

**Understanding causes of human rights violations:
a case study of the plight of the Rohingya in Myanmar**

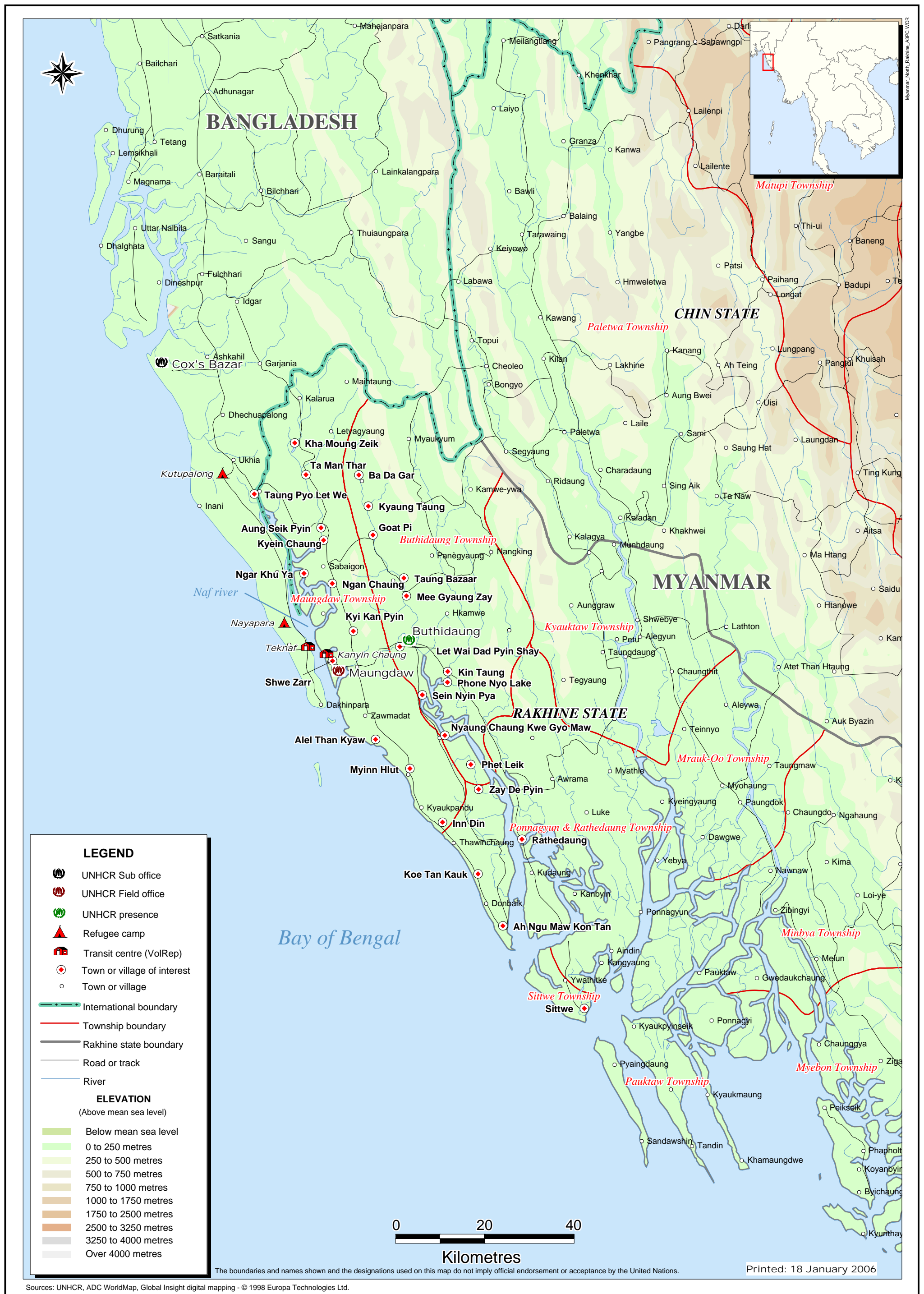
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Preface

My original plan when I applied to do my PhD in politics at the University of New South Wales in Canberra starting in August, 2011 was to conduct a highly historical project looking at the roots of the Rohingya refugee crisis. However, political liberalizations and changes in Myanmar since 2011 and the outbreak of sectarian violence in Rakhine State and other parts of Myanmar over the next two years provided new research opportunities and areas to tap into. My previously historical research became more political by looking at new actors and new dynamics in the Rohingya problem. Then, Dr Morten Pedersen, understandingly allowed me to work on these new nuances and incorporate them into my research, which I believe has become richer in content and analysis.

When I started out in August 2011 with the research question of what the causes of the decades-long Rohingya plight were, who had violated various human rights of Rohingyas was easy to trace and identify because this thesis takes the late 1970s as the beginning of active official repression meted out to the Muslim minority in Myanmar. However, identification of ‘agency’ in the post-2011 landscape and during and after the 2012 violence has become an insurmountable task because not only the state but also the society in Myanmar have become largely involved in the Rohingya issue in both direct and indirect ways. Therefore, I had to broaden my search or research and include various other actors and dynamics which were not easily visible before the political changes of 2011 and violence of 2012. All of these happened to become a double-edged sword by providing a never-imagined opportunity to intensively study the issue and concurrently presenting a significant challenge to sufficiently soak and poke. Apart from all my academic qualifications and trainings, the other thing which tremendously helped me throughout the journey of my doctoral research was my own sensitivity as a national of Myanmar spending almost all of my life back *home*.

Studying a topic which has personally affected me due to my identity has never been more helpful. At the same time, the sectarian nature of the series of violent and non-violent conflicts between Rohingya and non-Rohingya Muslims on one hand and Buddhists on the other hand over the last three years has sharpened my own sensitivity.

Studying one of the most complex issues in Myanmar in a state of unprecedented changes over the last four years has been the most wonderful academic journey I could ever hope for, on which I learned an enormously important lesson that we can poke and soak not only real time (most commonly practiced by anthropologists) but also backwards. Though my doctoral research is concerned with the plight of the Rohingyas in Myanmar, I additionally gained a lot of insights into various topics concerned not only with Rohingyas but also with other non-Rohingya Muslims and various straits of Buddhist nationalism. Going back and forth across decades and reading between the lines of the written and spoken texts have enabled me to look at politics of Myanmar with a look which was both nostalgic (as one of its nationals away from home) and critical (as an aspiring political scientist). To sum up, though one could never hope for perfectness, I have great faith in that I did learn a lot in doing my PhD in politics and working on a topic still in flux!

Acknowledgements

First of all, I am deeply indebted to my supervisor, Dr Morten Pedersen. I was very lucky to have been his first PhD student and to have obtained special care. Though he strongly cared about my research, the most important feature of my working under his supervision was that he allowed me to be adventurous and develop my own work.

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Thirdly, I am grateful for having been part of a small but tight-knit academic community at the School of Humanities and Social Sciences (HASS) especially atn the beginning of my candidature. In the first year, I shared an office with several wonderful, friendly colleagues: Najib Kailani (Najib) from Indonesia, Yunzhe Chen (Haydn) from China, Falikul Isbah (Falik) from Indonesia, Fahlesa Munabari (Fahlesa) from Indonesia, and Bei Bei Chen (Amy) from China. Ying Chan Ho (Ho) from Malaysia and Chai-Yu Huang (Mike) from Taiwan, who are now Drs., also regularly visited our common office to get hot water and prepare their meals and often joined in our friendly conversations.

Fourthly, I want to thank Head of School, Prof. David Lovell and Postgraduate Coordinator, A. Prof. Craig Stockings, and the wonderful support team at HASS: Mrs Marilyn Anderson-Smith, Mrs Bernadette McDermott and Mrs Shirley Ramsay. They were always there to provide any help with administrative matters whenever I needed it.

Fifthly, I owe a great debt to my interviewees back in Myanmar who were willing to share their views on such a highly sensitive topic.

Sixthly, I thank Allah, my Creator, and my parents who brought me to this world. My parents would have been very proud of me if they were alive!

Last but not least, I owe my beloved wife and partner for almost eight years, Darli, my deepest gratitude for her invaluable support. She had to sacrifice almost four years of her life in Canberra, accompanying me. She helped me both physically and mentally: by her wonderful cooking and by her encouragement throughout my candidature. She has

been the driving force behind all my accomplishments so far. She would always remind me to reach my goal because a PhD student working solely on a topic may get lost. But most importantly, as a citizen of Myanmar who spent more than twenty years of her life in Mandalay and Yangon she has throughout been my most resourceful informant. Over the last four years, we shared our views on developments in our motherland. Though we had different interpretations and disagreements over some topics, our conversations helped me understand Myanmar more than ever. I feel I am at a loss to express my gratitude for everything about her!

Abbreviations

AFPFL	Anti-Fascist People-Freedom League
AIR	All India Radio
ALD	Arakan League for Democracy
ANP	Arakan National Party
ARIF	Arakan Rohingya Islamic Front
ARU	Arakan Rohingya Union
AZG	Artsen zonder Grenzen
BBC	British Broadcasting Corporation
BIA	Burma Independence Army
BIA	Burma Independence Army
BRUOK	Burmese Rohingya Organization in United Kingdom
BSPP	Burma Socialist Programme Party
CSC	Citizenship Scrutiny Card (CSC)
DVB	Democratic Voice of Burma
ECC	Emergency Coordination Center
FRC	Foreigner Registration Card
ICESCR	International Covenant on Economic, Social and Cultural Rights
INGO	International Non-governmental Organization
IRAC	Islamic Religious Affairs Council
KNU	Karen/Kayin National Union
MFA	Mayu Frontier Administration
MIP	Ministry of Immigration and Population
MOU	Memorandum of Understanding
MOU	Memorandum of Understanding
MSF	Médecins Sans Frontières

NDF	National Democratic Force
NLD	National League for Democracy
NRC	National Registration Card
NRS	Northern Rakhine State
OIC	Organization of Islamic Cooperation
RC	Revolutionary Council
RNDP	Rakhine Nationalities Development Party
RSO	Rohingya Solidarity Organization
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UEC	Union Election Commission
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children Fund
USDA	Union Solidarity and Development Association
USDP	Union Solidarity and Development Party
VOA	Voice of America

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Generally, I use the BGN/PCGN 1970 Romanization System for Burmese in transliterating Burmese text into italicized text although most of the text in Burmese is typed throughout the thesis. I also use spellings of especially names which are common in Myanmar.

Burma and Myanmar, and Arakan and Rakhine are interchangeably used depending on context and sources. ‘Rohingya’ is conventionally used in the existing literature either as singular nouns or as plural nouns to refer to the people and language, and as an adjective. For clarity, I sometimes use ‘Rohingya’ and ‘Rohingyas’ as singular and plural nouns and ‘Rohingya’ as adjective. Burmese is used to refer to the language or to a person or people in general of Burma or Myanmar whereas Bamar is used to refer to the majority ethnic community in Myanmar.

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Chapter 1: Introduction

The present study is one of the first academic efforts to systematically study the causes of the massive human rights violations that Rohingyas have suffered in Myanmar over the past half a century. While most of the existing literature treat the “Rohingya problem” as a case of forced migration or *de jure* statelessness, I trace it back to colonial times and the immediate post- independence period, demonstrating that it is a sedimented problem involving different players at different critical junctures. In theoretical terms, the study is informed by broad social theories of rationalism, structuralism and culturalism and specific theories of repression, identity and threat construction and perception. Methodologically it is a process-tracing case study of the Rohingya plight. I argue that the Rohingya plight is a case of human rights violations caused by rationalist political aspirations and demographic insecurities of Myanmar and, later, Rakhine authorities, structural imbalances between Rakhines and Rohingyas in ethnic terms and between central Bamar-dominated governments and Rakhine State, and conflicting cultural identities between Rohingya Muslims and the Buddhist majority in Myanmar.

This chapter first discusses the issue on which the present study focuses, i.e. the plight of the Rohingya. It then poses a research question to guide the study: what are its causes? Then, it presents a review of the existing literature on the question. Then, it discusses three contested terms – Rohingya, human rights, and human rights violations – and defines them as they have been understood in the study. Lastly, it explains the case study and its merits, the method of process tracing, and establishes why they are useful for the study.

The issue

Famously portrayed by the United Nations¹ and the media as one of the most persecuted peoples in the World, the Rohingyas are an ethnoreligious and linguistic minority group mostly concentrated in the three towns of Maungdaw, Buthidaung and Rathedaung in northern Rakhine State (NRS) in the West of Myanmar which shares a border of 176 miles with Bangladesh. The Rohingya population in NRS is estimated to be around 1,000,000² with a larger diaspora abroad as refugees, forced migrants or illegal economic migrants approximating two to three million mainly in Bangladesh, Pakistan, Saudi Arabia, Malaysia, and Thailand. The issue, which started out as one of forced migration or refugees in the late 1970s, has grown over time into a multidimensional and multilayered issue involving different players within and outside Myanmar. Usually depicted as a classic case of statelessness (more *de jure* than *de facto*), the plight of Rohingyas stands out as one of the most serious and protracted human rights issues in Asia, stemming from within Myanmar and spilling over first in the late 1970s to Bangladesh, and then in recent years to Thailand, Malaysia, Pakistan, India, Saudi Arabia, etc.

On two occasions in the past, in 1978-79 and 1991-92, state repression committed on the pretext, first, of an immigration check and, later, of military expansion and counterinsurgency caused a mass exodus of Rohingyas fleeing to

¹ For contestation of the origin of the designation of Rohingyas as one of the world's most persecuted peoples, see Tim McLaughlin, "Origin of 'Most Persecuted Minority' statement unclear," *Myanmar Times (English)*, July 8, 2013, accessed September 16, 2014, <http://www.mmmtimes.com/index.php/national-news/7376-origin-of-most-persecuted-minority-statement-unclear.html>. However, for confirmation of the status by Dimitrina Petrova, the executive director of Equal Rights Trust, see Steve Herman, "Study: Rohingya among world's most persecuted," *VOA*, October 17, 2014, accessed October 18, 2014, <http://www.voanews.com/content/stateless-rohingya-deemed-among-worlds-most-persecuted/2486813.html>.

² The Rohingya population used to be estimated around 800,000 until the last census was taken in April 2014. According to the provisional results of the Population and Housing Census of Myanmar (2014), the Muslim population in Rakhine State, which was not included in counting, is estimated to be 1,090,000 persons. Ministry of Immigration and Population, *Population and Housing Census of Myanmar, 2014: Provisional Results: Census Report Volume 1* (Nay Pyi Taw: Ministry of Immigration and Population, 2014), 6.

Bangladesh. Each of the two exoduses involved around two hundred thousand Rohingya refugees or forced migrants. Most, if not all, of the refugees have since been repatriated home, often in involuntary ways, but Bangladesh still hosts around 30,000 recognized Rohingya refugees in two camps and around 250,000-500,000 undocumented Rohingyas in the southeast district of Cox's Bazar, all of whom live under extremely precarious conditions. Since almost all of the Rohingyas who fled during the two exoduses were repatriated, the 250,000-500,000 undocumented Rohingyas supposed to be still stranded in Bangladesh are likely to have fled in smaller numbers in-between and afterward the two exoduses.

Bangladesh initially welcomed the refugees but the protracted nature of the problem has made it unmanageable for the host. The local Bangladeshi population of Cox's Bazaar itself is very poor, compounded by Bangladesh's general problems of overcrowding and natural disasters. Bangladesh has been hindering international assistance in order to encourage the Rohingyas to return home and discourage further exoduses. Most recently, Bangladesh blocked its border and ignored international calls for access to provide immediate humanitarian assistance to Rohingyas fleeing sectarian violence in NRS in June 2012. Over time, Bangladesh has increasingly come to define the Rohingyas as a security threat.

During the 1990s and 2000s, with the door to Bangladesh closing, Rohingya boatpeople started fleeing to countries further away, such as Thailand and Malaysia, often falling prey to regional human traffickers and smugglers. Some even made it to the faraway shores of Indonesia and Australia. Most of these new destinations treat them not as *bona fide* refugees but as illegal, irregular sea migrants and potential threats to their maritime and national security. Although third countries in the 2000s resettled thousands of other Myanmar refugees fleeing government repression, Rohingyas, with their undocumented or disputed belonging to Myanmar, have generally not been accepted. The UNHCR and refugee-receiving countries often assume that the Rohingyas might better integrate in countries, such as Bangladesh and Malaysia where they share the common religious denominator of Islam with the host communities. The reality is different, however, and Rohingyas are generally unwelcome and repressed by the local authorities and peoples in both countries. With few opportunities for resettling

in third countries or integrating into neighbouring countries, the only alternative left for many Rohingya refugees is to return home, which is extremely difficult.

The drivers of this refugee crisis are the subject of this thesis. During the *Naga-Min* Operation in 1978, there were many accusations of ill treatment of Rohingyas at the hands of the Burmese security forces. After the refugees were repatriated, presumably because they had been able to document their belonging to Burma, the Burmese authorities failed to officially acknowledge that the refugees, as well as those who had remained in NRS, are citizens or legal residents of Burma. Instead, a nationwide project to draft a new citizenship law was launched in 1979. The new citizenship law, which was promulgated in 1982 and remains in operation today, stratifies citizenship into four classes with different ways to acquisition and different rights. People of alien or mixed origins were effectively made second-class citizens by the new law. Worse, Rohingyas' citizenship was neither recognized nor processed under that notorious law. Therefore, Rohingyas' right to nationality was held in abeyance and violated throughout the 1980s until a new military regime came to power in 1988. Moreover, a discourse of Rohingyas as illegal migrants or colonial migrants emerged during the *Naga-Min* operation period, which remains in frequent use by the government until now to repudiate and delegitimize their belonging to Myanmar.

Under the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC) government, the human rights violations that Rohingyas suffered at the hands of the central and local authorities included but were not limited to the lack of the right to nationality or citizenship, restriction on freedom of movement, barriers to marriage, family size limit, land confiscation, forced labour, arbitrary taxation, and monopolization of the local formal and informal economy.³ Among the most blatant examples are a minimum of 40,000 Rohingya children born in NRS still undocumented as of 2012 despite Myanmar's being a party to the Convention of the Rights of the Child (CRC) and the two-children-maximum limit imposed on

³ Irish Center for Human Rights, *Crimes against Humanity in Western Myanmar: the Situation of the Rohingyas* (Galway, National University of Ireland, 2010), accessed January 2, 2011, <http://www.nuigalway.ie/about-us/news-and-events/news-archive/2010/june2010/nui-galway-report-concludes-crimes-against-humanity-committed-against-rohingyas-1.html>.

Rohingya couples after wedlock.⁴ Further, Tomás Ojea Quintana, then United Nations Special Rapporteur on the situation of human rights in Myanmar, in 2010 reported to the United Nations General Assembly that there were only three doctors in Maungdaw and two doctors in Buthidaung, i.e. a total of five doctors for a total Rohingya population of 710,000 in the two townships.⁵

Until 2012, the perpetrators of human rights violations against the Rohingyas were largely the central government and its agents in NRS. However, this situation has changed significantly over the last few years. In May 2012, a very significant event occurred, originating in the rape and murder of a Rakhine Buddhist woman from Kyauknimaw in Yanbye Township in Rakhine State by three Muslims from a nearby village. This provoked a vigilante killing of 10 non-Rohingya Muslims who on 3 June were dragged off a bus in Taungup by a 300-strong Rakhine Buddhist mob and slain. The violence then spread, first to NRS where on 8 June Rohingyas burned down a number of Rakhine homes and businesses in Maungdaw and killed Rakhines, then, to Sittwe, the capital city of Rakhine State, Rathedaung, Kyauktaw, Pauktaw, Mrauk-U, Kyaukpyu and Yanbye. In October, another round of serious communal violence broke out in Minbya, Kyaukpyu, Myebon, Mrauk-U, and Rathedaung, sparked by burning of a Muslim village in Paik-The quarter of Minbya by Rakhines on 21 October. According to a semi-governmental Commission of Inquiry established in the aftermath of the first round of violence,⁶ a total of 192 people were killed, 265 were injured and 8,614 houses were burned down. Significantly, the violence also led to the displacement of 3,500 Rakhines and 103,000 Rohingya and non-Rohingya Muslims.⁷ As of September 2014,

⁴ Arakan Project, *Issues to be Raised Concerning the Situation of Stateless Rohingya Children in Myanmar (Burma): Submission to the Committee of the Rights of the Child: For the Examination of the combined 3rd and 4th periodic State Party Reports (CRC/C/MMR/3-4): Updated in January 2012*, accessed January 2, 2012, http://www.oxfordburmaalliance.org/uploads/9/1/8/4/9184764/arakan_project_report_2012.pdf.

⁵ United Nations Human Rights Council, Progress Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Tomás Ojea Quintana, A/HRC/13/48, March 10, 2010, accessed April 18, 2015, <http://daccess-ods.un.org/TMP/3419156.67057037.html>, 17.

⁶ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report of Inquiry Commission on Sectarian Violence in Rakhine State* (Nay Pyi Taw, Inquiry Commission on Sectarian Violence in Rakhine State, 2013), 20.

⁷ *Ibid.*, 28.

there were 1,738 Rakhine and 138,724 Muslim IDPs still displaced.⁸ In other words, half of the Rakhine IDPs had been resettled since the two waves of violence in 2012, while the number of Muslim IDPs, including ethnic Kamans, had only continued to grow.

Whether this communal violence was spontaneous or premeditated, and whether it was inter-communal or one-sided, is debatable and depends on the perspective of the researcher(s). Those conflict-focused aspects are not directly related to the topic of this research, which focuses on the causes of the violations of Rohingyas' human rights. More relevant is the fact that the violence and the displacement that it caused have led to a further deterioration of the legal and social status of Rohingyas in Myanmar. Repeated demands by the government and Rakhines that Muslim IDPs must undergo special citizenship scrutiny before they are resettled have led to a protracted IDP situation. Moreover, increasingly precarious conditions within Myanmar also led to a third exodus of around 100,000 Rohingya boatpeople from Myanmar since the outbreak of sectarian violence in 2012.⁹

According to a leaked draft of the *Rakhine State Action Plan*, which at the time of writing was being drafted by the Myanmar government in consultation with various stakeholders, all Muslims in Rakhine State, including 860,000 Muslims who remain in their own homes, will be required to undergo scrutiny and register as 'Bengali'. This policy is supposed to be implemented by October 2016 and is expected to lead to a further deterioration of the status of Muslims in Rakhine State.

In recent years, the definition of the Rohingya issue has come to carry much more nuance. Since the violence in 2012, it has become one of the most controversial and emotive issues amidst the otherwise widely applauded political changes taking place in Myanmar. It has transformed from a forced migration or refugee issue caused by state repression and statelessness into a legal, political, social, and/or cultural issue (depending upon who defines it and where the focus is). In general terms, for the

⁸ *Rakhine State Action Plan* (N.p: n.p., n.d.), 7.

⁹ UNHCR, "As thousands continue to flee Myanmar, UNHCR concerned about growing reports of abuse," June 10, 2014, accessed March 1, 2015, <http://www.unhcr.org/5396ee3b9.html>; UNHCR, "South-East Asia: irregular maritime movements: January-November 2014," accessed March 1, 2015, <http://www.unhcr.org/53f1c5fc9.html>.

international community, the Rohingyas are primarily victims of outright and systematic human rights violations by the Myanmar authorities. For the Myanmar authorities, it is an issue of uninvited migration, sovereignty, territorial integrity and legal citizenship/residence, which supposedly originates in the nineteenth century when Arakan fell into the hands of British imperialists. For Rakhines, it is an issue of ownership, supremacy, self-determination, demographic insecurity, power-sharing and resource-sharing. For other non-Rakhine peoples in Myanmar, although most of them were not closely familiar with and interested in Rohingyas until 2012, it has become increasingly defined in related but often contrasting notions which include but are not limited to demographic insecurity, legal and cultural citizenship and national Buddhist identity.

Research question

The overarching research question which this thesis seeks to answer is: what are the causes of the violations of the human rights of the Rohingyas by successive Burmese/Myanmar central and local authorities?

What are causes? What constitutes causation? Do causes (or causation) refer to either human agency or structural facilitation or both? Do they refer to either motives or opportunities or both? Generally, causes are understood as structures or opportunities. Therefore, research projects such as mine which seek to identify causes, could end up with a list of causes or causal factors which entirely misses an agency perspective – i.e. fail to identify who on the ground commit human rights violations, and who order or allow those agents to do so with legal impunity.¹⁰

Avoiding this problem, Samuel Huntington distinguishes between ‘causes’ and ‘causers’.¹¹ According to this concept, causes are contextual factors and causers are the people who actually implement something. For the purposes of the present case study of

¹⁰ Neil J. Mitchell, *Agents of Atrocity: Leaders, Followers, and the Violation of Human Rights in Civil War* (New York: Palgrave Macmillan, 2004).

¹¹ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 106-8.

the Rohingya's plight, causers may include both principals and agents on one hand, as well as those in the middle who do not get directly involved in actual human rights violations but indirectly encourage and justify them. Causes may include all the factors usually referred to as rational, structural or cultural factors,¹² or some mix of the three. I also pay close attention to how interactions between the observed causes and causers have led to actual instances of violations of Rohingyas' human rights.

Literature review

The Rohingya issue is among the least-researched or most-neglected topics in Myanmar studies, although attention has greatly increased since the violence of 2012. This review focuses on the literature available at the start of my PhD research in mid 2012; however, later writings are drawn upon to inform my main analysis.

The limitations of the academic literature on the Rohingya are disproportionate to the persistence and magnitude of the problem not only for Myanmar but also for neighbouring countries in South Asia and Southeast Asia. The majority of the existing literature on the Rohingya is produced by international non-governmental human rights research and advocacy organizations, and mainly comprises of human rights reports, news articles and policy papers. Although these contain many primary data, often drawing on oral histories from interviews with Rohingya refugees, the focus on "naming and shaming", and particularly on breaches of international human rights legalities, is a major limitation, particularly when it comes to understanding the causes of the problems described. For example, the detailed 2010 report by the Irish Center for Human Rights¹³ adopts the 'crimes against humanity' framework. The 2012 report by Human Rights Watch on the first wave of riots in Rakhine State¹⁴ highlights the failure of government officials to stop the spread of riots, whereas another by the same

¹² A detailed discussion of rational, structural, and cultural factors is included in Chapter 2 on the theoretical framework.

¹³ Irish Center for Human Rights, *Crimes against Humanity in Western Myanmar*.

¹⁴ Human Rights Watch, *"The Government Could Have Stopped This": Sectarian Violence and Ensuing Abuses in Burma's Arakan State* (New York: Human Rights Watch, 2012), accessed August 3, 2012, <http://www.hrw.org/reports/2012/07/31/government-could-have-stopped>.

organisation published 2013¹⁵ accuses the Myanmar authorities of having committed crimes against humanity and ethnic cleansing. The reports discuss context, but they are mostly legalistic and deterministic because they seek to identify responsibility (or agency) in terms of respect, protection and fulfilment of human rights. In other words, they fail to engage with the many nuances and complexities of the Rohingya plight grounded in Myanmar history. Furthermore, being mostly drafted by English-speaking experts, they rarely draw from Burmese language sources. In the case, particularly, of reports written before 2012, these weaknesses are compounded by the lack of press and other civil freedoms under the previous military government, which greatly limited access to appropriate sources.

In 1995, Martin Smith commented: “The whole [Rohingya] crisis is overshadowed by a complete absence of reliable anthropological or social field research, which means that different sides continue to circulate – or even invent – very different versions of the same people's histories.”¹⁶ Almost twenty years after this observation, there is still not a single book-length study of the Rohingya issue and its origins in Myanmar. Martin Smith further comments:

While Burma has many complex ethnic problems, the plight of the Muslims of Arakan [Rohingya] is by far the most tense and difficult of all the ethnic problems I have encountered in over a decade of writing on the political and ethnic situation in Burma. Firstly, there is a strong element of ethnic communalism, which has resulted in periodic but unpredictable outbreaks of social violence and upheaval; secondly, there are strong religious undercurrents which relate to the situation of all Muslims in Burma at large; and, thirdly, there is an intransigence on the part of many of the main protagonists, which has made the finding of lasting solutions so very difficult.¹⁷

Largely regarded as a classic case of *de jure* statelessness, i.e. lack of nationality or citizenship of a country, the plight of the Rohingya is typically explained by the fact

¹⁵ Human Rights Watch, “*All You Can Do is Pray*”: *Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State* (New York: Human Rights Watch, 2013), accessed April 23, 2013, <http://www.hrw.org/reports/2013/04/22/all-you-can-do-pray-0>.

¹⁶ Martin Smith, “The Muslim ‘Rohingya’ of Burma,” (paper delivered at Conference of Burma Centrum Nederland, December 11, 1995).

¹⁷ Ibid.

that they lack citizenship in Myanmar under the 1982 Myanmar Citizenship Law, though members of the group have resided within the country for generations, a view most often taken by the international human rights advocacy network.¹⁸ According to this legal (and static) perspective, the whole problem stems from the Rohingyas' lack of Myanmar citizenship, which leads to their loss of various political, civil, social, economic, and cultural rights. Though this 'statelessness' theory highlights the serious consequences of lack of citizenship in Myanmar, it does not constitute an explanation grounded in history and relations among the state, Rakhines, non-Rakhine Buddhists and Rohingyas. In other words, it only focuses on the end product of statelessness which is the loss of other rights but fails to explain, at least in a sufficient way, why and how such statelessness of the Rohingyas occurred in the first place and why and how it persists.¹⁹ It also tends to ignore that non-citizens have human rights too.

Tin Maung Maung Than and Moe Thuzar write, in the aftermath of the riots in Rakhine State in June 2012, that the Rohingya dilemma originates from "a clash of two contending interpretations over the perceived "overwhelming" presence of Muslims in Rakhine",²⁰ arguing that the Myanmar government does not recognise the legality of the Rohingya existence in Rakhine State whereas the Rohingya themselves have claimed that they are eligible for Myanmar citizenship as a distinct ethnic group because they

¹⁸ See various reports by successive UN Special Rapporteurs on the Situation of Human Rights in Myanmar, accessed May 1, 2015, http://ap.ohchr.org/documents/dpage_e.aspx?m=89.

¹⁹ Various reports of the UN on human rights in Myanmar and various reports of the UN Special Rapporteur on human rights in Myanmar, accessed May 1, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=119 and http://ap.ohchr.org/documents/dpage_e.aspx?m=89; Arakan Project, *United Nations Human Rights Council: Submission to the UN Universal Period Review: 10th Session of the UPR Working Group, January 2011*, accessed December 8, 2012, http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/MM/AP_ArakanProject_eng.pdf; Carl Grundy-Warr and Elaine Wong, "Sanctuary under a Plastic Sheet - The Unresolved Problem of Rohingya refugees. *Boundary and Security Bulletin* 5 (3) (1997); United Nations, *Press Release: UN Human Rights Experts Call on Myanmar to Address Discrimination against Members of Muslim Minority in Northern Rakhine State* (2 April 2007), accessed February 15, 2012, <http://www.unhcr.ch/hurricane/hurricane.nsf/0/F0ED9448671A73E6C12572B100553470?opendocument>.

²⁰ Tin Maung Maung Than and Moe Thuzar, *Myanmar's Rohingya Dilemma* (Singapore: ISEAS, 2012) accessed December 8, 2012, http://www.academia.edu/3106711/Myanmars_Rohingya_Dilemma.

have resided in Rakhine State since before its British colonisation in 1826. Many have called for changing of the existing Citizenship Law. For example, a Euro Burma Office briefing paper released in 2009 claims that “[U]ntil the 1982 Citizenship Law is changed, the status of Arakan Muslims will remain in limbo.”²¹ Similarly, Grundy-Warr and Wong argue: “Without a thorough amendment of Burma’s citizenship laws there seems to be little hope of lasting peace and security for the Muslims of Arakan.”²²

Many studies point out that the Myanmar authorities have been dishonest in making claims refuting the citizenship status of the Rohingya. When faced with international demands to take Rohingya refugees back, Myanmar governments have always responded that they would accept anyone who could prove their Myanmar residence. However, as Human Rights Watch points out, “[These announcements are] disingenuous because it is Burmese authorities themselves who have routinely denied Rohingya the necessary documentation to demonstrate their citizenship.”²³

The legal citizenship thesis also fails to elaborate the uniquely discriminatory practices towards the Rohingya in enforcing the Citizenship Law. The Citizenship Law affects all the Chinese and Indian/South Asian communities in Myanmar who were also considered aliens especially in the eyes of the lawmakers in the late 1970s and early 1980s. Yet, groups other than the Rohingya have generally been able to secure one of the three classes of Myanmar citizenship – full citizen, associate citizen, naturalized citizen. They have been able to enjoy, at least to some level, their human rights such as freedom of movement and freedom of family development without facing outright oppression by the authorities. Last but not least, the citizenship thesis is weak due to the fact that the Citizenship Law in fact contains, in spite of discriminatorily classifying citizens into three classes and downgrading the full citizenship of many Chinese and Indian people who used to be full Myanmar citizens under preceding legislation, provisions for naturalisation first and acquisition of full citizenship later by the third

²¹ Euro Burma Office, *The Rohingyas: Bengali Muslims or Arakan Rohingyas?* (Euro Burma Office: Brussels, 2009), 3, accessed October 10, 2010, http://www.burmalibrary.org/docs6/EBO_Briefing_Paper_No._2_-_The_Rohingyas.pdf.

²² Grundy-Warr and Wong, “Sanctuary under a Plastic Sheet,” 88.

²³ Human Rights Watch, *Perilous Plight: Burma’s Rohingya Take to the Sea* (New York: Human Rights Watch, 2009), accessed March 12, 2012, <http://www.hrw.org/reports/2009/05/26/perilous-plight-0>, 7.

generation of alien communities. However, in actual practice, even if we make the extreme assumption that all of the Rohingya are ineligible for Myanmar citizenship because all of them only entered the country after 1823 (the cut-off date which the Law uses to determine if someone or some group is indigenous to Myanmar), most of the Rohingya have never been given a chance to apply for Myanmar citizenship or upgrade it for decades. In sum, the citizenship thesis is largely unconvincing, though its linkage argument regarding the correlation between statelessness and loss of other rights is plausible.

On the eve of independence, some Rohingya leaders requested that NRS be included in the newly established East Pakistan, but Pakistan leader Ali Jinnah declined the request. According to Chris Lewa, this left a huge stain on state-Rohingya relations, which it has seemed impossible to remove: “It was undoubtedly this move more than any other which determined the present-day governmental attitude towards the Rohingyas: they had threatened Burma’s territorial integrity on the eve of independence and could never be trusted again.”²⁴ No other writer, however, has argued that the *Mujahid* rebellion, which does not exist any longer, has an impact on the current Rohingya plight, although this *Mujahid* and another Rohingya insurgent group namely Rohingya Solidarity Organization (RSO) argument came to prominence within Myanmar after 2012 riots.

Apart from this secessionist call for inclusion of northern Rakhine into Pakistan, a largely defensive Rohingya armed rebellion started with the establishment of the *Mujahid* Party in August 1947 when the Rohingya came to understand their dilemmatic situation between Rakhine Buddhists and the majority Bamar Buddhists in the center on the eve of Burma’s independence to be obtained in 1948. But this rebellion dwindled in the 1950s and most of them came into the legal fold in 1961 and never posed a serious challenge to the central Burmese/Myanmar regimes.²⁵

²⁴ Chris Lewa, “The Rohingya: Forced Migration and Statelessness,” in *Forced Migration in the South Asian Region: Displacement, Human Rights and Conflict Resolution*, ed. Omprakash Mishra (Kolkata: Jadavpur University Center for Refugee Studies, 2004), 327.

²⁵ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, 2nd ed. (White Lotus: Bangkok, 1999); Moshe Yegar, *The Muslims of Burma: A Study of a Minority Group* (Wiesbaden: O. Harrassowitz.; 1972); Moshe Yegar, *Between Integration and Secession: the Muslim Communities of the Southern*

After the *Mujahid* rebellion weakened in the late 1950s and many of its members gave up arms in the early 1960s, several other armed Rohingya groups were established – Rohingya Independence Force (RIF) (1963), Rohingya Patriotic Front (RPF) (1974), Rohingya Solidarity Organisation (RSO) (1982), Arakan Rohingya Islamic Front (ARIF) (1987), and Rohingya National Alliance (RNA) (1995). None of these organisations has been big and armed enough to challenge the Burmese/Myanmar military. Moreover, a lot of overlappings of same people are seen in the structures of organisations. Therefore, overlappings of resources can also be expected.²⁶ Though spurious links between those Rohingya armed organisations and the international Islamist terrorist network have been speculated by many alarmist authors such as Zachary Abuza²⁷ and Rohan Gunaratna²⁸ in the aftermath of 9/11, no Rohingya armed group has been able to pose a great danger to the Myanmar authorities and no Rohingya- or Myanmar Muslim-initiated terror has been seen within the boundaries of Myanmar.²⁹ Again, this alleged and speculative link between Rohingya insurgent groups (particularly RSO) and international networks, however weak it is, again came to prominence within Myanmar after 2012. However, weak the threat by RSO and other Rohingya armed groups posed to the Myanmar governments over the last three decades, the fact that there was a Rohingya rebellion itself should suffice as a partial explanation, as noted by Chris Lewa.

On the other hand, a more nuanced explanation is also seen in the sparse literature on the Rohingya issue. For example, the International Federation of Human Rights Leagues argues that Rohingyas have been embroiled in a unique policy of

Philippines, Southern Thailand, and Western Burma/Myanmar (Lanham: Lexington Books, 2002); Moshe Yegar, Some Comparative Notes on Three Muslim Rebellion Movements in Southeast Asia (Burma, Thailand, and the Philippines). In *Southeast Asia and the Middle East: Islam, Movement, and the Longue Durée*, ed. Eric Tagliacozzo (Stanford: Stanford University Press, 2009).

²⁶ Bertil Lintner, *Burma in Revolt: Opium and Insurgency since 1948*, 2nd ed. (Chiang Mai: Silkworm Books, 1999).

²⁷ Zachary Abuza, *Militant Islam in Southeast Asia: Crucible of Terror* (Boulder: Lynne Rienner Publishers, 2003).

²⁸ Rohan Gunaratna, *Inside Al-Qaeda: Global Network of Terror* (Carlton North: Scribe Publications, 2002).

²⁹ David S. Mathieson, "Plight of the Damned: Burma's Rohingya," *Global Asia*, 4 (1) (2009); Human Rights Watch, *Perilous Plight*.

repression and discrimination which targets the community.³⁰ The unique treatment of the Rohingya is also highlighted by Amnesty International which states: “These practices [of oppression], in addition to violating other basic human rights of the Rohingyas, are discriminatory towards the Rohingya population as they do not appear to be imposed in the same manner and at the same level on other ethnic nationalities in Rakhine State, or in the country as a whole.”³¹ Likewise, Chris Lewa³² argues, concurrently pinpointing “policies of exclusion and discrimination imposed on the Rohingyas by successive Burmese military regimes have prevented them from developing socially and economically, and are deliberately designed to encourage departure,” that “the conflict in Arakan is primarily about ethnicity and numbers.” This argument highlighting the politics of ethnicity and numbers is very interesting though Chris Lewa does not back up her thesis by going into detail, which is the common symptom of the existing writings on Rohingya, however few they are.

Likewise, on the unique oppression of the Rohingya by successive Myanmar governments even among the various Muslim groups in Myanmar who are also discriminated in many ways as a religious minority in an overwhelmingly Buddhist country, while admitting that the origins of the Rohingya problem are difficult to understand, David Mathieson argues:

The Rohingya inhabit the *worst position* in Burma’s dreadful human rights landscape. Burma’s treatment of its Muslim minority [all Myanmar Muslim groups including the Rohingya] has generally been characterized by neglect punctuated by scapegoating... The Rohingyas have been subjected to particularly harsh treatment, possibly more than any other ethno-religious minority in Burma... successive military governments have harbored a *uniquely* vicious aversion to the Rohingyas... It’s hard to understand the

³⁰ International Federation of Human Rights Leagues, *Burma: Repression, Discrimination and Ethnic Cleansing in Arakan* (Paris: International Federation of Human Rights Leagues, 2000), accessed May 10, 2011, www.fidh.org/IMG/pdf/arakbirm.pdf.

³¹ Amnesty International, *Myanmar: The Rohingya Minority: Fundamental Rights Denied* (London: Amnesty International, 2004), accessed May 8, 2011, <http://www.amnesty.org/en/library/info/ASA16/005/2004>, 1.

³² Chris Lewa, “Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State,” (paper delivered at EU–Burma Day 2003 Conference, Brussels, October 8, 2003), accessed January 4, 2011, http://www.ibiblio.org/obl/docs/Chris-EU_Paper.htm

origin of this hatred toward the Rohingya, beneath the excuses of national security, legal measures against illegal immigration, or even nationalism. Racism obviously plays a big part.³³ (Italics my own)

Human Rights Watch also makes a broad argument: “Burma’s treatment of its Muslim minority [including the Rohingya] has generally been characterized by exclusion, neglect and scapegoating.”³⁴ Likewise, Martin Smith points out “ethnic discrimination, a stagnant economy, widespread corruption, rampant inflation and armed opposition groups in the mountains,”³⁵ as the causes of the Rohingya plight. Grundy-Warr and Wong note that “an appreciation of some of the special historical, geographical and socio-political circumstances of the Rohingyas and of other communities living in Arakan is also necessary in order to examine the roots of their contemporary problems.”³⁶

Some authors have also noted that the Rohingya have been excluded from Myanmar nationhood because of their Islamic culture different from the Buddhist culture of the majority people in Myanmar.³⁷ In other words, Rohingya suffer from an identity crisis which is caused by official and popular opinion in Myanmar that Rohingya, who are Muslims, are not Burmese/Myanmar. Interestingly, a recent article traces the anti-Indian attitudes in Myanmar since colonisation and remarks on the transformation of Indophobia into Islamophobia over time, targeting the Rohingya and other Muslim communities in Myanmar.³⁸ In this regard, the role of Rakhine Buddhists is also pointed out by some authors. For example, the Rohingya-Rakhine competition on the eve of Myanmar’s independence in the mid-1940s and post-independence years in the 1950s, although it does not cause the Rohingya plight, was noted by Clive Christie asserting that “[T]he last thing that the Arakanese Muslims [the Rohingya]

³³ Mathieson, “Plight of the Damned”, 88-9.

³⁴ Human Rights Watch, *Perilous Plight*, 6.

³⁵ Martin Smith, *Ethnic Groups in Burma: Development, Democracy and Human Rights* (London: Anti-Slavery International, 1994), 54.

³⁶ Grundy-Warr and Wong, “Sanctuary under a Plastic Sheet,” 79.

³⁷ Clive J. Christie, *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism* (New York: Tauris Academic Studies, 1996); Smith, *Burma: Insurgency and the Politics of Ethnicity*.

³⁸ Renaud Egretau, “Burmese Indians in Contemporary Burma: Heritage, Influence, and Perceptions since 1988,” *Asian Ethnicity* 12 (1) (2011).

wanted was the creation of a semi-autonomous Arakanese State where they would be at the mercy of an Arakanese Buddhist-dominated government centered in Akyab.”³⁹

The Euro Burma Office briefing paper also notes that “Rakhaing⁴⁰ nationalists and academics, even those who are staunchly anti-SPDC, tend to agree with the SPDC’s position that Rohingyas do not exist, and that they are not Burmese citizens. Like the SPDC, they will only accept the existence of *foreign* Bengali Muslims in Arakan. This has influenced the Burmese democracy movement greatly. No ‘Rohingya’ political organization has been admitted into any of the numerous Burmese alliances. Rakhaing leaders have even been known to walk out of meetings where ‘Rohingyas’ are present... Rakhaings who dare to use the name ‘Rohingya’ or work with ‘Rohingya’ organizations risk disciplinary action, expulsion or being ostracized by the Rakhaing community.”⁴¹

Writing in 2003, on the possible disenfranchisement of the Rohingya in future democratic Myanmar, Chris Lewa predicts that the future of the Rohingya shall fall into the hands of the Rakhine Buddhists by stating that “... under a federal system of governance, ethnic States would enjoy self-determination and, therefore, the fate of the Rohingya would be decided by the people of Arakan State. This implies that Rakhine Buddhists alone would be expected to determine the future of the Rohingya community.”⁴² This prophecy that the Rohingya plight would deteriorate when more political voice and leverage were gained by Rakhine turned out to be true after 2010 general elections.

This ‘us versus them’ attitude towards the Rohingya is held not only by the Burmese/Myanmar governments and Rakhine Buddhists but by the members of the Myanmar civil society and democracy movement. Notably, three years before the occurrence of sectarian violence in Rakhine State, a field report by Refugees International states:

Unfortunately, Burmese civil society and the political opposition often mirror the government’s perception of the Rohingya. “They are not Burmese,” “they should

³⁹ Christie, *A Modern History of Southeast Asia*, 169.

⁴⁰ Rakhaing is another spelling of Rakhine which is most common.

⁴¹ Euro Burma Office, *The Rohingyas*, 3.

⁴² Lewa, “Conflict, Discrimination and Humanitarian Challenges”

leave the country,” and “there is no place for them in the future of Burma,” are repeated refrains that Refugees International has heard in conversations inside Burma.⁴³

Chris Lewa⁴⁴ agrees: “There is also no guarantee that discriminatory policies would be removed with the emergence of a democratic government. The Rakhine Buddhist population, public opinion in Burma as a whole, as well as in the pro-democratic movement, are not disposed toward recognising the Muslim population of Arakan as a people of Burma,” echoed by Christina Fink.⁴⁵

Some authors have also noted the dramatic increase in militarization in ethnic minority areas including Rakhine State which could be a factor explaining the oppression of the communities there by the military. For example, David Mathieson highlights the “rise in the number of army battalions from 3 to 43, the biggest increase in the country,” in Rakhine State from the 1990s onwards.⁴⁶ Likewise, Christina Fink’s study⁴⁷ of the negative effects of militarisation highlights pervasive repression and other threats to day-to-day human security of civilians in ethnic minority areas, although she does not include NRS among her case studies. Based on primary interview data with former members of the Myanmar armed forces, Fink concludes that four factors have accounted for increased repression of ethnic minorities by Myanmar armed forces: distrust of ethnic minorities by the army; inadequate financial and other supplies to increased forces based in minority areas; impunity of armed forces for their actions towards ethnic minorities; and the chain of command.

On the impact of such dramatic militarization, most writings on daily life in NRS contain a section or sections on how the Border Area Immigration Headquarters (BIHQ) based in Rakhine State, known in Burmese as *Na-Sa-Ka*,⁴⁸ has been corrupt in

⁴³ Refugees International, *Rohingya: Burma’s Forgotten Minority* (Washington D.C.: Refugees International, 2008), accessed May 10, 2011, <http://www.refugeesinternational.org/policy/field-report/rohingya-burma's-forgotten-minority>.

⁴⁴ Lewa, “Conflict, Discrimination and Humanitarian Challenges”

⁴⁵ Christina Fink, *Living Silence in Burma: Surviving under Military Rule* (London: Zed Books, 2009).

⁴⁶ Mathieson, “Plight of the Damned”, 90.

⁴⁷ Christina Fink, “Militarization in Burma’s Ethnic States,” *Contemporary Politics* 14 (4) (2008).

⁴⁸ Bur: နယ်စပ်ဒေသလူဝင်မှုစစ်ဆေးရေးကွပ်ကဲမှုဌာနချုပ်.

day-to-day dealings with the Rohingya by imposing exorbitant fees and fines for catching fish, for travelling between villages, for evading forced labour requirements, for applying for marriage permits and birth registers, etc.⁴⁹ Mary Callahan portrays NRS as an “occupation zone” where the Rohingya are “subject to the most comprehensive forms of government oppression short of systematic physical violence.”⁵⁰

The causes of the Rohingya plight as argued by the limited number of writings reviewed above include: lack of Myanmar citizenship; Rohingyas’ rebellion for autonomy or secession in the late 1940s and 1950s; militarization of NRS; Rakhines’ anti-Rohingya attitudes; religion; demographic insecurity; and racism. Although several of these causal explanations are plausible on the face of it, they are rarely supported by a fuller analysis of detailed contextual dynamics which goes back many decades. For example, the ‘religion’ thesis advanced by Chris Lewa and Martin Smith is plausible especially in light of the Islamophobic undertones of the current anti-Rohingya sentiments in Myanmar; however, neither author fully explain how religion, i.e. Buddhism, as a marker of identity since colonial times has mobilized the Buddhist majority in Myanmar against Muslims in general, and Rohingyas in particular. Likewise, although Chris Lewa’s ‘numbers’ argument is plausible in light of recent anti-Rohingya rhetoric by Rakhine and Bamar Buddhists, she does not explain how Muslim demography has been constructed as an imminent threat to Rakhines or Buddhism more generally in Myanmar.

⁴⁹ For example, ALTSEAN-Burma, *Rohingya and Muslims in Arakan State: Slow-burning Genocide* (Bangkok: ALTSEAN-Burma, 2006), accessed May 8, 2010, <http://www.altsean.org/Reports/Rohingya.php>; Amnesty International, *Myanmar: The Rohingya Minority*; Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?* (New York: Human Rights Watch, 1996), accessed May 16, 2011, <http://www.unhcr.org/refworld/docid/3ae6a84a2.html>; Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution* (New York: Human Rights Watch, 2000), accessed January 4, 2012, <http://www.unhcr.org/refworld/docid/3ae6a86f0.html>; Irish Center for Human Rights, *Crimes against Humanity in Western Myanmar*; Lewa, “Conflict, Discrimination and Humanitarian Challenges”; Lewa, “The Rohingya: Forced Migration and Statelessness”; Chris Lewa, “North Arakan: An Open Prison for the Rohingya in Burma,” *Forced Migration Review* 32 (2009).

⁵⁰ Mary P. Callahan, *Political Authority in Burma’s Ethnic Minority States: Devolution, Occupation and Coexistence* (Washington, D. C.: East-West Center, 2007), 30-1.

This thesis contributes to the existing literature in three main ways: by drawing from relevant social scientific theories; by providing more nuanced and detailed explanations based upon those existing ones and by using Burmese-language and Rakhine-language sources. Moreover, it is assumed that a causal explanation alone is not wholly convincing because such explanations without discussions of context and causal mechanisms fail to explain the dynamics of the case study. Since this thesis is a theory-guided process-tracing study, it will not only find causes or causal factors of the Rohingya plight but also explain how causal mechanisms among those factors have contextual interacted to lead to the current situation of the Rohingya.

Contested terms

‘Rohingya’

The name ‘Rohingya’ and its legitimacy is arguably the most problematized and politically sensitive issue in Myanmar today. Its use by anyone in public instantly provokes intense responses and rejection from the present government and Rakhines alike. Interestingly, such vehement responses by the Myanmar government(s) and people to ‘Rohingya’ is a relatively new phenomenon. It has only emerged since 2012.

This is not to say that the Myanmar government never objected to ‘Rohingya’ in the past. The previous SLORC/SPDC government often responded to international criticisms of its treatment of the Rohingyas by arguing that there was no ‘Rohingya’ ethnic group or race in Myanmar. But those official pronouncements were only *sporadically* made in response to the international community. A statement issued by the Ministry of Foreign Affairs on 21 February 1992 reads:

In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a "Rohingya" race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State.⁵¹

⁵¹ *Working People's Daily*, February 22, 1992, 12.

On a later occasion, against the backdrop of an international condemnation of the towing back to sea by the Thai Navy of a group of Rohingya boatpeople in December 2008,⁵² the SPDC asserted:

The Rohinja [Rohingya] is not included in over 100 national races of the Union of Myanmar.⁵³

Though these official rejections were absolute, prior to 2012 they did not lead to a broader popular anti-‘Rohingya’ discourse, probably for three reasons. Firstly, the SLORC/SPDC was not a popular government. What the government wrote and said was automatically taken as ‘propaganda’⁵⁴ by the general population. Secondly, there was no free private press in the 1990s and 2000s so those official statements and pronouncements went unnoticed or neglected. Thirdly, the remoteness of NRS meant that Rakhine issues were of little consequence to most people in central Myanmar.

Since 2012, however, total denial of the ‘Rohingya’ in Myanmar has grown exponentially both at the official and popular level. It now happens almost on a daily basis. In the political domain, rejections come from the top to the middle to the bottom. To a question raised after his speech at Chatham House on 15 July 2013, President Thein Sein answered:

To use the term Rohingya, in our ethnic history we do not have the term Rohingya.⁵⁵

⁵² Human Rights Watch, *Perilous Plight*; Thomas Bell, “Thai Military Accused of ‘Pushing Burmese Boat People out to Sea to Die,’” *Telegraph (UK)*, January 16, 2009, accessed January 18, 2015, <http://www.telegraph.co.uk/news/worldnews/asia/thailand/4269504/Thai-military-accused-of-pushing-Burmese-boat-people-out-to-sea-to-die.html>

⁵³ *New Light of Myanmar*, January 30, 2009, 16.

⁵⁴ ‘Propaganda’ is understood here as associated with negative connotations. In other words, propaganda are understood as ‘weapons of mass deception’, following Nicholas J. O’Shaughnessy. See Nicholas J. O’Shaughnessy, *Politics and Propaganda: Weapons of Mass Seduction* (Ann Arbor: University of Michigan Press, 2004)

⁵⁵ “Myanmar President: No Plans to Amend the 1982 Citizenship Law,” *Today’s Zaman (Turkey)*, July 16, 2013, accessed June 11, 2014, <http://www.todayszaman.com/news-321008-myanmar-president-no-plans-to-amend-the-1982-citizenship-law.html>

At a general debate at the United Nations Human Rights Council held on 13 September 2013, Wunna Maung Lwin, the Myanmar foreign minister, argued:

It is necessary to understand the general sentiment of the people of Myanmar. While they are ready, and as it has been the case, to accept those who meet the criteria of the 1982 Citizenship Law as citizens, they do not accept the term ‘Rohingya’ which has never existed in the country’s history.⁵⁶

Likewise, in its observations on the report submitted by the Special Rapporteur on Human Rights in Myanmar, Tomás Ojea Quintana, to the UN Human Rights Council in April 2014,⁵⁷ the Myanmar delegation to the UN asserted again:

The term “Rohingya” has never existed in our national history. It has also been the case with the censuses taken during the colonial period as well as those taken in 1973 and 1983. The said term is maliciously used by a group of people with ulterior motives. The people of Myanmar never recognizes [sic] it. Those who are not among the list of over 100 ethnic groups of Myanmar, according to the country’s Constitution and official documents, have always been classified according to their ethnic roots as “Chinese”, “Indian”, “Bengali”, etc. For instance, Myanmar citizens of Chinese descent are mentioned on their national identification card as “Chinese/Myanmar.”⁵⁸

From this, we can see that Myanmar government officials are consistent in their strong anti-‘Rohingya’ rhetoric. On the surface, this rhetoric resembles that adopted by the SLORC/SPDC in the past. However, if we scratch beneath the surface, we notice a significant difference. Present Myanmar officials often refer to popular opinion and widespread prejudices against ‘Rohingya’ within Myanmar. Essentially, they contend

⁵⁶ “Statement by H.E. U Wunna Maung Lwin,” accessed June 11, 2014, [http://www.myanmargeneva.org/index\(more news\).htm](http://www.myanmargeneva.org/index(more news).htm).

⁵⁷ United Nations Human Rights Council, “Report of the Special Rapporteur on the Situation of Human rights in Myanmar, Tomás Ojea Quintana,” A/HRC/25/64, March 12, 2014, accessed January 18, 2015, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A.HRC.25.64_AUV.doc

⁵⁸ United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human rights in Myanmar, Tomás Ojea Quintana: Addendum: Comments by State, A/HRC/25/64/Add.1, March 12, 2014, accessed January 18, 2015, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A.HRC.25.64.Add.1_AV.doc.

that ‘Rohingya’ is rejected not only by the government but also by the people. The implication is that the international community must or should not use it either.

