



Inter-Parliamentary Union
For democracy. For everyone.

137th IPU Assembly

St. Petersburg, Russian Federation
14–18 October 2017



Assembly
Item 2

A/137/2-P.3
22 September 2017

Consideration of requests for the inclusion of an emergency item in the Assembly agenda

Request for the inclusion of an emergency item in the agenda of the 137th Assembly of the Inter-Parliamentary Union submitted by the delegation of Morocco

On 21 September 2017, the IPU President received from the President of the House of Councillors of the Parliament of the Kingdom of Morocco a request and accompanying documents for the inclusion in the agenda of the 137th Assembly of an emergency item entitled:

"Ending the persecution, violence and discrimination against Myanmar's Rohingya minority: The role of the IPU".

Delegates to the 137th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 137th Assembly will be required to take a decision on the request of the Moroccan delegation on Sunday, 15 October 2017.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The IPU Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a recent major situation of international concern on which urgent action by the international community is required and on which it is appropriate for the IPU to express its opinion and mobilize a parliamentary response. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE IPU PRESIDENT BY THE PRESIDENT OF
THE HOUSE OF COUNCILLORS OF THE PARLIAMENT OF THE KINGDOM OF MOROCCO AND
HEAD OF THE DELEGATION TO THE 137th IPU ASSEMBLY**

Rabat, 20 September 2017

Dear Mr President,

In accordance with the provisions of Article 14(2) of the IPU Statutes and Rule 11(1) of the IPU Rules, I have the honour to address to you the present request for inclusion in the agenda of the 137th IPU Assembly to be held in St. Petersburg, Russian Federation, from 14-18 October 2017, an emergency item entitled:

"Ending the persecution, violence and discrimination
against Myanmar's Rohingya minority: The role of the IPU".

You will find attached a brief explanatory memorandum and a draft resolution setting out the scope of the present request.

Yours sincerely,

(Signed)

Hakim BENCHAMACH
President of the House of Councillors
Parliament of the Kingdom of Morocco
Head of the delegation to the 137th IPU Assembly

**ENDING THE PERSECUTION, VIOLENCE AND DISCRIMINATION
AGAINST MYANMAR'S ROHINGYA MINORITY: THE ROLE OF THE IPU**

Explanatory memorandum presented by the delegation of Morocco

Considered as foreigners within the Republic of Myanmar, a country in which Buddhists represent 90 per cent of the population, the Rohingya are a stateless minority even though some of them have been living in that country for generations.

The Rohingya, a Muslim minority comprising an estimated 1 million inhabitants in Myanmar, have for decades suffered persecution, violence and discrimination. They do not have access to jobs, schools, hospitals, and with the increase in recent years of xenophobic, ultranationalist Buddhist movements, hostility towards them has been on the rise with often deadly clashes.

On 25 August this year, a new cycle of violence erupted following the attacks launched on dozens of police stations by the Arakan Rohingya Salvation Army (ARSA), whose stated aim is to defend the Rohingya Muslim minority. Myanmar army has since retorted by launching a large-scale operation in the impoverished remote parts of Rakhine state, and as a result, according to the Office of the UN High Commissioner for Refugees (UNHCR), more than 450,000 Rohingya have been forced to seek refuge in neighbouring Bangladesh. The provisional death toll from this latest mass displacement stands at 1,500.

Those who have managed to make it to Bangladesh find themselves in dire conditions: they suffer from hunger, exhaustion and sickness. The new arrivals are scattered in different localities in South-East Bangladesh. The UNHCR further estimates that more than 70,000 Rohingya have taken refuge in existing refugee camps, but many others are living in makeshift sites and local villages. Bangladesh, which is providing the refugees with considerable humanitarian aid, describes this massive displacement of Rohingya as a "huge burden" on the country.

Across the border in Myanmar, northern Rakhine state is closed off by the army and no journalists are permitted to travel to the area unaccompanied. The entire zone is severely affected by the latest outbreak of violence. Moreover, it has been particularly unsafe for teams of humanitarian workers operating there since the government of Daw Aung San Suu Kyi made damning allegations against them, claiming that food rations had been found in "rebel camps".

