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MASS ATROCITIES AND REPARATION TO ROHINGYAS IN MYANMAR

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ABSTRACT

This article examines the Myanmar government's mass atrocities against Rohingya Muslims in the Rakhine State of Myanmar in 2017 and related reparations, taking into account pertinent principles of international law in this regard. The article offers five types of restitution that are in accordance with the United Nations' Basic Principles on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005). It tries to assess whether the actions taken by the Myanmar government constitute mass atrocities and the extent to which Myanmar is required by international law to pay reparations to the Rohingya Muslims for their actions. This paper draws its data and material from a variety of secondary sources, including websites, newspaper articles, book chapters, thesis papers, and research journals. To better understand the data gathered and develop an analytical technique, the relevant literature that has already been published on the subject of the research was reviewed.

Keywords: *Mass Atrocity, Rohingya, Myanmar, Reparation, International Law.*

I. INTRODUCTION

Given their lengthy history of severe discrimination, persecution, brutality, denial of citizenship, and other restrictions, the Rohingya Muslims of Rakhine State in Myanmar are considered the most oppressed ethnic minority in the modern world. In Myanmar, the Rohingya are being forcibly kept out of society, barred from using public amenities, and

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the subject of hate speech from insiders and outsiders[1]. The Rohingya population has most recently been the target of horrific atrocities committed by the Myanmar military. These atrocities include genocide, ethnic cleansing, and crimes against humanity. The United Nations has also identified them as the world's most vulnerable minorities. Recently, more than 700,000 Rohingyas have fled to neighbouring Bangladesh due to brutal violence and persecution carried out by Myanmar's government and military power in Rakhine State since August 2017. Many of those escaping and entering Bangladesh from across the border have reported mass murders, rape, and village burnings. The Myanmar administration has established commissions before 2021 to look into the violence and encourage amity between the Rohingya and those who targeted them. These inquiries, however, lacked objectivity and were ineffectual. The perpetrators of the Rohingya genocide were put in power by the military coup that Myanmar conducted in February 2021. The Rohingya's future has since grown even more precarious. The leaders of Myanmar have not done anything to improve the situation of the Rohingya, either before or after the coup. Instead, they have implemented laws and regulations that make life for them intolerable. The Rohingya who fled Myanmar are still unable to return home safely due to the perilous conditions there. Both the Rohingya who would return to Burma and those who are staying there are still in danger of being wiped out[2]. As per the relevant provisions of international law, the Myanmar military and government are strictly liable for their acts against Rohingyas. In light of the aforementioned background, this paper examines the Myanmar government's mass atrocities against the Rohingya Muslims in Rakhine State, analyzing the principles of reparations as stated in international law.

Definition of Key Concepts

Mass Atrocities: The 1949 Geneva Conventions and their 1977 Additional Protocols, the 1998 Rome Statute of the International Criminal Court, and other treaties provide definitions of the crimes, despite the fact that the term "mass atrocity" has not been formally or legally defined in international law. Genocide, crimes against humanity, and war crimes are three internationally recognized crimes that are together referred to as "atrocity crimes" by law. Genocide, war crimes, ethnic cleansing, and crimes against humanity were identified as four elements of atrocities in the 2005 World Summit Outcome Document's paragraphs 138 and 139 on the "Responsibility to Protect" (UN General Assembly, 2005 World Summit

1 Human Rights Watch, "Burma: End Ethnic Cleansing of Rohingya Muslims," April 22, 2013, *available at:* <https://www.hrw.org/news/2013/04/22/burma-end-ethnic-cleansing-rohingya-muslims>

2 United States Holocaust Memorial Museum, "Atrocities against Burma's Rohingya Population," *available at*: <https://encyclopedia.ushmm.org/content/en/article/atrocities-against-burmas-rohingya-population>.

Outcome: Resolution). The term "atrocity crimes" has been used in this context to refer to ethnic cleansing, which encompasses acts that are grave breaches of international human rights law, humanitarian law, and major crimes against humanity.

Crime Against Humanity: According to Article 7 of the Rome Statute, crimes against humanity means any act of murder, extermination, enslavement, deportation, imprisonment, torture, rape, or any other inhuman treatment carried out against any civilian population or any ethnic group, or persecution on political, racial, or religious grounds, or other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to mental or physical health. Straus (2011) identifies crime against humanity as a broader concept than genocide because "crime against humanity is widespread, systematic violence against civilians, implying a degree of large scale, but not necessarily group-selective violence or group-destructive violence".

