

ROHINGYA PROBLEM AND ITS SOLUTION

Who are Rohingya?

- A Muslim community living in Arakan, Burma /Myanmar with a long history.
- They trace their ancestry to native Chandras, Arab, Turks, Persians, Afghans, Bengalis and some Indo-Mongoloid peoples.
- Their Muslim settlements in Arakan date back to later part of 7th century A.D.
- The heyday of Arakan developed with the spread of Muslim civilization in Arakan.
- Today they are not tolerated for their religion and ethnicity and have become victims of genocide, stateless within in their own homeland, and refugees beyond Burma.

Arakan in historical perspective:

- Arakan was an independent kingdom until 1784. It found itself at the crossroad of two worlds: Southeast Asia and South Asia, between Muslim-Hindu Asia and Buddhist Asia, and amidst Indo-Aryan and Mongoloid races.
- “Arakan was virtually ruled by the Muslims from 1430 to 1531.¹ From about 1580 to 1666 A.D. nearly a century, Chittagong was under almost continuous Arakanese rule.
- “Because of the political, cultural and commercial links between those two territories, Arakan used to be called ‘extended Chittagong’”² and Chittagong greater Arakan.
- “Politically, Chittagong was subjugated by Arakan, but culturally it was Arakan which was greatly influenced by a stronger culture and a more powerful language.”³ All three languages (Bengali, Persian and Arakanese) were used in the coins of provincial Governors of Chittagong functioning under the administration of Arakanese Governors.⁴
- The Muslim population of Arakan consisted roughly of four categories, namely, the Bengalee, other Indian, Afro-Asian and native.

Rohingya Problem

- Rohingya are one of the worl’s most persecuted, voiceless and underrepresented peoples.
- Rohingya problem is an issue of ‘ethnic, religious and political persecution’ to rid Arakan of the Muslim population. It is a manmade tragedy deeply entrenched in ‘systematic racism and Islamophobia or preoccupation of Muslim phobia.
- The human rights violations against Rohingya are perpetrated by the government and non-state actors, particularly the Rakhine extremists, under the aegis of the government. Rohingyas are not tolerated in Burna for their religion and ethnicity or for their South Asian appearance as against the Southeast Asian.
- Since Burmese independence more than 1.6 million Rohingya have been expelled or have had to escape persecution. Most of them are found in Bangladesh, India, Pakistan, UAE, Saudi Arabia, Thailand, Malaysia, Indonesia, Japan, Australia, New Zealand, Europe, USA and Canada etc.

Grave human rights violations

- Particularly from 1962 military rule, the Rohingya have been subjected to institutionalized persecution, severe restrictions on their basic freedoms – freedom of worship, movement, marriage, education – **summary execution and mass murder, rape, razing houses and destruction of villages, forced eviction, torture, disappearance, arbitrary detention, looting, extortion, forced labour, forced relocation, and food insecurity.**

¹ Ba Shin, “Coming of Islam to Burma 1700 A.D.”, a research paper presented at Azad Bhavan, New Delhi in 1961, p.4.

² “Arakan in Historical Perspective”, an article in Monthly Bulletin of the Bangladesh Institute of Law and International Affairs, Vol.1, April 1978, Number 4.

³ Dr. Kanungo, “History of Chittagong”, Vol. , 1994, Chittagong, PP. 571-572

⁴ Dr. Swapna Bhattacharya, “Islam in Arakan: An interpretation from Indian perspective”, p.6.

- The Burma Citizenship Law of 1982, which violates several fundamental principles of customary international law, has deprived them of citizenship rendering them stateless in their own homeland.

Rohingya Diaspora

- Rohingya population is more than 3 million at home and abroad.
- Due to large-scale persecution, about 1.6 million are in Diaspora. Most of them are in Bangladesh, Pakistan, India, Saudi Arabia, UAE, Thailand, and Malaysia etc. Generally they are vulnerable in those countries without status.

Rohingya Boat People

- From 2008, under extreme conditions the Rohingya took dangerous voyages in rickety boats towards Malaysia and other destinations. Many of them had drowned and scores of others were detained or rescued in countries within the region.
- A large number of them were victimized at the hands of the greedy exploiters, human traffickers and smugglers.

