
RIGHTS OF THE STATELESS: A SOCIO-LEGAL PERSPECTIVE THROUGH THE LENS OF THE ROHINGYA REFUGEES

Shibasish Bhattacharjee, Sampurna Chatterjee & Ariba Siddique, Amity University

ABSTRACT

Nationality is a legal bond that exists between an individual and a state. It gives people a sense of identity, but it also allows them to exercise a wide range of rights. Lack of nationality, or statelessness, can thus be harmful, and in some cases devastating, to the lives of those involved. Despite international recognition of the right to nationality, new cases of statelessness have emerged from time to time. Addressing the issues associated with statelessness remains a major challenge in the 21st century.

This research piece objectively aims to lay foundational arguments on the derailment of effective application of human rights on the “most persecuted minority”, the Rohingya refugees, with special focus on the receptivity of the host states towards them.

Keywords: Rohingya, refugees, Bangladesh

OBJECTIVE AND SCOPE

With little to no help from the international community, Bangladesh (one of the primary host countries) can only be expected to do so much for these Refugees. That said, the researchers wish to shed light on how these Refugees are still meted out with atrocities in the host countries, and how active and durable assistance from other nations can help ease the situation.

As regards the scope of the paper, the researchers have limited their inputs and analysis to the aspects of employment, limited movement, sexual and gender-based violence and financial inclusion of the Refugees in the host countries, with special focus on Bangladesh.

RESEARCH QUESTIONS

1. What are the reformative steps taken by the United Nations in recent times, to curb the violence and atrocities inflicted on the Rohingyas in the Rakhine estate?
2. Is the host country, Bangladesh, doing enough on the Rohingya Refugees' concerns surrounding the aspects of employment, movement and violence?
3. Financial inclusion of the Refugees in the host countries – a gap yet to be filled?

RESEARCH METHODOLOGY

The researchers have collated data from secondary sources such as the books, journals, articles/papers from Google Scholar, and resources and documents on the United Nations' Library. The databases which are used in this particular research paper are Manupatra, SCC Online, and the website of the International Court of Justice and United Nations. As for the citation style, we have footnoted the relevant points in Bluebook 20th Edition.

HYPOTHESIS

It is hypothesised that in recent years, the Stateless, 'Rohingyan Refugees' have been subjected to atrocities in the host countries in the name of 'protection'.

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Chapter 2: Violence Perpetrated internally displaced Rohingyas in Myanmar

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Chapter 4: Financing the Refugees Through the Lens of Host Countries

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CHAPTER 1: INTRODUCTION

Nationality¹ is a legal bond between a person and a State. Nationality provides people with a sense of identity but, more importantly it enables them to exercise a wide range of rights. The lack of any nationality, statelessness, can therefore be harmful in some cases devastating to the lives of individuals concerned. Despite international recognition of the right to a nationality, new cases of statelessness have continued to lurk every now or then. Tackling the issues associated with statelessness still poses a major challenge in the 21st century. There are approximately more than 10 million stateless people around the globe.

This research piece objectively aims to lay foundational arguments on the derailment of effective application of human rights on these groups and individuals, and lays down the importance of statehood and its exhalation as a violation of their inherent rights as individuals and families in the South Asian countries.

Statelessness is attributed to various reasons. It can arise for migratory reasons when expatriates lose or get deprived of their nationality, without having acquired any nationality in a country where they have been staying habitually. Majority of the Stateless persons, have not yet looked out for their own countries, as they were unable to cross the borders. For such entities, careless framing, and implementation of nationality laws, are the factual reasons for causation of Statelessness. Post the Second World War, the need for international cooperation, to protect the Stateless vis a vis “refugees²” have come to the forefront.