Genocide: As per Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948, genocide means acts of killing members or causing serious bodily or mental harm to members of the group or imposing measures intended to destroy, in whole or in part, a national, ethnic, racial, or religious group (Convention on the Prevention and Punishment of the Crime of Genocide, 1948).

Ethnic cleansing: Literally, ethnic cleansing means the forced removal, expulsion, or killing of an ethnic minority or racial group by a powerful ethnic group or by a dominant majority. Gareth Evans defines ethnic cleansing as "outright killing, expulsion, acts of terror designed to encourage flight, and rape when perpetrated either as another form of terrorism or as a deliberate attempt to change the ethnic composition of the group as a whole" (Evans 2008: 13, cited by Straus, 2011).

War Crimes: Article 8 of the Rome Statute defines war crimes as "wilful killing, torture, or inhuman treatment, wilfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property; compelling a prisoner of war or other protected person to serve in the forces of a hostile power; willfully depriving a prisoner of war rights; unlawful deportation or transfer or unlawful confinement; taking of hostages; destroying shelter; and generally attacking civilians deliberately in war" (Rome Statute of the International Criminal Court, 1998).

Analytical Framework

The most terrible crimes against humanity, according to experts, are atrocity crimes. Mass atrocities were defined as episodes of widespread violence against defenceless populations

by Anderton and Brauer (2019). Mass atrocities are described as a serious international crime that undermines the basis of human dignity in the United Nations Office on Genocide Prevention's "Framework of Analysis for Atrocity Crimes" (2014). In accordance with the 1948 Universal Declaration of Human Rights, victims of state abuses of fundamental rights must have access to an appropriate remedy in both peacetime and armed conflict. Reparations are one of a number of strategies that societies take to address historical acts of mass atrocity. Reparation aims to eradicate, to the extent possible, the effects of the unlawful act and to return the situation to the way it would have been had the act not been committed (Gillard, 2003). When 23 Jewish organizations established the Conference on Jewish Material Claims against Germany in 1952 to seek compensation for Holocaust victims and their families, the first significant reparations program got underway. Governments started putting reparations plans into place in the 1980s and 1990s. Right-wing military dictatorships that ruled the region during the Cold War were compensated for by nations in Latin America like Argentina and Chile. Those who lost property during the Communist era, Central and Eastern European nations like Romania and Poland started reparations schemes in the 1990s.[3] Restitution, payment, or satisfaction are some examples of different types of reparation. In response to a specific infraction, these remedies may be used separately or in combination (Gillard, 2003). The direct payment of money is compensation. Returning rights and property is known as restitution. Restitution seeks to put things back to how they were before the wrongdoing occurred. Rehabilitation includes providing victims with emotional and physical health care, among other things. A non-material injury that amounts to an insult to the wounded state or person is covered by satisfaction. Additionally, there are "symbolic reparations," which include public memorials, celebrations, and commemorations[4].

Myanmar and the Ethnic Rohingyas

Myanmar was formerly known as Burma (in 1989), and the government, led by the army, altered the name to Myanmar (Ullah, 2011). The Republic of the Union of Myanmar is one of the East Asian countries bordered to its west by India and Bangladesh, to its east by Thailand and Laos, and to its north and northeast by China. The total size of the country is 676,578 sq. km. The country is one of the poorest in the region, with a GDP of $66.5 million and a population of 54 million people. The country was once under the British regime and was freed from British rule in 1948. A military junta ruled Myanmar for nearly 50 years

3 The Conversation, "Why reparations are always about more than money," *available at*: <https://theconversation.com/why-reparations-are-always-about-more-than-money-162807>.

4 *Ibid*.

(from 1962 to 2011), during her protracted political transition. Although the army junta was dissolved in 2011 and a civilian government was installed following a free general election, in 2015, in the country's politics, the military prevailed in a powerful position, and the government stood accused of suppression and serious human rights misuse. Consequently, criticism of the government's actions against minorities continued. For instance, a military operation in Rakhine State since August 2017 against alleged terrorists has compelled many Muslim Rohingyas to take shelter in neighbouring countries, especially in Bangladesh. No doubt this scenario is a great sign of human rights abuses in today's world, and, for this very reason, the United Nations indicated it as a "textbook example of ethnic cleansing.