More than 80,000 children in that region suffer from malnutrition, and an estimated 120,000 Rohingya have been living in camps in Sittwe, the capital of Rakhine state, since the break-out of deadly inter-religious clashes in 2012. They have no access to jobs and are limited in their movements, making them dependent on food aid.

Following an inquiry into the earlier outbreak of violence on 9 October 2016, the United Nations denounced the "widespread or systematic" attack against the Rohingya mainly by the army. It characterized this as "ethnic cleansing" and "very likely" crimes against humanity.

By the present request for the inclusion of this proposal in the agenda of the 137th IPU Assembly, the parliamentary delegation of Morocco to the IPU calls on the upcoming Assembly to join the international community in the efforts to end the persecution, violence and discrimination against Myanmar's stateless Rohingya minority.

**ENDING THE PERSECUTION, VIOLENCE AND DISCRIMINATION
AGAINST MYANMAR'S ROHINGYA MINORITY: THE ROLE OF THE IPU**

Draft resolution presented by the delegation of MOROCCO

The 137th Assembly of the Inter-Parliamentary Union,

- (1) *Gravely concerned* about the continuing humanitarian crisis in Myanmar in the wake of the fresh wave of tension that has engulfed the country, particularly in Rakhine state, where the Rohingya minority continues to suffer persecution, violence and discrimination, as has been the case for decades,
- (2) *Considering* that the latest wave of violence sparked by the attacks on 25 August against dozens of police stations by the Arakan Rohingya Salvation Army (ARSA) rebel group, whose stated aim is to defend the Rohingya Muslim minority; that the Myanmar police responded to those attacks by launching a large-scale operation which, according to the UNHCR, led to the forcible wholesale displacement of more than 450,000 Rohingya, who were forced to take shelter in makeshift camps in neighbouring Bangladesh; and that the operation has also claimed the lives of more than 1,500 people thus far,
- (3) *Also considering* that the Rohingya, Myanmar's stateless Muslim minority, are, and have been for several decades, victims of various forms of persecution and discrimination: they are denied enjoyment of their basic rights, including the right to freedom of movement, the right to education and the right to work, as well as other social, civil and political rights; *considering especially* that the Rohingya who have fled Myanmar are now stateless refugees, and that this makes them much more vulnerable,
- (4) *Taking account* of the appeal reiterated by the UN Secretary-General, António Guterres, following the opening of the 72nd UN General Assembly session in New York, that Muslims in Myanmar's Rakhine state must be granted nationality or, at least for now, a legal status that allows them to lead a normal life,
- (5) *Reaffirming* the joint statement issued by IPU President Saber Chowdhury and IPU Secretary General Martin Chungong, in which they condemn the human rights violations of Myanmar's Rohingya Muslim minority, stressing the responsibility of Myanmar State's authorities to protect the Rohingya minority and calling for an end to the violence and for the immediate start of a dialogue to ensure that more lives are not lost or people displaced, and also calling upon the Parliament of Myanmar, a Member of the IPU, to do everything possible to help bring an end to the latest humanitarian crisis that has engulfed the country and poses a serious threat to peace and security in South-East Asia,
- (6) *Recalling* that UNHCR and the UN Human Rights Council consider that the Myanmar Government is engaging in "ethnic cleansing" of the Rohingya Muslim minority,
- (7) *Gravely concerned* about the growing rise and influence of fundamentalist Islamist movements, as well as, ultranationalist Buddhist movements which fuel tensions by words and deeds that incite hatred and discrimination, and *recalling* that the Myanmar Constitution of 2008 forbids the misuse of religion for political purposes,
- (8) *Considering* that the latest wave of tension and violence in Myanmar could undermine the national reconciliation process and the efforts towards peace, democracy, as well as the human rights that State Counsellor Daw Aung San Suu Kyi has been advocating since she came into office, a process that began following a broad-based nationwide dialogue, in particular at the 21st Century Panglong Peace Conference on 31 August 2016,
- (9) *Commending* the UN humanitarian and development agencies, as well as other international and regional organizations for their continued efforts to assist Myanmar's Rohingya minority; and also *commending* the other countries in the region, especially Bangladesh, for their continued efforts to provide sanctuary and humanitarian aid to the hundreds of thousands of Rohingya refugees, particularly children, women and vulnerable persons,