Human Rights situation of the Rohingyas, and other minority population in Myanmar is of prime concern. The extent of violation and abuse, reported can never be ignored; systemic and systematic discrimination and policies of exclusion, and marginalization are too often the reasons for any further arguments. The Special Advisor of the Secretary-General on the Prevention of Genocide, had warned that failing to address immediate consequences and root causes of violence, between the Rakhine Buddhists and the Rohingya Muslims, could lead to serious conflict in the international diaspora which was to be protected. Addressing the abuses

¹ *Nationality: The Free Dictionary*. Farlex. Available at: <https://www.thefreedictionary.com/nationality> (Accessed: November 2, 2022).

² United Nations High Commissioner for Refugees (no date) *What is a refugee?* UNHCR. Available at: <https://www.unhcr.org/what-is-a-refugee.html> (Accessed: November 2, 2022).

and the violations, identified in this result, it may help to provide a peaceful environment for everyone in Myanmar, planting seeds for growth, prosperity and harmony.

The new Government shall seize the growth of such violence, by stopping discriminatory policies and practices, not continuing thereby such discriminatory laws.

The Government should take beneficial legal and policy measures, which address the root causes of all human rights violation and abuse, which prevent their re-occurrence.

Perspectives of the victim and the entire community need to be kept in mind, and should be incorporated using, broad consultations, throughout the design and implementation of any measures seeking to address the bygone. The legal framework must be upgraded, keeping in mind the 2008 Constitution³ and the 1982 Citizenship Law⁴, so that it becomes in lieu with Myanmar's international human rights duties. It is very important to establish mechanisms, so that any new legislation is fully in consonance, with Myanmar's international human rights obligations. With a strong independence and enhanced protection code, the Myanmar National Human Rights Commission, shall play a strong role in persevering and guarding the human rights of all the people of Myanmar.

CHAPTER 2: VIOLENCE PERPETRATED ON INTERNALLY DISPLACED ROHINGYAS IN MYANMAR

Statelessness plays an important role in their mistreatment and the continuous violation of their rights. The essence of being stateless lies on the fact that a person does not belong to any state. While, Statelessness directly violates the right to nationality, it indirectly jeopardises many other rights that derive from it. By the international law, the definition of a de jure stateless is someone “who is not considered as a national by any State under the operation of its law.” On the other hand, a de facto stateless person, is one that is unable to prove his/her nationality. According to the Declaration of Human Rights 1948⁵, “everyone has the right to nationality.”

³ Myanmar law library (no date) *Constitution of 2008 - Myanmar Law Library*. Available at: <https://www.myanmar-law-library.org/law-library/laws-and-regulations/constitutions/2008-constitution.html> (Accessed: November 2, 2022).

⁴ III. discrimination in Arakan (no date) *Burma/Bangladesh: Burmese Refugees In Bangladesh - Discrimination in Arakan*. Available at: <https://www.hrw.org/reports/2000/burma/burm005-02.htm> (Accessed: November 2, 2022).

⁵ *What is the Universal Declaration of Human Rights?* (no date) *The Australian Human Rights Commission*. Available at: <https://humanrights.gov.au/our-work/what-universal-declaration-human-rights> (Accessed: November 4, 2022).

Not respecting that parameter, people that are deemed stateless, lack the right to have claims against a state. They remain on the margins of a state, people with nowhere to turn. As a result, those individuals often become victims of oppression and mistreatment due to their lack of “existence” in the eyes of the state.

On behalf of the Organisation of Islamic Cooperation⁶, Gambia had filed a suit at the ICJ, accusing Myanmar, of holding genocidal activities against the Rohingya minority.

The case at hand, demanded the ICJ, to immediately put an end on Myanmar’s genocidal conduct. A majority Muslim ethnic group, regarded as the government, regarded the government and the army as “Bengali,” or illegal immigrants from Bangladesh, have long faced discrimination.