Rakhine politicians are even more confrontational and aggressive than the central government. There are many recent examples, two of which will be briefly stated here to show how ‘Rohingya’ has become a popular anathema in Myanmar. One of them was strongly worded responses made by Rakhine politicians to U.S. President Barack Obama’s use of ‘Rohingya’ in a speech at Yangon University on 19 November 2012,⁵⁹ echoed by many other non-Rakhines.⁶⁰ Another instance in which use of ‘Rohingya’ was highly problematic occurred during the process of the last nationwide census, which was conducted from 30 March to 10 April in 2014.⁶¹ The campaign mounted by Rakhines, radical monks and others against inclusion of ‘Rohingya’ in the census eventually led to an attack upon properties of international humanitarian offices based in Sittwe and banning of the ethnonym in the census and boycotting of the census by almost all Muslims in Rakhine State.⁶² There are many more examples of assertions

⁵⁹ “Remarks by President Obama at the University of Yangon,” accessed November 20, 2012, <http://www.whitehouse.gov/the-press-office/2012/11/19/remarks-president-obama-university-yangon>

⁶⁰ Tha Lun Zaung Htet, “Amid Euphoria, Ethnic MPs Slam Obama’s Speech,” *Irrawaddy*, November 21, 2012, accessed November 21, 2012, <http://www.irrawaddy.org/ethnic-issues/amid-euphoria-ethnic-mps-slam-obamas-speech.html>; မင်းဆက်နိုင်, “အိုဘားမား မိန့်ခွန်းအပေါ် ရခိုင်ခေါင်းဆောင်များအမြင်,” *Narinjara*, November 19, 2012, accessed November 20, 2012, <http://www.narinjara.com/burmese/?p=3150>

⁶¹ The second last census was carried out in 1983. Therefore, there was a thirty-one-year lapse between the two censuses.

⁶² For details of these anti-‘Rohingya’ campaigns, see Jessica Mudditt, “Rohingya Call on Govt for Inclusion in 2014 Census,” *Democratic Voice of Burma*, January 13, 2014, accessed January 14, 2014, <http://www.dvb.no/news/rohingya-parties-call-on-govt-for-inclusio-in-census-burma-myanmar/36023>; Lawi Weng, “Muslim Political Parties Seek Rohingya Census Recognition,” *Irrawaddy*, January 10, 2014, accessed January 11, 2014, <http://www.irrawaddy.org/burma/muslim-political-parties-seek-rohingya-census-recognition.html>; Min Min, “Rakhine MPs Seek ‘Rohingya’ Ban in Census,” *Mizzima*, March 5, 2014, accessed January 19, 2015, <http://www.mizzima.com/mizzima-news/rohingya-issues/item/10965-rakhine-mps-seek-rohingya-ban-in-census/10965-rakhine-mps-seek-rohingya-ban-in-census>; Kay Zue, “Rakhine State Protests Oppose ‘Rohingya’ as Census Category,” *Mizzima*, March 17, 2014, accessed March 18, 2014, <http://www.mizzima.com/mizzima-news/rohingya-issues/item/11000-rakhine-state-protests-oppose-rohingya-as-census-category>; Lawi Weng, “Wirathu Joins Arakanese Protest against Census,” *Irrawaddy*, March 17, 2014, accessed March 18, 2014,

and incidents, which explain the level of anti-‘Rohingya’ sentiments in Myanmar. From a selection of them, we have seen how the Myanmar government and politicians make denials of Rohingyas’ existence under that particular name. Below, we look at the reasons they have given. Regarding this naming controversy, it is actually very difficult, if not impossible, to see things in black and white, as with most other issues in Myanmar. One can always make arguments for or against it by selective usage of evidence. Therefore, I will group the two arguments below and discuss.

Four main reasons usually given mainly by Rakhines and others to reject ‘Rohingya’ are: that ‘Rohingya’ has never been included in censuses taken in either colonial or independent Burma/Myanmar; that the ethnonym was invented by (illegal Chittagongnian/Bengali) Muslim leaders from NRS in the 1950s; that in want of Muslim votes the U Nu government recognized the name and Rohingyas as a national group under that ethnonym; that Rohingya is not even qualified to denote a race or ethnicity since it is only a new political identity revived under an old name; and that Rohingya was invented by Muslim rebels.⁶³

<http://www.irrawaddy.org/burma/wirathu-joins-arakanese-protest-census.html>; Lawi Weng, “Arakan Officials Ask Rohingya to Leave Census Race Question Blank,” *Irrawaddy*, March 25, 2014, accessed March 27, 2014, <http://www.irrawaddy.org/burma/arakan-officials-ask-rohingya-leave-census-race-question-blank.html>; Myo Myint Thaung, “The Word ‘Rohingya’ Poses Problem to National Security and National Affairs,” *New Light of Myanmar*, April 5, 2014, 8; Kyaw Kyaw Aung, Min Thein Aung and Kyaw Zaw Win, “Mobs Attack Offices of UN, Aid Groups in Myanmar’s Rakhine State,” *Radio Free Asia*, March 27, 2014, accessed March 28, 2014, <http://www.rfa.org/english/news/myanmar/flag-03272014173432.html>; “Press Release: UNFPA Statement on Myanmar Census and Violence in Rakhine State,” March 28, 2014, accessed March 31, 2014, http://countryoffice.unfpa.org/myanmar/2014/03/28/9361/press_release_unfpa_statement_on_myanmar_census_and_violence_in_rakhine_state/; “Statement: UNFPA Concerned about Decision Not to Allow Census Respondents to Self-Identify as Rohingya,” April 1, 2014, accessed April 1, 2014, http://countryoffice.unfpa.org/myanmar/2014/04/01/9376/press_release_unfpa_concerned_about_decision_not_to_allow_census_respondents_to_self_identify_as_rohingya/.

⁶³ Maung Tha Hla, *The Rakhaing* (New York: Buddhist Rakhaing Cultural Association, 2004); Maung Tha Hla, *The Rohingya Hoax* (New York: Buddhist Rakhaing Cultural Association, 2009); ဝေမာသိဉ်, “ရိုဟင်ဂျာနှင့်ပတ်သက်၍ဦးနုအပေါ်ဝေဖန်မှုသမီးဖြစ်သူကာကွယ်ပြောဆို,” *Mizzima*, April 4, 2014, accessed April 7, 2014, <http://mizzimaburmese.com/2013-10-20-16-16-07/2013-11-01-01-48-27/item/20553-2014-04-04-03-28-34>; Khin Maung Saw, “The ‘Rohingyas’, Who Are They? The Origin of the Name

On the other hand, counterevidence has been provided to support the legitimacy of ‘Rohingya’: ‘Rohingya’ can be traced to a publication in 1799 which mentioned “*Mohammedans*, who have long settled in *Arakan*, and who call themselves *Rooinga*, or natives of *Arakan*” (italics in original);⁶⁴ Burmese State Radio broadcasted a native ethnic language program in the Rohingya language from 1961 to 1965 according to a decision made by the government;⁶⁵ Maj-Gen Aung Gyi, who was then Deputy Commander-in-Chief (Army), used ‘Rohingya’ and accepted it as one of the ethnic groups of Myanmar in his speech given at the ceremony of the first and second rounds of disarmament and returning to the legal fold of *Mujahid* rebels on 4 July⁶⁶ and 15 November⁶⁷ in 1961 and later recounted a decision by the armed forces and the cabinet

‘Rohingya’,” in *Tradition and Modernity in Myanmar: Proceedings of an International Conference Held in Berlin from May 7th to May 9th, 1993*, ed. Uta Gärtner and Jens Lorenz (Münster: LIT, 1994); Aye Chan, “The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma (Myanmar),” *SOAS Bulletin of Burma Research* 3 (2) (2005); ခိုင်မြဝါ, လူ့အခွင့်အရေးအရေချိ “ရှိုဟင်ဂျာ” အမည်ခံစစ်တကောင်းအနွယ်ဝင်ဘင်္ဂါလီတို့၏ နယ်သစ်ချဲ့ထွင်ရေးသမိုင်းလိမ်ကိုဝေဖန်ခြင်း (ရန်ကုန်: Signature Book House, 2012); ခိုင်ကျော်, ဘင်္ဂါလီပြဿနာနှင့် ရခိုင်ပြည်နယ်အနာဂတ်အရေး (ရန်ကုန်: Middle Line, 2013); အောင်နိုင်သိမ်း (မေယုမြေ), မြန်မာနိုင်ငံအနောက်ဘက်ဝင်ပေါက်အန္တရာယ်နှင့် သမိုင်းကွင်းဆက်များ (ရန်ကုန်: ဂုဏ်ထူးစာပေ, 2013); ငြိမ်းအေးအိမ်, အနောက်ဘက်တံတိုင်းသို့လှမ်းကြည့်ခြင်း [၂၀၁၂ ရခိုင်အရေး] (ရန်ကုန်: ပန်းဝေဝေစာပေ, 2012); ဦးကျော်စိန် ပညာရေး (ငြိမ်း), ရခိုင်အရေးသွေးအေးသွားကြပြီလော (ရန်ကုန်: ဂုဏ်ထူးစာပေ, 2013); Ba Saw Tin, “An Historian Looks at Rohingya,” *Irrawaddy*, October 7, 2009, accessed January 2, 2012, http://www2.irrawaddy.org/print_article.php?art_id=16946; Jacques Leider, “Rohingya: The Name, the Movement, and the Quest for Identity,” in *Nation Building in Myanmar* (Yangon: Myanmar Egress, 2014); ‘History behind Arakan State Conflict.’ *Irrawaddy*, July 9, 2012, accessed July 9, 2012, <http://www.irrawaddy.org/interview/history-behind-arakan-state-conflict.html>.

⁶⁴ Francis Buchanan, “A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire,” *Asiatic Researches* 5 (1799), Reprinted in *SOAS Bulletin of Burma Research* 1 (1) (2003).

⁶⁵ ဦးကျော်ညွန့်, နှစ် ၃၀ မြန်မာ့အသံ (ရန်ကုန်: စာပေဗိမာန်, 1979), 71.

⁶⁶ Aung Gyi’s full speech delivered on 4 July 1961 was reproduced on pages 5-6 of the *Myanma Alin* issued on 8 July 1961.

⁶⁷ Aung Gyi’s full speech delivered on 15 November 1961 was reproduced on pages 1-13 of မေယုရှေ့ရေး (ဒုတိယအကြိမ်) published by the armed forces (n.d.).

as well to recognize ‘Rohingya’ as an ethnonym;⁶⁸ and ‘Rohingya’ is found in a number of other pronouncements by officials and in government publications as well.⁶⁹ There used to be a balanced view in the middle which questioned the adamant claim by the Myanmar government that ‘Rohingya’ was invented by Muslim jihadists and accepts that most, if not all, of the Muslims in NRS should be at least naturalized because they have lived in Myanmar for many generations.⁷⁰ But this view is rarely heard any more, at least within Myanmar.

This section does not aim to resolve this naming controversy due to three main reasons. Firstly, as seen above, existing evidence can be used either for or against ‘Rohingya’. Secondly, simply focusing on written or printed evidence, especially the censuses, alone to argue that ‘Rohingya’ exists, or does not, is not convincing because it misses the very important fact that ethnicities and ethnonyms (especially in the case of

⁶⁸ ဗိုလ်မှူးချုပ်အငြိမ်းစားအောင်ကြီး, “ကျွန်တော်သိသော ဘူးသီးတောင်မောင်းတော ဗိုလ်ချုပ်အောင်ဆန်းနှင့် အာဇာနည်ကြီးများကျဆုံးသည်နှင့် တပြိုင်နက်ရင်ဆိုင်ကြရပုံက ကျွန်တော်ဖြေရှင်းခဲ့ရသော ရိုဟင်ဂျာ ပြဿနာ,” *Union Nationals Democrat Party (UNDP) သတင်းလွှာ*, February 1997. This important historical article is reproduced with a slight change in the title in a recent publication. ဗိုလ်မှူးချုပ်အောင်ကြီး (အငြိမ်းစား), “ဗိုလ်ချုပ်အောင်ဆန်းနှင့် အာဇာနည်ကြီးများကျဆုံးသည်နှင့် ကျွန်တော်ဖြေရှင်းခဲ့ရသော ရိုဟင်ဂျာပြဿနာ,” in *ဗိုလ်မှူးချုပ်အောင်ကြီး (အငြိမ်းစား) ကျွန်တော်ဖြေရှင်းခဲ့ရသော ရိုဟင်ဂျာပြဿနာ*, comp. အလင်္ကာမြတ်ဇာနည် (ရန်ကုန်: ကံ့ကော်မြိုင်စာပေ, 2014).

⁶⁹ ဦးကျော်မင်း, *ရခိုင်ပြည်နယ်၏တိမ်မြုပ်နေသော သမိုင်းတစ်စောင်*: A Glimpse into the Hidden Chapters of Arakan History (ရန်ကုန်: ဒေါ်ခင်မာချို, 2013); ဦးအောင်ခင်, *သမိုင်းသက်သေ: ရိုဟင်ဂျာအဖြေ* (ရန်ကုန်: ဦးအောင်ခင်, 2013); အမျိုးသားဖွံ့ဖြိုးတိုးတက်ရေးပါတီ (National Democratic Party for Development), *ရခိုင်ပြည်နယ်အတွင်းမှီတင်းနေထိုင်ကြသောဒေသခံအစ္စလာမ်ဘာသာဝင်များသည် ဥပဒေကြောင်းအရလည်းကောင်း၊ သဘာဝအလျောက်မွေးရာပါနိုင်ငံသားများဖြစ်၍လည်းကောင်း၊ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်၏ တိုင်းရင်းသားနိုင်ငံသားဖြစ်ကြောင်း ပြည်ထောင်စုလွှတ်တော်သို့ တင်ပြသည့်စာတမ်း* (ရန်ကုန်: အမျိုးသားဖွံ့ဖြိုးတိုးတက်ရေးပါတီ, 2012); မြန်မာနိုင်ငံလုံးဆိုင်ရာကျောင်းသားများ ဒီမိုကရက်တစ်တပ်ဦးစဟိုကော်မတီဌာနချုပ်, *ရိုဟင်ဂျာပြဿနာနှင့် မြန်မာ-ဘင်္ဂလားဒေ့ရှ် နယ်စပ်ဒုက္ခသည်များပြဿနာအပေါ်လေ့လာချက်စာတမ်း* (N.p.: All Burma Democratic Students’ Democratic Front, 1992).

⁷⁰ မြန်မာနိုင်ငံလုံးဆိုင်ရာကျောင်းသားများဒီမိုကရက်တစ်တပ်ဦးစဟိုကော်မတီဌာနချုပ်, *ရိုဟင်ဂျာပြဿနာနှင့်*.

those officially sanctioned in Myanmar) are constructed throughout time and circumstances. To argue that ‘Rohingya’ is not legitimate since it was not included in censuses of colonial and independent Burma/Myanmar is not persuasive, especially considering that it was recognized as a legitimate ethnonym by the U Nu government. Thirdly, a strong argument, which completely rejects ‘Rohingya’ as a newly invented or invigorated ethnonym, must be supported with another strong argument, which must totally disprove the existence of a group of Muslim people prior to colonial times.⁷¹ Even if we can argue that ‘Rohingya’ is a newly invented or invigorated name, our argument will be weakened if those Muslims, who had lived in Rakhine State prior to colonization, only started using it in the 1950s. If that is really the case, it would have meant that the same people just started using a new name or revived an old one, which was accordingly approved by the government for some time.

A few more examples exist which may support or refute the legitimacy of ‘Rohingya’ as an ethnonym. To repeat, it is no black-and-white matter. Indeed these examples used for or against ‘Rohingya’ seem to miss a very important fact that ethnicities and ethnyonyms are constructed throughout time. Especially, outright and often emotional rejections that ‘Rohingya’ has *never* existed in Burma/Myanmar’s history are unreasonable. Taking an ethnonym out of context and arguing that it is not legitimate because it was not well known or it emerged in a certain period is problematic. Even when the context is mentioned, what they do is use it to argue that the U Nu government sided with Rohingyas to defeat Rakhines and Rohingyas must not be trusted. If that is what happened, important questions follow: Why would U Nu do that? Would he give citizenship to ineligible alien Bengalis just for political benefits alone? Were U Nu and his Clean Faction of Anti-Fascist People’s Freedom League in desperate need of Muslim votes in Arakan then? Didn’t U Nu himself promise statehood for Arakan before the elections? Wasn’t the major Rakhine political party by the name of Arakanese National United Organization (ANUO), which sought statehood, close to the Clean Faction?⁷² All of these questions require serious pondering and further explication, which is beyond the scope of this section. But, these questions are

⁷¹ Demography of Muslims of Rakhines and its politicization will be discussed at length in Chapter 6.

⁷² Richard Butwell and Mehden, F. Von der, “The 1960 Election in Burma,” *Pacific Affairs* 33 (2) (1960).

raised here to highlight *politicalness* of all of these contextual events and dynamics and argue that it is unreasonable to just state that ‘Rohingya’ is an illegitimate invention.

This thesis will use ‘Rohingya’ for two major reasons. First, as the UN has frequently stated, Rohingyas have a right to self-identification. This human rights-based argument is reasonable and works. But it has admittedly led to formation of an increasingly recalcitrant position on the part of the Myanmar government and people (especially Rakhines), as seen above. The second reason is for consistency or convention because most existing English-language writings use it. However, ‘Bengali’ is used when the thesis draws from Burmese-language sources and English-language sources which use it.

Human rights and human rights violations

‘Human rights’ is very frequently used in international political discourse, as are the associated terms “human rights abuse” or “human rights violations”. They are essentially contested terms, yet often remain undefined.

This thesis takes as its starting point in the 30 articles of the Universal Declaration of Human Rights (UDHR), which was adopted as a non-binding declaration by the United Nations General Assembly on 10 December 1948,⁷³ and today is widely considered to have become international customary law in the arena of human rights.⁷⁴ The human rights listed in the UDHR were further elaborated on, and given legal status in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁷⁵ As well

⁷³ “Universal Declaration of Human Rights,” accessed December 30, 2014, <http://www.un.org/en/documents/udhr/>.

⁷⁴ Hurst Hannum, “The UDHR in National and International Law,” *Health and Human Rights*, 3 (2) (1998).

⁷⁵ The ICCPR and ICESCR further detail and list more rights by dividing rights into two groups. The full texts of the ICCPR and ICESCR are available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> and <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>, accessed November, 30, 2014.

as a number of more specific human rights treaties and conventions.⁷⁶ Among the rights listed in the UDHR, the ones most relevant to this thesis are: the right to freedom from discrimination (Article 2); the right to life, liberty, and security (Article 3); the right to freedom from torture or to cruel, inhuman or degrading treatment or punishment (Article 5); the right to freedom of movement and residence within the borders of each state (Article 13 (1)); the right to a nationality, to freedom from arbitrary deprivation of one's nationality, and to change one's nationality (Article 15); and 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 (Article 25 (1)). However, it is generally assumed here that all human rights are essential for enjoyment and realization of human dignity. This position echoes the general position taken by the United Nations:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.⁷⁷

To create a world which respects human rights, the United Nations posits that there are not only rights but also obligations on the part of states and individuals within their territorial boundaries. Since the international human rights regime emerged in the Westphalian international order, which respects sovereignty of individual states, it primarily holds states accountable for respecting, protecting, and fulfilling the human rights of those individuals living within their territory. The United Nations defines what is meant by 'respect', 'protect', and 'fulfill', as follows:

⁷⁶ The most significant treaties and conventions are: the Genocide Convention (1948); the Convention Relating to the Status of Refugees (1951); International Convention on the Elimination of All Forms of Racial Discrimination (1966); the Convention of the Elimination of All forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or other Degrading Treatment of Punishment (1984); and Convention on the Rights of the Child (1989). The full list of the ten core international human rights instruments (nine treaties and one protocol) and their details are available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>, accessed November, 30 2014.

⁷⁷ United Nations Office of the High Commissioner for Human Rights, "What are Human Rights?" accessed November 30, 2014, <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.

The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.⁷⁸

Then, what are human rights violations? How can we identify instances of human rights violations? According to Chapman, we may distinguish between three types of violations: “(1) violations resulting from actions and policies on the part of governments; (2) violations related to patterns of discrimination; and (3) violations taking place due to a state’s failure to fulfill the minimum core obligations.”⁷⁹ The first type refers to both actions and policies on the part of governments. By actions, she points to direct “commission or activities of states or governments that contravene [human rights].”⁸⁰ Policies and laws are defined as those “that create conditions inimical to the realization of recognized rights.”⁸¹ The second type – patterns of discrimination – simply refers to the provision in similar wording in the UDHR, ICCPR, ICESCR, and many other international human rights instruments. For example, Article 2 of the UDHR states: Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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.⁸²

The third type refers to “those resulting from the failure to fulfill minimum core obligations [enshrined in the UDHR and many other international human rights instruments].”⁸³ Chapman’s violations approach and three types of violations are in accordance with the ‘agency’ approach often taken by the international human rights regime and researchers on cases of human rights violations. The approach looks not only at willed actions by states or human rights violations but also at policies that create

⁷⁸ Ibid.

⁷⁹ Audrey R. Chapman, “A “Violations Approach” for monitoring the International Covenant on Economic, Social and Cultural Rights,” *Human Rights Quarterly* 18 (1) (1996), 43.

⁸⁰ Ibid., 43.

⁸¹ Ibid., 43.

⁸² “Universal Declaration of Human Rights”

⁸³ Chapman, “A “Violations Approach,” 45.

a facilitative environment in which human rights may be violated. Moreover, her second and third types are especially useful for studying cases of human rights violations like the Rohingya plight because discrimination based upon religious identity and national origin is supposed to play a vital role. According to this approach, discrimination is tantamount to human rights violations. Also, taking governments' failure to fulfil minimum core obligations as legislated by human rights instruments as human rights violations shall effectively respond to the way the government in question evades its responsibility to respect, protect, and fulfil by pointing out to poverty, intergroup conflict, dubious citizenship status of Rohingya, etc.

This thesis will consider actions, policies, discrimination as well as the Myanmar government's failure to fulfill minimal core human rights such as subsistence and security rights, as acts of human rights violations. However, since it is a case study of the causes of human rights violations, it will also look at other structural and cultural causes which have led to the Rohingya plight, as will be explained in the theoretical framework.

Methodology

Case study

Since this research seeks to explain why the Rohingya suffer human rights violations, it uses the *contextualist* qualitative methodology of the 'case study'. The term 'case study' reads or sounds easy to understand but its usage to refer to different categories or genres of research conducted in different research settings has led to "a definitional morass".⁸⁴ This may help explain the often harsh criticisms the method has been subject to, mostly by quantitatively inclined scholars. It does not help that different scholars define 'case study' in different ways.

The following is a sample survey of existing definitions of case study provided by various authors:

⁸⁴ John Gerring, *Case Study Research: Principles and Practices* (Cambridge: Cambridge University Press, 2007), 17.

To refer to a work as a “case study” might mean: (a) that its method is qualitative, small-N, (b) that the research is holistic, thick (a more or less comprehensive examination of a phenomenon), (c) that it utilizes a particular type of evidence (e.g., ethnographic, clinical, nonexperimental, non-survey-based, participant-observation, process-tracing, historical, textual, or field research), (d) that its method of evidence gathering is naturalistic (a “real-life context”), (e) that the topic is diffuse (case and context are difficult to distinguish), (f) that it employs triangulation (“multiple sources of evidence”), (g) that the research investigates the properties of a single observation, or (h) that the research investigates the properties of a single phenomenon, instance, or example.⁸⁵

John Gerring argues that the first six definitions above do not adequately define the term ‘case study’ because they more or less refer to a particular type or types of case study research and the seventh one need to be discarded because there can be more than one observation in a case study. For example, truth contained in his criticism is especially obvious in definition (c) that a case study may employ either ethnography or clinical research, both of which are totally distinct in nature from each other. When ethnography usually takes place in real life,⁸⁶ clinical research is almost always conducted within the walls of a laboratory.

With some modification to the eighth definition, John Gerring⁸⁷ suggests a comprehensive definition:

A case study may be understood as the intensive study of a single case where the purpose of that study is – at least in part – to shed light on a larger class of cases (a population). (Italics in original)

This definition is especially relevant to my research because it is concerned with study of a single case like mine. There are two parts to this definition. Case studies are intensively conducted firstly to understand and explain a case and secondly to contribute to studies of a larger class to which the single case belongs. The second part

⁸⁵ Ibid., 17.

⁸⁶ This statement that ethnography is conducted in real life is made, aware of the fact that it is now being employed in virtual situations such as internet research because human interactions – the main subject that ethnographies usually study – nowadays take place online as well.

⁸⁷ Gerring, *Case Study Research*, 20.

is very important here because it asserts that a case study does contribute to knowledge accumulation.

Critiques of case study and counterarguments

Indeed, the second part of John Gerring's definition, quoted above, seems to have been made to counter the attack upon small-N or single qualitative-oriented case studies by those large-N, hypothesis-testing, and multivariate quantitative studies amidst the latter's rising popularity starting from the 1970s.

This criticism of single case study research is seemingly made with the assumption that single case studies do not contribute to knowledge because it only sets out to explain single cases without considering their further use for academic research accumulation. Indeed, according to the second part of Gerring's definition, studies of single cases may contribute to knowledge since single cases together constitute a larger class of events or phenomena. This functional value of case study in helping accumulate knowledge can also be seen in another definition given by Alexander L. George and Andrew Bennett, whose acclaimed book *Case Studies and Theory Development in the Social Sciences*⁸⁸ has significantly highlighted the contribution of case studies to theory development in social sciences. Their study is arguably the most comprehensive counter-argument against those criticisms of the case study as having no use for theory development in social sciences. The two widely read authors provide a definition of case study, similar to John Gerring's:

We define a case as an instance of a class of events. The term "class of events" refers here to a phenomenon of scientific interest, such as revolutions, types of governmental regimes, kinds of economic systems, or personality types that the investigator chooses to study with the aim of developing theory (or "generic knowledge") regarding the causes of similarities or differences among instances (cases) of that class of events. A case study is thus a well-defined aspect of historical episode that the investigator selects for analysis, rather than a historical event itself. The Cuban Missile Crisis, for example,

⁸⁸ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, Mass.: MIT Press, 2005).

is a historical instance of many different classes of events: deterrence, coercive diplomacy, crisis management, and so on. A researcher's decision about what class of events to study and which theories to use determines what data from the Cuban Missile Crisis are relevant to her or his case study of it. Questions such as "what is this event a case of?" and "is this event a designated phenomenon?" are integral to selecting cases for study and designing and implementing research of these cases.⁸⁹

This definition not only defines what a case study but also gives broad guidelines for case study researchers. It implicitly recommends that case studies which ultimately aim to contribute to theory development ought to situate their cases under the heading of an established class of events vigorously studied by disciplines. In this way, even if a case study is not comparative in nature, it is supposed to lead to further comparative research of cases under the same class of events as long as a case study is class-conscious and theory-guided.

For example, a study of a case of human rights violations which is informed by theory may be exemplary for further research on human rights violations of single cases or a number of cases by using same or similar theoretical concepts and frameworks. For example, a case study of the Rohingya plight may fall under the heading of human rights violations or of nationalism or racial discrimination or political repression. All of these areas are widely studied by an army of researchers who specialize in a discipline or similar disciplines. For example, in the case of human rights violations, research is largely dominated by legal scholars whereas a number of contextualized qualitative case studies also exists, as reviewed above. Many studies in human rights are disciplinary in nature whereas others tend to be interdisciplinary. That said, the area or class of events known as 'human rights violations' is now an established area of research and it will situate a case study of human rights violations such as the Rohingya plight in Myanmar in the larger literature on the topic. Thereafter, the findings of my case study may be supposed to contribute to knowledge accumulation.

Another pioneering author on case study research defines a case study as "an empirical enquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between phenomenon and context are not

⁸⁹ Ibid., 17-8.

clearly evident.”⁹⁰ While Gerring’s definition focuses on intensiveness of the phenomenon under a case study, Yin’s conceptualization highlights the importance of correlation between context and the phenomenon. If we combine these two perspectives by two leading scholars on the case study research method, we understand that a good case study gives attention not only to the case under study but also to its context. In other words, it not only studies the nature of a case but also analyses the context in which the case is embedded in. For example, a case study of an instance or phenomenon of human rights violations is ideally required not only to look at the case of human rights violations delineating its various aspects which fall under the head of human rights violations but also to analyse the political, social, legal and cultural context which has enabled those human rights violations to occur. The importance of context in a qualitative case study is also highlighted by Robert E. Stake, another leading proponent of the case study research method: “For a qualitative research community, case study concentrates on experiential knowledge of the case and close attention to the influence of its social, political, and other contexts”.⁹¹

Moreover, Robert J. Franzese, Jr.⁹² makes a similar argument by stating that “The central tenet of modern comparative politics is, as that of classical pre- and post-war comparative politics was, that *context*—structural, cultural, institutional, and strategic; social, economic, and political; international, domestic, and local—matters (*Italics in original*).” The importance of context in political science as a whole is pinpointed succinctly in two words by the title ‘It Depends’ of the introductory chapter by Charles Tilly and Robert E. Goodin,⁹³ the editors of *Oxford Handbook of Contextual Political Analysis* published in 2006. In the same handbook, Lucian Pye, one of the pioneers of the behavioral revolution in political science, recounts the decades-long journey of empirical political science over the twentieth century and into the twenty-

⁹⁰ Robert K. Yin, *Case Study Research: Design and Methods*, 3rd ed. (Thousand Oaks: Sage, 2003), 13.

⁹¹ Robert E. Stake, “Qualitative Case Studies,” In *Sage Handbook of Qualitative Research*, ed. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks, SAGE, 2005), 444.

⁹² Robert J. Franzese, Jr., “Multicausality, Context-conditionality, and Endogeneity,” In *The Oxford Handbook of Comparative Politics*, ed. Carles Boix and Susan C. Stokes (Oxford: Oxford University Press, 2007), 29.

⁹³ Robert E. Goodin and Charles Tilly, ed., *The Oxford Handbook of Contextual Political Analysis* (Oxford: Oxford University Press, 2006).

first century, and encourages “respect for what was not long ago dismissed as “mere description””.⁹⁴ This call for contextualization has coincided with the increasing prominence of the case study as a reliable research method over the last few decades. Hence, the heart of comparative politics lies in context and case studies are highly suitable for contextual studies.

When asked about the prominence of his seminal single case study on pluralism and democracy in the Netherlands, titled *The Politics of Accommodation*, Arend Lijphart, one of the greatest living political scientists, replies:

Case studies have the greatest impact when they are embedded in a broader theory.⁹⁵

Therefore, there are three general conditions single case studies have to comply with: intensive study of a single case; the case’s belonging to a large class of events; and being embedded in broader theories. My single case study of the Rohingya plight may be said to meet all of these three requirements. It will be an intensive study of a case of human rights violations which is a larger class. It will also be guided by broader social theories and medium-range theories.

Case studies abound in area studies and area studies with exclusive focus on a certain area or country or case have been often unfairly described by many critics as uncontributing to theory. Matthias Basedau and Patrick Köllner⁹⁶ write criticisms of area studies come from three sources – “relevance of area studies in an increasingly globalised world,” “demands to re-conceptualise area studies in post-modern or post-structural terms,”⁹⁷ and “relationship between the ‘scientific’ disciplines [rational choice theory, statisticization, and mathematical studies] and the allegedly not theory-based

⁹⁴ Lucian Pye, “The Behavioral Revolution and the Remaking of Comparative Politics,” In *The Oxford Handbook of Contextual Political Analysis*, ed. Robert E. Goodin and Charles Tilly (Oxford: Oxford University Press, 2006), 804.

⁹⁵ Gerardo L. Munck and Richard Snyder, *Passion, Craft, and Method in Comparative Politics* (Baltimore: John Hopkins University Press, 2007), 258.

⁹⁶ Matthias Basedau and Patrick Köllner, “Area Studies, Comparative Area Studies, and the Study of Politics: Context, Substance, and Methodological Challenges,” *Zeitschrift für Vergleichende Politikwissenschaft* 1 (1) (2007).

⁹⁷ *Ibid.*, 107.

area studies.”⁹⁸ Indeed, the third critique is most often heard in academia. That area studies are generally descriptive without the ability to explain causation is now almost like a fact generally accepted. However, a joint survey by Gerardo L. Munck and Richard Snyder of the research methods used in comparative politics concludes:

Area studies research does not constitute a distinctive approach in terms of research objectives and methods [compared to other supposedly methodologically rigorous non-area studies], and critiques of this research as atheoretical and “merely descriptive” are unfounded.⁹⁹

Southeast Asian studies is one of the areas studies which has not proven immune to those criticisms either. This led a group of Southeast Asianists to respond by publishing an edited volume, titled *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*,¹⁰⁰ whose chapters essentially counter the critique of area studies – Southeast Asian studies for them – and convincingly compel the readers to appreciate the value of single case or small-N qualitative case studies in knowledge accumulation in political science. Various chapters of the book deal with established areas of research in political science such as the state,¹⁰¹ democratization,¹⁰² political parties and elections,¹⁰³ contentious politics,¹⁰⁴ agrarian politics,¹⁰⁵ civil society,¹⁰⁶ religion,¹⁰⁷

⁹⁸ Ibid., 108.

⁹⁹ Gerardo L. Munck and Richard Snyder, “Debating the Direction of Comparative Politics: An Analysis of Leading Journals,” *Comparative Political Studies* 40 (1) (2007), 16.

¹⁰⁰ Erik M. Kuhonta, Dan Slater and Tuong Vu, ed., *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis* (Stanford: Stanford University Press, 2008).

¹⁰¹ Erik M. Kuhonta, “Studying States in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰² Dan Slater, “Democracy and Dictatorship Do not Float Freely: Structural Sources of Political Regimes in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰³ Allen Hicken, “Developing Democracies in Southeast Asia: Theorizing the Role of Parties and Elections,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰⁴ Tuong Vu, “Contentious Mass Politics in Southeast Asia: Knowledge Accumulation and Cycles of Growth and Exhaustion,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

ethnicity,¹⁰⁸ political economy,¹⁰⁹ and rural agricultural society,¹¹⁰ to which a selected survey of the works in Southeast Asian studies by the chapter-authors have evidently contributed. Therefore, in their concluding chapter by the three editors, it is emphatically stated that “Southeast Asian political studies have produced valuable scholarship regarding core theoretical questions in the discipline,” although it is admitted at the same time that “some of these works have given rise to prominent debates in political science, whereas others have had minimal impact outside Southeast Asian studies.”¹¹¹ All of these counterarguments by Southeast Asianists were only concerned with the role of Southeast Asian case studies for theory development and knowledge accumulation in academia.

Another extremely important role that single case studies may play is concerned with policy advocacy. Social science ought not to focus on theory development and hypothesis testing alone. It also has a duty not only to explain real-life cases and problems which affect people but also to help solve them. Bent Flyvbjerg, Todd Landman, and Sanford Schram call for an alternative role of social sciences, i.e. social

¹⁰⁵ Benedict J. T. Kerkvliet, “In-depth Research and Knowledge Accumulation about Agrarian Politics in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰⁶ Meredith Weiss, “Civil Society and Close Approximations Thereof,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰⁷ Kikue Hamayotsu, “Beyond Doctrine and Dogma: Religion and Politics in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰⁸ Jamie Davidson, “The Study of Political Ethnicity in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹⁰⁹ Regina Abrami and Richard F. Doner, “Southeast Asia and Political Economy of Development,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹¹⁰ Ardeth Maung Thawngmung, “The Missing Countryside: The Price of Ignoring Rural Political Economy in Southeast Asia,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008).

¹¹¹ Erik M. Kuhonta, Dan Slater and Tuong Vu, “Concluding Remarks,” In *Southeast Asia in Political Science: Theory, Region, and Qualitative Analysis*, ed. Erik M. Kuhonta, Dan Slater and Tuong Vu (Stanford: Stanford University Press, 2008), 325.

science that matters in real life.¹¹² For them, social science ought to aim to explain real life problems and issues. For example, the failure of academia by having mainly been occupied with hypothesis-testing large-N quantitative research was lamented by Francis Fukuyama in the aftermath of September 11 attacks upon the United States. Francis Fukuyama wrote that the pattern in academia had been “one of colonization of the study of politics by economics” and “on the eve of the September 11 attacks, half of the top political science departments in the United States did not have a Middle East studies program.”¹¹³ For him, when faced with a real threat of terrorism and fundamentalism, American scholars could not provide required in-depth knowledge urgently required by the United States government. A similar case may be made here regarding the near lack of academic research on the Rohingya issue when the international community and Myanmar authorities faced it in 2012 although the issue had lingered at least since the late 1970s. What the international community has so far been able to provide is ready-made advice by drawing comparative knowledge from similar cases elsewhere. However, the Rohingya case must be understood in its own context which may not be completely the same as a similar case elsewhere.

With stated aims of theoretical parsimony and generalizability not only among natural sciences but also among social sciences,¹¹⁴ the focus of intrinsic case study research on a case and its context has faced a series of critiques from those who claim to adhere to the ‘generalization’ project and from those who advocate theoretical parsimony. Bent Flyvbjerg, the founder of currently influential applied phronetic social science, recounts his own difficulties in responding to the common critiques of case study method and debunks five most widely shared misunderstandings about benefits of

¹¹² Bent Flyvbjerg, Todd Landman, and Sanford Schram, *Real Social Science: Applied Phronesis* (Cambridge: Cambridge University Press, 2012).

¹¹³ Francis Fukuyama, “How Academia Failed the Nation: The Decline of Regional Studies,” Winter 2004, accessed June 2, 2013, <http://www.campus-watch.org/article/id/1507>.

¹¹⁴ Sciencizing qualitative social science, which calls for application of the “scientific” method used in natural sciences, was popularized by the 1994 publication *Designing Social Inquiry: Scientific Inference in Qualitative Research* by Gary King, Robert O. Keohane, and Sidney Verba. It sought to set standards for qualitative social research and won applause. At the same time, it received response from leading social scientists who do not ascribe to the three authors’ method. For example, Henry E. Brady and David Collier, ed., *Rethinking Social Inquiry: Diverse Tools, Shared Standards* (Lanham: Rowman and Littlefield, 2004).

case study research in his widely quoted article published in 2006.¹¹⁵ He argues that criticisms of case study stem from five misunderstandings of the research method and provides corresponding corrections, both of which are listed in the table below adapted from his article:

Misunderstanding	Correction
General, theoretical (context-independent) knowledge is more valuable than concrete, practical (context-dependent) knowledge.	Predictive theories and universals cannot be found in the study of human affairs. Concrete, context-dependent knowledge is, therefore, more valuable than the vain search for predictive theories and universals.
One cannot generalize on the basis of an individual case; therefore, the case study cannot contribute to scientific development.	One can often generalize on the basis of a single case, and the case study may be central to scientific development via generalization as supplement or alternative to other methods. But formal generalization is overvalued as a source of scientific development, whereas “the force of example” is underestimated.
The case study is most useful for generating hypotheses; that is, in the first stage of a total research process, whereas other methods are more suitable for hypotheses testing and theory building.	The case study is useful for both generating and testing of hypotheses but is not limited to these research activities alone.
The case study contains a bias toward verification, that is, a tendency to confirm	The case study contains no greater bias toward verification of the researcher’s

¹¹⁵ Bent Flyvbjerg, “Five Misunderstandings about Case-Study Research,” *Qualitative Inquiry* 12 (2) (2006).

the researcher's preconceived notions.	preconceived notions than other methods of inquiry. On the contrary, experience indicates that the case study contains a greater bias toward falsification of preconceived notions than toward verification.
It is often difficult to summarize and develop general propositions and theories on the basis of specific case studies.	It is correct that summarizing case studies is often difficult, especially as concerns case process. It is less correct as regards case outcomes. The problems in summarizing case studies, however, are due more often to the properties of the reality studied than to the case study as a research method. Often it is not desirable to summarize and generalize case studies. Good studies should be read as narratives in their entirety.

Table 1.1: Critiques and Counter-critiques of the Case Study Method

Indeed, Bent Flyvbjerg's article is able to counter all the most important critiques of the case study research. This research follows his line of reasoning and employs the case study research method by paying particular attention to context of Myanmar which is the originating place of the Rohingya plight which has spilled over to neighbouring countries in South Asia and Southeast Asia.

Cases-within-case study

After seeing what a case study is and how it may help researchers study subjects and answer questions, I will now discuss the type of case study of my research project. Although my study will be a case study of the plight of the Rohingya in Myanmar, it is indeed a combined case study of three cases of Rohingya exodus. In other words, it is by nature a cases-within-case study. In conducting the case study, I trace it back to

colonial times and the immediate post- independence period, demonstrating that it is a sedimented problem involving different players at different critical junctures.

I trace three exoduses of the Rohingya which occurred in the late 1970s and the early 1990s and from 2012 onwards which altogether have spanned more than four decades. This choice of the three critical junctures of the plight of the Rohingya also greatly assists with tracing government policies, actions, and discourses which are concerned with the Rohingya.

I have chosen these three critical junctures or cases within the case study for two main reasons. Firstly, because the plight of the Rohingya is a sedimented problem, causal factors have accumulated over time with new ones adding to old ones rather than replacing them, and any understanding of the problem requires dealing with all of these layers and factors. Secondly, the three junctures are times of crisis or high emotion and have come to define and redefine government and popular understanding of the Rohingya; therefore, they provide rich data.

One important methodological question then arises. Is the data on government policies, actions, and justification and on popular understanding and justification as well that I have collected representative of the situation of the Rohingya at other less critical times? I believe it is. First, focus on the three junctures alone provides sufficiently rich data and helps find out hitherto unknown causal factors. Secondly, the situation of the Rohingya neither changed nor improved in significant ways during the intervals.

My study may therefore be called a cases-within-case study. Yin argues that such cases-within-case studies strengthen findings because they are valuable in terms of “replication”.¹¹⁶ He calls such studies ‘multiple-case designs’ and argues that they provide consistent and robust findings because studying more than one case which supports the same argument has replication effects. Indeed, whether we call them ‘cases-within-case studies’ or ‘multiple-case designs’, they fall under the category of ‘within-case analysis’ which has been suggested by various authors for in-depth studies of a certain case belonging to a class of similar cases such as mine.¹¹⁷

¹¹⁶ Yin, *Case Study Research*, 47.

¹¹⁷ George and Bennett, *Case Studies and Theory Development*; Gerring, *Case Study Research*;

After explaining my choice of three cases or critical junctures, I will now discuss the method of ‘process tracing’ which I have employed in conducting my study.

Process tracing

As seen above, in simple terms, case studies are intensive studies of a case or cases, paying particular attention to the context of the case/cases. However, discussion of context is insufficient, especially for a case study such as mine which seeks to determine the causes of the Rohingya’s plight. If I only pay attention to context, my research, however nuanced it may be, is likely to become largely descriptive. Therefore, a specific qualitative research method, commonly known as process tracing, is employed to find causes.

First of all, it is worth discussing how I arrived at the decision to choose process tracing. Indeed, all research endeavours should be guided by research questions. Only after workable or answerable research questions are raised, should the researcher, in theory, start looking out for relevant theories and appropriate research methods. This general rule guided me throughout my research project. Firstly, I posed the central research question – What are the causes of the Rohingya plight? Secondly, I read and reviewed the case-specific literature on the Rohingya. Thirdly, I read and reviewed the theoretical literature on causes of human rights violations. Fourthly, I decided to conduct a case study by using process tracing because it is one of the best research methods to trace and find out causes or causal factors.

Then, what is process tracing? For what is it useful? These two questions will be answered in order to show why process tracing is particularly suitable for my research. Alexander L. George and Andrew Bennett define it as an attempt “to trace the links between possible causes and observed outcomes.”¹¹⁸ David Collier, another leading political scientist, highlights the use of process tracing in describing context and finding causal dynamics within a case study:

¹¹⁸ George and Bennett, *Case Studies and Theory Development*, 6.

Process tracing can contribute decisively both to describing political and social phenomena and to evaluating causal claims.¹¹⁹

As seen above, process tracing helps both contextual description and causal inference/explanation. What are context and causal mechanisms, especially in a study of process-tracing? Context of a political phenomenon such as a case of human rights violations could be anything. *The Oxford Handbook of Contextual Political Analysis*¹²⁰ delineates eight areas which have been proven to have contextual influence on political phenomena: philosophy; psychology; ideas; culture; history; place; population; and technology. It seems that to pay attention to all of these eight areas, each of which constitutes a rigorous academic discipline, is a formidable task for a process-tracing study, if not an impossible one. Therefore, scope of context needs to be limited and defined.

Tulia G. Falleti and Julia F. Lynch¹²¹ provide definitions of context and causal mechanisms particularly for a process-tracing study as follows:

[Context is] the relevant aspects of a setting (analytical, temporal, spatial, or institutional) in which a set of initial conditions leads (probabilistically) to an outcome of a defined scope and meaning via a specified causal mechanism or set of causal mechanisms.... Causal mechanisms ... [are] portable concepts that explain how and why a hypothesized cause, in a given context, contributes to a particular outcome.¹²²

From these definitions, we see that we must analyse both context and causal mechanisms to explain a case since “causal mechanisms by themselves do not cause outcomes to occur; rather, the interaction between causal mechanisms and context does.”¹²³ The process of process tracing is instructed by Alexander L. George and Andrew Bennett in their famous work on case studies and theory development in social sciences, as follows:

¹¹⁹ David Collier, “Understanding Process Tracing,” *PS: Political Science & Politics*, 44 (4) (2011), 823.

¹²⁰ Goodin and Tilly, *The Oxford Handbook of Contextual Political Analysis*.

¹²¹ Tulia G. Falleti and Julia F. Lynch, “Context and Causal Mechanisms in Political Analysis,” *Comparative Political Studies*, 42 (9) (2009).

¹²² *Ibid.*, 1143, 1152.

¹²³ *Ibid.*, 1161.

In process tracing, the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case.¹²⁴

Therefore, a process-tracing case study of the Rohingya plight should ideally comprise two parts: the first which analyses the political, social and cultural context conducive to causing human rights violations from various sources of data such as documents, printed media resources, and interviews; and the second which identifies and explains how certain causal mechanisms have eventually led to a case or cases of human rights violations. In other words, a process-tracing study may not make a simple causal argument that a dictatorship violates human rights of certain persons or peoples. It has to go further and aim to explain how interaction between a particular context and a particular causal mechanism has resulted in a case of violation of human rights of those persons or peoples.

Why is process tracing useful for this case study then? As we have seen above, that particular method of process tracing helps political scientists uncover and analyse context and causal mechanisms, both of which must be studied in order to understand a case of human rights violations. By tracing processes, I have uncovered and analysed the context in which the Rohingya have suffered violations of various human rights of theirs and which causal factors have led to the outcome, i.e. the plight of the Rohingya. In other words, with the help of process tracing, interactions between context and causal mechanisms have been identified and analysed so as to understand the causes of violations of human rights of the Rohingya.

Government rhetoric as propaganda or policy statements

Due to the specific characteristics of propaganda-producing regimes of the Revolutionary Council (RC)/Burma Socialist Programme Party (BSPP) and of the SLORC/SPDC and exponential demonization of the SLORC/SPDC over the last decades starting from the late 1980s until 2011 by a global human rights discourse and by the international political community (mainly the West), most, if not all, speeches

¹²⁴ George and Bennett, *Case Studies and Theory Development in the Social Sciences*, 6.

and statements of Myanmar government officials were almost completely discarded as propaganda. It was indeed a grave mistake in terms of value for researchers since those pieces of propaganda naturally included tremendous information about the worldviews and policies of the regimes in question. As we will see in Chapters 3 and 4, many statements and rebuttals made by those two regimes regarding the Rohingyas were complete fabrications of the facts at worst or half-truths at best. However, if we argue that those were partly or wholly wrong, how do we support our claims by our own evidence? What is our version of truth, then? How are we going to prove that the government's claims are factually wrong? Are there any possibilities in an explanatory or interpretive research project such as mine to produce a completely different version of truth? These are very serious methodological issues I had to tackle.

Sweeping generalization and accusation of all government-produced knowledge as propaganda without any meaningful content in it may pose a serious obstacle to success in many research projects. This is more relevant to such studies on the Rohingya because government policies regarding them have been largely hidden from and unknown to most people in Myanmar until recently. Even to those who live in Rakhine State, Myanmar government policies during the reign of both regimes from 1962 to 2011 especially regarding such extremely sensitive topics such as the Rohingya were not openly stated either in writing or in speech. Therefore, the only avenue in which we may learn about the governmental thinking is their sporadic pronouncements on the Rohingya, in addition to deduction from how they treated the Rohingya in the field by various government staff especially since the 1990s.

Moreover, a difficult decision had to be made in distinguishing between what is sheer propaganda and what is real reflection of the regime's thinking and policy. I employed two main strategies to process the regimes' pronouncements and statements – using my own judgement and triangulation by other data. I collected many so-called propaganda materials produced by the regimes since the late 1970s mainly in the government mouthpieces – state newspapers. Special attention was given to the dailies of the state newspapers published before, during, and after the first and second exoduses. Apart from government reportage on two exoduses and their aftermaths, I also paid attention to that produced mainly during the years when the 1982 Citizenship Law was in a six-year drafting stage. I read government reportage on how the members

of government-appointed Law Commission and other relevant officials travelled across the country and gave speeches upon the forthcoming citizenship legislation. It must be noted here that all of these publications and speeches were made at a time when the country did not have a free press. Therefore, the type of data were mostly concerned with one-sided policy statements and pronouncements made by the regimes.

The last stream of data comes from those which appeared after 2011 when Myanmar started to change politically and have a relatively much freer private media. Therefore, data collected for this period is more nuanced and detailed by nature. The topic of the Rohingya, their legal status in Myanmar and their violent and non-violent conflicts with Rakhine Buddhists, which were largely hidden from public scrutiny until 2012, suddenly became a heated debate not only at the parliament but also at the popular level. It was a period when the Myanmar government had started opening up and dealing with the international community. Therefore, Myanmar government officials had to face those difficult and challenging questions about the Rohingya raised not only by the concerned international community but also by the wider Myanmar society. Also, due to the nature of political change Myanmar was undergoing and the looming humanitarian crisis which was a direct consequence of the violence and displacement, various Myanmar authorities started speaking out both within and without Myanmar. Myanmar authorities and their advisors on different occasions provided commentaries on how the name ‘Rohingya’ originated, where Rakhine vs. Rohingya conflicts have stemmed from, how Rohingya’s citizenship status is now and is going to be determined and recognized, and the like. All of these provide an enormous amount of primary data for me. Moreover, those data are in both English and Burmese. Fortunately, it all coincided with the opening-up of the private media in Myanmar, which used to be under the draconian control of the government censorship board. Therefore, the perspective and arguments of the Myanmar government regarding the Rohingya became easily available in the private media which publishes dailies and weeklies in both English and Burmese. Therefore, it was easier to study the Myanmar government’s position compared to earlier times. However, it must be noted that as will be seen throughout in Chapters 3 and 4, the government was more or less responsive and self-defensive when and after the first two exoduses occurred. Therefore, it was still possible for me to study the discourse of the relevant governments in the first two instances. However, during and after the third exodus, the response of the government

became richer and more nuanced because they started talking to the private media whereas the state media continued to play their usual role of being the government's mouthpiece. All of these were greatly helpful for my research especially in studying the third exodus and its aftermath.

Role of online research

Methodologically, I faced the most daunting challenge which I believe my predecessors did not. Until political opening up occurred, it would be almost impossible to learn the opinion of and read the statements of various groups and individuals within Myanmar. Groups and individuals within Myanmar were not able to produce commentaries and statements either, almost without any exceptions. There was no free press and the whole private press was under the watchful eyes of the draconian state censorship board. There was only media coverage by Burmese-language media in exile such as the Irrawaddy, Mizzima, and Democratic Voice of Burma (DVB), plus Burmese-language services of British Broadcasting Corporation (BBC), Voice of America (VOA) and Radio Free Asia (RFA).

However, starting from 2010 when we saw the initial signs of political changes, Myanmar people and groups inside the country have started using online media, mainly Facebook which is the most popular online media in Myanmar, for providing commentaries and issuing statements. In the beginning, Facebook was mainly used by pro-democracy activists, organizations, and media. It was prominently used during the 2012 by-elections in April where Daw Aung San Suu Kyi and her National League for Democracy (NLD) won 43 out of 44 seats for which they contested out of a total of 46 seats. News and pictures of by-elections and results across the country were posted real time and applause resounded throughout Facebook.

Extensive Facebook use by Myanmar government officials and controversial Buddhist monk Ashin Wirathu only emerged in early 2012. Facebook postings by Zaw Htay, a director of the President's Office, and by Ashin Wirathu from Masoeyein Monastery in Mandalay regarding Rakhine violence in June and October 2012 were very widespread. On Facebook, when a user 'likes' or 'shares' a posting by himself or

herself or anyone else, all of his friends see it who may successively ‘like’ or ‘share’ the posting unless limiting access and privacy policies are imposed by the user. This in theory may go on forever eventually resulting in a single Facebook posting ‘liked’ or ‘shared’ or both, and consequently seen by hundreds or thousands of people, depending on the popularity of the respective post(s) and the number of friends and followers of the initial user. Facebook-savvy Zaw Htay became one of the most popular Facebook users in Myanmar social media especially during 2012 when Rakhine violence broke out. At its climax, his public Facebook page named ‘Hmuu Zaw’ (<https://www.facebook.com/hmuu.zaw>) exhausted the allowed quota of 5,000 ‘friends’ whose ‘friend requests’ were accepted by Hmuu Zaw and had to use another Facebook policy which allowed 20,000 more people to ‘subscribe’ to access his page without necessarily being Hmuu Zaw’s ‘friend’.¹²⁵ Likewise, Ashin Wirathu’s Facebook page (<https://www.facebook.com/ven.wirathumsy>),¹²⁶ another very popular Facebook page in Myanmar, was also seen to be posting anti-Muslim comments. This thesis will not directly draw from their almost daily Facebook postings during Rakhine violence and afterwards; instead, it will draw from the official statements they posted or shared on their Facebook pages. Likewise, many Rakhine pages were also seen to post statements and share news on Facebook, which have been drawn from in this thesis. Amidst increasing criticisms of his Facebook page’s role in Rakhine riots, Hmuu Zaw was seen to become less active, less controversial, and less popular. Instead, U Ye Htut, then deputy minister and now cabinet minister of information and President U Thein Sein’s current spokesperson, came to prominence as the person who as of 2014 posts the Myanmar government’s comments on his Facebook page (<https://www.facebook.com/ye.htut.988>).

¹²⁵ Nyein Nyein, “President’s Office Director Slams The Irrawaddy Editorial,” *Irrawaddy*, November 3, 2012, accessed January 1, 2013, <http://www.irrawaddy.org/censorship/presidents-office-director-slams-the-irrawaddy-editorial.html>

¹²⁶ Ashin Wirathu’s Facebook page also drew criticism for its anti-Muslim comments, especially his first few statements in late May and early June 2012. Later, Ashin Wirathu was seen to remove those few statements from his Facebook page. However, starting from late 2012, he has not removed any more statements or comments from his page. Moreover, he now has his own blog (<http://www.virathu.com/>) on which he collects and re-states all of his Facebook posts chronologically. His blog is a good source for future researchers who want to research on his rhetoric.

This appearance of voluminous data on the internet in the new political landscape in Myanmar after 2011 has been an invaluable resource. . They are not directly cited in this thesis although they provided rich and nuanced perspectives.

Interviews

Around 30 semi-structured in-depth interviews were conducted mainly with Rohingya and other non-Rohingya Muslim representatives of various types in Yangon. Interviews took from one hour to two hours. All of those interviews were taped and oral consent sought at the beginning of each and every interview, required by the Human Research Ethics Committee (HREC) at the University of New South Wales.

One would assume that in-depth interviews with representatives of Rohingyas, Rakhines and government officials would be ideal in this research project. However, as mentioned above, due to risks in terms of my own personal safety and reputation, and unwillingness of my non-Muslim interviewees whom I approached in the first place, I did not continue to approach those interview subjects. However, those potential interviewees had been talking to the media and in other arenas which could have been tapped into for my thesis.

During and after the violence in 2012, non-Rohingya Muslim leaders such as representatives of government-recognized Muslim organizations – mainly the Islamic Religious Affairs Council (IRAC), Myanmar Muslim National Affairs Organization (*Ma-Ah-Pha*), All-Myanmar Muslim Youth (Religious) Organization (*Ma-Ma-La*),¹²⁷ All-Myanmar Maulvi League – provided commentaries on the issue and the wider sectarian conflict.¹²⁸ I interviewed most of them from those Myanmar Muslim

¹²⁷ Four representatives from *Ma-Ma-La* and *Ma-Ah-Pha* sat on the President-Appointed Inquiry Commission on Sectarian Violence in Rakhine State. They were U Hla Win, President of *Ma-Ah-Pha*, U Kyaw Khin, General Secretary of *Ma-Ah-Pha*, U Myint Tun, President of *Ma-Ma-La*, and U Hla Win, Secretary of *Ma-Ma-La*. Two other representatives from IRAC– its President U Nyunt Maung Shein and its General Secretary U Tin Maung Than – initially sat on the Commission but were later dismissed reportedly by an order from the President’s Office.

¹²⁸ Indeed, there exists another Myanmar Muslim organization recognized by the government - *Jamiat Ulama-El-Islam* which has not active in the media regarding either Rakhine State or Myanmar Muslims.

organizations who sat on the Inquiry Commission on Sectarian Violence in Rakhine State. Moreover, I also talked to Rohingya political party leaders and activists who are based in Yangon.

