

The Road to Genocide: Violence Against the Rohingya Muslims in Burma

Byrne Furlong

“We will take care of our own ethnic nationalities, but Rohingyas who came to Burma illegally are not of our ethnic nationalities and we cannot accept them here.” - President Thein Sein¹

Violence and discrimination against Burma’s Rohingya Muslim community has been long entrenched in the country’s history. While Burma recently transitioned from a fifty-year period of military rule to a nominally civilian-led government, ongoing atrocities against the Rohingya population continue to take place in the country’s Rakhine state.² Ethnic tensions between Rakhine Buddhists and the Rohingya Muslim minority have led to violent sectarian clashes throughout the state, leaving hundreds of people dead and thousands displaced (Global R2P 2015). While the Burmese government has maintained that it seeks reconciliation between its ethnic communities, attacks against the Rohingya persist with impunity, often with the support or involvement of state security forces and government officials (Wagley 2014, p.43). Moreover, the Rohingya are denied Burmese citizenship, rendering them stateless and subject to detainment in Internally Displaced Person (IDP) camps (Human Rights Watch 2013). With ongoing violence and a lack of accountability for perpetrators, the Rohingya remain at risk for even greater mass atrocity. While former UN Special Rapporteur Quitana (United Nations 2014, para.51) suggested that the widespread violations in Rakhine may constitute “crimes against

¹ This quote was translated into English and appears in Radio Free Asia’s article ‘*Call to Put Rohingya in Refugee Camps*’ (2012). <http://www.rfa.org/english/news/rohingya-07122012185242.html>

² For purposes of consistency, this essay uses the word ‘Burma,’ recognising that the country is also referred to as ‘Myanmar.’ Similarly, the essay uses ‘Rakhine state’ while acknowledging that this region is also known as ‘Arakan.’

humanity,”³ Andrews and Sullivan (2014, p.10) further contend there is nowhere in the world with “more known precursors to genocide than in Burma today.” This essay argues that the ongoing human rights violations endured by the Rohingya Muslim population puts them at risk for genocide. By examining the political, social and economic factors influencing the discriminatory conditions within Rakhine state, the essay contends that greater action on the part of the international community is urgently needed if genocide is to be prevented.

Section I of the essay provides a brief historical account of the persecution of the Rohingya population, highlighting the nature of the violations the community has endured, and the reasons for which they have not been accounted for. Section II examines the social, political and economic factors that have influenced the violence in Rakhine, and further considers how these factors can lead to genocide if the international community fails to respond. Finally, section III addresses the measures that the international community should take in order to hold the Burmese government to account for the ongoing violations experienced by the Rohingya. This section contends that the threat of renewed economic sanctions, combined with decisive action from the United Nations Security Council could provide an appropriate preliminary framework for addressing the looming genocide in Burma. Ultimately, the essay concludes that greater efforts by the international community are needed if this crisis is to be adequately addressed.

³ For a comprehensive definition of “crimes against humanity,” see article 7 of the Rome Statute (1998). Notably, subsection 7(h) states that the widespread or systemic “persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, [or] gender” constitutes a crime against humanity.

I. A Culture in Crisis

History of Persecution

Although the Burmese government maintains that Rohingyas are “illegal immigrants” who migrated from Bangladesh during colonial rule, the Rohingya have ancestral heritage in Rakhine that can be traced back to as early as 1799 (US State Department 2013; Zarni and Cowley 2014, p.689). In the early years of Burma’s independence, the Rohingya were recognised as an ethnic group by the state. However, after the military took control in 1962, it began a large-scale campaign aimed at separating “nationals from non-nationals” in an effort to divest the Rohingya of their right to citizenship (ibid, p.700). This operation marked the beginning of large-scale violence against the Rohingya, and saw hundreds of thousands flee to Bangladesh (ibid). The introduction of the *Citizenship Act* in 1982 entrenched a list of 135 officially recognised ethnic groups, excluding the Rohingya. The *Act* directly violated the Universal Declaration of Human Rights,⁴ as it rendered the Rohingya population stateless, further subjecting them to practices that violated their fundamental rights and freedoms (Zawacki 2013). Some of the abuses experienced by the Rohingya as a result of this legislation include restrictions on movement, forced labour, land eviction, as well as constraints on “marriage, employment, health care and education” (ibid, p.19). While the Burmese government introduced democratic reforms in 2010, this discriminatory legislation has yet to be repealed.

⁴ Article 15 (1) of the Universal Declaration of Human Rights (UDHR) states “everyone has the right to nationality.” Additionally, Article 2 holds that everyone is entitled to the rights of the UDHR “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” As a member of the UN since 1948, Burma is obligated to uphold these provisions.

