AN ANALYSIS OF THE ROHINGYA OF MYANMAR: TRIAL BY DEATH, DENIAL AND IDENTITY

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ABSTRACT

The Rohingya populace of Myanmar (originally known as Burma prior to 1989) are an indigenous race, who were stripped of nationhood in 1982, due to the oblivion of an identity approval by the dictator regime as their forefathers settled in Burma before 1823. Hitherto, the Rohingyas are one in seven of the global population of stateless people. A huge population of 1·5 million Rohingya people living in Myanmar and across southeast Asia, only about 80 000 have any legal protection gained through the UN-designated refugee status. Albeit, since 2012, more than 150,000 people, most of whom are Rohingya, have fled Myanmar in bamboo-trunk boats for journeys lasting several weeks to neighboring nations, completely devastated. We outline historical events preceding this complex emergency in health and human rights. The Rohingya people enface a catastrophe of poor infant and child health, malnutrition, waterborne illness, and devoid of obstetric care. In December 2014, a UN resolution called for an action plan to end the crisis. We discuss the Myanmar Government's ongoing treatment of Rohingya through the scope of international law, and the steps the nascent elected parliament must pursue for a plausible solution. This article deals with the origin of the Rohingya, the form of their citizenship, and recent oppression in the Rakhine State of Myanmar.

Keywords: Human Rights, Rohingya, Myanmar, Conflict, Refugee Crisis, Citizenship, Persecution.

INTRODUCTION

The term "Rohingya" is derived from the Arabic word Rahm which means mercy. It has its origins with the arrival of Arab traders on shores of Ramree Island in the 18th century (Ullah, 2011). The myth tells of a ship of Arab traders that arrived on shores of Ramree Island in the 18th century and wrecked off the Burmese coast, and the survivors asked for Rahm of the local king. The king allotted a piece of land for them, and they were allowed to settle there. Over time Rahm changed to Rhohang and eventually to Rohingya (Chowdhury, 1996; Bahar, 2010b). There is an alternate concept that the term "Rohingya" is used to describe the Ruha people who migrated from Afghanistan (Ahmed, 2012). Nonetheless, War and violent conflict cause death, destruction, and mass displacement. Yet in Myanmar alone, money spent on military forces worldwide, far outstrips investment in peacebuilding. Unfortunately, peacebuilding is still not the default response to most conflicts. However, there are many people in many countries, who are finding sustainable ways to prevent and address violence and you are amongst those chosen ones. Albeit, when we bring people together to discuss their issues, when we find ways to build confidence between different sides of a conflict, and when we involve everyone touched by a conflict in the process to resolve it, peace is possible. Myanmar needs our help to tell others about how the country can tackle conflict and end cycles of violence. Whether we dwell in a conflict-zone or not, everyone understands the pain of division, conflict, and polarisation. Myanmar is the least developed country in the Southeast Asia. In the 1947 Constitution, the name of the country was proclaimed Burma, and in 1989, the military junta changed the name to Myanmar (Ullah, 2011). Some scholars believe that Burma is derived from the eponym 'Brahma Desha' after Brahma, one of the gods of the Hindu trinity. Some other scholars believe that "Burma" is the name derived from the spoken form of Bamar (the language of the majority ethnic group) and was also used during the independence movement in 1948. *"Myanmar"* is taken from the literary form of the language and is supposed to be more neutral than Burma. *"Myanmar"* supposedly is associated with democratic and federalist ideologies, while *"Myanmar"* recalls military enforcement and hierarchal units (Dittmer, 2010). The official name of the country according to the 2008 constitution is *"The Republic of the Union of Myanmar"* (Government of Myanmar, The establishment, 2008). Rakhine is a state located in the west coast of Myanmar, one of the poorest regions of the country. Its area is 14,200 square miles (Islam, 1999). In Rakhine, it is estimated that 59.7% of the 3.8 million people are Buddhist, 35.6% are Muslim Rohingya, and

