Moreover, there is no sense of solidarity between these different ethnic groups; there are many human rights activists in Myanmar who are not standing up at all for the Rohingya people.

Presentation and Discussion from the Moderator and Panellists



Priya Pillai, Head of Asia Justice Coalition Secretariat, was moderator of the panel. She established the main role of international justice as a central component of a sustainable solution to the Rohingya crisis. Panellists were asked to provide an overview of the current efforts underway to hold perpetrators accountable for atrocities against the Rohingya as well as other ethnic groups in Myanmar.

Professor Azeem Ibrahim, Director of Displacement and Migration Program, Centre for Global Policy, USA started the discussion his presentation “Accountability as a precursor to repatriation”. He expressed his gratitude to the government of Bangladesh for stepping up to the plate to assist the Rohingya.



Professor Ibrahim made reference to his book *The Rohingyas: Inside Myanmar's Hidden Genocide: Inside Myanmar's Genocide* published in 2015 for which he received considerable pushback not only from editors, but also academics who considered using the word “genocide” alarmist. However, he argued

the genocide was predictable by most Myanmar watchers. Shortly after the crisis in 2017, Professor Ibrahim visited Bangladesh and met ministers whom he warned for making a mistake of entering dialogue with Myanmar and relying on the hopes that the dialogue will come to a solution. On multiple occasions Myanmar has entered discussions on repatriation of Rohingya refugees as a mechanism to buy time until world attention moves on and those refugees become established in Bangladesh.

Professor Ibrahim further argued that Aung San Suu Kyi is very good at looking at the problem with seemingly good intentions, and diplomats who speak with her go home thinking she is doing what she can. But these are all mechanisms to “buy time”. He supported this argument through the following logic:

1. There is limited Rohingya leadership and community representation, because the Rohingya are one of the most disenfranchised group of people in the world. This is due to a systematic effort by Myanmar to make sure they cannot organise themselves politically. They are largely unable to advocate for themselves locally or internationally.
2. The myth of a military coup: there are people who acknowledge that the situation is horrible but also think at least Myanmar is a democracy and we should not ruin this progress. Professor Ibrahim suggested the possibility of a military coup is low. The military in Myanmar is already in a perfect situation where they have all the power and none of the accountability.
3. The geopolitics of the region also do not encourage effective diplomacy. Powerful nations, such as the USA and China, see Myanmar as a strategic ally in the region and are not likely to have the political will to pressure Myanmar on the issue of the Rohingya people.

Professor Ibrahim also highlighted the excessive length of time taken in debating the use of words to describe the crimes against humanity that occurred against the Rohingya people. This was also the case in Rwanda, where a memo was circulated stating to diplomats to be careful not to use the word genocide because it would compel the international community to do something.

Professor Ibrahim concluded by arguing that in the case of Rohingya there cannot be a political solution, only a legal one. There is zero political pressure on Myanmar to do anything at all. There is no way for Myanmar to even think about repatriation because the realities on the ground have already changed completely. He clearly stated: “Repatriation is a fantasy”. There are a lot of small things the international community can do such as providing resettlement and education, but the Rohingya are in a similar position to Native Americans, regrettably destined to be wiped out and slowly disappear. What is left, he argued, is some sort of justice for the Rohingya. For us to have any sort of traction in the long term, justice needs to be done and slow justice is better than none.

Kingsley Abbott, Coordinator of the International Commission of Jurists Global Accountability Initiative, started by highlighting the progress in pursuing accountability against Myanmar for its crimes against humanity, war crimes, and genocide. This progress is marked by the publication of investigative reports produced by the FFM in recent months, the formation of the Independent Investigative Mechanism for Myanmar (IIMM) in September 2019, and Gambia's initiative in pursuing Myanmar state accountability before



the ICJ.

However, he emphasized these efforts are only visible at an international stage because Myanmar has failed to conduct investigations and ensure accountability within its borders. While there have been some efforts, they fall short due to:

1. Selective accountability
2. Lack of access to repatriation for victims
3. Lack of accountability of the judiciary
4. Unwillingness and inability of Myanmar to provide accountability

Mr. Abbott gave the example of a military court in Myanmar that sentenced a few soldiers to 10 years for participating in a massacre of civilians. However, after only serving a short sentence they were released. Serious human rights violations should not be prosecuted in military courts. Meanwhile, investigations by the International Commission of Enquiry (ICOE) is being used by Myanmar to buy time. Mr. Abbott shared his concern that the ICOE cannot be seen as independent investigation body, as they have promised that they would

not hold anyone in Myanmar accountability and their findings cannot be used as a channel to pursue accountability.

Finally, the international community has the IIMM, which has widespread international support and substantial resources that can offer new mechanisms of international justice. It has the mandate to prepare files that meet trial standards to be shared with the international tribunals or future mechanisms or with countries willing and able to exercise international jurisdiction. Its first report came out last month. Again, Myanmar rejected the IIMM as an intrusion of their sovereignty.

At the same time as the IIMM was being formulated, the ICC ruled that it may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh. It has requested the pretrial chamber to investigate. There will likely be overlap in the investigations of the crimes that spilled over into Bangladesh, so these two organizations will cooperate with each other.