The military led campaigns, against Rohingya Refugees, in October 2016 and August 2017, had caused 800,000 Rohingyas to flee from the country. The civilian government of Myanmar, along with armed forces, claimed that the military operations took place in direct response, to an armed group, Arakan Rohingya Salvation Army (ARSA), and that it was fully proportional to the security threat posed. The United Nations has labelled operations carried out in the Rakhine estate and other residencies of the Rohingyas as ethnic cleansing campaigns involving mass rape, widespread killings, torture and frequent burning of Rohingya villages.

A UN Fact Finding Mission⁷, labelled as the Tatmadaw’s (armed forces) anti-Rohingya violence as genocidal. Under scrutiny by international authorities, the government agreed in 2018-19, to allow the return of Rohingya refugees, to improve their tarnished international image. The Rohingya refugees time and again have participated in repatriation efforts for fears over their existence. Additionally, a recent report by a think tank based out of Myanmar, stated that Myanmar had made minimal preparations, in facilitating the return of the Rohingyas to their ancestral village in the Rakhine State, in terms of food, security and shelter.

Furthermore, the ill treatment of the State security forces, prevailing the immunity of those involved in any sort of human rights violation, and the Rohingyas at Myanmar, are at a pinnacle of threat of encountering mass scale genocides, as the government now is trying to fix the

⁶ (no date) *Organisation of Islamic Cooperation*. Available at: <https://www.oic-oci.org/> (Accessed: November 4, 2022).

⁷ Independent International Fact-finding mission on Myanmar (2019) OHCHR. Available at: <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/index> (Accessed: November 4, 2022).

genocidal intent of the masses. Various governments and international organisations, have approved of the decision by Gambia to file a suit at the International Court of Justice.

CHAPTER 3: ON MOVEMENT, LIVELIHOOD AND ABUSE: AN EXTENSION OF THE TIME IN MYANMAR

Although it is understandable that Bangladesh is overwhelmed with hosting nearly a million refugees, denying them access to employment and scholastic prospects simply increases their vulnerability and reliance on aid. In recent months, Bangladeshi authorities have tightened their restrictions on refugees' means of subsistence, freedom of travel, and access to education. The Rohingya are unable to live freely and independently because officials have wilfully destroyed thousands of stores and put new restrictions on movement inside the camps in Cox's Bazar. Refugees who spoke about how the new limitations have made it difficult for them to support their families, offer their kids a good education, or establish communities. The refugees have been under pressure from Bangladeshi authorities to move to Bhasin Char Island or leave for Myanmar. Concerns are raised over whether officials are actively working to force migrants to leave the camps due to the deteriorating conditions there.⁸ Both the 1967 Protocol and the 1951 Convention Relating to the Status of Refugees are not ratified by Bangladesh.⁹ There is no law in Bangladesh that governs refugee administration or ensures that refugees' rights are upheld. Refugees in Bangladesh are in a dangerous condition due to a lack of a national legal and administrative framework, leaving them vulnerable to major protection hazards and with few options for finding a long-lasting solution to their problem. The roughly one million refugees in Bangladesh do not have a recognised legal status, which places them on shaky legal ground and leaves them open to rights abuses. However, Bangladesh is required to guarantee access to essential rights, such as freedom of movement, livelihood, education, and safety, for everyone within its authority, including refugees, as a party to important international human rights treaties.

A. LIVELIHOOD

Many male refugees turn to illegal jobs as a way to supplement humanitarian aid. Refugees

⁸ *Bangladesh: New Restrictions on Rohingya Camps*, HUMAN RIGHTS WATCH (Oct. 27, 2022, 7:45 PM), <https://www.hrw.org/news/2022/04/04/bangladesh-new-restrictions-rohingya-camps>

⁹ Arif, K. H. (2020). The Rohingya Refugees in Bangladesh: Non-refoulement and Legal Obligation under National and International Law, *International Journal on Minority and Group Rights*, 27(4), 855-875, <https://doi.org/10.1163/15718115-02702014>

who are working illegally are vulnerable to exploitation by local companies and Mahjees, who have implemented a "tax" for leaving and entering the camps and inflict severe penalties for non-payment. United Nations High Commissioner for Refugees (hereinafter referred to as "UNHCR") interventions have helped refugees avoid facing such severe punishments to some extent, but because they lack legitimate means of support, they continue to be vulnerable to mistreatment by Mahjees, camp staff, and locals. Although in reality this is accepted, they may, in theory, face legal repercussions for engaging in illicit work.¹⁰ Because of Bangladesh's poor overall economic state and the potential for local integration, the government has not yet taken any actions to support refugee self-reliance.