- (10) *Reaffirming* that peace, development and human rights are inextricably linked and mutually reinforcing,
- (11) *Guided* by the UN Charter, the Universal Declaration of Human Rights and the international covenants on human rights, and *recalling* the relevant UN Human Rights Council and General Assembly resolutions on the human rights situation in Myanmar,
- (12) *Noting* the UN Convention Relating to the Status of Refugees, the UN Convention Relating to the Status of Stateless Persons, as well as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- (13) *Reaffirming* the resolution adopted by the 133th IPU Assembly (Geneva, 20 October 2015) entitled: *The role of the Inter-Parliamentary Union, parliaments, parliamentarians, and international and regional organizations in providing necessary protection and urgent support to those who have become refugees through war, internal conflict and social circumstances, according to the principles of international humanitarian law and international conventions,*
- (14) *Also reaffirming* the Statement noted by the IPU Governing Council at its 188th session (Panama, 20 April 2011) entitled: *Statement on parliamentary action in support of the United Nations High Commissioner for Refugees (UNHCR) and refugee protection,*
1. *Reaffirms* its solidarity and empathy with the members of the Rohingya minority, including those who are living in Myanmar, those who are displaced and those are living as refugees in various countries in South-East Asia, who are victims of various forms of persecution, violence and discrimination, which could trigger the worst humanitarian and security crisis in the region;
 2. *Condemns* the 25 August 2017 attacks against police stations close to the border in northern Rakhine state, and *states its grave concerns* about the latest serious deterioration in security and human rights and about the resulting humanitarian situation in Rakhine state, where hundreds of thousands of persons belonging to the Rohingya minority group have been forced to seek refuge in Bangladesh or elsewhere in Rakhine state, with 1,500 of them having lost their lives thus far;
 3. *Welcomes* the fact that the international community has now launched an appeal for US\$ 77 million in funding for the stateless Rohingya for the coming three months; *emphasizes* that the international community must urgently provide more humanitarian aid for the stateless Rohingya refugees, especially children, women and vulnerable persons; and *invites* international community to respond positively to the appeal and to honour its pledges in order to ensure timely and predictable funding for the humanitarian agencies;
 4. *Calls upon* the Myanmar State institutions and all parties concerned, particularly in Bangladesh, to work closely with the humanitarian agencies to ensure that the security conditions are conducive to the delivery of humanitarian aid so as to permit quick, safe and unhindered access to all those in need, the timely delivery of humanitarian aid, in particular to displaced persons and refugees, by recalling the need to abide by the relevant provisions of international law and the UN guiding principles concerning humanitarian aid, namely: humanity, impartiality, neutrality and independence;
 5. *Expresses its grave concerns* about the continuing difficulties encountered in ensuring that humanitarian aid reaches north-eastern Myanmar and south-eastern Bangladesh, and *strongly condemns* any parties involved in obstructing the delivery of such aid or in the misuse or diversion of humanitarian funds or supplies;
 6. *Again invites* the Government of Myanmar to ensure that UN agencies and humanitarian NGOs, as well as journalists and diplomatic personnel, are allowed unhindered access to all parts of the country, including Rakhine state, and that humanitarian aid can reach all the communities that are experiencing violence, without any restrictions; and *calls upon* the Myanmar authorities to pursue the efforts for the return and resettlement of displaced persons so as to achieve sustainable solutions, in accordance with international principles;