Series of deadly violence and genocidal onslaughts

- From June 2012 series of state sponsored and condoned organized deadly violence, massacres and destructions were carried out against Rohingyas in Arakan by Buddhist Rakhines/Maghs. Soon the deadly violence against all Muslims spread other parts of the country.
- The government police, security forces, Nasaka, Lon Htin, army and members of “969” Buddhist extremist organization were directly involved in the killing, raping, torturing the Muslims and burning and plundering their villages.

Genocidal effects in Arakan

From June 2012,

- An estimated 3000 to 5000 Rohingya people were killed, drowned and missing.
- Many hundreds of Muslim women were raped.
- Large settlements with many thousands of homes, including mosques and madrassas, were devastated. Still all madrassas and many mosques are closed down.
- At least 1600 innocent people were arrested on false charges.
- About 150,000 Rohingya and Kaman Muslims were displaced forcing them to live in permanent segregation in apartheid style overcrowded IDP camps away from their towns, homes and villages where no education, adequate food, water, healthcare and sanitation available.
- Violence and silence extermination of Rohingya is still continuing.

Humanitarian disaster

- The displaced Rohingya, who have no access to government facilities, are totally dependent on the humanitarian aid groups; but State condoned Rakhine Buddhist extremists attacked everyone helping the Rohingyas.
- In February the government had expelled the Nobel Peace Prize winning aid group, Doctors without Borders (MSF) after two decades of works in the country.
- On 26-27 March the offices, homes and properties of the UN humanitarian agencies, INGOs and NGOs were attacked and ransacked by the Rakhine extremists in connivance with the authorities forcing all aid workers to evacuate Arakan.
- Without their help tens of thousands of lives now are at risk, and people are dying every day due to hunger and diseases.

Existence denied

- The word “Rohingya” is blacklisted and unmentionable in Burma.

- They are excluded from the recent UN sponsored nationwide census, the first in 31 years, conducted from 30 March to 10 April, for self-identifying their ethnic name “Rohingya”.
- The government is forcing them to register as “Bengali” with sinister motive to dub them illegal immigrants from Bangladesh.
- A discriminatory and outrageous two-child policy has been imposed only on the Rohingya.
- About 60,000 Rohingya children were blacklisted for their parents did not comply with two-child policy or they did not marry with official permission. This is a violation of Myanmar’s treaty obligation under UN Convention on the Rights of Child 1989.

Systematic racism and Islamophobia

- The racial hatred and Islamophobia is spreading like a cancer all across Burma.
- The popular slogan in the country is *“Arakan and Buddhist Rakhine are synonymous and the Muslims or Rohingya have nothing to do in Burma”*.
- Islam is insulted comparing it with animal doctrine. Rohingyas or Muslims are called influx viruses, ugly ogres and dogs by Rakhine academics, in diplomatic correspondence and by the Buddhist monks.
- President Thein Sein said they have no obligation to protect Rohingya people and proposed U.N. to remove them from Burma to third countries thus promoting his official Rohingya cleansing policy.
- The opposition leader Daw Aung San Suu Kyi has been uncharacteristically silent and reluctant to help the Rohingya and other Muslims in a situation of injustice to them.
- Groups of people were organized to take to the streets demanding Rohingyas’ expulsion.
- They are virtually friendless and defenceless in the country.
- The US ambassador to Burma Derek Mitchell said, “Rohingyas are oppressed by everyone in Burma.”

Crimes against humanity and ethnic cleansing

- The human rights violations and abuses committed against the Rohingyas for decades are not isolated incidents, but part of a broad pattern of the policies implemented by the ruling government.
- They are systematic, consistent and widespread. UN Special Rapporteur on the situation of human rights in Myanmar Tomas Ojea Quintana said they “could amount to crimes against humanity.”⁵
- Based on the definitions of Rome Statute of the International Criminal Court (ICC), it can be inferred that the crimes against humanity of murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, rape and sexual violence, forced pregnancy, persecution, enforced disappearance of persons and the crime against humanity of other inhumane acts have been committed against the Rohingya people.
- With a view to rendering North Arakan an ethnically homogeneous Rakhinized Buddhist region and so is an ‘ethnic cleansing’.