What has been talked about until recently is the responsibility of individuals who may have committed crimes against the Rohingya people. In contrast, the ICJ is concerned with disputes between states and advisory solutions. There has been some positive precedence for cases brought to ICJ on human rights violations, but it takes time; indeed, it can take several years. While these processes may seem slow, Mr. Abbott reassured participants the collection of evidence at this stage can potentially offer more opportunities and avenues to pursue accountability for the Rohingya people.

Tun Khin, Rohingya leader and Co-Founder of Burmese Rohingya Organisation UK, was the final speaker and started with a story of his own family. His grandfather was a member of parliament who was invited to join a constitutional committee in 1946 and had a photo with Aung San, Aung San Suu Kyi's father. Despite this contribution to the formation of the state, Tun Khin is not recognized as a citizen of Myanmar and was forced to flee when he was seventeen.



For Tun Khin, it is very shocking that today Aung San Suu Kyi calls Rohingya people as Bangladeshi or Bengali even though his own grandfather was involved in the formulation of the Burmese Constitution. He said, "We are Rohingya. We have our own civilization and culture." When he was growing up there were many Rohingya MPs and engineers. His father pursued an education in government studies in 1978. However, within 20 years the military systematically organized the 1962 military coup and stripped the Rohingya of their

constitutional rights. The Myanmar government are now denying that the Rohingya people even exist. They arrested Rohingya leaders, and Tun Khin's father was sacked from his position. His parents were among the 250,000 refugees who fled to Bangladesh in 1978. In 1982 his family went back but the government introduced a law that stopped Rohingya from being citizens and banned them from going to university.



The Myanmar government is intentionally destroying the Rohingya community who are prohibited from getting married and whose lands are being confiscated. The Rohingya experienced several incidents of mass violence, for example in 1991-92 most recently in 2017. Tun Khin has visited the Rohingya refugee camps after the 2017 crisis and met his family members who grew up in Myanmar which was a tragic experience and continuation of his personal and family's loss.

One thing that amazes him was the Rohingya people he talked to in the camps did not want revenge, they want justice. They have lived through incidents of violence by the Tatmadaw for many years and yet they have not seen anyone held accountable. But now, finally, there is international momentum calling for justice. The UN Fact-Finding Mission has done amazing work and now we see the formation of the IIMM. Gambia's initiative of bringing Myanmar to ICJ is extremely important, but they cannot do this alone because ICJ cases are long and costly. Tun Khin emphasized it is crucial Rohingya community leaders are given a central role and representatives are consulted in all the different stages moving forward.

The voices of the Rohingya people need to be amplified. They are facing a real existential threat. The international community must invest in Rohingya children who are growing up

without education which may result in the threat of a lost generation. We need to empower our youth. The Rohingya people will never forget the support of the Bangladesh people and the government. We would like to appeal to them to support young people's education and lift the restrictions in the camps.

Tun Khin concluded his presentation by reminding the audience that talking about justice reform cannot be done without thinking about what the future will look like within Myanmar. The Rohingya cannot return to their lands unless there is international protection and acknowledgement of their full citizenship. He refuses the NVC pathway to citizenship and sees it as a lie to the international community noting: "The Rohingya people understand what the Myanmar government is trying to do. Without full citizenship rights and international protection there is no way to repatriation."

Questions and comments

1. Considering the question of peace or justice for the Rohingya people, at the moment there is neither. What can we do?
2. How can international institutions and international law provide accountability when these set ups are what help Myanmar buy time? What about the accountability of other countries that are responsible for reproducing negative narratives against Rohingya and see them as threats of security?
3. There is a risk of fragmentation from all these different things going on, from national to international mechanisms. Is there a body responsible for coordinating between organisations and producing a coherent strategy moving forward?

Speakers' Responses



Professor Azeem Ibrahim said there is a need to be realistic as the entirety of the UN are trying to find mechanisms to repatriate Rohingya refugees to Myanmar, but no one is looking at middle and long-term mechanisms to help the Rohingya. Professor Ibrahim recognized the UN can only work in the interest of its most powerful countries. However, there is a need to recognize that its civil service functions ignored all the clear warning signs of genocide in Myanmar. Finally, when discussing accountability, Professor Ibrahim argues

the international community should not only pursue the responsibility of states, but needs to assess the role and responsibility of social media companies like Facebook that contribute to the misinformation that spreads and have so much power, thus causing a disservice to the democratic process.

Kingsley Abbott responded on the paradox that seems to exist between peace versus justice, by saying that it is an old view that has been debunked internationally, particularly in Latin America. He argues that it comes down to the fact that, where there are allegations of serious human rights violations, the international community must respond with investigations, prosecutions, and so on. This enables us to begin to tackle the other issues that must be addressed. It has been proven that the approach of postponing accountability creates an obstacle to the formation of rule of law and continues to breed resentment felt by victims. It also risks the recurrence of crimes because perpetrators feel empowered due to getting away with violence previously.

Responding to the second question on international accountability, Mr. Abbott acknowledges that it is an imperfect system that takes a lot of time. He said, “I always thought and feel that the international community is not good enough.” However, even though it will take time, Mr. Abbott sees reason to be optimistic since efforts to collect evidence and testimonies have already started and will make a big difference as the pursuit for accountability moves forward. He is optimistic as it was a very different case from when he was working in Cambodia and there was a thirty-year gap between the mass atrocities that were committed and the collection of evidence.