However, more importantly, my research questions are answered by two more important sources of data: archival research of past and present sources, and interview data with Rakhine politicians, Myanmar government officials and politicians featured in the media. It is argued so because the Rohingya plight was mainly caused not by the Rohingya themselves but by repressive policies made and implemented by two Myanmar governments. Therefore, a research project to study the causes of the Rohingya plight or human rights violations that the Rohingya have suffered since the 1970s may be mainly undertaken by conducting a case study of it by tracing how the plight originated in the first place and why.

Time and place of field research

The field research was conducted at a time in the first half of 2013 when Buddhist-Muslim relations in general were at a record low because several episodes of sectarian violence broke out during the same period – Meiktila (March 2013), Okkan (April 2013), and Lashio (May 2013).

When archival research was being done at the Universities Central Library located at Yangon University, care was taken to reduce sensitivity. . With political opening in 2011, policies of access to old Burmese-language journals and newspapers were loosened so that everyone who would like to read those documents are now free to do so. Photocopying from those old journals and newspapers was generally fine. Apart from the Universities Central Library where most of the archival research was done, I also used resources at the library at Yangon Institute of Economics and the National Library in Yangon.

In terms of location of the field research, it would have been ideal to travel to Rakhine State and interview both Muslims and Buddhists there. However, it turned out to be an impossible task simply because of the fact that I am a (Kaman) Muslim and

both of my ethnic and religious identities are written on my citizenship card which is required to travel. Therefore, the research was confined to Yangon.

The sectarian violence in Rakhine State provided unexpected benefits for my study. Before 2012, the Rohingya issue was mostly unknown outside Rakhine State. Prior to 2012, even Rakhine Buddhists did not talk about the Rohingya and about themselves like they do now. After violence broke out, the issue suddenly came to prominence. With all these writings and talks on the issue, a data mine appeared which I was able to dig into to fill the gap in my research from having been unable to interview Rakhine politicians and activists.

With the emergence of local Burmese-language media a certain section of which was increasingly sympathetic to Rakhines, Rakhine politicians and activists provided their views and interpretations of the conflict. Likewise, media coverage of comments by non-Rakhine politicians and activists concurrently produced rich data. This voluminous data from local Burmese-language media was a significant help to my project which would have otherwise been weak, ill-informed or under-researched due to my inability to secure interviews with Rakhine and non-Rakhine politicians and activists.

Moreover, views on the 1982 Citizenship Law of Myanmar and Rohingyas' eligibility for Myanmar citizenship under the law were also provided by politicians, activists, and commentators in the Burmese-language media. Apart from media interviews and commentaries, various political groups, mainly Rakhine ones, also released various statements on the issue which were useful for my research.

The official policies and rhetoric regarding the Rohingya since the late 1970s, especially in the aftermaths of the two major exoduses, were carefully studied by reading each and every issue of the state newspapers published in the same period.

During the late 1970s when the first exodus occurred, there was a legislative organ called People's Parliament but it was mainly a rubber-stamp parliament and did not respond to the exodus and repatriation. During the early 1990s when the second exodus occurred, there was no parliament at all because the country was being ruled by decree by the coup regime of SLORC. However, when Rakhine violence occurred in

2012, the situation had changed and Myanmar had had a rather active parliament. Parliamentary debates involving questions raised on the issue and the answers provided by respective Myanmar government officials were useful as well.

Moreover, most of the existing writings and commentaries on the Rohingya have been produced by human rights organizations and they normally do not draw from Burmese-language resources. Moreover, Rakhines were never part of the story although certain Rakhine elites in exile had been writing and talking about the issue. But what Rakhines said and wrote about the Rohingya, with the exception of a few in English and in Burmese,¹²⁹ were in Rakhine dialect. The Rakhine dialect is written in the Burmese script but it is difficult, if not impossible, for someone who does not understand it. I, as a Kaman, understand the dialect, and it has been very useful for studying Rakhine perspectives on the issue. This thesis, therefore, draws from those Rakhine-dialect sources; however, it does not cite such materials because most of the resources only provide anecdotal evidence. However, they were helpful as a backgrounder.

Position of the researcher

The most serious obstacle that I had in doing interviews in Myanmar was that assumptions by potential interviewees that I, as a Muslim, would be biased and pro-Rohingya. Another difficulty I had is not just concerned with being a Muslim. I am a Kaman Muslim and Kaman is one of the government-recognized national groups in Myanmar, the majority of who reside in Rakhine State as well. But unfortunately, during Rakhine violence especially in the second round in October 2012, Kaman Muslims were also affected.. There were many instances in which prospective interviewees had initially said ‘yes’ on the phone but later declined to answer my questions. For example, an interviewee, who sat on the Inquiry Commission on Sectarian Violence in Rakhine State formed by President U Thein Sein, told me that he would be unable to answer my questions since I am a Muslim.¹³⁰

¹²⁹ Maung Tha Hla, *The Rakhaing*; Maung Tha Hla, *The Rohingya Hoax*.

¹³⁰ Commissioner, interview by author, Yangon, August 14, 2013.

Another member of the commission first asked me on the phone if I am a Rakhine. The highly expected interview did not materialize because I understood from his question regarding my being Rakhine or not that he would definitely not like to talk to a Kaman.

Moreover, it would be ideal to have done interviews with Rakhines. However, anti-Rohingya sentiments were understandably high among Rakhines in 2013. Even my Muslim interviewees, friends, and acquaintances were surprised at the fact that I had been working on the Rohingya. One Muslim key informant and close friend who spent his first 18 years of life in Sittwe openly asked me why I had not chosen a less controversial topic for my PhD.

However, my being a Kaman Muslim was not always a negative factor throughout my field research. Together with my Burmese language skills and living experience of more than 27 years in my motherland, my religious identity greatly helped me to grasp both expressed meanings and hidden connotations of most, if not all, statements and commentaries on the Rohingya and the larger Muslim issue. I must confess here that the violent episodes kept me worried about my family, relatives, friends and ethnic group throughout the years of 2012 and 2013. However, I tried very hard both personally and intellectually not to get distracted. Moreover, as a student of empirical political science though my topic is concerned with human rights, which is normative in essence, I tried very hard to take neither a purely normative position or a purely personal perspective, by collecting as much data as possible from as many perspectives as possible.

Structure and argument of the thesis

This thesis consists of six additional chapters. Chapter 2 develops a theoretical framework for the analysis. It first discusses the dominance of legal approaches in the human rights literature, and reviews and critiques three general social theories of rationalism, and structuralism and culturalism used in political science. It then reviews the inventory of causes and causers of human rights violations which have been compiled by the repression and identity literatures. Finally, it establishes a middle-range

model of human rights violations to be used in the case study. Chapters 3, 4, and 5 provides details of the first (1978), second (1991-92), and third (2012-...) Rohingya exoduses and their aftermaths. Specifically, they trace how each of the three exoduses was caused by initial government repression in the first two and by sectarian violence and the resultant protracted internal displacement and hopelessness in the third. Chapters 3 and 4 also highlight how two respective governments initially responded to the first two crises by disowning Rohingyas and problematizing their belonging to Myanma but later recanted their outright rejections and repatriated Rohingya refugees from Bangladesh. Chapters 3, 4, and 5 also trace the three consequential policies or actions by the governments in the aftermaths of the three crises: drafting and passing the 1982 Citizenship Law; establishment of *Na-Sa-Ka* in 1992 and allowance of the *Na-Sa-Ka* corps to violate Rohingyas' human rights on a daily basis until its disbandment in 2013; and formulation of a draft Rakhine State Action Plan and serious problematization of Rohingyas' Myanmar citizenship. Details of these initial human rights violations and consequential policies and actions by the government since the late 1970s until now form the core of Chapters 3, 4, and 5.

Drawing on Chapters 2-5, Chapter 6 provides a comprehensive analysis of the causes of the violations of Rohingyas' human rights since the late 1970s. It examines in detail how the militarized state since 1962 has become the main structural cause of the Rohingya plight, compounded by a second structural cause of contentious center-periphery relations between the central governments and Rakhine (State) before and after independence. Moreover, it also discusses the cultural role of Buddhist nationalism and its various forms of Islamophobic manifestation since colonial times. A third important structural cause of democratizing changes in Myanmar since 2011 and its impact upon Rohingyas before, during and after sectarian conflicts in Rakhine State in 2012 is also highlighted. Most importantly, how a seemingly cultural cause of the role of Islamophobic Buddhist nationalism has been increasingly defined and perceived over the last three years by the government, Rakhine nationalists, radical monks and lay Buddhists in terms of rational fears of demography, territorial integrity, and sovereignty is carefully traced. How discrimination and persecution – in terms of documentation policies and actions regarding the 1982 Citizenship Law and the White Card or Temporary Identity Certificate – has targetted Rohingyas since the 1980s and made

them seemingly stateless although the governments of Myanmar have intentionally left out Rohingyas from becoming documented citizens is the final causal factor discussed.

However, these causes alone do not lead to human rights violations. Prior to the occurrence of sectarian Rakhine violence in 2012, causers were limited to BSPP, SLORC/SPDC and their agents on the grounds in Rakhine State. However, many new players have entered the picture post 2012 although the government and its staff in Rakhine State continue to be the main causers of violations of Rohingyas' human rights due to their role in formulating and implementing old and new discriminatory and persecutory policies. Causation by new causers may be either direct or indirect or both. Ordinary Rakhines, nationalist Buddhist monks, and other anti-Rohingya or anti-Muslim Buddhists whose extremely vehement opposition to any forms of continued or potential recognition, respect, protection, and fulfillment of Rohingyas' human rights by the government has obviously played a role in recent years and will continue to do so in the years to come.

Chapter 7 concludes and reflects. It summarises the main argument of the thesis and considers how this case study of the Rohingya contributes to the general literature on the causes of human rights violation. It also outlines some policy suggestions for how to solve or help solve the protracted Rohingya crisis and, finally, highlights areas for further research.

The central argument of this thesis is that violations of Rohingyas' human rights have been brought about by a blend of structural, rational and cultural causes: the militarized state since 1962; contentious center-periphery relations between the central state and Rakhine State on one hand and that between Rohingyas and Rakhine Buddhists on the other hand before and after independence; daily repression by government agents in NRS since 1992; various Islamophobic manifestations of Buddhist nationalism since colonial times until now; rational and cultural constructions of Rohingyas as a catastrophic threat to Buddhist Myanmar; and discriminatory and persecutory citizenship documentation policies and practices targeting Rohingyas.

Although this thesis is a case study of the plight of the Rohingya in Myanmar, this thesis has also made two contributions to Myanmar studies and to the discipline of political science. Firstly, it has filled significant gaps in Myanmar studies in general.

The issue of the Rohingya has persisted at least since the 1970s but Myanmar studies has not produced a single doctoral thesis or book-length study of the issue. Moreover, several parts of the thesis which are concerned with Buddhist nationalism and the role of Rakhine nationalism are indeed significant contributions in themselves. This thesis will show that a certain version of Buddhist nationalism has been used by successive governments of Myanmar since the 1990s to legitimize their treatment of the Rohingya for decades. Likewise, the thesis will fill, though partly another gap in Rakhine studies, which constitutes part of Myanmar studies. Rakhine studies has been predominantly historical and politics among Rakhines, Rohingya and Bamars missing in the literature. This thesis will highlight the dynamics of politics in this tripartite issue. In order to do that, Rakhine nationalism will be traced and it is in itself a significant contribution.

In terms of contribution to political science, this thesis will argue that political science indeed a role to play in human rights research, which is dominated by law. Moreover, by drawing from three broad social theories, the thesis will show that cases of human rights violations should be studied and analysed as holistically as possible rather than cases of violations of certain articles from certain international human rights instruments such as treaties, conventions, and mechanisms as usually done by legal researchers. This is indeed a discipline-specific contribution because it suggests students of human rights violations employ broad theories which political scientists usually draw from, without emphasizing one particular aspect or causal factor of a case of human rights violations or one article of a certain human rights instrument.

Chapter 2: Theoretical framework

This chapter first reviews the general existing literature on human rights and highlights the dominance of the legal approach. It then looks at three broad social theories of rationalism, structural and culturalism employed by political scientists to study political phenomena and how integration among the three schools of thought has been brought about. Then, it reviews the most advanced political science literature of repression research which studies cases of human rights violations and highlights its gaps. Then, it constructs a middle-range model of human rights violations by drawing not only from repression research but also from theories of religious identity and demographic security. In essence, this chapter presents a theoretical framework by clarifying key concepts, summarises existing theories of the causes of human rights violations, and based on theses, developed a middle-range model. The middle-range model aims to frame the following case-specific discussion throughout the thesis, not to advance an empirical argument. In other words, the model is intended not as my final argument but rather as a summary of existing knowledge that I aim to critically assess and add to, which I do in Chapter 7.

Dominance of the legal school in human rights research

Human rights studies or research is disproportionately dominated by legal approaches or lawyers.¹ In other words, human rights research is largely grounded or framed in legal and normative language or discourse, followed by philosophical research on human rights. In

¹ Tony Evans, "International Human Rights Law as Power/Knowledge," *Human Rights Quarterly* 27 (3) (2005); Michael Freeman, *Human Rights: An Interdisciplinary Approach*, 2nd ed. (Cambridge: Polity Press, 2011); David P. Forsythe, "Human Rights Studies: On the Dangers of Legalistic Assumptions," In *Methods of Human Rights Research*, ed. Fons Coomans, Fred Grünfeld and Menno T. Kamminga (Antwerp: Intersentia, 2009); Rhiannon Morgan, "Introduction: Human Rights Research and the Social Sciences," In *Interpreting Human Rights: Social Science Perspectives*, ed. Rhiannon Morgan and Bryan S. Turner (New York: Routledge, 2009).

general, whereas law has “sustained a long-standing interest in human rights furnishing us ... with countless studies of the legal landscapes of international human rights law and its implementation architecture”, philosophy has provided us with “philosophical explorations on the nature, foundations, and normative function of rights.”²

Claiming that human rights ought to be “better understood as three overlapping discourses, each with its own language, concepts, and normative framework ... [of] the philosophical, the legal, and the political,” Tony Evans³ concludes: “Put simply, it can be argued that the legal discourse plays the dominant role, while the philosophical discourse has atrophied, and the political discourse is marginalized.”⁴ Amartya Sen calls for enlargement of the theoretical paradigm of human rights by stating that “a theory of human rights cannot be sensibly confined within the juridical model in which it is frequently incarcerated.”⁵

Legal studies of human rights by lawyers are normal and acceptable but some of them tend to be too uncritical or legalistic. Therefore, a leading human rights scholar notes:

Some legal approaches can be legalistic rather than just legal. Legal of course refers to legal rules; what is legal is what is in accord with legal rules. Legalistic refers to an *excessive* or *unrealistic* interest in, or reliance on, legal rules.⁶ (Italics in original)

Moreover, Clifford Geertz, with his well-known prescription for ‘thick’ description of political and social life, cautions against excessive factuality idolized by law terming it “the skeletonization of fact so as to narrow moral issues to the point which determinate rules can be employed to decide them.”⁷ Then, he calls for “a shift away from functionalist thinking about law – as a clever device to keep people from tearing one another limb from limb,

² Morgan, “Introduction: Human Rights Research and the Social Sciences,” 1.

³ Evans, “International Human Rights Law as Power/Knowledge,” 1050-1.

⁴ Ibid., 1053.

⁵ Amartya K. Sen, “Elements of a Theory of Human Rights,” *Philosophy & Public Affairs* 32 (4) (2004), 319.

⁶ Forsythe, “Human Rights Studies: On the Dangers of Legalistic Assumptions,” 62.

⁷ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), 170.

advance the interests of the dominant classes, defend the rights of the weak against the predations of the strong, or render social life a bit more predictable at its fuzzy edges (all of which it quite clearly is, to varying extents at different times in different places); and a shift toward hermeneutic thinking about it – as a mode of giving particular sense to particular things in particular places (things that happen, things that fail to, things that might), such that these noble, sinister, or merely expedient appliances take particular form and have particular impact. *Meaning*, in short, *not machinery* (italics my own).”⁸ Geertz does not specifically mention human rights in his article though his arguments are largely applicable to legal or legalistic human rights scholarship.

Despite the dominance of legal or legalistic research in human rights studies, it is widely accepted that the study of human rights by nature is an interdisciplinary field⁹ on whose nature Rhiannon Morgan comments:

The practices surrounding the entity of ‘human rights’ are myriad, involving a multiplicity of actors, institutions, and organisations whose actions have a bearing, both positive and negative, on human rights outcomes, and inviting investigation at a number of spatial or geographical levels from the global to the local. Thinking through these practices adequately and completely requires the combined gaze of multiple disciplines, existing in productive tension with one another. The study of human rights should therefore be a project shared across disciplines, if not an inherently interdisciplinary, ecumenical enterprise.¹⁰

Despite this deeply interdisciplinary nature of the human rights field, there has been relatively less research done on it by other disciplinary specialists such as political scientists, economists, sociologists and anthropologists except lawyers (which human rights norms, conventions, treaties, and mechanisms exist and how they are adhered to or

⁸ Ibid., 232.

⁹ Freeman, *Human Rights: An Interdisciplinary Approach*; Ryan Goodman, Derek Jinks, and Andrew K. Woods, “Introduction: Social Science and Human Rights,” In *Understanding Social Action, Promoting Human Rights*, ed. Ryan Goodman, Derek Jinks, and Andrew K. Woods (Oxford: Oxford University Press, 2012).

¹⁰ Morgan, “Introduction: Human Rights Research and the Social Sciences,” 1-2.

disobeyed), philosophers (whether human rights are natural or socially constructed, and universal or culturally relative), and international relations experts (how human rights has occupied a dominant discourse in international relations in post-Cold War and has been employed in foreign policy). Therefore, writing in 1994 on the repertoire of human rights research, the leading human rights scholar Jack Donnelly argues: “One of the oddities of the field is that it has been dominated by students of international law and international relations.” He also laments over “its [the field of human rights] almost total failure to penetrate the fields of comparative politics, sociology, and development studies.”¹¹ Moreover, regarding the lack of framing research in human rights terminology, he continues to note:

Numerous scholars in these fields do work that is clearly relevant to human rights. Many even have an active concern with international human rights in their nonprofessional lives. Yet they rarely frame their research in human rights terms.¹²

Political science and human rights research

Overview

Highlighting the role of political interests and processes from treaty making, treaty ratification, and treaty compliance in international human rights law, Kathleen Pritchard claims:

Political science is missing an opportunity to contribute to the understanding of a topic that is rightfully within its domain. After all, human rights are frequently violated by states for political reasons and at the same time they are often protected and promoted by states for political purposes. The laws, declarations, and conventions made in the interest

¹¹ Jack Donnelly, “Post-Cold War Reflections on the Study of International Human Rights,” *Ethics & International Affairs* 8 (1) (1994), 116.

¹² *Ibid.*, 116.

of human rights are forged by a political process reflecting political interests and affecting political outcomes.¹³

She speculates that the “reason for the lack of contribution is the failure of political scientists to integrate the topic with the jargon of more traditional concerns,” which is relevant and applicable to the political science literatures on repression, nationalism, etc. She continues that only foreign policy research on human rights has been successfully integrated by political scientists into their discipline though there are many further avenues for research by political scientists in human rights studies since “political scientists know about development, stability, participation, bureaucracy, interest groups, power relationships, judicial behavior, popular movements, militarism, public opinion, and ideology,” all of which are largely applicable to human rights studies and out of reach of legal scholars. She then calls for cross-fertilization between political science and human rights studies since “political scientists have much to contribute and that this contribution can enhance not only our understanding of human rights but the understanding of politics as well.”¹⁴

Another very relevant example to highlight the failure of political science literature to contribute to human rights research is the sizeable literature on repression which may be in theory assumed to be tantamount to human rights violations because they are often interchangeably used by repression scholars. Various hypotheses have been put forward, tested, and proved correct or rejected. However, that said, this literature does not engage itself in the whole spectrum of human rights terminology. Repression research is mostly a standalone area with its own terminology and theoretical dispositions.

Likewise, relevant to the case of the Rohingya, there is an enormous amount of literature on exclusive and conflictual ethnoreligious sentiments and their various violent and non-violent manifests.¹⁵ Again, this huge nationalism literature stands alone and it is

¹³ Kathleen Pritchard, “Political Science and the Teaching of Human Rights,” *Human Rights Quarterly* 11 (3) (1989), 474.

¹⁴ *Ibid.*, 475.

¹⁵ To give a rather detailed list of such works is now an impossible task.

rarely framed in human rights terminology. Generally, the human rights literature does not draw from those theories and case studies on ethnoreligious nationalism either. Likewise, there are a number of theoretical and empirical studies on statelessness. Theoretical literature on statelessness illuminates how the phenomenon of not having a nationality affects enjoyment of human rights by a person or persons by usually drawing from the linkage theory. The other side of the literature, i.e. case studies, is oftentimes produced by the international intergovernmental and non-governmental regime which understandably focuses upon advocacy through naming and shaming. And they take the form of reports which look at a number of cases of statelessness and end up with recommendations to respective parties – the UNHCR, countries of origin, etc. Again, those comparative case studies are often written by consultants who are not necessarily country experts who have a deep knowledge of the country or case in question. Therefore, they are not comprehensive.

Sonia Cardenas notes another area of division of labour in human rights studies between quantitative studies and qualitative ones, though the former are more frequently conducted and respected in academia, as follows:

Like other fields, human rights is largely divided methodologically into quantitative and qualitative camps that only recently and sporadically have addressed one another. This is most evident in the top-ranked journals, which continue to favor quantitative methods.¹⁶

Moreover, within the quantitative literature, a large portion of it tends to be narrow due to its main focus on violations of the rights to personal integrity such as murder, genocide, and politicide, torture, forced disappearance and arbitrary imprisonment.¹⁷ It has been

¹⁶ Sonia Cardenas, “Mainstreaming Human Rights: Publishing Trends in Political Science,” *PS: Political Science & Politics* 42 (1) (2009), 164.

¹⁷ For example, Christian Davenport, “Assessing the Military’s Influence on Political Repression,” *Journal of Political and Military Sociology* 23 (1) (1995); Christian Davenport, “The Weight of the Past: Exploring Lagged Determinants of Political Repression,” *Political Research Quarterly* 49 (2) (1996); Steven C. Poe and C. Neal Tate, “Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis,” *The American Political Science Review* 88(4) (1994); Steven C. Poe, C. Neal Tate, and Linda C. Keith, “Repression of the Human Right to Personal Integrity Revisited: A Global Cross-national Study Covering the Years 1976-1993,” *International Studies Quarterly*, 43 (2) (1999); Scott Walker and Steven C. Poe, “Does Cultural Diversity Affect Countries’ Respect for Human Rights?” *Human Rights Quarterly* 24 (1) (2002).

criticised as a major weakness of existing human rights research because it fails to pay due attention to other important types of human rights which are also essential for full realisation of a person's dignity.¹⁸

The exclusive focus on the right to personal integrity is probably due to the fact that American scholars, who dominate quantitative research on human rights violations, are more concerned with political and civil rights which they assume to be the building blocks of a democratic polity. Another plausible reason for this narrow focus is easy identifiability and then quantifiability of cases or instances of murder, torture, arbitrary imprisonment, etc. Singling out of only a few human rights such as freedoms from murder, torture, arbitrary imprisonment, etc. and analysing why those rights are violated not only neglects the importance of various other rights for human dignity but also fails to acknowledge that human rights are indeed interdependent and indivisible.¹⁹ A sizeable literature on indivisibility and interdependence of human rights exists. Especially, that on statelessness, which only focuses on one particular human right, i.e. the right to nationality or citizenship, enshrined in the Article 15 of the Universal Declaration of Human Rights, Article 24 of the International Covenant on Civil and Political Rights, and some other subsequent human rights treaties and conventions, provides a well-argued thesis on the essential links among various human rights. Those writings, almost in unison, claim that statelessness or violation of the right to nationality of a person or group of people leads to violations of that person or group's other various civil, political, social and economic rights.²⁰

¹⁸ Sabine C. Carey and Steven C. Poe, "The Quest for Human Dignity: the Journey Continues," In *Understanding Human Rights Violations: New Systematic Studies*, ed. Sabine C. Carey and Steven C. Poe (Aldershot: Ashgate, 2004)

¹⁹ Jack Donnelly, "Human Rights, Democracy, and Development," *Human Rights Quarterly* 21 (3) (1999); Pablo Gilabert, "The Importance of Linkage Arguments for the Theory and Practice of Human Rights: A Response to James Nickel," *Human Rights Quarterly* 32 (2) (2010); Lanse Minkler and Shawna Sweeney, "On the Indivisibility and Interdependence of Basic Rights in Developing Countries," *Human Rights Quarterly* 33 (2) (2011).

²⁰ David S. Weissbrodt and Clay Collins, "The Human Rights of Stateless Persons," *Human Rights Quarterly* 28(1) (2006); Dorothy J. Walker, "Statelessness: Violation or Conduit for Violation of Human Rights?" *Human Rights Quarterly* 3 (1) (1981); Alison Kesby, *The Right to Have Rights: Citizenship, Humanity, and*

Quantitative studies mainly test hypotheses by using cross-sectional or time-series data and to generalise why personal integrity rights are violated. A sample of the general and specific variables that have been so far tested to generalize whether they have an impact on the level of political repression in a certain country or countries are “regime type”, “political culture”, “the level, pace, and quality of development”, “the level, timing and quality of democratisation”, “involvement in internal and external conflict”, “the size and growth of the population”, “foreign direct investment and/or the presence of multinationals”, “the level of global interdependence”, “proliferation of international human rights law”, “income and land equality”, “past repression”, “military’s presence in government”, “presence of various forms of threats and dissent”, and “cultural diversity”.²¹ However, they do not describe and explain complex cases in depth because they tend to generalize and reach a conclusion through testing a variable(s)/proposition(s).

Apart from those hypothesis-testing, generalising, large-N comparative quantitative studies on repression which are not largely guided by social theory,²² human rights research also includes *contextual* studies of single countries with bad, or questionable, human rights

International Law (Oxford: Oxford University Press, 2012); United Nations High Commissioner for Refugees, *Statelessness: An Analytical Framework for Prevention, Reduction and Protection* (Geneva: UNHCR, 2008), accessed March 16, 2012, <http://www.unhcr.org/49a271752.html>; United Nations High Commissioner for Refugees, *Helping the World's Stateless People* (Geneva: UNHCR, 2011), accessed March 16, 2012, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4e55e7dd2>; Brad K. Blitz, “Statelessness and the Social (De)Construction of Citizenship: Political Restructuring and Ethnic Discrimination in Slovenia,” *Journal of Human Rights* 5 (4) (2006); Brad K. Blitz and Maureen Lynch, *Statelessness and the Benefits of Citizenship* (Cheltenham: Edward Elgar, 2011).

²¹ Todd Landman, *Issues and Methods in Comparative Politics: An Introduction*, 3rd ed. (New York: Routledge; 2008), 27; Neil J. Mitchell and James M. McCormick, “Economic and Political Explanations of Human Rights Violations,” *World Politics* 40 (4) (1988), 479; Steven C. Poe, “The Decision to Repress: an Integrative Theoretical Approach to the Research on Human Rights and Repression,” In *Understanding Human Rights Violations: New Systematic Studies*, ed. Sabine C. Carey and Steven C. Poe (Aldershot: Ashgate, 2004); 22-3.

²² Landman, *Issues and Methods in Comparative Politics*.

records.²³ Most such single-country studies largely draw from “official reports from international governmental and non-governmental organizations, domestic commissions and NGOs, journalistic and descriptive accounts, and research monographs.”²⁴ They generally assume a contextualist approach and seek to understand in depth the broad causes of human rights violations in their case studies. For example, in their work on state and state-sponsored actors and their gross human rights violations in Brazil, Uruguay, Chile and Argentina over the period of 1960-1990, Wolfgang S. Heinz and Hugo Frühling²⁵ give special attention to social, political and economic contexts around the violations in the four countries. Moreover, in another comparative contextualist study of Guatemala and Costa Rica, Hilde Hey divides the causes of human rights violations in Guatemala into circumstances and conditions, the former being short-term cause of political threat(s) faced or perceived by the state government and the latter long-term causes mainly including “the dominant role of the security forces within [Guatemalan] society” and “the central ideologies adhered to by the security forces.”²⁶

Indeed, division of labour in human rights research is seen not only between the quantitative and qualitative camps but also within the literature on a single country. Critiquing partial explanations of human rights violations in post-New Order Indonesia by the four existing dominant perspectives – the legalistic framework focusing on Indonesia’s weak legal framework, the cultural relativist work on Asian values in the Indonesian society and their obstruction of certain human rights, the radical populist research on the negative impact of neoliberal economic policies on the wider society, and the Bourdieuan writings on the power-embedded nexus in which the poor find themselves incapable of

²³ Todd Landman, “Political Science and Human Rights,” *Essex Human Rights Review* 5 (1) (2008); Todd Landman, “Social Science Methods and Human Rights,” In *Methods of Human Rights Research*, ed. Fons Coomans, Fred Grünfeld and Menno T. Kamminga (Antwerp: Intersentia, 2009).

²⁴ Landman, *Issues and Methods in Comparative Politics*, 257.

²⁵ Wolfgang S. Heinz and Hugo Frühling, *Determinants of Gross Human Rights Violations by State and State-sponsored Actors in Brazil, Uruguay, Chile, and Argentina, 1960-1990* (The Hague: Martinus Nijhoff Publishers, 1999).

²⁶ Hilde Hey, *Gross Human Rights Violations: A Search for Causes: A Study of Guatemala and Costa Rica* (The Hague: Martinus Nijhoff Publishers, 1995), 172.

defending their human rights vis-a-vis the rich – Andrew Rosser highlights the need for a fuller explanation by factoring in the role and nature of the Indonesian state in the story.²⁷ In other words, he calls for studies focusing on the Indonesian “state as an actor or institution.”²⁸

Despite these quantitative and qualitative studies on human rights violations, it is still commonly held that human rights studies as a field has not been sufficiently penetrated by political scientists. A recent study traces the publishing trends with an exclusive focus on human rights in leading political science journals and concludes that “human rights research has entered the mainstream of political science, but it has done so only at the margins.”²⁹ It makes the same point as Kathleen Pritchard does: “An even more vigorous two-way exchange between human rights and political science scholarship is now needed,” by noting that “Human rights issues – deeply implicated in state-society relations – are essentially political in nature; there is room for further integrating human rights into political science,” and “the study of human rights and political science can be combined synergistically... [and] the subject [i.e. human rights] is intellectually compatible with political science analysis.”³⁰

To sum up, defined by the American Political Science Association as “the study of governments, public policies and political processes, systems, and political behavior,”³¹ political science has failed to penetrate well into the field of human rights which is dominated by legal scholars. Most political science research relevant to human rights is conducted by repression scholars and it is mainly concerned with hypothesis testing and

²⁷ Andrew Rosser, “Towards a Political Economy of Human Rights Violations in Post-New Order Indonesia,” *Journal of Contemporary Asia* 43 (2) (2013).

²⁸ Theda Skocpol, “Bringing the State Back In: Strategies of Analysis in Current Research,” In *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985), 3.

²⁹ Cardenas, “Mainstreaming Human Rights,” 161.

³⁰ Ibid., 164-5.

³¹ American Political Science Association, “What is Political Science?” accessed September 17, 2014, http://www.apsanet.org/content_9181.cfm?navID=727

violations of only an extremely limited number of human rights, i.e. physical integrity rights. In-depth case studies are rare, on the other hand. Many of them are usually conducted by human rights organizations and released as reports for their own advocacy purposes. However, naming and shaming through identification of agency in cases of human rights violations has unfortunately resulted in neglect of important structural and cultural backgrounds which enable those agents to violate human rights. Therefore, I will review the three main social theories which most, if not all, political scientists draw from in order to theoretically inform their studies.

Rationalism

Rationalism, i.e. rational choice or action theory, has dominated political science, especially American political science, for decades. Although there are various versions of rationalism, all of them essentially assume that everyone is a rational actor seeking to maximise his/her utility or satisfaction. Therefore, individuals and states are supposed to be self-interested, utility-maximizing, and calculating unitary abusers of human rights. This does not mean that individuals and states directly derive satisfaction from abusing human rights. It rather means that human rights are directly or indirectly violated due to their self-interested actions.

Rational choice theory utilized in political science is often mistaken for the self-interested or utility-maximizing concept mainly employed in economics although the theory is derived from neoclassical economics.³² Following Kenneth Arrow, Anthony Downs, William Riker, Mancur Olson, Douglas North and many others, the essence of the model of rational choice theory is described as follows by Margaret Levi:

Emphasis is on strategic individuals who make choices within constraints to obtain their desired ends, whose decisions rest on their assessment of the probable actions of others and whose personal outcomes depend on what others do. The approach is

³² Either, rational choice theory must not be mistaken for public choice theory which is also a derivative of neoclassical economics and mainly used in studies on voting, bureaucracy, rent-seeking, etc.

methodologically individualist, yet its focus is not on individual choice but on the aggregation of individual choices.³³

There are two noteworthy facts about the theory. Firstly: “Although the choice of each actor may be intentional and individually rational, the results to all may be unintentional and socially irrational.”³⁴ In other words, “rationalist ontology depicts a world populated by rational individuals and possibly irrational collectivities. The rational pursuit of individual interest explains the all-too-common occurrence of irrational social outcomes.”³⁵ Secondly, rational action occurs within constraints. Conceptualization of constraints blurs the boundaries between rational choice and other two approaches of structuralism and culturalism. Again, Margaret Levi³⁶ only mentions two sources of constraints – scarcity of resources in the hands of individuals such as time and money, and institutional and organizational constraints. Indeed, institutional and organizational constraints are very similar to the political conditions which affect individuals’ and groups’ actions given primary focus by structuralism which is discussed below.

Structuralism

Generally, structuralist explanations of human and social behaviour are mainly based upon “historically rooted and materially based processes of distribution, conflict, power and domination, thought to drive social order and social change,” and “structuralist ontology explores how relations among social agents are concretely structured.”³⁷ Various terms

³³ Margaret Levi, “A Model, a Method, and a Map: Rational Choice in Comparative and Historical analysis,” In *Comparative Politics: Rationality, Culture, and Structure*, ed. Mark I. Lichbach and Alan S. Zuckerman (Cambridge: Cambridge University Press, 1997), 23.

³⁴ *Ibid.*, 20.

³⁵ Mark I. Lichbach, “Social Theory and Comparative Politics,” In *Comparative Politics: Rationality, Culture, and Structure*, ed. Mark I. Lichbach and Alan S. Zuckerman (Cambridge: Cambridge University Press, 1997), 246.

³⁶ Levi, “A Model, a Method, and a Map”

³⁷ Lichbach, “Social Theory and Comparative Politics,” 247-9.

such as ‘patterns’ and ‘relations’ are also employed in social sciences to refer to ‘structures’ though the term ‘structures’ is most frequently seen. However, “if social scientists find it impossible to do without the term ‘structure,’ we also find it nearly impossible to define it adequately.”³⁸ However, “structure is posited as ‘structuring’ some other aspect of social existence – whether it is class that structures politics, gender that structures employment opportunities, rhetorical conventions that structure texts or utterances, or modes of production that structure social formations.”³⁹

Likewise, according to Roger Sibeon, structure(s) generally refers to “social contexts” or “macro-phenomena such as culture and political institutions.”⁴⁰ They are also “relatively enduring though not immutable circumstances within which actors operate.”⁴¹ According to Kenneth Waltz, “structure defines the arrangement, or the ordering, of the parts of a system. Structure is not a collection of political institutions but rather the arrangement of them.”⁴²

It must also be noted here that structures or contexts behind a phenomenon are not equivalent to constraints which are often discussed by rational choice theorists and economists. ‘Constraints’ just implies that they limit or restrict some activity of an individual. However, following the leading sociologist Anthony Giddens, Roger Sibeon⁴³ points out that structures may either constrain or facilitate an individual from action. Relevant to this research, the facilitating role of structure in enabling field-level authorities to repress the people will be given particular attention.

³⁸ William H. Sewell, Jr., “A Theory of Structure: Duality, Agency and Transformation,” *American Journal of Sociology* 98 (1) (1992), 1.

³⁹ *Ibid.*, 2.

⁴⁰ Roger Sibeon, “Agency, Structure, and Social Chance as Cross-disciplinary Concepts,” *Politics* 19 (3) (1999), 139.

⁴¹ *Ibid.*, 142.

⁴² Kenneth N. Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979), 81.

⁴³ Sibeon, “Agency, Structure, and Social Chance”

Culturalism

In his case study of Muslim and Christian Yorubas of Nigeria, David Laitin theorizes that “there are two faces of culture,” and culture is “Janus-faced.”⁴⁴ The first face means that “culture is deeply influential,”⁴⁵ “its embedded values affect political and economic behavior,”⁴⁶ and they “provide ideological guidelines for collective action.”⁴⁷ The second face implies that a culture, when widely shared among a group of people, is exploitable as a “political resource” and “political entrepreneurs recognize that through appeals to culture they can easily attract mass followings.” Hence, “political power inherent in shared cultural symbols is what lies behind the machiavellian smile of culture’s second face.”⁴⁸ However, Laitin argues that scholars usually focus on one or the other of the two faces, effectively losing sight of the significance of the other. Marc Ross’s definition of culture below is seen to capture the two faces:

Culture is a framework for organizing the world, for locating the self and others in it, for making sense of the actions and interpreting motives of others, for grounding an analysis of interests, for linking collective identities to political action, and for motivating people and groups toward some actions and away from others.⁴⁹

In short, a common cultural background enables a people who share it to make sense of the world around us and realize their place in it. Through the common ancestry, heritage and upbringing, a culture creates bonds among the group of people who subscribe to it whether through a primordial or situational/instrumentalist or constructed identity. More importantly, this common culture is highly prone to exploitation because it creates bonds

⁴⁴ David D. Laitin, *Hegemony and Culture: Politics and Change among the Yoruba* (Chicago: University of Chicago Press, 1986), 11.

⁴⁵ Ibid., 11.

⁴⁶ Ibid., 11.

⁴⁷ Ibid., 12.

⁴⁸ Ibid., 11.

⁴⁹ Marc H. Ross, “Culture and Identity in Comparative Political Analysis,” In *Comparative Politics: Rationality, Culture, and Structure*, ed. Mark I. Lichbach and Alan S. Zuckerman (Cambridge: Cambridge University Press, 1997), 42.

and collectivities among the people sharing the culture. Indeed, the two-faces-of-culture thesis advanced by Laitin is indeed more or less similar to the three schools of thought of political ethnicity often employed in studies of Southeast Asia, i.e. primordialism, situationalism, and constructivism. “Whereas primordial thinking sees a group’s or a person’s claim to ethnic identity as rooted in the allure of affective attachments, situationalism locates the instrumental manipulation of ethnicity for collective political and economic gain at the heart of its analysis.”⁵⁰ However, both of these views have been largely discredited by the third school of constructivism which is almost universally accepted in present-day academia. Constructivism claims that “identities are socially constructed.”⁵¹ One giant of Southeast Asian political science makes an absolutist argument: “All identities, without exception, have been socially constructed.”⁵²

Critique of the three approaches

Since political science has been eminently dominated by rational choice and game theoretic approaches for decades since the behaviour revolution started in the 1960s, most of the critiques understandably aim at rational choice theory. Most of the criticisms have pinpointed its excessive reliance on individuals’ self-interest which implies methodological individualism or reductionism. However, an exclusive focus upon self-interest or greed alone is not commonly accepted by even all of the economists, whose theories are always informed by rationalism. For example, Gary Becker, who insightfully and empirically ventured into non-market human behaviour of racial discrimination and crime by using the economic approach, notes in his Nobel Prize lecture delivered in 1992 by enlarging the assumption of utility- or welfare-maximization:

⁵⁰ Davidson, “The Study of Political Ethnicity in Southeast Asia,” 205.

⁵¹ Ibid., 209.

⁵² James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009), xii.

The analysis assumes that individuals maximize welfare *as they conceive it*, whether they be selfish, altruistic, loyal, spiteful, or masochistic. Their behavior is forward-looking, and it is also consistent over time. In particular, they try as best they can to anticipate the uncertain consequences of their actions. Forward-looking behavior, however, may still be rooted in the past, for the past can exert a long shadow on attitudes and values.⁵³ (Italics in original)

This conceptualization of welfare maximization of individuals is indeed an effective response to the criticisms toward the economic approach which is usually understood to be only applicable to market behavior of individuals influenced by demand and supply. Gary Becker's economic approach is assumed and proven by himself and other scholars to be applicable to non-market behavior such as crime, racial discrimination, religion, politics, marriage and divorce, terrorism, etc.⁵⁴

Likewise, acknowledging the roots of rational choice theory in the study of American politics, Robert Bates et al⁵⁵ argues that game theoretic studies based on rationality choice theory have so far only been successful in predicting behaviour in contexts of democracies, rule-governed political systems, and instrumental rationality by stating a variety of challenges posed to the theory which mainly include the rise of cultural politics and political transitions. To quote,

While useful for the study of the relatively stable, relatively rule-governed politics of advanced industrial economics, rational choice theory may face significant limitations when applied to the less-settled politics of regions where ethnic and religious

⁵³ "Gary S Becker – Prize Lecture: The Economic Way of Looking at Life," May 2, 2005, accessed May 1, 2012, Gary Becker's Nobel Prize lecture available at: http://www.nobelprize.org/nobel_prizes/economic-sciences/laureates/1992/becker-lecture.html

⁵⁴ Gary S. Becker, *The Economics of Discrimination* (Chicago: University of Chicago Press, 1957); Gary S. Becker, *The Economic Approach to Human Behavior* (Chicago: University of Chicago Press, 1976); Mariano Tommasi and Kathryn Ierulli, ed. *The New Economics of Human Behavior* (Cambridge: Cambridge University Press, 1995); Gary S. Becker and Richard A. Posner, *Uncommon Sense: Economic Insights from Marriage to Terrorism* (Chicago: University of Chicago Press, 2009).

⁵⁵ Robert H. Bates, Rui J. P. de Figueiredo, Jr. and Barry R. Weingast, "The Politics of Interpretation: Rationality, Culture, and Transition," *Politics & Society* 26 (4) (1998).

identity play a greater role in politics. Rational choice theory may therefore be less useful in some fields of comparative politics than in others, and less useful, overall, in the study of comparative politics than in the study of politics in the United States.⁵⁶

A more severe criticism of the theory is made by Donald Green and Ian Shapiro that it has not been much successful in the political project to understand collective behaviour. They write:

We contend that much of the fanfare with which the rational choice approach has been heralded in political science must be seen as premature once the question is asked: What has this literature contributed to our understanding of politics? We do not dispute that theoretical models of immense and increasing sophistication have been produced by practitioners of rational choice theory, but in our view the case has yet to be made that these models have advanced our understanding of how politics works in the real world. To date, a large proportion of the theoretical conjectures of rational choice theorists have not been tested empirically. Those tests that have been undertaken have either failed on their own terms or garnered theoretical support for propositions that, on reflection, can only be characterized as banal: they do little more than restate existing knowledge in rational choice terminology.⁵⁷

Moreover, on the timeless universalist project of rationalism to discover theories of politics which explain the myriad of complex political phenomena across the world, they contend:

In our view, the weaknesses of rational choice scholarship are rooted in the characteristic aspiration of rational choice theorists to come up with universal theories of politics. This aspiration leads many rational choice theorists to pursue ever more subtle forms of theory elaboration, with little attention to how these theories might be operationalized and tested – even in principle. When systematic empirical work is attempted by rational choice theorists, it is typically marred by a series of characteristic lapses that are traceable to the universalist ambitions that rational choice theorists mistakenly regard as the hallmark of good scientific practice. These pathologies manifest

⁵⁶ Donald P. Green and Ian Shapiro, *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science* (New Haven: Yale University Press, 1994), 222-3.

⁵⁷ *Ibid.*, 6.

themselves at each stage of theory elaboration and empirical testing. Hypotheses are formulated in empirically intractable ways; evidence is selected and tested in a biased fashion; conclusions are drawn without serious attention to competing explanations; empirical anomalies and discordant facts are often either ignored or circumvented by way of post hoc alterations to deductive arguments.⁵⁸

Likewise, Juan José Linz, the late great political scientist, bluntly criticized at length the tendency of rational choice theories and approaches to hegemonize political science:

Rational choice would be perfectly fine if it were accepted as just one way of looking at things and doing work; everyone ought to choose the approach that best suits their way of thinking, and then we can see who ends up where. But I am disturbed by the hegemonic ambition and self-righteousness of rational choice scholars who think that other ways of doing work are undesirable because they are not scientific. I also find that most of the time the sophisticated way of handling the problem with statistics and mathematics is very much out of proportion with the conclusions. Sometimes I am left wondering and asking, “So what?” So much technical effort seems to be expended to come up with something that is generally stated very much at the beginning of the whole exercise. I am also skeptical of the method of having an interlocking set of propositions that logically hang together in some way and then saying that you have “proven” the propositions by logical analysis. Moreover, the assumptions about reality are so simplified most of the time that you wonder, “What can I do with that? What situation really fits this model?” Finally, some of the people who do this sort of work have no knowledge of any political reality; they are economists and mathematicians who work purely deductively.⁵⁹

Critiques of rational choice theory do not come from political science alone. For example, sociologists also criticize rational choice theory for their own reasons. Their critiques are also highly relevant here since human rights research is a deeply interdisciplinary subject. The late sociologist William Goode questions the sole focus of some rational choice theorists on self-interest. He argues:

⁵⁸ Ibid., 6.

⁵⁹ Munck and Richard, *Passion, Craft, and Method in Comparative Politics*, 203.

Even if we agree that people do try to gain their own ends, sociologists have consistently argued that human behavior cannot be explained by the endless pursuit of money. People seek other things, such as love and respect and power, spirituality and grace, and they are not translatable into money, without making the analysis rather grotesque. But as they try to accomplish those other goals, whether or not they are highly conscious about what they are doing, we are likely (as lay persons or as sociologists) to predict their behavior under the assumption that they are really aiming at those goals about as well as they can, given their constraints, resources, and alternatives. I have argued (and I think most sociologists would agree) that in no society have people been entirely engaged in the self-interested pursuit of money, not even this one, and that people implicitly understand that no such society can exist, much less endure ... Sociologists will continue to do rational choice theory of some sort, consciously or not, wisely or not. But the best way to guarantee that we do not commit the errors of the purist economists is to continue to build into our analyses the group-related variables that inherently introduce a macro or system dimension into our thinking and our results.⁶⁰

Likewise, though he acknowledges the benefits of structuralism to explain social and political life, William Sewell Jr. consciously admits to some problems of the structuralist arguments among which are assumption of a “a far too rigid causal determinism in social life... tend[ing] to reduce actors to cleverly programmed automatons” and implication of “stability”⁶¹ due to existence of structures making it difficult to cope with social change. In other words, the arguments which explain social life with the structuralist perspective alone will end with weak explanations of certain phenomena.

Likewise, in spite of the acknowledgement of the influence that culture has on mobilization and action, Marc Ross qualifies his argument by stating that “the effects of culture on collective action and political life are generally indirect, and to fully appreciate the role of culture in political life, it is necessary to inquire how the impact of culture interacts with interests [rationality] and institutions [structure].”⁶² However, there are not many critiques targeting the culturalist school. However, the calls for incorporation of

⁶⁰ William J. Goode, “Rational Choice Theory,” *The American Sociologist*, 28 (2) (1997), 39.

⁶¹ Sewell, Jr., “A Theory of Structure,” 2-3.

⁶² Ross, “Culture and Identity in Comparative Political Analysis,” 42.

culture and institutions into the rationalist framework is indeed evidence that culture alone cannot explain certain political phenomena.

Integrative theoretical approaches

To recall, the three approaches employed in comparative politics are divided among themselves in terms of ontology and epistemology: “Each tradition specializes: Rationalists concentrate on action, culturalists focus on norms, and structuralists center on conditions.”⁶³ However, this division of labour has an adverse effect on the project to understand complex political phenomena which depend on context. “Exclusivity slights a great deal of the complex empirical world and hence produces unsatisfactory explanations of the richness of social life.”⁶⁴

Mark Lichbach arbitrarily divides the three research programs of rationalism, structuralism, and culturalism into ‘thin’ and ‘thick’ versions. The former “stick closely to their traditional cores,” causing them to be “easily falsified.”⁶⁵ Accordingly, researchers seek to ‘thicken’ their programs in order to prevent their projects from easy falsifiability. In other words, “pragmatic researches willingly add on elements from the other approaches.”⁶⁶ To quote him:

In sum, purists/traditionalists [i.e. thin programs] and monopolists/synthesizers [i.e. thick programs] pull their research programs in different directions. Purists keep the approaches close to their traditional roots; they therefore minimize within-tradition variance and maximize between-tradition variance. Their extensions are usually trivial and their arguments most often turn out to be wrong. Monopolists move their approaches

⁶³ Lichbach, “Social Theory and Comparative Politics,” 258.

⁶⁴ Ibid., 259.

⁶⁵ Ibid., 259.

⁶⁶ Ibid., 259.

beyond their traditional core to synthesize perspectives; they therefore maximize within-tradition variance and minimize between-tradition variance.⁶⁷

After reviewing these thickening attempts, Mark Lichbach succinctly asserts in order to highlight the critical importance of each of the three social theories in order to explain causation:

Individuals are therefore more or less intentional agents who make history, society, conditions, and rules and yet history, society, conditions, and rules make individuals.⁶⁸

Apart from the three schools, there is another conventional dichotomous way of dividing theories of social phenomenon, i.e. structure and agency. The debates are mainly concerned with whether social phenomena are primarily dictated by human agency or by social contexts. Again, thin versions of agency and those of structure have been challenged by various scholars. Some have questioned the dichotomy and sought to integrate them. Most famous among those who have done so is Anthony Giddens. His theory of structuration states:

In the theory of structuration, I argue that neither subject (human agent) nor object ('society', or social institutions) should be regarded as having primacy. *Each is constituted in and through recurrent practices.* The notion of human 'action' presupposes that of 'institution', and vice versa. Explication of this relation thus comprises the core of an account of how it is that the structuration (production and reproduction across time and space) of social practices takes place.⁶⁹ (italics in original)

Roger Sibeon calls for analyses sensitive to both and adds another concept of 'social chance' to better social scientific analysis. Regarding this third aspect, he states:

Social chance is fortuity. It is not a hidden or disguised reflection of an underlying, determinate social structure; social chance is not the same thing as ignorance of, or

⁶⁷ Ibid., 260.

⁶⁸ Ibid., 263.

⁶⁹ Anthony Giddens, *Profiles and Critiques in Social Theory* (Berkeley: University of California Press, 1982), 8.

incomplete knowledge of, complex structural causation. To say this is not to deny the importance of structure (social conditions); rather, it is to challenge an aprioristic tendency to regard chance as a residual category that is of lesser significance than agency and structure. Also, it is not suggested here that there are no linkages between, say, chance and structure; for example, some chance outcomes may perish whereas others become institutionalised and extensive across time-space and thereby cease to be instances of chance and become elements of structure.⁷⁰

Therefore, we can see that efforts have been made to bridge between or integrate three social theories or the structure and agency approaches. Moreover, social scientists have widened definitions as necessary and often resorted to operationalization of variables depending on their subjects of study. As seen above, some scholars include culture under the rubric of structure in their thickening projects. Likewise, rationality has been widened to include everything from self-interest to structural constraints to cultural influence. However, a unified social theory is yet to emerge. What we have is just general theories and their broad assumptions about the social world which we live in although various scholars have tried to widen or narrow down the definitions and assumptions. All of these denote impossibility to develop a general theory of social science to explain individual and collective action. Therefore, political scientists, who have been largely unsuccessful in developing grand or general theories at least since the 1980s,⁷¹ have resorted to middle-range theories by focusing on thematic events or issues and work on. However, all of those middle-range theories in fact broadly draw from the three social theories of rationalism, structuralism, and culturalism although the practice is more often than not implicit.

⁷⁰ Sibeon, "Agency, Structure, and Social Chance," 142.

⁷¹ Kim Q. Hill, "In Search of General Theory," *Journal of Politics* 74 (4) (2012).

Theories of human rights violations

Overview

There are a number of issue-based and middle-range theories which explicitly and implicitly analyze and explain human rights violations and will be reviewed below. Such theories⁷² usually define an issue or phenomenon according to the commonly accepted definition among the scholars who work on it. Then, those colleagues explain the issue or phenomenon by testing old and new hypotheses until they carve out and establish a special field or area of study for themselves. Working among colleagues on a particular is then supposed to contribute to knowledge accumulation. Such theories in political science, which are more or less established, include but are not limited to elections, race, ethnicity, gender, nationalism, ethnic conflict, repression, security studies (traditional, non-traditional, critical, human, etc.), institutions, civil-military relations, state-society relations, authoritarianism, dictatorship, democratization, social movements, and contentious politics. Again, those scholars who work on an issue or phenomenon tend to draw, implicitly or explicitly, from the three general theories, judiciously combine them, and create concepts to explore, describe, analyze and explain those cases or events which fall within the boundaries of the issue or phenomenon. For example, in studies of ethnicity and ethnic or ethnoreligious conflict, the lens through which the Rohingya issue is mostly discussed in contemporary media reportage and commentary, instrumentalism/circumstantialism which emphasizes situational construction of identity and instrumentalist manipulations of existing intergroup tensions and realism which supposes that groups may find themselves in conflict between each other in realist terms, may be seen as rationalist approaches whereas primordialism/essentialism which assumes that identity is given and constructivism which theorizes that identity is constructed are in essence two different

⁷² For details on the middle range theory and its useful role in comparative politics, see Robert K. Merton, *Social Theory and Social Structure* (New York: Free Press, 1968); Daniel Ziblatt, "Of Course Generalize, but How? Returning to Middle Range Theory in Comparative Politics," *American Political Science Association – Comparative Politics Newsletter* 17 (2) (2006).

versions of culturalist theory. The other theory, institutionalism, has a structuralist orientation.⁷³

Social movements or contentious politics literature is also seen to benefit from a healthy mix of the three theories.⁷⁴ Specifically, the theory of framing widely used in social movements research indeed takes a culturalist perspective. The framework of political opportunities is structuralist whereas many aspects of resource mobilization theory are rationalist.⁷⁵ Likewise, the theory of regime change or democratization also draws from the perspectives of structure and agency and often combines the two as necessary. Indeed, the structure approach is, needless to say, structuralist whereas agency may be either rationalist or culturalist or both.⁷⁶

Apart from the fact that they call same or similar things with different names, the most significant feature of the practices of those middle-range theorists and their camp followers is that they usually work within clear-cut boundaries and they do not tend to transcend the boundaries. Conventionally, scholars study a phenomenon, name it after one of the popular issue-based middle-range theories, and use the corresponding theories to explain the phenomenon. This seems to have resulted in formation of different camps in political science and fertilization between the camps seldom occurs. For example, the

⁷³ For excellent critical reviews of the different theories used in ethnicity and ethnic conflict studies, see Ward Berenschot, *Riot Politics: Hindu-Muslim Violence and the Indian State* (London: Hurst & Company, 2011), 22-38; Ravi Kanbur, Prem K. Rajaram, and Ashutosh Varshney, "Ethnic Diversity and Ethnic Tensions: An Interdisciplinary Perspective," *World Development* 39 (2) (2011); Ashutosh Varshney, "Ethnicity and Ethnic Conflict," In *Oxford Handbook of Comparative Politics*, ed. Carles Boix and Susan Stokes (Oxford: Oxford University Press, 2007); Davidson, "The Study of Political Ethnicity in Southeast Asia".

⁷⁴ Doug McAdam, Sidney Tarrow, and Charles Tilly, "Comparative Perspective on Contentious Politics," In *Comparative Politics: Rationality, Culture, and Structure*, ed. Mark I. Lichbach & Alan S. Zuckerman, 2nd ed. (Cambridge: Cambridge University Press, 2009)

⁷⁵ For a comprehensive treatise on social movements/contentious politics research, see Aldon D. Morris and Carol M. Mueller, ed. *Frontiers in Social Movements* (New Haven: Yale University Press, 1992); Charles Tilly and Sidney Tarrow, *Contentious Politics* (Boulder: Paradigm Publishers, 2007).

⁷⁶ James Mahoney and Richard Snyder, "Rethinking Agency and Structure in the Study of Regime Change," *Studies in Comparative International Development* 34 (2) (1999).

literature on ethnonationalism is highly likely to benefit from social movements research because nationalist movements are by nature contentious social movements. However, such cross-fertilization between issue-based middle-range theories in political science, let alone between disciplines such as political science and anthropology, is not frequent.

