Committee: Special Conference on Breaking Barriers (SPECON)

 Issue: Evaluating the geographic barrier in the Andaman Sea refugee crisis

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PERSONAL INTRODUCTION

Dear Delegates,

My name is Marios Pasoglou, I am 15 years old and currently attend the 10th Grade of Pierce – The American College of Greece. In this year's ACGMUN conference I have the utmost honor of serving as a Deputy President in this year's Special Conference on Breaking Barriers. This will be my 3rd time chairing and I am very eager to participate in this conference as it is organized by my school.

I started MUN when I joined my school's MUN club last year and since then I have developed both as a person and as a student. MUN can have many benefits to those participating in it such as improving students' public speaking and critical thinking skills, something that is very important both in an academic and professional environment. Furthermore, students can develop their writing and research skills through reading the study guides and writing resolutions. Finally, through MUN you can learn and further understand the global issues that affect our world.

This year's agenda topic of "Breaking Barriers" is increasingly important in the current world in trying to leave behind the remnants of Covid-19 as well as support the fights for Human Rights by multiple groups and minorities around the world. The topics of this committee and especially the one on "Evaluating the geographic barrier in the Andaman Sea refugee crisis" are closely related to this year's agenda topic.

This study guide is by no means the sole preparation you should do for this conference. A good delegate should always have done much more research based on the contents of this guide while taking advantage of the bibliography already included. If you want clarification on any part of this guide, feel free to contact me at: m.pasoglou@acg.edu

Kind Regards,

Marios Pasoglou

TOPIC INTRODUCTION

The Andaman Sea crisis was a refugee crisis. It mainly took place in the Andaman Sea in 2015. It occurred when many of the Rohingya people started fleeing Myanmar. The initial response was described as inadequate, but the subsequent response has helped a lot in solving this issue. There were many countries affected by this issue such as Indonesia, Bangladesh, Malaysia and Thailand. Indonesia and Malaysia were one of the first countries intervening to solve this issue with them agreeing not to push back boats and instead give temporary shelter to the refugees.

Thousands of people were impacted by the Andaman Sea refugee crisis in 2015, which received extensive media coverage. As a result of the crisis, many of the refugees who were stranded at sea suffered from malnutrition, dehydration, and abuse at the hands of human traffickers. The crisis also had broader ramifications because it brought to light the ongoing violence and persecution of Muslims living in Myanmar known as the Rohingya, as well as the difficulties faced by refugees trying to find safety and better opportunities abroad.

Thousands more people attempted to cross the Andaman Sea in search of safety and opportunity, illustrating the magnitude of the issue. There was a high death toll in the refugees with many appearing malnourished and dehydrated. The refusal of several countries in the region to welcome the migrants, in spite of their severe conditions, was a startling part of the Andaman Sea refugee crisis. This absence of a safe haven increased their suffering and made the issue worse. Human traffickers, who frequently took advantage of and mistreated the refugees as they tried to cross the Andaman Sea, played an unanticipated part in the refugee crisis. Because of the participation of traffickers, their situation became more dangerous and challenging while making it more difficult for them to find safety and support.

While there have been many attempts by countries and organizations to resolve the Andaman Sea crisis, only a few have been successful. Indonesia had one of the quickest and most effective responses to the crisis as it worked closely with agencies such as the UNHCR and other countries to provide essential aid to the refugees such as food, medical care and shelter. Bangladesh's response on the other hand was both criticized and praised by international organizations, as it did provide assistance and aid to refugees but was criticized for the discrimination Rohingya people faced within the country's borders. Malaysia also responded to the crisis by establishing a task force to coordinate aid for the refugees, while even though Thailand initially had a tough stance, it slowly adopted more humanitarian standards. Finally, ASEAN worked closely with other international organizations to coordinate the response and address the humanitarian needs of refugees among its member states.

DEFINITION OF KEY TERMS

Andaman Sea

The Andaman Sea is a sea in the northeastern part of the Indian Ocean. It is bordered in the north by Myanmar, to the east by Thailand and Malaysia, to the south by Indonesia and to the west by the Andaman and Nicobar Islands of India.¹



Figure 1 Location Map of the Andaman Islands and Sea

Refugee

A refugee is defined as "any uprooted, homeless, involuntary migrant who has crossed a frontier and no longer possesses the protection of his or her former government."²

Rohingya

Rohingya is a term used to refer to the Muslim people that are concentrated in the Rakhine state of Myanmar, but they can also be found in different parts of the country and refugee camps in neighboring countries such as Bangladesh, Indonesia and Thailand. Most of these people are considered "stateless" as a result of them not being a recognized ethnic group in Myanmar.³

Asylum Seeker

Asylum is defined as "protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency enjoying freedom from

¹ Britannica, The Editors of Encyclopaedia. "Andaman Sea". Encyclopedia Britannica, 14 Apr. 2020, https://www.britannica.com/place/Andaman-Sea.

