

ROHINGYA CRISIS: A GORDIAN KNOT

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INTRODUCTION

The western state of Myanmar namely “Rakhine” has a rich cultural history and earlier it was known for its rice production in Asia, but lamentably the situation has now been completely altered. Since the 12th century, Myanmar’s Rakhine state has been a permanent settlement for Rohingya community. The state has been repeatedly persecuted with inter-communal violence and the incongruity between ethnic groups. The perusal of the situation of the Rohingya community has articulated that the state has become a pernicious mix of development crisis, security crisis, and human rights crisis. The community has been repeatedly tormented, raped and killed by the Myanmar army. Consequently, the ethnic group “Rohingya” has been determined as the most victimized minority in the world. Most of the Rohingya are Muslims and have persisted for centuries in Myanmar, which is a Buddhist majority state. Currently, about 1.1 million Rohingya live in the South Asian countries² but since there has been no proper census, the population of Rohingya cannot be determined. Rohingya are mostly rice farming peasants and the rest of them are engaged in disparate occupations like trading, fishing, craftsmanship, sailing etc.

The language spoken by the ethnic group is unacquainted to the rest of the country and they are not recognized as one of the 135 official ethnic groups of the country. Problems have panned out in the Rakhine state because of the belligerent conflict between the Rohingya minority and Buddhist majority, and Myanmar Government. Consequently, though Myanmar is a multi-religious country still Rohingya were denied the citizenship of Myanmar in 1982 under the promulgations of New Citizenship Act, which rendered them stateless and the most persecuted minority destitute of citizenship in the world. Over the course of many decades, due to the precarious situation and harassment by the Myanmar army, several Rohingya have fled to the neighbouring countries to save their lives. Being *Asia’s new boat people*, the fate of the community lies in the hands of the countries who are willing to aid and protect them. Though there have been innumerable instances of tensions between the two groups which could have led to a civil war in Myanmar, the situation drew public attention in the year 2017 when violence resulted into deaths of several people and 1,40,000 people being displaced.

HISTORICAL BACKGROUND

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²Myanmar: Who are the Rohingyas?, <http://www.aljazeera.com/indepth/features/2017/08/rohingya-muslims-170831065142812.html> last accessed on 23rd January, 2018 at 6:53 PM.

To attain cognizance of the issue, it is quintessential to be aware of the history and evolution of this Muslim ethnic group in the Rakhine state. The Rakhine state has remained politically a distinct entity since antiquity and has established itself as an independent kingdom with a strong economy in 1430 with the capital Mrauk U. The capital city thrived as a trading hub in the country but after 350 years of independent existence, Rakhine State was conquered by the Burmese in 1784.³ It had strong ties with Bengal till the first Anglo-Burmese War (1824-26) in which British acquired the area and it further led to its incorporation in the British India. British separated Burma from the British Indian Empire in 1937.⁴ For a long period, the Muslims and Rohingya have resided in the area with tranquillity and since then the stateless community has persisted in the Buddhist majority state. But in the mid-nineteenth century, the gremlin phase initiated with the expansion of Buddhism and cohabitation of Buddhist and Muslims in the Rakhine state. The people in the state has been repeatedly exposed to the communal violence between the two groups and armed upheavals.

The conflicts arose in the area because of the distinct views of the government and other ethnic groups regarding the identity and origin of Rohingya. In accordance with the surmised version of the Myanmar government and other ethnic groups “Rohingya” is a group of Muslims, who have migrated from Bengal at the time of the British Empire or the ones who have illegally migrated over the period from Bangladesh. In the contravention of this view, the Rohingya community contends that they are the descendants of the 8th century Arab sailors, who ended up in Rakhine for trade purposes and since then have resided in the Rakhine state.

In post-independent Myanmar, ethnic tensions came to the forefront when, in the 1960s, the head of state, General Ne Win, began a process of “Burmanisation” to assert the authority of the Barmars, or Buddhists, in Myanmar.⁵ He desired an ethnoreligious pure Myanmar. Notwithstanding “Burminisation”, the official documents of the country in the year 1950, 1960 and 1970 manifested this ethnic group as inhabitants of Rakhine region. Later in 1982, the Citizenship Act came into force which postulated that “nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups are Burma citizens.”⁶ Through these new promulgations, the Myanmar government evidently denied the citizenship to the thousands of Muslims, who migrated after 1923. Several people, including the ones whose forefathers originally belonged to the Rakhine state, cannot claim citizenship due to non-availability of the official recorded documents at the time of British Empire. The Act further distinguished the population of the country into three distinct categories which are as follows –

³ Mahfooz Anam, “Rohingya Crisis: A Concern for the region”, The Daily Star, 9 September 2017. <http://www.thedailystar.net/opinion/asian-editors-circle/rohingya-crisis-concern-the-region-1459393> last accessed on 21st January 2018 at 5:50 PM.