Finally, responding to the question of coordination between different mechanisms involved in taking into account current investigations, Mr. Abbott stated there needs to be coordination and the people he has talked to who are involved all express a real willingness and interest to coordinate and work together to find ways of bringing justice and accountability for the Rohingya.

Further questions and comments

1. Representative from The Gambia: I subscribe to what Professor Ibrahim has said that in Myanmar there is no political will to erase the issue and the underlying causes of the issue even before the 2017 outbreak. The ICC has tried to engage with Myanmar, but we are all trying to buy time. We need to address the Rohingya’s rights to citizenship because how can we allow them to say that people who have been living on a specific land for over a hundred years cannot be considered citizens. We cannot just focus on the legal aspects, but also crucially the humanitarian situation.
2. What about the historical responsibilities of colonialist nations, particularly Britain that has led to the root causes of the Rohingya genocide?

3. Representative from Chile: I have a question on long-term solutions. What measures should be taken to create a constructive dialogue among members of societies and address the manufacturing of enemies that are at the root of the violence?
4. Representative from Bangladesh: What we think we need to focus on is repatriation because the Rohingya people want to return and it is their right to return to their homeland; and suppose these people are settled in Bangladesh and everything becomes normal, what message does it give to other countries that also want to expel and exclude parts of their population? Having said that, we also understand it is the Rohingya who are the most important stakeholder. This is not a bilateral problem between Bangladesh and Myanmar, but between Myanmar and its own people. If there is no chance of repatriation, what will happen to the 1 million people?

Priya Pillai concluded the panel after collecting these questions. Unfortunately, there was insufficient time for speakers to respond. She invited participants to continue discussions over lunch. She wrapped up by reemphasising the focus on the centrality of justice and legal actions; however, she noted that we must acknowledge the reality that pursuit of justice through the ICJ and ICC is a long and winding road.



Presentation and Discussion from the Moderator and Panellists



Farah Kabir, Country Director of Action Aid Bangladesh, was the moderator and panellists included **Rezaul Karim Chowdhury**, Executive Director, Coastal Association for Social Transformation (COAST) Trust; **Yasmin Ullah**, Rohingya activist and founder of the Rohingya Human Rights Network; **Lilliane Fan**, Chair of the Rohingya Working Group of the Asia Pacific Refugee Rights Network (APRRN); and **Professor Imtiaz Ahmed**, Director of the Centre for Genocide Studies, Dhaka University.

Farah Kabir began by highlighting the multi-faceted and complex dynamics of the Rohingya problem, and then proceeded to outline the panel objective namely to achieve a better understanding of different perspectives of the crisis. As in other sessions the need for durable solutions was highlighted.

Rezaul Karim Chowdhury explained that COAST Trust has been working on the ground at Cox’s Bazar with communities in coastal areas, and with Rohingya refugees for a long time. He sought to shed light on the plight of the Bangladeshi host community, outlining the challenges in Cox’s Bazar including high poverty



and illiteracy rates and dependence on natural resources. The biggest concern for the host community is their livelihoods which have been threatened even before the arrival of Rohingya refugees. Care should be taken to continue supporting Bangladeshi citizens alongside refugees due to their unique challenges. Bangladeshis should see their concerns and grievances are being addressed and the Bangladesh government supports them. Chowdhury called for a sustainable humanitarian response asking for the localization of the humanitarian response by providing opportunities for a transfer of ownership to local NGOs. He concluded by stating the provision of educational opportunities to Rohingya refugees would be the best legacy of the Bangladeshi government.



Yasmin Ullah highlighted the need to focus on identifying the perpetrators of the violence toward Rohingya who she named as the military. According to Ullah, hate rhetoric is the result of “ethnocentric views of Burma created to concentrate and accumulate wealth through dispossession within the one fundamental institution of Burma, the military”. She argued

that human rights violations, land rights violations, the mobilisation of the military, and other measures were strategies to accumulate greater state wealth and power and that change – including the recognition of the Rohingya as rightful citizens of Myanmar – would impede the Tatmadaw’s ability to profit from the country’s war economy. To remove the military from power laws supporting or upholding its political power would have to be rescinded. She concluded that the ultimate aim should be a transition to democracy through the removal of the Tatmadaw from power in government. She further highlighted efforts made at the grassroots level should not be overlooked and the need for engagement with Rohingya individuals on a personal level to facilitate greater understanding of their plight and their immediate needs and long-term desires is a must.

Lilianne Fan provided an overview of how ASEAN countries are responding in diverse ways to the Rohingya crisis. She highlighted Malaysia’s leadership role and the country’s proclamation of the events in Myanmar as genocide. She explained the difficulties in ASEAN assuming a formal position, which requires consensus among member states. While Indonesia has become quite engaged,



other ASEAN countries have not taken a strong position, but Fan stated, there is cognizance behind closed doors of the crisis. She urged countries to recognize that “the crisis is not going to end soon” and investment in education is needed, in addition to the creation of work rights for Rohingya in host communities. She drew a parallel with the occupation of Palestine, calling for investment in education opportunities as has been the case in Palestine.



