

## GV537-6-FY: Development, State Building and Conflict



### Summer Assignment

#### Statelessness and Rohingya Crisis

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#### Abstract

*Statelessness some could say is one of the worst Human Rights abuses of today. For this we will look at the Rohingya. Myanmar's Rohingya people represent a group that has been prosecuted in Burma for their ethnic, cultural and religious differences. Due to their prosecution, they had officially become stateless from 1982. We will investigate the true terminology of statelessness and look at the impact it has on two host countries. This paper will highlight the treatment the Rohingya face in Bangladesh and Burma. Overall, this review will highlight a cross-evaluation of the Human Rights abuses faced today.*

**Keywords: ROHINGYA, PROSECUTION, STATELESS, BANGLADESH, BURMA**

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## 1. Introduction

It has been claimed that the Rohingya people are the ‘most persecuted in the world’<sup>1</sup> by the UN and yet it can also be said there has been little efforts in the international community to reduce this persecution and ethnic tensions in Burma (Myanmar). For more than 17 years, there has been a plight for the Rohingya people to regain its citizenship it once had in Burma. This paper will investigate the impact of statelessness in the 21<sup>st</sup> Century and the Human Rights abuses that coincide hand-in-hand with this concept of being ‘invisible’ and loss of nationality. With the case study of Rohingya in Burma, we will examine the treatment from host nations. In this case, there will be an in-depth analysis of the treatment and legislation from the Burmese government under General Ne Win to current president Thein Sein. There will also a focus on president Sheik Hasina in Bangladesh and the actions taken by the Bangladeshi government towards the influx of Rohingya people.

The Rohingya have a different ethnicity to those in the majority population, practice Islam and originate in Rakhine, which once used to be known as Arakan. It is claimed they have a different language, culture and historical background, thus, not claimed to be Burmese. This group represents the first Muslim community in now Myanmar and can be dated back to the 15<sup>th</sup> Century.<sup>2</sup> Even with many generations living in Rakhine, ‘they are defined by the Burmese state as Bangladeshi nationals with no right to the privileges of Burmese citizenship,’<sup>3</sup> which led to a mass exodus of more than 250,000 Rohingya refugees<sup>4</sup> that fled persecution in the Union of Myanmar and arrived in Bangladesh, living in temporary camps and completely dependent on outside support from the United Nations (UN), the Government of Bangladesh (GOB) and numerous non-governmental organizations (NGOs).

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<sup>1</sup> UNHCR, <http://www.unhcr.org/pages/49e4877d6.html>, (22/01/2014)

<sup>2</sup> Leider, Jacques. "These Buddhist Kings with Muslim Names." *Etudes birmanes en homage a Denise Berno.*, edited by Pierre Pichard and Francois Robinne. Paris: Ecole Francaise d 'Extreme Orient (Etudes thematiques No. 9)(1998).

<sup>3</sup> Green, Penny. "Islamophobia: Burma's racist fault-line." *Race & Class* 55.2 (2013): 94

<sup>4</sup> Grundy-Warr, Carl, and Elaine Wong. "Sanctuary Under a Plastic Sheet–The Unresolved Problem of Rohingya Refugees." *IBRU Boundary and Security Bulletin* 5.3 (1997): 79-91.

The theoretical framework for this paper is that the Rohingya case study highlights the highest level of human rights abuses in this current era. There is strong evidence of ethnic cleansing in Burma and the consequence of that being mass exodus to neighbouring country, Bangladesh. Within this paper, the analysis is that by looking at legislation against stateless people in Burma, we will compare and contrast the human rights of the Rohingya in Burma and Bangladesh. It is undeniable that within Burma, the treatment of Rohingya is far worse than that in Bangladesh. Nevertheless, there are inexcusable actions taken by the Bangladeshi government in their treatment to the Rohingya. Therefore, although the Burmese government treat these stateless people far worse with brutality, the Bangladesh government backhandedly treat them just as bad, however with a difference of political motive. It is also important to note the extreme poverty of the general population of Bangladesh and the impact that could have towards this treatment. The hypothesis for this paper is that Burma treats and had treated the Rohingya population much worse than Bangladesh. Therefore, the state with the legislation to eradicate a section of the population will treat this group much more badly than the state the stateless individuals will enter via human rights abuses.