Going back to our previous discussion on general theories and their uses in research, it is indeed very difficult to neatly classify a factor or factors under three broad social theories. For example, an authoritarian government's decision dominated by the majority group in a country to repress a certain group of people, especially when the latter is an ethnic or religious minority group, does not depend upon its rationalist calculations alone. The decision is also influenced by cultural antagonism which pits the majority group against the minority and structural factors which facilitate or allow such repressive behavior. Therefore, it is usually difficult to make a clear-cut classification of a certain factor as rational or structural or cultural. Moreover, a wholesome causal argument is also difficult to make because of this particular reason. Therefore, a causal explanation of certain case or cases of human rights violations often ends up with a list of causal factors after a search for most possible causes drawing from the three social theories and the repertoire of hypotheses which have held true. This research also takes this path and seeks to find out the factors behind the Rohingya plight. That said, for general guidance, it is still desirable to draw from the three social theories and identify the factors found to be significant in studies of human rights violations under the general conceptual model developed from the theories. Therefore, below I draw a general conceptual model which may be used in studies of human rights violations. By giving attention to all the possible broad causes in a case or cases of human rights violations, this model is believed to act as a general theoretical framework for this case study and others.

In Figure 1, at the top is a case of human rights violations under which lie both principals and agents. They are assumed to be rational. Below rational principals and agents are structural and cultural factors. Structures are assumed to be 'facilitating' towards actions of principals and agents through relations between them. The cultural factors, which may include but are not limited to ethnicity, race, nation, and religion, also need to be studied in order to understand complex cases of human rights violations especially when a

group of people is involved in violations of human rights of another group, who are believed to have strong differences in terms of ethnicity, race or religion.

This is only a general conceptual model so it merely suggests that analysts pay attention to the role of factors which may be classified as rational, structural or cultural in general terms. However, the research trajectory does not end in identifying the factors which fall under the three broad sets. Another very important step is to seek to understand and analyse how those different factors, which vary from case to case or context to context, interact between and among them resulting in human rights violations or repression. This general framework conceptual model can only suggest that researchers focus on both the factors and the dynamics between and among them.

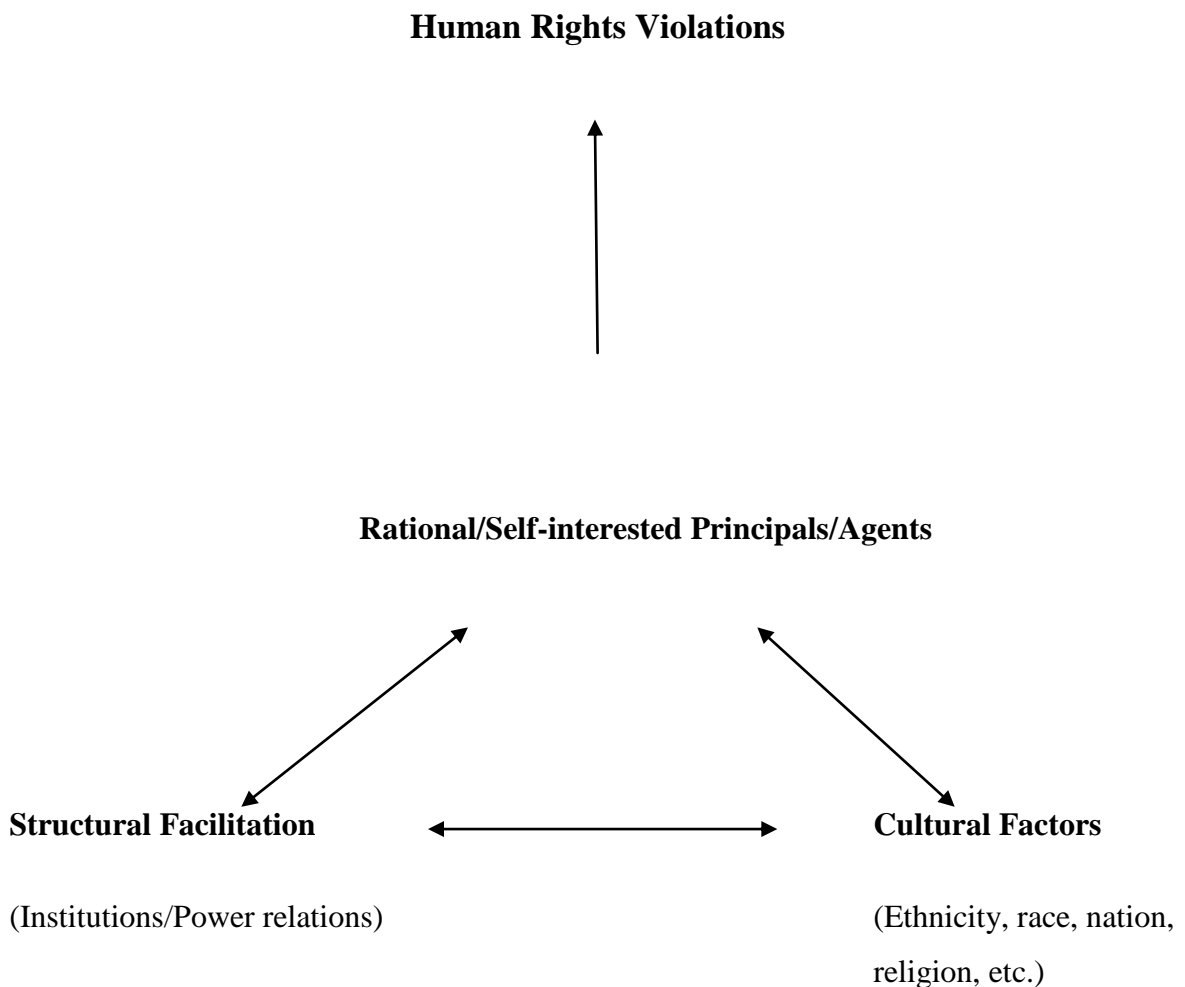


Figure 2.1: A Conceptual Model for Studying Human Rights Violations

After constructing a general conceptual model which can be used in studies of human rights violations, we will now see what causal factors have been found to be significant by the existing literature on human rights violations and repression. Below is a review of the major factors which have been pointed out as causal in repression of minorities and the resultant human rights violations. Then a middle-range conceptual model, which is based upon the findings of the existing literature, will be constructed.

Elites' threat perception and strategic repression

First of all, I have to state why I draw from the (political) repression literature for a list of causal factors of human rights violations. There are two reasons: physical integrity rights, which constitute repression theory's focus area, are part of the family of human rights listed in the UDHR; and many repression scholars explicitly frame their studies as those of human rights violations.⁷⁷ Now let us see what is meant by repression. Indeed, political repression is more frequently used than repression is. Christian Davenport, a leading expert on the area, defines political repression as "behavior that is applied by governments in an effort to bring about political quiescence and facilitate the continuity of the regime through some form of restriction or violation of political and civil liberties."⁷⁸ The 'survival' or 'regime durability' motive of governments behind repression is obvious in this definition. However, Christian Davenport⁷⁹ elsewhere points out that though the 'survival' motive of the repressor is usually assumed in the repression literature it has not been proved. But filling the missing gap in the literature on the relationship between repression and survival

⁷⁷ The best examples are: Carey and Poe, ed. *Understanding Human Rights Violations: New Systematic Studies*; Christian Davenport, ed. *Paths to State Repression: Human Rights Violations and Contentious Politics* (Lanham: Rowman & Littlefield, 2000).

⁷⁸ Christian Davenport, "Introduction," In *Paths to State Repression: Human Rights Violations and Contentious Politics*, ed. Christian Davenport (Lanham: Rowman & Littlefield, 2000), 6.

⁷⁹ Christian Davenport, "State Repression and the Tyrannical Peace," *Journal of Peace Research* 44 (4) (2007).

of the repressor, Abel Escribà-Folch confirms that “repression certainly increases the likelihood of dictators’ survival.”⁸⁰

In her review of the repression literatures in various disciplines – sociology, political science and history, and their subfields – Jennifer Earl⁸¹ notes the differences among scholars in defining repression. Some (mostly political scientists) narrowly define repression by looking at certain actions such as killing, imprisonment, torture, etc. whereas as some (mostly sociologists) broadly look at all the actions by governments as long as those actions aim to “increase the costs of protest.”⁸² However, in spite of the existence of different definitions,

Virtually all agree that political repression refers to repressive actions directed at individuals and groups based on their current or potential participation in noninstitutional efforts for social, cultural, or political change.⁸³

All these definitions are apparently of political repression. Moreover, the repertoire of repressive actions under the command of governments is supposed mainly to comprise those such as killing, torture, imprisonment, disappearance, etc. According to this theory of political repression, the main reason behind all those repressive actions including violations of physical integrity rights is the existence of threats, external or internal. This has led Jennifer Earl to conclude:

The most compelling finding has been that threat is critically important to explaining repression.⁸⁴

Therefore, Christian Davenport theorizes: “Regimes respond to domestic threats with political repression.”⁸⁵ Likewise, Kathleen A. Mahoney-Norris asserts: “It is a simple

⁸⁰ Abel Escribà-Folch, “Repression, Political Threats, and Survival under Autocracy,” *International Political Science Review* 34 (5) (2013), 543.

⁸¹ Jennifer Earl, “Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control,” *Annual Review of Sociology* 37 (2011).

⁸² Ibid., 262.

⁸³ Ibid., 262.

⁸⁴ Ibid., 266.

correlation: increased threat levels equal increased repression levels.⁸⁶ After studying 91 less developed countries over the period from 1979 to 1992, Patrick M. Regan and Errol A. Henderson argue that “the level of threat is positively and significantly associated with political repression,” and “the level of threat has a greater impact than regime type on the likelihood of political repression.”⁸⁷

Therefore, the existence of threat is one of the most significant factors behind repression. However, regimes do not always commit repression; they tend to be calculating. Decision-making models, which will be discussed below, are essentially rationalist and do not seem to be directly related to the list of causes or casual factors of human rights violations. However, they are relevant in some ways because they show how regimes commit repression not only due to threats but also due to their ability to do so. In other words, those models show how motives and opportunities both lead to repression.

Christian Davenport details, as follows, how regimes calculate before deciding to repress:

After considering various benefits and costs as well as how the political-economic context influences these factors, authorities decide whether they should use repressive behavior. If costs exceed benefits, then repression is not applied. If, alternatively, benefits exceed costs, then repression is employed. The costs to state authorities are clearly enough understood: when used, repression can provoke resistance, deplete human and material resources, and reduce political legitimacy at home as well as abroad. The benefits of this behavior are equally clear as well: when used, leaders can eliminate

⁸⁵ Christian Davenport, “Multi-dimensional Threat Perception and State Repression: An Inquiry into Why States Apply Negative Sanctions,” *American Journal of Political Science* 39 (3) (1995), 683.

⁸⁶ Kathleen A. Mahoney-Norris, “Political Repression: Threat Perception and Transnational Solidarity Groups,” In *Paths to State Repression: Human Rights Violations and Contentious Politics*, ed. Christian Davenport (Lanham: Rowman & Littlefield, 2000), 72.

⁸⁷ Patrick M. Regan, and Errol A. Henderson, “Democracy, Threats and Political Repression in Developing Countries: Are Democracies Internally Less Violent?” *Third World Quarterly* 23 (1) (2002).

opposition, stay in power, and bolster perceived legitimacy as individuals come to understand that the state has the monopoly of force within society.⁸⁸

Similarly, by adopting a rationalist decision-making model, Steven C. Poe, C. Neal Tate, Linda Camp Keith and Drew Lanier⁸⁹ find out that governments tend to repress and violate physical integrity rights more in face of domestic threats, either violent or non-violent. Elsewhere, after taking stock of the various variables which have been tested and claiming that an integrative theory or model of repression is yet to be developed, Steven C. Poe develops a decision-making model to explain regimes' decision to repress. Poe's model views repression as a decision-making process which weighs the strengths that a regime possesses against the threats that pose to a regime, influenced by the opportunities available to the regime after its consideration of the Strength/Threat ratio and the regime's willingness to choose repression from among available options.⁹⁰

Likewise, Leesa Marie Sherborne⁹¹ develops an integrated theoretical framework for studying cases of human rights violations in 132 countries over the period from 1950 to 1982. Her framework, which is very similar to the above-stated approach taken by Poe, models repression as a function of threat and strength, influenced by political and economic costs involved in repression. Both of Poe's and Sherborne's models are essentially rational models which emphasize regimes' strategic calculations before making decisions to repress. Moreover, according to their nature as rational models they only view structures as constraints (defined as strengths implying that weaknesses may prevent regimes from repressing protestors and dissidents).

⁸⁸ Christian Davenport, "The Promise of Democratic Pacification: An Empirical Assessment," *International Studies Quarterly*, 48 (3) (2004), 541.

⁸⁹ Steven C. Poe et al., "Domestic Threats: The Abuse of Personal Integrity," In *Paths to State Repression: Human Rights Violations and Contentious Politics*, ed. Christian Davenport (Lanham: Rowman & Littlefield, 2000).

⁹⁰ Poe, "The Decision to Repress"

⁹¹ L. M. Sherborne, "An Integrate Model of Political Repression: Theory and Model Development" (Ph.D diss., University of Houston, 2003).

Ideology, threat perception and repression

Most importantly, political repression scholars state the existence of threats as the main cause of repression. Then, what is meant by threat? May threat only be defined in political means? Does threat only refer to objective threats such as armed protests, civil wars, etc.? Or may threat also be defined in subjective or intersubjective means? While he accepts that threat leads to repression, Christian Davenport contends that “the precise nature of the domestic threat itself ... is subject to discussion.”⁹² To understand one possible path of how threats lead to repression, Kathleen A. Mahoney-Norris highlights the role of ideology in threat perception:

The level of threat is mediated through the lens of ideology, which then affects the levels of repression employed. This can be simply expressed as: threat levels, mediated by ideology, equal increased repression levels. If policy makers share beliefs that influence their propensity to perceive threats or to visualize enemies, any tendency to use repression will be enhanced, regardless of the objective nature of the threat posed to the regime.⁹³

In the above-stated quote, Kathleen A. Mahoney-Norris explicitly highlights the ‘soft’ nature of threat as perceived or constructed by a regime which leads to repression or human rights violations. Hilde Hey’s comparative study of Guatemala and Costa Rica also found that “the central ideologies adhered to by the security forces” played a vital role in the occurrence of gross human rights violations in Guatemala for the period 1978 to 1990 whereas such ideologies were missing in Costa Rica which did not suffer gross human rights violations.⁹⁴ Likewise, George A. Lopez argues that national security ideologies as constructed, adopted and promoted mainly by Latin American military leaders were an impetus to state violence or repression.⁹⁵

⁹² Davenport, “Multi-dimensional Threat Perception and State Repression,” 683.

⁹³ Mahoney-Norris, “Political Repression: Threat Perception and Transnational Solidarity Groups,” 72.

⁹⁴ Hey, *Gross Human Rights Violations*, 172.

⁹⁵ George A. Lopez, “National Security Ideology as an Impetus to State Violence,” In *Government Violence and Repression: An Agenda for Research*, ed. Michael Stohl and George A. Lopez (New York: Greenwood Press, 1986).

Therefore, threats may either be objectively genuine as argued by the rationalist models of repression scholars or ideologically/subjectively/intersubjectively constructed at least among leaders. Genuine or objective threats do not need further explanation here, which has been at length covered by realist scholars in security studies largely applying rational choice theory. Moreover, the level of armed threat that the Rohingya have posed to successive governments of Myanmar since the early 1960s is almost nil or insignificant, although there are repetitive claims made in recent years about the imminent threat of Rohingya Solidarity Organization (RSO), which is indeed a small Rohingya armed insurgent group, to Rakhine and Myanmar as a whole. These imply that the threat of Rohingya and their armed insurgency is rather constructed than genuine. As argued above, rather than the actual threat of a group of people, its imagined or constructed version is often more influential in decisions to repress.

Different religious identity as threat

Cultural identities in general, religion in particular, may mean many things depending on context. Mostly, they are defined as ethnic or communal identities, largely marginalizing prominence of religion in identity formation. Religion is only assumed as part of the identity package of a group of people or community. This is obvious given the apparently larger amount of literature on ethnicity in general than the specific literature on religion. It must be first and foremost stated that ‘religion’ used here does not refer to a truth-seeking project. It does not refer either to metaphysical debates focusing on being either. Instead, religion is used synonymously with religious identity and social scientifically defined here as a force affecting behaviour because it constitutes the main ingredient of a group’s identity. Again, the term ‘identity’ is an equally elusive concept. Following James Fearon,⁹⁶ identity (including religion or religious identity) is understood to comprise both social and personal aspects. Religious identity is understood socially as “a social category, defined by membership rules and allegedly characteristic attributes or expected behaviors” and

⁹⁶ James D. Fearon, *What Is Identity (as We Now Use the Word)?* (Unpublished manuscript, Stanford University, 1999)

personally as “a socially distinguishing feature that a person takes a special pride in or views as unchangeable but socially consequential.”⁹⁷ According to Fearon, identity may be defined either way or both at once.⁹⁸ The second aspect of identity or religious identity as the base of a person or a group of people’s makeup and its potential social consequence is more relevant to our focus upon the role of religious identity on individual and group behaviour.

When one talks about identity, there are three best-known types of identities – race, ethnicity, and nationhood. All the three types are indeed about identity since they are, more or less, social categories which are proven to be influential in political and social behaviour. There are often separate treatises upon those three focusing on one at a time and producing a huge amount of literature on each of them. However, such an approach is not deemed necessary here since all of them are concerned with identity. Rogers Brubaker reviews the vast literature on the three and calls for an approach which “which construes ethnicity, race, and nationhood as a single integrated family of forms of cultural understanding, social organization, and political contestation.”⁹⁹ He gives the reason for his approach as follows:

Classification, categorization, identification, we-they distinctions, marked and unmarked categories, boundary maintenance and boundary crossing, endogamy and exogamy, assimilation and differentiation, territorial concentration and dispersion, social closure, group-making projects, cascades, uneven development, institutional duplication, imagined communities, invented traditions, tendencies to naturalize and essentialize, and symbolic struggles over the basic principles of vision and division of the social world are all very

⁹⁷ Ibid., 36.

⁹⁸ Indeed, this notion of two aspects of identity proposed by Fearon is similar in essence of David Laitin’s theory that culture is Janus-faced, one face providing members of a cultural group with schemes of interpreting and understanding themselves and the whole world around us and the other face exploitable as a resource by certain actors (especially leaders and elites). Laitin, *Hegemony and Culture*.

⁹⁹ Roger Brubaker, “Ethnicity, Race, and Nationalism,” *Annual Review of Sociology* 35 (2009).

general social phenomena, the significance of which goes far beyond ethnicity, race, and nationalism.¹⁰⁰

Going back to our focus on the correlation between religious identity and conflict, Jonathan Fox argues:

This is because while the nature and attributes of God is an essential issue to theologians, it is how religious beliefs and institutions influence behavior that is essential to anyone asking how religion influences ethnic conflict. ... Accordingly, the focus here is not on what religion is, but what religion does.¹⁰¹

This focus on religion as a factor that influences behavior may also help explain why Buddhism, which used to be romanticized in the West as a peaceful and non-violent religion,¹⁰² is also susceptible to use by its adherents as a major weapon to mobilize among themselves and often to resort to violence against other peoples. That said, when affiliation with Buddhism is construed as the main ingredient of a community's identity, violence and human rights violations may result depending on context. The influential role of Buddhist identity in marginalizing minorities and armed conflict in Buddhist countries, most conspicuously Sri Lanka, Myanmar, and Thailand, has been highlighted by various authors.¹⁰³ This ambivalent role of religion in fostering either peace or violence has been

¹⁰⁰ Ibid., 35.

¹⁰¹ Jonathan Fox, "The Ethnic-Religious Nexus: the Impact of Religion on Ethnic Conflict," *Civil Wars* 3 (3) (2000), 3.

¹⁰² Jeffrey Franklin, *The Lotus and the Lion: Buddhism and the British Empire* (Ithaca: Cornell University Press, 2008); Mark S. Lussier, *Romantic Dharma: The Emergence of Buddhism into Nineteenth-Century Europe* (New York: Palgrave Macmillan, 2011).

¹⁰³ Juliane Schober, "Buddhism, Violence and the State in Burma (Myanmar) and Sri Lanka," In *Religion and Conflict in South and Southeast Asia: Disrupting Violence*, ed. Linell E. Cady and Sheldon W. Simon (New York: Routledge, 2007); Paul Demiéville, "Buddhism and War," In *Buddhist Warfare*, ed. Michael Jerryson and Mark Juergensmeyer (Oxford: Oxford University Press, 2010); Daniel W. Kent, "Onward Buddhist Soldiers: Preaching to the Sri Lankan Army," In *Buddhist Warfare*, ed. Michael Jerryson and Mark Juergensmeyer (Oxford: Oxford University Press, 2010); Michael Jerryson, "Militarizing Buddhism: Violence in Southern Thailand," In *Buddhist Warfare*, ed. Michael Jerryson and Mark Juergensmeyer

famously noted by R. Scott Appleby.¹⁰⁴ Moreover, another widely known study by Pippa Norris and Ronald Inglehart proposes a theory that religiosity is more prevalent in poor and undemocratic states and hence religion is more prone to violence in those states.¹⁰⁵

It is often said that in Southeast Asia a Buddhist “thinks of his whole way of life as Buddhist – his individual, family and village.”¹⁰⁶ The role Buddhism plays in politics in countries with Buddhist majorities has been a particular feature of Buddhism in the region. Charles Keyes has identified the close connection between Buddhism and social life, noting that Buddhism “has never been separate from the social world in which Buddhists live.”¹⁰⁷

The above-stated study of Sudan and Chechnya by Monica Toft¹⁰⁸ is evidence of how a religion, Islam in their cases, can be exploited to outbid groups based upon religious differences. Jonathan Fox¹⁰⁹ notes two possible ways in which a religion may influence conflict between different religious communities. The first is concerned with “defending the frameworks against real or perceived attacks,” and those “frameworks are an essential aspect of the human psyche and perhaps the human soul.”¹¹⁰ The second is that religion as interpreted and understood by groups of people “involves the guidelines for behavior [which] ... are often interpreted by their adherents in ways that can provoke conflict.”¹¹¹ At

(Oxford: Oxford University Press, 2010); Michael Jerryson, *Buddhist Fury: Religion and Violence in Southern Thailand* (Oxford: Oxford University Press, 2011).

¹⁰⁴ R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham: Rowman & Littlefield, 2000).

¹⁰⁵ Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide*, 2nd ed. (Cambridge: Cambridge University Press, 2004).

¹⁰⁶ Robert C. Lester, *Theravada Buddhism in Southeast Asia* (Ann Arbor: University of Michigan Press, 1973), 3.

¹⁰⁷ Charles Keyes, “Monks, Guns and Peace: Theravada Buddhism and Political Violence,” In *Belief and Bloodshed: Religion and Violence across Time and Tradition*, ed. James K. Wellman, Jr. (Lanham: Rowman & Littlefield, 2007), 147.

¹⁰⁸ Monica D. Toft, “The Politics of Religious Outbidding,” *Review of Faith & International Affairs* 11 (3) (2013).

¹⁰⁹ Fox, “The Ethnic-Religious Nexus”

¹¹⁰ *Ibid.*, 7.

¹¹¹ *Ibid.*, 8.

first glance, though Buddhism does not seem to offer such frameworks which are divine, as in the case of Islam or Christianity, how it is interpreted by adherents to it may lead to conflict. Other studies¹¹² also note how discriminatory the official stature of state religion and state religious exclusivity, i.e. exclusively favouring a religion by the state, are towards minorities and affect the latter's human rights.

To sum up, when a religion, regardless of its genuine teachings, constitutes part and parcel of identity of a majority group of people in a polity, it is highly prone to discrimination of minorities and to violence as well. In short, processes and dynamics of in-group favouritism, out-group aggression, and intergroup conflict may result from identity categorization and construction, according to social identity theory.¹¹³

All of these arguments imply that different religious identities held by two groups may lead to conflict. However, a counterargument may be made that conflict is inter-communal so violence which results may not necessarily be categorized as human rights violations. Nevertheless, I make a further argument that when a different religious identity of a minority group is constructed as a threat, the majority may decide to commit to outright violations of human rights of the powerless minority. The role of religion may not always be clear in cases of human rights violations because it is often hidden. For example, in the case of the Rohingya plight, it is often hidden behind claims that Rohingya are illegal Bengali migrants. However, if we look deeper, we will see the role of Buddhist identity of Rakhines and majority Barmars defined and constructed vis-a-vis Muslim identity of Rohingya.¹¹⁴ Moreover, religion may need to be looked at together with other causal factors in analyses of human rights violations.

¹¹² Jonathan Fox, "State Religious Exclusivity and Human Rights," *Political Studies* 56 (4) (2008); Jonathan Fox, Patrick James and Yitan Li, "State Religion and Discrimination against Ethnic Minorities," *Nationalism and Ethnic Politics* 15 (2) (2009).

¹¹³ Michael A. Hogg and Dominic Abrams, *Social Identifications: A Social Psychology of Intergroup Relations and Group Processes* (London: Routledge, 1988); Henri Tajfel, "Social Psychology of Intergroup Relations," *Annual Review of Psychology* 33 (1982).

¹¹⁴ This is just a preliminary argument because a detailed one will be made in Chapter 6. on causes of the Rohingya plight.

Demographic (in)security

Demography, which has been largely been confined to demographers and statisticians, has been studied by political scientists as a potential factor for certain political phenomena and behaviour.¹¹⁵ The field is termed political demography. One of its leaders defines political demography:

Political demography is the study of the size, composition, and distribution of population in relation to both government and politics. It is concerned with the political consequences of population change, especially the effects of population change on the demands made upon governments, on the performance of governments, and on the distribution of political power.¹¹⁶

Especially, fertility and its impact upon political demography are now popular themes among academics, journalists and commentators in discussing issues relating to the developed world in North America and Europe for their own reasons. Fertility is often interpreted as associated with lack of development and of secularization.¹¹⁷ This view apparently takes a global perspective. Such a broad perspective is not taken in developing countries. Neil Howe and Richard Jackson note:

For most people living in the developing world, however, demographic fears do not play out at the global or national level with anywhere near the intensity than they do at the subnational level – that is, the level of tribal, racial, and ethnic competition.¹¹⁸

¹¹⁵ Jack A. Goldstone, “The New Population Bomb: The Four Megatrends That Will Change the World,” *Foreign Affairs*, January/February 2010, accessed January 1, 2015, <http://www.foreignaffairs.com/articles/65735/jack-a-goldstone/the-new-population-bomb>

¹¹⁶ Myron Weiner, “Political Demography: An Inquiry into the Political Consequences of Population Change,” In *Rapid Population Growth: Consequences and Policy Implications* (Baltimore: John Hopkins Press for the National Academy of Sciences, 1971), 567.

¹¹⁷ Norris and Inglehart, *Sacred and Secular*.

¹¹⁸ Neil Howe and Richard Jackson, “Demography and Geopolitics: Understanding Today’s Debate in its Historical and Intellectual Context,” In *Political Demography: How Population Changes are Reshaping*

Likewise, James D. Fearon and David D. Laitin claims that violent conflicts between the ‘sons of the soil’ and recent migrants numbered around one-third of all the civil wars which have broken out since 1945.¹¹⁹ Identifying conflicts in Lebanon, India, former Yugoslavia, Iraq, Malaysia, sub-Saharan Africa, etc., which may be understood as competition in terms of numbers between two or more different ethnic or religious groups, Neil Howe and Richard Jackson observes a pattern:

Rising disparities between the growth rates of different groups, with some shrinking while others are doubling every two or three decades, further intensify the perception of competition. Whether these conflicts are waged with armed militias or at the ballot box, they are often regarded by participants as explicit struggles for domination in which numbers play a critical role and population growth wins the long-term prize.¹²⁰

Therefore, demography is another potent cultural factor behind the conflict, violent or non-violent, between different religious groups, although it is often defined and understood in realist terms. Competition in terms of numbers may be interpreted as a rational factor. But when numbers are assumed to be associated with the size and power of a particular religious group in relation to that another group, it tends to be constructed as a threat, which is both rational and cultural at the same time.

Therefore, demography or religious demography becomes a threat especially when it is constructed as such by the elites and members of religious groups. That construction of threat is assumed here to affect decisions to repress or violate the human rights of a minority, but rival religious group.

International Security and National Politics, ed. Jack A. Goldstone, Eric P. Kaufmann, and Monica Duffy Toft (New York: Oxford University Press, 2012), 35.

¹¹⁹ James D. Fearon and David D. Laitin, “Sons of the Soil, Migrants, and Civil War,” *World Development* 39 (2) (2011).

¹²⁰ Howe and Jackson, “Demography and Geopolitics,” 35.

Threat-induced diversion

Being dissidents alone is not a necessary qualification to be at the receiving end of repression. Regimes, in face of threats from dissident groups and individuals, are also found to commit to repression of minorities as a diversionary tactic. This may also be called a type of threat-induced repression although the minorities are not necessarily dissident groups.

The role of diversionary motives and tactics are often analysed in the literature of international conflicts. A study of 180 international crises between 1948 and 1982 concludes that authoritarian regimes or leaders are found to increase domestic repression as a diversionary tactic when they face domestic problems.¹²¹ A recent study by Jaroslav Tir and Michael Jasinski¹²² claims that diversion may also take place domestically and a regime in the face of political hardships may target ethnic minorities. However, both these domestic and international versions of the diversionary theory are only concerned with armed conflicts. The domestic version of the theory even fails to include non-armed diversionary activities of repression by governments against minorities.

However, another stream of literature on communal violence and ethnic conflict also notes the exploitation by government authorities of communal differences as diversionary tactics or as political advantage in different countries. A 1995 report by Human Rights Watch traces instances of communal tensions in Rwanda, India, Israeli-occupied territories, South Africa, Romania, Sri Lanka, Kenya, Former Yugoslavia, Lebanon and Armenia-Azerbaijan and concludes:

¹²¹ Christopher Gelpi, "Democratic Diversions: Governmental Structure and the Externalization of Domestic Conflict," *Journal of Conflict Resolution* 41 (2) (1997). The diversionary theory is mostly employed in studies of armed regional and international conflicts. For example, see Ross A. Miller and Özlem Elgün, "Diversion and Political Survival in Latin America," *Journal of Conflict Resolution* 55 (2) (2011); Sara M. Mitchell and Brandon C. Prins, "Rivalry and Diversionary Uses of Force," *Journal of Conflict Resolution*, 48(6) (2004); Sara M. Mitchell and Clayton L. Thyne, "Contentious Issues as Opportunities for Diversionary Behavior," *Conflict Management and Peace Science* 27 (5) (2010).

¹²² Jaroslav Tir and Michael Jasinski, "Domestic-level Diversionary Theory of War: Targeting Ethnic Minorities," *Journal of Conflict Resolution* 52 (5) (2008).

Communal tensions per se are not the immediate cause of many of today's violent and persistent communal conflicts. While communal tensions are a necessary ingredient of an explosive mix, they are not sufficient to unleash widespread violence. Rather, time after time, proximate cause of communal violence is governmental exploitation of communal differences. ... A government's willingness to play on existing communal tensions to entrench its own power or advance a political agenda is a key factor in the transformation of those tensions into communal violence. The "communal card" is frequently played, for example, when a government is losing popularity or legitimacy, and finds it convenient to wrap itself in a cloak of ethnic, racial or religious rhetoric.¹²³

The same report also succinctly explains how minorities and disadvantaged groups may be caught up in a vicious cycle of discrimination, repression, and more repression:

Discrimination that favors a dominant group, or marginalizes a minority from full participation in the society, creates a climate of mutual suspicion and intolerance, and the illusion that one group "deserves" more rights than another. The resulting differential in status can breed violent resentment on one hand while inciting, or being seen to excuse, more violent forms of repression on the other. In this climate, when private attacks on a vulnerable community occur, the government may fail to condemn, let alone prosecute, the offenders. Such attacks may even be carried out by official forces, with similar impunity. If the targeted community protests, that is considered further evidence of its posing a threat or being alien to the interests of the state, and can lead to intensified repression.¹²⁴

This instrumentalist motive of exploiting existing communal cleavages by states and regimes is also supported by many scholars.¹²⁵ Drawing examples from Sudan and Chechnya, Monica Toft claims that "threatened political elites often seek support or attempt to demobilize opposition by reframing secular conflicts as religious conflicts in a

¹²³ Human Rights Watch, *Playing the "Communal Card"* (New York: Human Rights Watch, 1995), viii.

¹²⁴ Ibid., viii.

¹²⁵ Neil DeVotta, "Illiberalism and Ethnic Conflict in Sri Lanka," *Journal of Democracy* 13 (1) (2002); Neil DeVotta, "From Ethnic Outbidding to Ethnic Conflict: The Institutional Bases for Sri Lanka's Separatist War," *Nations and Nationalism* 11 (1) (2005); Monica D. Toft, "The Politics of Religious Outbidding," *The Review of Faith & International Affairs* 11 (3) (2013).

process of elite outbidding,”¹²⁶ and often resort to scapegoating, which itself is more or less similar to diversion. Regarding the protracted ethnic conflict between the Sinhalese and the Tamils in Sri Lanka, Neil DeVotta writes:

The cancer that eats at Sri Lanka’s political life is “ethnic outbidding”: the auction-like process whereby Sinhalese politicians strive to outdo one another by playing on their majority community’s fears and ambitions. This “outbidding” has plunged the Sinhalese government in Colombo and the Tamil rebels who control parts of the northeast into a protracted conflict.¹²⁷

Therefore, we could see that regimes often resort to repression of minorities for political motives including diversion, ethnic or religious outbidding, etc. even when those minorities do not pose direct threats to the regimes in question. There are two obvious benefits that a regime could garner from repression of hated minorities as a diversionary tactic: successful quiescence of dissident voices through re-channeling their anger and dissatisfaction with the regime; and co-optation of the people of the same ethnic or religious affiliation as the regime is.

Regime type and repression

Apart from the proposition that threat leads to repression, the other major finding of the repression literature is that democratic regimes¹²⁸ tend to be less repressive than

¹²⁶ Toft, “The Politics of Religious Outbidding,” 10.

¹²⁷ DeVotta, “Illiberalism and Ethnic Conflict in Sri Lanka,” 84.

¹²⁸ What is meant by democracy and how to measure democracy are also highly debatable and susceptible to controversies. See David Beetham, ed. *Defining and Measuring Democracy* (London: SAGE, 1994); David Collier and Steve Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49(3) (1997).

authoritarian ones. Many studies by repression scholars have made *general* arguments that more democracy is associated with less repression.¹²⁹

The assumption that democracies are inherently more peaceful than autocracies has led to the emergence of the widely researched theory of democratic peace¹³⁰ which asserts that democracy brings peace. This theory is exclusive in the sense that it often tends to give credit to ‘democracy’ alone for peace.¹³¹ Again, the theory is more concerned with international conflicts or lack thereof. However, Christian Davenport¹³² tests this democratic peace theory in domestic politics and concludes that the level of repression in a country is not always correlated with the increase in its level of democratization. Countering the near hegemony of the democratic peace theory, Jack Snyder and others¹³³ have argued that transitional electoral democracies may even resort to conflict or violence. In another article, Jack Snyder and Karen Ballentine¹³⁴ contend that unfettered media in newly democratizing countries may play a strong role in nationalist mythmaking and

¹²⁹ For example, Poe et al., “Domestic Threats: The Abuse of Personal Integrity”; Sherborne, “An Integrate Model of Political Repression.”

¹³⁰ For details of the democratic peace theory which draws from the writings of Immanuel Kant, Thomas Paine and Woodrow Wilson, see: Bruce M. Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton: Princeton University Press, 1993); Paul K. Huth and Todd L Allee, *The Democratic Peace and Territorial Conflict in the Twentieth Century* (Cambridge: Cambridge University Press, 2003); James L. Ray, *Democracy and International Conflict: An Evaluation of the Democratic Peace Proposition* (Columbia: University of South Carolina Press, 1995).

¹³¹ The democratic peace theory has been challenged by many authors. For example, Christopher Layne, “Kant or Cant: The Myth of the Democratic Peace,” *International Security* 19 (2) (1994); David E. Spiro, “The Insignificance of the Liberal Peace,” *International Security* 19 (2) (1994).

¹³² Christian Davenport, *State Repression and the Democratic Peace* (Cambridge: Cambridge University Press, 2010).

¹³³ Jack L Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: Norton, 2000); Edward D. Mansfield, and Jack L. Snyder, “Democratization and the Danger of War,” *International Security* 20 (1) (1995).

¹³⁴ Jack L. Snyder and Karen Ballentine, “Nationalism and the Marketplace of Ideas,” *International Security*, 21 (2) (1996).

violence. Indeed, this complex and contextual relationship between democracy and violence has been noted by many other studies.¹³⁵

Even if we stick to elections which are more often than not used as the minimalist yardstick of democracy, a sizeable case studies literature, which looks at the impact of elections in various countries upon ethnic or ethnoreligious violence often leading to various human rights violations especially when the elections are near, exists.¹³⁶ Many of these ethnic or ethnoreligious violent episodes have led to violations of human rights of minorities especially when the rival group, favoured by the government of the same ethnic or religious affiliation, is numerically and politically superior.

The most relevant regime type in this case study of the Rohingya plight is the autocratic regime whose impact upon the society it rules is widely researched in academia. It is generally accepted in academia that autocracies repress minorities most on one hand and democracies least on the other hand. However, this general assumption does not always hold true. Helen Fein argues that semi-democracies or those countries in the middle of democratisation tend to repress most.¹³⁷ Questioning the same assumption of the democratic peace theory, Patrick M. Regan and Errol A. Henderson's study¹³⁸ of 91 less developed countries over the period from 1979 to 1992 found out that the type of regime (i.e. whether it is a democracy or authoritarian system) does not always explain the likelihood of repression and semi-democracies repress most. Likewise, disputing the dichotomous view of democracy and peace, Jonathan Fox and Shmuel Sandler's

¹³⁵ Patrick M. Regan and Errol A. Henderson, "Democracy, Threats and Political Repression in Developing Countries"; Christian Davenport and David A. Armstrong II, "Democracy and the Violation of Human Rights: A Statistical Analysis from 1976 to 1996," *American Journal of Political Science* 48 (3) (2004).

¹³⁶ For example, Snyder, *From Voting to Violence*; Steven I. Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (Cambridge: Cambridge University Press, 2004); David C. Rapoport and Leonard Weinberg, ed. *The Democratic Experience and Political Violence* (Oxon: Routledge, 2012).

¹³⁷ Helen Fein, "More Murder in the Middle: Life-integrity Violations and Democracy in the World, 1987," *Human Rights Quarterly* 17 (1) (1995).

¹³⁸ Regan and Henderson, "Democracy, Threats and Political Repression in Developing Countries"

quantitative study¹³⁹ finds out that semi-democracies which lie in between autocracies and democracies repressed ethnoreligious minorities least in the 1990s although autocracies repressed most. Their study disproved the popular assumption that democracies repress least. But the impact of authoritarian governance on repression is also a complex phenomenon. For example, Christian Davenport,¹⁴⁰ in his article on the complex relationships between the various types of autocracies and repression, urges students of human rights violations to ‘contextualize’ the type of authoritarian regime in question and its repressive impact on human rights violations. In other words, rather than aggregating all the more or less authoritarian regimes as repressive and all democracies as peaceful, we must be sensitive not only to regime specificity but also to context and timing.

Specifically, the type of regime in Burma/Myanmar in question is not only authoritarian but also military or military-dominated since the 1960s until now. Christian Davenport’s¹⁴¹ cross-sectional time series analysis of 57 countries from 1948 to 1982 found out that military influence leads to repression. Likewise, the study by Wolfgang S. Heinz and Hugo Frühling¹⁴² of the gross human rights violations in Brazil, Uruguay, Chile and Argentina over the period from 1960 to 1990 found out that the four Latin American countries suffered enormous gross human rights violations, defined as political imprisonment, torture, extrajudicial execution, and disappearance, under military regimes and their security forces. Hilde Hey’s comparative study of Guatemala and Costa Rica also highlights the “dominant role of the security forces within [Guatemalan] society”¹⁴³ as one of the two main reasons behind gross human rights violations, the other being national security ideology. National security ideology of a rights-abusing state may sound that it is a military ideology defined in armed conflict or traditional security. However, since national

¹³⁹ Jonathan Fox and Shmuel Sandler, “Regime Types and Discrimination against Ethnoreligious Minorities: A Cross-sectional Analysis of the Autocracy-Democracy Continuum,” *Political Studies* 51 (3) (2003).

¹⁴⁰ Davenport, “State Repression and the Tyrannical Peace”

¹⁴¹ Davenport, “Assessing the Military’s Influence on Political Repression”

¹⁴² Heinz and Frühling, *Determinants of Gross Human Rights Violations*.

¹⁴³ Hey, *Gross Human Rights Violations*, 172.

security is an ideology, it is soft by nature and understood as intersubjectively constructed through social norms.¹⁴⁴

To sum up, following the Weberian conceptualization of state, it is undeniable that governments and their agents who enjoy “a monopoly within a fixed territory over the legitimate use of violence”¹⁴⁵ are most responsible for human rights violations due to their sheer power to repress that they possess. Therefore, the type of regime or government will always be a deciding factor in repression. But it is not easy to conclude on a strong correlation between a particular type of regime and repression although it holds generally true that authoritarian regimes tend to repress more. However, semi-democracies have been found to be most repressive compared to autocracies and democracies. Therefore, rather than relying on the type of regime as a major causal factor, it seems more fruitful to look at context and how a particular regime treats a minority group.

Field level staff as agents of repression

Repressive policies do not end at the top leadership. Field-level agents have to implement those policies. Moreover, those agents are not necessarily robots who do as they are told to. They have their own motives in implementation of repression. Therefore, in order to understand causes of human rights violations, we have to understand repression from a principal-agent perspective.

Identifying the principal(s) and the agent(s) in the chain of command and authority, Alok K. Bohara et al’s cross-country comparative study found out that agents on the ground level tend to commit repression and torture, given the opportunities for financial

¹⁴⁴ Barry Buzan, “Rethinking Security after the Cold War,” *Cooperation and Conflict* 32 (1) (1997); Theo Farrell, “Constructivist Security Studies: Portrait of a Research Program,” *International Studies Review* 4 (1) (2002).

¹⁴⁵ Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *The American Political Science Review* 85 (1) (1991), 82.

rewards and corruption.¹⁴⁶ Neil Mitchell employs a principal-agent theory, which he terms the “bastard theory of political violence,”¹⁴⁷ and argues:

There is the bastard [principal] motivated by getting and holding power and the one [principal] motivated by the logic of his dogmatic belief system. Both use others [agents] to carry out the violence. Those carrying it out may be motivated by loyalty to the leader’s mission but also by the private temptations of revenge, rape, and loot.¹⁴⁸

A quantitative study by Alok K. Bohara, Neil J. Mitchell, Mani Nepal, and Nejem Raheem¹⁴⁹ also highlights the role of repression independently committed by field agents resulting in torture and human rights violations, apparently facilitated by opportunities or principal-agents structures for such independent repression. They write:

An important part of the explanation of government use of violence and repression is the independent contributions of the agents of repression. As a result of adverse selection, the hardening effects of previous violence, and an inattentive or indifferent principal, agents themselves may also appreciably raise the amount of repressive activity in a political system.¹⁵⁰ ... There may be circumstances where the collusive principal, who knows the agents’ propensities for violent activity, perceives a benefit from the selfish actions of apparently out-of-control agents. The principal may want a terrorized or displaced population, or be simply indifferent to the excesses of agents, but may not want to take responsibility for their violent behavior.¹⁵¹

Therefore, whereas principals or elites tend to seek power and ensure survival through the diversionary tactic of repression of minorities and order their agents to carry out their repressive schemes, the agents in the fields not only commit to repression as ordered but also may increase it for their own benefit. The principals at the center may or may not be

¹⁴⁶ Alok K. Bohara, et al., “Human Rights Violations, Corruption, and the Policy of Repression,” *The Policy Studies Journal* 36 (1) (2008).

¹⁴⁷ Mitchell, *Agents of Atrocity*, 1.

¹⁴⁸ *Ibid.*, 29.

¹⁴⁹ Bohara, et al., “Human Rights Violations”

¹⁵⁰ *Ibid.*, 14.

¹⁵¹ *Ibid.*, 15.

aware of such over-repression by the agents but the former may keep quiet about it as long as it does not affect them at the center. When the agents learn that the principal(s) do not respond to their excessive repression, the former may take it as complicity, indifference or irresponsibility of the latter. This may encourage the agents to commit to more repression or terror and result in a vicious cycle. It may simply be said to a facilitating chain of command from the principal to the agent. Allowing agents to do as they like may also be taken as legal impunity. All of these can be assumed as opportunities for repression.

Indeed, there are many other possible motives behind increased repression by field agents especially when those targetted minorities profess a different religion. As seen above, religious identity may be a source of conflict between the majority and a minority. In such cases, even when there are no material benefits, field agents almost all of whom come from the religious or ethnic majority may decide to repress a minority or increase it especially if opportunities allow it.

Assessment of theory

Disciplinarily, political science, with its main focus on how power is practiced at the level of both individuals and institutions, is marginalized in the literature specifically couched in human rights terminology. It must be clarified here that I am aware of the fact that there is an enormous amount of political science literature which are related and applicable to human rights and violations of them. What I claim here is that the political science literature specifically couched in human rights terminology is not large enough, compared to the human rights literature by philosophers and lawyers. Having said that, a large amount of political science literature relevant to studies of human rights violations, which test certain variables and prove/disprove/problematize them, exists, as reviewed above. Also, those studies mainly group themselves under the banner of ‘repression’. Repression is often taken as tantamount to (gross) human rights violations¹⁵² but its main focus on physical

¹⁵² Carey and Poe, ed. *Understanding Human Rights Violations*; Heinz and Fröling, *Determinants of Gross Human Rights Violations*; Hey, *Gross Human Rights Violations*.

integrity rights misses many other important human rights which must be respected and protected for human dignity. Moreover, repression research is excessively politicized in the sense that it largely defines repression as governmental action(s) in order to counter the political opposition. This definition seems to be based upon a politically rationalist assumption because it argues that a government in face of domestic political opposition tends to resort to various repressive activities, resulting in violations of certain physical integrity rights of the opposition. Indeed, this very narrow focus of repression researchers upon physical integrity rights also misses another very important fact that repressive governments also violate many other rights of the political opposition even if we only pay attention to the impacts of repression upon the opposition. Moreover, repression research does not pay attention to the situations in which a government may resort to repression of people and groups who are threats not in terms of political opposition to the government in question but in terms of various other structural and cultural reasons.

The insufficiency of the repression literature for studies of human rights violations is obvious in the commonly used framework of cost-benefit analysis because costs (possible resistance, resource usage, and possible decline in legitimacy) and benefits (elimination of opposition, continued rule, and enhanced legitimacy in terms of ownership of force) are defined from a political spectrum alone. Moreover, repression research does not include consideration of economic, social and cultural rights either. In other words, political repression is assumed to be a two-dimensional phenomenon involving a repressive regime in the face of threat by repressed dissidents.

Moreover, the range of actions usually identified as repression is usually taken “as a homogeneous type of state behavior.”¹⁵³ Indeed, this homogenization has led to sweeping generalizations in the studies due to their negligence of the probability that causes of repression vary from type to type or time to time or place to place. Even then, disaggregation of repression into violent and non- or less-violent forms itself as done by Christian Davenport¹⁵⁴ is not sufficient for this research because it is still only concerned

¹⁵³ Escribà-Folch, “Repression, Political Threats, and Survival under Autocracy,” 546.

¹⁵⁴ Davenport, “The Promise of Democratic Pacification”

with political and civil liberties or rights. Therefore, apart from political and civil rights, it is assumed in this research that repression also comprises government activities which lead to violations of various social and economic rights of the people. Moreover, the arena of repression is broadened here because a government may resort to repression of certain groups of people not necessarily because those groups always pose political threats or objective threats to the government or because repression may prolong its rule. The notion of ‘threat’ is not sufficiently developed in the repression literature either.

Therefore, the existing research on repression may be said to only partially contribute to a political theory of human rights violations, which is yet to emerge. On the other hand, there are other single-case or small-N studies which holistically analyze and explain certain cases of human rights violations.¹⁵⁵ Both camps do not seem to be able to develop a general theory of human rights violations. However, there is complementarity between them because the latter is able to provide new hypotheses to test.¹⁵⁶ As a corollary to the assumption that minimal human rights must be protected and fulfilled, this thesis also, somewhat normatively, assumes that a general theory of human rights violations is more urgently needed in order to promote human rights of vulnerable, disadvantaged and marginalized peoples across the world. Interdisciplinarity of human rights necessitates an interdisciplinary theory of human rights violations, which seems an insurmountable task even for scholars working with interdisciplinary approaches, let alone those working within often rigidly demarcated disciplinary ones. However, a theory of human rights and a theory of human rights violations

In today’s modern world structurally composed of sovereign nation-states, political science, which studies political phenomena both at the nation-state and international levels, has never been more suitable to study cases of human rights violations than ever because most of such cases occur within territorial boundaries of nation-states. Most, if not all, of

¹⁵⁵ Heinz and Fröling, *Determinants of Gross Human Rights Violations*; Hey, *Gross Human Rights Violations*; Anja Jetschke, *Human Rights and State Security: Indonesia and the Philippines* (Philadelphia: University of Pennsylvania Press, 2011).

¹⁵⁶ This complementarity between case studies and theory development will be discussed at length in the following section on data and methodology.

the worst abusers of human rights across the world are also are governments.¹⁵⁷ Therefore, a good political theory or framework, which is attuned to domestic political actors, processes, and dynamics, is highly likely to contribute to an understanding of how human rights violations occur in various places all over the world.

A middle-range model of human rights violations

As reviewed and concluded above, let alone a general social scientific theory of human rights violations,¹⁵⁸ a political theory of human rights violations itself is yet to emerge. Therefore, this theoretical framework has reviewed the political works which draws from three general social theories of rationalism, structuralism and culturalism. Moreover, issue-based middle-range theories which focus on repression or violations of the right to physical integrity have also been reviewed so far. Therefore, I sketch below a middle-range conceptual framework, which is developed from the general model explained above and from cumulative findings of the literatures on repression, human rights violations and identity.

In Figure 2, at the top is a case of human rights violations under which lie rational principals and rational agents. Rational principals face two types of threats: genuine/objective threats and imagined/constructed threats. Both types of threats vary from case to case or from context to context. Therefore, researches who study cases of human rights violations have to contextualize in order to understand those fears of principals, genuine or imagined. Apart from those threats, the other possible reason behind the principal's decision to repress is the motive to divert public attention. Again, whether this diversion actually takes place varies from case to case and researchers have to find out. The other rational actors are field-level agents who repress or commit to human rights

¹⁵⁷ Emilie M. Hafner-Burton and Kiyoteru Tsutsui, "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most," *Journal of Peace Research* 44 (4) (2007).

¹⁵⁸ This thesis assumes that any future endeavors to develop a theory of human rights violations will result in the emergence of a middle-range theory, rather than a general theory.

violations for two main reasons: direct order from principals and agents' own financial motives for repression.

Structural facilitation is the second factor which researchers must study. The role of structures as constraints is often assumed by rationalist researchers. But a model of causes of human rights violations, which is developed here, does not need to consider the constraining function of structures. Instead, the facilitation of structures is only considered as a cause. Facilitating structures may include the existence of an autocracy without any check from the public, the command chain between the center and the periphery, and enjoyment of legal impunity by both principals and agents for their actions. Amidst this pervasive legal impunity, agents in the field may increase the level of repression with or without knowledge of the principal. What is more important is that the principals allow their agents to do whatever they like with legal impunity.

The third factor is concerned with the role of culture, religion in this case study, as the main content of identity. Religion, understood as the spectrum through which a group of people understands themselves and defines others, is used here as the topic to study because it is most relevant to my research. However, other case studies may study race or ethnicity or nation as the main marker of identity, depending on context. When religion is understood as the main area of difference between two groups of people, especially between a majority with power in hand and a minority at the mercy of the majority, it may provoke conflict, repression, discrimination, and human rights violations. Moreover, demography is another potent factor to study because more people may mean more power. This interpretation of demography as a threat again affects the thinking of the principals who decided to repress in response.

It has to be reiterated here that this middle-range model is a summary of existing theories and explanations of the causes of human rights violations. Its main aim here is to frame the following description and analysis of the case of the plight of the Rohingya, not to advance an empirical argument. In other words, the model is intended not as my final argument but rather as a summary of existing knowledge that I aim to critically assess and add to.

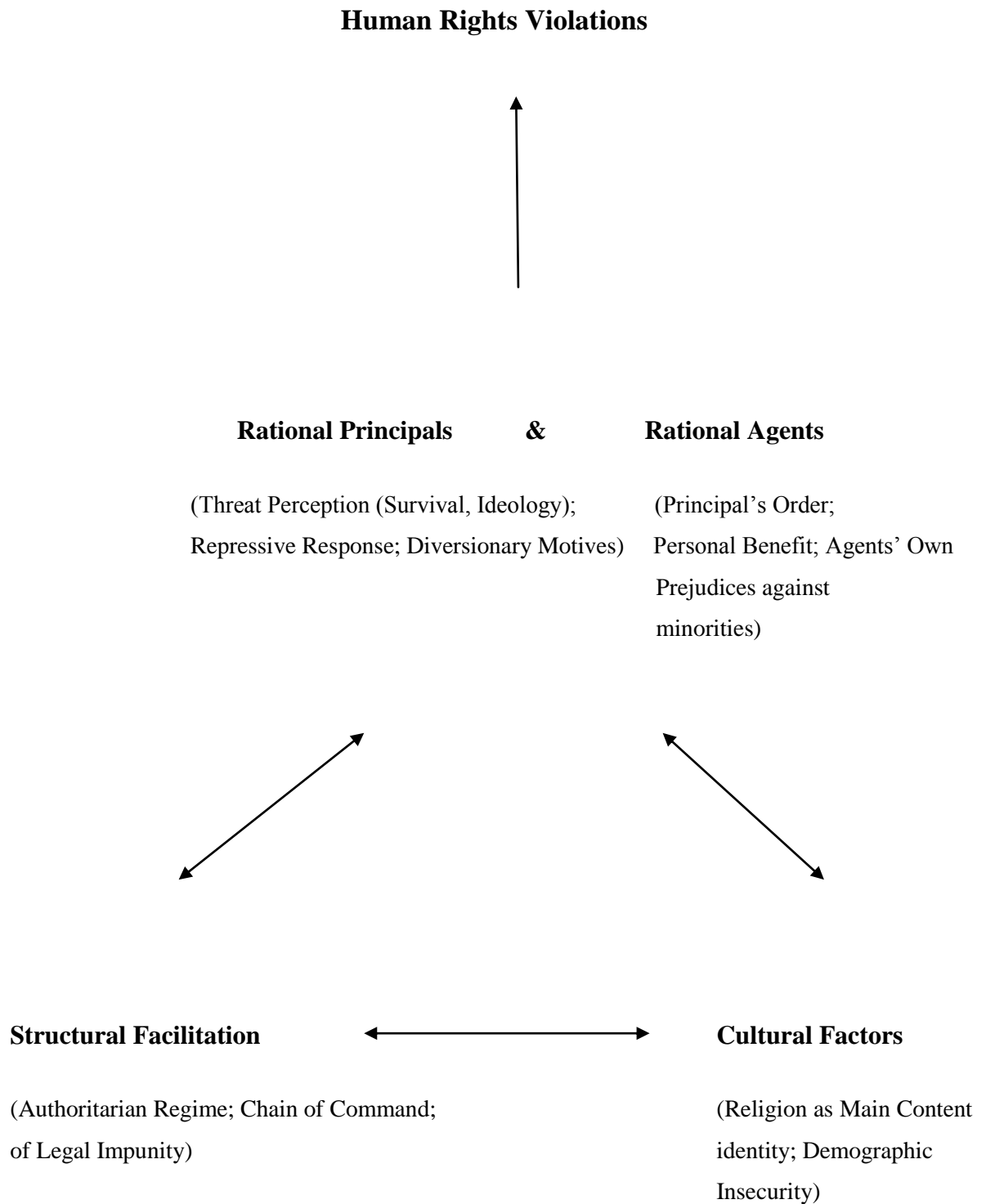


Figure 2.2: A Middle-Range Model for Studying Human Rights Violations

To sum up, it is imperative for researchers of human rights violations that they pay attention to and analyze each and every one of the possible factors which are explicitly or implicitly associated with the three social theories of rationalism, structuralism and culturalism. Moreover, after finding the most possible causes of human rights violations in their cases, the second step would be to identify and explain how rational, structural and cultural factors inter-play among themselves until human rights are violated. Only when we can explain how factors relate to one another and dynamics among them, our endeavours to understand cases of human rights violations may be said to be successful.