Professor Intiaz Ahmed, Director of the Centre for Genocide Studies at the University of Dhaka, believes that the Myanmar state can change, but that the international community needs to identify its “weak spots” to push for this change. He likened the hate threat in Myanmar to that of Nazi Germany by stating that it is

state-sponsored and argued that the removal or restructuring of the current military-civilian regime from power can lead to the removal of hate campaigns. He called for greater involvement of China, Japan and India in helping to address the crisis due to the benevolent bilateral relationship between Myanmar and these countries that could pave the way for pressure from these “allies” of Myanmar. Other states can facilitate this process by warning the above-mentioned countries of the risks and pitfalls of their continued engagement with Myanmar.

Above all, he argues, it is essential to remove or restructure the current military-civilian regime and change the rules and regulations supporting or enabling their continued reign, as the Rohingya are not likely to return to Myanmar when the Myanmar military has committed genocide. Finally, Ahmed provided key steps that can be taken, which include investment in education opportunities, strategic and effective sanctions, and the involvement of the Rohingya diaspora in stressing the need to place pressure on Myanmar to change. He also voiced his opposition to third-country settlement, arguing that “that’s precisely what Myanmar wants” and that third-country settlement may lead to the erosion of the Rohingya identity and traditions: “You then participate in linguistic and cultural genocide and you become complicit in it.”

Questions and comments

- A better understanding is needed of how hate crimes have been committed and how ethnic minorities have been instrumentalised by the military.
- The political economy of hatred serves to divert attention from the root causes of distributional struggles.
- A better understanding is required of ASEAN's potential role in addressing the crisis, and generally ASEAN needs to take a stronger position.
- The use of the term 'genocide' to describe the ethnic hatred and violence towards the Rohingya in Myanmar can create dissatisfaction and unrest among other ethnic communities in Myanmar who have also been victims of discrimination and violence.
- The term 'accountability' is becoming too legalistic and the concept needs to be broadened.
- The international community has forsaken another moment that called for the principle of Responsibility to Protect (R2P) to be invoked.
- The international community shouldn't be under the impression that the total refugee population of 1 million Rohingya can be resettled; refugees often settle in their host communities or elsewhere, even when they can go back to the countries they fled from. "We may wish to think about a pretty radical political solution – no-one wants the camps in Bangladesh to become another Gaza."
- Myanmar hides behind ASEAN and will continue to do so. The architecture of ASEAN causes it to stoop ethically to the lowest common denominator amongst its members. A message we have to convey to ASEAN: you are being used as a shield. Is ASEAN happy with this? Is this the price of unity?

Liliane Fan responded to the point raised about ASEAN's role by acknowledging ASEAN has no mechanisms in place to hold member states accountable: "it is already a struggle to talk about human rights." She reiterated that ASEAN functions based on the principle of full consensus and that not all member states had the Rohingya crisis on their agenda. There is also a split between first and second-generation ASEAN countries. **Yasmin Ullah** added to Fan's comment by highlighting the bilateral economic ties between ASEAN member states, for example Myanmar and Thailand, prevent ASEAN from taking action or dissuade member states from taking an official position.

In response to the call for a resettlement program, a Bangladeshi official argued that because of their Muslim heritage, other states were unlikely to accept Rohingya in any significant numbers. **Farah Kabir** closed the panel by calling attention to the "compassion fatigue" occurring and the lack of trust building between refugees, the UN, the host community, and other stakeholders. This complicates the humanitarian response. Moreover, it is daunting to consider what could possibly make Myanmar accountable for its conduct now after decades of conflict and impunity. That said the Rohingya are survivors – they are still here. In any case, action is urgently needed.

Concluding Session: The Way Forward

Presentation and Discussion from the Moderator and Panellists



Laetitia van den Assum served as moderator with panellists **Yasmin Ullah**, Rohingya activist and founder of the Rohingya Human Rights Network, **Nina Tavakoli**, Barrister at Red Lion Chambers in the United Kingdom, **K.A.M. Morshed**, Director of Advocacy, Partnership and Technology, Brac University and **Professor Payam Akavhan** of McGill University, and member of the Permanent Court of Arbitration in The Hague.

Ambassador van den Assum outlined the objectives of the concluding session, namely to reflect on the discussions that had taken place during the Conclave and collectively come up with concrete steps to be taken after the conclave.

Yasmin Ullah pleaded for the greater involvement of Rohingya refugees in future gatherings: “[t]here are a lot of these gatherings that don’t involve Rohingya at all even though they will be the ones that will live with the future that’s decided at the table.” She asked that the humanity of the Rohingya population be recognized: “please keep in mind that we’re all humans here and all that we’ve been trying to do and request and demand is to try and live freely.” She further warned that the failure to improve the well-being of the Rohingya could result in their emotional retreat and the internalization of the hate rhetoric directed toward them. In conclusion, Ullah highlighted the need to hold the Myanmar state

accountable: “we can’t just emphasize fixing the problem in Bangladesh, because unless we fix the root problem, the problem isn’t going anywhere.”

K.A.M. Morshed highlighted the need to focus on the hopefulness or hopelessness of both the Rohingya refugee community and the host community, going on to stress the need for innovative approaches to addressing the crisis and, in particular, the lack of education among the Rohingya. Distance learning had earlier been mentioned, and Morshed stressed the potential of this option during the panel session.