² The Editors of Encyclopaedia Britannica. "Refugee." Encyclopædia Britannica, Encyclopædia Britannica, Inc., 16 Dec. 2022, <u>https://www.britannica.com/topic/refugee</u>.

³ Blakemore, Erin. "The Rohingya People-Facts and Information." Culture, National Geographic, 3 May 2021, <u>https://www.nationalgeographic.com/culture/article/rohingya-people</u>.

what is required by law for most people"⁴. As such an Asylum seeker is a person who seeks such protections from a country.

Detention Center

A detention center is a facility where individuals are held in custody, often by government authorities, while awaiting legal proceedings or deportation. These centers are typically used to hold individuals who have violated immigration laws, criminal suspects awaiting trial, or individuals deemed a threat to national security. Conditions in detention centers vary widely, but they are often criticized for being overcrowded and providing inadequate medical care and access to legal representation.⁵



Figure 2 Migrants are gathered inside the fence of a makeshift detention center in El Paso, Texas on Wed. March 27, 2019. Sergio Flores—The Washington Post/Getty Images

Refugee Camp

A refugee camp is a temporary living space for individuals or groups of people who have been forced to flee their homes due to persecution, war, or natural disasters. These camps are often set up by governments, international organizations, or non-governmental organizations to provide basic needs such as shelter, food,

⁴ "Asylum." Merriam-Webster.com Dictionary, Merriam-Webster, <u>https://www.merriam-webster.com/dictionary/asylum</u>.

⁵ "Detention center." Merriam-Webster.com Dictionary, Merriam-Webster, <u>https://www.merriam-webster.com/dictionary/detention%20center</u>.

water, and medical assistance to those who have been displaced. While intended to be temporary, many refugees end up living in these camps for extended periods of time.⁶



Figure 3 The al-Hol camp in Syria, Delil Souleiman / AFP via Getty Images file

Human Trafficking

"Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world."⁷

BACKGROUND INFORMATION

Persecution of the Rohingya People

The Rohingya people have been discriminated against in Myanmar for many generations but as of late there has been an observed increase in their persecution. Starting in August of 2017 the Myanmar army began a crackdown on Rohingya Muslims which prompted many of them to leave in search of a better future. More than 700.000 of them risked their lives to go to neighboring Bangladesh and then to

⁷ "Human-Trafficking." United Nations: Office on Drugs and Crime,

⁶ "What Is a Refugee Camp? Definition and Statistics: USA for UNHCR." What Is a Refugee Camp? Definition and Statistics | USA for UNHCR, https://www.unrefugees.org/refugee-facts/camps/.

https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html.

other countries from there. These acts by the military have been considered as genocide by many international human rights organizations. There have been many reports by Rohingya who have fled to Bangladesh describing their houses getting burned down and systematic sexual assault and killings in villages. Lastly, in 2021 many of the generals who helped orchestrate the genocide against the Rohingya people came to power after a coup overthrowing the country's civilian leaders.

Stateless-ness of Rohingya People (how it affects their status and treatment as refugees)

Rohingya people are considered stateless. This means that they are not citizens of Myanmar just for being born. A 1982 law in Myanmar removed the Rohingya people from the approved groups allowed to gain citizenship and as such Rohingya are considered as foreigners in their own country. Furthermore, since they are not considered citizens of a country, they can find themselves stuck in a state of legal limbo as they are denied freedom of movement. This complicates further their journeys as refugees since they are considered undocumented and can be waiting for many years to get refugee cards by the UNHCR. Even with those cards they are not allowed to work and can only wait to move to another country. Finally, the refugee status by the UNHCR is not recognized by some countries and in many cases country specific so they must start the process to get recognized once more.

Global Backlash

The Andaman Sea crisis was condemned by the global community. The way of treatment of the refugees by many countries has been widely criticized as inhuman and violating international treaties. The crisis also brought to light the larger issue of migration and the lack of coordination within the global community. This situation has led to calls for cooperation between countries to address the issue of forced migration and its roots and respecting the rights of all migrants and refugees regardless of their status. The backlash surrounding the crisis always serves as a reminder in reviewing the global treaties and standards that govern migration and refugees.