II. HISTORICAL BACKGROUND

Myanmar is a country of a Buddhist majority, and she has 135 distinct religious minorities and ethnic groups divided as Bamar (about 68%), Kachin, Chin, Kayin, Mon, Kayah, Shan, and Rakhine. Interestingly, the ethnic Muslim Rohingya of Rakhine state are not included in the country's census or in ethnic classifications, though the total population of Rohingyas is 1.5 million (Mahmood, Wroe, Fuller, and Leaning (2016). Many historians say the Rohingyas are descendants of Muslims from Afghanistan and Persian and Arab traders who have lived in Myanmar since the 12th century. Ahmed (n.d.) indicates that the Rohingyas are descendants of Moorish, Arab, and Persian traders, including Moghul, Turk, Pathan, and Bengali soldiers and migrants, who arrived between the 9th and 15th centuries, married local women, and settled in the region. Rohingyas are therefore a mixed group of people with many ethnic and racial connections. According to Frontiers-Holland (2002:9), "the Arakanese had their first contact with Islam in the 9th century when Arab merchants docked at an Arakan port on their way to According to Frontiers-Holland (2002:9), "the Arakanese had their first contact with Islam in the 9th century when Arab merchants docked at an Arakan port on their way to China". He further says that the Rohingyas are racially mixed descendants of Muslims from Afghanistan, Persia, Turkey, Arabia, and Bengal who constitute an ethnically distinct group with its own dialect.

Ahmed (2009) further mentions that "the Muslim population of the Rakhine State is mostly Bengali migrants from Bangladesh, with some Indians coming during the British period. This theory is further premised on the fact that, since most of them speak Bengali with a strong 'Chittagong dialect,' they cannot but be illegal immigrants from pre-1971 Bangladesh". In this sense, Myanmar calls the Rohingyas "Bengalis", which implies that they are illegal immigrants from Bangladesh. According to Ahmed (2009:3), the people of Arakan possess two identities: Rakhines (for many long years) and Rohingyas (for the

local dialect). In other words, the Arakanese Buddhists call themselves 'Rakhines' and the Arakanese Muslims call themselves 'Rohingyas'.

III. MASS ATROCITIES AND HUMANITARIAN CRISIS IN MYANMAR

It is estimated that of the total 1.5 million Rohingya living in Myanmar (Mahmood, Wroe, Fuller, and Leaning, 2016), they have developed their own unique culture, habits, and language over the generations. Despite this, they have not been considered citizens of Myanmar except as foreigners, Bengalis, or migrants. The Muslims of Rakhine were subject to the same regulations as the rest of the population in terms of citizenship and voting rights when Myanmar gained independence in 1948 and published its first constitution. A coup in 1962 halted the idea of granting Rakhine sovereignty, but it reappeared in 1973 when the regime called for talks on a new constitution. They have been denied their nationalist identity by Myanmar's authorities since the country's independence in 1948. For example, under a law passed in 1962, the Rohingyas were given foreign identity cards, denying their citizenship. This statelessness encourages both the government and individual actors to persecute and abuse the world's largest ethnic groups. As a result, they cannot enjoy the right to access a job, health care, or education; the right to travel; the right to marry; the right to practice religion; the right to vote; or even the right to freedom of movement. In the end, it resulted in Rakhine being a distinct state but without any kind of autonomous region for the Muslims who live along the Mayu frontier. The pressure on the Muslims of Rakhine thereafter increased in many ways. (Fair, 2019). Around 200,000 Rakhine Muslims were forced to flee to Bangladesh as a result of the violent "Dragon King" operation, which targeted illegal immigration in Rakhine.

In addition to another military coup in 1988, the junta in Myanmar passed a new citizenship law in 1982 that further harmed Muslims' legal rights in Rakhine and elsewhere. The junta sent soldiers into northern Rakhine in 1991 and seized Muslim agricultural property to build camps and feed its troops. The government imposed arbitrary taxes and forced labor. Nearly a quarter of a million Muslims once again migrated to packed camps in Bangladesh under these terrible circumstances.