Conclusion

This theoretical chapter has done two main things. Firstly, it has made reviews of the general literature on human rights, of that on political science which draws from the three broad social theories of rationalism, structuralism and culturalism, and of that on human rights violations. It has sought to integrate between the existing theories of human rights violations and construct a middle range model which will be used in the case study.

Chapter 3: The first Rohingya exodus

This chapter will describe and analyze the first exodus by tracing the cause, *Na-Ga-Min Sit-Sin-Ye*¹(King Dragon) Operation, and its context, impact, and legacy. Why and how the Operation was planned and implemented in various places in Burma, including Rakhine State, in 1978 is traced. Although the operation did not lead to any significant problems in its work areas in other places, its heavy-handed implementation in Rakhine State ended up in a mass exodus of more than 200,000 Rohingyas to neighbouring Bangladesh. In response to Bangladesh's complaints the BSPP government initially denied the exodus and disowned the refugees by stating that they were illegal, undocumented migrants so they fled. However, when Bangladesh eventually took the issue to the UN, Burma gave in and took back the refugees.

After repatriation, a very important change for Rohingyas happened, i.e. the drafting and passage of a new citizenship law. Although Rohingyas were citizens according to the previous citizenship legislation, the new law made their legal identity obscure and prone to arbitrary denationalization. The new law, which is discriminatory against peoples who genuinely or assumedly are of alien or mixed ancestry, actually has a number of provisions for citizenizing or naturalizing Rohingyas. Even then, the government failed to implement the law in NRS and intentionally left the Rohingya's legal status unresolved. Therefore, despite resettlement, re-integration of Rohingya returnees as part of Burma was never implemented. Despite the loud nationwide campaign in drafting the new citizenship law in the late 1970s and early 1980s, the Burmese government increasingly faced various economic and political hardships throughout the 1980s and Rohingyas' belonging to Burma never again became an issue until the early 1990s.

Unlike the second mass exodus of 1991, there were not many independent studies of the impact and aftermath of the first exodus. There were a few international media

¹ Bur: နဂါးမင်းစီမံချက်

reports. And the UN was only temporarily involved in repatriation. After repatriation was completed, all things came back to normal and the issue was forgotten. However, a number of official publications by BSPP – statements, statistics and opinion pieces by officials or authors close to BSPP, appeared in the government newspapers of 1978 and 1979 and in the BSPP party publications.

This chapter does not look into the details of the Burma-Bangladesh refugee repatriation negotiation and implementation because the thesis does not focus on the Rohingya plight as a (bilateral) refugee issue, which is only one of many facets of the whole conundrum. Most importantly, this chapter will show, by using Burmese official publications before and after *Na-Ga-Min*, and during the exodus, that the current claim by the present Myanmar government that many of present-day Rohingyas are illegal Bengali Muslim migrants is unfounded and ingenious.

***Na-Ga-Min* operation**

Independent Burma did not have properly demarcated borders with China and Pakistan. There was a widely accepted assumption in those days that many foreigners from China and East Pakistan (which later became Bangladesh in 1971) had encroached upon Burma's territories. Therefore, in the late 1970s, the Revolutionary Council (RC)² government initiated *Na-Ga-Min* in different parts of Burma in different states which share borders with

² RC, also known as the Union Revolutionary Council, headed by General Ne Win took power in a *coup d'état* from the civilian regime headed by U Nu on 2 March 1962. RC ruled Burma under martial law from 1962 to 1974 until it constitutionalized a one-party system handing power to BSPP. BSPP, which was established on 4 July 1962 after declaration of adoption of the socialist system by the coup regime of the RC and had progressed from a cadre party to a mass party, ruled Burma according to the 1974 Constitution of the Socialist Republic of the Union of Burma under a one-party system from 1974 to 1988 when another *coup d'état* by the armed forces took power. For chronological information about elected and unelected regimes of Burma since 1944, see Table 1 in Gustaff Houtman, *Mental Culture in Burmese Crisis Politics: Aung San Suu Kyi and the National League for Democracy* (Tokyo: Institute for the Study of Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies, 1999), 11.

neighbouring countries. Although no problems occurred in other sites, the heavy-handed, repressive actions of the operation and rumors led to the first Rohingya mass exodus.

Na-Ga-Min aimed to classify and register each and every resident of Burma into citizens and aliens. Before it was initialized, most people in Burma did not have any citizenship cards. They only possessed cards called National Registration Cards (NRCs)³ given to them after they were registered under the Residents of Burma Registration Act (1949) and its Rules (1951). A special article on *Na-Ga-Min* in the Working People's Daily (Burmese),⁴ stated its details and rationality behind it and claimed that possession of NRCs only meant that the card-holders are residents of Burma and did not denote any notion of Burmese citizenship. It also argued that many aliens were wrongly registered and given NRCs although they were supposed to be registered and given foreigner registration cards (FRCs) under the Registration of Foreigners Act (1940) and its Rules (1948). Therefore, the engineers of *Na-Ga-Min* apparently pre-judged that there were many aliens in possession of NRCs prior to its launch.

Na-Ga-Min was planned by then Ministry of Home and Religious Affairs, submitted to the cabinet meeting on 16 November 1976 and approved. A pilot project, called *Wa-Tha-Oo*⁵ (Early Rain), was run in May and June 1977 in Shan State (Taunggyi and Minesat) and in December in Shan State (Nam Kham, Muse, and Kutkhaing). It was also tested in various other sites – twenty one townships, the Central Train Station and the ports in Yangon Division; Mupon and Muttama train stations, airports, ports, and bus stations in Mon State; ports, airports, and bus stations in Kayin State; bus stations, train stations, and ports in Pegu Division; Pantaung and Taungup roads; ports and airports in Sittwe; Thandwe-Taungup roads; and Sittwe-Thandwe waterways.

³ Bur: အမျိုးသားမှတ်ပုံတင်

⁴ စိန်အေးထွန်း, "နဂါးမင်းစီမံချက် (၁) နိုင်ငံနှင့် ပြည်သူ့အကျိုးကိုမျှော်ကိုး၍," လုပ်သားပြည်သူနေ့စဉ်, May 1, 1978, 5.

⁵ Bur: ဝသန်ဦးစီမံချက်

Then, *Na-Ga-Min* was carried out in February 1978 in Kachin State (Banmaw and Myitkyina) and then in Rakhine State (Sittwe and Buthidaung). Although it was calm in Sittwe, the implementation in Buthidaung in March turned problematic when many Rohingyas fled. The government claimed that there were three main causes – fear of the check; being undocumented; and rumors by destructive elements among Muslims which tried to denigrate the project.⁶ The second article on *Na-Ga-Min* which appeared in the state newspaper the next day states the rationality behind the operation, i.e. to root out aliens and migrants. It asserted:

As all know, our country was once a free guest house. Aliens had infiltrated and settled even before the war broke out. It has been the case from colonial times to nowadays. Many Chinese from eastern and northeastern borders and aliens from western borders illegally infiltrated.⁷

Despite those initial strong claims of existence of aliens and illegal cross-border migrants, the author stated that *Na-Ga-Min* only found out 52 such people in Kachin State, 1,025 in Sittwe, and 594 in Buthidaung, totaling less than 2,000 people. Likewise, another article in the state newspaper stated that only 230 male and female illegal Bengalis from Chittagong were found in the whole Maungdaw township which is most populated in terms of the Rohingya population.⁸ *Na-Ga-Min* was reportedly run in thirteen sites from 17 March onwards. U Than, an immigration official in Rakhine State involved in *Na-Ga-Min* and

⁶ စိန်အေးထွန်း, “နဂါးမင်းစီမံချက် (၁)”

⁷ Bur: အများသိရှိကြပြီးဖြစ်သည့်အတိုင်း ကျွန်တော်တို့နိုင်ငံသည် တချိန်က သာလာယံဇရပ်ပမာဖြစ်ခဲ့သည်။ နိုင်ငံခြားသားတို့၏ ခိုးဝင်စိမ့်ဝင် လာရောက်နေထိုင်မှုများ စစ်မဖြစ်မီကတည်းကရှိသည်။ နယ်ချဲ့ခေတ်မှ ယနေ့မျက်မှောက်အထိ ဖြစ်သည်။ အရှေ့ဘက်နှင့် အရှေ့မြောက်နယ်ခြားဘက်မှ တရုတ်လူမျိုးများ၏ ခိုးဝင်စိမ့်ဝင်မှုများ ဖြစ်ပေါ်ခဲ့သကဲ့သို့ အနောက်ဘက်နယ်ခြားဘက်မှလည်း လူမျိုးခြားများ၏ ခိုးဝင်စိမ့်ဝင်မှုများ ကြုံတွေ့ရခဲ့သည်။ စိန်အေးထွန်း, “နဂါးမင်းစီမံချက် (၂) ကိုယ့်တာဝန်ကိုယ်ထမ်းခြင်း,” လုပ်သားပြည်သူ့နေ့စဉ်, May 2, 1978, 5.

⁸ “ဘင်္ဂလားဒေ့ရှ်မှခိုးဝင်သူများဥပဒေအရအရေးယူထားစစ်တကောင်းမှမောင်းတောသို့ခိုးဝင်,” လုပ်သားပြည်သူ့နေ့စဉ်, May 24, 1978, 7-8.

repatriations in the state, wrote that the operation was carried out in Sittwe (11 February), Buthidaung (17 March – 4 May), and Maungdaw (8 May – 5 June). But the check only found out 349 persons in Sittwe and 228 persons in Buthidaung and Maungdaw, who had illegally entered Rakhine State.⁹ These figures are notably a bit different from one another but it is more relevant and important that *Na-Ga-Min* did not find thousands or tens of thousands of illegal Bengalis in Rakhine State like the BSPP government claimed before, during, and even after the operation.

Then, many Muslims from Buthidaung fled amidst rumors and news of repression by the operation staff. As of April 1978, 19,457 Muslims (3,724 households) had fled. U Kyaw Maung, chair of Rakhine State Party (state-level arm of BSPP) released a statement on 26 April which called for resettlement of those who had fled in their original places in a week and as of early May, 348 of them had returned.¹⁰ Muslims from Maungdaw followed suit and fled too. They were accused of spreading rumors, and committing destructive actions. The Bangladeshi border guard forces were also accused of firing upon the Burmese counterparts. The Working People's Daily issued on 7 May 1978 detailed the events from late March.¹¹ Muslims were terrorized by armed Rohingya insurgents called *Kala-Soe*¹² (Evil *kalas* = evil Muslims) who committed various destructive actions, which included but were not limited to robberies, rumor-mongering, village-burnings, and lootings, with the sole aim to impede *Na-Ga-Min*. After detailing these events in which Muslims were the

⁹ ဦးသန်း (ရခိုင်ပြည်နယ်/လ.ဝ.က), "ရခိုင်ပြည်နယ်သန်းခေါင်စာရင်းကောက်ယူမှုအခြေအနေ," *ရခိုင်ပြည်နယ်မဂ္ဂဇင်း*, 1984, 161-7.

¹⁰ စိန်အေးထွန်း, "နဂါးမင်းစီမံချက် (၂) ကိုယ့်တာဝန်ကိုယ်ထမ်းခြင်း"

¹¹ "ဘင်္ဂလားဒေ့ရှ်ဘက်သို့ပြေးသူအချို့ညှဉ်းဆဲခံရ၍ ပြန်ပြေးလာ နဂါးမင်းစီမံချက်ပျက်ရန် အဖျက်လုပ်ငန်း အမျိုးမျိုးလုပ်နေ," *လုပ်သားပြည်သူ့နေ့စဉ်*, May 7, 1978, 1-2.

¹² Bur: ကုလားဆိုး. *Kala* is an everyday term for Muslims which they find vulgar and derogatory. ကုလား itself is derogatory and when it is combined with ဆိုး which means evil or bad, ကုလားဆိုး turns out to be highly venomous. ကုလားဆိုး is also used to describe *Mujahid* rebels of the 1940s and 1950s even in official publications. This name clearly shows how much contempt the Burmese governments had of Rohingya rebels.

sole trouble-makers, a pledge was made that the Department of Immigration and Population under the Ministry of Home and Religious Affairs would continue to implement the operation despite destructive and obstructive actions by Muslims.¹³

Initial denial by the government

The editorial of the Working People's Daily of 9 May 1978 bluntly gave a strong warning to those Muslims who were allegedly impeding *Na-Ga-Min*, as follows:

No country will stand and watch those who illegally infiltrated into their territories and those aliens who break the law. They will surely take action against such people. To impede the action being taken in accord with the law is to annihilate the existing laws. Therefore, those who do so shall be responsible for the consequences which will result from such impediments.¹⁴

In response to the allegations about violations of human rights of Muslims by *Na-Ga-Min* officials, another article¹⁵ questioned calling by the international media of those Muslim who fled as 'Muslim refugees'. It stated that every person within Burmese territories must undergo a citizenship and residence check, regardless of whether they were citizens or

¹³ “ဘင်္ဂလားဒေ့ရှ်ဘက်သို့ပြေးသူအချို့သည်ဆဲခံရ၍ ပြန်ပြေးလာ နဂါးမင်းစီမံချက်ပျက်ရန် အဖျက်လုပ်ငန်း အမျိုးမျိုးလုပ်နေ”

¹⁴ Bur: မိမိနိုင်ငံတွင်းသို့ခိုးဝင် စိမ့်ဝင်သူများနှင့် စည်းကမ်းဥပဒေချိုးဖောက်သော နိုင်ငံခြားသားမှန်သမျှကို မည်သည့်နိုင်ငံကမှလက်ပိုက်ကြည့်နေမည်မဟုတ်ပေ။ အရေးယူကြမည်သာဖြစ်သည်။ ဤသို့ဥပဒေနှင့်အညီ အရေးယူလုပ်ဆောင်ခြင်းကို ပျက်စီးစေရန် နှောင့်ယှက်ဖျက်ဆီးခြင်းသည် ပြဌာန်းတည်ရှိနေသော ဥပဒေများကို ပျက်စီးအောင်ပြုလုပ်ခြင်းသာဖြစ်သည်။ထို့ကြောင့်ထိုနှောင့်ယှက်ဖျက်ဆီးမှုကြောင့် ဖြစ်ပေါ်လာမည့်ကိစ္စရပ်များ သည် နှောင့်ယှက်ဖျက်ဆီးသူတို့၏ တာဝန်သာဖြစ်ကြောင်း ရေးသားလိုက်ရသည်။ “ဥပဒေနှင့်အညီ ဆောင်ရွက် ခြင်း,” *လုပ်သားပြည်သူ့နေ့စဉ်*, May 9, 1978, 4.

¹⁵ “နှင်ထုတ်ခံရသည့် ဒုက္ခသည်များလော မိမိတို့သဘောအရ ထွက်ပြေးသည့် ဥပဒေတိမ်းရှောင်သူများလော,” *လုပ်သားပြည်သူ့နေ့စဉ်*, May 11, 1978, 5.

aliens, and those who are found to have violated the immigration and citizenship laws during the check must also face legal action. Therefore, those Muslims from Rakhine State who fled to Bangladesh are not refugees who were forcefully deported but those who did not dare to face the law, the article concluded. These articles from the Working People's Daily clearly show the change in tone and language from the Burmese government side. Initially, the Burmese government was claiming that refugees only fled due to rumors or lack of proper citizenship/residence documentation. Gradually, the government started accusing the refugees of illegal activities and demanding legal action against them.

Amidst alleged oppression of Rohingyas in Rakhine State prior to their arrival in Bangladesh, the Burmese government held a press conference in Rangoon with the international and local journalists after leading a tour to Buthidaung and Maungdaw in late May. Various government officials categorically rejected all the allegations of targeting Rohingyas alone by *Na-Ga-Min*, of religious persecution, of shooting of those who fled, etc. Instead, those Muslims (35,596 from Buthidaung and 65,452 from Maungdaw as of 27 May) only fled due to fears of their undocumented status, consequent legal action, and rumors and some of them allegedly burned down their houses before they ran. Moreover, the officials said that action was only taken against 2,296 people during the whole *Na-Ga-Min* period across Burma,¹⁶ which was implemented not only in Rakhine State but also in Chin State, Sagaing Division, Kachin State and Mandalay Division. U Htun Tin, a director with the Ministry of Foreign Affairs, stated correspondence between Burma and Bangladesh regarding the refugees and said that Burma was willing to accept back them as long as they are able to prove their Burmese nationality.¹⁷

¹⁶ This figure given by the government officials is another piece of important evidence that *Na-Ga-Min* did not find substantial numbers of illegal persons in Burma in 1978.

¹⁷ “ဥပဒေမဲ့ခိုးဝင်သူများစိစစ်မှုပြည်နယ်တိုင်းအားလုံးနှိုက်ဆောင်ရွက် ဘင်္ဂလားဒေ့ရှ်သို့ထွက်ပြေးသူများကို ဆွေးနွေးတားဆီးခဲ့ခြင်း မူဆလင်ဘာသာရေးနှင့်မဆိုင်ဟု ဒုတိယဝန်ကြီးဗိုလ်မှူးကြီးအောင်ဌေးပြောကြား ရခိုင်ပြည်နယ်နှိုက် နဂါးမင်းစီမံချက်လုပ်ငန်းများဆောင်ရွက်ပုံသတင်းစာအဖွဲ့လေ့လာ,” လုပ်သားပြည်သူ့နေ့စဉ်, May 31, 1978, 1-3.

That said, the Burmese government did not tone down its ‘illegal migrant’ discourse. For example, an article in the state newspaper issued on 1 June openly claimed:

Fleeing from those two townships (Maungdaw and Buthidaung) is not actually strange. It is true that illegal *khawtaws* (Chittagongnians) fled in fear of legal action.¹⁸

Likewise, an official with the Department of Immigration and Population in Rakhine State wrote of his experience with *Na-Ga-Min* that:

There were gradual infiltrations of those who are of the same race and religion [meaning Rohingyas and Bangladeshis are of the same race and religion] and are not national into Maungdaw and Buthidaung townships in Rakhine State.¹⁹

In another article in the Working People’s Daily²⁰ written by a journalist who joined an official tour to NRS wrote of his experience with a tone that he disliked to see bearded Chittagongnian Muslims in Buthidaung and another village during the tour. Indeed, he seemed to have assumed that it is not normal to see Muslims in Buthidaung and it is only normal that Rakhine Buddhists live in those places in NRS.

¹⁸ Bur: ယင်းမြို့နယ်နှစ်မြို့နယ်မှ ထိုသို့ထွက်ပြေးတိမ်းရှောင်ကြခြင်းရှိသည်မှာ အမှန်တော့ ထူးဆန်းသည်မဟုတ်ပါ။ တရားဥပဒေနှင့်အညီဆောင်ရွက်ခြင်းကို တရားဥပဒေနှင့်မညီကြသည့် ခေါ်တော (စစ်တကောင်းသား) များ ရှောင်တိမ်းထွက်ပြေးကြမည်မှာ အမှန်ပင်ဖြစ်သည်။ မောင်မောင်ညို, “စိုပြေစိမ်းလန်းမေယုမြစ်ဝှမ်း,” *လုပ်သားပြည်သူ့နေ့စဉ်*, June 1, 1978, 5.

¹⁹ Bur: ရခိုင်ပြည်နယ် ဘူးသီးတောင်နှင့် မောင်တော မြို့နယ် များ တွင် အမျိုးတူ ဘာသာတူ တိုင်းရင်းသားမဟုတ်သူများ တစ်မိုစီမို ဝင်ရောက်နေထိုင်မှုရှိနေသောကြောင့်။ ဦးသန်း (ရခိုင်ပြည်နယ်/လ.ဝ.က), “ရခိုင်ပြည်နယ်သန်းခေါင်စာရင်းကောက်ယူမှုအခြေအနေ,” 162.

²⁰ မောင်မောင်ညို, “နဂါးမင်းစီမံချက်လေ့လာရေးခရီး,” *လုပ်သားပြည်သူ့နေ့စဉ်*, June 3, 1978, 5.

Repatriation

Amidst these allegations of those who fled are illegal Chittagongnian Bengali Muslims, the Burmese government negotiated with Bangladesh. U Tin Ohn, then Deputy Minister for Foreign Affairs, met the representatives of the Bangladeshi government from 7 to 9 July 1978 and reached an agreement in which Burma would accept back those Muslim refugees now in Bangladesh in three steps and the repatriation would begin in August.²¹ The repatriation plan called *Hin-Tha*²² (Swan) Operation was announced on 31 July and implemented from 31 August 1978 to 29 December 1979.²³ Although the Burmese authorities contended that only 156,630 Muslims fled according to their statistics, their Bangladesh counterparts responded that 189,733 did.²⁴ Out of them 186,968 Muslims had been successfully repatriated by the end of *Hin-tha* in late December 1979, according to Burmese government statistics.²⁵ Therefore, 30,338 more Muslims were repatriated according to the Burmese government and the Final Report of the Inquiry Commission on Sectarian Violence in Rakhine State notes: “Many in Myanmar felt the issues surrounding the Campaign set a harsher tone for the country’s future relationship with Bangladesh.”²⁶

To sum up, even though the government still claims that they had to accept 30,338 more Muslims, the fact that the Burmese government had to agree to the repatriation showed that the other 156,630 Muslims were not illegal Bengalis. Moreover, it is also noteworthy that *Na-Ga-Min* only found out a few hundred illegal migrants in Sittwe,

²¹ “မြန်မာဘက်လားဒေ့ရှ် သဘောတူညီချက်များရ နှစ်ဦးနှစ်ဘက်သဘောထားကြီးစွာဖြင့်ဖြေရှင်း,” *လုပ်သားပြည်သူ့နေ့စဉ်*, July 12, 1978, 1-2; “Agreement Concerning Border Situation and Immigration,” *Working People’s Daily*, July 12, 1978, 1.

²² Bur: ဟင်သာစီမံချက်

²³ ဦးသန်း (ရခိုင်ပြည်နယ်/လ.ဝ.က), “ရခိုင်ပြည်နယ်သန်းခေါင်စာရင်းကောက်ယူမှုအခြေအနေ”

²⁴ Indeed, those exact statistics provided by both sides are interesting depending on notorious statistics provided by developing countries such as Burma, which used to claim that it had hosted thousands of illegal aliens and Bangladesh, which was only established in 1971.

²⁵ ဦးသန်း (ရခိုင်ပြည်နယ်/လ.ဝ.က), “ရခိုင်ပြည်နယ်သန်းခေါင်စာရင်းကောက်ယူမှုအခြေအနေ”

²⁶ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 6.

Buthidaung and Maungdaw. The two facts are clear evidence that the repeated claims by the BSPP government and its officials during and after the first exodus that those who had fled were illegal infiltrators were baseless.

Another very pertinent fact is the failure by the Burmese government to take official responsibility for all those human rights violations allegedly committed by Burmese security forces which caused the exodus in the first place. Indeed, within Burmese official circles, all the blame had to be taken by Muslims who had fled. Initially, Burmese authorities pointed the finger at the fleeing Rohingyas by contending that the latter fled because they did not possess any proper identity documents required by *Na-Ga-Min*. When Bangladesh persisted in taking back Rohingyas who were evidently Burmese citizens and later the UN became involved, Burmese authorities adopted another rhetorical strategy by blaming the internal destructive elements within the Rohingya community which spread rumor and hearsay about the treatment of Rohingyas by the authorities. This two-step strategy worked well within Burmese official circles which could safely evade responsibility for all the alleged human rights violations. Indeed, this set the first precedent for the forthcoming human rights violations and repression targeting Rohingyas in the decades to come. The international human rights advocacy network led by Amnesty International and Human Rights Watch both of which later paid great attention to the Rohingya issue, did not cover the issue in a comprehensive manner either. It is probable that in those days the world was most occupied with the Cold War between the two power blocs led by the United States and then the Union of Soviet Socialist Republics respectively. Another probable reason is that the international human rights regime itself was still in its initial stages of development and consequently global human rights advocacy was not strong enough. Also, Human Rights Watch was only founded in 1978, the year when the first exodus occurred. Another highly probable structural reason behind the non-emergence of the issue to the international policy debates is that socialist Burma had been pursuing a policy of self-imposed political and economic isolation making international appraisals of the situation on the grass roots level in Rakhine difficult, if not impossible. With the completion of the repatriation, attention to the issue was observed to gradually wither away.

Promulgation of 1982 Citizenship Law

Liberal citizenship legislation in pre-1982 Burma

Before we take a look at how a new citizenship law was contemplated in the late 1970s and finally promulgated in 1982, let us see how previous Burmese citizenship legislation was like. Anxious for independence from the British, Burmese nationalists ended up seeking military training and assistance from the Japanese, formed the Burma Independence Army (BIA) in 1942, and drove away the British. Japan did not keep its promise of declaring Burmese independence and Burma suffered a repressive Japanese rule for three years. Eventually, the Burmese again had to take help from the British, whom they had driven away three years earlier, and the latter came back to rule Burma from 1945 to 1948. Burmese nationalists led by Aung San successfully negotiated independence with the British, which was obtained on 4 January 1948. One of the most important decisions which had to be made at the dawn of independence was how to conceptualize citizenship.

Before British colonization, there was no such concept as modern citizenship in Burmese kingdoms. In broad terms, there were only two classes: the king and his subjects.²⁷ But, due to changes in the international political arena in the twentieth century and their political aspirations to build a modern nation-state, Aung San and his comrades had to write a constitution,²⁸ albeit speedily, which provided the first ever definition of citizenship in Myanmar history. In the 1940s, Burma already had a lot of social tensions and structural problems not only between the Bamar majority and other ethnic minorities

²⁷ The Sangha or the Buddhist monastic order may be taken as another class. However, the Sangha neither were taxed nor took part in day-to-day mundane affairs. Therefore, they are not put into consideration as a class of 'people' here. Nor may they be considered as the king's subjects because in theory they do not serve the king. Though the king in reality asserted influence to some extent upon the Sangha through a Buddhist primate appointed by the former, that influence was not absolute like in the case of the king-subject relations. For a good discussion of how fluid the concepts of ethnicity and race was in pre-colonial Burma in contrast to the now popular static views and there were mainly two classes, see Victor B. Lieberman, *Ethnic Politics in Eighteenth-Century Burma*, *Modern Asian Studies* / Volume 12 / Issue 03 / July 1978, pp 455 – 482.

²⁸ A rather comprehensive political history of the first constitution of Burma can be seen in Maung Maung, *Burma's Constitution* (The Hague: Martinus Nijhoff, 1959), 1-87.

but also due to the existence of a large number of alien communities – mainly Indians and Chinese. Burmese nationalists had to negotiate with the British demands that self-determination of ethnic minorities be satisfied in including the latter in the future Union of Burma.²⁹ Likewise, though alien communities were previously allowed to freely live in colonial Burma as British subjects, their status in independent Burma also had to be conceptualized and legalized. This alien question is very important because Ne Win and his citizenship law-drafters would use it as one of the reasons for writing a new citizenship law.

Four classes of people eligible for independent Burma's citizenship were designated, as stated in Section 11 of the Constitution of the Union of Burma, usually known as the 1947 Constitution:

- (i) Every person, both of whose parents belong or belonged to any of the indigenous races of Burma;
- (ii) every person born in any of the territories included within the Union, at least one of whose grand-parents belong or belonged to any of the indigenous races of Burma;
- (iii) every person born in any of territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been, citizens of the Union;
- (iv) every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding the 1st January 1942 and who intends to reside permanently there in and who

²⁹ The result is the historic Panlong Agreement signed between Barmans and ethnic minorities – the Kachin, Kayin, Kayah and Chin – on 12 February 1947. The Panlong has been heralded as a landmark in national unity of independent Burma and 12 February designated and celebrated as Union Day. However, for a good revision and deconstruction of the myth of the Panlong Agreement, see Matthew J. Walton, "Ethnicity, Conflict, and History in Burma: The Myths of Panglong," *Asian Survey* 48 (6) (2008).

signifies his election of citizenship of the Union in the manner and within the time prescribed by law, shall be a citizen of the Union.³⁰

To explicate, the four classes of people eligible for citizenship in independent Burma were persons born of parents of any indigenous races (Sub-Section (i)); persons born in Burma who had at least one grandparent of any indigenous races (Sub-Section (ii)); persons born of parents who were citizens at independence (Sub-Section (iii)); and persons born in British territories (including Burma) who had lived in Burma for at least eight years in the ten years before independence in 1948 or before 1 January 1942 and intended to live in Burma permanently (Sub-Section (iv)). The first three types are ‘natural-born’ Burmese citizens and the fourth ‘naturalized’ citizens.³¹ The first three alone were considered to be eligible for Burmese citizenship according to the initial draft of the 1947 constitution but citizenship was eventually liberalized by designating the fourth which allowed people of alien ancestry and foreign birth (British territories such as India) to elect Burmese citizenship.³²

These provisions clearly show how liberal and accessible Burmese citizenship was to various groups of peoples of different ancestries and origins, apart from the progeny of parents of indigenous races, although Section 12 allows for addition of more classes to or removal of any class from the four classes.³³ Sub-Section (ii) of Section 11 may be understood to be concerned with people of mixed ancestry’s eligibility for Burmese citizenship as long as one of their four grandparents belongs to an indigenous race and Sub-Section (iv) with foreigners born in British territories and residing in Burma at independence for a designated number of years who wanted to become Burmese citizens. Besides those four accessible classes of citizenship, another highly liberal provision regarding citizenship is found in Section 13 of the 1947 Constitution which states:

³⁰ Ministry of Information, *The Constitution of the Union of Burma* (Yangon: Ministry of Information, 1991), 2.

³¹ Maung Maung, *Burma’s Constitution*, 94.

³² *Ibid.*, 94.

³³ Ministry of Information, *The Constitution of the Union of Burma*, 3.

All citizens irrespective of birth, religion, sex or race are equal before the law; that is to say, there shall not be any arbitrary discrimination between one citizen or *class of citizens and another*.³⁴ (italics my own)

This provision of non-discrimination between one class of citizenship and another is highly significant and relevant because the 1982 Citizenship Law and its respective rules would create different classes of citizens with different rights. Likewise, this provision is no longer included in the two other constitutions of Myanmar – the Constitution of the Socialist Republic of the Union of Burma (known as the 1974 Constitution) and the present Constitution of the Republic of the Union of Myanmar (known as the 2008 Constitution).

The Union Citizenship Act³⁵ promulgated in 1948 further delineated the four classes of people mentioned but not sufficiently defined in Section 11 of the 1947 Constitution and even added another class people eligible for Burmese citizenship. According to the Act, indigenous races mean those who have resided in Burma anterior to 1823 or before British colonization (Section 3(1)). This definition is very important for two reasons. Firstly, as long as a group of people may trace their residence in Burma before 1823 they may claim to be indigenous. Secondly, indigeneity is group-based so it is not individually determined. Another highly significant provision in the Act is that a person born in Burma, whose parents were born in Burma too and whose grandparents had made Burma their permanent home, would be a Burmese citizen (Section 4(1)). Most importantly, the minimum threshold is that an alien, who was not born in Burma but in British territories, must have resided in Burma for at least 8 years before independence in order to become a naturalized citizen.

³⁴ Ibid., 3.

³⁵ Both English and Burmese versions of Union citizenship Act (Act No. 66 of 1948) and its Regulations (1949) are reproduced in S. L. Verma, *The Law Relating to Foreigners and Citizenship in Burma: Containing the Foreigners, Registration of Foreigners, Passport, Extradition, Immigration, Transfer of Immovable Property Restriction, Citizenship, Citizenship Election Acts, Rules and Regulations* (Mandalay: Rishi Raj Verma, 1961), 112-87.

Additionally, another citizenship act, i.e. the Union Citizenship (Election) Act,³⁶ was promulgated in 1948 in order to help the people, who fall under the category mentioned in Sub-Section (iv) of Section 11 of the 1947 Constitution, elect Burmese citizenship. Section 3 of the Union Citizenship (Election) Act had the following provisions for election of Burmese citizenship:

Any person –

- (a) who was born in any of the territories which, at the time of his birth, was included in His Britannic Majesty's dominions;
- (b) who had resided in any of the territories included in the Union for a period of not less than eight years in the ten years immediately preceding either the first day of January 1942 or the fourth day of January 1948;
- (c) who is of good character;
- (d) who has not done any act prejudicial to the security, peace, or interest of the Union; and
- (e) who is not disqualified as defined in section 2 of the Union Citizenship Act, 1948.³⁷

All of the above-stated provisions regarding citizenship acquisition in the 1947 Constitution, 1948 Union Citizenship (Election) Act, and 1948 Union Citizenship Act³⁸ are clear and sufficient evidence of how liberal and non-discriminatory previous citizenship legislation was compared to the 1982 Citizenship Law. All of those three legal documents had provisions not only for citizenization or naturalization of different groups of peoples in Burma at the dawn of independence but also for equality and non-discrimination among different classes of citizens. Most importantly, they did not distinguish between a citizen by

³⁶ Both English and Burmese versions of Union Citizenship (Election) Act (Act No. 26 of 1948) and its Rules (1948) are reproduced in S. L. Verma, *The Law Relating to Foreigners and Citizenship in Burma*, 188-226.

³⁷ Ibid., 191. Disqualification is defined in Section 2 of Union Citizenship Act as being a minor or lunatic or idiot. Ibid., 113.

³⁸ Indeed, the Union Citizenship Act has certain many other provisions for citizenization and naturalization which will not be detailed here. Moreover, though rules and regulations which detail how to implement the Union Citizenship Act and Union Citizenship (Election) Act were made in 1949 and 1948 respectively, they will not be discussed in detail here because it is not highly relevant. But their details can be seen in S. L. Verma, *The Law Relating to Foreigners and Citizenship in Burma*.

birth and a citizen by naturalization, which is included as the most important provision in the 1982 law.

Drafting and passing of 1982 Citizenship Law

The BSPP used to rely on popular campaigns for lawmaking under the pretext of seeking suggestions from the public, the most relevant example of which is that for drafting a new socialist constitution passed in 1974.³⁹ It was in 1976 that a new citizenship law was conceptualized and drafted by the Council of Ministers and submitted to the Council of State, the supreme policymaking body in socialist Burma. The Council of State studied the draft, decided to take time and write a new citizenship law by soliciting broad popular consultation, and gave guidelines. The first version was then revised by the Council of Ministers and resubmitted to the Council of State in 1977. Then, on 4 July 1978 the State Council formed a law commission, chaired by Dr. Maung Maung who was then a central member of the Council of State⁴⁰ and assigned the task of drafting a new citizenship law. The commission then toured five states and discussed their project with the local BSPP organs and other government officials. Then, a third draft was written and submitted to the Council of State in 1979. Then a special meeting was held on 22 September within the central committee of BSPP and attended by other persons of high rank. At the meeting, Ne Win asked that further popular consultation be held. Ne Win also gave guidelines at another special meeting over the law held on 7 November and at the eleventh BSPP central committee meeting held on 11 December. Then, the commission compiled two special manuals to seek popular advice and to guide the respective officials with drafting the law and distributed them to BSPP organs, to the military, and to other central and local bodies.

³⁹ Yoshihiro Nakanishi, *Strong Soldiers, Failed Revolution: The State and Military in Burma, 1962-88* (Singapore: NUS Press, 2013).

⁴⁰ Dr Maung Maung, a legal scholar close to Ne Win, became Chairman of BSPP and President of Burma on 19 August 1988 amidst widespread popular protests until the military coup of 18 September. For a good study of his life and works, see Robert H. Taylor, *Dr. Maung Maung: Gentleman, Scholar, Patriot* (Singapore: Institute of Southeast Asian Studies, 2008).

The commission toured the places in all seven states and seven divisions, and explained the project to the people and sought their suggestions. And a fourth draft of the law was written and submitted to the Council of Ministers on 7 January 1982 through the Ministry of Home and Religious Affairs. Again, Ne Win called for further popular consultation at the BSPP central committee meeting in February 1982. Then, the commission toured the country for a third time in April and May and sought further inputs from the people. A fifth draft was then produced and submitted to BSPP Central Committee Headquarters and the Council of State in September which again gave some more suggestions.⁴¹ Finally, the new citizenship law was approved and became law on 15 October 1982 at the third session of the Third Pyithu Hluttaw by *all* 466 representatives in attendance on that day,⁴² which ““as in other socialist countries, functioned as a rubber stamp legislature.”⁴³

Despite these repeated assertions by the law commission about widespread popular consultation, the xenophobic, socialist personality of Ne Win had a deep impact upon the rationality and text of the law. For example, a note to the first publicly available draft of the 1982 law, which was partly based on the 37,186 suggestions provided by 1,255 associations and 188 individuals, clearly stated that Ne Win personally gave guidelines to the law commission on four BSPP meetings held in September, November, and December in 1979, and in February 1982.⁴⁴ Moreover, on another occasion on 3 July 1980, Dr. Maung Maung claimed that Ne Win wanted the people of Burma to understand citizenship

⁴¹ This detailed timeline of the project to write the 1982 Citizenship Law is given by U Bo Ni, minister for home and religious affairs, in his submission of the law on 11 October 1982 to the third session of the Third Pyithu Hluttaw. “Burma Citizenship Bill Submitted to Third Session of Third Pyithu Hluttaw,” *Working People’s Daily*, October 16, 1982, 1, 4.

⁴² “တတိယအကြိမ်ပြည်သူ့လွှတ်တော်တတိယအကြိမ်အစည်းအဝေးအောင်မြင်စွာပြီး အစီရင်ခံစာများ အဆုံးအဖြတ်ရယူမှတ်တမ်းတင် မြန်မာနိုင်ငံသားဥပဒေကြမ်းကိုတညီတညွတ်တည်းအတည်ပြု,” *လုပ်သားပြည်သူ့နေ့စဉ်*, October 15, 1982, 1, 7.

⁴³ Nakanishi, *Strong Soldiers, Failed Revolution*, 180.

⁴⁴ *ကြေးမုံ*, April 21, 1982, A.

legislation and its implications.⁴⁵ In his praise of Ne Win's good intentions, Dr. Maung Maung used *cetanā*, a Buddhist term meaning will, intention or volition. In short, the 1982 law was the brainchild of xenophobic and economic nationalist Ne Win. Such a claim is made here because the chair and members of the law commission did not openly utter controversial speeches attacking peoples of alien or mixed ancestry and their alleged disloyalty like Ne Win did although it is most probable that they silently accepted Ne Win's rationality and discourse or they were only implementing what was ordered to them by Ne Win.⁴⁶

Now, we will take a textual look at the new citizenship law which repealed both the Union Citizenship Act and the Union Citizenship (Election) Act.⁴⁷ Essentially, the law repealed the norm of equality of every citizen, regardless of race, religion, class or origin, enshrined in the first two constitutions of Myanmar –the 1947 Constitution and the 1974 Constitution – and in the Union Citizenship Act of 1948 as well. It classifies citizenship into three classes – (full) citizenship, associate citizenship, and naturalized citizenship. Although the law is usually understood to create three classes, indeed there are four because a citizen by birth is different from all of the three classes.

Citizens by birth are defined and the State may only designate a group of people as national as follows:

Nationals such as the Kachin, Kayah, Karen, Chin, Burman [Bamar], Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D. are Burma citizens. (Section 3)

⁴⁵ Dr. Maung Maung's full speech was reproduced on pp. 6-8 of the *Shay-Tho* (ရှေ့သို့) (Forward) No. 364 (1 August 1980), the main periodical published by the BSPP.

⁴⁶ Nakanishi, *Strong Soldiers, Failed Revolution*; Mya Maung, *The Burma Road to Poverty* (New York: Praeger, 1991).

⁴⁷ A detailed section-by-section analysis of the law will not be provided here because the main focus here is to show how new citizenship legislation is different from the previous ones and how it affects the Rohingya.

Every national and every person born of parents, both of whom are nationals are citizens by birth. (Section 5)

The Council of State may decide whether any ethnic group is national or not. (Section 4)⁴⁸

The law only states by name major ethnic groups – Kachin, Kayah, Kayin, Chin, Bamar, Mon, Rakhine and Shan – as indigenous groups. Therefore, the government later made a recognized list of indigenous ethnic groups, including those eight major groups. Currently, the government only recognizes 135 ethnic groups, among which Rohingyas are not included.⁴⁹ Regarding an ethnic group's indigeneity, there are two important cut-off dates as stated in the 1982 law: 1823 and 1948. The former is the year prior to that when the First Anglo-Burmese War occurred and the latter is the year when Burma became independent. This clearly shows how the drafters of the 1982 law conceptualized that British colonial era. If a group of people lived in Burma prior to colonization, such a citizen's loyalty and benefit to the state is unquestionable whereas if another only entered and resided in Burma after the British came, they must be watched at least for some generations. Both during and after the intergenerational watch, non-national citizens will always be subject to a possible revocation of their citizenship in the interest of the state. Therefore, only one who descends from nationals is a citizen by birth. One who does not may become a full citizen but he will never be like a citizen by birth. Therefore, citizenship gained by those at birth (who are

⁴⁸ The official English translation of the 1982 law (Burma Citizenship Law) promulgated as the *Pyithu Hluttaw* (People's Parliament) Law No. 4 on 15 October 1982 is included in the Saturday Supplement (A-D) of the *Working People's Daily* issued on 16 October. The law was amended by another law promulgated by SLORC on 2 March 1997 but the amendment was only concerned with the change in some terms and composition of the Central Body formed under the law to decide upon citizenship matters.

⁴⁹ The list is printed in Hla Min, *The Way I See it: Myanmar and Its Evolving Global Role* (Yangon: Myanmar Consolidated Media Co. Ltd., 2013), 171-4. This list only includes 134 groups because it does not have *Kachin* as among them. However, U Win Myint, Deputy Minister for Immigration and Population, responded to a question regarding the list raised by U Aung Thein, a Pyithu Hluttaw representative, at the twentieth-day meeting of the sixth regular session of the First Pyithu Hluttaw on 27 February 2013 by stating that there are 135 groups counting *Kachin* as one of them. Interestingly U Win Myint also stated that the list was compiled by BSPP. The Kaman, who are another Muslim minority mostly concentrated in Rakhine State, is also one of the groups. The proceeding of the Pyithu Hluttaw meetings are available at www.pyithuhluttaw.gov.mm, accessed March 1, 2015.

born out of parents of national groups) may only be terminated when such citizens permanently leave Burma or when they acquire citizenship of another country, as stipulated in Section 17 of the 1982 law. Therefore, there are indeed four classes of citizens – citizens by birth, citizens, associate citizens and naturalized citizens.⁵⁰ Or they may also be classified into two – citizens by birth or nationals and citizens by naturalization. This is the most important structural effect of the law which has a discriminatory effect upon present and future citizens of Myanmar of foreign and mixed ancestry because it makes a legal distinction between a citizen and a national.

In international citizenship and human rights terminology, national and citizen are interchangeably used. For example, Article 15 of the Universal Declaration of Human Rights states: Everyone has the right to a nationality.⁵¹ However, in Myanmar they are totally disparate. Citizen is a legal concept meaning just a citizen of Myanmar regardless of descent or ancestry whereas national denotes indigeneity. Moreover the State has discretionary powers to determine a group of people as national or not, meaning that a group's identity lies at the state's behest. A Council of State does not exist in Myanmar now. But it held supreme authority in socialist Burma in the 1980s without an effective check-and-balance mechanism although there was a people's parliament. In current political landscape with a rather effective parliament which in theory checks and balances the presidency, it is difficult to pinpoint a body comparable to the Council of State of 1980s. However, President Thein Sein stated that it is up to the Hluttaw to decide matters relating to the 1982 law.⁵² A question of who is going to decide a group's indigeneity has

⁵⁰ Such categorisation by the new law of citizens into two main essential classes –citizens by birth and others – with different rights is argued to be unconstitutional by Rohingya leaders because there is no such provision in the Constitution of the Social Republic of the Socialist Republic of the Union of Burma. U Hla Thein, Vice-Chairman of National Democratic Party for Development, interview by author, Yangon, August 10, 2013.

⁵¹ “Universal Declaration of Human Rights”

⁵² Khin Maung Win, “Thein Sein: ‘With freedom comes responsibility’,” *Democratic Voice of Burma*, March 1, 2013, accessed March 19, 2014, <https://www.dvb.no/interview/thein-sein-with-freedom-comes-responsibility/26709>

never been posed and no group has formally petitioned for recognition as a national group since 2011 when the new regime came to power.

Another highly discriminatory provision against citizens, associate citizens and naturalized citizens stated in Section 8 of the 1982 law is as follows:

8. (a) The Council of State may, in the interest of the State confer on any person citizenship or associate citizenship or naturalized citizenship.

(b) The Council of State may, in the interest of the State revoke the citizenship or associate citizenship or naturalized citizenship of any person except a citizen by birth.⁵³

Hence, except those citizens by birth who descend from indigenous races, other citizens will always be put in permanent legal uncertainty because their full citizenship gained even after waiting for three generations may still in theory be revoked by the state. Therefore, although the ultimate aim of the drafters of the 1982 law claimed to eventually give full citizenship to people of foreign or mixed ancestry, this provision says otherwise. The other extreme restriction of the 1982 law is seen in the stipulation that once citizenship of non-national citizens or of associate citizens or of naturalized citizens has ceased or has been revoked, they may never re-apply for their respective citizenship (Section 22). This section 22 also covers national citizens but it is only applicable to those who permanently leave Burma/Myanmar or become a citizen of another country (Sections 16 and 17). These provisions effectively deprive non-national citizens of permanency in their citizenship. Moreover, the phrase ‘the interest of the State’ has never been defined by the successive governments and it is prone to multiple or situational interpretations by the authorities which may be situationally just or unjust.

A provision, which is highly relevant to the case of Rohingyas and exerts retrospective effect, is made in Section 6 of the 1982 Law which states:

⁵³ “Burma Citizenship Law,” *Working People’s Daily*, October 16, 1982, B.

A person who is already a citizen on the date this Law comes into force is a citizen. Action, however, shall be taken under section 18 for infringement of the provision of that section.⁵⁴

This provision means that the law recognizes the fact that all the people who had already become citizens by 1982 under previous citizenship legislation are citizens but they must not have acquired citizenship through illegal means. Specifically, three sections of the law warn:

A citizen who has acquired citizenship by making a false representation or by concealment shall have his citizenship revoked, and shall also be liable to imprisonment for a term of ten years and to a fine of kyats fifty thousand. (Section 18)

A citizen who has committed abetment of obtaining, in a fraudulent manner, a certificate of citizenship or a certificate of associate citizenship or a certificate of naturalized citizenship for another person shall be liable to imprisonment for a term of seven years and to a fine of kyats ten thousand. (Section 19)

Whoever forges a certificate of citizenship or abets such act shall be liable to imprisonment for a term of fifteen years to a fine of kyats fifty thousand. (Section 21)⁵⁵

All of these provisions are normal as long as there is a strong rule of law in citizenship applications and their processing. However, in a country like Burma/Myanmar from the 1980s to the 2000s when there was little respect of the rule of law by the authorities, the way citizenship of Rohingyas is determined and processed is highly questionable.

After seeing who a citizen is, let us see who an associate citizen is or who a naturalized citizen is under the 1982 law, as follows:

⁵⁴ Ibid., A.

⁵⁵ Ibid., B.

Applicants for citizenship under the Union Citizenship Act, 1948, conforming to the stipulations and qualifications may be determined as associate citizens by the Central Body. (Section 23)⁵⁶

Persons who have entered and resided in the State prior to 4th January 1948 and their children born within the State may, if they have not yet applied under the Union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence. (Section 42)⁵⁷

Both of them are highly vulnerable at least in theory since they are of a lesser type of citizenship. And those who are determined as associate or naturalized citizens may never change their legal status however long they have resided in Myanmar. They may only harbor high hopes for their next generations to become full citizens. Now, we will take a look at Section 7 of the 1982 law which defines citizenship acquired by non-national citizens, as follows:

- (a) persons born of parents, both of whom are citizens;
- (b) persons born of parents, one of whom is a citizen and the other an associate citizen;
- (c) persons born of parents, one of whom and the other a naturalized citizen;
- (d) persons born of parents one of whom is
 - (i) a citizen; or
 - (ii) an associate citizen; or
 - (iii) a naturalized citizen;and the other is born of parents, both of whom are associate citizens;
- (e) persons born of parents, one of whom is

⁵⁶ Ibid., B.

⁵⁷ Ibid., C.

(i) a citizen; or

(ii) an associate citizen; or

(iii) a naturalized citizen;

and the other is born of parents, both of whom are naturalized citizens;

(f) persons born of parents one of whom is

(i) a citizen; or

(ii) an associate citizen; or

(iii) a naturalized citizen;

and the other is born of parents, one of whom is an associate citizen and the other a naturalized citizen.⁵⁸

All of these provisions clearly show the level of mistrust that Ne Win and his law commission displayed for peoples of foreign ancestry. Moreover, such stratification is found to effectively violate or contradict the norm of equality of Burmese citizens enshrined in the 1974 Constitution (Section 22)⁵⁹ which was in force when the law was drafted and passed. The 1982 law also stipulates that a person's being a citizen, an associate citizen or a naturalized citizen shall be verified by a Central Board composed of four cabinet ministers of immigration and population, defence, home affairs and foreign affairs.⁶⁰

⁵⁸ Ibid., A.

⁵⁹ Ministry of Information, *The Constitution of the Socialist Republic of the Union of Burma* (Yangon: Ministry of Information, 1974).

⁶⁰ The 1982 law only stipulated that the Central Board is composed of three ministers of Home Affairs, Defence, and Foreign Affairs because at the time immigration affairs were handled by the Ministry of Home Affairs. However, after the Ministry of Immigration and Population was established as a separate ministry in 1997, the Board has increased from three members to four members. Therefore, this addition was legalized by

A plausible reason why the 1982 law has not received any strong opposition at least in rhetoric from the national groups – both Barmans and other government-recognized minorities, during the consultation period and afterwards is that the law even elevated their status vis-a-vis people of alien or mixed ancestry who only constitute a minority in Burma. At the time of drafting a citizenship law at the dawn of independence there were in fact talks about a possible inclusion of similar provisions that will reserve certain high office such as presidency and judgeships of the Supreme Court and the High Court for natural-born citizens, i.e. citizens by birth under the 1982 law, but it was not in the end included in the largely liberal 1947 Constitution.⁶¹ The 1974 Constitution⁶² did not distinguish between natural born citizens and naturalized citizens either for political high office. But it reappeared in the present 2008 Constitution⁶³ whose Section 59 (b) stipulates that only those of national groups or races (or citizens by birth) are eligible for both presidency and vice-presidency.

Essentially, the 1982 law deprived Chinese, Indians, and Rohingyas, who were born in Myanmar and had made it their home, of full and equal Myanmar citizenship accessible to them under previous citizenship legislation. However, although it is not stated in writing in the 1982 law, the racial, social and economic reasons behind the norm of progressive naturalization were obvious in Ne Win's speeches regarding the law. Ne Win openly uttered his personal xenophobia at various BSSP conferences and meetings, which was readily transmitted by state newspapers to staunchly nationalist Burmese people most of whom had held anti-alien attitudes since colonial times. The words 'xenophobia' and 'alien' used here have to be culturally interpreted in order to understand their exclusionary effects. When a person or a group of people, however long the person or the group have lived in a country, are supposed to be alien from a cultural perspective, that particular person or group may culturally or popularly become alien or alienated. For example, Ne

the Law Amending the Myanmar Citizenship Law (the State Law and Order Restoration Council Law No 4/1997) promulgated on 2 March 1997.

⁶¹ Maung Maung, *Burma's Constitution*, 59.

⁶² Ministry of Information, *The Constitution of the Socialist Republic of the Union of Burma*.

⁶³ Ministry of Information, *The Constitution of the Republic of the Union of Myanmar* (Yangon: Ministry of Information, 2008).

Win, in a speech delivered at a BSSP Central Committee meeting on 11 December 1979 when the new citizenship law was being discussed and drafted, said:

We have nothing to say of a person born of native [national] parents. But we must consider whether we should accord the same opportunities to those with mixed blood as we do to the offspring of our own citizens. We do not mean that all those individuals with mixed blood are disloyal to this country. However, the loyalty of those with mixed blood in certain cases may be questionable: we cannot fully trust them. We may have to incorporate these elements in the new Act. ... You and I have often come across pure-blooded people whose loyalties are elsewhere. Therefore we have to be doubly more careful with people of mixed blood and watch them with unblinking eyes. We are pureblooded citizens of pureblooded Burmese parentage.⁶⁴

The most comprehensive statement on the rationality of the 1982 law was made by Ne Win at the Pyithu Hluttaw on 8 October 1982, a week before it was officially approved and promulgated. Ne Win's personal xenophobia, economic nationalism, and scapegoating were blatantly displayed in the whole speech which traces the origins of the new law to colonial times when alien Chinese and Indians entered Burma with the British. In essence, Ne Win's speech invigorated and reinforced mistrust of Chinese and Indians and other alien groups by the majority Bamar people, which originated in colonial times. Ne Win said:

During the period between 1824 and the time we regained independence in January 1948, foreigners, or aliens, entered our country un-hindered under various pretexts. They came to live in Burma and mainly for economic reasons. The first to come were the English who ruled our country. After them came many of their camp followers. ... We, the natives or Burmese nationals, were unable to shape our own destiny. We were subjected to the manipulations of others from 1824 to 4 January 1948. ... We can leniently give them the right to live in this country and to carry on a livelihood in the legitimate way. But we will have to leave them out in matters involving the affairs of the country and the destiny of the State. This is not because we hate them. If we were to allow them to get into positions where they can decide the destiny of the State and if they were to betray us we would be

⁶⁴ *Working People's Daily*, December 12, 1979, 8.

in trouble. ... We are aware of their [Chinese and Indians] penchant for making money by all means and knowing this, how could we trust them in our organizations that decide the destiny of our country? We will therefore not give them full citizenship and full rights. Nevertheless, we will extend them rights to a certain extent. We will give them the right to earn according to their work and live a decent life. No more.⁶⁵

Portraying Chinese and Indians as those with links abroad whose only focus is on economic advancement by living in Myanmar, Ne Win also said that such people are not to be trusted on a par with *true* Burmese. As clearly expressed in the above-cited speech by Ne Win regarding Chinese and Indian citizens, the two communities were widely believed to be economically self-interested and do not tend to work for the common good of all the peoples of Myanmar. . Echoing Ne Win's views, Daw May May Aung, a representative of the Pyithu Hluttaw, supported the 1982 law by arguing during the parliamentary debates on the proposed citizenship law on 12 October 1982:

When the worldwide economic crisis hit Burma in 1929-30, lakhs of foreigners left Burma. In 1942 when the Second World War reached Burma, about 400,000 foreigners left Burma. These show that foreigners who came and lived in Burma did so only for their own interests. They exploited political, economic and social rights and made profits. This was because of the then existing laws.⁶⁶

In short, Ne Win's speech and his BSPP comrades' opened another chapter in the lives of Indians and Chinese who had already borne the brunt of nationalization since the 1950s losing most of their industrial investment and livelihoods.⁶⁷ With the stipulation of the 1982 law, Indians and Chinese citizens' financial hardships caused by the wave of nationalization of private-owned businesses starting from the 1960s was compounded by a

⁶⁵ *Working People's Daily*, October 9, 1982, 1, 5.

⁶⁶ *Working People's Daily*, October 16, 1982, 5.

⁶⁷ For details on the socialist revolution and nationalization introduced by the coup regime headed by General Ne Win, see Robert A. Holmes, "Burmese Domestic Policy: The Politics of Burmanization," *Asian Survey* 7 (3) (1967); Josef Silverstein, "Burma: Ne Win's Revolution Considered," *Asian Survey*, 6 (2) (1966), 95-102; Nalini R. Chakravarti, *The Indian Minority in Burma: The Rise and Decline of an Immigrant Community* (London: Institute of Race Relations, 1971)

political, social and legal crisis in the 1980s. Indeed, Ne Win's attacks upon Chinese and Indian peoples in Burma did not stop with the 1982 law. At a BSPP Central Committee meeting held on 9 October 1987, less than a year before the popular protests broke out against his socialist regime, Ne Win said:

By the word "citizens" I mean not only full-fledged citizens. For, persons who have foreign blood have also become citizens as guest citizens. I would like to tell such persons – that their grandparents and their parents, for various reasons, came to Burma in olden days. People with pure foreign blood still remain here. However, according to the laws we have drawn up, a person can become a citizen or a guest citizen if that person arrived in Burma at such and such a time or in such and such a year. Their children and grandchildren will become bonafide citizens according to rules after such and such a period of time. What I would like to say to such persons with emphasis is that they have come to our country, live here, and earn their living here and so they should make up their minds once and for all to live with us in weal and woe and through thick and thin. They are the ones who do business most. Take what they should get and enjoy the rights they should enjoy, but if they do business only serving their selfish ends too much, there will be "problems".⁶⁸

Speculations used to be made whether the passage of the 1982 law was made as a tool of repression whose only target was to make Rohingyas de jure stateless. However, it is notable that talks on the need to draft a new citizenship legislation started in 1976, two years before the first exodus occurred. But *Na-Ga-Min* was also planned and approved in the same year, i.e. 1976. Whether these two schemes and the first Rohingya exodus constituted a pure chain of events targeting Rohingyas will never be known. Moreover, it is a fact that the law did not target Rohingyas alone, as we have already seen. It is even truer to say that the more visible targets of the law are Chinese and Indians, from the speeches of Ne Win although the only helpless community now in terms of citizenship is Rohingyas. The Final Report of the Inquiry Commission on Sectarian Violence in Rakhine, which draws from exclusive access to retired and present government officials and government documents, also admits that the 1982 law targetted Rohingyas, as follows:

⁶⁸ *Working People's Daily* October 10, 1987, 4.