⁴ A case study of rohingya crisis in Myanmar and India’s concern, Kumari Anupama, A case study of rohingya crisis in Myanmar and India’s concern, ISSN: 2455-4197.

⁵ The Rohingya Crisis – A Challenge for India and Bangladesh, ISAS Working Paper No. 271, 25th September 2017.

⁶Burma Citizenship Law. Retrieved from www.ilo.org/dyn/natlex/docs/ELECTRONIC/87413/99608/.../MMR87413.pdf.

The first category includes the ones which are the ordinary citizens, who belong to the eight major ethnic groups mentioned above, who resided in Myanmar before 1823 and are considered as “genuine citizens”. The second category is inclusive of the ones who have attained the citizenship through the previous 1948 Citizenship Act and are generally termed as “associate citizens”. The third category consists of citizens who have been naturalized after the abeyance of the 1984 citizenship act and are known as “naturalized citizens”.⁷ The population above 15 years of age, falling under these three categories are endowed with National Registration Certificate (hereinafter mentioned as NRC) and the people holding these cards are required to carry it everywhere. In contrary to this, the Rohingyas are provided with Foreign Registration Card (hereinafter referred as FRC) as they are not considered as the citizens of the country.

Further, there were instances of two exoduses of the perilous community to the neighbouring countries with the intention to save their lives and to procure proper food and shelter for themselves. The first exodus took place in the year 1978 just after the enforcement of 1974 Immigration Act.⁸ This was in reaction to the operation *Naga Min*⁹ (also known as Dragon King) undertaken by the then Myanmar Government to ensure that who are the actual citizens, legally residing foreigners, and illegal migrants. This operation led to further controversies amidst the reports of brutalities conducted by the Myanmar Army on the Rohingyas. The repercussions of this operation resulted in fleeing of several Rohingyas to Bangladesh and about 200,000 Muslims took refuge elsewhere in fear of their lives.¹⁰ The Myanmar Government denied that Rohingyas belonged to their country and instead claimed that those people were settlers of Bangladesh, who migrated from Bangladesh at the time of cyclone. Bangladesh on the other hand, denied the claims of Myanmar. Eventually, because of the strong clout of UNHCR, Government of Saudi Arabia and India, and the World Muslim League, both the countries consented to enter into Bilateral Agreement to tackle the situation. The aforesaid agreement resulted in repatriation of 2,10,000 Rohingyas but others continued to live in Bangladesh to escape persecution.

After the repatriation also, there was no modification in the status quo of the Rohingya community in Myanmar. These people were still not granted citizenship of the country and after the military government came into power they started inhabiting Buddhist in the Rakhine State. This situation led to conflicts and tensions between the two communities and the Buddhist were supported by the army by conducting murder, rape, robbery, and demolition of their mosques. As a result of continuous discrimination and human rights violation, the second exodus to Bangladesh took place in 1991-92. Again, to tackle the situation a Memorandum of Association (hereinafter referred as MOU) for setting the terms of repatriation was signed by both the countries. But, the Government of Bangladesh forcefully repatriated the immigrants to Burma without any intimation of the same to UNHCR. In May 1993, MOU was signed between

⁷ Kei NEMOTO, *The Rohingya Issue: A Thorny Obstacle between Burma (Myanmar) and Bangladesh*.

⁸ *Ibid*

⁹ Myint Maung Tun, *Myanmar-Bangladesh Relations: Challenges and Opportunities*.

¹⁰ Rohingyas: *The Emergence of Stateless Community*, A Report by Calcutta Research Group.

UNHCR and the Government of Bangladesh, which guaranteed the protection of the refugees in the camps and voluntary repatriation through private interviewing of refugees.¹¹ Another MOU was signed between UNHCR and the Government of Burma, allowing the UNHCR access to the returnees, the issuance of identity cards, and freedom of movement for the Rohingyas.¹²

Since then the Rohingyas who have been repatriated from Bangladesh to Myanmar are not granted NRC and are considered as “*special foreigners*” who are endowed with a little space in the area. Even after all these conflicts, the situation came into light during the violence occurred on 25th August 2017. On this day, 30 police posts and an army base were attacked by the insurgent group, Harakah-Al-Yaqin, also known as Arakan Rohingya Salvation Army (ARSA).¹³ Subsequent to this, several Rohingyas in the area were killed and their homes were burnt. Considering the above situation and continuous violations of human rights, around 4,00,000 people from the ethnic group have trespassed to Bangladesh and about 30,000 people have been displaced.¹⁴