The Rohingya-created informal markets developed into crucial sources of cash for meeting necessities and boosting humanitarian rations. However, starting in October 2021, authorities started to bulldoze stores in a number of camps, frequently without warning. The lack of options for self-reliance leaves refugees with very dismal future prospects given the unlikely probability of large-scale repatriation to Myanmar in the near future and the restricted prospects for resettlement. In addition, laziness and the use of illegal labour make the atmosphere insecure for refugees and make it easier for them to be subjected to abuse and exploitation on a regular basis.

B. MOVEMENT

Refugees must stay in camps; those who do so must live and travel illegally outside the camps. The ban was put in place to promote repatriation. The persistence of the refugee issue in Bangladesh, however, demonstrates that limits by themselves would not encourage a return of the Rohingya, who continue to face grave threats to their safety and basic rights in Myanmar. Unfortunately, the restrictions on movement have given rise to a number of serious protection issues that persist both inside and outside the camps. Domestic violence, corruption, abuse, and illegal activities are all products of inactivity. Being unable to engage in lawful economic activity makes one vulnerable to exploitation, especially in terms of pay, working conditions, and other such dangers. The inability of women, especially female heads of household, to engage in covertly earning activities makes them vulnerable, which is another effect of the restriction on freedom of movement.

¹⁰ UNHCR, The UN Refugee Agency, *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*, <https://www.unhcr.org/46fa1af32.pdf> (Oct. 25, 2022, 7:31 PM)

In 2019, the government started erecting fencing in the camps, presumably to protect the refugees. Instead, the fencing restricts their freedom of movement and puts them in grave danger during crises like fires, which has resulted in avoidable fatalities. There have been six fires so far in 2022. The barbed wire through and surrounding the camps reportedly made it difficult for the refugees to evacuate and for rescue crews and humanitarian organisations to reach them as they were responding to the fire, according to witnesses.¹¹

C. VIOLENCE

In the camps and adjacent areas, sexual and gender-based violence is an extremely serious issue when it comes to safety, despite international humanitarian law, international human rights law and international customary law, sternly forbidding sexual assault.¹² Both inside refugee families and within the host society, domestic violence is pervasive. Since domestic violence is not a crime in Bangladesh, women who are abused by their husbands, fathers, or other male authority figures have few legal options to stop the abuse or to help further prevent it.¹³

Particularly vulnerable to rape and kidnapping are women who collect firewood near the camps, female chiefs of households, and young girls whose fathers or spouses are detained. Additionally, because polygamy is practised in the camps and there is a lack of food and a high rate of sexual assault, particularly against women who are the heads of homes, this leaves wives vulnerable. Many refugee women have turned to survival sex due to the inadequate amounts of humanitarian aid provided to refugees, especially in the area of food, and the lack of opportunities for legitimate revenue generation. Other issues include coercion by Mahjees, camp staff, and local police (who profit monetarily from sexual labour).