2012 Riots and Escalating Violence

The rape and murder of a Buddhist woman by three Muslim men in May 2012 sparked a series of violent outbursts between the Rakhine Buddhists and the Rohingya Muslims.

Two of the most violent incidents involved the massacre of 28 Muslim children in Mrauk-U and the slaughter of 32 schoolchildren and four teachers in Meiktila where individuals were “forcibly marched to their deaths by soldiers as cheering crowds and officials looked on” (Wagner 2014, p.52). Despite these horrific attacks, NGO investigations have concluded that Burmese authorities made no effort to credibly investigate or take legal action against those who organised and participated in the violence (Human Rights Watch 2013). Rather, President Thein Sein told the United Nations that the solution to the violence was to place the Rohingya in UN-sponsored refugee camps or send them to “countries that would accept them” (Radio Free Asia 2012).

The situation worsened in 2014 when the Burmese government refused to acknowledge yet another massacre of the Rohingya in Du Chee Yar Tan. The Office of the President and the Myanmar Human Rights Commission both produced reports that claimed that no killings had taken place, despite reports from the local *Medecins Sans Frontieres (MSF)* contingent that killings had occurred (Andrews and Sullivan 2014, p.3). The government subsequently expelled *MSF*, the lone health care provider for the Rohingya, from operating in Rakhine State (Dallaire 2014).

In response to recent pressure from the international community to address the situation in Rakhine, the Burmese government confirmed the development of a 'Rakhine State Action Plan' in late 2014. However, instead of providing support to the Rohingya, the plan called for forced relocation of all displaced Rohingya (Global R2P 2015). The plan maintains that Muslims who register with the state as 'Bengali' will be assessed for citizenship eligibility, while those who fail to renounce their Rohingya ethnicity will be held indefinitely in detention or deported (ibid). This once again demonstrates the reluctance of the Burmese government to respect human rights, as forcing an individual to renounce his religion is a direct violation of the right to freedom of religion outlined in the UDHR (art.18). While it appears that the Burmese government has not made a serious effort to address the plight of its Rohingya population, the lack of significant consequences it has experienced for doing so is arguably the cause for these ongoing violations. As the subsequent sections will demonstrate, greater intervention by the international community is needed if genocide of the Rohingya is to be prevented.

II. Setting the Stage for Mass Atrocity

The 'Threshold' for Genocide

The UN *Convention on the Prevention and Punishment of Genocide* (1948, art.2) defines genocide as:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

In considering the nature of the violations experienced by the Rohingya in Rakhine, elements of genocide persist. Members of the Rohingya community have been killed or endured ‘serious bodily or mental harm.’ The state has ‘inflicted on the Rohingya conditions of life’ calculated to bring about the destruction of the group, including restricting access to health care services, failing to provide protection against violence and imposing limits on the number of Rohingya births (Zarni and Cowley 2014). While Anderson (2014) notes that there is no “specific numerical threshold in the legal definition of genocide,” he contends that in order to constitute genocide, “the killing must occur with the intention of destroying the group.” In the absence of direct statements from the perpetrator authorising violence, intent can be established by genocidal acts “taking place within a genocidal policy,” such as Burma’s *Citizenship Act* and other government policies aimed at eliminating the group through the denial of access to basic necessities (ibid). Thus, in considering the conditions that the Rohingya are subjected to in Rakhine, there is considerable evidence that the community is on a trajectory towards genocide.

Causes of Violations

One factor that predisposes a country to mass atrocity is “mixed regime” governments that “combine democratic and authoritarian characteristics” (Carey et al 2014, p.134). These regimes are likely to be particularly sensitive to any form of dissent, which suggests “they might violate life integrity rights as a reaction to a perceived threat” (ibid). Despite its transition to democracy, Burma’s parliament continues to be heavily influenced by members of the former junta. Current President Sein served as prime

minister under the junta, and the Tatmadaw⁵ are allocated 25 percent of the seats in the legislature, giving them the authority to block constitutional amendments⁶ (BBC 2015). President Sein's Union Solidarity and Development Party (USDP) and the Tatmadaw make up the majority of Burma's national assembly, a result of the highly contentious 2010 general election (ibid). While the junta relinquished some of its control through the transition to democracy, its former members continue to employ tactical measures to ensure they maintain a degree of power. As the Machiavellian approach to violence suggests, violations can be employed "a means of political control" to "achieve and maintain power" (Mitchell 2004 p.32-33). The reluctance of the Burmese government to prevent violations against the Rohingya can therefore be seen as a tactic for retaining control over the population.