PROBLEMS FACED BY ROHINGYA

I. PROBLEMS FACED BY ROHINGYAS IN RAKHINE

There are several Rohingyas and “other communities” residing in the Rakhine state who are enduring three main issues, which are as follows –

The first and foremost is the development crisis in the state of Rakhine. The communities that reside in the area lags and are suffering from chronic poverty. The continuous conflicts and persecution have resulted in lack of livelihood and job opportunities, which has further led to the migration of several Rohingyas to neighbouring countries like Bangladesh and India. This has also decreased the workforce in the state, further diminishing the prospects of economic growth and development. In addition to this, the non-action of Government to improve and resolve the problems has resulted in violence and violation of human rights of the community. Due to such situation in the area, the rich natural resources are not properly utilized, and the underdevelopment persists.

Apart from this, human rights crisis also prevails in the Rakhine state. The prolonged statelessness and inter-communal violence have placed the community vulnerable to human rights violations. The world’s single biggest stateless community constituted by Muslims in Rakhine and around ten percent of the world’s stateless people reside in Myanmar.¹⁵ They have

¹¹ Kei NEMOTO, *The Rohingya Issue: A Thorny Obstacle between Burma (Myanmar) and Bangladesh*.

¹² *Ibid*

¹³ “Arakan Rohingya Salvation Army (ARSA) declared as Terrorist Group” The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from <http://www.statecounsellor.gov.mm/en/node/968>.

¹⁴ *The Rohingya Crisis – A Challenge for India and Bangladesh*, ISAS Working Paper No. 271, 25th September 2017.

¹⁵ *Towards A Peaceful, Fair and Prosperous Future for The People Of Rakhine*, Final Report of the Advisory Commission on Rakhine State, August 2017.

been denied political and legal identification by the Government of the country and thus, have no representation in the political system. Further, there are around 120,000 people who are left in camps for Internally Displaced People (IDPs).¹⁶ The claims of the Myanmar Government to endow them with citizenship rights have gone in vain as it has failed to gain the confidence of Rohingya and other communities.

Further, the Rohingya community and the other communities inhabited in Rakhine also suffer from security crisis as they are under constant fear to lose their lives, their women getting raped and of other atrocities due to prolonged violence and non-action of the Government on the same. In order to resolve such issues and maintain tranquillity, the government shall take steps to ensure inter-communal cohesion in the area and among different ethnic groups.

II. PROBLEMS FACED BY ROHINGYAS IN BANGLADESH AND INDIA

Around 65,000 Rohingyas have fled to Bangladesh in past few months¹⁷ and around 40,000 Rohingyas have fled to India. Despite the steps taken by the Government of both the countries they are facing innumerable problems, which are as follows –

At present, the UNHCR provides support to around 32,000 registered Rohingya refugees in partnership with some NGOs.¹⁸ Other immigrants from Myanmar are living unofficially in Bangladesh and have no legal protection from arrest or abuse and they are also not given any kind of humanitarian assistance to secure themselves. The issue that the resources like water and firewood are scarce has led to physical and sexual violence, mainly against women of this community. Due to unprecedented influx of Rohingyas in Bangladesh, the government is not properly able to arrange food and shelter for all. The shortage of food has resulted in serious malnutrition problems. According to UNICEF, malnutrition has affected 7.5% of the refugee children.¹⁹ In many cases not all the immigrants belonging to a family could be granted refugee status and in such cases, the other members of the family are also compelled to leave from the refugee camps. The identity crisis persists as they are just considered as refugees in the countries they have fled.

In India also the Rohingyas are living in unenviable conditions as they are acknowledged as illegal, underdeveloped, uneducated cohort of immigrants who have fled from Bangladesh and Myanmar. Rohingya community has mainly been established in Assam and West Bengal and ones who have failed to attain Refugee Status Determination (RSD) are spending their lives in

¹⁶*ibid*

¹⁷Myanmar Sends Envoy To Bangladesh As Rohingya Crisis Deepens, <https://www.theguardian.com/world/2017/jan/11/myanmar-sends-envoy-to-bangladesh-as-rohingya-crisis-deepens> last accessed at 24th January, 2018 at 6:30 PM.

¹⁸ Rohingyas: The Emergence of Stateless Community, A Report by Calcutta Research Group, 2015.