In this paper, we will investigate legislation passed against the stateless group of Rohingya and the treatment by the political leaders. There will also be analysis of discourse by current leaders and the motives of human rights abuses. This review will focus on the Declaration of Human Rights as a basis of analysis to see if the state in question adheres to the rights of the Rohingya. Finally, there will be an evaluation of which nation alleviates the plight of the Rohingya and the nation that hinders development for social justice for the Rohingya.



Figure 1.1: <http://springtimeofnations.blogspot.co.uk/2012/11/rohingyas-sidelined-cyrenaicans-are.html>

Figure 1.2 : <http://news.bbc.co.uk/1/hi/world/asia-pacific/1609050.stm>



## **2. Burma's Rohingya: From Citizens of Burma to Statelessness in the World**

It is understood internationally that the treatment towards Rohingya people in Burma is far from ideal. In this section of the essay, we will focus on the Rohingyas treatment in Burma. To empirically test the thesis of statelessness, we will focus on the legislation enforced in Burma and understand the impact it has on the Rohingyas human rights. This section should highlight a clear thesis of one stateless group in one host nation. To further this section, this paper will compare and contrast to another nation.

### **I. Impact of 1982 Citizenship Law**

Firstly, it is important to note the reasoning as to why the Rohingyas are stateless in the first place. To understand this further, the majority of human rights abuses of the Rohingya happen in Rakhine in Burma. There are approximately 2 million are enduring continued persecution and the ethnic cleansing policy of military regime in Burma. Also about 1.5 million Rohingyas have been living in exile in many countries all over the world. It is perceived that the Burmese government and military junta act in acts of violence in fear of terrorist attacks from Muslim extremists.<sup>5</sup> Another theory behind this statelessness stems from the argument of 'ethnic cleansing' by the Burmese government.

One vital point to keep in mind in this review is the fact that the Rohingya race is not considered an ethnicity in Myanmar and that is entrenched in the newly updated constitution with the 1982 Citizenship law<sup>6</sup>: 'First, there were members of Burmese indigenous ethnic groups, and second, there were "associate" or "naturalised" citizens.'<sup>7</sup> This violates the Article 15 of the Declaration of Human Rights states that Article 15 that 'Everyone has the right to a nationality (and) no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.'<sup>8</sup> A further fourth criteria was also added to this law where Lambrecht (1995) highlights that you have to be of good character, of sound mind and had to be fluent in a national language. This worked against the Rohingyas as many had been taught the Chittagong language and had no teaching in the national language. Another point to add is that in

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<sup>5</sup> There has been a report that in a secret camp deep in the jungle, run by the RSO, young Muslims are training to make war on the Buddhist military government of Burma. The goal of the rebels, calling themselves Mujahideen, is to restore the once independent Muslim homeland of Arakan on Burma's west coast. It was an independent Muslim kingdom from 1430 to 1784 and now is the only Muslim majority province in Burma (The Associated Press, 07/01/91) This report has been claimed from July 1991.

<sup>6</sup> This was passed on 15 October 1982

<sup>7</sup> Grundy-Warr, Carl, and Elaine Wong. "Sanctuary Under a Plastic Sheet--The Unresolved Problem of Rohingya Refugees." *IBRU Boundary and Security Bulletin* 5.3 (1997): 84

<sup>8</sup> UN, <http://www.un.org/en/documents/udhr/>, (03/02/2014)

the law itself it claims that the 'The Council of State may decide whether any ethnic group is national or not.'<sup>9</sup> The state of Burma had rejected Rohingya as an ethnic group thus meaning they are not classed as citizens if they fail the criteria classed. Thus meaning, there was a clear distinction of the favouritism for the majority of Burmese people. By the constitution rejecting the Rohingya race with barriers to entry heightens the discrimination of a particular race. With analyzing this with the UN Declaration of Human Rights, there is a clear abuse within this group as the Rohingyas were denied the right to nationality in Burma.