Another risk of genocide identified by Harff (2003 p.63) is "elite ideologies" that involve "doctrines of ethnic and ethnonational superiority or exclusivity." The Burmese government's denial of the Rohingya as citizens is an example of an ideology aimed at eliminating the group from Burma, as are the numerous policies preventing access to basic necessities. As Harff's (2003, p.66) study concluded, countries where the "ruling elite" adheres to "exclusionary ideologies" are two and a half times as likely to have conditions leading to genocide, making the risk of genocide under Burma's current regime significant.

⁵ The Tatmadaw is the official name of the Burmese armed forces.

⁶ In order for a constitutional change to pass, it must receive more than 75 percent support from the legislature (Global R2P 2015)

Low economic development can also contribute to repression and mass atrocity. According to Carey et al (2014), in underdeveloped countries like Burma,⁷ the state is often unable to provide basic commodities. This makes governments “highly likely to perceive of potential threats” resulting in a greater likelihood they will resort to violence to “maintain or strengthen their own power” (ibid, p.140). While the Burmese government has not directly authorised violence against the Rohingya, the state deliberately does not control the perpetrators of the violence, many of whom are state officials. This strategy of “*won’t control*” is used by the state to promote repression within Rakhine (Mitchell 2012). By allowing the violence against the Rohingya to persist with impunity, the government fuels ethnic tensions in Rakhine that can be harnessed for political support. This was evidenced when the government proposed repressive legislation aimed at “protecting Buddhism” by “restricting interfaith marriages between Muslims and Buddhists” (Andrews and Sullivan 2014, p.5). This legislation was endorsed by nationalist Buddhists who rallied across the country to support the government’s policy, further perpetuating hate speech directed against the Rohingya. The government’s practice of introducing legislation aimed at intensifying ethnoreligious cleavages can therefore be seen as a tool for maintaining support, and ultimately control over the population. As the tensions between the Rakhine Buddhists and Rohingya Muslims increase, the likelihood of mass atrocity resulting in genocide becomes even greater.

⁷ For the fiscal year 2013/2014, the World Bank reported that Burma’s per capita GDP is “around \$1,105, one of the lowest in East Asia and the Pacific.” It also estimated the number of people living below the poverty line to be as high as 37.5 percent. For more on this, see <http://www.worldbank.org/en/country/myanmar/overview>

A final factor worth considering is Burma's upcoming general election, which is set to take place in late 2015. As Andrews and Sullivan (2014, p.5) contend, highly contested elections are "one of the most common triggers of violence related to genocide and mass atrocities." Rakhine state may be particularly vulnerable to violence during the election as the possibility of a "bipolar competition" between the National League for Democracy Party and the Rakhine Nationalities Development Party could lead to the exploitation of anti-Rohingya sentiments in order to win the vote of the Buddhist majority (Nilson and Tønnesson 2014). Moreover, the desire of the governing USDP party to retain power in the country is another significant factor that could also incite violence (ibid). Thus, the political tensions produced by the upcoming election pose a credible threat to the Rohingya population that could ultimately lead to genocide.

III. Towards Accountability

A 'Blameless' State

As NGOs and the United Nations condemn the ongoing violations experienced by the Rohingya in Rakhine, the international community continues to reward the Burmese government for its 'democratic reforms.' Since its transition to democracy, Burma has seen renewed diplomatic relationships with global powers⁸ and increased foreign investment. Despite the ongoing atrocities in Rakhine, Burma continues to profit from its improved relationship with the international community, reducing the incentive for the government to adequately address the situation.

⁸ In 2013, the European Union permanently ended sanctions against Burma. Similarly, the United States lifted the majority of its sanctions against Burma, while maintaining a list of "Specially Designated Nationals" with whom American companies are forbidden to engage with. For more on this, see '*Sanctions Lifted Against Myanmar*' in the Wall Street Journal (2013)

President Sein and the Burmese government continue to avoid responsibility for the conditions in Rakhine by employing a variety of evasive techniques. One such technique involves “manipulating the flow of information about action, events and policies” (Mitchell 2012, p.27). The Burmese government attempts to exert control over the flow of information by restricting the scope of its media. While the state no longer requires its media to submit their work to a censorship panel, it is illegal for citizens to pass information to international media (US State Department 2014). Internal media sources that report on sensitive issues are often subject to threats and intimidation, causing many to self-censor (ibid). The government further manipulates the flow of information by limiting access to international organisations and media.⁹

Another tactic for evading blame involves denial, where the state denies “the existence of the victims themselves” (Mitchell 2012, p.29). The Burmese government denies the existence of the Rohingya by contending that they are not an ethnic group of the country.¹⁰ It follows that the government is not responsible for their wellbeing, as the Rohingya do not constitute the Burmese population. Government reports have also denied that the slaughter of Rohingya Muslims occurred, and in instances where the international media has reported on the Rakhine atrocities, President Sein has either

⁹ Andrews and Sullivan (2014, p.4) note that President Sein continues to deny the UN Office of the High Commissioner for Human Rights to open a permanent office in Burma with access to Rakhine, despite promising US President Obama he would do so. Similarly, there are credible reports of the government delaying the visas of international journalists that have been critical of the government’s performance (Quiroz 2014).