Showcasing the concerning use of inhumane practices in the treatment of refugees

The Andaman Sea crisis also brought to light the use of inhumane practices used in the treatment of refugees by countries. There were many reports of lack of food and water for refugees, unsanitary conditions, overcrowded camps and instances of physical and emotional abuse towards the Rohingya refugees. Conditions such as these violated the most fundamental rights of the refugees and showcased the wider issue of the treatment of refugees globally. It also highlighted how inadequate current practices and systems are for managing refugees and the need for more humane and effective solutions. As such the Andaman sea crisis served as a reminder of the inhumane practices used by countries around the world to handle migrants.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Indonesia

Indonesia had one of the quickest responses to the Andaman Sea crisis. The Indonesian government was one of the first to respond to reports of stranded refugees and asylum seekers. Indonesia worked with organizations such as the UNHCR to provide the essentials such as food, medical care and shelter for the refugees. Additionally, it cooperated with other countries in the region such as Malaysia and Thailand to address the crisis and find solutions. They also tried to raise awareness of the crisis and called for international support to address the crisis. Furthermore, the foreign ministry of Indonesia through a statement condemned the treatment of refugees and asylum seekers calling for coordination between countries to respect the refugee's rights. Their efforts were praised by many international organizations.

Bangladesh

Bangladesh's response to the crisis was both praised and criticized by the international community. On one hand, its government made efforts to provide assistance to the refugees stranded in the Andaman Sea. It also cooperated with other countries in the region to provide a coordinated response and find solutions for refugees. On the other hand, the country has faced criticism for the treatment of refugees within its own borders. It has been observed that Bangladesh has been systematically taking part in discriminating against Rohingya refugees with them facing persecution and discrimination by local authorities. Furthermore, it has faced criticism for its slow response to the crisis and turning a blind eye to it.

Malaysia

Malaysia was another country which responded to the Andaman Sea crisis. It initially offered temporary shelter to the refugees stranded at sea. However, as the crisis progressed, and many southeast Asian nations were criticized for their response, Malaysia along with Indonesia agreed to take in refugees and cooperate with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The Malaysian government established a task force made to address the crisis and coordinate aid for the refugees.

Thailand

Thailand's response has changed over time. The Thai authorities first took a hard line, busting smuggling rings and intercepting boats transporting refugees. However as international attention to the Andaman Sea crisis continued to grow

Thailand faced criticism for its handling of the crisis and was pressured to adopt more humanitarian standards. In response, the government began search and rescue operations and provided food and medical aid. The authorities also tried to improve conditions in its detainment centers. Finally, they have also been working closely with other countries in the region to find a long-term solution through resettlement programs.

Association of Southeast Asian Nations (ASEAN)

ASEAN or the Association of Southeast Asian Nations is made up of 10 member countries and was one of the initial organizations responding to the Andaman Sea crisis. Its response was rigorous and concentrated in order to address the humanitarian and security aspects of the crisis. Furthermore, ASEAN worked closely with international organizations such as the UNHCR, and the IOM to ensure that it provided the correct assistance. It also held high-level meetings with its member states and other relevant countries to coordinate a collective response. In conclusion, its response was crucial in addressing the humanitarian needs of the refugees affected by the situation.

International Committee of The Red Cross (ICRC)

The ICRC is an independent organization that works to ensure humanitarian assistance and protection for those involved in armed conflicts and other violent situations. National Red Cross and Red Crescent Societies with the help of the ICRC worked to provide shelter to the refugees and help them reunite with their families. They also advocated for the protection of refugees' rights and for solving the root causes of the crisis. Their efforts have been instrumental in mitigating the impact the crisis had and provided support to those in need of it.

Date	Description of event
December 15 th , 1982	The Burma Citizenship Act of 1982
	rendering the Rohingya people stateless
2015	Massive displacement of Rohingya
	people from the Rakhine State
May 1 st , 2015	Discovery of a mass grave with more
	than 30 bodies in Thailand a few meters
	from its borders with Malaysia
May 5 th , 2015	Arrests were made in Thailand for
	suspected involvement in Human
	Trafficking by 3 Thai officials and a
	Myanmar national.

TIMELINE OF EVENTS

May 19 th , 2015	The Philippines started helping
	Rohingyan and Bengali migrants.
July 2 nd , 2015	ASEAN ministerial meetings in Kuala
	Lumpur on "Transnational Crime
	Concerning Irregular Movement of
	Persons in Southeast Asia,"
2016	Adoption of the Indonesian Presidential
	Regulation n. 125
February 1 st , 2020	The military detains the legally elected
	government of Myanmar and a state of
	emergency is declared with the Chief of
	the Army seizing control.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

International Organization for Migration (IOM)

The International Organization for Migration or IOM for short is an intergovernmental organization working in the field of migration. It has 175 member states, another 8 with observer status and offices in over 100 countries. Its purpose is to find solutions on issues surrounding migration and provide humanitarian assistance to refugees. The IOM was one of the first organizations to mobilize its resources and respond to the crisis by distributing basic necessities such as food and water to refugees. Furthermore, the IOM worked with local authorities and other humanitarian organizations to coordinate a proper response to the crisis, playing a key role in the evacuation and resettlement of refugees. They have also been one of the foremost organizations in advocating for the rights of refugees and migrants both in the region and globally. Finally, the IOM worked to raise awareness on the situation related to the crisis.

