

## THE ROHINGYA MUSLIMS: BEING CAUGHT IN THE MAELSTROM OF WAR

Written by *Ambika Mathur\** & *Yatin Savlani\*\**

\* 4th Year BA LLB(H) Student, Amity Law School Delhi, Guru Gobind Singh Indraprastha University

\*\* 4th Year BA LLB(H) Student, Amity Law School Delhi, Guru Gobind Singh Indraprastha University

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*“Genocide is not just a murderous madness; it is, more deeply, a politics that promises a utopia beyond politics - one people, one land, one truth, the end of difference.”*

- Michael Ignatieff

### INTRODUCTION

Despite the fact that the Genocide convention of 1948 has been around for decades (with Myanmar having signed and ratified it), in the year 2018, we still see the systematic ethnic cleansing of communities. The Rohingya Muslims are one such community. The Rohingya's are considered to be the most persecuted community in the history of mankind who suffer because they cannot be identified as the traditional Burmese (present day Myanmar) Buddhists and are seen as “Bengalis” by the people of Myanmar despite the fact that their roots can be traced back to present day Myanmar.<sup>1</sup>

To say that the Rohingya population suffers purely because of their religion would be an over simplification of the issue. Myanmar had been a colony long enough and the Rohingya Muslims found themselves fighting for a side which the other native population didn't support which resulted in a lot of struggle post-independence.

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<sup>1</sup> [Myanmar's Rakhine State denies persecution at root of migrant crisis](#)". [Reuters](#).

Despite so much international attention on the issue, The Rohingya's have been persecuted in numbers which hit millions. Families of the Rohingyas have raised generations in refugee camps due to their systematic persecution. Rebellions have been suppressed through such inhumane means which would easily result in persecution in the International Court of Justice.

Bangladesh sees the most refugees fleeing from the Rakhine state of Myanmar. These refugees are forced to make their way to other countries in shaky old boats or in some cases even on foot.<sup>2</sup> The international community has not been very forthcoming with their acceptance of refugees. The United Nations estimates that Indonesia and Malaysia<sup>3</sup> have even sent boats back from their borders letting the Rohingya's fend for themselves in the high seas and it was only when an estimated 1000 refugees died, including women and children, did the two countries open their borders to the Rohingya Population.<sup>4</sup> The saddening part of such news is that the international community's attention fell on this issue in the 21<sup>st</sup> century on something that traces its history back to the 1900's.

## **ORIGIN**

The Rohingya Muslims have long held that they have been inhabitants to the Rakhine region of Myanmar since time immemorial which has been expressly denied by the Myanmar governed due to the stark differences in the religion and culture of the Rohingyas as compared to the rest of the population of Myanmar. In 1799, a Scottish explorer described meeting the "Rooinga" there. Most experts identify that group as the modern Rohingya.<sup>5</sup>

According to historians, "Rohingyas have been living in Arakan (referred to the area now known as Rakhine) from "time immemorial." The British colonized Myanmar (Burma) for more than 100 years (1824-1948) and around that time migration of labourers from Myanmar to India and Bangladesh was significant which is why a lot of Rohingya population is often referred to as as Bengalis belonging in Bangladesh as a large portion of such persons did indeed migrate to Bangladesh (erstwhile a part of India before independence).<sup>6</sup> However disputes once

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<sup>2</sup> ["Bay of Bengal people-smuggling doubles in 2015: UNHCR". Reuters.](#)

<sup>3</sup> ["Rohingya boat people: Myanmar's shame". The Economist. 23 May 2015.](#)

<sup>4</sup> Rachman, Anita; Mahtani, Shibani (25 May 2015). ["Indonesia Joins Search for Bangladeshi and Rohingya Muslim Migrants at Sea". Wall Street Journal. ISSN 0099-9660.](#)

<sup>5</sup> ["Report documents 'Rohingya persecution'". Al Jazeera. 23 April 2013..](#)

<sup>6</sup> "The rohingya crisis" <http://www.bbc.com/news/world-asia-41566561>

again arose when the Rohingyas sided with the Britishers whilst the Buddhist population and the Bamar Population (the other majority community in Myanmar) sided with the invading Japanese. Both sides committed grave massacres which led to an even bigger strife between the Rohingyas and the rest of the Majority communities of Myanmar. While during the 1950's after gaining independence the Rohingya's did see some form of independence but that too was short lived with the Bamar community forming the the newly independent government who gave no rights to the Rohingya population.<sup>7</sup>

In 1962, a military coup replaced Burma's elected government with a cadre of Bamar generals who viciously oppressed autonomy-seeking minorities. They labelled the Rohingya illegal immigrants from Bengal, and in 1978 launched the first major "immigration" enforcement campaign, driving 200,000 Rohingya over the border. Thousands starved while making the journey. In 1982, the government passed a law that effectively stripped all Rohingya of citizenship, making them stateless.<sup>8</sup>