Nina Tavakoli highlighted progress made over the past year, in particular a move towards the utilization of international legal mechanisms including the ICC and ICJ. She noted the importance of the ICJ, stating that Myanmar has no obligation to cooperate with the ICC, but it does have the obligation to do so with the ICJ. She warned, however, that coordination amongst legal bodies is

needed to prevent the fragmentation of evidence which could undermine prospective legal cases. She also stressed the importance of keeping Rohingya refugees informed about any progress made in the accountability progress. She urged the international community to “follow the money” – tools such as the *Magnitsky Act* in the United States can help do this through effective legal channels. Lastly, Tavakoli called for the need to focus on gathering evidence on the ground to be used in a criminal case; this includes media reports and any other hate propaganda that could support the claim genocide has occurred.



Professor Payam Akhavan had been involved in post-genocide processes before. He said he was feeling a sense of *déjà vu* having been involved in drafting an indictment against the perpetrators of the Bosnian genocide 25 years earlier. Important lessons had been learned from that accountability process, in particular the fact that the international community

did not take a strong enough stance against Bosnian leaders who had orchestrated the genocide and was willing to engage with them: “the idea that you can achieve peace and stability with a group of ethnic hatemongers or what we call ethnic entrepreneurs is an illusion.” The possibility of international criminal justice for those perpetrators had been disregarded as a naïve delusion, but these naysayers were disproven. He warned that the lack of bold action was also evident in the case of the Rohingya crisis and that more decisive action was necessary in which it could be made clear that the perpetrators were not going to be let off the hook. “It was famously said about the war in the former Yugoslavia that this conflict was not a case of spontaneous combustion – pyromaniacs were required. Genocide is not a natural disaster – it’s not an earthquake, it’s not a tsunami.”

He argued that humanitarianism would not address the root causes of the crisis, that “genocide is by political design; it is a political choice – it is an instrument”. He echoed the arguments of earlier discussants that the genocide was a means to an end, and not an end in itself. In addition, Akhavan illustrated that justice can come about slowly, but that it can come about nevertheless – war generals who played a key role in orchestrating the Bosnian war were eventually held accountable, and the intention should be the same for the Rohingya genocide. Most powerfully, he highlighted the humanity of the victims: “these are not statistics: behind every victim there is a name – a mother, a father, a brother, a sister – a universe of human emotions forever destroyed. And it’s that shared humanity that has to motivate the political willingness to do something.” He argued that greater attention should be paid to the resettlement of Rohingya refugees, noting that one million refugees could not be absorbed by a single state such as Bangladesh.

H.E. Sheikh Mohammed Belal, Ambassador of Bangladesh to the Netherlands, stressed the need for greater effort to return the Rohingya to Myanmar: “some of our panellists are of the opinion that the impunity gap is closing, but I don’t see a single Rohingya returning home.” He then proceeded to ask why the cycle of violence and corresponding migration and resettlement was repeating itself, asking for a sustainable solution which would comprise “ensuring the safety and security of Rohingya inside Myanmar and holding the perpetrators accountable”. He noted that Rohingya have been undergoing cycles of displacement and repatriation since the 1970s – nearly the entire timespan of Bangladesh as an independent state - and that we must ask how to end this cycle for good.



He urged states to follow The Gambia's example in leading the effort to hold Myanmar accountable. He further urged the international community not to let Bangladesh be turned into a scapegoat, and to take heed of the Bangladesh Prime Minister's four action points raised before the UN General Assembly. He concluded by saying: "We can assure you from the government's side that we'll do our utmost to make sure that this community in Bangladesh has safety, dignity, and security, and will go back to their home voluntarily, again in safety, dignity, and security. And we will continue to demand justice and accountability so that what happened to them doesn't happen to anyone else. It's not just about the Rohingya, but about all ethnic minorities that are facing crimes against humanity and are threatened by genocide."

Concluding Session: Final commentary from participants and panellists



A number of final comments were made during the last session. The comments centred on four of the main issues navigated throughout the conclave: justice and accountability, Rohingya participation, geopolitical prognosis and opportunities, strategic planning, and the management of the humanitarian response.

- **Justice and accountability:**
 - The ICJ case has to be prioritized and it is essential for the state policy upholding the power of the Myanmar state to be changed.
 - Expectation management is crucial – it is only going to be possible to hold accountable very few perpetrators. It is necessary to assess what the justice and accountability needs of the Rohingya refugees are.