2.7.6. During those years, Myanmar relied on the 1948 Citizenship Law to manage citizenship and immigration issues. At the end of the Naga-Min and Hinthath campaigns, the Government noted weaknesses in the law with respect to safeguarding the long-term interests of indigenous Taing-Yin-Tha, and began the process of revising the Law. The resulting 1982 Citizenship Law was subsequently adopted and up to nationwide unrest in 1988, enabled the Government to stabilize issues concerning the Bengali communities.⁶⁹

To sum up, the 1982 Citizenship Law has put Rohingyas in legal limbo making them either *de jure* or *de facto* stateless or both, or seemingly so. The major aim of the drafters of the law was supposed to eventually grant full citizens to those groups and peoples who were deemed at the time of the stipulation of the new legislation ineligible yet for full Myanmar citizenship due to their colonial-era migration status and dubious residential origin in Myanmar prior to 1823, as Ne Win himself noted. The law is still valid in Myanmar. So, despite existence of evidence that many of Rohingyas had existed in Burma even before the British took Arakan, let us now suppose here that we accept in this stage that Rohingyas are not native to Myanmar in agreement with the opinion and rhetoric of successive governments since the late 1970s and that of the people in recent years. This position is taken to shed light on sheer failure of the government to give citizenship recognition and rights to Rohingyas, which have been long overdue. Successive governments' rebuttals of Rohingyas' claim to citizenship state that most, if not all, of Rohingyas only entered Rakhine State during the era of British colonization.

Even if the government would never accept Rohingyas' existence prior to 1823, the 1982 law has certain provisions for granting associate or naturalized citizenship to Rohingyas, given that they have at least resided in Rakhine State since before independence in 1948. However, these provisions were never put into use which would have accorded any of the three classes of citizenship to Rohingyas enabling them to call for the protection of the state as citizens. Timing of the drafting and passing of the 1982 law also coincided with the years when Burma increasingly found itself in economic woes. Some Rohingya leaders even argued that the law was never effective and just added legal limbo to their

⁶⁹ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 6-7.

status.⁷⁰ Ne Win never mentioned Rohingyas as one of the targets of the 1982 law. But Rohingyas later found themselves as the victims of the law which effectively deprives them of their indigenous status as one of the officially recognized ethnic groups in the 1950s. The law gradually began to be supposed as the main culprit behind the Rohingya plight and came to the spotlight especially in the aftermaths of the 1991 exodus and the violence in Rakhine State in 2012, as will be seen in the following two chapters.

Indeed, by 1982 thirty-four years had already passed since Burma's independence in 1948 and if Burmese authorities were willing and able to complete their important task of citizenization or naturalization, most, if not all, of the people in Burma in 1982 would have already become citizens according to the Union Citizenship Act and the Union Citizenship (Election) Act. As seen above, *Na-Ga-Min* only found a few hundred illegal persons in Rakhine State and the BSPP government accepted back 186,968 Rohingya refugees from Bangladesh in the aftermath of the first exodus. It means that those 300,000-350,000 Rohingyas who did not flee but remained in Rakhine State presumably held NRCs or were at least legal residents in the country. The BSPP government obviously failed to give them citizenship recognition, rights and protection.

The vicious cycle has even repeated. By 2012 thirty years had again passed since the passage of the 1982 law. Then, we face an important question: Why have not Rohingyas been citizenized or naturalized? Together, it has been sixty-six years since independence in 1948. Over such a long period of time Rohingyas should have had their citizenship recognized one way or another but they have not. Therefore, one is bound to believe that the Burmese/Myanmar governments never wanted to recognize Rohingyas as citizens. In other words, Rohingyas have been long intentionally deprived of citizenship and protection.

⁷⁰ U Kyaw Min, Chairman of Democracy and Human Rights Party, interview by author, Yangon, August 2, 2013; U Tin Pe, Rohingya elder, interview by author, Yangon, August 2, 2013; U Hla Thein, interview by author, Yangon, August 10, 2013.

Conclusion

This chapter has looked at the trajectory of *Na-Ga-Min* Operation, the resultant refugee exodus, and the repatriation. Despite its grand objectives to illegal aliens, *Na-Ga-Min* was a failure because it only found out 2,296 such people in total and a few hundred in Maungdaw, Buthidaung and Sittwe. However, the operation exerted a deep impact creating an exodus of about 200,000 Rohingyas out of Rakhine State into Bangladesh. Amidst the involvement of the UN and repeated calls by Bangladesh for refugees' repatriation, the BSPP had to take back the refugees on the condition that the refugees are able to show evidence of their documented status and residence in Burma. The fact that the refugees had to be received back due to their possession of identity documents itself is another piece of evidence that they were not illegal migrants, apart from the result of *Na-Ga-Min*.

The BSPP government had already been embarking upon the project to draft a new citizenship law upon refugees' return. The new citizenship law promulgated in 1982 effectively nullified the norms of legal equality of all citizens, regardless of origin and background, and of legal citizenship of most, if not all, Rohingyas under the previous liberal citizenship legislation. The Rohingyas became a primary target of the law. That said, the new law has provisions for citizenizing and naturalizing Rohingyas but the BSPP government never fulfilled their duty.

However, the law, which repealed previous citizenship legislation, has effectively put Rohingyas in a permanent legal limbo. Although many older generations of Rohingyas were able to hold identity documents, i.e. NRCs, in a few decades their progeny found themselves un-documented because the government intentionally left them out. Instead, the government propaganda during the exodus only created or reinforced the popular understanding within Burma that Rohingyas are indeed colonial-era migrants or recent ones. This socio-political notion of Rohingyas as 'migrant' and the stratification by the 1982 law of citizens into four different classes with unequal rights effectively put the community in an identity crisis.

Indeed, the failure by the Burmese government to implement the 1982 law in Rakhine State may even be said to be intentional because lack of consecutive citizenization or nationalization would have meant lack of documents of later generations of Rohingyas, as would be seen more clearly in the following chapter. This would also have meant that later generations would be easier to be rejected as non-Burmese or non-Myanmar after the second exodus and the 2012 violence. Therefore, in the case of Rohingyas, neglect itself in the 1980s may be taken as a repressive measure which leads to the violations of various political and civil rights of the Rohingyas who either returned from Bangladesh or remained in NRS.

Chapter 4: The second Rohingya exodus

It was a serious militarizing operation named *Pyi Thaya Sit-Sin-Ye*¹ (Pleasant Nation) Operation that led to the second Rohingya exodus in 1991. However, repression and human rights violations were pervasive and long-term this time due to rapid and sweeping militarization. The story is more or less the same: more than 200,000 Rohingyas fled to neighboring Bangladesh caused by repression. When the recipient country, i.e. Bangladesh, complained, the Myanmar government responded by saying that Rohingyas are not Myanmar citizens, but illegal Bengali migrants from Bangladesh. After the UN became involved and international pressure was put upon Myanmar, the latter eventually agreed to take back the refugees stranded in Bangladesh on a condition that they could prove their residence in Myanmar. Repatriation took more time to negotiate and complete than that after the first exodus. The second exodus and the repatriation afterwards received more international attention by the UN and the human rights network to which SLORC responded with strongly-worded official statements and newspaper articles in the state-owned press.

Although there were many independent reports and media coverage of the second exodus and its impact, this chapter, like Chapter 2 which looked at the first exodus, mainly draws from official statements and opinion pieces in the state-owned press in Myanmar to understand the mentality of the Myanmar state. Non-Burmese sources are only used to give alternative views upon the situation. This chapter does not look into the details of the Myanmar-Bangladesh refugee repatriation negotiations and implementation either. It is restated here that the refugee issue is one of the many facets of the Rohingya plight and one of many end-results of decades-long persecution of Rohingyas. Most importantly, this chapter will show, by using the official publications released from the Myanmar side before and after the second exodus in the early 1990s, that the current claim by the present Myanmar government that many, if not most, of Rohingyas are illegal Bengali Muslim

¹ Bur: ပြည်သာယာစစ်ဆင်ရေး

migrants is again baseless, like Chapter 2 did. It is worth explaining here why special attention is paid to this fact that most, if not all, of Rohingyas in present-day Myanmar are not illegal migrants in this and previous chapters. Only when Rohingyas are proven not to be illegal migrants or stateless even under the 1982 Citizenship Law at a minimum, other causes behind the Rohingya plight may be convincingly highlighted. Only when the claim by successive governments since the late 1970s that those Muslim refugees fled due to rumors and fears of their illegal status can be disputed with evidence, the fact that the governments *intentionally* repressed Rohingyas and made their lives unbearable so that they leave of their own volition may be convincingly proven.

Unlike the aftermath of the first exodus, after many refugees' return this time, a number of protective and rehabilitative mechanisms, however weak and insufficient they are, were also placed in NRS by opening UNHCR and other humanitarian INGO offices in the 1990s. As seen in the previous chapter, a new citizenship law was drafted and enacted in 1982 after the repatriation of Rohingya refugees from the first exodus. However, the then Burmese government authorities were apparently unwilling or unable to implement the law into action due to many pressing political and economic issues in the 1980s. Thereafter, both Rohingya returnees and those who did not flee were just left to live as they did before but they were not given any more citizenship or legal residence documentation. However, although Rohingyas did not face a mass persecution/deportation again in the 1980s, the new citizenship law did effectively problematize the various notions regarding Rohingyas' identity and put them in a permanent legal limbo.

More repressive measures were installed in NRS by the authorities in the 1990s with the establishment of a special border guard force known as *Na-Sa-Ka*. The *Na-Sa-Ka* corps became the most repressive machinery which made lives of Rohingyas more unbearable and restricted than ever. Such repressive schemes increasingly initiated by *Na-Sa-Ka* throughout the 1990s and 2000s clearly show evidence of excessive securitization of Rohingyas by the SLORC/SPDC regime and its field staff. The repression seemingly took a two-pronged strategy: to make the lives of Rohingyas within the country difficult and unbearable at home and to encourage their departure to Bangladesh, Thailand, Malaysia, etc.

As we shall see in this chapter, although the 1982 Citizenship Law was used in the official rhetoric to reject Rohingyas' claim to and eligibility for Myanmar citizenship during and after the second exodus, the Myanmar government again failed to implement it in citizenizing or naturalizing the people in the 1990s and 2000s. Amidst the international criticisms of lack of identity documentation among Rohingyas, the government made another scheme to disenfranchise them by only giving temporary identity cards known as the White Cards from 1995 onwards. In other words, Rohingyas, who remained and who returned from Bangladesh, again found themselves in another permanent legal limbo and their plight continued. Interestingly, SLORC allowed Rohingyas to establish political parties for the 1990 general elections and to vote as well. The White Card could also be used to travel from village to village with an official permission from *Na-Sa-Ka*. However, this White Card was only known among Rohingyas and Rakhines in Rakhine State throughout the 1990s and 2000s but it emerged as one of the most controversial aspects of the Rohingya issue after 2012.²

The Rohingya plight is caused not only by repression or violations of their human rights by the Burmese/Myanmar authorities. Therefore, this chapter will argue that by putting various legally and administratively repressive measures in place before and after the second exodus, the Myanmar government for the second time showed its real intention that they never wanted Rohingya as part of Myanmar's citizenry and they wanted them to leave.

Militarization in Rakhine and second exodus

The SLORC government, which took power by staging a coup on 18 September 1988 amidst unprecedented popular protests calling for democracy, was fully composed of military officers. All of its cabinet positions were filled by military generals mostly from the army. After it took power, the armed forces started militarizing the whole country,

² The White Card controversy will be discussed in detail in Chapter 6.

especially in minorities' areas on the borderlands. This militarization largely contributed to the occurrence of the second exodus.

Supposedly in order to impose law and order³ (as defined and understood by the military coup regime of SLORC) and to root out active and potential dissidents in the aftermath of mass protests in 1988, the militarization campaign in Rakhine State began in late 1989 in Sittwe and spread to Maungdaw and Buthidaung in October 1990. Rohingya men and women, child or adult, were forced to provide labor for building military camps. Rohingya lands were also confiscated and many of them re-distributed to Rakhine Buddhists. Rohingya women were also reportedly raped by troops.⁴ An AI report issued in late April 1992 notes:

Reports of human rights abuses against Muslims in the Rakhine State by Myanmar security forces rose sharply in early 1991, and they began to leave Myanmar in the thousands to seek asylum in Bangladesh. Those numbers increased dramatically in late 1991 and early 1992, with more than 200,000 now believed to be in Bangladesh.⁵

³ The rhetoric of law and order, and peace and tranquility launched by the coup regime, which named itself as State Law and Order Restoration Council (SLORC), is totally opposite to the rule of law. For a good discussion of these distinctions between law and order, and rule of law as understood and practiced in Burma/Myanmar, see Nick Cheesman, "Thin Rule of Law or Un-Rule of Law in Myanmar?" *Pacific Affairs* 82 (4) (2009). For the legacy set by the Ne Win regime – establishment and use of special courts in order to defeat law, not to uphold it, see Nick Cheesman, "How an Authoritarian Regime in Burma Used Special Courts to Defeat Judicial Independence. *Law & Society Review* 45 (4) (2011). For a discussion of the now very popular 'rule of law' discourse being promoted by Daw Aung San Suu Kyi and the U Thein Sein administration as well against the background of post-2011 political changes, see Nick Cheesman, *What Does the Rule of Law Have to Do with Democratization (in Myanmar)?* *Southeast Asia Research* 22 (2) (2014). For a comprehensive account of the whole rhetoric and practice of law and order in Myanmar, see Nick Cheesman, *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (Cambridge: Cambridge University Press, 2015)

⁴ Bertil Lintner, "Diversionary Tactics," *Far Eastern Economic Review*; Aug 29, 1991, 26, 28.

⁵ Amnesty International, *Union of Myanmar (Burma): Human Rights Violations against Muslims in the Rakhine (Arakan) State* (New York: Amnesty International, May 1992), accessed September 21, 2011, www.amnesty.org/en/library/info/ASA16/006/1992/en.

A field research report by US-based Project Maje,⁶ which interviewed 32 Rakhine and Rohingya political activists and refugees in Bangladesh in April and May 1991, found out the enormous impact of militarization in Rakhine for both communities. The impact is especially harsher for Rohingyas who were specifically targetted by the expanding forces. Many other reports have been produced by many international human rights organizations such as HRW (then Asia Watch) and the reports contain testimonials of many Rohingyas who fled amidst repression. For example, a 1992 report by Asia Watch titled *Union of Myanmar (Burma): Human Rights Violations against Muslims in the Rakhine (Arakan) State*⁷ has testimonials of victims, their relatives, and eyewitnesses from the interviews with more than 100 Rohingyas in Bangladesh and reports various cases of human rights violations which included but were not limited to forced labor (portering, etc.), ill-treatment, rape, extrajudicial executions, deliberate killing of fleeing Rohingyas, individual killing, and incarceration.

Likewise, a 1993 report by Asia Watch contains many detailed accounts of rape, forced labor, population transfer/displacement, and religious persecution from the primary interviews with Muslim refugees who fled to Bangladesh.⁸ Besides these human rights advocacy reports, there were many media reports in English on the second exodus, which will not be discussed at length here.⁹ Militarization in Rakhine State, especially in NRS,

⁶ Edith T. Mirante, *Our Journey: Voices from Arakan, Western Burma* (Crawford, NJ: Project Maje, 1991).

⁷ Amnesty International, *Union of Myanmar (Burma): Human Rights Violations against Muslims*.

⁸ Asia Watch, *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan* (New York: Asia Watch, 1992), accessed October 10, 2011, www.hrw.org/reports/pdfs/b/burma/burma925.pdf.

⁹ For example, S. Kamaluddin, "The Arakan Exodus: Rangoon Precipitates New Problem for Dhaka," *Far Eastern Economic Review*, March 26, 1992; S. Kamaluddin, "The Dispossessed," *Far Eastern Economic Review*, March 26, 1992; Anwar Ahmed, "International: Burma Muslims Tell Tales of Terror on the Riverbank," *Sunday Telegraph (UK)*, January 26, 1992; Denis D. Gray, "Muslims Fell Brutal Rule in Myanmar," *Seattle Times*, January 27, 1992; Hugo Gurdon, "International: 150 Refugees Massacred by Burma Troops," *Daily Telegraph (UK)*, February 6, 1992; Roushan Zaman, "International: Flood of Burmese Muslims Continues," *Daily Telegraph (UK)*, May 15, 1992; Associate Press, "700 Burmese Muslims Said to Die in Detention," *New York Times (Late Edition (East Coast))*, January 21, 1992; Edward A. Gargan, "Even Bleak Bangladesh is a Haven to Muslims Fleeing the Burmese Army," *New York Times (Late Edition (East Coast))*, February 7 1992.

was rapid and excessive. Moreover, the Myanmar military reportedly displaced Rohingyas and resettled Rakhine Buddhists in the former's places, and increasingly placed troops along the Myanmar-Bangladesh border which swelled to 50,000 in late 1991.

Due to huge infiltration of Rohingyas into Bangladesh, Mustafizur Rahman, Bangladeshi foreign minister, visited Yangon in November 1991.¹⁰ However, a border skirmish between the Myanmar troops and their Bangladeshi counterparts happened on 20 and 21 December 1991 when the former in pursuit of fleeing Rohingyas wrongly attacked the latter, resulting in death of one Bangladeshi border guard and injuries of ten others. However, before that incident, amidst rapid militarization of the border on the Myanmar side, Rohingya Solidarity Organization (RSO), a Rohingya militant group,¹¹ had also increased its troops and gained 12 hide-outs along the border. A reported surprise attack by RSO near Maungdaw in mid-December killed 10 and wounded 15 Myanmar soldiers.¹²

Initial denial by the government

The international media widely featured the skirmish between the Bangladesh and Myanmar border troops on 20 and 21 December. Amidst allegations of repression and religious persecution against Rohingyas, the Myanmar government categorically rejected all of them with a statement released by its Ministry of Foreign Affairs, dated 16 January 1992,¹³ which reads:

In recent days some foreign newspapers have published exaggerated reports about tensions rising between Myanmar and Bangladesh due to the situation in the border

¹⁰ S. Kamaluddin, "The Arakan Exodus," 26-7.

¹¹ RSO again became popular amidst violent conflicts between Rakhines and Rohingyas in 2012, which will be discussed in Chapter 6.

¹² Bertil Lintner, "Arakan Muslim Resort to Armed Raids: Burma's New Front," *Far Eastern Economic Review*, January 9, 1992.

¹³ *Working People's Daily*, January 17, 1992, 12, 7.

area between the two countries, while some broadcasting stations have transmitted inaccurate news quotes source of information which could not be easily substantiated.

Unsubstantiated news reports and broadcasts which were made to the effect that tension between the two countries became more apparent especially after the visit of the Bangladeshi Foreign Minister to Myanmar in November 1991 are attempts aimed at driving a wedge and creating misunderstanding between the two countries. Such acts tend to give the impression that instability persists in the region.

In its relations with the neighbouring countries, the Union of Myanmar consistently pursues the Five Principles of Peaceful Co-existence based on equality and mutual benefit. It does not have any problem of magnitude with any of its neighbours. Should issues unavoidably arise between states, Myanmar Naing-Ngan has always solved in the spirit of good neighbourliness. Additionally, it holds the view that it is a matter for the two states concerned to find ways and means to resolve such issues.

From the time of independence, the Union of Myanmar has been able to resolve through its own resources the issue of insurgencies and suppress the endeavours of certain countries which are encouraging them. At the present time, the Government of the Union of Myanmar is systematically eradicating the various groups of insurgents in order to bring about peace, tranquility and development of the country. Moreover several misguided groups of national races have been welcomed back to the legal fold and are now participating with the frame-work of border areas and national races development programmes in order to raise the level of the living standard by using our own resources.

Since the government was able to definitely obstruct the activities of some unscrupulous elements with anarchic tendencies in September 1988, certain groups that have sought refuge with insurgent terrorists have been waiting for opportunity to take advantage politically through attempts aimed at destroying the unity of the country with outside assistance. It can be found that these elements, on the advice of the Kayin insurgent terrorists, tried to appear as though they possess considerable strength and are engaged in destructive activities in the “Western” part of the country. Because of the activities of these elements, there were a number of incidents along Bangladesh-Myanmar border during December 1991. Even before this period, because of their uncertain status, some people fearful of facing the routine immigration checks which were being conducted nationwide,

fled the area. This event was picked up by some newspapers and broadcasting stations and presented in an exaggerated manner to the world as though a serious problem existed.

The Union of Myanmar, based on the Five Principles of Peaceful Co-existence, which it has consistently practised, will continue to build mutually beneficial relationship with each and every neighbour.

Four things explicitly and implicitly said by the statement are especially worth noting and deliberating to some extent. Firstly, Myanmar has never been offensive. Secondly, Kayin terrorists, who retreated to the western border amidst the offensive by the Myanmar armed forces,¹⁴ were assisting unscrupulous elements (implicitly referring to RSO in particular or Rohingyas in general) on the border. Although the statement does not say it, the Myanmar government must have been concerned about a possible cooperation between veteran Kayin rebels and RSO militants. Thirdly, the statement does not state ‘Muslim’ or ‘Rohingya’ or ‘Bengali’ by name at all though at least half of the statement was about them. Fourthly but most importantly, it essentially reiterated the official position taken by BSPP in the beginning of the first exodus that the refugees only fled due to their undocumented status. Moreover, a number of articles appeared in the *Working People’s Daily* in a few days which relayed the same or similar message given out by the Ministry of Foreign Affairs statement.¹⁵

Besides this official statement, the SLORC government also printed a series of anti-Rohingya articles which attacked foreign media and broadcasting stations (usually BBC (Burmese) and VOA (Burmese) for their extensive coverage of Burmese issues). Oftentimes, those propaganda materials were quite innovative. For example, a series of three articles in the *Working People’s Daily* in early February was titled *All Muslim faithful, beware of Shaitan BBC* calling BBC *Shaitan* (or *Shaytan*) (which refers to evil-whisperer(s) in Islamic theology who encourage human beings to sin). The three articles

¹⁴ Bertil Lintner, “Arakan Muslim Resort to Armed Raids”

¹⁵ For example, Mya Win, “If We Appraise the Attempts Made to Sow Enmity against Myanmar Naing-Ngan-1,” *Working People’s Daily*, January 25, 1992; Mya Win, “If We Appraise the Attempts Made to Sow Enmity against Myanmar Naing-Ngan-2,” *Working People’s Daily*, January 26, 1992, p. 3.

quoted verses not only from of the Qur'an but also from Buddhist scriptures, which teach peace and friendliness. They end with prayers for Muslims, Christians. It reads:

The BBC, with the most low-down intent, has launched attacks during the month of January 1992 consistently focused its attacks on Aung Min's [the author's name] Myanmar Naing-Ngan. ... The malicious, ill-intentioned and untoward attacks have been directed at getting Myanmar and Bangladesh to war. This is tantamount to lowering BBC's position to a stinking cess-pot [sic.]. It has gone so far as to blow Myanmar-Bangladesh relations out of proportions into a problem that could explode, and to put Myanmar at loggerheads with the international Muslim community. ...¹⁶

I have thus been friendly with many people who are not of the same faith with me. These friends and I now feel abashed because of the instigations and incitements of the Satanic BBC, VOA and AIR [All India Radio] which they have been carrying on with the sole aim of sowing hatred and enmity between us. ...

Would the Tatmadaw-men [Myanmar armed forces] who have to abide by such good and complete Codes of Conduct in their daily life and in their moving about have raped a Muslim woman...?¹⁷

Myanmar government is engaged in an undertaking that accords with International Law and that is within its own legal provisions. This undertaking is to check and verify whether those living in the country possess legal qualifications, especially qualifications prescribed in the Immigration Act. And then those who had illegal migrated into the country and are living without National Registration Certificates [the same with National Registration Cards or NRCs] or Foreigner Registration Certificates [the same with Foreigner Registration Cards or FRCs] in villages of Buthidaung and Maungdaw that adjoin Bangladesh fled across the border.

And the Tatmadaw has no reason to go on watching those Rohingya insurgents as admirable objects of beauty; the Tatmadaw therefore goes out to remove them.¹⁸

¹⁶ Aung Min, "All Muslim faithful, Beware of Shaitan BBC," *Working People's Daily*, February 2, 1992, 5.

¹⁷ Aung Min, "All Muslim faithful, Beware of Shaitan BBC," *Working People's Daily*, February 3, 1992, 5.

¹⁸ Aung Min, "All Muslim faithful, Beware of Shaitan BBC," *Working People's Daily*, February 5, 1992, 5.

The Myanmar Ministry of Foreign Affairs released another statement, dated 21 February 1992, which is found to be harsher in tone and totally reject “Rohingya” as an ethnonym, and their legal citizenship and residence in Myanmar. The statement¹⁹ reads:

Recently foreign broadcasting stations like BBC, VOA and other media have carried exaggerated and fabricated reports that a large number of Myanmar Muslims have fled to Bangladesh due to the repression by Myanmar authorities of Muslims in the Rakhine State and Myanmar-Bangladesh border areas. Moreover, attempts are being made to discredit the Myanmar Naing-Ngan using the so-called “Rohingya” problem. Biased and prejudiced personally, from within and without the country, have enlarged the issue in trying to drive a wedge between Myanmar and Bangladesh as well as between Myanmar and the Muslim community. Indeed, even broadcasts and news articles to the effect that Myanmar Naing-Ngan was threatening Bangladesh have appeared.

In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically there has never been a Rohingya race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim faith from the adjacent country illegal entered Myanmar Naing-Ngan, particularly Rakhine State. Being illegal immigrants, they do not hold any immigration papers like the other nationals of the country. With the passage of time, the number of people who entered Myanmar illegally has become greatly inflated. In the present case, people who dare not submit themselves to the routine scrutiny of national registration cards by immigration officials fled back to the neighbouring country. It is not a unique experience for such occurrences regularly took place when immigration checks are executed. It should be categorically stated that there is no persecution whatever based on religious ground.

From the very first instance, freedom of worship flourished in Myanmar Naing-Ngan and religious persecution did not exist in the past, is not practised at the moment, and will not be done so in the future. Like all other countries of the world, Myanmar exercises its inherent right of selfdefence in suppressing insurgents in the country. However, it needs to emphasize that the action has no connection with race or religion, but was undertaken to suppress armed terrorists. ...

¹⁹ *Working People's Daily*, February 22, 1992, 12, 8.

Although the media has spoken of absconders numbering in tens of thousands, to date the official figure conveyed to the Myanmar side by Bangladesh is a little over 4,000.

Therefore, no matter how much the unscrupulous elements in the country and abroad tried to deceive, fabricate and magnify the problem, which actually has its roots in the immigration procedures, their endeavours will surely come to nought. Likewise, attempts to sow discord between Myanmar Naing-Ngan and Bangladesh will also end in failure. Efforts to gain advantage by misusing religion will no doubt end in vain.

Echoing these views expressed in the two statements released by the Ministry of Foreign Affairs on 16 January and 21 February, the editorial of the *Working People's Daily* issued on 27 February 1992²⁰ also responded to the accusations of religious persecution on the border and the existence of Rohingya by attacking BBC and VOA by name. The editorial notes:

One of the strangest things beyond comprehension is the blatant hostility which certain broadcasting stations like the BBC and the VOA continue to exhibit in their reports and commentaries concerning the Myanmar Naing Ngan. Only those who are running these organizations will know best the reasons which lie behind the exaggerations, fabrications and manipulation of information so that the worst possible light would be thrown on this country. ...

Take the case of the so-called "Rohingya" problem.

The fact is that there is no such thing as a "Rohingya" except in the perverted imagination of terrorist insurgents who are really little more than border bandits making use of a catchword to lend an aura of legitimacy to their criminality.

Of course as long all borders there is always a floating population who seldom bother about proper papers. And it is quite usual for such people to be reticent about submitting themselves to inspection by the proper authorities concerned. The normal reaction on being accosted by the authorities concerned is usually to flee since being caught means having some kind of action taken against them according to law.

²⁰ Editorial, "What Religious Persecution?" *Working People's Daily*, February 27, 1992, 6.

But this is not religious persecution by any means.

Indeed, such a thing as repression or persecution on religious grounds is totally unknown in this country where freedom of worship flourishes to an extraordinary degree. Ask any honest person of any religious faith and this will be confirmed beyond all doubt. The kind of hostility and enmity which these broadcasting stations have been trying to drum up had never existed here and never will.

Likewise, another series of four articles, titled *The Inside Story of the 'Rohingya Fable'*, appeared in the *Working People's Daily* in early February. It starts:

Of late, the 'Rohingya Fable' from the Rakhine State has been in vogue in the programmes of such broadcasting stations as the BBC and VOA. ...

The characters in this 'Rohingya Fable' include this "Nga-Pwa Gyee's" [referring to the United States]²¹ adopted son KNU Nga Mya²² and company such as Abdul Razak of All Burma Muslim Union, Noor-ul-Islam of ARIF known as the Arakan Rohingya Islamic Front and Yunoos of the RSO known as the Rohingya Solidarity Organization. These are the characters who play the parts cast for them by world-wide bully "Nga-Pwa Gyee" in the "Rohingya Fable."²³

The infamous Mujahids who began their lawless activities soon after attainment of national Independence were eventually crushed by the Tatmadaw so that they subsequently survived only as very poorly armed small bands each with twenty or twenty-five men. They remained in that State [Rakhine State] up to 1990. There were then two main groups: the ARIF led by Noor-ul-Islam and the RSO led by Yunoos. At the beginning of May 1991, the ARIF and the RSO declared that they would continue their struggle in collaboration with the DAB [Democratic Alliance of Burma] led by KNU Nga

²¹ The Burmese term *Nga-Pwa Gyee* (ငှာပွားကြီး) means someone who tends to get involved in everything everywhere and it is mostly used in strong disapproval or contempt.

²² Nga Mya (ငမာ), which refers to Bo Mya (ပိုလ်မာ) or Saw Bo Mya (စောပိုလ်မာ), the chairman of Karen/Kayin National Union (KNU), is a name showing contempt and was used in the government newspapers in the 1990s.

²³ Sithu Aung, "The Inside Story of the 'Rohingya Fable,'" *Working People's Daily*, February 7, 1992, 5.

Mya and subserviently placed themselves under the command of the imperialist satellite DAB.²⁴

The origination of this problem was in the problem of illegal migrants.²⁵

Since 1824 when Rakhine State fell under the British rule, Bengalis have started moving into Rakhine State without let-up or hindrance. Especially after the 1899 opening of the Suez Canal, Myanmar rice exports soared, more agricultural workers came to be needed and masses of Bengalis came in as agricultural workers. During the 1971 Bangladesh War, too, many war refugees entered into Myanmar. The 1973 Census figures revealed that the average rate of population growth for the whole of Rakhine State was 1.32 per cent; but the rate of population growth for Sittway [Sittwe] and the border towns of Buthidaung and Maungdaw were 3.28 per cent, 2.4 per cent, and 2.35 per cent respectively. This was a sure indication of the entry of many illegal migrants. Remoter border areas recorded population growth rates of up to 5.14 per cent and 8.52 per cent. Every thinking person will realise that these population growth rates cannot arise from natural births. When in 1978, the State enumerated the population under Operation Nagarmín [*Na-Ga-Min*], those who had illegally entered fled back. This incident was exaggerated by foreign news agencies. Be that as it may, the Myanmar government generously agreed to accept back those who fled. More people then returned than originally fled. Infiltrations then continued after that. Population increases between 1983 and 1991 in Buthidaung and Maungdaw townships have been calculated at 2.5 per cent and 3.3 per cent respectively for Bengalis and 1.2 per cent and minus 0.8 per cent for Rakhines. This reveals that Bengalis kept infiltrating into Maungdaw township where Rakhine population had decreased from 16,784 to 15,594. Rakhine nationals have gradually left Maungdaw township. The allegation that Rakhines have occupied villages abandoned by Bengalis can therefore be considered in this context as being untrue.

If the Bengalis continue to infiltrate into Rakhine State at this rate, which is double the population growth rate of Rakhine nationals, the whole of Rakhine nationality is likely to get swallowed up by Bengalis.²⁶

²⁴ Sithu Aung, "The Inside Story of the 'Rohingya Fable,'" *Working People's Daily*, February 8, 1992, 5.

²⁵ Sithu Aung, "The Inside Story of the 'Rohingya Fable,'" *Working People's Daily*, February 9, 1992, 4.

Apart from sweeping denials of what had happened in Rakhine State, the articles revealed a lot of fears and demographic insecurities, whether factually correct or incorrect and logical or illogical, on the part of the Myanmar government and Rakhines as well.²⁷ The whole series of articles clearly argues that Rohingyas are not part of Myanmar and highlights their illegality, regardless of how long they had been in the country. It also gives a perspective into how the sustained cooperation between Rohingya armed insurgents and KNU and DAB was securitized and taken as a very serious issue by SLORC.²⁸ Indeed this article provides a window into the way of thinking and discursive ploys of SLORC and how the regime constructed Rohingya as hordes of illegal migrants with explosive population growths, backed by KNU and DAB and the United States.

Another series of two articles again attacked BBC and VOA by name and disseminated the blatant anti-Rohingya stance of SLORC. The first article writes:

The readers will have already learnt that as the BBC and VOA broadcasting stations, that are serving as the lackeys of neo-imperialism and neo-colonialism of the latter part of the 20th Century, are shamelessly and blatantly interfering in the internal affairs of other nations by broadcasting fabricated news items and by spreading skyful of falsehoods, the governments of a considerable number of independent nations have taken action against the persons serving them as journalists and correspondents to the extent of driving them out of their the [sic.] respective countries.

Now they have launched another blatant and shameless interference broadcasting false and fabricated news items to cause misunderstanding Myanmar Naing-Ngan and one of its neighbours. The BBC, using a pretext the movement of a terrorist organization known as Rohingya Solidarity Organization (RSO) that has taken place in the border areas between Myanmar Naing-Ngan and Bangladesh, has begun to broadcast fabricated news items and one-sided comments to undermine the friendship between

²⁶ Sithu Aung, "The Inside Story of the 'Rohingya Fable,'" *Working People's Daily*, February 10, 1992, 4.

²⁷ Interesting, the same rhetoric of Rohingyas' population growth, illegal immigration, etc., came back into vogue post 2012, as will be seen in Chapter 6.

²⁸ Notably, this factor of cooperation between insurgents was later found to be missing in the arguments by the present Myanmar government in their rejections of Rohingyas.

Myanmar Naing-Ngan and Bangladesh and sow misunderstanding and enmity between the two nations. In fact it is an evil plot of the tricky, deceiving and malicious BBC to sow misunderstanding, hatred and enmity between the international Muslim circles and Myanmar Naing-Ngan.²⁹

The BBC has alleged that tens of thousands of Rohingyas or Rakhine Muslims have been driven into Bangladesh by the Tatmadaw offensive and that the Myanmar Tatmadaw has attacked a Bangladesh military post as a warning to Bangladesh not to provide sanctuaries to Rohingya insurgents.

As a matter of fact, Bangladesh has accepted the fact that Rohingyas are not Myanmar under the Myanmar Citizenship Act. ...

Today neo-colonialists are pursuing a policy of provocation and intervention in internal affairs of sovereign independent nations.³⁰

The wave of the diatribe against international media and Rohingyas continued to appear in the *Working People's Daily*. Another three-article series attacked BBC but interestingly did not reject Rohingya. It reads:

The BBC excels in enlargement of the subject. Or more to be precise, exaggeration of the issue. And the issue this time was the so-called influx of 'refugees' from the Myanmar side to the country westward. ...

The Rakhine State, with its abundance of land and good soil, had lured people in the area, ready and willing enough to work virgin land there from time immemorial.

Sheltered from the seasonal storms and with good prospects, the opportunity induced arrivals have swelled the population of Rakhine State so much that it has today a Bengali majority which embraces Islam.

The vast majority of them are also illiterate as far as the Myanmar language is concerned. ...

²⁹ San Nilar Win, "Is the Whole World to be Kept Asleep?" *Working People's Daily*, February 11, 1992, 5.

³⁰ San Nilar Win, "Is the Whole World to be Kept Asleep?" *Working People's Daily*, February 12, 1992, 5.

Those who came to Myanmar and settled for generations were economic migrants. And those who chose to leave – especially those with no fixed residence, landless, and are self-supporting only when they can find a job and live from hand to mouth are also economic migrants.

Besides, for many of the hundreds of thousands who have through the years flooded into Rakhine State, who had swelled the population there due to the highly prolific state of affairs, their bon fides are questionable.

Because of the communications difficulties and because of their inability to provide acceptable documentary evidence, the process of providing them with regular papers gets bogged down, no matter how much the Immigration and Manpower Department has tried.³¹

There are two types of residents along the length and breadth of Rakhine State. Those who are bona fide citizens – that is those who have proved their bona fide status and have obtained their citizenship papers – and residents who have yet to prove they are citizens.³²

There are hundreds of thousands in Rakhine State who are Bengalis and descendents of Bengalis who had moved over into Myanmar Naing-Ngan since ancient times, looking for greener pastures and establishing settlements.³³

The three articles also have many quotes from the interviews with Muslims during the study mission in which the author joined Major-General Mya Thin (then Commander of Western Command and Rakhine State Law and Order Restoration Council Chairman), Brigadier General Myo Thant (then Minister for Information) and other relevant government officials in the second week of February 1992. Moreover, they also claim that model villages, which were supposed to have led to displacement of Rohingyas and confiscation of their lands and their forced labour, were only built to make better lives for

³¹ Po Toke, “Fact-Finder’s Notes-1: The BBC Excels in Enlargement of the Subject,” *Working People’s Daily*, February 14, 1992, 5.

³² Po Toke, “Fact-Finder’s Notes-2: Rakhine State is Fully Covered by Border Areas and National Development Programme,” *Working People’s Daily*, February 15, 1992, 5.

³³ Po Toke, “Fact-Finder’s Notes-3: Rumours are Best Quashed by Truth,” *Working People’s Daily*, February 16, 1992, 5.

Rohingyas and that freedom of religion flourishes in Rakhine State. But most importantly the statement quoted above saying that Rohingyas have moved into Rakhine ‘since ancient times’ or ‘since time immemorial’ is clearly contradictory to the usual line of argument taken by the Myanmar government that Rohingyas only entered during colonial times or recent decades so they are illegal, undocumented migrants.

Another article which appeared days later takes a more stringent perspective on Rohingyas’ identity and residence in NRS and is full of contempt and hatred. It was supposed to be written also by a person who joined the study mission in February to Buthidaung and Maungdaw. It reads:

Broadcasts to the world say that tens of thousands have fled into Bangladesh as a result of persecution of Myanmar government troops. The mass of villagers say that invitations were being made on amplifiers from across the river. I think this would be enough to make the situation clear.

Is there such a dearth of legitimate ways of earning a living in the world? There are all sorts of people who live by begging but none of them is so deceitful. I make this exposure of the moves of Rohingya insurgents who have been reduced to the status of international beggars and their cohorts for information of Muslims of the world as also of Myanmar.

Rohingya insurgents who have gone into Bangladesh are merely following examples set by beggarly scoundrels like the DAB, the ABSDF and the CRDB who have gone into Thailand ...

Beggars must make pathetic appeals to get something out of donors. If they try to cheat in a disgusting manner they will not get even the left-over food: donors might even feel like beating them away.

They sneaked into Myanmar and of course guests should not drive hosts out of their own house.

Everybody should be grateful to him who gives him even a mouthful of food. And of course those who had lived Myanmar water should not insult Myanmar. ...

In 1948-49 just after Myanmar obtained Independence, Communist insurgents, KNDO insurgents and White PVO insurgents launched their attacks on the Myanmar government. When the Myanmar government had thus fallen into a tight spot, they organised Jamiyatu Ulama organisations around Buthidaung and Maungdaw areas and demanded a separate entity.

That was scorpions coming to infest an area full of snakes. Those violent Muslim elements harassed Myanmar administrative officers. The Mujahids even murdered a very popular Rakhine national who was then a Subdivisional Officer there. The Jamiyatu Ulama subsequently took the name of Mujahids and went on a rampage. The leader of the Mujahids then was one Abdul Kasim a history-sheet dacoit.

Mujahids raided Rakhine villages around Buthidaung and Maungdaw, they burnt the villages down, they massacred every living being found in the villages not sparing even a one-pound baby. Chaungs and streams in those areas were then red with blood and stinking of blood. This was known to all those of the older generation.

Government records give a complete list of Rakhine villages, Myo villages, Thek villages and Daingnet villages thus erased from the face of the earth by those Mujahids. ...

Who are those creatures known as Rohingyas? They are Shaitans [evil-whisperers in Islamic theology] created by the BBC. There are senior Bangladeshi officials who know that the so-called Rohingyas are creatures trying to destroy the traditional relationship that exists between Bangladesh and Myanmar. ...

Situation in Bengali villages and Rakhine villages situated along the border are quite stable today and normal. The only unusual feature is that the BBC, a radio station founded by the British Government, and its fellow conspirators trying to concoct false reports in favour of Rohingya insurgents and zealously implementing a plan to become international beggars. Nobody is persecuting local Muslims.³⁴

³⁴ Aung Min, "A Special Feature of the Border Area," *Working People's Daily*, February 25, 1992, 5. Another strong-worded series of articles which attacked foreign media and Rohingya, which is not quoted here, is: Sithu Aung, "Pettifoggers and Their Chicanery," *Working People's Daily*, March 6, 1992; Sithu Aung, "Pettifoggers and Their Chicanery--2," *Working People's Daily*, March 7, 1992; Sithu Aung,

Another article, titled *Only responsible journalism serves the broader public interest*,³⁵ questioned the media reports on the Rakhine problem by BBC, VOA, and AIR and problematized legality of Rohingyas, as follows:

Humans are not birds, and, when they cross borders, they must have proper papers to vouch for their bona fide citizenship. This applies to all nations under international regimes which have to be respected by any and all countries for the sake of their territorial integrity and sovereignty.

However, international reports of alleged repression and militarization on the border did not subside. Therefore, amidst increased international accusations of alleged repression of Muslims and reports on the Bangladesh-Myanmar border skirmishes, U Ohn Gyaw, then Minister for Foreign Affairs convened a press conference on 19 March 1992, attended by government officials from different ministries and departments, and representatives of UN agencies and foreign embassies, and the local and international press. U Ohn Gyaw said:

For the past few months some foreign media sources have published fabricated reports that Myanmar people who profess the Muslim faith were being oppressed by the Myanmar government and were fleeing across the border to Bangladesh. These exaggerated and fabricated reports have led certain countries in the West and in the region, and some international institutions to misunderstand Myanmar's good intentions in solving what is essentially a bilateral immigration problem. ...

During the course of the discussions led by the two foreign ministers [who met in Yangon in November 1991] the important bilateral issue of so-called cross-border human traffic and the need to look into the legal and illegal aspects of the matter, was discussed at length by the two sides.

"Pettifoggers and Their Chicanery--3," *Working People's Daily*, March 8, 1992; Sithu Aung, "Pettifoggers and Their Chicanery--4," *Working People's Daily*, March 9, 1992; Sithu Aung, "Pettifoggers and Their Chicanery--5," *Working People's Daily*, March 10, 1992.

³⁵ Po Toke, "Only Responsible Journalism Serves the Broader Public Interest," *Working People's Daily*, March 15, 1992, 5.

On this particular issue, it was agreed that a mechanism already existed to resolve the validity or otherwise of the residency status in Myanmar of those who had chosen to cross over to the other side. It was explained at length that investigations made by the Myanmar immigration authorities revealed that individuals numbering 2344 were absent when on-ground inspections were made of the household lists of residents of the areas bordering Bangladesh. It was also explained by the Myanmar side that the absentees could be travelling to elsewhere within the country or indeed actually be in Bangladesh.

To investigate this matter and to ascertain the whereabouts of these absentees, it was agreed because the two sides that Bangladesh would provide a list of those who claim to be legal residents on the Myanmar side. This list would be accepted by the Myanmar authorities who on their part would investigate each case and the legal residents accepted for residency in Myanmar. ...

There exists an inter-relationship between the insurgency in the country and the so-called cross-border human traffic. It is no secret that the issue has been exacerbated by the various terrorist groups operating in the area and their connection with active support received from terrorist groups that operate elsewhere within and outside the country. These terrorist groups and their supporters have been fabricating malicious stories of atrocities said to have been committed by the Myanmar security forces inciting Moslems to flee across the border. What is amazing is that they have been able to mislead some countries and organizations with their disinformation campaigns, in spite of the widespread reports in the international media, acknowledged by foreign governments up to the present day that the Myanmar Defence Service personnel are among the most disciplined, loyal, and effective fighting forces that exist in the modern world. ...

The rationale of the issue and Myanmar's stand is that the matter is essentially an illegal immigration problem that is in the process of being solved bilaterally in spite of the activities of some with ulterior motives against the Union of Myanmar. ...

Myanmar has been renowned for its religious tolerance, both in law and in practice, as all Moslems, Hindus, Christians, Buddhists, and those of other religious affiliations who inhabit our land peacefully co-exist in complete harmony. Let those who accuse us of religious persecution compare our standard of religious tolerance to their own societies, and let them not infect their standards of religious intolerance to our Myanmar society...

The situation in the Myanmar-Bangladesh border can in no way be seen as a threat to regional stability. Myanmar is confident that a just solution will be found in conformity with the existing laws of the land and in accordance with the agreement in effect between the two countries.³⁶

The *Working People's Daily* reiterated all these views on in the articles it featured in the following days. On 21 March 1992³⁷ an article titled *What the so-called Bangladesh refugee problem is about* was featured. It gave the Rohingya population in Buthidaung and Maungdaw as of June 1991 is 407,653 Bengalis and questioned the claim that around 200,000 Muslims had fled to Bangladesh. The article argues:

Among all those Bengalis some possess registration cards and some did not. Those who did not possess any registration cards formed a majority. ...

They [refugees in Bangladesh] are certainly not those who fled from Myanmar because we now miss only about 2,300. ...

A scrutiny made by the Immigration Department on 2 March disclosed that only about 13,500 were missing and even those 13,500 might have been visiting other parts of this country [Myanmar]. The contention that about 200,000 refugees have fled from Myanmar therefore deserves scrutiny.

Those 200,000 people in Bangladesh are not heaven-borns, nor are they Myanmar nationals like Rakhines, Theks and Khamwees. Bangladesh has admitted them to be Bengalis. Therefore, [sic.] those 200,000 who are now in Bangladesh are refugees from Myanmar, they must have been those who had illegally come into Myanmar previously.

According to studies made by a high level team commissioned by the State to examine the matter, a majority of those who had fled were those who were not in ward or village population registers, but that they were those who had returned to Bangladesh because of economic difficulties. This information was given to the Myanmar officials by duly

³⁶ *Working People's Daily*, March 20, 1992, 5.

³⁷ Mya Win, "What the So-called Bangladesh Refugee Problem is About," *Working People's Daily*, March 21, 1992, 5.

registered Bengali residents of the areas. In fact Buthidaung and Maungdaw are townships covered with ranges of hills with not many acres of paddy fields. ... The townships were hard put to produce food enough even for the original population of 400,000.

In the past four years Myanmar experienced a turbulent period when the rule of law and border security work had collapsed. That was a time when the other country [Bangladesh] was devastated by natural disasters and masses of starving people rolled into Myanmar. ...

The so-called refugees now said to be in Bangladesh are therefore only Bangladeshis who earlier had sneaked into areas whereas the grass was greener but had now fled back when they were unable to eke out a living in the area.

Another article which appeared in the *Working People's Daily* on 23 March³⁸ was also seen to reiterate all the points made by U Ohn Gyaw at the press conference of 19 March. To counter the allegations of religious persecution of Muslims in Rakhine by the Myanmar authorities, another *Working People's Daily* editorial of 28 March 1992 was titled *Freedom of religion in Myanmar Naing-Ngan*.³⁹ It read

Myanmar Naing-Ngan is a country wherein many national races reside and people of different faiths live together in unity and harmony. This is possible because there is freedom of religion in the country and the relations between all the religions in the people have been excellent. ...

These are all ample evidence that there is full religious freedom in the country and therefore the malicious rumours spread that there was religious persecution in one of its border areas cannot hold water.

Categorical rejections did not stop at the official level. Most interestingly, even after a bilateral repatriation agreement was signed in April 1992 between Bangladesh and Myanmar and repatriation started in September, the Myanmar Foreign Minister U Ohn

³⁸ An Observer, "A Bilateral Issue of Illegal Immigration Viewed with Goodwill," *Working People's Daily*, March 23, 1992, 5.

³⁹ Editorial, "Freedom of Religion in Myanmar Naing-Ngan," *Working People's Daily*, March 28, 1992, 6.

Gyaw blatantly lied to Yozo Yokota,⁴⁰ the visiting UN Special Rapporteur on the Situation of Myanmar, in December 1992:

It is a rubbish thing that people have left Myanmar. These people who are in the refugee camps in Bangladesh are perhaps from Dhaka, but not one single person has left Burma.⁴¹

Though all of these above-quoted written and spoken responses made by the Myanmar government officials during and after the second exodus were often ambivalent, confusing, and contradictory they all possessed four consistent qualities. Firstly, there seemed to be an organizational culture at the governmental level in Myanmar which was totally unwilling to admit its own shortcomings and wrongdoings and categorically rejected all of international criticisms. As obvious in what U Ohn Gyaw said to Yozo Yokota, they even often went to extremes by making blatant lies. Even until a repatriation agreement was signed, Myanmar officials repeatedly denied, often baselessly, the fact that Muslims from NRS, who numbered from 2,300-13,500 (their figures) to more than 200,000 Muslims (other figures) did indeed flee to Bangladesh.

Secondly, they tended to respond to all international media reports on the second exodus, especially those by BBC, by repeatedly invoking neo-colonialism, consistent with the usual way of arguing used by the SLORC/SPDC regime throughout the 1990s and 2000s. Thirdly, they were strikingly racist, contemptuous and derogatory in their descriptions of Rohingya. A question might be raised here about the actual similarity

⁴⁰ Special Rapporteurs are holders of a country-specific or theme-specific mandate from the UN Human Rights Council in accord with the Special Procedures mechanisms. Yozo Yokota was the first Special Rapporteur on the Situation of Human Rights in Myanmar appointed under the UN Commission on Human Rights Resolution 1992/58 and he worked from 1992 to 1996. His successors are Rajsoomer Lallah (1996-2000), Paulo Sergio Pinheiro (2000-2008), and Tomás Ojea Quintana (2008-2014). The current rapporteur is Yanghee Lee who succeeded Tomás Ojea Quintana in 2014. For their detail, press releases, statements, and reports, see <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/MM/Pages/SRMyanmar.aspx>, accessed March 1, 2015.

⁴¹ United Nations Commission on Human Rights, “Report on the Situation of Human Rights in Myanmar, Prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights,” E/CN.4/1993/37, February 17, 1993, accessed November 30, 2014, http://ap.ohchr.org/documents/dpage_e.aspx?m=89.

between the official thinking and those propaganda-style newspaper articles. But their repetitive appearance in the state-owned press and their same or similar message strongly suggest that they reflected the minds of the top Myanmar leadership. Fourthly, they also tended to portray most of Rohingyas as uncivilized, illegal, and undocumented Bengalis from Bangladesh who moved to Rakhine State in search of greener pastures and have extreme population growth rates. Fifthly, they also rejected 'Rohingya' as a legitimate ethnonym and securitized Rohingya insurgents as extremists who were trying, in cooperation with other insurgent groups, to sabotage sovereignty and territorial integrity of Myanmar. Some of those written and spoken responses by Myanmar officials often sounded contradictory but all of which point to one important conclusion: the government did not admit that many of those Rohingyas were undocumented due to sheer failure of the government to continue to give documents (NRCs) to them after the first exodus and consequent repatriation in 1979.

Acceptance and repatriation amidst international pressures

Rohingya refugees started fleeing to Bangladesh in March 1991 and the exodus significantly increased at the end of the year, reaching the rate of daily arrivals of 5,000 to 6,000 in February and March in 1992. The number of registered refugees even reached 263,291 in late May.⁴² Despite strong-worded and racist statements and articles which mostly rejected existence and legality of Rohingyas, Myanmar and Bangladesh signed a memorandum of understanding on 28 April 1992 and planned for repatriation in May with no UNHRC involvement. The first stage of repatriation was stalled and only started in September 1992. It was criticized to be forced by international human rights organizations. The UNHCR even walked out of the registration process in December because refugees were being forced by Bangladesh authorities to return. UNHCR signed agreements with Bangladesh and Myanmar in May 1993 and November 1993 respectively. About 50,000

⁴² UNHCR, *Situation Update: 9, May 1992* (United Nations High Commissioner for Refugees, Dhaka, 1992), 25.

refugees had already been sent back home by November. As of February 1995, 155,000 Rohingyas had been sent home.⁴³

Amidst allegations by the international human rights network⁴⁴ of refoulement (a principle that requires that refugees' safety on their return home is ensured)⁴⁵ in return of Rohingyas to NRS, UNHCR signed two more memoranda of understanding (MOUs) with Bangladesh in 1994 and 1995 to make sure refugees return home in safety. By 1997, some

⁴³ Curt Lambrecht, *The Return of the Rohingya Refugees to Burma: Voluntary Repatriation or Refoulement?* (Washington, D.C.: U.S. Committee for Refugees, 1995)

⁴⁴ Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*; Amnesty International, *Myanmar: The Rohingya Minority*.

⁴⁵ One the three fundamental principles – non-refoulement – (the other two being non-discrimination and non-penalization) is enshrined in Article 33 (1) of the 1951 Convention Relating to the Status of Refugees which reads: No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The full text of the Convention is available at <http://www.unhcr.org/3b66c2aa10.html>, accessed April 1, 2011. For a comprehensive study of the principle of non-refoulement as applied in international law, see Kees Wouters, *International Legal Standards for the Protection from Refoulement: A Legal Analysis on the Prohibitions on Refoulement Contained in the Refugee Convention, the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture* (Antwerp: Intersentia, 2009). For specific studies of Bangladesh-Myanmar-UNHCR repatriation discussions and agreements, and the violation of refoulement in repatriation in the early 1990s, see: Curt Lambrecht, *The Return of the Rohingya Refugees*; Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*; David Petrasek, “Through Rose-Coloured Glasses: UNHCR’s Role in Monitoring the Safety of the Rohingya Refugees Returning to Burma,” in *Human Rights and Forced Displacement*, ed. Anne Fruma Bayefsky, Joan Fitzpatrick (Cambridge, Mass.: Martinus Nijhoff Publishers, 2000); Australian Council for Overseas Aid, *Repatriation of Burmese Refugees from Thailand and Bangladesh* (Deakin: Australian Council for Overseas Aid, 1996); C. R. Abrar, “Repatriation of Rohingya Refugees,” (Unpublished manuscript, 1995); Michael N. Barnett, “UNHCR and Involuntary Repatriation: Environmental Developments, the Repatriation Culture, and the Rohingya Refugees,” (paper delivered at the International Studies Association Annual Meetings, Los Angeles, March 16-20, 2000); Eileen Pittaway, “The Rohingya Refugees in Bangladesh: The Failure of the International Protection System,” in *Protracted Displacement in Asia: No Place to Call Home*, ed. Howard Adelman (Aldershot: Ashgate, 2008), 83-104.