The Union Citizenship Act was passed in 1948 upon independence and Rohingyas were not included. In 1982, a new citizenship law was passed that also did not include Rohingya in the list of country's 135 ethnic groups. The law established three levels of citizenship and the basic level required naturalization i.e., the person required proof of having a family living in Myanmar prior to 1948. The Rohingyas lacked such documents because they were also initially denied citizenship. As a result, their basic rights were snatched from them. In the 1970s troops began crackdowns in Rohingya villages, and these crimes against humanity forced the Rohingya population to flee from Myanmar. Consequently, Rohingyas became illegal [Bengali](#) immigrants in the eyes of Buddhists in Myanmar<sup>9</sup>

The cornerstone of any sovereign state is giving its natives citizenship. Without this citizenship not only would the Rohingya's be considered stateless and thereby without any government protection of their rights, they would also be without any education healthcare or even basic sanitation facilities which are provided to the citizens of a country.

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<sup>8</sup> "Rohingya Muslims" <http://www.aljazeera.com/indepth/features/2017/08/rohingya-muslims-170831065142812.html>

<sup>9</sup> "Brma and history" <https://www.hrw.org/legacy/reports/2000/burma/burm005-02.htm>

This is primarily the reason why Myanmar has so far gotten away with so many human rights violations against the Rohingya population. There is no grievance redressal system available to them within the country. It is estimated that at one point, the only option a Rohingya had to receive proper medical care apart from local healers, was in the neighbouring state of Bangladesh where Médecins Sans Frontières (Doctors without Borders) had opened clinics.<sup>10</sup>

## **PRESENT DAY SCENARIO**

The situation has not improved much from the persecution that the Rohingyas faced during the 1970's to now. Their systematic cleansing involves burning villages with a majority of Rohingya population down and even raping women and children. The Myanmar government has always remained tight lipped on account of their treatment of Rohingyas in the past as may even be expected with a military government. However the Rohingya population expected things to be different under the leadership of Aung San Suu Kyi. That too however bore no fruit. On the contrary, Ms Suu Kyi has faced severe criticism due to her silence on the matter, with some countries even asking the Nobel Peace Prize Awarded to her to be taken away. She has continued to stand with the military's official position and denied any ill treatment of the Rohingya Population.<sup>11</sup>

Till date Rohingyas live under direct military threat. The Myanmar government controls every step of their progress right down to registration of marriage and the number of children Rohingyas are permitted to have. Those attempting to have a second child have brutally even had foetuses' killed due to Myanmar's policy on Rohingya Muslims.

Bangladesh is home to 32,000 registered Rohingya refugees who are sheltering in two camps in the south-eastern district of [Cox's Bazar](#). [Agence France-Presse](#) reported in May 2015 that another 200,000 unregistered Rohingya refugees were living in Bangladesh, most of them near the two official camps.

According to Reuters, more than 140,000 of the estimated 800,000 to 1,100,000 Rohingya have been forced to seek refuge in displacement camps after the [2012 Rakhine State riots](#). To escape

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<sup>10</sup> [Bay of Bengal people-smuggling doubles in 2015: UNHCR](#)". [Reuters](#).

<sup>11</sup> "Aung Saan Suu Kyi quiet" <https://www.theguardian.com/world/2017/oct/28/myanmar-fears-junta-return-rohingya-suu-kyi>

the systemic violence and persecution in Myanmar, an estimated 100,000 people have since fled the camps.<sup>12</sup>

In late May, 2015, about 3,000-3,500 Rohingya refugees traveling to other countries in Southeast Asia, from Myanmar and Bangladesh, had been rescued, or had swum to shore—while several thousand more were believed to be trapped with little food or water on the boats floating at sea. In the last decade over a million Rohingya's have estimated to have perished due to this conflict.

## **INDIAN SCENARIO**

Initially the Indian government refused to accept any Rohingya refugees. However it is estimated that many of them may have entered illegally and at this point over 40,000 Rohingya Muslims call India their home and can be found in Assam, Jammu and West Bengal. Their have been massive protests against the coming of the Rohingya muslims particularly in the state of Jammu where the balance of the Hindu Muslim populations has seen trouble in the past and it is being argued that the Rohingya's coming again might make the situation in the state precarious again.<sup>13</sup>

Pusuant to this a petition was filed in the Supreme Court by 2 Rohingya refugees who were opposed to the governments stand to deport the Rohingya refugees in the country. The three-judge bench, led by Chief Justice Dipak Misra and comprising Justices A M Khanwilkar and D Y Chandrachud, said, "It is a large issue. A issue of great magnitude. Therefore, the state has a big role. The role of the state in such a situation has to be multipronged." The bench also said that the Government needs to strike a balance between human rights and national security before any such blanket deportation.