- Long-term justice should be enacted not only by prosecuting the orchestrators, but those who executed ethnic violence and upheld the system of discrimination.
 - It should be taken into account that Rohingya may know their opponents personally and may have to cohabit with them if and when they return to Myanmar.
 - Criminal trials are about the defendants; the victims are only recognized incidentally. Truth Commissions can play an important role in helping the Rohingya share the truth of what happened in Myanmar. They can also help to change public consciousness through the process of reconciliation.
- **Rohingya participation:**
 - Community-building in host countries such as Malaysia, Pakistan and Saudi Arabia is necessary.
 - There should be a greater focus on restoring communication channels for refugees so they can become more involved in accountability and justice processes.
 - There is a need to keep expanding the circle of interested parties and supporter and the discussion. The Conclave has demonstrated how sharing information and political engagement with the Rohingya community deepens the understanding of the problem and the needs of the Rohingya.
 - The empowerment of younger generations is important to prevent radicalization. Radicalisation and security issues should also receive attention – to date not enough attention has been paid to this.
- **Geopolitical prognosis:**
 - China, Japan, and India can play a key role in exerting soft power.
 - Bangladesh itself can play a role in bringing aboard like-minded countries.
 - The West is supporting sanctions against Myanmar, but these sanctions hitherto have not been effective.
- **Strategic planning:**
 - A sound strategy with multiple points of action is necessary, and particularly the refugee crisis is urgent. However, the drafting of a singular strategic plan could be overwhelming.
 - Creating a comprehensive plan would require persistence and ongoing, sustained commitment by a large number of actors. The strategy to address the crisis needs to be cohesive, acknowledging a range of different issues and actions; “we need to break down the silos and in so doing continue the flow of information”

- **Humanitarian response:**

- Greater dialogue is needed on identity and the cohabitation of the Rohingya community and host community, as currently, ‘othering’ is occurring. “The fact is that there’s a very high chance that the children born [in Bangladesh] may become Bangladeshis someday.” Host countries therefore need to come to terms with the fact Rohingyas are becoming part of their society and should be accepted and integrated.
- Discussions on education in other countries need to be started at government level – one government should take the lead to convene participating countries, be they host countries or other countries providing support in creating opportunities for education.
- The international community needs to demonstrate its appetite for comprehensive thinking and planning, as a band-aid approach among international organizations is currently evident.
- There is an absence of leadership at the international level by international organizations, forcing countries to take action.

Closing Remarks

H.E Sheikh Mohammed Belal, Bangladesh Ambassador to the Netherlands of the People’s Republic of Bangladesh, offered his final remarks to conclude the Conclave. He emphasised the Rohingya issue is not a Myanmar-Bangladesh issue; it is a problem within Myanmar that has had a severe spill-over effect. The problem originated in Myanmar and



must be solved by and in Myanmar. The international community has a responsibility to avoid complicity with human rights violators. Pressure must be increased. Indifference cannot be afforded in the face of such a dire situation. The world must act now to end the impunity of the Tatmadaw and to find a way to achieve justice.

Vote of Thanks

Muhammad Badiuzzaman, Research Coordinator at the Centre for Peace and Justice, Brac University and ISS PhD Researcher, thanked all the keynote speakers, distinguished panellists, and participants for very important deliberation and productive engagement during various the Conclave.

He thanked Embassy of Bangladesh in The Hague for their support in organising the event. He extended his special thanks to Ambassador H.E Sheikh Mohammad Belal and Kazi Russel Parvez, Counsellor at The Embassy. He specially thanked Ms. Shahanara Monica, Director (UN) at MoFA of GoB for her support to organise the event.

Mr. Badiuzzaman was particularly thankful to Ms. Laetitia van den Assum who helped us a lot to organise the panels. He particularly mentioned the name of Ms. Jessica Olney who was in touch with the keynote speakers since last few weeks.

He specially thanked all the moderators; Shireen Huq, Priya Pillai and Farah Kabir for their nice moderation. Finally, he expressed his gratefulness to his colleagues who was helping us to arrange all the logistics for the event. He mentioned Andrea Floridi, Renata Cavalcanti Muniz, Lize Swartz, Mahardhika S. Sadjad, Brenda Rodríguez Cortés and Daniela Andrade for their immense support to organise the event.

He was thankful to Amnesty International, South Asia for their support in organising the event. His special thanks went to Ms. Priya Kitnasamy of Amnesty International South Asia for nice handling of finance and administrative issues.

He was specially thankful to ISS communication office, facility office and cafeteria for their enormous support to make the event successful.

Finally, Mr. Badiuzzaman thanked his colleagues namely Mr. Zia Uddin, Mr. Liton Kumar Roy and Md. Wahidul Islam for their tireless and continuous support to arrange all the logistic and administrative arrangement of the Conclave.



Appendix I: Conclave Programme

International Conclave on Justice and Accountability for Rohingya

Venue: Aula B, International Institute of Social Studies (ISS),
Kortenaerkade 12, 2518 AX, The Hague, The Netherlands

Date: 18 October 2019

Time: 8:15 am-7:00 pm

Background

Since 2017, Bangladesh has been hosting over a million Rohingya refugees, also known as 'Forcibly Displaced Myanmar Nationals' (FDMN). This is in addition to hosting an already large Rohingya refugee community that has crossed over for decades, resulting in Bangladesh accommodating 4.7% of total global refugee population. The international crimes committed in Myanmar against the Rohingya have triggered a number of accountability initiatives, including a case before the International Criminal Court on forced deportation as a crime against humanity.

Against this backdrop, the Centre for Peace and Justice (CPJ) of BRAC University, the Asia Justice Coalition, and the International Institute of Social Studies (ISS) of Erasmus University Rotterdam are organizing an International Conclave to bring focus to the issue of justice and accountability for the Rohingya. The event will call on global experts to provide updates on the status of justice and accountability efforts, as well as offer nuanced insights into the root causes of the crisis and the multiple political and social components needed to forge a durable solution.