the remainder are from other religious groups. The Rohingya Muslims did not originate from just one single racial stock. They are the mixture of diverse ethnic groups, including Arabs, Moghuls, and Bengalis (Alam, 2013). In Myanmar there are 7 million Muslims, which are 15% of the total populations of the country, and half of them live in Rakhine (Jaha, 1994). Buddhist nationalism began to emerge in response to British colonial rule and saw Buddhists identifying with Burmese culture and history. During the colonial period, the Burmese military Tatmadaw and the founders of several armies including Aung San were patronized and trained by the military of imperial Japan to defeat Allied forces and the British colonials. Myanmar's Buddhist nationalism was influenced by Japanese fascism (Zarni, 2013). The Rohingya crisis is not only on religion but also on economic and political related (Shams, 2022). The Buddhists of Myanmar claim that the Rohingya are economically developed, and their culture is under siege than the Rohingya. The Rohingya are confronted with a deeply entrenched Islam phobia with Rakhine in Myanmar. Myanmar is surrounded by some Islamic countries, such as Bangladesh, Malaysia, and Indonesia. The Buddhists think that if any Islamic country attacks Myanmar, the Rohingya should fight against Myanmar. As a result, they are culturally discriminated, economically exploited, and politically sidelined by the The establishment (Wolf, 2017).

PROBLEM DEFINITION

The Rohingya people of Myanmar (hitherto known as Burma prior 1989) were stripped of citizenship in 1982, because they could not meet the requirement of proving their forefathers settled in Burma before 1823, and hitherto account for one in seven of the global population of stateless people. Of the total 1·5 million Rohingya people living in Myanmar and across southeast Asia, only 82000 have any legal protection obtained through UN-designated refugee status. Since 2012, more than 159000 people, most of whom are Rohingya, have fled Myanmar in poorly constructed boats for journeys lasting several weeks to neighboring nations, causing hundreds of deaths. We outline historical events preceding this complex emergency in health and human rights. The Rohingya people face a cycle of poor infant and child health, malnutrition, waterborne illness, and lack of obstetric care. In December 2014, a UN resolution called for an end to the crisis. We discuss the Myanmar Government's ongoing treatment of

Rohingya through the lens of international law, and the steps that the newly elected parliament must pursue for a durable solution.

*Significance of Citizenship***:**

Another inherent problem is the question of citizenship. According to 1982 citizenship law, there are eight major ethnic groups—Bamar, Chin, Kachin, Kayin, Kayah, Mon, Rakhine and Shan—which are further divided into 135 sub-groups. Since Rohingya is not included in this official list, the people don't have the right to citizenship. However, history suggests that many of the Rohingyas have lived in the country for generations. During the British time, Burma was ruled as part of British India and movement of people across the border was not restricted. In fact, the British administrators needed the Rohingyas for labor or cultivation. Many Bengalis from the former East Pakistan (now Bangladesh) had also migrated to the Arakan (now Rakhine) areas due to its fertile soils. Citizenship within the context of liberal democracies consists of three components: civil rights, political rights, and social rights (Marshall, 1950). According to Aristotle, humans are political animals by nature, and without membership in a polis, we are not fully human (Pugh, 2013). According to the 1954 convention, a stateless person is a person who is not considered as a national by any state under the operation of its law (United Nations High Commissioner for Refugees, UNHCR, 2010). The 1961 Convention requires state parties to reduce and prevent statelessness status, giving protection to stateless persons (UNHCR, 2014). This Convention explicitly mentions the significance of citizenship as follows: i) everyone has the right to a nationality, ii) statelessness shall be avoided, iii) no one shall be arbitrarily deprived of his/her nationality, and iv) non-discrimination (Azad & Jasmine, 2013). Citizenship status is very imperative for a human being. It is an entrance for the recognition of the other rights. Aristotle stated that, by nature, man is a political animal and has a group. Without recognition as a member of a group, the person is not in fact a human (Pugh, 2013; Patgiri, 2017). A stateless person has no right to exercise voting. He/she cannot access various public services, such as studying in educational institutions; participating in social activities, health services, and international travel; applying for any job, and facing any justice system. Even he/she has no personal safety (Buitrag, 2011). A stateless person is not only unequal before the law, but there are also no laws that apply to him/her. He/she has lost both domestic and international protections. After World War II, thousands of people have become stateless. For example, the Nazis made all the Jews in the region become stateless