The court had suggested to the Centre not to deport these refugees, but the Additional Solicitor General (ASG) Tushar Mehta had urged that it should not be written in the order as anything coming on record would have international ramifications. There is thus currently a stay on the deportation while the matter is still being heard by the Supreme Court.

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<sup>12</sup> ["Myanmar's Rakhine State denies persecution at root of migrant crisis". Reuters.](#)

<sup>13</sup> Dipankan Bandopadhyay. ["Reflections on the Rohingya Crisis"](#). Politics Now.

The factors paralysing the international response to the Rohingya crisis are complex. Which begs us to ask a simple question : why has the international community allowed the Rohingya to be slaughtered and driven from their land when a legal framework exists that compels them to act? The Geneva Convention is clear on the international community's duty when it comes to refugees fleeing persecution. Moreover there is the unavoidable customary law principle of non repatriation which doesn't let a country return an individual to a state where there may be a threat to his or her life. Thus any debate by any countries or any unwillingness by a country to accept the Rohingya population stands contrary to the legal framework set in International Public Law.<sup>14</sup>

Nearly a million Rohingya crammed into the narrow peninsula at the southern tip of Bangladesh, most living in squatter settlements ringing United Nations-run camps, which have been at capacity for decades. The most recent attack was seen in the August 2017 which led to nearly 600,000 Rohingyas fleeing for safety while the Myanmar forces razed down villages and indiscriminately slaughtered men, women as well as children. Skirmishes continue in the Rakhine region between the Rohingyas and the Myanmar forces.

Such disputes between communities are a textbook example of what may lead to a civil war in the country. The seeds of which have already sown. Some population of the Rohingyas have already diverted towards extremism and armed rebellions. In October 2006, more than a 100 Rohingya swarmed three police posts with knives and even a home made pistol resulting in the death of 9 policemen and the loot of about 50 guns. The newly formulated Islamist Rohingya Insurgency later called the Arakan Salvation Army claimed responsibility for this attack the rebels have also claimed weak ties to the terrorist groups functioning out of Pakistan and Afghanistan.<sup>15</sup>

Thus it is evident that at some point both sides would be capable of inflicted serious damage on each other. Extermination of an entire community is not a solution. The Rohingya armies may also start functioning through methods of guerrilla warfare due to their knowledge of the

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<sup>14</sup> "[Why Burma's Rohingya Muslims are among the world's most persecuted people](#)". CBC News. 25 May 2015.

<sup>15</sup>"[arakan rohingya salvation army](http://www.aljazeera.com/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html)"<http://www.aljazeera.com/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html>

Rakhine region and the forests within it. The issue thus may severely expand when both sides are armed with weapons.

## **THE FOURTH ESTATE**

The human rights violations are not now just limited to the Rohingyas but also all their sympathisers and even the fourth estate- The press. Journalists see massive restrictions whilst reporting upon the Rohingya issue with the Myanmar government now exceeding their persecution to Foreign Journalists as well. December 2017 saw the arrest of two Reuters reports – Wa Lone and Kyaw Soe Oo as well. The Ministry of information accused them of “illegally acquiring information with the intention of sharing it with foreign media”. A charge which seems is as preposterous as it sounds. Charges have been pressed against them under the colonial era Official Secrets Act and they face upto 14 years in prison.

At least 11 journalists both Myanmarese and foreign have been were arrested. Two journalists working for the Turkish Radio and Television Corporation — Lau Hon Meng from Singapore and Mok Choy Lin from Malaysia — were arrested in October 2017. They were charged under the country’s Anti-Aircraft Act and sentenced to two months in jail for trying to use a drone to record images of the Parliament building. They were subsequently released on December 29. The issue here is not restrictions placed on the use of drones but the limited media freedom and the civilian government’s reluctance or inability to act in this regard.<sup>16</sup>

## **AFTERMATH**

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<sup>16</sup>“ starved of news-myanmar derailing coverage of rohingya crisis in rakhine-state”  
<https://www.theguardian.com/global-development/2017/nov/27/starved-of-news-myanmar-derailing-coverage-rohingya-crisis-rakhine-state>



The International community is fast recognising these acts as that off mass genocide. The United Nations has called the crackdown in Rakhine as “ethnic cleansing” while Amnesty International has termed the operations as “crimes against humanity”.<sup>17</sup>

As per reports of the Inter Sector Coordination Group of the International Organisation of Migration, Violence in Rakhine State which began on 25 August 2017 has driven an estimated 655,500 Rohingya across the border into Cox’s Bazar, Bangladesh.<sup>18</sup> Cox bazaar Bangladesh sees the highest influx of Rohingya refugees in the world. The speed at which however these refugees are coming, are not a pace which Bangladesh can keep up with. They are reliant upon the guest nation for basic food and medical needs which are already severely strained. Furthermore there is a high probability of the outbreak of disease in the region due to lack of medical attention. There have been 655,500 new arrivals (Since 25th August) as of 14 January (IOM Needs and Population Monitoring and UNHCR Family Counting) and As of 11 January, the Bangladeshi Immigration and Passports Department has registered 971,627 people through biometric registration.<sup>19</sup>