Being denied citizenship within your country has many repercussions for individuals. In the state of Burma, if denied citizenship, Elahi (1987) highlights that because of the lack of citizenship, the Rohingya are forbidden from participating in elective government or from joining the Army and restricted from certain economic activities. This further abuses their human rights with the UN Declaration claiming that in Article 21 'Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.'<sup>10</sup> Therefore, indicating that the Rohingya are truly prosecuted for their ethnicity. There is also an obligation to obtain permits to travel around the country and work in different areas, all of which is very expensive. With the lack of citizenship, there is a restriction of movement, which could greatly hinder economic development.

## **ii. Reasons for Mass Exodus**

The Rohingyas have had three period of mass exodus in Burma. The Human Right abuses that has occurred in Burma to the Rohingya people is the sporadic deportation of children, men and women with tragic claims of human rights abuses (Cheung 2012; Coutts 2005) which is in violation of the UN Declaration of Human Rights, Articles 5, 13-15 and 22-25<sup>11</sup> In this section of the paper, we will highlight the reasoning behind these mass exoduses and the impact of lack of citizenship. This will fully disclose the treatment of a stateless group in its hosting nation. The time frame for this exodus is the 1975 exodus, early 1990s and the more recent fleeing of the nation due to rioting.

In Burma, it is claimed that the Rohingya population are subject to not have the rights to not be tortured, mobility, right to consciousness and social security. To understand

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<sup>9</sup> REFWORLD, <http://www.refworld.org/docid/3ae6b4f71b.html> [accessed 17 February 2014]

<sup>10</sup> Glendon, Mary Ann. *A world made new: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House LLC, 2001.

<sup>11</sup> Article 12. : No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. (<http://www.un.org/en/documents/udhr/> accessed 05/02/2014)

this level of discrimination fully, it is important to highlight the incidents that have taken place in the years under the Burmese government. From June 1990-June 1991, Bangladeshi Intelligence have claimed that 200,000 people had fled their homes in fear of persecution.<sup>12</sup> This was to escape from the threat of the stories of those ‘who survived and stayed in Burma are subjected routinely to extortion and arbitrary taxation, land confiscation, eviction and destruction of their homes,’<sup>13</sup> which correlates with Zafar Alam, the leader of the Rohingya Solidarity Organisation, claiming to the media sources that the ‘youths were moved to concentration camps, crops seized, movements of Muslims restricted and Mosques were destroyed and made into military barracks.’<sup>14</sup> To assess this further, dating back to 5<sup>th</sup> April 1992, 200 people were killed by the SLORC<sup>15</sup> troops that ‘had opened fire inside a mosque’<sup>16</sup> during prayers to increase the level of discrimination the military had against Burma’s Muslims.

To understand the mass exodus that had taken place in 1990s where ‘mass outflow from Arakan to Bangladesh took place in 1991 and 1992, when more than 250,000 Rohingya refugees fled ‘forced labor, rape and religious persecution at the hands of the Burmese army,’<sup>17</sup> it is essential to identify clear attacks of terror the Rohingyas to persuade this stateless group to leave. On June 19<sup>th</sup> 1992, democratically elected MP Mohammad Ilyas, was beaten to death by the Burmese soldiers for failing to persuade Muslims to flee their homes and enter Bangladesh (Smith 1994) This clear attack on a democratically elected MP highlights the intensity of ethnic tension from a top-down approach, where the hatred starts from the highest positions and trickles down to the citizen.

Another clear indication of statelessness and the disapproval of that group to be in the state is the disregard of religious rites of passage within that given nation. (Liebman, Don-Yihya 1983) This violates Article 18 with the inability ‘to manifest his (or her) religion or belief in teaching, practice, worship and observance,’<sup>18</sup> thus worsening the human rights of this group. By denying religious rites of passage, there is a simmering tension growing for ethnic division, which could influence an exodus (Brass 1991) To highlight this argument in May 1995, the SLORC decided to tax Muslims for the

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<sup>12</sup> UNHCR, REFWORLD, <http://www.refworld.org/docid/469f3872c.html> (accessed: 02/02/2014)

<sup>13</sup> Alam, Mohammed Ashraf. "Marginalization of the Rohingya in Arakan State of Western Burma." (2011).

<sup>14</sup> UNHCR, REFWORLD, <http://www.refworld.org/docid/469f3872c.html> (accessed: 02/02/2014)

<sup>15</sup> The State Peace and Development Council which represents the military regime of Burma

<sup>16</sup> Clements, Alan. *Burma: The Next Killing Fields?*. Odonian Press, 1992.

