

The Rohingya Conflict and the interface between public international law and private international law

By Francisco Javier Zamora Cabot

Despite the progress made towards its prevention and resolution, contemporary history continues to show us examples of human-induced catastrophes, such as the genocides in Rwanda and the Balkans or, in our days, the one that afflicts the Rohingya ethnicity.

These are events that impact the conscience of humanity and that, unlike linear explanations, are usually based on a set of causes that are not always easily discernible. For instance, this is the case of the Rohingya Conflict, which, in its various phases, has generated a great deal of information and evidence, among which it is necessary to glean with a critical spirit, so as to fix the problem and, consequently, proceed to its much-needed denounce and to the pursuit of a path to a solution. To this end, and from the performance of the sciences, interdisciplinary approaches are required, the only ones that can give a full measure of the magnitude of such conflicts and of the means that must be prepared to address them.

In this order, and complemented by contributions from other branches of knowledge, international law, both public and private, constitutes an essential element to face the aforementioned conflict, by arbitrating mechanisms that enable its control and also necessarily opening ways for the remedy of victims and the punishment of those responsible for a calamity of such caliber, which affects more than a million human beings of the ethnic group mentioned above, which currently is the most persecuted on the planet and is also exposed to suffer in a special way the effects of the pandemic that afflicts the world.

The Rohingya conflict thus constitutes a field of choice at the interface between public international law and private international law, in which, for instance, actions are complemented according to the institutional channels established by

the international community or, with the technical resources provided by the conflict of laws, through state-based international litigation or the implementation of elements belonging to its body of laws and with an imperative nature, such as international sanctions. Based on this, we then propose, on the occasion of the aforementioned conflict, a private international law in accordance with world governance and mobilized towards the achievement of peace, which is the ultimate foundation on which it coincides with the law of nations.

We have focused our modest contribution to the study and solution of the Rohingya conflict on these ideas, after exploring its actors, causes, and ominous results, from a wide range of sources. Written in Spanish, it is accessible here: http://www.rivistaoidu.net/sites/default/files/2_FZamora%20Cabot%20%20Marullo.pdf. Its abstract in English can be accessed here: <http://www.rivistaoidu.net/sites/default/files/Abstract%20Zamora%20Cabot%20Marullo.pdf>.

Profesor Dr. Francisco Javier ZAMORA CABOT,
Catedrático de Derecho Internacional Privado
(Chair Professor of Private International Law)
Facultad de Ciencias Jurídicas y Económicas
Universitat Jaume I de Castellón