Sexual and gender-based violence are both influenced by a variety of socio-economic factors. High levels of violence and exploitation experienced by women refugees are a result of a combination of factors, including cultural customs, inadequate humanitarian aid, constrained opportunities for earning an income, frustrations brought on by inaction and a lack of future

¹¹ Adem Carroll, Habib Siddiqui, *Rohingya: From Welcome to Lock-up*, <https://www.islamicity.org/80596/rohingya-from-welcome-to-lock-up/>, (November 2, 2022, 6:30 PM)

¹² United Nations Committee on the Elimination of All Forms of Discrimination Against Women (>.2;E), 'General recommendation No. 35 on gender-based violence against women' (26 July 2017) UN Doc >.2;E/C/C/>/35 (C035), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf, (November 3, 2022, 2:45 PM)

¹³ Taslima Yasmin, *Domestic Violence: Is there any punishment?*, <https://en.prothomalo.com/opinion/op-ed/domestic-violence-is-there-any-punishment>, (Nov. 3, 2022, 10:45 AM)

prospects, and insufficient income generating opportunities. The perpetrators are frequently those who are in charge of ensuring the security of camp residents, including the Mahjees, other camp staff, and the local police, which contributes to the general level of impunity that exists. Another factor is the absence of effective prevention and response mechanisms. The Mahjee power structure dominates the camps, greatly limiting the efficiency of the officers tasked with keeping order. Together with the Camp-in-Charges and local police, they are seen as major human rights violators and a major contributing factor to the camps' lack of security.

Refugees and aid organisations worry that the government's recent harsh restrictions are an attempt to force refugees to move to Bhasan Char or return to Myanmar. About 22,000 Rohingya have already been relocated by Bangladeshi authorities¹⁴ to the far-flung, prone-to-flood island, where they experience severe movement limitations, food and medicine shortages, and mistreatment by security personnel. Many have been moved and barred from returning to the mainland without their full, informed consent. Refoulement, or the forcible return of refugees to countries where their lives, physical integrity, or freedom would be in danger, can also happen when authorities indirectly coerce people into believing they have no choice but to return to a nation where they run a high risk of harm.

Standard Operating Procedures for Sexual and Gender Based Violence (hereinafter referred to as "SGBV"), as well as those for reporting abuses to the District Commissioner and the Refugee Relief and Repatriation Commissioner, have been implemented by UNHCR as part of improved monitoring and reporting mechanisms. However, it is acknowledged that a more thorough strategy for combating the issue needs to be put in place; one that addresses the underlying causes of SGBV in collaboration with the government, other organisations, and refugees and incorporates a more accountable system for ensuring the administration of justice within the camps. The 2022 Joint Response Plan¹⁵ for the US\$875 million to address the humanitarian issue of the Rohingya is still unfulfilled. Donors like the US, UK, EU, and Australia should provide more aid while requesting Bangladesh to lift its limits. For governments to effectively address these problems and demonstrate solidarity, cooperation is essential.

¹⁴ *ibid*

¹⁵ 2022 Joint Response Plan: Rohingya Humanitarian Crisis (January – December 2022), <https://reporting.unhcr.org/2022-jrp-rohingya>, (Oct. 23, 2022, 10:45 AM)

CHAPTER 4: FINANCING THE REFUGEES – THROUGH THE LENS OF HOST COUNTRIES

Change is constant for refugees. This is also true for their financial situation: depending on their displacement phase, the financial needs of the Refugees evolve over time, ranging from survival cash at the time of arrival to more comprehensive services such as savings, payments, and credit during a more stable and prolonged phase. This part of the paper will first delve into the Financial portfolio of refugees, documentation, inclusion of refugees in the host countries and in lieu of this, highlight the “evidentiary” principles.

This part of the paper will discuss a gray area, while dealing with refugees primarily in the host countries – Bangladesh and Malaysia.

FINANCIAL PORTFOLIO OF REFUGEES – A DISTANT DREAM?

A refugees’ financial portfolio, like any other individual's, includes both the source of income and the destination of payments (expenses, debt repayment, investments in assets). We have chosen not to itemise the specific financial contents of their portfolios because they are subject to massive volatility, instead describing what is in them and how it may change over time.