<sup>17</sup> Donnelly, Jack. *International human rights*. ReadHowYouWant. com, 2010.

<sup>18</sup> UN, <http://www.un.org/en/documents/udhr/>, (accessed 03/02/2014)



animals slaughtered on the Holy feast day of Eid al- Adha.<sup>19</sup> This was enforced as new legislation as years before this would not have occurred. On the religious day of Eid, animals sacrificed by Muslim families would have been exempt from paying the tax, however, in this year 25000 cows, 200,000 goats and sheep were taxed.<sup>20</sup> To build on this point further, it is also important to note that the last Mosque that had been given permission to be built was in fact in 1975 and all attempts to build new ones have been seized. This clearly highlights the sense that the Burmese government, especially under General Ne Win had a clear sense of disapproval for the Rohingya inhabitants, culture and religion.

To understand the real effects of statelessness in today's world and its impact on human rights, it is important to look at current events that are taking place. In Burma, from 1997, there has been a huge persecution by the general population. The thesis that this is a top-down system of systematically rejecting an ethnicity has occurred as now events that occur include the everyday Buddhist Burmese. From 1997, violent mass exodus had occurred, where more than 30,000 Rohingyas had fled to Bangladesh. This was following the infamous rape claim that five Muslim men had raped one Buddhist girl<sup>21</sup>. This led to systematically destroying 18 Mosques in Mandalay, the openness of burning the Quran and destroying Muslim homes and businesses around all major cities in the North, thus heightening sectarian violence and a sectarian state. By the lack of state control of these violent riots against the Muslim population, highlights the recurring human rights abuses that occur in Burma.

Another grave impact of the SLOC Chairman, Than Shwe, is the population control legislation passed only for the Rohingya people in 2003. This legislation was a mandatory regime for the Rohingya people to ask for permission to marry, which includes expensive permits: '50,000 to 300,000 Kyats,'<sup>22</sup> thus emphasising the restriction for the poor to marry. Alam (2011) heightens the argument of population restriction and human rights abuses by claiming women must be the age of 18 and the

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<sup>19</sup> Animal slaughter in Islam is ritualistic. Meats that are sanctioned must be killed according to religious rites and referred to as Halal. This is especially in relation to Eid ul-Fitr and Eid al-Adha which necessitates mass slaughter of animals as a 'sacrifice to Allah.'

(<http://www.nation.lk/edition/fine/item/21788-hajj-%E2%80%93-grand-rite-of-passage.html>, accessed 04/02/2014)

<sup>20</sup>Rowley, Burma's Authoritarian Rule and Depopulation of Rohingya, 2013, [http://www.genocidewatch.org/images/Burma\\_2013\\_07\\_29\\_Authoritarian\\_Rule\\_and\\_Depopulation\\_of\\_Rohingya.pdf](http://www.genocidewatch.org/images/Burma_2013_07_29_Authoritarian_Rule_and_Depopulation_of_Rohingya.pdf) (accessed 04/02/2014)

<sup>21</sup> Buddhist-Muslim rioting broke out in Mandalay on March 17, 1997 over an alleged rape of a Buddhist girl by a Muslim man. (<http://world-news-research.com/10dec2003.html>, accessed 10/02/2014)

<sup>22</sup> Alam, Mohammed Ashraf. "Marginalization of the Rohingya in Arakan State of Western Burma." (2011).

men to be of age of 24 to marry their partner. He also argues that after paying these heavy fines to the Na Sa Ka border security forces,<sup>23</sup> there is still a huge possibility to not be allowed to marry at all. If marriage occurs without the permission from this agency, the Na Sa Ka will impose very heavy fines, expulsion or even forced public bride nudity. This legislation had also included the contract to have no more than three children, however that soon decreased to no more than two in 2006. With this legislation full in place, this is grave human right abuse-taking place in Burma: 'Sanctions imposed by the US government against Burma in July 2003<sup>24</sup>.' This was in retaliation and outcry for human rights abuses to stop taking place to the Rohingya population and the international viewpoint of the laws passed. By not allowing marriages to take place, it directly violates Article 16 of the Declaration of Human Rights<sup>25</sup> and makes the future for Rohingyas look very bleak indeed in Burma. This is a complete disregard to the equal rights for the Rohingyas as this population control had only taken place for the Arakan region and is not required for the Buddhist Burmese population