7. *Recommends* that the Government of Myanmar work towards strengthening the engagement between development, peacebuilding, democratic governance and the partnership for humanitarian action, in accordance with the New Deal for Engagement in Fragile States, within the framework of the Global Partnership for Effective Development Cooperation;
8. *Welcomes* the first measures undertaken by the Government of Myanmar to address the root causes of the situation in Rakhine state, notably by forming the Central Committee for the Implementation of Peace and Development in Rakhine state and also the Advisory Commission on Rakhine state, formed on 5 September 2016 at the request of the State Counsellor of Myanmar, Ms. Daw Aung San Suu Kyi, which is headed by former UN Secretary-General Kofi Annan; *commends* the Government for heeding the recommendations contained in the interim Advisory Committee report that was published on 16 March 2017, and *eagerly awaits* the swift implementation of those recommendations in the interests of stability, peace and prosperity in Rakhine state, with the full involvement of all the communities concerned;
9. *Invites* the Government of Myanmar to pursue its efforts aimed at eliminating statelessness, as well as systematic and institutionalized discrimination against members of ethnic and religious minority groups, including the root causes of such discrimination, with particular focus on the Rohingya minority, by, *inter alia*, amending the 1982 citizenship law, amending or repealing any laws or discriminatory policies, including any discriminatory provisions in the law on the "race and religion protection laws" adopted in 2015, which cover religious conversion, inter-faith marriage, monogamy and population control, and tackling the appalling living conditions in the camps for displaced persons;
10. *Also invites* the Government of Myanmar to take further measures to ensure the voluntary and sustainable return of all internally displaced persons, refugees and other persons who were forced to leave the country, including those from the Rohingya Muslim minority, in a safe, secure and dignified manner and in accordance with international law;
11. *Requests* the urgent dispatch of an independent international fact-finding mission to examine the allegations of recent human rights violations by the army and security forces, as well as infringement of such rights in Myanmar and in particular in Rakhine state, including but not limited to, arbitrary detention, torture and inhuman treatment, rape and other forms of sexual abuse, extrajudicial, summary or arbitrary executions, enforced disappearances, forcible displacements and unlawful destruction of property, in order to ensure that the perpetrators are held to account and that the victims receive justice;
12. *Strongly encourages* the Government of Myanmar to take the necessary measures to combat discrimination and prejudice against women, children and members of ethnic, religious and linguistic minorities across the country; to publicly condemn and denounce all calls for national, racial or religious hatred as they are tantamount to inciting discrimination, hostility and violence, and to criminalize incitement to imminent violence based on nationality, race, religion or beliefs;
13. *Calls upon* the Government of Myanmar to safeguard the right to freedom of expression, and to continue to reinforce the measures already taken to promote a culture of tolerance and peaceful co-existence in all segments of society in accordance with Human Rights Council Resolution 16/18 of 24 March 2011 and with the Rabat Plan of Action on the prohibition of incitement to national, racial or religious hatred that amounts to advocacy of discrimination, hostility or violence, including by further facilitating interfaith and intercommunity dialogue;

14. *Also calls upon* the Government of Myanmar and its institutions to redouble their efforts towards reinforcing the protection and promotion of human rights and the rule of law, as well as the promotion of democratisation and equitable economic and social development in order to achieve the Sustainable Development Goals, notably by reforming the National Human Rights Commission, in accordance with the principles governing the status of national institutions for the promotion and protection of human rights (Paris Principles), and *invites* the international community to support Myanmar in this endeavour, notably through technical assistance and capacity-building programmes;
15. *Urges* the Parliament of Myanmar, a Member of the IPU, to use its legislative and oversight powers to ensure that the Government implements a bold, global and inclusive policy based on the law and international standards with a view to affording refugees and stateless persons adequate protection;
16. *Strongly urges* the IPU Governing Council, in accordance with Article 21(d) of the IPU Statutes, to form an ad hoc committee for the purpose of devising a *Parliamentary Plan of action for the protection of refugees and stateless persons*, in close collaboration with the relevant UNHCR departments; *invites* the IPU Secretary General to update the information contained in the two handbooks for parliamentarians entitled: *Refugee Protection: A Guide to International Refugee Law* and *Nationality and Statelessness: A Handbook for Parliamentarians*, so as to reflect the changes and problems that have arisen in the past 10 years with regard to the protection of refugees and stateless persons;
17. *Requests* the IPU Secretary General to convey the present resolution to IPU Member Parliaments, the UN Secretary-General and the relevant international and regional organizations.