Aims of the Conclave

To bring justice and accountability to the centre of the Rohingya refugee crisis, this Conclave is organized around discrete but interconnected aims, which include:

1. Highlight the various justice and accountability initiatives underway globally, as well as the need for multi-faceted approaches toward a sustainable solution
2. Mobilise public and policy support for these initiatives including consolidating a civil society network to advocate for accountability and promote social justice.
3. Examine root causes and ongoing policy challenges in order to inform future advocacy strategies and ensure justice and accountability for the Rohingya

Three main themes of the Conclave are **Atrocity, Accountability and Advocacy**

Programme Schedule

**Registration
am**

8:15-9:00

Inaugural Session of International Conclave

9:00-10:00 am

Welcome Address

Professor Syed Mansoob Murshed, International Institute of Social Studies (ISS),
Erasmus University Rotterdam

Moderator: Manzoor Hasan, Executive Director, Centre for Peace and Justice, Brac
University

Opening Remarks

Professor Inge Hutter, Rector, International Institute of Social Studies (ISS),
Erasmus University Rotterdam

Professor Vincent Chang, PhD, Vice Chancellor, Brac University

Biraj Patnaik, South Asia Director, Amnesty International/Asia Justice Coalition

Keynote Speakers

H.E. Abubacarr Marie Tambadou, Minister of Justice, Republic of The Gambia

The Honourable Bob Rae, Canada's Special Envoy to Myanmar

PANEL I: 10:00 – 11:30 am

The Rohingya Crisis and Myanmar's Social and Political Landscapes

A wave of violence and the subsequent displacement of 83,000 Rohingya to Bangladesh from Myanmar's Northern Rakhine State in October 2016 foreshadowed the atrocities that escalated in 2017, when over 700,000 more people were displaced. While the overwhelming scale and severity of violence suffered by the Rohingya people has led to increased global recognition of the need for an international justice process, the Rohingya issue does not exist in isolation.

A range of root causes and underlying dynamics have resulted in the current crisis, including the Rohingya's lack of citizenship and civil rights in Myanmar, and the challenges of forging a social climate of acceptance, pluralism and tolerance for diversity within Myanmar. Experts on armed conflict and governance in Myanmar will provide insight into the broader social and political landscape, enshrined discrimination, and unresolved grievances that have ultimately culminated in the statelessness and expulsion of the Rohingya from Rakhine State.

Given that a durable resolution to the crisis will require substantial changes on the ground in Myanmar, the panel will call on experts to describe the issues that must be resolved and the measures taken thus far, such as the recommendations put forth by the Rakhine Advisory Commission led by Kofi Annan and ways to increase pressure for improvements on the ground.

MODERATOR: Shireen Pervin Huq, Member, Naripokkho Bangladesh

PANELLISTS

- **Laetitia van den Assum**, former Dutch ambassador and former member of the Advisory Commission on Rakhine State chaired by Kofi Annan: “The Annan Commission, status of implementation and ways to increase pressure on Myanmar”
- **Nickey Diamond**, Human Rights Specialist, Fortify Rights, “The rise of Islamophobia, and politics of citizenship and extraordinary measures against Rohingyas in Myanmar”
- **Brian Gorlick**, University Tutor and Examiner, Refugee Law Initiative, School of Advanced Study, University of London, “Human rights violations and displacement, and the political and operational challenges facing the UN in Myanmar”

Coffee Break

11:30-11:45 am

PANEL 2: 11:45 am-1:15 pm

Justice and Accountability

International consensus is growing that accountability will be an important component of the path forward. Prime Minister of Bangladesh Sheikh Hasina called for accountability during her recent 27 September speech at the United Nations General Assembly, urging the international community to ensure that the root causes of the Rohingya issue are addressed and that atrocity crimes are accounted for.

This panel will examine the role of international justice as a central component of a sustainable solution to the Rohingya crisis. Panellists will provide an overview of the current efforts underway to hold perpetrators accountable for atrocities against the Rohingya as well as other ethnic minority groups in Myanmar. Academic and policy experts will provide an update on the current status of accountability efforts, and the likely timeframes, opportunities and limitations of these efforts.

MODERATOR: Dr. Priya Pillai, Head, Asia Justice Coalition Secretariat

PANELLISTS

- **Professor Azeem Ibrahim**, Director, Displacement and Migration Program, Centre for Global Policy, USA: “Accountability as a precursor to repatriation”
- **Kingsley Abbott**, Coordinator of the International Commission of Jurists’ Global Accountability Initiative: “Available avenues toward international criminal justice”

- **Tun Khin**, Rohingya leader, Co-Founder, Burmese Rohingya Organisation UK: “The international justice imperative and the need for multilateral pressure on Myanmar”

LUNCH BREAK 1:15 – 2:15 pm

PANEL 3: 2:15 – 3:45 pm

Toward Sustainable Solutions: Multi-faceted Engagements for Concrete Action

Given the complexity of the Rohingya crisis, its detrimental impacts continue to ripple across the region and affect myriad stakeholders. As Bangladesh Prime Minister Sheikh Hasina noted in her speech to the UN General Assembly, “Despite all our efforts to contain it, the crisis is now becoming a regional threat.” Those affected by the issue include the Bangladeshi host communities and general public, as well as Myanmar’s neighbors across ASEAN who bear the burden of hosting large refugee populations. While the beginnings of an accountability process are underway, such processes can take many years. In the meantime, it is essential for other efforts to be undertaken to bring about nearer-term solutions, address secondary impacts, and mitigate risks.