### **iii. Changes under Thein Sein**

While there have been undeniable cases of human rights abuses to the Rohingya, there have been some improvement in Burma today regarding the Human rights of the Rohingya people under the current president. By removing the control of the military SLOC, there has been a glimmer of hope that Burma will accept Rohingyas. In this section of the paper, we will examine changes being made by Thein Sein to alleviate the human rights abuses that occur on a daily basis to the stateless Rohingya.

A major change that has taken place has been the disbandment of the Na Sa Ka on 12<sup>th</sup> July 2013. The Na Sa Ka was founded in 1992 under the military junta and had the sole purpose to control Rohingya population in the north region in Maungdaw and Buthidaung, where 'the Rohingya population remained high.'<sup>26</sup> The Na Sa Ka had the discourse that Rohingya were illegal immigrants and they were subject to extortion,

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<sup>23</sup> The NaSaKa was especially formed to control the Rohingya people in Maungdaw and Buthidaung in Arakan to secure the borders between Bangladesh and Burma.

<sup>24</sup> Seekins, Donald M. "Burma and US sanctions: punishing an authoritarian regime." *Asian Survey* 45.3 (2005): 437-452.

<sup>25</sup> Article 16: <http://www.un.org/en/documents/udhr/> (accessed 04/02/2014)

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

<sup>26</sup> Alam, Mohammed Ashraf. "Marginalization of the Rohingya in Arakan State of Western Burma." (2011)

cases of rapes and torture (Mathieson 2009) It had also been in control of the travel permits for the Rohingya to travel from one destination to another. (Ullah 2011) This disbandment highlights an era of change for the Rohingya and could impact greater changes for the future. This change has in fact alleviated the human rights abuses executed by the Na Sa Ka.

Nevertheless, it would be naïve to believe that Thein Sein will alleviate all human rights abuses to the Rohingya. The discourse of the president is greatly important to understand and assess future policies. In July 2012, the president had met with the UN High Commissioner of Refugees and had claimed that Burma will not recognise the Rohingya as an ethnicity in Burma and the ‘government is prepared to hand over the Rohingyas to the UNHCR and would set up refugee camps for the group before they were eventually settled in any third country “that are willing to take them.”’<sup>27</sup> This undeniably emphasises the president’s stance on the Rohingya population and that to believe Burmese government will protect the Rohingyas would imply that international efforts are much needed.

### **3.Unwanted in Burma, Mistreated in Bangladesh**

To effectively assess the situation of statelessness and its impact, it is important to compare and contrast the stateless group to two hosting nations. For the purpose of this paper, this section of the paper will assess the Rohingyas’ situation in Bangladesh, which neighbours Burma’s borders. We will look at the legislation that has been passed in dealing with Rohingyas, the treatment they receive once they arrive in Bangladesh and the discourse used around the topic. We will also use the same analysis of the UN Declaration of Human Rights to fully understand if human rights abuses have occurred and if so to what extent. This will be the empirical study to understand which hosting nation helps alleviate human rights and which state worsens the prospect of human rights for the Rohingya.

Firstly, it is important to define refugees, as it will explain the treatment a citizen will receive if classed as a refugee. The generally accepted term for ‘refugee’ is as a person who, "owing to a well- founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such a fear, is unwilling to avail himself of the protection of that country.”<sup>28</sup> This directly links to the

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<sup>27</sup>RFA, <http://www.rfa.org/english/news/rohingya-07122012185242.html> (accessed 04/02/2013)

<sup>28</sup> For further analysis, see United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, 1979), p. 14, which states: "From Article 33 of the 1951 [Refugee] Convention, it may be inferred that a threat to life or freedom on account of race, religion, nationality, political opinion, or membership of a particular social group is always persecution. Other serious violations of human rights -for the same reasons -would also constitute persecution."

Rohingya who were and still are in fear of persecution.