- **Income from livelihood earnings:** For those who lived in the city, various income-generating activities, primarily in the informal sector, such as daily wage work or self-employed activities, were the mainstay of their economic survival.
- **Income from humanitarian cash assistance, government programs, and charity:** Monthly cash/voucher assistance, regular annual assistance for specific purposes such as winterization, and one-time assistance from local charities and some NGOs were offered. Recently, the United States of America announced more than \$140 million in Humanitarian Assistance for the Rohingya Refugee Crisis. Cash-for-work programmes, which pay beneficiaries wages in exchange for their labour, were also regarded as valuable, particularly when combined with humanitarian cash transfers and other sources of income¹⁶.

¹⁶ U.S. Department of State, <https://www.state.gov/united-states-announces-more-than-170-million-in-humanitarian-assistance-for-the-rakhine-state-rohingya-refugee-crisis/> (last visited Oct. 27, 2022).

DOCUMENT DIGGING – A BRIDGE TOWARDS FINANCE INCLUSION

Access comes with recognition, and recognition required documentation and verification.

Refugees were interested in enrolling in financial services in order to receive benefits such as humanitarian cash assistance (which may necessitate enrolment in a mobile money system, which required proof of identity); access remittances (which required showing an identity document at each transaction); accessing a bank account (which required various documents of proof of address, identity, residency, or work permits); Many refugees still do not have access to banks or other traditional financial services. This further puts a huge impediment in their path to self-sufficiency and economic independence. Because they lack a safe place to save and receive money, they have fewer options for making payments or accessing loans. In short, they cannot fully participate in a Hosts' economy or build a stable life for themselves and their families without such services.¹⁷

Bribery and middlemen in the document-making process posed additional difficulties for the refugees.

INCLUSION IN HOST COUNTRIES: TOUGH BUT TRYING

Bangladesh initiated a programme in 2018 that allows refugees to open bank accounts in order to receive financial assistance from the government and international aid donors. The Bangladesh Bank, the Central Bank of Bangladesh, and the Bangladesh Financial Intelligence Unit (hereinafter referred to as “**BFIU**”) have collaborated to implement the programme¹⁸.

It has endorsed the relaxation of Know Your Customer requirements for such bank accounts, and banks can now accept photo identity documents issued by the government and UNHCR to refugees. The BFIU has also stated that these IDs can be used to receive wire transfers and foreign remittances in favour of Bangladeshi refugees in addition to providing refugees with savings accounts, this programme would also provide refugees with pre-paid debit cards or mobile wallets that can be used for everyday transactions.

¹⁷ UNHCR Cash assistance: Digital payments to refugees, <https://www.unhcr.org/5fdcd8474.pdf>, (last visited Oct 27, 2022).

¹⁸ BFIU Annual Report 2019 – 2020, <https://www.bfiu.org.bd/pdf/pub/annual/2019-2020.pdf>, (last visited Oct 29, 2022).

The Rohingya project, a Non-profit social enterprise in Malaysia conducted a pilot survey, it involved the valuation and distribution of a blockchain-backed crypto-token known as "R-Coin" (short for Refugee Coin). R-Coins were given to refugees who completed voluntary community-based social services such as teaching, cleaning, and counselling. The earned R-Coins could be exchanged for a variety of 'prizes,' ranging from the insignificant (Starbucks food/beverage cards) to the critical (ATM Cards; Health Insurance)¹⁹.

FINANCIAL INCLUSION – EVIDENCED

In view of the Directive passed by EU, “DIRECTIVE (EU) 2018/843 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018”, which requires banks to provide basic payment accounts to all customers legally residing in EU countries, including asylum seekers and refugees, only half of member state regulators have issued formal guidelines on refugee financial integration. Even "when financial services are available, they are frequently basic, difficult to obtain, or prohibitively expensive," according to the report.²⁰

Its pertinent to point that refugees are frequently not represented or consulted in the design and implementation of programmes that are relevant to them. This top-down policymaking approach ignores their unique experience, knowledge of their communities, and knowledge of service delivery gaps. As a result, policies and programmes developed without consulting refugees and their families fall short of meeting their needs. It should, however, be noted that recent years have seen a trend towards greater inclusion and participation of refugees in decision-making processes, as evidenced by the 2016 New York Declaration for Refugees and Migrants “Improve the delivery of humanitarian and development assistance to those countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding gap”²¹ and the 2018 Global Compact on Refugees²². Nonetheless, putting these provisions into practice remains a challenge.