Recognizing that each stakeholder affected by this crisis bears unique grievances and unmet needs, this panel will explore the need to consider regional and geopolitical dynamics when working toward solutions. The panel will explore the potential for diplomatic, humanitarian, and human rights actors to address these issues through coordinated yet diversified approaches.

MODERATOR: Farah Kabir, Country Director, Action Aid Bangladesh

PANELLISTS

- **Rezaul Karim Chowdhury**, Executive Director, COAST Trust: “Effects of the Rohingya crisis on the host community: Localization, local grievances and the humanitarian response”
- **Yasmin Ullah**, Rohingya activist and founder, Rohingya Human Rights Network: “Overcoming divide-and-rule: Coalition building for advocacy between Rohingya and other Myanmar civilians affected by conflict”
- **Lilianne Fan**, Chair, Rohingya Working Group - Asia Pacific Refugee Rights Network: “Beyond indifference: The potential role of ASEAN actors toward rights-based solutions”
- **Professor Imtiaz Ahmed**, Director, Centre for Genocide Studies, Dhaka University: “The geopolitical environment and economic factors underpinning the Rohingya crisis”

Coffee Break

3:45 – 4:00 pm

Concluding Session: The Way Forward

4:00 – 5:30 pm

In this session, panellists will help synthesize key learnings, advocacy and action points emerging throughout the day's sessions, identify key takeaways, and delineate next steps. They will provide recommendations that will inform the approaches taken by civil society, academic and political actors throughout upcoming advocacy, technical support and stakeholder engagement.

A final statement will be presented that summarizes the issues examined during the Conclave and that outlines ideas for future action; this statement will be shared with media and elaborated in further detail subsequent to the Conclave for future consideration by participants.

MODERATOR: Laetitia van den Assum, Former Dutch ambassador and former member of the Advisory Commission on Rakhine State

PANELISTS

Md. Shahidul Haque, Foreign Secretary, Government of Bangladesh

Professor Payam Akavhan, McGill University and Member of the Permanent Court of Arbitration at The Hague, The Netherlands

K.A.M. Morshed, Director of Advocacy, Partnership and Technology, BRAC

Nina Tavakoli, Barrister, Red Lion Chambers, UK

Yasmin Ullah, Rohingya Activist and Founder, Rohingya Human Rights Network

Closing Remarks **5:30-5:40 pm**

H.E. Sheikh Mohammed Belal, Ambassador, Embassy of the People's Republic of Bangladesh,
The Hague, The Netherlands

Vote of Thanks **5:40-5:45 pm**

Muhammad Badiuzzaman, Research Coordinator, Centre for Peace and Justice, Brac University and PhD Candidate at the ISS-EUR

Reception at ISS Atrium **5:45-7:00 pm**

About the Organizers

Centre for Peace and Justice, Brac University

The Centre for Peace and Justice (CPJ) is a multi-disciplinary academic and research institute established in 2017 at Brac University. The mission of the Centre is “to promote global peace and social justice through the means of education and training, research and advocacy” and with the vision of ‘a just, peaceful and inclusive society’. CPJ is committed to identifying and promoting sustainable and inclusive solutions to a wide range of global concerns, including fragility, conflict and violence.

CPJ is playing a vibrant role for justice and accountability for rohingya refugees in Bangladesh through organising various national and international conferences, seminars and public lectures. CPJ co-organized an international conference on *Rohingya Refugee Crisis: Towards Sustainable Solutions*; and an international seminar on *Accountability: The international Criminal Court and the Rohingya Crisis* with ActionAid Bangladesh and the Center for Genocide Studies of Dhaka University. CPJ is also a co-signatory of Amicus Curiae Observation to the International Criminal Court on behalf of Bangladeshi Non-Governmental Representatives.

Asia Justice Coalition

The Asia Justice Coalition is a network of organizations whose purpose is to promote justice and accountability for gross violations of international human rights law and serious violations of international humanitarian law in Asia, and to contribute to the fulfillment of the rights of victims and their families.

Working together based on foundational principles of collaboration, complementarity, independence and transparency, the members of the coalition include Amnesty International, Asia Justice and Rights, Burmese Rohingya Organisation UK, Centre for Peace and Justice (Brac University), Centre for Policy Alternatives, Human Rights Watch and the International Commission of Jurists.

International Institute of Social Studies (ISS) of Erasmus University Rotterdam

The International Institute of Social Studies (ISS) is an international graduate school of policy-oriented critical social science. It brings together students and teachers from the Global South and the North in a European environment.

Established in 1952 as the International Institute of Social Studies by Dutch universities and the Netherlands Ministry of Education, does research, teaching and public service in the field of development studies and international cooperation. ISS located in The Hague: 'The World's Legal Capital'. On 1 July 2009 ISS became a University Institute of Erasmus University Rotterdam (EUR).


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