With notable exceptions, such as the anti-Muslim violence in 2001, a tumultuous peace persisted in Rakhine. But in 2010, circumstances changed. The Union Solidarity and Development Party of the junta promised to offer citizenship to Rakhine Muslims in advance of multiparty elections in which they would be permitted to vote, infuriating Buddhists.

Violence against Rohingya civilians resulted from tensions between the Rohingya and Rakhine communities in June and October 2012. More than 140,000 people were forced to flee their homes as a result of this violence. These people were overwhelmingly Rohingya. Buddhist monks and local Rakhine politicians allegedly incited and led many of the attacks, according to witnesses from both the Rakhine and Rohingya communities. State security forces frequently failed to put an end to the violence, refused to do so, or even took part in it. The Rohingya were forced to flee several of their communities as a result of the violence. The government subsequently took or destroyed their houses, companies, and property. The internally displaced Rohingya continue to live in appalling conditions in both official and illegal IDP camps. Burmese officials virtually imprisoned the majority of the Rohingya population under the pretext of maintaining security. They deployed barbed wire and barricades to separate thousands of Rohingya from the camps as well as from areas where Rohingya people were residing.

The Myanmar military reacted violently in October 2016 to deadly attacks on police posts in northern Rakhine State. The general Rohingya population was the focus of these attacks. About 65,000 people were forced to flee into Bangladesh's border after being attacked by the military.

The current episodes of violence occurred when the Arakan Rohingya Salvation Army (ARSA) attacked Myanmar police posts in 2017. In response to the assault by ARSA, Myanmar initiated political and military actions to thwart terrorism, which resulted in deaths, rape, murder, beheading, internal displacements, demolition of villages, and finally migrations to other countries facing perilous conditions, and so forth (Simon-Skjodt Center for the Prevention of Genocide, 2017). Not only that, Myanmar adopted the four "Race and Religion Protection Laws" in August 2015 as the objects of blatant discrimination. For example, the Buddhist Women's Special Marriage Bill, which threatens the religious freedom of Rohingyas, Under the law, if a non-Buddhist, i.e., a Rohingya Muslim, wants to marry, she must submit an application to the local township's registrar (The Myanmar Buddhist Women's Special Marriage Law, 2014). In August 2017, following another attack on police posts, the Burmese military launched genocidal attacks on the Rohingya. These attacks included mass killing, rape, torture, arson, arbitrary arrest and detention, and the forced displacement of more than 700,000 people. Those Rohingya still in Myanmar remain vulnerable to further attack by the military. They face ongoing persecution, restrictions on basic freedoms, and hate speech. The persecution of the Rohingya has forced many to seek

refuge in neighboring countries, often by means of risky journeys[5] to Thailand, Malaysia, and Indonesia. Many seeking asylum have been vulnerable to violence, human trafficking, and other abuses[6]. The Religious Conversion Bill requires prior permission from local registration bodies in the case of changing religion. Religious practice is a personal right and is therefore protected by the UDHR. From this point of view, the religious conversion bill in Myanmar is clearly a violation of international law. According to White (2015), "the laws may lead to increased violence and prejudice against ethnic and religious minorities.

According to data from the UN, 128,000 Rohingya were residing in 24 camps across Rakhine as of December 31, 2018, largely in the vicinity of Sittwe. This is in addition to the Aung Mingalar ghetto, where 4,000 Muslims reside inside of Sittwe. They are entirely dependent on the foreign community, to which Myanmar occasionally provides access, at its discretion, because they are unable to leave to find work, food, or medication (Fair, 2019).

The fourth anniversary of the genocidal assaults on the Rohingya population by the Burmese military on August 25, 2021. The Simon- Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum marked the occasion solemnly by holding a virtual debate about the ongoing difficulties the Rohingya population is still enduring. Rohingya Remain at Risk of Genocide on the Fourth Anniversary of Military Attacks. The Tatmadaw military force, which now controls the nation, poses serious risks to the Rohingya and other vulnerable populations due to the fact that the genocide's perpetrators are still at large and enjoying impunity[7].