Nevertheless, although the evidence highlights there is a fear of persecution leading to mass exodus, the Bangladeshi government accept Rohingya as they ‘become invisible refugees, being labeled as “economic migrants” by the Bangladesh authorities.’<sup>29</sup> By this discourse, there is a clear indication that if labeled a refugee, there is an acceptance of persecution and sense of fear of returning to the home country. However, if labeled an economic migrant, there is a constant fear of being forced to go back and face leaving security (Ullah 2011, Patrased 2000, Rogge 1987) Sajjad (2003) went one step further to claim the Bangladeshi government had labeled Rohingyas as ‘illegal immigrants’ in certain time frames. Therefore, this discourse certainly worsens the chances of human rights abuses as the Rohingya are labeled negatively in media and in policies as it restricts them from acquiring civil rights and liberties. This has resulted in ‘denied entry to the camps and (they) are not recognized as refugees by the government. These Rohingya refugees have settled in various villages on encroached forestry,’<sup>30</sup> and completely dependent on the forest for food, thus highlighting the denial of basic human rights for food, shelter and clean water.<sup>31</sup>

## **I. Life in and out of the Refugee Camps**

Due to the level of mass persecution in Burma under military rule, Bangladesh has been subject to a huge influx of Rohingya refugee from 1970s right to 2014 (Razzaq 1995, Linter 2002, Lewa 2009) There are currently 29,000 Rohingya living in UN-run refugee camps in Nayapara and Kutupalong. Bangladesh also homes 200,000 Rohingyas that are unregistered and remain in makeshift camps around the refuge region.

Article 26 of the Declaration of HR states that everyone has the right to education in any given state. This has not been the case in Bangladesh for the Rohingya population. For the ‘first five years of the influx of Rohingya refugees,’<sup>32</sup> the

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<sup>29</sup> Ullah, Akm Ahsan. "Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization." *Journal of Immigrant & Refugee Studies* 9.2 (2011): 151

<sup>30</sup> Uddin, Mohammed Salim, and Mohammed Abu Sayed Arfin Khan. "Comparing the impacts of local people and Rohingya refugees on Teknaf Game Reserve." *Making conservation work: Linking rural livelihoods and protected area management in Bangladesh* (2007): 149.

<sup>31</sup> Article 25 of UN Declaration HR: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (<http://www.un.org/en/documents/udhr/> accessed 4/02/2014)

<sup>32</sup> Frontières-Holland, Médecins Sans. "10 years for the Rohingya refugees in Bangladesh: Past, present and future." *MSF-Holland, March 5* (2002).

Bangladeshi government had not allowed any refugees to be educated in the UN refugee camps. The reason for this being that free education could encourage more refugees to enter Bangladesh and it would hinder the progress of repatriation. Even today, the highest level of education in the camps is at primary school level and all those that are teaching are not paid and is completely voluntary. By not allowing education to take place within these camps, there is an economic obstacle to everyone that enters the camps. The lack of education would hinder every child, man and woman and would reduce the chance of employment. (Zhou, Min, and Carl L. Bankston III 2001) and by systematically hindering every Rohingya in these camps, there is a sense of lack of respect for human rights and builds on the sense of inequality.

Another major human rights abuse that takes place in Bangladesh against the Rohingya is the inability to leave refugee camps and if they do leave the refugee camps, they face instant prosecution to terminate their stay in Bangladesh. In 2011, Bangladesh forces had decided to remove any makeshift camps and send back all refugees that were living in squalor conditions; Known as 'Operation Clean Heart.'<sup>33</sup> This had resulted in 6000 people made homeless and the refusal to allow any agencies to help these Rohingyas. They were not allowed education, health care or even food rations. By restricting movement completely and inability to allow the basic standards of living, it has been evident that the Bangladeshi government refuse to help the Rohingya. The difference in this situation is that the Rohingyas are very similar to the Bengali culture as they speak very similar languages, practice the same religion and even appear to have similar heritage. Yet, there is a lack of acceptance for any Rohingyas to take refuge in Bangladesh. To add to this, non-governmental organisations are forbidden to enter the refuge camps and there are armed guards to control the camp (Uddin 2007) Therefore, this adds a sense of secrecy of the treatment to Rohingyas by Bangladeshi forces and restricts data analysis.