230,000 had already been repatriated, albeit with controversies.⁴⁶ Even during the time when thousands of Rohingyas were being repatriated, many more from NRS still arrived in Bangladesh. HRW interviewed twenty new arrivals in 1996 and found that the main causes behind the new influx were lack of freedom of movement, forced labour, and disappearance of family members, mainly perpetrated by *Na-Sa-Ka*.⁴⁷

The repatriation eventually stalled in 2005 when Myanmar did not extend the deadline for repatriation. It was supposed to resume in 2009 but it again got delayed for about 9,000 refugees did not participate in the repatriation. But an agreement was reached at a recent meeting between the foreign ministries of the two countries on 31 August 2014 that 2,115 Rohingya refugees, who had been cleared by the Myanmar side for repatriation in 2005, would be double-checked and repatriated for the last time.⁴⁸ According to UNHCR, Bangladesh still hosts 32,355 recognized refugees in two camps (Kutupalong camp and Nayapara camp) and 200,000-500,000 unregistered Rohingyas primarily in Cox's Bazar, as of September 2014.⁴⁹ According to another UNHCR publication in December 2011, 22,000 and 14,000 unrecognized Rohingya refugees lived in two makeshift camps near the Kutupalong camp and in Leda seven kilometers from Nayapara camp respectively.⁵⁰

⁴⁶ Eileen Pittaway, "The Rohingya Refugees in Bangladesh".

⁴⁷ Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*.

⁴⁸ Tim McLaughlin and Ei Ei Toe Lwin, "Government Rejects Repatriation Reports," *Myanmar Times (English)*, September 6, 2014, accessed September 7, 2014, <http://www.mmtimes.com/index.php/national-news/11561-govt-rejects-rohingya-repatriation-reports.html>; Ko Htwe, "Burma Agrees to Repatriate over 2,000 Rohingya Refugees from Bangladesh," *Democratic Voice of Burma*, September 1, 2014, accessed September 2, 2014, <https://www.dvb.no/news/burma-agrees-to-repatriate-over-2000-rohingya-refugees-from-bangladesh-myanmar/43731>; "တွေ့ဆုံဆွေးနွေးမှုကြောင့် နှစ်ဖက်ယုံကြည်မှုနှင့် နားလည်မှုတို့သာမက နှစ်နိုင်ငံ ဆက်ဆံရေးနှင့် ပူးပေါင်းဆောင်ရွက်မှုပါ တိုးမြှင့်နိုင်," *မြန်မာ့အလင်း*, September 2, 2014; 10.

⁴⁹ UNHCR, "Bangladesh: Factsheet: September 2014," accessed January 1, 2015, <http://www.unhcr.org/50001ae09.html>

⁵⁰ Esther Kiragu, Angela Li Rosi, and Tim Morris, *States of Denial: A Review of UNHCR's Response to the Protracted Situation of Stateless Rohingya Refugees in Bangladesh* (Geneva: Policy Development and Evaluation Service, UNHCR, 2011), accessed January 1, 2015; <http://www.unhcr.org/4ee754c19.html>

Therefore, although Bangladesh still hosts 32,355 recognized refugees and 200,000-500,000 unrecognized Rohingyas, the more important fact for the focus of this thesis is that at the end of both first and second exoduses Myanmar had to accept back around 420,000 Rohingya refugees in total despite repeated assertions by the governments in power that those refugees fled because they were undocumented in the first place. Now we will take a look at the lives of Rohingyas after the second exodus and consequent repatriation from the 1990s onwards.

Establishment of *Na-Sa-Ka* and daily repression of Rohingyas in the 1990s and 2000s

Amidst the international media hype surrounding the second exodus, racist and hateful responses in the Myanmar state media, and often ridiculous cover-up of the truth by Myanmar government officials, the Myanmar government planned a scheme and set up the most comprehensive repressive organ in Rakhine State known as *Na-Sa-Ka*. *Na-Sa-Ka*, which means Border Area Immigration Control Headquarters, clearly shows the belief at the official level that there is a serious immigration problem at the border from the Bangladeshi side. Indeed, a sovereign nation's having a guard force at its border(s) is normal as long as it is only concerned with watching the border and protecting it from illegal immigration, etc. However, in practice the *Na-Sa-Ka* acted like a comprehensive government organ which controlled every aspect of Rohingya lives in NRS and repressed the minority almost only a daily basis.

Na-Sa-Ka was established in 1992 and had a force of some 1,200 from four government agencies – military intelligence, police, immigration, and customs.⁵¹ Very little exists in writing about its inner structure. Initially, *Na-Sa-Ka* was only composed of staff of the military intelligence which was the most notorious repressive machinery among Myanmar government agencies. Later, it came to be composed of staff from the police,

⁵¹ Chris Lewa, "Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State"; "Myanmar's 'Nasaka': Disbanding an Abusive Agency," *International Crisis Group*, July 16, 2013, accessed July 19, 2014, <http://blog.crisisgroup.org/asia/2013/07/16/myanmars-nasaka-disbanding-an-abusive-agency/>.

immigration and customs. However, *Na-Sa-Ka*'s chief officer used to be an officer with the Myanmar military. By 2012, the organization had divided Buthidaung and Maungdaw townships into nine *Na-Sa-Ka* territories under its supreme control. "Their responsibilities cover not just border security but also rule of law in the border regions, immigration control, population issues, and movement of goods across the borders, including the application of border tariffs."⁵² The chief officer of *Na-Sa-Ka* "reports directly to the Directorate of People's Militia & Territorial Forces under the Office of the Chief of Staff of the Tatmadaw (infantry)."⁵³ The fact that *Na-Sa-Ka* did not report to Rakhine State authorities itself shows how the body acted as a super-government controlling the whole region, especially NRS.

Hence, the Final Report of the Inquiry Commission on Sectarian Violence in Myanmar describes *Na-Sa-Ka* as a "distinctive feature"⁵⁴ of government authority in NRS. Mary Callahan calls NRS an "occupation zone" (p. 30) because Rohingyas are "subject to the most comprehensive forms of government oppression short of systematic physical violence" (p. 31).⁵⁵ As reported and documented by yearly reports of the UN Special Rapporteurs on the Situation of Human Rights in Myanmar and the international human rights organizations, *Na-Sa-Ka* was not only repressive but also corrupt by imposing exorbitant fees and fines for catching fish, for travelling between villages, for evading forced labour requirements, for applying for marriage permits and birth registers, etc.⁵⁶ Extreme interference by the *Na-Sa-Ka* in the Rohingyas' daily economic lives is also

⁵² Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 45.

⁵³ *Ibid.*, 46.

⁵⁴ *Ibid.*, 45.

⁵⁵ Callahan, *Political Authority in Burma's Ethnic Minority States*.

⁵⁶ For example, ALTSEAN-Burma, *Rohingya and Muslims in Arakan State: Slow-burning Genocide*; Amnesty International, *Myanmar: The Rohingya Minority*; Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*; Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution*; Irish Center for Human Rights, *Crimes against Humanity in Western Myanmar*; Chris Lewa, "Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State"; Chris Lewa, "The Rohingya: Forced Migration and Statelessness"; Chris Lewa, "North Arakan: An Open Prison for the Rohingya in Burma"; Various reports by successive UN Special Rapporteurs on the Situation of Human Rights in Myanmar.

described as the monopoly of “the entire formal and informal economy of northern Rakhine.”⁵⁷ Chris Lewa explains the procedure of monopolizing the economy: “Anyone engaging in an economic activity must either sell his product to the license holder below market price or pay him a tax. As soon as new income-generating endeavour appears, a new monopoly is installed.”⁵⁸ All of these writings describe how daily oppression of the Na-Sa-Ka members and its impact on the violations of the various human rights of the Rohingya.

Na-Sa-Ka was disbanded by a Presidential order⁵⁹ in July 2013, according to one of the recommendations by the Inquiry Commission on Sectarian Violence in Rakhine State. Moreover, the super-authority and structure of *Na-Sa-Ka* put all the power into its hands and effectively made coordination between its officials and Rakhine-State-level authorities almost impossible. Therefore, the Inquiry Commission makes a comment upon this special aspect of *Na-Sa-Ka* in terms of coordination of governance matters:

The Border Security Force (Na-Sa-Ka) is made up of four different governmental agencies and is placed under the command of the Tatmadaw. The government should review and reform the structure and function of the Border Security Force to create an environment in which all participating agencies can work well together. Although some people in local areas noted that the performance of the Border Security Force has improved to some extent in the wake of violence, the coordination and cooperation among the participating agencies remains weak. Given the emergency situation in Rakhine State, all security forces except the armed forces should answer to the Chief Minister of the state. In order to restore law and order effectively, all security forces must work closely with the officials responsible for civil administration. Up to now, it has been found that security forces take orders only from the relevant line ministries of the union-level government and do not follow the instructions and requests from the state government until they receive authorization from their ministerial superiors. There is a need

⁵⁷ Callahan, *Political Authority in Burma's Ethnic Minority States*, 32.

⁵⁸ Lewa, “Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State”

⁵⁹ The presidential order, dated 12 July 2013, which abolished *Na-Sa-Ka* was printed in the *Myanma Ahlin* (Burmese) and the *New Light of Myanmar* (English) of 13 July 2013 on their front pages.

for a mechanism that will require all security forces to work closely with the State government in undertaking needed action.⁶⁰

The comment stated above is only concerned with difficult coordination between *Na-Sa-Ka* and the Rakhine State government at the outbreak of the violent conflicts in 2012. However, it sheds light on how *Na-Sa-Ka* acted in the past superseding the authority of Rakhine-State-level authorities. We could deduce how life in NRS was from 1992 to 2013 under the tight control of *Na-Sa-Ka*. Although it fails to state the repressive activities committed by *Na-Sa-Ka* against Muslims for 21 years, the Inquiry Commission notes in one of its recommendations:

[*Na-Sa-Ka*] should focus its energies on restoring law and order in these areas and refrain from infringing on the rights of the general public under existing laws. Even when interacting with those who break the law, the Border Security Force personnel should follow due process and act within the legal framework. The Border Security Force personnel must avoid unlawful acts and act in their professional capacity. If any Border Security Force [*Na-Sa-Ka*] personnel act extrajudicially they should also be prosecuted in accordance with the law.⁶¹

The recommendation above implicitly admits that *Na-Sa-Ka* with its super-authority has violated human rights of Rohingyas in various instances in which the force was heavy-handed and committed extra-judicial activities. To sum up, *Na-Sa-Ka* was the supreme authority in NRS from 1992 to 2013 and their daily repressive and corrupt activities made Rohingyas' lives very difficult and unbearable. Although the top leadership of the SLORC/SPDC might have not known in detail about the daily activities of *Na-Sa-Ka* corps in NRS, the fact that they were first established by the SLORC and they had to directly report to the Office of the Chief of Staff of the Tatmadaw (infantry) shows that the top leaders were at least complicit. Or the top leaders might have ordered the *Na-Sa-Ka* to do as they liked as long as Rohingyas were repressed and made to have extremely difficult

⁶⁰ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 101-2.

⁶¹ *Ibid.*, 98.

lives. Either way, both the principal(s) and agents were involved in one way or another in violations of Rohingyas' human rights.

Conclusion

This chapter has traced how the second exodus occurred in the first place. And we have also seen how the simple fact that 200,000-250,000 refugees had fled to Bangladesh amidst militarization, forced labour, displacement, repression, etc. was then totally rejected by SLORC by usually making racist and contemptuous comments on Rohingyas. At first, SLORC bluntly denied that only a few thousands fled but it had to receive back some 230,000 refugees. Amidst these developments and turns in the Rohingya problem, SLORC/SPDC never recanted its previous statements. Even after the repatriation had begun and tens of thousands of Rohingyas had been repatriated, the Myanmar foreign minister U Ohn Gyaw still told the UN Special Rapporteur on the Situation of Human Rights in Myanmar in December 1992 that not a single Muslim had left.

However, with the enormous interest in the refugee issue shown by the UN, the international human rights network, Muslim countries, etc., Myanmar could not do as they seemed to have wished in the first place – to totally deny any responsibility for repression of Rohingyas by its security forces in the first place and then accuse the refugees of not being from Myanmar. Myanmar authorities, who were involved in the heavy-handed militarization of NRS, simply seemed to have assumed that the refugees would never be sent back home as long as the authorities could deny any relation between the refugees and Myanmar.

When Myanmar authorities found out that they had to receive back most, if not all, of the refugees, albeit in a slow manner compared to the first exodus, they created another scheme by establishing *Na-Sa-Ka* which started violating various political, civil, social and economic rights of Rohingyas from 1992 onwards. The Rohingya plight was observed by the international human rights network to deteriorate further in the 1990s and 2000s. This

repressive machinery of *Na-Sa-Ka* was terminated in July 2013 but it again enjoyed total legal impunity for all those human rights violations it committed against Rohingyas.

The 1982 Citizenship Law was often used a bulwark against international criticisms of their treatment of Rohingyas, who are alleged to have *illegally* migrated into Myanmar since colonial times. SLORC started issuing new identity cards, i.e. CSCs, from 1989 onwards but it intentionally failed to citizenize or naturalize Rohingyas who had remained in NRS and returned from Bangladesh after the two exoduses. The whole NRS was under the tight control of *Na-Sa-Ka*, of which immigration authorities constituted a part, from 1992 to 2013. Instead, although many of Rohingyas prior to the first exodus, SLORC made another scheme to make them increasingly undocumented and stateless by giving them White Cards which do not denote any legal relations between the card-holders and Myanmar. The SLORC was able to prolong legal statelessness of by using the White Card scheme in cooperation with the 1982 Citizenship Law. In short, Myanmar authorities for the second time showed in the 1990s and 2000s that they do not want Rohingyas in Myanmar in general.

Chapter 5: The third Rohingya exodus

The most unprecedented sectarian violent conflict since Myanmar gained independence in 1948 broke out in Rakhine State for two rounds in June and October 2012. The violence saw about 140,000 Rohingya/non-Rohingya Muslims (including 4,000 Kaman Muslims)¹ and 3,500 Rakhines stranded. More than half of Rakhine IDPs have been resettled in custom-built houses as of October 2014 but all Muslim IDPs are still confined to camps in almost two years since the end of the second round of violence. The Myanmar government with assistance from the international community has tried to resettle Muslim IDPs but in vain. An almost insurmountable obstacle in the path is the series of protests by Rakhines who call for a state-wide citizenship check of Muslims IDPs prior to their resettlement. This has coincided with the emergence of a discourse at both the official and the popular levels within Myanmar that many, if not most, of Muslims in Rakhine State are indeed illegal migrants, echoing the discourses by BSPP and SLORC/SPDC since the late 1970s.

¹ There is another Muslim community mostly based in Thandwe commonly known *Myedu Muslims* whose number is unknown but expected not to exceed a few hundred. Although their identity is not as problematized as Rohingyas' by Rakhines and by the government, they are not recognized as a distinct ethnic group by the state. There are other locality-based Muslim identities such as *Thandwe Muslims* simply meaning that those Muslims live in Thandwe. They are also accepted at least as fellow citizens by Rakhines in general. Many of those so-called *Thandwe Muslims* have mixed heritage from intermarriage between Rakhine Buddhists and various types of Muslims. Like *Myedu Muslims*, *Thandwe Muslims* do not fall under a government-recognized ethnicity. Locality-based identities often play an important role in Myanmar. For example, people in Mandalay, regardless of their religious affiliation, develop strong attachments to and are proud of being residents of Mandalay. Therefore, Muslims in Mandalay are accepted by their Buddhist neighbours in a more favorable way than in a place like Yangon where such locality-based identities are rare. The common civic identity shared by Buddhists and Muslims alike was a major factor which saved Mandalay in July 2014 from being torn apart from Buddhist-Muslim riots because both sides were calling for protection of Mandalay from religious violence. Such display of civic identity was generally missing in other places in Myanmar which were rocked by religious violence in 2012 and 2013. Ashutosh Varshney's famous study of how civic identities shared by Hindus and Muslims have prevented occurrence of ethnic riots in certain regions of India makes a similar argument. Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven: Yale University Press, 2002).

This chapter looks into the details of the violence and its aftermath. How the two rounds of violence in Rakhine State and their consequences have affected Rohingyas and how the plight of the community has deteriorated in terms of legal existence are given particular attention, both of which have resulted in further violations of Rohingyas' human rights.

Sectarian Rakhine violence in June and October in 2012

Occurrence of sectarian violence in Rakhine State which largely pitted Rakhines against Rohingya and other non-Rohingya Muslims in 2012 led to a more serious identity crisis for Muslims in general, and Rohingyas in particular. The two bouts of violence in June and October were allegedly provoked by the rape, robbery and murder of Thida Htwe, a Rakhine Buddhist woman, by three Muslims in Thabyaychaung Village, Kyauknimaw Village-tract, Yanbye Township, Rakhine State on 28 May 2012.² News and photos of the crime scene in which Thida Htwe is seen lying in blood with stab wounds and were seen spread on the internet, which apparently angered Rakhine Buddhists. This resulted in a vigilante killing on 3 June of ten Muslim passengers (eight Tablighi Jamaat itinerants³ (six from Taungdwingyi, Magway Region and two from Myaungmya, Ayeyarwady Region) two Muslim passengers from Thandwe) on a bus on its way from Thandwe to Yangon by a

² This criminal case has been largely regarded as the trigger of the sectarian violence. This assumption will not be analyzed and problematized in detail here because the aftermath is more relevant for the focus of the thesis on the Rohingya plight.

³ Most media reportage on the Taungup killings uses Muslim pilgrims; however, it was eight Tablighi Jamaat members who were killed. As part of their missionary strategy, small groups of members and followers of the Tablighi Jamaat movement usually spend a number of days staying usually at mosques across Myanmar, visiting Muslim homes near the mosques, and preaching lay piety. Unlike their Christian counterparts, Tablighi Jamaat aims not at proselytization of people of other faiths or of no faith but at encouraging piety among Muslims. Though exact details of the movement in Myanmar, which originated in South Asia, are not known, one with an extensive knowledge of the Myanmar Muslim community is led to believe that it is obviously the largest Muslim movement in Myanmar. For a good background of the Tablighi Jamaat movement in Southeast Asia though it does not include Myanmar as one of the case studies, see Farish A. Noor, *Islam on the Move: The Tablighi Jama'at in Southeast Asia* (Amsterdam: Amsterdam University Press, 2012).

300-strong Rakhine Buddhist mob. Again, the news and ugly photos of the ten Muslims lynched in blood were spread online and among Muslims of NRS.

Interestingly, the government newspapers of 5 June 2012 used the term *Muslim kala*⁴ in the titles of the news stories⁵ which report the tragedy in Taungup. *Kala*⁶ is widely understood to be derogatory and contemptuous not only among Burmese-speakers in Myanmar but also among scholars although context is important in determining whether it is the case or not. Buddhists' calling their Muslim friends *kala* may not sound derogatory. However, *kala* in general has carried negative connotations starting from colonial times when anti-Indian sentiments first appeared. According to Chie Ikeya, "the term *kala*, as it was disseminated in the Burmese media in the 1920s and 1930s, pigeonholed immigrants from the Indian subcontinent as uneducated, lower-class (lower-caste) men and women, typically of skin color darker than that of Burmese people."⁷

Use of *kala* together with 'Muslim' in the state newspapers sounds more contemptuous for Burmese language speakers. It could even be taken as religious profiling because the news stories failed to state the killers were Buddhists although those killed were described as Muslims. However, the Final Report of the Inquiry Commission on Sectarian Violence in Rakhine does not seem to accept the fact that the use of *kala* by the state newspapers in that particular instance was intentionally derogatory. Instead, it only argues: "In connection with these events, government newspapers used the term "Muslim

⁴ Bur: မွတ်ဆလင်ကုလား

⁵ The full title in Burmese is: သံတွဲမှရန်ကုန်သို့မောင်းနှင်လာသောရိုးမသစ္စာခရီးသည်တင်မှန်လုံယာဉ်ပေါ်မှ မွတ်ဆလင်ကုလား ၁၀ ဦး အသတ်ခံရ. The news story with the identical title and wording was printed in the *Myanma Ahlin* (p. 7), *Kyay Mon* (p. 5), and *Myawaddy* (p.9) whereas the *New Light of Myanmar* (p. 10) only used 'Muslims'. All the four newspapers are state-owned.

⁶ Bur: ကုလား

⁷ Chie Ikeya, *Refiguring Women, Colonialism, and Modernity in Burma* (Honolulu: University of Hawaii Press, 2011), 138. For good linguistic analysis of *kala*, see G H Luce, 'Notes on the Peoples of Burma in the 12th-13th Century A.D.,' *Journal of the Burma Research Society* LXII (Part 1) (1959) 52-74; and Renaud Egreteau, "Burmese Indians in Contemporary Burma".

Kala” indiscriminately for all Muslims.”⁸ The report also states: “Opinions differ as to what it is derogatory or not.”⁹ U Wunna Shwe, joint secretary-general of the Islamic Religious Affairs Council of Myanmar, notified U Ye Htut, then Deputy Minister for Information and now Minister for Information, about its possible impact when the state television (Myanmar Radio and Television (MRTV)) used the same term in its broadcasting of the Taungup killing in the evening of 4 June.¹⁰

The first paragraph of the news story which described the background of the killing was also problematic due to its tone and word choice.¹¹ Moreover, the story interpreted the lynching as chaos which occurred when the Muslims were dragged out of the bus resulting in their deaths,¹² which was again open to question. The story which appeared in the *New Light of Myanmar* also interpreted the killing as a clash. It started the story as follows:

In relation to the case of Ma Thida Htwe who was ruthlessly assaulted on 28 May, a group namely Wunthanu Rakkhita Association, Taunggup, handed out leaflets around 6 am yesterday to locals at crowded places in Taunggup, bearing a photo Ma Thida Htwe and describing a “Notice” making the people in Taunggup to take notice the intentionally assault of Muslims to Rakhinese [Rakhine] women. ...

⁸ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 9.

⁹ p. ii.

¹⁰ U Wunna Shwe, interview by author, Yangon, August 12, 2013.

¹¹ The whole paragraph in Burmese is: ဇွန်၃ရက် နံနက်၆နာရီတွင် တောင်ကုတ်မြို့ပေါ်ရှိ လူစည်ကားသောနေရာများ၌ လွန်ခဲ့သော မေ၂၈ရက်က ကျောက်နီမော်ကျေးရွာအုပ်စု သပြေချောင်းကျေးရွာနေ မသီတာထွေးအား ရက်စက်စွာစော်ကားခံရသော ဖြစ်စဉ်နှင့် ပတ်သက်၍ သေဆုံးသူ၏ ဓါတ်ပုံနှင့် မွတ်ဆလင်ကုလားများ၏ ရခိုင်အမျိုးသမီးများအား ရည်ရွယ်ချက်ရှိရှိဖြင့် ရက်စက်ယုတ်မာမှုများကို တောင်ကုတ်မြို့ပေါ်နေ ပြည်သူများ သိစေရန် အသိပေးနှိုးဆော်ခြင်း ခေါင်းစဉ်ဖြင့် ဝံသာနုရက္ခိတအဖွဲ့ တောင်ကုတ်မြို့အမည်ဖြင့် စာများဖြန့်ဝေခဲ့ကြောင်း သိရှိရသည်။

¹² Bur: လူ ၃၀၀ ခန့်အုပ်စုက ပိတ်ဆို့တားဆီးကာ ယာဉ်ကိုရပ်တန့်စေခဲ့ပြီး ယာဉ်ပေါ်ပါလာသည့် မွတ်ဆလင်ကုလားများအား အတင်းဆွဲချရာမှ ရုန်းရင်းဆန်ခတ်ဖြစ်ပွားခဲ့ပြီး ယာဉ်ပေါ်ပါ မွတ်ဆလင်ကုလား ၁၀ ဦးသေဆုံးခဲ့သည့်အပြင် မော်တော်ယာဉ်လည်း ဖျက်ဆီးခံခဲ့ရကြောင်း

Around 300 local people who were waiting there besieged the bus and pulled the Muslims out of the bus. In the clash, ten Muslims were killed and the bus were [sic.] also destroyed.¹³

Besides the story on lynching of 10 Muslims, another news story on Thida Htwe's rape, robbery and murder¹⁴ case was featured on the same page in the *Myanma Ahlin* and the *Kyay Mon* of 5 June 2012. Two things are especially notable regarding the story. Firstly, extreme swiftness was seen in solving the case of Thida Htwe who was reportedly raped, robbed and murdered at 5:15 pm on 28 May. The next morning, three Muslim men had already been identified, questioned and convicted. Secondly, the news story mentioned racial identity and religious affiliation of all the three Muslim men as Bengali and Muslim, which is normally improper and unethical in news reportage especially on such controversial and sensitive occurrences and might again have further provoked Rakhines.

The killing of 10 Muslims and use of *kala* in the government newspapers led to a protest by a group of Muslims in front of the Bengali Sunni Jameh Mosque in close proximity to Sule Pagoda and City Hall in downtown Yangon on the same day. The verbal misuse was also criticized by politicians and activists.¹⁵ Although a correction was made without an apology and *Muslim kala* replaced with 'local Muslims'¹⁶ in the two state newspapers the next day.¹⁷ A riot broke out in Maungdaw on 8 June after a special prayer service for the Muslims killed in Taungup were reportedly held in which Rohingyas

¹³ *New Light of Myanmar*, June 5, 2012, 10.

¹⁴ Its long title in Burmese is: စက်ချုပ်သင်ပြီး ပြန်လာသည့် ရမ်းငြိမြို့ သပြေချောင်းကျေးရွာနေ အမျိုးသမီးအား လူသုံးဦးက သားမယားပြုကျင့်ပြီး ဓါးဖြင့်ထိုးသတ်ကာ ရွှေထည်ပစ္စည်းများယူဆောင် ပြစ်မှုကျူးလွန်သူများအား ထိရောက်သော ပြစ်ဒဏ်ချမှတ်နိုင်ရေးဆောင်ရွက်လျက်ရှိ။ The story printed in both the *Myanma Ahlin* (p. 7) and the *Kyay Mon* (p. 5) of 5 June 2012 had identical wording but the *Kyay Mon* story had a different title in Burmese: ရမ်းငြိမြို့နယ် ကျောက်နီမော်ကျေးရွာတွင် အမျိုးသမီးတစ်ဦး မုဒိန်းကျင့်၊ ပစ္စည်းလု အသတ်ခံရ

¹⁵ Aung Thet Wine, "State Media Comes under Fire for Stoking Sectarian Anger," *Irrawaddy*, June 5, 2012, accessed June 6, 2012, <http://www.irrawaddy.org/media/state-media-comes-under-fire-for-stoking-sectarian-anger.html>

¹⁶ Bur: ပြည်တွင်းနေအစ္စလာမ်ဘာသာကိုးကွယ်သူဆယ်ဦး

¹⁷ *Myanma Ahlin* (p. 7) and *Kyay Mon* (p. 5) of 6 June 2012.

launched a rampage by burning Rakhine houses and killing Rakhines. This again spread like fire in other parts of Rakhine (Rathedaung, Kyauktaw, Pauktaw, Sittwe, Mrauk-U, Kyaukphyu and Yanbye) where Rakhines retaliated against Muslims ending up in unprecedented wide-scale sectarian violence in the history of Rakhine State since independence.

The violence resulted in loss of lives of 192 people (58 Rakhines and 134 Muslims), injuries of 265 people (148 Rakhines and 117 Muslims), destruction of 8,614 houses (1,192 Rakhine-owned houses and 7,422 Muslim-owned houses) and destruction of 120 businesses (45 Rakhine-owned businesses and 75 Muslim-owned businesses), according to the Inquiry Commission on Sectarian Violence in Rakhine.¹⁸ However, the Final Report of the Commission also contains data of loss of lives and properties as claimed by the two communities: 128 dead and 169 injured (Rakhines) and 219 dead and 242 injured (Muslims).¹⁹ All those data accepted as correct by the Inquiry Commission is questioned by a Muslim political party with links to Rakhine State, namely National Democratic Party for Development, which stated that it has a detailed list of about 500 people, mostly Muslims, who were killed.²⁰

During and after the violent episodes which broke out in June and October 2012, Rohingyas did not flee from Rakhine State en masse in a short period such as in the first and second exoduses but about 140,000 Muslims displaced during the two waves of violence have been confined to camps as IDPs since 2012, as of September 2014, whereas only 3,500 Rakhines were displaced as of November 2012.²¹ Sixty four percent of them have been provided new shelter as of July 2013.²² To be exact, there are 1,738 Rakhine and 138,724 Muslim IDPs to be resettled as of September 2014.²³ It means half of the Rakhine

¹⁸ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 20.

¹⁹ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 22.

²⁰ Aye Nai, "Group Says Death Toll in Arakan Higher than Gov't Figures," *Democratic Voice of Burma*, November 13, 2012, accessed November 14, 2012, <http://www.dvb.no/news/group-says-death-toll-in-arakan-higher-than-gov't-figures/24723>.

²¹ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 28.

²² *Ibid.*, 40.

²³ *Rakhine State Action Plan*, 7.

IDPs have been resettled since 2012. Although the government and Rakhines have repeatedly stated that Muslims IDPs must first undergo citizenship scrutiny prior to their resettlement, 4,000 ethnic Kaman Muslims are also yet to be resettled.²⁴

Another consequence is a surge in the number of Rohingya boatpeople fleeing Rakhine State over the last two years. In June 2014, according to one UNHCR estimate more than 86,000 boatpeople among whom Rohingyas constituted the numerical majority.²⁵ In October 2014, the number of Rohingya boatpeople who left Rakhine since June 2012 had already reached 100,000.²⁶ This is not expected to dwindle at least into the near future due to the growing sense of hopelessness and deprivation in Rakhine State. Now, we will take a look at how the two rounds of sectarian violence and their aftermath have led to further violation of Rohingyas' human rights.

Violations of Rohingyas' human rights

During and after the violent conflicts, the Myanmar government and the Inquiry Commission on Sectarian Violence in Rakhine State tried very hard to describe the violent episodes in Rakhine as sectarian or intercommunal. In their perspective, both communities were involved and attacked each other, which has resulted in loss of lives and properties of both sides. Therefore, seeing one side as the sole perpetrator is neither reasonable nor productive in terms of conflict resolution. In other words, no one is to be taken as accountable for what had happened in Rakhine in 2012. Legal action taken after the violence is also questionable. Whereas it took the authorities only one morning to identify and convict the three Muslim men for the case of Thida Htwe, it took more than one year to

²⁴ Yen Snaing, "Kaman IDPs in Arakan State Ask Govt to Rebuild Homes," *Irrawaddy*, April 24, 2015, accessed April 25, 2015, <http://www.irrawaddy.org/burma/kaman-idps-in-arakan-state-ask-govt-to-rebuild-homes.html>.

²⁵ UNHCR, "As Thousands Continue to Flee Myanmar, UNHCR Concerned about Growing Reports of Abuse," June 10 2014, accessed June 15, 2014, <http://www.unhcr.org/5396ee3b9.html>.

²⁶ Associated Press, "More than 100,000 'have now fled Myanmar'," *Al Jazeera*, October 25, 2014, accessed October 26, 2014, <http://www.aljazeera.com/news/asia/2014/10/some-100000-rohingya-now-fled-myanmar-2014102581531289651.html>

arrest six suspects²⁷ and another year and several months to give prison sentences of seven years to seven Rakhines each for killing 10 Muslims in Taungup.²⁸ Although this perspective tends to view what happened in Rakhine State as sectarian, at the same time the Myanmar government have repeatedly argued that it is not a Buddhist versus Muslim issue. However, due to the fact that Muslims bore the brunt of violence especially in terms of IDPs and their high improbability for resettlement, the international community and media have over the last two years tended to portray the violence as anti-Rohingya or anti-Muslim. It is factually undeniable that both communities were affected. However, another fact that only 3,500 Rakhines were made homeless whereas about 140,000 Muslims (including Rohingya, Kaman and other Muslims) became displaced is also undeniable. Moreover, in terms of resettlement, that of half of Rakhine IDPs has been completed but that of Muslim IDPs is still a distant reality.

However sectarian or intercommunal violence was, the role of the Union government and Rakhine State government must not be discounted. This agency perspective has been mainly taken by international human rights organizations, especially HRW. Apart from their occasional press statements, HRW released two exclusive reports on Rakhine violence. The first report issued on 1 August 2012,²⁹ which draws from interviews with both Rakhine and Rohingya witnesses, argues that the Myanmar government failed to stop it amidst mounting intercommunal tensions. The report also accused the security officials of standing by while violence was flaring up. The second HRW report issued on 22 April 2013³⁰ was more damning because it interpreted what happened in 2012 as crimes against humanity and ethnic cleansing launched by the Myanmar government, Rakhine State-level authorities, and Rakhines against Rohingyas

²⁷ Aye Nai, "Burma Arrests Six Buddhists for Role in Muslim Massacre," *Irrawaddy*, July 18, 2013, accessed July 20, 2013, <https://www.dvb.no/news/politics-news/burma-arrests-six-buddhists-for-role-in-muslim-massacre/30012>.

²⁸ Democratic Voice of Burma, "7 sentenced to 7 years each for Taungup Lynchings: DPA," *Democratic Voice of Burma*, October 27, 2014, accessed October 28, 2013, <https://www.dvb.no/news/taungup-lynchings-7-sentenced-to-7-years-each-burma-myanmar/45413>.

²⁹ Human Rights Watch, *"The Government Could Have Stopped This"*

³⁰ Human Rights Watch, *"All You Can Do Is Pray"*

and Kaman Muslims. Maung Zarni and Alice Cowley have also called what had been happening to Rohingyas since the late 1970s, including the most recent violence, a ‘slow-burning’ genocide.³¹

Upon critical analysis, this blanket criminalization of state actors as the most responsible agents in the post-2012 Rohingya plight is also open to question especially in terms of individual agency. Although Muslims have suffered the most especially in terms of houses burned, lives lost, and displacement, it is not easy to perfectly identify who did what to whom and which government officials failed to protect whom under which circumstances in each and every instance of house-burning, killing, etc.³² But more importantly, this messiness of the riotous atmosphere in Rakhine State in 2012 indeed has even given the Myanmar government to evade responsibility by emphasizing the two-sided nature and prioritizing conflict resolution.

Although Rakhines and Muslims have been arrested and given sentences for their involvement in various instances of violence, government officials, whether they are administrative or security-related, have not faced any action taken by the government for their alleged inactivity, complicity, or involvement in violence. The only exception has so far been Col. Aung Gyi, the Commander of *Na-Sa-Ka* when violence broke out in 2012. He was given a prison sentence of 40 years. But he was not publicly tried and there are only accusations and speculations regarding the causes of his arrest and imprisonment. One news source wrote that he faced charges of having taken bribes from Muslims and resultant

³¹ Maung Zarni and Alice Cowley, “The Slow-Burning Genocide of Myanmar’s Rohingya,” *Pacific Rim Law & Policy Journal* 23 (3) (2014). All of these criminal approaches which try to define what has happened to Rohingyas as ‘crimes against humanity’, ‘ethnic cleansing’, or ‘genocide’ are similar to the approach taken by Irish Center for Human Rights in its 2010 report. A similar criminal approach is being increasingly taken by projects on the Rohingyas in recent years, for example those based at the Global Center for the Responsibility to Protect at City University of New York (http://www.globalr2p.org/regions/burma_myanmar), at Queen Mary, University of London (<http://gtr.rcuk.ac.uk/project/C504C623-C54F-41BE-A377-43BE20D55B50>), and at the United States Holocaust Memorial Museum (<http://www.ushmm.org/>), accessed January 1, 2015.

³² Focused studies of Rakhine violence are yet to come.

inactivity in Maungdaw on 8 July 2012.³³ Quoting a source close to his family, the same news story also wrote that he did not give the order in time when violence broke out in Maungdaw because he suffers from hemophobia. However unreasonable or untrue this story of hemophobia of a military colonel who had been on active military service for some twenty years or so at the time of his arrest, he was the only official who has faced action from the government since June 2012. It has to be repeated here that Col. Aung Gyi as the *Na-Sa-Ka* director took direct orders from the Directorate of People's Militia and Territorial Forces under the Office of the Chief of Staff of the Tatmadaw (infantry). Except Col. Aung Gyi, legal impunity has been enjoyed by the rest of the *Na-Sa-Ka* force, and the police and other law enforcement staff dominated by Rakhines who allegedly were inactive, complicit or involved.

Muslims, almost all of them being Rohingyas, have faced unprecedented loss of identity or statelessness over the last three years. It is also undeniable that Muslim IDPs have faced strict restrictions on their movement out of the camps which have affected their enjoyment of social and economic rights. Until late 2014, only 140,000 Muslim IDPs suffered such extreme curtailment of their human rights. Now, not only they but also other 860,000 Muslims in Rakhine State who currently live in their own places face an imminent citizenship check which is highly expected to further affect the already deteriorating situation of Muslims in Rakhine.

The most problematic proposal made by Rakhine State Action Plan is to send those Muslims who decline to register under 'Bengali' to purpose-built camps. However, it does not say anything about citizenship or resettlement of those who do not register under 'Bengali'. Another proposal is also to send those who are found to be undocumented, illegal aliens to the camps and resettle them elsewhere with the help of UNHCR. Lastly, those Muslims who oppose the citizenship check or registration under the plan by engaging in violence will face criminalization and legal action.³⁴

³³ Narinjara, "Nasaka Commander Sentenced to 40 Year Imprisonment," *Narinjara*, August 9, 2012, accessed August 12, 2012, <http://narinjara.com/index.php/nasaka-commander-sentenced-to-40-year-imprisonment/>.

³⁴ *Rakhine State Action Plan*

Many troubling points are implicitly and explicitly made by those proposals by the plan. The most serious violation of the human rights or repression of Rohingyas which is likely to emerge from its strict enforcement and implementation over the next two years is the probability of some hundreds of thousands of Muslims who decline to accept registration under Bengali to be *forcefully* removed from their homes and sent to camps. During the 2014 census period, most, if not all, of Rohingyas did not participate in it in opposition to forced Bengalization. The Myanmar government is again trying to force-Bengalize which will likely to result in rejection by Rohingyas. But the end result will be very different this time because there are only two options for Muslims: register under Bengali or go to camps. Even if most, if not all, Muslims register themselves as Bengalis, how many of them will be citizenized or naturalized is also not sure yet. Therefore, the Rohingya are expected to continue to be in further legal limbo due to their unresolved citizenship status. Only when their citizenship is recognized by the government, will it have accorded them state protection. So, it all constitutes a legal vicious cycle for the Rohingya.

Another point which seems to have been intentionally included in the plan is concerned with those who do not have identity documents. It is highly problematic because Muslims in Rakhine State have not been given proper identity documents for decades except White Cards. Moreover, many of them whose houses got burned down and are now in IDP camps must have lost whatever documents they used to possess. Therefore, a significant number of Muslims in Rakhine are expected to be found undocumented during the planned scrutiny. Again, whether the check will be proper or not is another question. Rakhines did not even accept giving citizenship to 209 Muslims (40 citizens and 169 naturalized citizens) in Myebon in September 2014.³⁵ A second round of citizenship applications from Muslims in Myebon was accepted with 706 applicants in September and 300 of them were submitted to the central body (composed of four cabinet ministers for immigration and population, foreign affairs, home affairs, and defence) in September

³⁵ Those 209 Muslims and their children who are either above 18 years of age or under will also be citizenized or naturalized. There were 383 in the first category and 282 in the second. Totally, 872 Muslims in Myebon have been given Myanmar citizenship. "ဘင်္ဂါလီများကို နိုင်ငံသားပေးမည့် ကျမ်းသစ္စာကျိန်ဆိုပွဲ ကန့်ကွက်မည်ဟု မြေပုံဒေသခံများဆို," *Voice Daily (Myanmar)*, September 22, 2014, 2.

2014.³⁶ However, as of 24 October, the pilot project had already been suspended due to objections from Rakhines.³⁷ All of these clearly show that the Myanmar authorities even found it very difficult to complete processing of less than 1,000 citizenship applications in more than two years after the first round of violence in Rakhine State. Therefore, a state-wide citizenship check which will scrutinize a million-strong community is most likely to result in further problems, violent or non-violent. Whatever happens, it is most probable that it will disproportionately affect Rohingyas who are entirely powerless vis-à-vis Rakhines and the government.

Popular rejections of Rohingyas' belonging to Myanmar

On the other hand, another popular force from within the Buddhist Sangha has emerged and claimed that it would oppose any moves to recognize Rohingyas as Myanmar citizens. The best-known Buddhist nationalists in the international community and media are a loose network called the 969 monks. The numeral 969 is to be seen as a composite of 9, 6 and 9 which refer to nine qualities of Buddha, six qualities of Dhamma and nine qualities of Sangha respectively.³⁸ The 969 movement was only officially launched in October 2012 by a hitherto unknown young monks' association based in Mawlamyine called *Tha-tha-na Pālaka Gaṇavācaka Sangha Apwè*³⁹ (which may be loosely translated into English as Defenders of Sāsana and Religious Teachers Network). Its leadership is composed of five monks – Myanan Sayadaw Ashin Thaddhamma, Hitadaya Sayadaw Ashin Wimalar

³⁶ တေဇာဘုန်းမြင့်, “မြေပုံတွင်ဒုတိယအကြိမ်နိုင်ငံသားဖြစ်ခွင့်လျှောက်ထားသူ ဘင်္ဂါလီ (၇၀၆) ဦးအနက် (၃၀၀) ကို ဗဟိုသို့တင်ပြမည်,” *Messenger Daily (Myanmar)*, October 7, 2014, 2.

³⁷ Ei Ei Toe Lwin, “Citizenship Pilot Postponed in Myebon,” *Myanmar Times (English)*, October 28, 2014, accessed October 29, 2014, <http://www.mmmtimes.com/index.php/national-news/12112-citizenship-pilot-postponed-in-myebon.html>.

³⁸ A detailed discussion of the qualities of Buddha, Dhamma, and Sangha is available in U Han Htay and Saya U Chit Tin, trans. *How to Live as a Good Buddhist*, vol. 1 (Yangon: Department for the Promotion and Propagation of the Sāsana, 2002), 117-24.

³⁹ Bur: သာသနာ့ပါလကကဝါစကအဖွဲ့

Biwuntha, Ashin Wizza Nanda, Ashin Ganda Thara, Ashin Sada Ma and Ashin Pandita. It does not have a chairperson but Ashin Sada Ma, who designed the 969 emblem, is said to be its secretary.⁴⁰ However, the most famous or visible among the five monks is Myanan Sayadaw Ashin Thaddhamma. Apart from those five monks, the movement does not have a clearly visible organisational structure.

However, the 969 leaders are part of *Amyo Ba-tha Tha-tha-na Ka-kwaè-saung-shauk-ye Apwè*⁴¹ or *Ma-Ba-Tha*⁴². But *Amyo Ba-tha Tha-tha-na Ka-kwaè-saung-shauk-ye Apwè* may be literally translated into Association for Protecting and Guarding Race, Religion and Faith.⁴³ The 969 monks have relied upon the extensive network of *Ma-Ba-Tha* which has various chapters in cities and towns across the country, afforded by the overlapping executive membership of 969 and *Ma-Ba-Tha*. Amidst heightened questions from the international community and certain sections of Myanmar society who dislike the hate messages being spread by the 969 movement, the supreme *Naing-ngan-to Sangha Maha-nayaka Apwè*⁴⁴ or *Ma-Ha-Na*⁴⁵ (State Sangha Mahanayaka Committee), which is authorised to oversee all Sangha bodies in Myanmar, issued an order dated 2 September 2013 and signed by all 47 members of the Committee which banned new monks' associations, including 969. However, Ashin Baddanda Guna Linkara, vice-chair of Sangha Mahanayaka Committee (Yangon Division), has admitted that the Committee ideologically agrees with 969's defensive strategy from the Muslim threat and was only unable to

⁴⁰ Carlos S. Galache, "Who Are the Monks behind Burma's "969" Campaign?" *Democratic Voice of Burma*, May 10, 2013, accessed May 13, 2013, <http://www.dvb.no/news/features-news/the-monks-behind-burma's-969-movement-2/28079>.

⁴¹ Bur: အမျိုးဘာသာသနာကာကွယ်စောင့်ရှောက်ရေးအဖွဲ့

⁴² Bur: မဘာသ

⁴³ *Ma-Ba-Tha*'s official English translation is given by the organization either as Patriotic Association of Myanmar or Organization for the Protection of National Race and Religion. However, it is mostly known as *Ma-Ba-Tha*; therefore, it is used here.

⁴⁴ Bur: နိုင်ငံတော်သံဃာ့မဟာနာယကအဖွဲ့

⁴⁵ Bur: မဟာန

provide official approval to the monks' drafting of an anti-interreligious marriage bill.⁴⁶ Therefore, it may be argued that the 969 movement has gained the implicit approval of the State Committee, if not its outright endorsement. It was the second time the State Committee issued an order banning 969, although it was slightly unclear whether the ban was made on 14 or 24 August 2013.⁴⁷

Apart from *Ma-Ha-Na*, President Thein Sein has repeatedly promised in his radio speeches aired since the outbreak of Rakhine violence that he would not tolerate any form of inflammatory hate speech,⁴⁸ although he is reportedly close to the leaders of the movement including Ashin Wirathu.⁴⁹ Despite repeated promises by President Thein Sein, no concrete action has been taken by him or the cabinet. Moreover, the Myanmar Ministry of Religious Affairs has only said it would not provide any official recognition of the 969 movement.⁵⁰ However, U San Sint, then minister for religious affairs, arranged a special meeting between *Ma-Ba-Tha* and *Ma-Ha-Na* on 8 May 2014 and the two organizations reached an agreement to cooperate in religious affairs. U San Sint also said at a special meeting of the State Central Working Committee of the Sangha under *Ma-Ha-Na* held on 11 May 2014 that *Ma-Ba-Tha* works for perpetuation and propagation of Buddhist *Sasāna* or life of Buddhist teachings.⁵¹ Moreover, at the first anniversary of *Ma-Ba-Tha* held in

⁴⁶ Ared Ferrie and Min Zayar Oo, "Burma Buddhist Committee Bans Anti-Muslim Organizations," *Irrawaddy*, September 11, 2013, accessed September 11, 2013, <http://www.irrawaddy.org/archives/43796>.

⁴⁷ *Associated Press*, "Senior Myanmar Buddhist Clergy Ban Activist Monks from Forming Own Groups," *Fox*, September 11, 2013, accessed September 12, 2013, <http://www.foxnews.com/world/2013/09/11/senior-myanmar-buddhist-clergy-ban-activist-monks-from-forming-own-groups/>; May Sitt Paing, "Buddhist Committee's 969 Prohibitions Prompts Meeting of Movement Backers," *Irrawaddy*, September 10, 2013, accessed September 11, 2013, <http://www.irrawaddy.org/security/buddhist-committees-969-prohibitions-prompts-meeting-of-movement-backers.html>.

⁴⁸ Nyein Nyein, "Burmese President Warns Media After Mandalay Riots," *Irrawaddy*, July 8, 2014, accessed July 9, 2013, <http://www.irrawaddy.org/burma/burmese-president-warns-media-mandalay-riots.html>.

⁴⁹ Min Zin, "Why Burma Is Heading Downhill Fast," *Foreign Policy*, March 28, 2014, accessed January 6, 2015, <http://foreignpolicy.com/2014/03/28/why-burma-is-heading-downhill-fast/>.

⁵⁰ May Sitt Paing, "Buddhist Committee's 969 Prohibitions Prompts Meeting of Movement Backers"

⁵¹ မင်းမင်း, "(မဘာသ) လုပ်ဆောင်ချက် ဗုဒ္ဓသာသနာအတွက် အထောက်အကူဖြစ်ဟု သာသနာရေးဝန်ကြီးပြော," *Mizzima Daily*, May 12, 2014, p. 4. U San Sint also defended Ashin Wirathu, who has on various occasions

Yangon on 21 June 2014, Bamaw Sayadaw Ashin Kumara Bhivamsa, who chairs *Ma-Ha-Na*, stated that *Ma-Ha-Na* and *Ma-Ba-Tha* would have to cooperate for Buddhist affairs.⁵² In short, *Ma-Ha-Na* recognises *Ma-Ba-Tha* as a comrade in promotion of Buddhism. Since 969 leaders sit on the executive committee of *Ma-Ba-Tha*, it means they are indirectly recognised and protected by *Ma-Ha-Na*.

The only organisation that has so far taken action is *Ma-Ha-Na* which issued the above-mentioned orders in an attempt to ban the 969 movement, but the order was only concerned with the official formation of monks-only associations. Because 969 and *Ma-Ba-Tha* are not registered as official organisations they have evaded the ban. Moreover, the 969 leaders have been able to travel freely and widely in Myanmar and give their sermons even in a place like NRS where intercommunal tensions run high. Therefore, even if it cannot be stated without concrete evidence that the 969 movement has enjoyed official patronage from the government, it can at least be said that it has been given free rein.

The 969 monks' main argument is very simple: Buddhists must stop buying from Muslims shops and businesses; Muslims will get richer if Buddhists continue to buy from them; richer Muslims will seduce Buddhist women and convert them to Islam; and hyper-fertile Muslims and their converted wife will result in the larger Muslim population which will swallow up Buddhist Myanmar. In order to support their call for shunning Muslim businesses, 969 monks accuse Muslims of buying from Muslim-owned shops alone which strategically display '786' (which is a numerical representation of the Qur'anic verse *Bismillah hi rahmani rahim* meaning In the Name of God, the Most Gracious, the Most Compassionate).⁵³ This claim that well-to-do Muslim men try to lure Buddhist women with

attacked Islam and Muslims, as a promoter of peace and interfaith understanding. Andrew R. C. Marshall, "Special Report: Myanmar Gives Official Blessing to Anti-Muslim Monks," *Reuters*, June 27, 2013, accessed January 1, 2014, <http://www.reuters.com/article/2013/06/27/us-myanmar-969-specialreport-idUSBRE95Q04720130627>.

⁵² စနေလင်း, "မဟာနကို မဘာဝေဖန်မည်မဟုတ်," *Irrawaddy*, June 21, 2014, accessed June 22, 2014, <http://burma.irrawaddy.org/news/2014/06/21/60779.html>.

⁵³ Htet Naing Zaw, "ရခိုင်ပြည်နယ်အတွင်း ငြိငြ တရားပွဲများကျင်းပ," *Irrawaddy (Burmese)*, December 27, 2013, accessed January 5, 2014, <http://burma.irrawaddy.org/news/2013/12/27/52748.html>; Kyaw Zwa Moe, "A Radically Different Dhamma," *Irrawaddy*, June 22, 2013, accessed November 2, 2013,

financial means is very similar to the conspiracy theory popular among Hindu nationalists in India who say that Muslim men are allegedly waging a *Love Jihad* or *Romeo Jihad* against Hindu girls and women.⁵⁴

Like said above, the 969 movement's parent organization is *Ma-Ba-Tha*. The Central Committee of *Ma-Ba-Tha* is composed of 52 members and includes most senior scholar monks, such as Ywama Sayadaw Ashin Tiloka Biwuntha (Chairman) and Sitagu Sayadaw Ashin Nyanissara (Vice-Chairman 1),⁵⁵ well-known nationalist monks, such as Masoeyein Sayadaw Ashin Wirathu and Magwe Sayadaw Ashin Pamauka, leaders of the 969 movement and lay Buddhist men and women. *Ma-Ba-Tha* campaigners collected millions of signatures from Buddhists, earning the title of one of the largest signature campaigns ever launched in Myanmar's history, and sent them to the government and Hluttaw (parliament). This monastic and popular pressure eventually led President U Thein Sein to send a message in February 2014 to the Hluttaw regarding this petition, together with its 1,335,600 signatures, calling for the drafting and passing of four bills known as

<http://www.irrawaddy.org/burma/magazine-cover-story-burma/a-radically-different-dhamma.html>; Jonah Fisher, "Anti-Muslim Monk Stokes Burmese Religious Tensions," *BBC*, August 29, 2013, accessed November 1, 2013, <http://www.bbc.co.uk/news/world-asia-23846632>; Jason Szep, "Special Report: Buddhist Monks Incite Muslim Killings in Myanmar," *Reuters*, April 8, 2013, accessed November 5, 2013, <http://www.reuters.com/article/2013/04/08/us-myanmar-violence-specialreport-idUSBRE9370AP20130408>; Tin Aung Kyaw, "Buddhist Monk Wirathu Leads Violent National Campaign against Myanmar's Muslims," *Global Post*, June 21, 2013, accessed November 5, 2013, <http://www.globalpost.com/dispatches/globalpost-blogs/groundtruth-burma/buddhist-monk-wirathu-969-muslims-myanmar>; The Diplomat, "The Mad Monks of Myanmar," July 9, 2013, accessed November 30, 2013, <http://thediplomat.com/2013/07/the-mad-monks-of-myanmar/>.

⁵⁴ Charu Gupta, "Hindu Women, Muslim Men: Love Jihad and Conversions," *Economic and Political Weekly* 44 (51) (2009); Mohan Rao, "Love Jihad and Demographic Fears," *Indian Journal of Gender Studies* 18 (3) (2011).

⁵⁵ Rather detailed biographies of Ywama Sayadaw and his colleague, Sitagu Sayadaw, can be seen in Hiroko Kawanami, "Charisma, Power(s), and the *Arahant* Ideal in Burmese-Myanmar Buddhism," *Asian Ethnology* 68 (2) 2009. Although Sitagu Sayadaw is listed as Vice Chairman (1), *Ma-Ba-Tha* is generally known as Ywama Sayadaw's brainchild. Moreover, Sitagu Sayadaw has not been actively involved in *Ma-Ba-Tha*'s campaigns although he joined and gave speeches at its meetings in Yangon in 2012 and Mandalay in 2013. It seems that he sits on *Ma-Ba-Tha*'s executive committee to give his blessing to the movement by his paramount influence as the most revered Buddhist preacher in Myanmar.

*Myo-saung Upade*⁵⁶ (Race Protection Bills) – the religious conversion, interfaith marriage, monogamy, and population control bills.⁵⁷ The proposed bills, couched in the language of defense and protection, apparently aimed to prevent the fall or demise of the Buddhist race in Myanmar, all of which have become law by late August in 2015.

Although *Ma-Ba-Tha* does not specify which particular religion or community threatens Buddhism and Myanmar Buddhists, sermons given by certain monks and lay members associated with it have openly targeted Islam and Muslims. Moreover, popular opinion in Myanmar is that Islam permits polygamy, Muslim men tend to convert Buddhist women to Islam through interreligious marriage and Muslim families breed more than Buddhist ones. All these points seem to create an inevitable apocalypse – if Buddhists do not defend their religion and fellow Buddhists, Buddhism in Myanmar as a faith and Buddhists as a race shall vanish.

After seeing how *Ma-Ba-Tha* and 969 emerged and how they operate, let us see how their actions and rhetorics affect Rohingyas. Amidst the Rakhine conflicts involving Rakhine Buddhists and Rohingya and non-Rohingya Muslims, feverish claims that NRS was being swamped by hyper-fertile Muslims, and the whole Rakhine State and other parts of Myanmar were on the verge of Islamization, started to be widely seen on Facebook and in local media. Amidst international calls for the revision or repeal of the 1982 citizenship law, which in fact includes certain provisions regarding Rohingyas' citizenship, statements issued by the *Ma-Ba-Tha* headquarters in Yangon and its Mandalay chapter representing Upper Myanmar assert that it shall oppose any such moves and call for respect of Myanmar's sovereignty.⁵⁸ Like most Myanmar people, *Ma-Ba-Tha* seems to take it for granted that most, if not all, Rohingyas are illegal immigrants and ineligible for any form of permanent Myanmar citizenship under the 1982 law, and believes that the amendment or repeal of that law would naturalize Rohingyas. In particular, its campaign against their right

⁵⁶ Bur: မိုးစောင့်ဥပဒေ

⁵⁷ Lawi Weng, "Thein Sein Asks Parliament to Discuss Interfaith Marriage," *Irrawaddy*, February 27, 2014. Accessed April 1, 2014 <http://www.irrawaddy.org/burma/thein-sein-asks-parliament-discuss-interfaith-marriage.html>.

⁵⁸ *Ma-Ba-Tha* statements (on file with the author)

to citizenship and its drafting of bills to make polygamy illegal and control population growth can be said to target Rohingyas who are widely assumed to be polygamous and hyper-fertile. For *Ma-Ba-Tha*, 969 and their believers and followers, Muslims in Myanmar, especially Rohingyas, have been engaged in a ‘wombfare’.⁵⁹

On the other hand, although a survey has never been conducted on this particular topic, the majority public opinion in Myanmar nowadays from my own observation and ethnography of online opinion is that most, if not all, Rohingyas in Rakhine State are illegal migrants so they have to be deported. Or if they are found to be qualified for some type of legal Myanmar citizenship or residence, those Rohingyas may choose to be Myanmar citizens on conditions that they respect and adapt to Myanmar culture. The Final Report of the Inquiry Commission on Sectarian Violence in Rakhine also highlights the need to *culturally* citizenize or naturalize Rohingyas. This suggestion is also problematic in its implicit assumption that Rohingyas in present stage are not ready yet for cultural Myanmar citizenship even if they are qualified in terms of residence and origin. The suggestion also means that Rohingyas will undergo a two-step process of legal requirements under the 1982 citizenship law and of imposed Burmanization or Rakhinization at least to become legal and cultural citizens of Myanmar. Therefore, Rohingyas in Myanmar nowadays are both legally and culturally stateless.