IV. EXAMINING WHETHER MYANMAR IS RESPONSIBLE FOR MASS ATROCITIES

Fortify Rights and the Simon-Skjodt Center mention two relevant factors to consider whether an attack is widespread or systematic, which has been established in the famous case Prosecutor v. Kunarac et al. Determining the factors, the Simon-Skjodt Center shows that the attacks by the military force of Myanmar against the Rohingya in Rakhine were widespread in the sense that the attacks were large-scale in nature against many people and were "massive, frequent, and carried out collectively." Moreover, "the prohibited acts

5 United States Holocaust Memorial Museum, "Atrocities against Burma's Rohingya Population," *available at*: <https://encyclopedia.ushmm.org/content/en/article/atrocities-against-burmas-rohingya-population>.

6 *Ibid*.

7 *Ibid*.

were perpetrated as part of an attack in line with a state policy that was in place at the time of the attacks." For example: Fortify Rights and the Simon-Skjodt Center indicated that, since 2012, from October to December 2016, and lastly since August 2017, the Myanmar authority has carried out arson, rape, sexual violence, enforced disappearances, persecution, mass killing, deportation, looting, burning, destroying, and targeted attacks against the Rohingya Muslims in the name of an ethnic cleansing campaign when the ARSA attacked police outposts. When the attacks extended over a vast area of Rakhine State, thousands of Rohingya civilians gradually began to flee to nearby countries. The Simon-Skjodt Center further shows that the attacks against the Rohingyas were also systematic in the sense that they were organized. Considering the large deployment of armies, the widespread use of weapons, including RPGs, and the allocation of arms and financial resources during the operations in response to ARSA's attacks, they bear a symbol of systematic attacks on the Rohingyas (Simon-Skjodt Center for the Prevention of Genocide, (2017). So it is evident that under international law, Myanmar is criminally responsible for the atrocities against the Rohingyas, since they are entitled to be protected as a distinct ethnic and religious group under international law (Abdelkader, 2018).

V. REPARATION

For Violations of International Humanitarian Law

According to the general rules of public international law, anybody who violates an international commitment is obligated to provide restitution[8]. This was specifically stated in the Hague Convention (IV) respecting the Laws and Customs of War on Land in 1907, which states in Article 3 that "[a] belligerent Party which violates the provisions of the (…) Regulations [respecting the Laws and Customs of War on Land] shall, if the case demands, be liable to pay compensation[9]..." In Article 91 of Additional Protocol I, the need to compensate victims of violations of international humanitarian law is explicitly reaffirmed. Even though only compensation is discussed in The Hague Convention and Additional Protocol I, there are many different ways to make up for violations of international humanitarian law. The most important are restitution, such as the return of illegally taken property, as provided for in Article 3 of the Protocol to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, and, more frequently,

8 Permanent Court of International Justice, Factory at Chorzow (Claim for Indemnity) case, (Germany v. Poland), (Merits), PCIJ (ser. A) No. 17, 1928, p. 29.

9 International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907, *available at*: <https://www.refworld.org/docid/4374cae64.html> (last visit on August 06, 2023).

compensation, including situations where restitution is impractical or inappropriate. There is no need to make a finding of a violation even though many of the damages and claims may, in reality, result from transgressions of international humanitarian law. The December 2000 peace treaty between Ethiopia and Eritrea[10] is a recent and noteworthy exception in this regard. Not just violations of the grave breaches provisions for which there is individual criminal culpability, but violations of all IHL regulations give rise to the requirement to provide reparations (Gillard, 2003).

For Addressing Mass Atrocities

There have been three different initiatives to define victims' rights since 1985. The 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power is the first of the three. Unfortunately, the Declaration that was ultimately enacted, in contrast to the original text, was constrained in scope to domestic processes and lacked comprehensive provisions for state responsibility, particularly for civilian superiors. The international community revisited this question in 1998 as part of the International Criminal Court Statute and its 2002 Rules of Procedure and Evidence ("RPE"), which clearly rejected head of state and other immunity and acknowledged individual criminal culpability. Last but not least, in contrast to the ICC Statute and RPE, the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ("2005 Basic Principles") gave victims broad rights to participate in the process and receive reparations.

VI. EXAMINING WHETHER THE ROHINGYAS DESERVE REPARATION

Literature proves that mass atrocities affect "the core dignity of human beings." Considering the gravity of the crime, Kan (2017) reiterates that, "after mass atrocities, reparation should be at the forefront of peacebuilding." Since reparation serves to compensate the victims for their past human rights violations, it is paid considering the gravity or seriousness of the violations. As per the general provisions stated in principles 19–23 of the United Nations' Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), reparations are of five forms: (i) restitution, (ii) compensation, (iii) rehabilitation, (iv) satisfaction, and (v) guarantees of non-repetition. The following

10 Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, 12 December 2000, Article 5, International Legal Materials, Vol. 40, 2001, p. 260.

discussion asks whether the Rohingya victims have a right to claim reparation for atrocities committed against them.