To heighten this argument further, the Bangladeshi government had 'rejected a proposed \$US33 million UN project to alleviate poverty'<sup>34</sup> in Bangladesh's Cox's Bazaar, where the Rohingyas have sought asylum. This does in fact hinder the human rights of the Rohingya as that funding could help aid 'the bad condition of the newly arrived refugees, the poor health and nutritional status of the refugees, the inadequate living and sanitary conditions in the camps and the imminent monsoon, all contributed to the high risk of an outbreak of disease'<sup>35</sup> Thus highlighting the Bangladeshi government's stance on the Rohingyas' basic human rights. The

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<sup>33</sup> Datta, Sreeradha. "Political violence in Bangladesh: trends and causes." *Strategic Analysis* 29.3 (2005): 430

<sup>34</sup> Coutts, E. "The Rohingya refugee situation in Bangladesh." (2005).

<sup>35</sup> Wijnroks, Marijke, et al. "Surveillance of the health and nutritional status of Rohingya refugees in Bangladesh." *Disasters* 17.4 (1993): 350

reasoning for this is that Sheikh Hasina considers the Rohingyas ‘not citizens of Bangladesh’<sup>36</sup> and with a population of 154.7 million people and 31.5 percent of the population living under the poverty line,<sup>37</sup> there is an argument that 250,000 refugees is an extensive amount for a very poor, underdeveloped country.

In a realist perspective, the government believes firmly in ‘self-interest’<sup>38</sup> and would face grave scrutiny for improving the lives of the Rohingya when the national citizens are so gravely poor (Grieco 1998; Wendt 1992; Wheeler 1992) It could also be argued that by the Bangladeshi government taking this tough stance on the situation, it could increase the pressure on Thein Sein to make changes to the treatment of Rohingyas. This international pressure and the need for economic trade in countries could in fact alleviate the human rights for the Rohingya and if Sheikh Hasina remained too welcoming, there is a chance that the ethnic cleansing could take full swing in Burma if there was no international pressure.

Although there have been human rights abuses taking place in Bangladesh, there is a greater sense of security for the Rohingyas and the freedom of ethnic and religious tension. As Bangladesh is a secular state with a high Muslim population,<sup>39</sup> there is an acceptance of the Islam faith. With the majority belonging to the Sunni religion, Mosques, Friday prayers and Halal meat is permissible. This allows the Rohingya to not be in fear of the government to clamp down on cultural differences. Bangladesh also homes a similar language, which is easier for the refugee to seek work and to learn the Bengali language.

From the removal of threat to social security, Bangladesh has allowed hundreds of thousands of Rohingyas to enter the country and allow some assistance. On a May 4, 2009, the letter to the President of the UN General Assembly on the occasion of its candidacy to the Human Rights Council, the Permanent Mission of Bangladesh pledged that Bangladesh would “intensify its efforts, while framing its national policies and strategies, to uphold the fundamental principles enshrined in the Constitution of Bangladesh as well as those of the Universal Declaration of Human Rights and other international and regional human rights instruments to which it is a party,”<sup>40</sup> which is a positive initiative.

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<sup>36</sup> <http://www.state.gov/documents/organization/186671.pdf> (accessed 05/02/2014)

<sup>37</sup> World Bank Data, <http://data.worldbank.org/country/bangladesh> (accessed 05/02/2014)

<sup>38</sup> Wheeler, Nicholas J. "Pluralist or solidarist conceptions of international society: Bull and Vincent on humanitarian intervention." *Millennium-Journal of International Studies* 21.3 (1992): 467

<sup>39</sup> 89.5 percent of the entire country belongs to the Islam faith.  
([http://www.indexmundi.com/bangladesh/demographics\\_profile.html](http://www.indexmundi.com/bangladesh/demographics_profile.html)) accessed 06/02/2014)

<sup>40</sup> Commonwealth Human Rights Initiative, ‘Easier Said Than Done Report,’  
[http://www.humanrightsinitiative.org/publications/hradvocacy/ESTD\\_2010/Full\\_report\\_with\\_Annexure\\_III.pdf](http://www.humanrightsinitiative.org/publications/hradvocacy/ESTD_2010/Full_report_with_Annexure_III.pdf) (accessed 05/02/2014)

An example of some assistance is that Bangladesh allows the Rohingyas to earn money at fisheries and 'they train women in the refugee camps to textiles.'<sup>41</sup> This allows the Rohingyas to earn money without taxation and to develop future job prospects. There is a sense that the Bangladeshi government does not want to watch over the Rohingyas all the time and they do allow some movement to manoeuvre. Although this is not just enough, there is a greater sense that they are treated more like citizens with the ability to work and train.