It is possible to conclude that financial policies and programmes were drafted in their favour,

¹⁹ Rohingya Project, <https://rohingyaproject.com> (last visited Oct. 26, 2022).

²⁰ EUR LEX, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018L0843>, Official Journal of the European Union, (last visited Oct 26, 2022).

²¹ United Nations Human Rights, The New York Declaration for Refugees and Migrants, <https://www.ohchr.org/en/migration/new-york-declaration-refugees-and-migrants> (last visited Oct. 25, 2022).

²² Unhcr, Global Compact on Refugees, <https://www.unhcr.org/5c658aed4.pdf>, (last visited Oct 26).

but the "most persecuted minority"²³ was not always able to take advantage of the services. The role of international organisations in bridging the gap, however, has been critical.

CHAPTER 5: CONCLUSION

The plight of the Rohingyas, and other minority groups in Myanmar is of serious concern. The extent of violation and abuse, reported can never be ignored; the systemic and systematic discrimination and policies of exclusion, and marginalisation are too often the reasons for any further arguments. The Special Advisor of the Secretary General, on the prevention of Genocide, which warned the failing to address immediate consequences and root causes of violence, between the Rakhine Buddhists and the Rohingya Muslims. Could lead to serious conflicts in the international diaspora which was to be protected. Addressing the abuses and the violations, might soon provide a conflict free environment in Myanmar, planting the seeds for growth, prosperity, and harmony.

The Government of Myanmar must take beneficial legal and policy measures, which address the root causes of all human rights violations and abuse, which shall prevent their reoccurrence. The victims of these genocides, and mass killings need to be taken into consideration while framing the measures to address the by-gones, through design and implementation of policies and sanctions. The legal framework protecting statelessness shall be addressed, keeping in mind the Constitution of the Republic of Union of Myanmar (2008)²⁴, and the 1982 Citizenship Law²⁵, so that it becomes in lieu with Myanmar's international human rights duties. Myanmar's general law, is based on the English common law, as adopted, and moulded by the principles of equity, justice, and good conscience.

It is further important to observe that, to establish mechanisms, so that in any new legislation formed eventually, is fully in consonance with Myanmar's international human rights obligations. With an independent outlook, and an enhanced protection code, Myanmar National

²³ Rohingya Refugees crisis, <https://www.unrefugees.org/emergencies/rohingya/> (Oct. 25, 2022).

²⁴ *Myanmar 2008 (rev. 2015) constitution* (no date) *Constitute*. Available at: https://constituteproject.org/constitution/Myanmar_2015?lang=en (Accessed: November 4, 2022).

²⁵ *Political transition in burma/myanmar: Status of Rohingya Muslim minority* (no date). Available at: https://www.researchgate.net/profile/Md-Haque-114/publication/321222440_Rohingya_Ethnic_Muslim_Minority_and_the_1982_Citizenship_Law_in_Burma/links/5f845cc1a6fdccfd7b5adb92/Rohingya-Ethnic-Muslim-Minority-and-the-1982-Citizenship-Law-in-Burma.pdf (Accessed: November 4, 2022).

Human Rights Commission²⁶, shall play a strong role in persevering and safe keeping the fundamental human rights of the people of Myanmar.

²⁶ *Opinion: Myanmar's infrastructure investors must commit to human rights* (no date). Available at: <https://www.devex.com/news/opinion-myanmar-s-infrastructure-investors-must-commit-to-human-rights-92371> (Accessed: November 4, 2022).