Restitution: According to Principle 19 of the Basic Principles, restitution refers to restoring the victim to its original situation before the gross violations of human rights, which includes: restoration of liberty, enjoyment of human rights, identity, family life, and citizenship; return to one's place of residence; restoration of employment; and return of property. Hence, the Rohingyas are entitled to restitution to their original situation through the restoration of their liberty or freedoms, human, civil, and political rights, and return to their properties, homes, and lands from which they have been forced to abandon.

Compensation: Principle 20 of the Basic Principles provides compensation for any economic damage in the case of physical or mental harm: lost opportunities in employment, education, and social benefits; material damages and loss of earnings, moral damage; costs required for legal or expert assistance; medicine and medical services; and psychological and social services. As per Principle 20, thousands of Rohingyas are victims of physical harm and mental trauma. They have lost opportunities in their employment, education, social benefits, earnings, other basic conveniences, medical care, and social services as a result of the violence and ethnic cleansing carried out by the Myanmar security forces and deserve appropriate monetary compensation.

Rehabilitation: As per Principle 21 of the basic Principle, rehabilitation should be given to the sufferer of gross human rights violations by providing medical and psychological care as well as legal and social services. Hence, the Rohingyas are entitled to get rehabilitative services through medical and psychological care, as well as legal and social services. If these are given to them, they will be able to overcome their long-term suffering as a result of atrocities against them, and, in the end, they will also get judicial remedies.

Satisfaction: Principle 22 provides satisfaction, which includes: measures for cessation of violations; verification of the facts and truth; the search for the whereabouts of the disappeared or abducted; restoration of the dignity, reputation, and rights of the victim; acknowledgement of the facts and acceptance of responsibility; judicial and administrative sanctions against those responsible for the violations; and inclusion of an accurate account of the violations in educational material at all levels. This principle states that Myanmar will acknowledge the atrocities against Rohingyas and accept responsibility; will verify and disclose the facts and truth about what happened to the Rohingyas, will identify the perpetrators and punish accordingly; will restore the dignity of the victims; and finally, will include an accurate account of the violation during atrocities and in educational materials at

all levels for future generations. So, the victims of the Rakhine have the right to be satisfied in one or all of the aforementioned ways.

Guarantees of Non-repetition: Principle 23 provides guarantees of non-repetition of violations and some measures in this respect that will contribute to prevention. According to this principle, the state for non-repetition of gross violations of human rights and humanitarian laws will ensure effective control of military and security forces, strengthen the independence of the judiciary, protect persons in any other related professions, provide human rights education and training to all, promote mechanisms for preventing and monitoring social conflicts; and lastly, review and reform laws allowing gross violations of human rights law. So, as per Principle 23, Myanmar will take measures with a view to ensuring guarantees of non-repetition of violations against Rohingyas over the years. Myanmar must not repeat persecution against ethnic minorities in the name of a cleansing campaign. Moreover, the Principle tells Myanmar to restore the Rohingyas to streaming Buddhist society; to promote mechanisms for preventing and monitoring social conflicts, to provide human rights education to the citizenry by which they will learn not to violate others rights; to establish some effective and necessary measures at all government levels to stop repetition of any violations; and finally, to reform and review such laws that lead to the commission of genocide or massacre. For example, when in 1982 a new citizenship law was passed, it deprived the Rohingya of citizenship in Myanmar and effectively rendered them stateless, which is why there have been several occurrences of violence in Rakhine[11].

VII. CONCLUSION

Under international law, states are obliged to ensure the right to reparation so that victims can obtain reparation for injuries caused in the past. Various international and regional mechanisms, i.e., International Human Rights Law, the United Nations Human Rights Committee, the Universal Declaration of Human Rights, various conventions against torture and inhuman treatment, and, in the latest, the United Nations Basic Principles and Guidelines, have stipulated state responsibility to pay reparation for violations or injuries caused against civilians. It is abundantly obvious from the explanation above that over time, the individuals who were directly harmed by violations of international law have expanded their claim to compensation. The right to complete and efficient reparation is especially important for victims of genocide, crimes against humanity, war crimes, and torture. Depending on the type and severity of the human rights and international humanitarian law

11 Office of the United Nations High Commissioner for Human Rights, "Remedy and Reparation," *available at*: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.

violations, reparation may be provided in one or all of the aforementioned ways (restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition). The victims of the atrocities in Rakhine are said to be deserving of all five types of restitution.