Nevertheless, to conclude this section, this assessment of Bangladesh clearly highlights that there are grave human rights abuses taking place against the Rohingyas. However, that is not to say they are systematically trying to erode the Rohingyas completely. Bangladesh remains a state to question the motives of the Burmese government and they question it on an international world stage. There is clear evidence to suggest the Rohingyas have much greater rights in Bangladesh than in Burma and that could be down to the joint heritage and cultural similarities.

#### **4. Evaluation**

The empirics of this paper clearly highlights that the Burmese government have worsened the rights to Rohingya population. There is a clear populous movement against this stateless group and attacks have been made to the Muslim population for its different ethnicity and customs. From the marriage restrictions, to restriction of movement and the lack of citizenship, the Rohingyas are in fear of persecution, extortion and political violence from the military. The evidence indicates that the Burmese government restrict all rights to the Rohingya population and that stems from the Citizenship Law in 1982. Therefore, it is undeniable that the Burmese government worsen the rights of their stateless people.

It is also important to note in this evaluation that the Rohingyas are also disregarded in Bangladesh. There are symptoms of human rights abuses from the restrictive movements and lack of education in Bangladesh. The evidence also highlights the discourse of the political leader in Bangladesh to remain indifferent to the suffering and further deny future refugees. The main concern for Rohingyas in Bangladesh is the restriction of aid and funding from NGOs, as they are not classed as asylum seekers but in fact illegal economic migrants. Nevertheless, Bangladesh has opened its borders to 250,000 Rohingyas and offers some services. There is a sense of security from persecution due to ethnicity and there are close cultural ties. There is also a right to religion in this Muslim state, which some find very comforting.

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<sup>41</sup> Wahra, Gawher Nayeem. "Women refugees in Bangladesh." *Gender & Development* 2.1 (1994): 45-49.

Although there are limited job prospects in Bangladesh, there is a sense of training in the textile industry and there is a right to trade in fisheries, which is all but beneficial.

## **5. Conclusion**

To conclude this paper, the review clearly highlights that the lack of citizenship in one country can cause greater human rights abuses than the state they enter following persecution. There is a sense that there is no help given to these stateless people, especially the Rohingya population. By using the internationally agreed UN Declaration of Human Rights, there is a consensus of the human rights abuses taking place in both nations.

The evidence in this paper heightens the argument that the Rohingya have been persecuted far greater when they had lost their citizenship and as a result there has been multiple mass exodus. We can see that the Burmese government under military junta had gravely impacted on the human rights of the Rohingya and there had been very little efforts to stop this persecution on the world stage. Bangladesh has also committed human rights abuses to the people of Rohingyas however; this was for a different reason. There is a constant threat of repatriation in Bangladesh regardless of the persecution in Burma. Also, the paper highlights Bangladesh had failed to improve the rights of the Rohingya in fear of attracting further asylum seekers, especially now. The evidence also suggests that the Bangladeshi government had improved the rights of the Rohingya by offering security to an extent and improving their lives from the one they had left behind. Therefore, there is strong evidence to suggest the hypothesis that the Burmese had implemented policies to eradicate the Rohingya population from Burma and whilst the Bangladeshi government had not alleviated human rights enough, there has been better treatment to Rohingya in Bangladesh. Nevertheless, it is important to note the disbandment of the NaSaKa can imply there will be changes made to the future of Rohingyas.

Therefore, the policy recommendation for this paper would be that unless there is a change to the 1982 Citizenship Law in Burma, the human rights for the Rohingya will be worsened in both Bangladesh and in Burma as the high influx of refugees in Bangladesh will create social tension to increase and the Bangladesh discourse will turn even more negatively. It is clear in this paper that citizenship has a grave impact on the human rights of an individual and without it, you will not be heard anywhere in the world.



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