(Parra, 2011). At present the Rohingya face substantial difficulties in education, social safety, international travel, jobs, justice system, vaccinations, healthcare, etc. (McDowell, 2013). In 1958, the first president of Burma, Sao Shwe Thaike, declared that the Muslims of Arakan belonged to the indigenous races of Burma (Green, 2022). In 1982, a new Citizenship Law (consisting of 8 chapters) effectively rendered the Rohingya stateless. The Law allows for three categories of citizens: full citizenship (in chapter 2), associate citizenship (in chapter 3), and naturalized citizenship (in chapter 4). Full citizens are those belonging to one of 135 national races that settled into the territory before 1823. Associate citizenship is for those whose application for citizenship under the former citizenship law was pending at the time the new law was passed, and naturalized citizenship could only be granted to those who could furnish conclusive evidence of entry and residence before Burma's independence in 1948, who could speak one of the national languages well, and whose children were born in Burma (Lewa, 2009). Before 1962 the Rohingya possessed government-issued identity cards and possessed British-issued ration cards which confirmed that they are citizens of Burma. In 1962, authorities forcibly took these identity cards on the pretext of checking to deny their legal identity (Parnini, 2013). The 1982 Citizenship Law deprived the Rohingya of citizenship in Myanmar, and they lost national protection due to their non-citizenship. It has been applied in a discriminatory manner to deprive the Rohingya from their citizenship. Under the law, the Rohingya was not recognized as one of the country's 135 ethnic groups (Abdelkader, 2014). In Myanmar, citizens aged 10 and above are eligible to apply for a national identity card which is essential for travel, business, medical care, higher education, etc. Those who have no identity card may be detained and imprisoned (Karen Human Rights Group, 2002). Obtaining full citizenship, it is primarily based on membership of the national races who are considered by the State to have settled in Myanmar prior to 1848, as well as fluency in one of the national languages (Burmese Rohingya Organization UK, BROUK, 2014). According to the 1982 law the Rohingya are not eligible to apply for the national identity card, and consequently have not been granted full citizenship. Instead, they have only obtained foreign identity cards. As a result, their rights to study, work, travel, marry, practice their religion, exercise to vote, and access health services continue to be restricted.

De-stigmatization:

There is a grave absence of vital registry data or census data relating to the Rohingya, which is in of itself a sign of negligence on the part of the State. Furthermore, the intermittent and partial nature of aid agencies', such as MSF, attempts to care for the population in Myanmar is because of State interference, including the long-time lapses between one set of observations and another. Therefore, it is very difficult if not impossible to compile a systematic overview of the health status of the Rohingya population in any location, including in Myanmar. However, we have gathered relevant data from different observers and health-care providers to present an overall picture of the health circumstances of the Rohingya population in Myanmar, and adjacent host countries.

Awareness and empowerment:

Over the years, due to the efforts of countless observers and interlocutors from across the spectrum of the international community and humanitarian organizations, Myanmar's treatment of the Rohingya people is hitherto well documented. The catalogued infringements of human rights stand as unequivocal violations of all major provisions of international human rights law, including the right to life, the right to home, and the right to freedom of movement. The Myanmar Government is an outlier in that it has not signed or ratified the great majority of these treaties; however, it is bound by international customary law to uphold their provisions. Defiance, dismissal, and indifference have for decades characterized Myanmar's response to international criticism. It has received billions of dollars in foreign aid and is experiencing a lifting of sanctions that have themselves proved ineffective. The resulting timidity of international action has permitted the Myanmar Government to continue targeting the Rohingya people. The current status of the indigenous Rohingya community is explained in the following charter:

The 1954 Convention on the Status of Stateless Person determines 'Stateless person' as someone 'who is not considered as a national by any State under operation of its law.' (UNHCR 2014: Article 1)

OPPRESSION AGAINST THE ROHINGYA

The UN has identified the Rohingya as one of the world's most persecuted minorities, and one of the largest groups of stateless people (Kiragu et al., 2011). The discrimination and repression of the Rohingya Muslims in Arakan are due to the negligence of the Government of Myanmar (The establishment). The attempts to oppress the Rohingya are as follows (Jacques, 2005):

• To oust Muslims from their jobs and replace with Buddhists.

• To close Islamic institutes, schools and other Islamic organizations.

• To confiscate their property and distribute to the Buddhists.

• To imprison or exile Muslim leaders outside their home countries.

• To incite Buddhists to kill Muslims, and prove the Muslims as terrorists.

Muslim persecution in Burma started during the reign of the King Bodawpayar (1782–1819). The first suffering of the Muslims of Rohingya in Myanmar began in 1784 due to the fear of the spread of Islam in the region (Bahar, 2010a). Under military rule led by Burmese Army General Ne Win between 1966 and 1988, the Rohingya have been faced with severe oppression. In 1978, a wide-scale census operation known as Nagamin (Dragon King) supposedly intended to clear out illegal immigrants. A brutal operation performed by the The establishment destroyed mosques and historical schools of Islamic monuments. The types of violence faced by the Rohingya include brutality, rape, starvation, torture, and the murder of 50 Rohingyas; which forced the exodus of more than 200,000 Rohingyas from northern Arakan to Bangladesh (Grundy-Warr & Wong, 1997; Matthieson, 1995). Since the 1970s, several crackdowns on the Rohingya in Rakhine have forced more than one million to flee to neighboring Bangladesh, Malaysia, Thailand, and other Southeast Asian countries (The Rohingya Patriotic Front, 1978). The Rohingya have been suffering not only from exclusion by the 1982 Citizenship Law but also from social deprivation, such as violating their fundamental human rights (Azad & Jasmin, 2013). In the 1983 nationwide census, Rohingya were completely excluded (Mathieson, 2009). From 1991-1992, more than 250,000 Rohingya refugees fled from Myanmar and arrived in Bangladesh, living in temporary camps (Grundy-Warr & Wong, 1997; Coutts, 2005). The antagonism toward the Rohingya originated from deeply rooted Buddhist nationalism and accumulated sentiments, such as disbelief, hatred, and

imagined the fear of the Rohingya in a Buddhist society. They must live in more than two dozen camps around Sittwe. In Rakhine State the intense violence between the Buddhist and the Rohingya has increased between June and November 2012. At least 200,000 Rohingyas in the Rakhine State have fled their homes since June 2012 (Fortify Rights, 2014; Holmes, 2022). The UN Office for the Coordination of Humanitarian Affairs reports that more than 143,500 remain internally displaced in Rakhine as of August 2022 (United Nations Office for the Coordination of Humanitarian Affairs, UNOCHA, 2022). From 2012 to 2016 the violence in Rakhine State has taken at least 1,000 lives and has internally displaced over 140,000 (Arnold, 2016). In May 2022, about 139 graves suspected to be Rohingya from Myanmar were discovered on the Thai-Malaysian border (Pitman & Gecker, 2022). The Nay-Sat Kut-kwey ye (NaSaKa), a security force consisting of police, military, intelligence, customs officers, and riot police, operated in Rakhine State until 2013 under the control of the Ministry for Defense. The military left no stone unturned to cut corners with the Rohingya community