¹⁹ Rohingyas face existential crisis as refugees in Bangladesh, Yuzi Kuronuma, Nikkei Asia Review, November 29, 2017, <https://asia.nikkei.com/Politics-Economy/Policy-Politics/Rohingyas-face-existential-challenges-as-refugees-in-Bangladesh> last accessed at 23rd January, 2018 at 4:54 PM.

slums or unauthorised colonies and are living in deplorable conditions in the country. Further, the allegation on the Rohingyas for the proximities and connection with terror groups and are also alleged to be members and participants in activities undertaken by Rohingya Solidarity Association (RSA)²⁰ has further contributed in alerting the Government for deporting them from the country. Even the refugees living in refugee camps have reported complaints of unsanitary conditions and slum-like situation. Women from the community have alleged that there have been instances of molestation and harassment. Furthermore, the community is also exposed to diseases like pneumonia, dengue, diarrhoea etc.²¹

PROBLEMS FACED BY BANGLADESH AND INDIA

I. BANGLADESH'S PLIGHT

The largest influx of Rohingyas in Bangladesh has resulted from innumerable complexities for the country. The country's one of the biggest problem is human trafficking as the cohort of immigrants are vulnerable and can easily fall into the quagmire. A lot of families are without male members and thus can be easily exploited by gangs. Apart from this, there also exists problems with food as the resources are scarce and the undetermined population is increasing with more refugees pouring over the borders. The government must rely on food grains for domestic consumption and this has further led to the shortage in food grains and hike in the local markets. Consequently, the instable market and food shortage will lead to more complexities and challenges for the government. There are also huge concerns regarding the health security as the refugees live in deplorable conditions and a single host of a contagious disease can become an epidemic. Also, according to reports, there are already refugees carrying diseases like TB, HIV/AIDS etc.²² Furthermore, there could be problems with internal security also as these refugees will sooner or later mingle with the population and as they are vulnerable it is easier to manipulate them and includes them in petty crimes. There are also reports claiming the involvement of Rohingyas with terror groups and hence this can lead to instability in maintaining law and order in the country. These problems can be detrimental to the citizens, government and the refugees residing in the country.

II. INDIA'S STAND

If we look the history of the country regarding maintaining and providing shelter to the refugees, then it can be easily articulated and understood that India has always been generous and considerate in providing shelter and food. India in past has aided and welcomed the Tibetians, the Jews, and the Parsis but the scenario in the case of Rohingya has drastically changed as the

²⁰ Bharat Jain, 'India alerts Bangladesh about Rohingya terror training camps in Chittagong Hill Tracts', 25th July, 2013, <https://timesofindia.indiatimes.com/india/India-alerts-Bangladesh-about-Rohingya-terror-training-camps-in-Chittagong-Hill-Tracts/articleshow/21320102.cms> last accessed at 22nd January, 2018 at 3:10 PM.

²¹ Problems faced by Rohingya in India, IAS Parliament, <http://www.iasparliament.com/article/problems-faced-by-rohingyas-in-india> last accessed on 23rd January, 2018 at 8:10 PM.

²² Rohingya Refugee Crisis in Bangladesh: A Security Perspective, BIPPS Special Report.

Indian Government is in favour to deport the Rohingyas to Myanmar. The Government is opined to take such steps as the influx of them will put forth several challenges and complexities which the country will have to suffer. The country is overpopulated and hence such huge influx of refugees will result into complexities in food, shelter, cloth, education and job opportunities. This will also result in instability of the economy and the internal security of the country will also be at stake. The security crisis may occur as most of the Rohingya are residing in Jammu and Kashmir and due to compliance of Article 370 in the state, the central government cannot take actions regarding the ones who are alleged to have obtained Aadhar card and Pan Card. Though the order by the Apex court of the country on the issue is yet to come and this shall also be taken in consideration that the Government has taken steps like initiating “*Operation Insaiyat*” in order to assist Bangladesh in maintaining Rohingya and is also ready to assist in the development of Rakhine state.²³

CONCLUSION

Though the situation has come become complex still there are several steps that could be taken by the Myanmar, Bangladesh and Indian Governments along with the aid and guidance of UN to tackle it. If a pragmatic approach is not taken and the plight of the stateless community is not understood, then it will result in more complexities and violence in the region. The United Nations along with the Bangladesh and Indian Government shall use their persuasive powers to urge Myanmar to adopt Rohingyas and create safe and better environment for them as expecting neighbouring countries to do the same is incorrect. This shall also be made sure that the Rohingya community will be able to attain all the basic human right such as food, shelter, safety, education, job and most importantly citizenship. Endeavours shall also be made that the repatriation that takes place is accompanied by a permanent solution to the problem so that no further complexities occur. This shall also be ensured that as long as these refugees are residing in the refugee camps they are provided with all the basic amenities and there is no violation of human right against them.

²³ India’s stand on Rohingya crisis laudable: three prolonged policy covers society, humanitarian concerns, Sreemoy Talukdar, Sep 19, 2017, <http://www.firstpost.com/india/indias-stand-on-rohingya-crisis-laudable-three-pronged-policy-covers-both-security-and-humanitarian-concerns-4057029.html> last accessed on 24th January 2018 at 7:37 PM.