Slow-burning genocide

- The imposition of measures to prevent birth within ethnic Rohingyas, their expulsion from their homeland, and systematic deprivation of all their fundamental human rights and freedoms, including their Burmese citizenship, while subjecting them to institutionalized persecution and forcing them to live in sub-human condition, both inside and outside the country indicate the regime’s intention to wipe out this minority community from Arakan.
- Drawing on UN Genocide Convention of 1948, came into force in 1951, it is a case of genocide but carrying out slowly possibly to evade international condemnation and prosecution.
- Article II of the Convention clearly defines genocide as the act of destroying, in whole or in part, a national, ethnical, racial or religious group.

⁵ Press release issued on 7 April 2014 following the evacuation of UN agencies, INGOs, aid workers from Arakan after the Rakhines’ attacks on 26-27 March 2014 in Sittwe.

- According to Professor Gregory H. Stanton, President of Genocide Watch “the Rohingya people are victims of the eight stages of genocide – Classification, Symbolization, Dehumanization, Organization, Polarization, Preparation, Extermination and Denial.”⁶

International responses:

- UNO, OIC, EU, ASEAN, some governments, including U.K. and USA, and rights groups have had many a time expressed grave concerns over the serious situation of Rohingya...
- But these recommendations and condemnations have not been translated into effective action aimed at holding Burmese administration accountable for its atrocity crimes.
- Several countries have lifted or suspended sanctions and cancelled bilateral debt.
- In defiance of the international opinion, Thein Sein government remains stubbornly in its position to exterminate the Rohingya people to the last man.
- However, the recent Resolution No. of the US Congress adopted on May is encouraging. It calls on the Burmese/Myanmar government to grant full citizenship to Rohingya.

Rohingya’s Historical Rights:

1. Muslim community in Arakan existed before the Burmese invasion and occupation of it in 1784. They had lived peacefully with Rakhine community in share and share alike.
2. Their glorious past and active contribution to the independent kingdom of Arakan cannot be unobserved. Even the indigenous historians acknowledged that ‘the heyday of Arakan began with the spread of Muslim civilization in Arakan’. Similarly the Rohingyas have been living as a compact community in North Arakan before Burmese independence.
3. Rohingyas were not subjected to any laws related to Registration of Foreigners before or after Burma’s independence such as Foreigner Act (Indian Act, 1846), the Registration of Foreigners Act (Burma Act 1940) and the Registration of Foreigners Rules, 1948. They participated in all elections held in Burma from 1946 (British colonial period) to last November 2010 elections– including military SPDC’s 2008 referendum – and who, in exercise of their rights of franchise, voted their representatives to parliaments and different levels of Councils/administration in Burma.
4. “Rohingya” who were once recognized as one of the many ethnic groups of Burma by the former parliamentary government of Burma were now denied by the regime and the Rakhine community on grounds of ethnicity and religion, not on historicity.
5. If Buddhist Arakanese who were popularly known as Maghs can be Rakhine and again if the same Rakhine can be Mrama as an ethnic group in Chittagong Hill Tracts why the Rohingya who developed in Arakan from peoples of various ethnical backgrounds over the many centuries can be Rohingya.
6. The word “Rohingya” is a historical name for the Muslim Arakanese. In 1799 a Scottish doctor Francis Buchannan wrote, “...Mohammedans, who have long settled in Arakan, and who called themselves Rooinga, or native of Arakan.” Dr. Michael W. Charney states “it can be asserted, however, that one claim of the Buddhists school in Rakhaing historiography, that Rohingya was an invention of the colonial period, is contradicted by the evidence.”