AN INTERNATIONAL BEST PRACTICE

This recent persecution against the Rohingya has attracted world media and increased the involvement of the international community who were already in the region for humanitarian and development programs since 1992. The UN High Commissioner for Human Rights noted that the persecution as 'the textbook example of ethnic cleansing' and called on the international community to refer Myanmar to UNSC for condemnation against this crime (UNHCHR 2017). UNSC responded merely by urging Myanmar to stop the violence against the Rohingya people while urging Bangladesh to show due regard to the principle of non-refoulement. Most of the international and regional organizations along with European Union, Organization of Islamic Cooperation, raised their voice against this 'clearing operations' though some organizations took 'quiet diplomacy'. Different reports and studies have interpreted the causes, consequences and the remedies of this problem in historical, ethnographic, structural, cultural, and political and security perspectives. International community has been engaging different strategies and instruments on multiple levels: humanitarian, development, diplomatic and social since 1978, but the Rohingya problem persists. Consequently, refugee scholars are critical of the present system and argue for different types of solutions and reformations of the State as well as international refugee

regime. The establishment should revise the 1982 Citizenship Law of Myanmar and ensure the citizenship for all citizens including the Rohingya. The government should issue one type of national identity cards for all citizens. For the establishment of citizenship for all, the country should benefit for various reasons: economically, politically and socially. Then all citizens should try to develop the country in all these areas. All the nations of the world should build cooperation with Myanmar. The country can enhance its relationship with the international community. As the country is rich in natural resources, it can enrich its economy very soon. The country has a probability to develop its economy like other countries of ASEAN. The country needs to develop its human resources to enhance its economy. As mentioned in the UNSC charter:

'Ethnic cleansing' is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. (UNSC: S/1994/674:33)

CONCLUSION

In the study we have observed that the Rohingya crisis is complex and controversial. This is due to the controversy about the origin of the Rohingya. The Rohingya themselves claim to be indigenous of Rakhine State. The historical evidence is that the Rohingya has lived in the Arakan for several generations since 8th century. So, they are the citizens of the Rakhine State. But the establishment calls them Bengalis, and claims that they are illegal immigrants from Bangladesh. The Rohingyas cannot take part in the formation of the nation and are deprived of their fundamental human rights. They cannot access education or medical treatment or exercise the right to vote. Aung San Suu Kyi, the hallmark of democracy, has not spoken up for the rights of the Rohingya. Albeit the establishment and Buddhist monks have stated that the Rohingya are growing faster, but the census shows that the Rohingya are only 4% of the Myanmar total population. The establishment must promote and protect human rights and fundamental freedoms for all citizens including the Rohingya without discrimination based on race, sex, language, and religion. Therefore, the establishment should amend its 1982 Citizenship Act through humanitarian diplomacy. Then the stateless Rohingya should contribute to build democracy in Myanmar. ASEAN, a regional group of ten countries

(Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei, Cambodia, Laos, Myanmar, and Vietnam) in Southeast Asia, has spoken out about the Rohingya circumstances, but it has done very little to create pressure on the establishment to change the attitudes about the Rohingya. All the countries in the UN and other organizations must create pressure on the establishment to return the right of citizenship and ancestral lands of the Rohingya. This all leaves the Rohingya in a miserable predicament. But there is some hope. Schissler's research suggests that what appear to be intractable hatreds are intensively contingent: informants report only recently becoming 'aware' of 'the Muslim threat'. This provides more support for the thesis that the conflagration against the Rohingya is as much due to the political factors adumbrated above than putatively primordial racism. One prospect is for Burmese leaders to focus on those political issues, especially on the crony capitalists and elites who are producing the precarious economy that is exploiting the masses and spurring much of the angst. Indeed, while many have recently spoken of a need for a broader cultural shift to take place in Myanmar vis-à-vis ethnicity and religion, such a politics provides an actual means for producing such a shift. It can begin to deconstruct the exclusionary meanings of tangential and imagine the Rohingya as part of Myanmar's future

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