¹⁰ In a 2013 interview with the Washington Post, President Sein stated: “There are no Rohingya among the races [in Burma]. We only have Bengalis who were brought for farming [during British rule].”

denied the violations entirely¹¹ or transferred the blame to a small number of Buddhist nationals.¹² The government's evasion of blame for the atrocities in Rakhine poses a challenge for accountability, as the refusal of the state to acknowledge its responsibility prevents it from adopting measures to improve the situation.

Economic Sanctions and the Responsibility to Protect

Since Burma continues to deny responsibility for the atrocities in Rakhine, it falls to the international community to hold the Burmese government to account and prevent the looming genocide of the Rohingya. As Power (2003, p.253) aptly contends, the most realistic hope for combating genocide “lies in the rest of us creating short-term political costs for doing nothing” to address atrocity. One strategy that could create such political costs is the threat of renewed economic sanctions against the Burmese government. As Dallaire (2014) asserts, political and economic sanctions should be “conditioned on the Rohingya being granted full citizenship rights” in addition to “the promise of accountability for those...that are responsible for rape, torture and murder” of the Rohingya population. Government, business and military leaders within Burma “value international legitimacy and the opportunities that opening to the international community has generated.” (Andrews and Sullivan 2014, p.1). The pressure of renewed economic sanctions could therefore act as a catalyst for accountability, as the threat to Burma's development could motivate the government to address the situation in Rakhine.

¹¹ For an example of this, see President Sein's comments in the AFP article *“Myanmar leader says cleansing claims are ‘smear campaign,’”* in which he states: “Outside elements are just exaggerating, fabricating news, there is no ethnic cleansing [of the Rohingya] whatsoever”

¹² On 2 July 2013, in his monthly radio address to the nation, President Sein reportedly stated: “The cover story of the magazine [TIME magazine] *depicting a few individuals who are acting contrary to most Myanmar*, is creating misconceptions of Buddhism” (emphasis added). (Alternative Asean Network on Burma 2014) <http://www.altsean.org/Research/Regime%20Watch/Executive/President.php>

The international community should not only condemn the ongoing atrocities in Rakhine, but also vocalise its intent to revisit economic sanctions if the state fails to officially recognise its Rohingya population and uphold their basic human rights.

The United Nations Security Council (UNSC) should also take action to address the threat of Rohingya genocide. Under the responsibility to protect (RtoP), the UNSC has an obligation to “take collective action” in cases where states are “manifestly failing to protect their populations” from mass atrocity (Carey et al 2012, p.186). Consistent with its obligations under RtoP, the UNSC should immediately authorise the deployment of international police units to Rakhine to “help maintain security, end the culture of impunity and provide training to police and security personnel” (Dallaire 2014). The presence of on-the-ground peacekeeping police officers would reduce the violence between the Rakhine Buddhists and the Rohingya Muslims, minimising the risk of genocide. The training of personnel could also ensure that state officials improve their current practice. The police force should be deployed as soon as possible to ensure that violence does not continue to escalate in the lead up to the general election. While it is likely that the Burmese government will be unwilling to grant access to an international police unit, if international pressure in the form of threatened sanctions is great enough, the government may concede. Finally, the UNSC should adopt a resolution referring the situation in Rakhine to the International Criminal Court (ICC). This would allow the ICC to investigate potential war crimes and hold perpetrators to account through prosecution. The knowledge that the ICC is investigating atrocities in Rakhine could serve to deter

future acts of violence, as a recent study by Jo and Simmons (2014, p.1) concluded that the ICC “can potentially deter through both prosecution and social deterrence.”

The warning signs of genocide in Rakhine state are clear. While the international community has condemned Burma’s treatment of the Royinga, these sentiments are overshadowed by renewed diplomatic relationships and praise for democratic reform. In the face of mass atrocity, the spirit of ‘never again’ is an ever-distant fantasy. As Power (2003, p.253) suggests, the “search for certainty” too often paralyses the international community from responding to impending genocide. In the case of Burma’s Rohingya, the slow destruction of a culture is occurring as the world stands by.

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