## **WHAT THE FUTURE HOLDS**

The persecution of the Rohingya refugees is thus clear and imminent for the international community which begs us to ask the question as to why the International community has not spoken out against the Myanmar Government and it’s de facto leader Aung Saan Suu Kyi. The reasons for this are multi farious. In mid-March, China blocked a statement by the UN Security Council, the most powerful body in the UN, voicing concern over the situation in northern Rakhine State. Many Asian nations, China in particular, do not want to jeopardise their access to Myanmar’s substantial reserves of timber, gemstones and gas. China has a permanent seat on the Security Council, and a UN resolution imposing sanctions is a virtual impossibility in the face of its opposition.

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<sup>17</sup> "[Rohingya refugees in Bangladesh face relocation to island](#)". BBC. 30 January 2017.

<sup>18</sup>“iscg situation report rohingya refugee crisis coxs bazaar” <https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-refugee-crisis-cox-s-bazar-17-december-2017>

<sup>19</sup> “Rohingya refugee crisis” <https://www.unocha.org/rohingya-refugee-crisis>



China alone however is not to blame. Most Western countries are also trying to protect their economic interests rather than interfere in the intolerance in the region.

When we look back at the history of the United Nations and as to why it was founded, it was to ensure a system of checks and balances and enter a new world of International Peace and development. However because the power is spread across so far wide in the organisation, it has been unable to take any effective steps to prevent genocide in the past years despite a majority of the countries being a part of the Genocide Convention. scholars estimate suggests that during the 60 years between 1956 and 2016, 43 genocides took place, causing the deaths of about 50 million people and displacing the same number again. Only three cases of genocide have been prosecuted since 1948 – in Rwanda, Serbia and Cambodia – and then, only long after the killing had stopped.<sup>20</sup>

China proposes a three-phase solution, as per Chinese foreign minister Wang Yi. The first phase is to achieve a ceasefire so that local residents can no longer be displaced. Second, the international community should encourage Myanmar and Bangladesh to keep communication in a bid to find a feasible solution to the issue, he said. The third phase is to find a long-term solution. Stressing that poverty is the root cause of turbulence and conflict, the Chinese foreign minister called on the international community to support poverty alleviation efforts in Rakhine state.<sup>21</sup>

This three point solution however indicates a clear over simplification of the solution which may work in the long run but provides so short term solutions leaving the Rohingya's position the same. A potential first step could be taken by the U.N. General Assembly, which is expected to approve a resolution that would request the secretary-general to appoint a special envoy.

Former U.N. Secretary-General Kofi Annan led a commission to bring a solution to the humanitarian conflict, which recommended the creation of a safe zone for the Rohingya.<sup>22</sup> also

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<sup>20</sup> "Rohingya crisis: UN agencies focus on improving access as overcrowded camps hamper response"  
<http://www.un.org/apps/news/story.asp?NewsID=57976#.WmYYj1SWbIU>

<sup>21</sup> "china proposes solution for rohingya refugee crisis in Myanmar"  
<https://www.bloomberg.com/news/articles/2017-11-20/china-proposes-solution-for-rohingya-refugee-crisis-in-myanmar>

<sup>22</sup> "commission urges myanmar to remove rohingya restrictions"  
<http://www.aljazeera.com/news/2017/08/commission-urges-myanmar-rohingya-restrictions-170824083520877.html>

called for the Myanmar military to stop the violence. However, if safe zones are created in Myanmar, they will require protection that only a U.N. peacekeeping force could provide. The sending of U.N. Peacekeeping forces is a step which can only be approved by the Security Council and comes with its own repercussions. Myanmar may see it as interference by the international community in its domestic matters.

In November, the governments of Bangladesh and Myanmar agreed to cooperate on the repatriation of Rohingya refugees, while taking measures to bolster border security between the two countries.

The best alternative for the Rohingya Muslims at the current state would be that the press of Myanmar helps the rest of the country realise the persecution they are facing and urge it's new democratically elected government to protect the rights of their citizens. However at the immediate level their best bet would be that Bangladesh and other neighbouring countries are able to offer enough monetary support for their existence. Some Rohingya's have found themselves living in refugee camps since the 80's and the situation has only worsened since. The only hope is that though violence has escalated, so has international attention on the issue which would result in more food and immediate supplies reach the refugee camps.

Bangladesh and India see strained resources themselves making it hard for major parts of the country to take in the Rohingya refugees at the rate at which they're arriving. The only hope they see thus is to migrate to more developed nations and maybe someday a return to their native land.