Responsibility to protect

- Thein Sein government has full responsibility to ensure security and rule of law, but it is unwilling to protect Rohingya people and is practicing apartheid policy.
- There are several independent investigations that confirm that crimes against humanity and ethnic cleansing have been committed against the Rohingyas with full impunity and knowledge of the

⁶ The Declaration from the First Rohingya Conference in the USA on the Rohingyas of Burma (Myanmar) dated December 20, 2013.

government; and violations have not been fully and impartially investigated and none of the perpetrators have been brought to justice.

- All sorts of diplomatic avenues have been used but exhausted over the last two years and the defenceless Rohingya continue facing existential threats.
- Very soon the whole community will be exterminated without urgent international intervention and protection in the absence of national or domestic protection.

Short Term Solution:

- (1) The government must ensure the security of life, property and honour of the Rohingya and Kamans in Arakan and in the whole country;
- (2) The government must end killing, destruction, rape, all kinds of violence and intimidation, and propaganda against the Rohingyas and Kamans;
- (3) Unhindered humanitarian activities and aids should be allowed to reach the Rohingyas, Kamans and all victims of violence;
- (4) The Rohingyas and Kamans should be provided with full access to education and health care in their displacement camps and villages;
- (5) The basic freedoms of the Rohingya like freedom of movement, marriage, education etc. must be allowed;
- (6) All mosques that have been closed during violence should be allowed to open for regular prayers and all madrassas should be allowed to run classes;
- (7) The Muslim IDPs must be allowed to return to their properties or original places and rebuild their houses thereon without let or hindrance, and evict those Rakhine vigilantes who have intruded on their land, properties and houses;
- (8) The Rohingyas and Muslim IDPs should be allowed to carry on their agricultural and economic activities.
- (9) Almost all Nasaka/Hlon Tin border security forces, all police and armed militias in Arakan are manned with Rakhine Buddhists who are licensed to crimes against humanity against Rohingya population. They together with all other repressive functionaries must be replaced with forces that have respect for human rights and freedom. Their institutionalized persecution must be ended.
- (10) Many Rohingyas who have been arrested with false and imaginary charges should be immediately released;
- (11) A UN Commission of Inquiry should be sent to Arakan immediately in order to publicly announce the findings and to bring those responsible to justice;
- (12) It is vital that UN intervenes in the matter, on grounds of humanitarianism, for the specific purpose of providing international protection to the helpless Rohingya and Kaman people in the absence of domestic or national protection.

Permanent Solution:

- (1) The Burmese government must recognize the citizenship, human and ethnic rights of the Rohingyas, which are to be guaranteed by the constitution. Rohingyas should be able to peacefully co-exist in Arakan as equals with their 'collective rights' within Burmese federation;
- (2) The political and democratic process in Burma must be all-inclusive, and the Rohingya should be a part of it;

(3) Repatriation and rehabilitation of Rohingya refugees to their original places in Arakan;

There should be a dialogue between Rohingya, Rakhine and the Burmese government for promoting reconciliation and restoring genuine peace. The government should sincerely contribute towards implementing a genuine dialogue so as to allay the misconception between the two sister communities and for rapprochement.

Recommendations:

(A) The U.K. and the International community:

- To exert pressure on Burmese government to allow humanitarian aids to the Rohingyas and other needy people and to allow INGOs and NGOs to continue their humanitarian activities in Arakan without restraint and disturbance.
- To form a UN Commission of Inquiry to investigate into the atrocity crimes in Arakan and other parts of Burma and bring the perpetrators to the book.
- To support 'humanitarian intervention' in Arakan in order to save the lives of the vulnerable people and to bring about peace in The Arakan.
- To put effective pressure on Burma to stop all human rights violations against Rohingya and other Muslims and to guarantee the ethnic and citizenship rights of the Rohingya as an indigenous national group of the Union of Burma.
- To ensure 'right of return' of the Rohingya refugees from Bangladesh and other countries.

(B) People and Government of Bangladesh

- To play a 'key role' to find out a just and lasting solution to the long standing Rohingya problem in the interest of Bangladesh and persecuted Rohingya people.
- To continue sheltering Rohingya refugees on humanitarian grounds until a congenial atmosphere is created for their safe return to their homeland in Burma.