First, according to Basic Principle 19 of the Basic Principles, the Rohingyas are entitled to compensation through the restoration of their freedoms, civil and political rights, the ability to return to their homes, and the return of their lands and properties that they were forced to leave behind. Many Rohingya farmers were also compelled to abandon their fields of crops, which the Myanmar authorities afterwards harvested. As a result, these Rohingya farmers have a right to the money made from the sales of the commodities they grow.

Second, in accordance with Principle 20, the Rohingyas who were harmed physically, psychologically, lost opportunities for employment and education, lost their earnings, and spent money fleeing the violence to get basic necessities and medical care are entitled to adequate and prompt monetary compensation.

Thirdly, in accordance with Principle 21, the Rohingyas must be given the necessary legal assistance so that they can seek appropriate judicial remedies in the future. These services must include medical, psychological, legal, and social support so that the Rohingyas can recover from the ordeal they were made to endure and receive assistance in dealing with its long-term effects.

Fourth, in accordance with Principle 22, the Rohingyas must be satisfied through Myanmar's admission of the wrongs and atrocities committed against them, admission of guilt, issuance of a public apology, punishment of the perpetrators, verification and public disclosure of the true facts regarding the atrocities committed, search for missing persons, identification and reburial of the dead, and restoration of the victims' and their families' dignity.

Last but not least, Myanmar must take action in accordance with Principle 23 to ensure that crimes like this won't happen again. For want of a better phrase, it must ensure that a similar campaign of ethnic cleansing won't ever occur again. This is crucial since Rohingyas were previously exposed to similar mistreatment in 1978 and 1990, which led them to abandon Myanmar. Many of them were later repatriated, but they were forced to escape once more in 2017. Rakhine can never experience true peace if this cycle of cruelty and bloodshed is not broken.

In order to achieve this, Myanmar must successfully reintegrate the Rohingya into Burmese society, set up efficient monitoring and preventive mechanisms in the government, military, and judicial systems, and finally, reform and review laws (like the citizenship law) that

contribute to the mistreatment and commission of such atrocities.

Where can the right to reparations be implemented, is the question. Victims' rights to restitution may be upheld on a national or international level. Individuals may file a claim for compensation with a national court of the state that violated their rights, an international or regional court, or in some circumstances, a court of a third state. States are free to create their own reparations plans. For instance, Argentina established such programs following the military dictatorship in the 1980s, allowing many people to recover damages without having to meet the same strict standards for proof as in a court. Reparations schemes, like the one between Germany and Israel for atrocities committed by the Nazi dictatorship during the Second World War, can also result from agreements between states. The International Court of Justice (ICJ) in The Hague can hear disputes between two states. The Court may also issue an advisory ruling in which it may urge the offending state to pay compensation. Following an individual's conviction, the International Criminal Court (ICC) has the authority to mandate reparations and request compensation for victims of crimes through its Trust Fund for Victims. Reparations may also result from a UN Security Council resolution that outlines a required reparations process. For instance, a UN Compensation Committee (UNCC) was established following the Iraqi invasion of Kuwait, and via it, Iraq made payments to several businesses, nations, and private victims who had incurred losses in Kuwait. Truth commissions can help reunite a divided nation and issue satisfaction-based reparations in nations with a history of egregious human rights and international humanitarian law breaches. For instance, truth commissions were established in South Africa following the Apartheid system, in Sierra Leone following the civil war, and in numerous South American nations following the fall of dictatorships. However, the neighbouring countries, the international communities, and the United Nations should come forward with a realization of reparative justice for the Rohingyas so that the community can be afforded reparations and can establish peace by developing their lives. All states, but especially those that seek to play an active role in the world, must now come to view developing national strategies for reparation as a primary means of upholding their domestic and international contributions to this urgent global and shared challenge if it is indeed agreed that all states must share in the burden of helping to pay reparation for mass atrocities.