United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) was established in 1950 with the mandate to protect and provide assistance to refugees, asylum seekers and stateless individuals around the world. In relation to the Andaman Sea crisis the UNHCR has been providing assistance to those in need from the start of the crisis. It has documented many migrants and especially the Rohingya people which are stateless and do not have any documentation. It has also advocated for the rights of refugees and has provided the essentials for them such as food and water.

Call of the Secretariat to Member States

On the 14th of May 2015 the Spokesman for the then UN Secretary General Ban Ki-moon released a statement about the growing crisis in the Andaman Sea. It talks about how the Secretary-General is concerned about the crisis as thousands of people are stranded on smugglers' boats. Furthermore, the Secretary General urges governments to uphold the obligation of rescue at sea and the prohibition on refoulement and calls on governments to facilitate timely disembarkation and to keep their borders open to refugees. Additionally, he notes the efforts made to organize a regional summit and urges all leaders in Southeast Asia to address the situation and tackle the root causes of the crisis. Finally, He emphasizes the need for a timely, comprehensive, rights-based, and effective response in accordance with international law.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Indonesia's Presidential Regulation no. 125 of 2016

Indonesia's Presidential Regulation no. 125 of 2016 aimed to set guidelines to the handling of refugees by the Indonesian government. It was aimed to fill holes in the Indonesian framework as it was not a signatory to the 1951 refugee convention which set most global guidelines on the handling of refugees. It regulated the placement of refugees. It also set guidelines on how to respond in emergency situations, supporting basic needs of refugees and providing shelter. It emphasized on catering the special needs of children, the sick, the elderly and refugees with disabilities. Finally, along with a policy in 2018 it said that immigrants can no longer be kept in detainment centers.

Bali Process Involvement

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was incepted in 2002 to raise awareness of the consequences of People Smuggling, Trafficking in Persons and Related Transnational Crime. It is cochaired by Indonesia and Australia and has 49 members, including the UNHCR, the IOM, United Nations Office of Drugs and Crime (UNODC), and the International Labor Organization (ILO). It hosts a ministerial conference every few years with the most important one in relation to this issue being the sixth one. The sixth ministerial conference of the Bali Process acknowledged the issue of the Andaman Sea refugee crisis, set guidelines and spearheaded international cooperation on solving he crisis.

ASEAN ministerial meetings in Kuala Lumpur on "Transnational Crime Concerning Irregular Movement of Persons in Southeast Asia," and further ministerial meetings.

The first of the ASEAN ministerial meetings in Kuala Lumpur was called in 2015 by Malaysia in order to discuss the recent flow of migrants. It proposed setting up a task force and a trust fund in order to respond to the sudden influx of refugees. Additionally, it made recommendations on how to respond to thousands of Rohingya and Bangladeshi people being stuck at sea.

POSSIBLE SOLUTIONS

Creation of safe legal pathways for refugees

The creation of legal pathways for refugees to use while migrating can help address issues such as the Andaman Sea crisis by reducing the need for refugees to use dangerous and illegal means of migration. By providing the refugees with safe and legal ways to migrate, governments can ensure that there are less incentives for smugglers and traffickers to exploit refugees. Furthermore, creating such pathways can help ensure that refugees have access to services such as healthcare and education which are essential in improving the wellbeing of refugees and preventing the escalation of a possible crisis. Finally, integrating refugees into local neighborhoods and communities through these legal pathways can help improve and reduce tension between the refugees and original populations of each country.

Increased international cooperation on the handling of refugees

Increased international cooperation on the handling of refugees can be a major element in solving issues such as the Andaman Sea refugee crisis. A coordinated effort between countries in the region where the crisis is taking place can ensure that refugees are given all of their human rights and that their needs are addressed by the host countries. Such cooperation can also help with implementing more effective and efficient policies on how to manage refugees and their resettlement and integration. Furthermore, sharing responsibility for refugees between countries within intergovernmental organizations such as ASEAN is a great way to prevent burdening individual nations leading to more sustainable solutions. Finally, states can work to find a long-term solution to issues such as these through cooperation.

Pressure and support Myanmar towards including the Rohingya people

Another way of solving this issue is the global community putting pressure on Myanmar to include the Rohingya people. A first step towards that would be amending the citizenship law of Myanmar to include the Rohingya people on the list of approved groups to gain nationality. Furthermore, there could be campaigns launched in Myanmar to educate people and reduce discrimination towards minorities and the Rohingya people. This is a significant solution to this issue as it can address the problem at its root and decrease the amount of migrants going through the Andaman Sea as the Rohingya are one of the main groups of people attempting that difficult path out of their country.

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