During and after the 2012 violence, Rohingyas have also been figuratively portrayed as ungrateful guests who have bitten the hand that feeds them. Indeed, this notion of host and guest became the vogue in recent years. It was the learned Sitagu Sayadaw Ashin Nyanissara, arguably the most esteemed senior Buddhist monk in Myanmar, who promoted the idea of Buddhism and Buddhists as hosts and Islam and Muslims as guests and called upon Myanmar Muslims to show respects to the host majority religion and its

⁵⁹ For comparative literature regarding wombfare, see Christian Leuprecht, “Deter or Engage? The Demographic Structure of Ethnonationalist Mobilization,” In *Political Demography: How Population Changes Are Reshaping International Security and National Politics*, ed. Jack A. Goldstone, Eric P. Kaufmann and Monica Duffy Toft (Oxford: Oxford University Press, 2012); Monica Duffy Toft, “Wombfare: The Religious and Political Dimensions of Fertility and Demographic Change,” In *Political Demography: How Population Changes Are Reshaping International Security and National Politics*, ed. Jack A. Goldstone, Eric P. Kaufmann and Monica Duffy Toft (Oxford: Oxford University Press, 2012).

adherent Buddhists. The monk also cautioned in his interview in March 2013 with the *Voice Weekly*, a popular Myanmar weekly journal that as long as Muslim guests treat Buddhist hosts with respect there should be no problems between the two communities. To quote the interview:

It has been 2000 years since Buddhism arrived in Myanmar. Christians and Muslims only arrived with the English or afterwards. Compared to 2000 years, it has been only 100 or 150 years since Christians' and Muslims' arrival in Myanmar. Therefore, Buddhism is the host. Those who had invaded or migrated are guests. There are churches and mosques in peace everywhere in the country as the host Buddhists warmly welcomed guests of other peoples of different religions. Like the host warmly welcomed the guest, the guest should live in the host's house in peace and in harmony with the host. Hitting the host and trying to loot the house is not appropriate.⁶⁰

Sitagu Sayadaw's 'generous Buddhist host versus ungrateful Muslim guest' discourse has been widely shared on Facebook pages used by Myanmar Buddhists and it has formed part of the popular understanding of Buddhist-Muslim relations in Myanmar. This discourse targets not only Rohingya Muslims but other non-Rohingya Muslims whose citizenship is not unclear like that of Rohingyas. Indeed, this idea of guest-versus-host by a most senior Buddhist monk widely respected throughout the country resonated through the majority

⁶⁰ Bur: တို့မြန်မာနိုင်ငံကို ဗုဒ္ဓဘာသာ ရောက်တာနှစ် ၂၀၀၀ရှိပြီ။ ခရစ်ယာန်တွေ၊ အစ္စလာမ်တွေ ရောက်လာတာက အင်္ဂလိပ်ဝင်မှ ရောက်လာတာ။ အဲဒီနောက်မှ ရောက်လာတာဆိုတော့ နှစ်တစ်ထောင်မပြောနဲ့ တစ်ရာ တစ်ရာငါးဆယ်လောက်ပဲ ရှိသေးတယ်။ ဒါကို ပြောရမယ်ဆိုရင် ဗုဒ္ဓဘာသာက အိမ်ရှင်နိုင်ငံပါ။ အဲဒီလို Invade လုပ်ပြီးတော့ ဝင်ရောက်လာကြတဲ့ပုဂ္ဂိုလ်တွေ၊ Migrate လုပ်ပြီးတော့ ဝင်ရောက်လာကြတဲ့လူတွေက ဧည့်သည်တွေ။ အိမ်ရှင်ဗုဒ္ဓဘာသာတွေက ဧည့်သည်တခြားဘာသာခြားလူမျိုးတွေကို နှစ်နှစ်ကာကာ Warmly Welcome လုပ်လို့၊ တိုင်းပြည်ထဲမှာ Church တွေရော၊ ဗလီတွေရော နေရာတကာမှာ အေးအေးဆေးဆေး ရှိနေကြပြီ။ အဲဒီတော့ အိမ်ရှင်က ဧည့်သည်ကို လိုက်လိုက်လှဲလှဲ ကြိုဆိုလက်ခံရင် ဧည့်သည်တွေကလည်း ဒီအိမ်ရှင်ရဲ့ အိမ်ထဲမှာ အေးအေးချမ်းချမ်းနဲ့ အိမ်ရှင်နဲ့လက်တွဲပြီးတော့ နေဖို့ကောင်းတယ်။ အိမ်ရှင်ကိုရိုက်ပြီးတော့ အိမ်လုဖို့ ကြိုးစားတာ ကတော့ ဘယ်လိုမှမလျော်ဘူး ကိစ္စပဲ။ နော်ကိုကို၊ "သီတဂူဆရာတော် ဒေါက်တာအရှင်ဉာဏိဿရနှင့် တွေ့ဆုံခြင်း," *Voice Weekly (Myanmar)*, March 25 - 31, 2013, D.

Buddhist community. Although it was essentially a sociological thesis, it was able to seed an idea in the minds of the Buddhist majority, who are hosts according to the monk, that the notion of guest-versus-host must be given precedence over that of legal equality of all citizens before the law irrespective of religious faith enshrined in the current 2008 constitution.⁶¹

In other words, this social or societal inequality between Buddhists and Muslims may supersede the legal ideal of equality of every citizen before the law, a norm which is almost always enshrined in constitutions around the world. This claim and its wide echoes especially on Myanmar social media pages has created for Rohingyas (and non-Rohingya Muslims as well) an identity crisis regardless of the fact that most, if not all, of Myanmar Muslims are legal citizens. It has indeed posed as a more acute crisis for Rohingyas since most, if not all, of them are still regarded as an illegal group of people. The paramount role of social norms and popular opinion in law-making, which indeed in many ways assumes making a social contract, is also expected to block any future efforts to equalize between three different classes of citizens, let alone liberalize it.

Another huge influence upon any efforts to amend the citizenship law of 1982 in any significant ways will come from the Buddhist Sangha whose many members started preaching against it in the aftermath of sectarian conflicts in 2012 and 2013. The huge network of *Ma-Ba-Tha*, which has a combined central and lower membership of Buddhist Sangha and laity, has openly stated that any such efforts to liberalize the citizenship law shall face their disfavor and protest. As stated above, a number of Buddhist monks have started preaching across Myanmar that the citizenship law of 1982 constitutes a Buddhist bunker to protect the country and its Buddhist people from the threat of Islamization. By Islamization, what those monks implicitly refer to the over-breeding Rohingyas who are

⁶¹ The two articles specifically concerned with the legal equality of every citizen of Myanmar irrespective of religious backgrounds are Articles 347 and 348 of the Constitution of the Republic of the Union of Myanmar stated as follows: 347. The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. 348. The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth. Ministry of Information, *The Constitution of the Republic of the Union of Myanmar*, 149.

highly likely to overwhelm Rakhine first and then other Buddhist parts of Myanmar by a demographic tide.

Various Buddhist symbols, most prominently the 969 emblem, have been employed by both the Buddhist Sangha and laity against inclusion of Rohingyas in Myanmar's citizenry in any means. One of the major group-users of the 969 symbol and the Buddhist flag has been Rakhine Buddhists, creating an impression that the conflict in Rakhine and elsewhere is between two religious groups of Buddhists and Muslims. Rakhines have used Buddhist flags in public protests and private homes to show their objection to inclusion of 'Rohingya' in the 2014 census and to allowance of White Card holders to vote.⁶² Although certain Rakhine politicians have often denied the Muslims-versus-Buddhists nature of the conflict in Rakhine State, they themselves in a number of places have lobbied for the sympathy of the Buddhist majority in other parts of Myanmar by making various anti-Muslim statements. The most glaring example to support this is a vehemently anti-Muslim article featured in the 12 November 2012 newsletter of RNDP. For example, the article calls Myanmar Muslims as human animals⁶³ and compares the Adhān or Azan, the Muslim call to prayers, as cows' noise.⁶⁴ Indeed, due to the protest by a Myanmar Muslim

⁶² Kay Zue, "Rakhine Buddhists to protest against 'white card' vote decision," *Mizzima*, February 6, 2015, accessed April 26, 2015, <http://archive-3.mizzima.com/mizzima-news/myanmar/item/17518-rakhine-buddhists-to-protest-against-white-card-vote-decision/17518-rakhine-buddhists-to-protest-against-white-card-vote-decision>; British Broadcasting Corporation, "Buddhist Mobs 'Target Aid Workers' in Myanmar's Rakhine," *BBC*, March 27, 2014, accessed April 26, 2015, <http://www.bbc.com/news/world-asia-26763083>.

⁶³ Bur: လူတိရစ္ဆာန်

⁶⁴ မာယသစ္စာ, "ရခိုင်ပြည်နယ်ပြိုကွဲခဲ့လျှင်," *တိုးတက်ရေးသတင်းလွှာ*, November 2012, 18-9. Some extracts from the article in Burmese are: အကန့်အသတ်မဲ့ ဆူညံစွာ ဗလီများမှ နွားအော်သကဲ့သို့ အကြိမ်ရေများစွာ ပတ်ဝန်းကျင်အား အနှောင့်အယှက်ပေးနိုင်ခြင်း၊ အခြားဒီမိုကရေစီ ဟုဆိုသော နိုင်ငံများတွင် အကန့်အသတ်ဖြင့်သာ သတ်ဖြတ်ညှင်းဆဲခွင့်ရသော အစ်ပွဲတော်ကို ပိုက်ဆံရှိလျှင် ရှိသလောက် မြန်မာနိုင်ငံတွင် ဝယ်ယူနိုင်စက်သတ်ဖြတ်ခွင့်ရှိခြင်း... ဗုဒ္ဓဘာသာနိုင်ငံတွင် စေတီပုထိုးများနှင့်အပြိုင် ရင်ဘောင်တန်းလျက် ဗလီကြီးများဟီးအောင် စည်းမဲ့ကမ်းမဲ့ ဆောက်လုပ်ခဲ့၊ ဆောက်လုပ်ဦးမည်ဖြစ်ခြင်း။ အစ္စလာမ်မစ်နိုင်ငံများနှင့် ဘာသာခြားနှင့် လက်ထပ်ပါက သူတို့ဘာသာဝင်အဖြစ် ကူးပြောင်းကိုးကွယ်မှ အတည်ပြုတရားဝင်ဇနီးမယား

organization, the Myanmar Muslim National Affairs Organization, submitted to the Union Election Commission against the article in an RNDP newsletter caused the commission to send for RNDP and give a warning about it. However, no action was taken against the party by the Commission.⁶⁵ It is highly likely that Rakhine politicians and people aim to gain support from the Bamar Buddhist majority by drawing from the banner of Buddhism. Indeed, this Buddhist solidarity being shown by the Buddhist majority in Myanmar towards fellow Rakhine Buddhists is a new phenomenon which emerged only recently in response to the global Islamic brotherhood and Muslim fraternity widely believed in Myanmar to be secretly involved in the international advocacy for Rohingyas' citizenship and human rights in Myanmar.

Draft Rakhine State Action Plan and its impact

The Final Report of the President-appointed Inquiry Commission on Sectarian Violence in Rakhine notes that only 3,500 Rakhines were displaced as of November 2012.⁶⁶ As of July 2013, sixty four percent of Rakhine IDPs had been provided new shelter.⁶⁷ There are 1,738 Rakhine IDPs to be resettled as of September 2014 according to the most recent data contained in Rakhine State Action Plan, which has not been finalized as of September 2014

လင်ယောက်ျားဖြစ်ခွင့်ရှိသော်လည်း မြန်မာနိုင်ငံတွင် ဗုဒ္ဓဘာသာဝင် မြန်မာအမျိုးသမီးများအား အဓမ္မဖြစ်စေ၊ ငွေနှင့်ပေါက်၍ဖြစ်စေ၊ နည်းမျိုးစုံသုံးကာ စိတ်ကြိုက်ချယ်လှယ်ပြီး ဗုဒ္ဓဘာသာထဲသို့ ကူးပြောင်းစရာမလိုသည့်အပြင်၊ ကန့်ကွက်သူ၊ တိုင်ကြားသူ၊ အရေးယူသူမဲ့၊ လွတ်လပ်စွာသူတို့ဘာသာထဲသို့ ဇာတ်သွင်း၊ အလိုရှိသလောက် စိတ်ကြိုက်ယူပိုင်ခွင့်ရှိခြင်း... မြန်မာတို့က ပြည်တွင်းနေအစွဲလမ်း ဘာသာကိုးကွယ်သူဟု၊ သတင်းနှင့် သတင်းစာများတွင်ထည့်လဲသုံးနေသော်လည်း ရိုဟင်ဂျာထိလျှင် ပြည်တွင်းနေ မြန်မာမွတ်ဆလင် အမည်ခံ ထစ်ကနဲရှိ အခွင့်အရေးတောင်းဖို့တစ်ခုသာ ချောင်းနေသော လူတိရစ္ဆာန်များနှင့်...

⁶⁵ Hanna Hindstrom, "Arakanese Party Warned over Inflammatory Pictures," *Democratic Voice of Burma*, December 26, 2012, accessed December 27, 2012, <https://www.dvb.no/news/arakanese-party-warned-over-inflammatory-pictures/25400>.

⁶⁶ Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*, 28.

⁶⁷ *Ibid.*, 40.

but whose main sections are expected to remain unchanged.⁶⁸ It means half of the Rakhine IDPs have been resettled since the two waves of riots in 2012. On the part of Muslim IDPs, most of whom are Rohingyas, not a single one of them has been resettled back in their original places. As of September 2014, 138,724 Muslim IDPs await resettlement,⁶⁹ including more than 4,000 Kaman ethnic Muslims.

A pilot citizenship test for 1,094 Muslim IDPs under the ethnonym ‘Bengali’ in Myebon started on 15 June 2014 and ended on 20 September. Decision making involves three levels – Rakhine-State level, the Ministry of Immigration and Population, and the central board comprising four cabinet ministers of immigration and population, defence, home affairs and foreign affairs. Two hundred and nine applicants were cleared to be qualified for Myanmar citizenship (40 (full) citizens and 169 naturalized citizens) by the central board after a three-month period. If we include their children above and under 18 years of age, 872 Muslims in total were given Myanmar citizenship.⁷⁰ However, this naturalization of a few hundred of Rohingyas made Rakhines in Myebon unhappy who protested.⁷¹ A second round of citizenship applications from Muslims in Myebon was accepted with 706 applicants in September and 300 of them were submitted to the central board.⁷² However, as of 24 October, the pilot project had already been suspended.⁷³ All of these clearly show that the Myanmar authorities even found it very difficult to process less

⁶⁸ *Rakhine State Action Plan*, 7.

⁶⁹ *Ibid.*, 7.

⁷⁰ “ဘင်္ဂါလီများကို နိုင်ငံသားပေးမည့် ကျမ်းသစ္စာကျိန်ဆိုပွဲ ကန့်ကွက်မည်ဟု မြေပုံဒေသခံများဆို,” *Voice Daily (Myanmar)*, September 22, 2014, 2.

⁷¹ အောင်ရဲမောင်မောင်, “နိုင်ငံသားဖြစ်ခွင့်ပေးမှု မြေပုံမှာ ကန့်ကွက်မှုတွေရှိ,” *VOA (Burmese)*, September 23, 2014, accessed September 24, 2014, <http://burmese.voanews.com/content/rohingya-burma-naturalization/2459369.html>.

⁷² တေဇာဘုန်းမြင့်, “မြေပုံတွင်ဒုတိယအကြိမ်နိုင်ငံသားဖြစ်ခွင့်လျှောက်ထားသူ ဘင်္ဂါလီ (၇၀၆) ဦးအနက် (၃၀၀) ကို ဗဟိုသို့တင်ပြမည်,” *Messenger Daily (Myanmar)*, October 7, 2014, 2.

⁷³ Ei Ei Toe Lwin, “Citizenship Pilot Postponed in Myebon,” *Myanmar Times (English)*, October 28, 2014, accessed October 29, 2014, <http://www.mmmtimes.com/index.php/national-news/12112-citizenship-pilot-postponed-in-myebon.html>.

than 1,000 citizenship applications in more than two years after the first round of violence. It roughly took a month to process around 350 applications. If it will continue at the current pace, it will take more than 33 years to scrutinize around 140,000 Muslim IDPs, let alone 860,000 Muslims outside the camps. How it will be expedited to complete a check of a million people by October 2016, as targeted by the Rakhine State Action Plan, is not known yet. Moreover, besides this problematic programming by the plan and expected inefficiency on the part of the Myanmar government to implement it, another biggest obstacle in the way of any substantial naturalization project for Rohingyas is Rakhines' objection.

Most seriously, the Rakhine State Action Plan plans to send all Muslims who fail to register under 'Bengali' to camps and those who are found to lack proper documents. Rohingyas have not been given proper identity documents for decades. What most of them now have are White Cards which are not accepted by the government to have any legal recognition. Indeed, as argued in Chapters 3 and 4, it was the Burmese/Myanmar governments who illegalized Rohingyas' citizenship by writing the new citizenship law of 1982 and failed to implement it in order to citizenize or naturalize Rohingyas even under the discriminatory law. There is now a million-strong Muslim community in Rakhine and only 140,000 of them are IDPs. It means 860,000 of them are living in their own homes. Now, the non-IDP Rohingyas who are found to be undocumented would be removed from their homes, sent to internment camps and resettled elsewhere with the help of the international community. Those Rohingyas who do not even accept registration under 'Bengali' would also be removed from their homes and sent to camps although their citizenship check would be held off for an unspecified period of time. Since most of Rohingyas were not included in the 2014 census because they did not want to identify with Bengali, some hundreds of thousands of Rohingyas would again object to forced Bengalization for a second time under the Rakhine State Action Plan. Then, they would be removed by force from their home places and find themselves as IDPs living in camps. On the other hand, no legal action is dictated for Rakhines who have incessantly objected to any forms of recognition of Rohingyas.

Not only did Muslims bear the brunt of the riots, but also did they face the most unprecedented identity crisis in the history of the plight. Not only were they called illegal aliens but also were they called hordes of Muslims unfitting for cultural citizenry of Myanmar even if they are found to be legally qualified for Myanmar citizenship. Therefore, arguments have also been loudly made that Rohingya must be legally and culturally citizenized or naturalized, making it more difficult than ever.

Finally, by including those forceful measures which are most likely to result in further displacement of Rohingyas, the Rakhine State Action Plan has effectively confirmed the argument being developed in this thesis that the Burmese/Myanmar governments have always wanted to exclude Rohingyas from Myanmar's citizenry especially since the 1970s. Although the plan does seem to give a sense of conflict resolution, it is in essence another plan to further problematize and illegalize Rohingyas' identity. Even if the present and future Myanmar governments sincerely implement all the steps in the plan, it does not seem a feasible project amidst changing political dynamics, involvement of nationalist Buddhist Sangha totally against Rohingyas, and growing influence of Rakhine political and social influence in Myanmar. The Myanmar government must be aware of those dynamics and changes in terms of structure and agency. Therefore, their real intention behind the Rakhine State Action Plan is questionable at best or ill at worst.

As of May 2015, the Rakhine State Action Plan has stalled. It has neither been finalized nor implemented yet. However, the call by the plan for scrutiny of all the one-million-strong Rohingya community in Rakhine State has obviously re-emphasized the attitude at the official or semi-official level which seems to suppose that a certain percentage of Rohingyas may not be citizens of Myanmar. Therefore, it has further deteriorated the status of the Rohingya in Myanmar.

Conclusion

This chapter has mainly traced what happened during and after the sectarian Rakhine violence in June and October in 2012 which pitted Rakhine Buddhists on one hand against

Kaman, Rohingya and non-Rohingya Muslims on the other hand. The Myanmar government and its agencies have tried to depict the violence as inter-communal affecting both communities although it disproportionately affected Muslims alone in terms of both displacement and resettlement. Moreover, the Myanmar government has convinced the people within Myanmar and the international community as well that conflict resolution is the most vital task without any legal measures for alleged inactivity, complicity or involvement of security officials during the violent episodes.

Over the last three years, 140,000 Muslims have been confined to IDP camps, effectively being deprived of their various human rights. Some of their human rights – the right to freedom of movement; that to life, liberty, and security; that to a nationality; and that to an adequate standard of living – may be said to be actively violated by the government which has obviously failed to protect, respect and fulfil them. Increasingly hopeless, an estimate of more than 100,000 Rohingyas have also fled Myanmar as boats in search of better lives elsewhere often falling prey to regional human trafficking and smuggling gangs.⁷⁴ Other Rohingyas, who number around 860,000, have also been living in fears and worries because their continued legal existence is now the most problematic issue in Myanmar as questioned by the Rakhine State Action Plan. In other words, both IDPs and non-IDPs among the Rohingya population in Myanmar now find themselves in a legal limbo.

Further problematization of Rohingyas' belonging to Myanmar not only by the government but also by Rakhines, radical monks and others during and after the violence has unfortunately led to a vicious cycle out of which Rohingyas, who are now believed to be both legally and culturally non-Myanmar, do not seem to be able to get. Moreover, amidst the new political dynamics in which the Myanmar government has been increasingly been viewed as reformist, the government has successfully covered the legacy

⁷⁴ UNHCR, "As thousands continue to flee Myanmar, UNHCR concerned about growing reports of abuse"; UNHCR, "South-East Asia: irregular maritime movements: January-November 2014"; UNCHR, "South-East Asia: mixed maritime movements: April-June 2015," accessed October 30, 2015, <http://www.unhcr.org/554c6a746.html>.

of its decades-long failure to give citizenship recognition and rights to Rohingyas and of its violations of the people's human rights.

Chapter 6: Causes of Violations of Rohingyas' Human Rights

The previous three chapters provided the facts and figures of the three Rohingya exoduses and their aftermaths, and sought to ascertain the intentions behind government policies and actions against Rohingyas. This chapter seeks to analyse and synthesise the main underlying causes which have interacted with one another resulting in violations of Rohingyas' human rights. It examines both causes and causers, although more attention is paid to causes which underlie the whole issue. Firstly, it highlights the rational factor of a security-obsessed state dominated by military elites and their agents in Rakhine State who have rationally justified their violations of human rights of the Rohingyas for decades. Secondly, it discusses the structural factor of contentious centre-periphery relations between the central state and Rakhine State, which also provides a rational incentive for certain Rakhine officials in joining the government in violating human rights of the Rohingyas. Thirdly, it examines how various types of Buddhist nationalisms (the cultural factor) have emerged and evolved since the early twentieth century, and how a certain type of intensely Islamophobic Buddhist nationalism has remained and affected the status of Rohingyas in Myanmar. Fourthly, it shows how political liberalizations since 2011 and the occurrence of Rakhine-Rohingya conflicts in 2012 have structurally worsened the Rohingyas' plight amidst the rise of Rakhine nationalist power and the entry of various other political and social groups into Myanmar politics. Fifthly, it discusses the role of discriminatory and persecutory documentation policies, especially the 1982 citizenship law and the White Card, both of which have aimed at depriving Rohingyas of any connections to Myanmar. It concludes by showing how these various explanations of the violations of the Rohingyas' human rights link to the middle-range model for studying human rights violations developed in Chapter 2.

Militarized state since 1962

This section looks at how the central militarized state has rationalized its decisions to violate the human rights of the Rohingyas, which were further accepted and implemented in the field by their agents, i.e. local government and security officials based in Rakhine State.

Three regimes ruled Burma/Myanmar from 1962 to 2011: the Revolutionary Council (1962-74); the BSPP (1974-88); and the SLORC/SPDC (1988-2011). Although the level of political openness and the extent of control of each of these regimes differed and their economic systems were different too, it generally holds true that the military elites held supreme power throughout this period of almost four decades. This ‘military’ dominance in Myanmar politics from the second half of the twentieth century up until now is the most important structural cause behind the Rohingyas’ plight. To quote David Steinberg,

The *tatmadaw* occupies the pinnacle of power in the state. It has forged an identity for itself based on its perceptions of its past, present and future roles in the country; has created myths of its efficacy and place in the society; and has attempted to convince the populace that its vision is the correct, indeed the only, one. It is virtually obsessed with unity – of the state, of the military, of the concepts of governance, of ideas and the need for orthodoxy, and of the administration.¹

All three military or military-dominated regimes focused on security, and threats to security were constructed and pronounced by a small elite at the top of the military hierarchy. That is why Tin Maung Maung Than argues:

All Myanmar governments have regarded security as the preserve of state leaders. The “security elite” in Myanmar has usually consisted of a very small inner core of

¹ David I Steinberg, *Burma: The State of Myanmar* (Washington, DC: Georgetown University Press, 2001), 69.

top political and military leaders. In fact, the discourse on security has been monopolized by the defense establishment.²

Partly due to the ongoing civil wars with communists and ethnic insurgents,³ and partly due to their own world-view influenced by nationalism, paranoia, self-reliance, ethnocentrism and economic interests,⁴ all three regimes were obsessed with security. Zarni argues:

The state in Burma has been under siege since independence, resulting in the absence of political and national security. This sense of national insecurity has not only shaped the configurations of the state, but it has also instilled a siege mentality in the successive generations of powerful stakeholders in the country's national politics, that is, military officers and cadets. Operating in this state of mind, the successive generations of military officers who have had an effective monopoly over politics in Burma since 1962 have elevated concerns of national security above any other aspects of state building – social, cultural and economic development, peaceful integration of multi-ethnic communities into a single national political community, and security and dignity of individual citizens and ethnic communities throughout the country.⁵

Carl Grundy-Warr et al, similarly, argues that the refugee crises, including the one affecting Rohingyas, were mainly caused by the security practices of the military regimes in power in Myanmar. They claim that the military elites' security constructions and practices are affected by "certain ethnocentric, political and territorial strategies employed over time."⁶ In other words, the military's thinking is not just about cold strategic calculus done in terms

² Tin Maung Maung Than, "Myanmar: Preoccupation with Regime Survival, National Unity, and Stability," in *Asian Security Practice: Material and Ideational Influences*, ed. Muthiah Alagappa (Stanford: Stanford University Press, 1998), 391.

³ Mary P. Callahan, *Making Enemies: War and State Building in Burma* (Ithaca: Cornell University Press, 2003).

⁴ International Crisis Group, *Myanmar: The Military Regime's View of the World* (Bangkok; Washington, D.C.: International Crisis Group, 2001).

⁵ Zarni, "Confronting Burma/Myanmar's Security Dilemma: An Integrated Approach to National and Human Security Issues," In *Civil Society, Religion and Global Governance: Paradigms of Power and Persuasion*, ed. Helen James (New York: Routledge, 2007), 205.

⁶ Grundy-Warr et al., "Power, Territoriality and Cross-border Insecurity".

of territoriality and sovereignty, however these ideas are defined by the generals. As Andrew Selth notes, “the military regime’s mindset seems to be a complex amalgam of personal, professional, historical and cultural influences.”⁷ Therefore, in order to understand how military rule since 1962 has led to violations of human rights of Rohingyas, we have to be aware of the fact that there are various personal, institutional, cultural, ethnic, and historical factors in play behind the issue, which will be highlighted in discussions of the other causes below.⁸

This security-obsessed military mentality and thinking has been displayed in the immediate aftermaths of each of the three Rohingya exoduses during which the Burmese/Myanmar government put blame upon certain Rohingya armed groups. Although the *Mujahid* rebellion effectively ended in the early 1960s, the government has repeatedly pointed to that armed insurgency by *Mujahids* and other Rohingya groups such as RSO as the main cause behind state repression. We saw in Chapter 4 how the SLORC used highly inflammatory, racist and derogatory rhetoric against Rohingyas by pointing to *Mujahids* and other Rohingya groups which were no longer active or too weak to challenge the government. It is likely that the fact that there were Rohingyas, even if only a small number, who were considering or engaged in insurgency against the government was seen by a security-obsessed state as sufficient reason to repress all Rohingyas. This idea would have been reinforced by the widely held belief that most, if not all, Rohingyas only entered Rakhine State with the British – that they are foreigners and therefore cannot be trusted.

⁷ Andrew Selth, *Burma and the Threat of Invasion: Regime Fantasy or Strategic Reality?* (Brisbane: Griffith Asia Institute, 2008), accessed March 1, 2014, <http://www.griffith.edu.au/business-government/griffith-asia-institute/pdf/Andrew-Selth-Regional-Outlook-17v2.pdf>, 30.

⁸ For further details of how the military has built itself and subjectively and objectively has constructed security since independence, see Andrew Selth, *Burma’s Armed Forces: Power without Glory* (Norwalk: EastBridge, 2002); Callahan, *Making Enemies*; Maung Aung Myoe, *Military Doctrine and Strategy in Myanmar: A Historical Perspective* (Canberra, Strategic and Defence Studies Centre, Australian National University, 1999); Maung Aung Myoe, *Building the Tatmadaw : Myanmar Armed Forces since 1948* (Singapore: Institute of Southeast Asian Studies, 2009); Morten B Pedersen, ‘Regime Priorities and Perceptions,’ in *Promoting Human Rights in Burma: A Critique of Western Sanctions Policy* (Denver: Rowman & Littlefield, 2008), 79-123; Nakanishi, *Strong Soldiers, Failed Revolution*.

This security obsession of the Myanmar military is basically a rational factor because violations of human rights of the Rohingyas is believed by successive military regimes to be directly beneficial for territorial security and sovereignty of Myanmar, however unfounded the fears or threats of the Rohingyas constructed by the military elites are. When the Rohingyas are believed by the military elites, who ruled the country from 1962 to 2011, to threaten Myanmar's sovereignty and territorial security, violations of their civil, political, economic, social and cultural rights are rationally justified. This rationalization was further carried out by government officials in general and *Na-Sa-Ka* forces in particular that were stationed in NRS who on a daily basis violated various human rights of the Rohingya, as already discussed in Chapter 4. In other words, both the principal (central military elites) and their agents rationalized their repressive activities targeting the Rohingyas which resulted in violations of their human rights for decades. This fits in the top layer of the Middle-Range Model for Studying Human Rights Violations developed in Chapter 2 which assumes that rational principals and agents together commit human rights violations.

However, rationality or rationalization alone does not always lead to human rights violations. There must exist certain facilitating structural conditions which allow or at least neglect violations of human rights of a particular group of people.

Centre-periphery relations between Myanmar governments and Rakhine State

As argued above, human rights violations, however rationally they are justified by causers, occur not in political or social vacuum but in contexts facilitated by structural conditions. For this reason, this section discusses the nature of centre-periphery relations between successive governments and Rakhine State in order to highlight the contextual factor. In particular, it traces how governance arrangements in Rakhine State in general and NRS in particular have facilitated violations.

The role of centre-periphery relations between central Burmese/Myanmar states and Rakhine State in explaining the Rohingyas' plight has not been sufficiently analyzed. There

are two most common approaches in explaining the Rohingya plight. The first approach, which used to be most popular among human rights organizations such as AI and HRW, argues that the main agent of repression of Rohingyas is the Burmese/Myanmar state. The second approach, which recently emerged, contends that the issue was mainly sectarian between indigenous Rakhines and Rohingya/Bengali Muslims. Both are agency-based so they intentionally or unintentionally neglect the structural dimension – the nature of center-periphery relations between the central state and various peoples (mainly, Rakhines, Rohingyas, non-Rohingya Muslims) of Rakhine State before and since independence.

Arakan used to be an independent kingdom before it was invaded by the Bamar⁹ king Bodaw Paya's army in 1785, albeit at the invitation of certain Rakhine elites who had problematic power relations among themselves. That Arakan was once an independent and prosperous kingdom and was invaded by Bamars is still the most significant structural reason behind deep-seated animosity Rakhine Buddhists bear towards Bamars. Moreover, the Bamar army not only dethroned the Rakhine king Thamada but also exiled him and his family and the intelligentsia to central Burma. Aye Kyaw, the late prominent Rakhine historian well respected by Rakhines, associated the current economic poverty of Rakhines with the invasion. He argued:

Poverty of Rakhine State to this level is the very first occurrence in Rakhine history and in Myanmar history as well. Rakhine State has never been impoverished and lowly to this level. It is because after Bodaw Maung Wine colonized Rakhine State, everything was destroyed and some important things and the intelligentsia taken away.¹⁰

⁹ Bamar, not Burmese, is used most frequently here in order to highlight the inter-ethnic relations between Rakhines and Bamars (the majority ethnic community who are also Buddhists by faith). Burmese is mainly used in this thesis to refer to the civic identity representing all the ethnic and religious groups in Burma or Myanmar.

¹⁰ Bur: ရခိုင်ပြည်နယ် ဒီလောက်ထိ ဆင်းရဲနေတာဟာ ရခိုင်ပြည်ရဲ့သမိုင်း၊ မြန်မာနိုင်ငံရဲ့ သမိုင်းမှာ ပထမ ဦးဆုံး အကြိမ် ဖြစ်တယ်။ တခါမှ ရခိုင်ပြည်ဟာ ဒီလောက်ထိ မဆင်းရဲခဲ့ဘူး။ ဒီလောက်ထိလည်း မနိမ့်ကျခဲ့ဘူး။ ဘာကြောင့် ဒီလိုဖြစ်သလဲဆိုလို့ရှိရင် ရခိုင်ပြည်ကို ၁၇၈၄ ခုနှစ် ဘိုးတော်မောင်ဝိုင်းက သိမ်းပိုက် လိုက်ပြီးတဲ့ နောက်ပိုင်းမှာ အားလုံးကို ဖျက်ဆီးတယ်။ တချို့ အရေးကြီးတဲ့ ပစ္စည်းတွေ အားလုံးယူသွားတယ်။ ပညာရှင်တွေကို

To Rakhines, this meant not only an abrupt loss of their independence or sovereignty or politicide but also forced impotence to rebuild their once-powerful kingdom or state. The Bamar soldiers reportedly killed tens of thousands of Rakhines¹¹ and more Rakhines had to flee into Bengal which was then under the British. Many Rakhines rebelled against Bamars over almost the next forty years taking base in Arakan and fleeing into Bengal whenever Bamar forces tried to eliminate them. Indeed, this problem of Rakhine rebels who had run away to Bengal was one of the major factors behind the occurrence of the first Anglo-Burmese War in 1824. When Bamars asked the British to return Rakhine rebels who had taken shelter in Bengal, the latter denied and the advancing Bamar army and British forces ended up in the first Anglo-Burmese War (1824-26) after which Burma had to give up Assam, Arakan, Manipur and Tenasserim (now Tanintharyi) to the British.¹²

However, a most significant thing regarding Arakan's loss of sovereignty to Bamars happened in the aftermath of the latter's invasion. It was that Bamars as the winner took the Maha Muni Buddha Image to Mandalay. The Maha Muni is strongly believed to be a replica of Gotama Buddha which was cast in his presence during his visit to Arakan approximately in BC 554. The Image is also widely to have been able to talk when Arakanese kingdoms needed advice in face of mishaps and difficulties. Rakhines have unsuccessfully tried a number of times to regain it and still feel strongly about the loss of the Image to Bamars. Most recently a Rakhine National Conference was held in

ခေါ်သွားတယ်။ Narinjara, "ဒေါက်တာ အေးကျော်နဲ့ အင်တာဗျူး," *Narinjara*, July 6, 2011, accessed October 27, 2013, <http://www.narinjara.com/detailsbur.asp?id=3289>.

¹¹ An estimate given by San Kyaw Htun, the late Rakhine historian-cum-revolutionary who founded Arakan Revolution Force (1963-68) and Arakan Independence Organization in 1970, in his history of Rakhine written in Arakanese is that the invading Bamar army killed 236,000 Rakhines in 1785. စံကျော်ထွန်း, *ငါ့ရိုဏ်းကတိတ်နီလဲ* (Yangon: Rakhine-thar-gree Sarpay, 2014), 26.

¹² For details on the First Anglo-Burmese War (1824-26), see George Bruce, *The Burma Wars: 1824-1886* (London: Hart-Davis MacGibbon, 1973); Maung Htin Aung, *The Stricken Peacock: Anglo-Burmese Relations: 1752-1948* (The Hague: Martinus Nijhoff, 1965); Major Snodgrass, *Narrative of the Burmese War: Detailing the Operations of Major-General Sir Archibald Campbell's Army from its Landing at Rangoon in May, 1824 to the Conclusion of a Treaty of Peace at Yandaboo, in February 1826* (London: John Murray, Albermarle-Street, 1827).

Kyaukphyu from 27 April to 1 May 2014. It was the first ever state-wide Rakhine summit held since Myanmar's independence attended by representatives from Rakhine political parties, armed groups, civil society, and monastic order. The conference set the date believed to be that on which the Maha Muni was cast as the Rakhine National Day which fell on the first waning day of Kasone in the Myanmar calendar.¹³ Regarding this setting of Rakhine National Day, Dr. Aye Maung, then Chairman of RNDP and now Chairman of ANP, said:

Being able to designate the day the Mahamuni Stupa was cast as the Arakan National Day after more than 60 years of independence, as I see it, signifies a path determined by Arakanese to preserve their race and religion.¹⁴

Likewise, U Aye Thar Aung, then Chairman of ALD and now a central committee member of ANP, commented:

We, the Arakanese, have a rich history; our kingship and throne.¹⁵

In setting the date of the casting of the Maha Muni Image as Rakhine National Day and the comments by two prominent contemporary Rakhine leaders, we can clearly see the perennial significance of the Maha Muni Image and its symbolic relation¹⁶ to Rakhine kingship and throne, the Rakhine race or ethnicity, and religion (Buddhism), which has been constructed as such by Rakhine elites.

Arakan, which had to live under Bamars for a little less than four decades, found itself under the British and had to live as a British colony until 4 January 1948 when Burma gained its independence. In terms of colonization, Arakan had to pass through three stages

¹³ The first ever Rakhine National Day fell on 15 May 2014 and was held in Yangon and other places in Myanmar.

¹⁴ Thazin Htwe, "Arakan National Day celebrated in Rangoon," *Democratic Voice of Burma*, May 15, 2014, accessed May 17, 2014, <https://www.dvb.no/news/arakan-national-day-celebrated-in-rangoon-burma-myanmar/40697>.

¹⁵ Ibid.

¹⁶ Adrian Snodgrass, *The Symbolism of the Stupa* (Ithaca: Southeast Asia Program, Cornell University, 1985).

under two colonial masters – first under Bamars (1785-1824), then under the British (1826-1948), and eventually under Bamars since 1948. Rakhines who were once a proud people with their own kingdom never re-gained their land and independence.

Rakhines initially aimed for an independent Rakhine nation-state in the event of Burma's independence from the British. As far as 1930, U Tun Aung Kyaw and Daw Mya Sein, two Rakhine attendees at the London Round Table Conferences held for British India of which Burma was a province then, had planned to ask for an independent Rakhine State from the British but their Burmese co-attendees – U Ba Pe and U Chit Hlaing – discouraged them by giving them an excuse that such a motion would weaken their united voice and strength in demanding independence for Burma as a whole.¹⁷ Moreover, U Tun Aung, a Rakhine member of the Legislative Assembly in the 1930s, also called for an autonomous Rakhine state but in vain.¹⁸ U Hla Tun Phyu, a Rakhine lawyer, and some other Rakhines in Rangoon even asked the British administration of Burma in 1947 to grant an independent Rakhine state under the name of 'Arakanistan'.¹⁹

Representatives of Burma Independence Army (BIA) made promises to Rakhine nationalists that Rakhine State would be granted independence and the Maha Muni Image returned when Burma gained its independence. Those promises were made by BIA representatives because they were in strong need of Rakhines' support in fighting with the Japanese against the British.²⁰ Despite those promises, after the Japanese came in, Aung San and the top leadership of BIA became very busy with their ultimate aim of gaining total independence from the British. Aung San himself did argue once that Mons are

¹⁷ This discussion of Rakhine nationalists' aspirations for a separate Rakhine State or Rakhine statehood as a constituent state of independent Burma heavily draws from Kyaw Win, U Mya Han and U Thein Hlaing, *Myanmar Politics: 1958-1962*, trans. U Hla Shain, vol. 3 (Yangon: Department of Historical Research, Ministry of Culture, 2011), 117.

¹⁸ Ibid., 117.

¹⁹ Ibid., 117.

²⁰ သခင်တင်မြ, *ဘုံဘဝမှာဖြင့်* (ရန်ကုန်: ပန်းရွှေပြည်စာအုပ်တိုက်, 2004), 245-6. In his memoir, Thakhin Tin Mya who was involved in nationalist politics of those days writes that Thein Aung, an underground Burmese nationalist, made those two promises to U Pyinnya Thiha, a Rakhine nationalist monk.

similar to Bamar in culture due to the common religious belief of Buddhism so they should not think of themselves as a race different from Bamars. Aung San did not mention 'Rakhine' by name but he most probably would have said the same thing regarding Rakhines due to the common culture between Bamars and Rakhines.²¹ Rakhines were not invited to the Panlong Conference after which a treaty was signed between the Bamar on one hand and the Kachin, Kayin, Kayah (then Karenni), and Chin on 12 February 1947. Apparently, Rakhine independence or self-autonomy was not on the agenda of those days. Resultantly, Rakhines were not even given the status of a constituent state on par for example with Kayin State, let alone total independence, when the 1947 Constitution was drafted and independence gained in 1948. Arakan was then designated as a Division of independent Burma.

However, Rakhines did not seem to have forgotten their nationalist aspirations. The question of Rakhine State as a constituent state of independent Burma did recur on a number of occasions. For example, a secessionist Rakhine monastic association, by the name of Arakanese Thawthuyana Monks Association, used to agitate for total independence from Burma.²² D. E. Smith notes three instances – a three-day fast of 300 Rakhine monks at Sule Pagoda in Yangon in September 1954; a protest by 500 monks with the Arakanese Thawthuyana Monks Association surrounding the Secretariat or Ministers' Office in September 1957; and another protest by 300 monks with the Association again surrounding the Secretariat Office in February 1958.²³ The main reasons that the protesting monks gave were that the U Nu government was pro-*Mujahid* or pro-Rohingya and the Anti-Fascist People-Freedom League (AFPFL) government was "ruling Arakan like a colony."²⁴ So Rakhine monks demanded: "Give us statehood and we will defend our state and our religion."²⁵

²¹ Kyaw Win, U Mya Han and U Thein Hlaing, *Myanmar Politics*, 116.

²² Donald E. Smith, *Religion and Politics in Burma* (Princeton: Princeton University Press, 1965).

²³ *Ibid.*, 199.

²⁴ *Ibid.*, 199.

²⁵ Indeed, this 'give us complete autonomy and we will defend against Rohingyas' rhetoric is similar to the repeated calls by Rakhines post-2012 for a Rakhine Buddhist army or people's militia to solve the Rohingya

On the other hand, through the formal channel, Rakhine MPs from Arakan National Unity Organization (ANUO) at the parliament also tried to secure Rakhine State, but in vain. Rakhine State was only recognized as a constituent state of independent Burma in 1974 when the socialist Constitution of the Socialist Republic of the Union of Burma created it. But the state created by the constitution was a one-party state which only gave nominal recognition to states without substantial power-sharing and resource-sharing between the central government and states.²⁶

This section will not go into further details of the demands for Rakhine State in independent Burma throughout the 1950s.²⁷ However, one important fact which must be stated here is that Rohingyas did object to Rakhine aspirations for statehood. Amidst growing calls for statehood by Rakhines in the 1950s, U Nu formed an advisory board chaired by ex-President Dr Ba U in April 1960. After their wide survey in Rakhine State, the board submitted its report to U Nu on 3 January 1961. There were different views representing the peoples of four districts which together constituted Rakhine Division – Sittwe District, Kyaukphyu District, Thandwe District and Mayu District. According to the report, 90 percent of the people of Sittwe District and around 50 percent of the people of Kyaukphyu District wanted statehood whereas half of the people of the latter did not. On the other hand, 80 percent of the people of Thandwe District did not want statehood and called for inclusion in Patheingyi District of Burma Proper. Most importantly, Rohingya

question See Ei Ei Toe Lwin, “U Shwe Mann Promises to Devolve Power,” *Myanmar Times (English)*, May 3, 2014, accessed May 13, 2014, <http://www.mmtimes.com/index.php/national-news/10229-u-shwe-mann-promises-to-devolve-power.html>; Bill O’Toole, “Militia Call a Shot in the Arm for Rakhine Armies,” *Myanmar Times (English)*, May 12, 2014, accessed May 13, 2014, <http://www.mmtimes.com/index.php/home-page/142-in-depth/10346-militia-call-a-shot-in-the-arm-for-rakhine-armies-2.html>. Indeed, Arakan Army (AA) was formed in 2008 mostly with ex- Rakhine Buddhist monks claiming to defend Rakhine State against Muslims. David Brenner, “When Buddhist Monks Wield Kalashnikovs,” *Foreign Policy*, July 2, 2014, accessed July 3, 2014, http://www.foreignpolicy.com/articles/2014/07/02/when_buddhist_monks_wield_kalashnikovs.

²⁶ Robert H. Taylor, *The State in Myanmar* (Honolulu: University of Hawaii Press, 2009).

²⁷ Details can be read in Kyaw Win, U Mya Han and U Thein Hlaing, *Myanmar Politics*, 114-190.

leaders from Mayu District also objected to Rakhine statehood and asked that Mayu (or NRS) be incorporated into Burma if Rakhines were to be granted statehood.²⁸

In other words, Rakhine-Rohingya animosities dated back to those days in the late 1950s and early 1960s when Rakhines were agitating for statehood. It was the start of outright political competition between Rakhines and Rohingyas in independent Burma because the latter must have been thought by the former of being in the former's way to statehood. Moreover, peaceful coexistence between the two communities for decades, if not centuries, seemed to have vanished with those political manoeuvres on both sides. The Rohingyas' call for their separation from a future Rakhine State was acceded to by the U Nu government and a Mayu Frontier District Administration (MFA) was formed on 1 May 1961²⁹ with headquarters in Maungdaw. MFA was put under Lt. Col. Yai Gaung as the Special Deputy Commissioner for the Mayu District. MFA was short-lived with the coming to power of the Revolutionary Council in a coup on 2 March 1962. Muslim political activities came to a halt with the end of MFA.³⁰

Although Rakhines did not obtain independent statehood or autonomous statehood, they obtained Rakhine State in 1974, which has been a nominally constituent state of Burma/Myanmar until now. Rakhine nationalist aims of power-sharing and resource-sharing have not been fulfilled. But most, if not all, of the Rakhine-state-level government positions were occupied by Rakhines whereas Rohingyas saw their political and social influence decline further and further throughout the 1960s and 1970s until when they were driven out en mass in 1978 for the first time and 1991-92 for the second time. Rohingyas may even be said to be in an unprecedented crisis post 2012.

In general, in terms of impact upon Rohingyas, Rakhines may be said to have gained the upper hand in terms of Rakhine-Rohingya relations in the 1970s and the 1980s with the establishment of Rakhine State in 1974 although Rakhines also suffered neglect by

²⁸ Ibid., 166.

²⁹ The official statement on the establishment of MFA was reproduced in the *Burma Weekly*, May 11, 1961, 13. The *Burma Weekly* was a periodical published by the AFPFL government.

³⁰ Yegar, *Between Integration and Secession*, 51.

the Burmese/Myanmar authorities. Economically, Rakhine State under the BSPP became one of the poor states of Burma. Burma was even designated as a Least-Developed Countries by the UN in 1987.³¹ Although Rakhine State used to be thought of as the second poorest state in the country after Chin State over the last decades, a recent Word Bank report states that Rakhine State has the highest poverty rate, i.e. 78 percent.³² But what Rakhines suffered was mostly caused by neglect rather than active repression which many Rohingyas increasingly faced from the late 1970s onwards. However, all of these trajectories in terms of political conflict and economic poverty in Rakhine State vis-à-vis the central state(s) of Burma/Myanmar have been a highly relevant structural factor behind the Rohingya plight.

All of these political trajectories of the territory, now known as Rakhine State, and competition between Rakhines and Rohingyas have strongly implied that there is a strong structural imbalance behind the plight of the Rohingya. The two communities were in intense competition over political recognition in the 1950s and 1960s although since the late 1970s, Rakhines have gained the upper hand. It is true that Rakhines, like many other ethnic minorities in the country did, also suffered under general political repression of successive military or military-dominated regimes since 1962. This structural imbalance between Rakhines and central Bamar-dominated governments has in a way contributed to Rakhine animosities directly against the governments and indirectly against the Rohingyas. However, Rakhines have not suffered a unique treatment of the governments like Rohingyas have. Moreover, while Rohingyas were largely believed or at least said to be

³¹ Mya Maung, *The Burma Road to Poverty*; Myat Thein, *Economic Development of Myanmar* (Singapore: Institute of Southeast Asian Studies, 2004).

³² World Bank, *Myanmar: Ending Poverty and Boosting Shared Prosperity in a Time of Transition: A Systematic Country Diagnostic* (Washington D.C.: World Bank, 2014), accessed January 1, 2015, <http://www.worldbank.org/en/news/press-release/2014/12/15/ending-poverty-and-boosting-shared-prosperity-in-myanmar>.

illegal migrants, Rakhines have been recognised as one of the ethnic minorities in Myanmar.³³

To sum up, whether this structural imbalance between the central governments of Myanmar and Rakhine State on one hand and between Rakhines and Rohingyas on the other hand has played a role in the plight of the Rohingyas is an important question. This section ends here by arguing so because the upper hand gained by Rakhines has satisfied two conditions of the middle-range model for human rights violations. Firstly, Rakhines, who constitute two-thirds of the total population of Rakhine State whereas Rohingyas one-third, have strong rational reasons to be part of the government plan to violate the human rights of the Rohingyas. It is especially true for the case of Rakhine officials in government departments and offices in Rakhine State. Secondly, this rationalization of certain nationalist Rakhines has been facilitated by the structural factor of governance in Rakhine State, which is again mainly dominated by Rakhines at least in low- and middle-level positions with whom the Rohingyas have had to deal with on a daily basis.

So far, we have already discussed the role of rational reasons of the principals (central government) and their Rakhine and non-Rakhine agents and structural reasons of imbalance between the central states and Rakhine State and between Rakhines and Rohingyas. All of these fit in the middle-range model for human rights violations discussed in Chapter 2.

Role of different traits of Buddhist nationalism and Islamophobia

Until the occurrence of sectarian violence in Rakhine State, the role of Buddhist nationalism and its Islamophobic tendencies in causing the plight of the Rohingyas used to be underestimated. However, the largely cultural factor emerged to be the most important reason for the current situation of the Rohingyas. This section will trace how popular

³³ This structural imbalance came to prominence again with the occurrence of sectarian violence in Rakhine State in 2012, as we will see in the second next section on the impact of political changes since 2011.

Buddhist nationalism emerged in the first place during the British colonial era and has arrived at today's staunchly anti-Rohingya stage.

Buddhism in Myanmar

Every discussion of Buddhist nationalism in Myanmar should start with the role of Buddhism or Buddhist monks since the beginning of the twentieth century and well into the twenty-first century. A distinction should be in theory made here between two versions of Buddhism – canonical or scriptural Buddhism and political or popular Buddhism.³⁴ Moreover, canonical and popular Buddhisms are inseparably intertwined in Buddhist societies. In his survey of Theravāda Buddhism in Southeast Asia, Robert Lester laments on the dominance of the canonical view of Buddhism in academia:

Buddhism as philosophy and as a meditative discipline has been known and appreciated in the Western world for some time. Buddhism as the way of life of a people, an all-encompassing, multileveled life-style, the instrument of a people's identity and cultural continuity, is not so well known. This is regrettable.³⁵

³⁴ Heinz Bechert proposes a typological theory dividing Buddhisms into three types: canonical Buddhism; traditional Buddhism; and modern Buddhism. Canonical Buddhism does not need further explanation. But he divides what I call popular or political Buddhism into traditional Buddhism and modern Buddhism. By traditional Buddhism, he refers to “the totality of beliefs and practices of Buddhists in the periods after the final codification of the canonical scriptures and before the beginnings of the modern period whereas he defines modern Buddhism as “a common designation of all forms of Buddhism that have developed under the impact of the changes which have taken place in the modern period; these include “modernistic” forms of Buddhism as well as “traditionalist” responses to the challenge of outside influences.” Heinz Bechert, “Sangha, State, Society, “Nation”: Persistence of Traditions in “Post-Traditional” Buddhist Societies.” *Daedalus (Post-Traditional Societies)* 102 (1) (1973), 85. Since this section does not aim to provide a comprehensive account of Buddhism or Buddhisms in Burmese/Myanmar history and I will not discuss in detail how traditional Buddhism in pre-colonial Burma has metamorphosed or developed into modern Buddhism from the British colonization period onwards, I will stick to ‘popular Buddhism’.

³⁵ Lester, *Theravada Buddhism in Southeast Asia*, 1.

Moreover, in the case of Southeast Asia a Buddhist “thinks of his whole way of life as Buddhist – his individual, family and village.”³⁶ Charles Keyes has identified the close connection between Buddhism and social life, noting that Buddhism “has never been separate from the social world in which Buddhists live,”³⁷ contrary to the popular view in the West partly influenced by Max Weber³⁸ that Buddhism is a-political and other-worldly.

Moreover, a dichotomy also persists in academia between most studies highlighting Buddhist teachings of non-violence (*ahimsa*) and loving kindness (*metta*) and few others seeking to analyse the real social and political impacts of Buddhism upon violence and discrimination and persecution of minorities in Buddhist or Buddhist-majority countries. A dichotomy is also found in studies on the Saffron-robed monk between those on serene and metta-chanting monks and those on many other roles, both positive and negative, which those monks play in society.³⁹ This has led the author of a recent study of Buddhism in Southeast Asia to note:

A problem adheres to the use of the word, *monk*. Frequently, Buddhist scholars construct the Buddhist monk as a rational renouncer who singlemindedly walks the Buddha’s path toward enlightenment (*nibbana*). They either ignore or are oblivious to the multiple roles

³⁶ Ibid., 3.

³⁷ Keyes, “Monks, Guns and Peace,” 147.

³⁸ Max Weber, *The Religion of India: The Sociology of Hinduism and Buddhism*, trans. and ed. Hans H. Gerth and Don Martindale (Glencoe, Illinois: The Free Press, 1958).

³⁹ However, a number of studies which study nuanced relations between Sangha and politics exist: for Thailand, see Stanley J. Tambiah, *World Conqueror and World Renouncer: A Study of Buddhism and Polity in Thailand against a Historical Background* (Cambridge: Cambridge University Press, 1976); for Sri Lanka, see Suren Rāghavan, *Buddhist Monks and the Politics of Lanka's Civil War: Ethnoreligious Nationalism of the Sinhala Saṅgha and Peacemaking in Sri Lanka, 1995-2010* (Bristol, CT: Equinox Publishing Ltd, 2014); for Burma, see Donald E. Smith, *Religion and Politics in Burma* (Princeton: Princeton University Press, 1965); and U Maung Maung, *From Sangha to Laity: Nationalist Movements of Burma, 1920-1940* (New Delhi: Manohar, 1980).

played by the monk, not just in the present day, but also throughout Buddhist history.⁴⁰
(Italics in original)

Indeed, this incomplete understanding of the Buddhist monastic order partly lies in existence of various shades of meaning of the term ‘Sangha’. Distinction has to be made on its meaning depending upon locality or context. Robert Childers’ acclaimed Pali-English dictionary published in 1875 defines Sangha as follows:

As a term for an assemblage of Buddhist priests the word Sangha has several shades of meaning. First it is applied to the Church of Buddha all over the world, viz. all who are ordained Buddhist priests. This is its widest and most important use. The Sangha or Church is one of the Three Gems or objects of the highest veneration to all devout Buddhists. It is so because all who enroll themselves in the Sangha thereby solemnly renounce the world, and devote themselves to the attainment of that perfect sanctification (Arhatship)⁴¹ which results in annihilation (Nibbána). Though it is true that all priests do not attain Arhatship in this existence, yet none but a priest can attain Arhatship in this existence, and consequently cease to exist when death takes place, and heaven is the only immediate reward that the pious layman can look to. The fact that some priests are sinners ... does not detract from the sanctity of the Sangha viewed as an object of veneration, since the priesthood contains innumerable saints, and the unworthiness of a few representatives does not impair the sacred character of the office.

Besides, in terms of age the Buddhist Sangha is the longest-living religious order in the world and “its sustaining power is shown by the fact that no other human institution has had such a long-lasting continuous existence, along with such a wide diffusion, as the

⁴⁰ Donald K. Swearer, *The Buddhist World of Southeast Asia*. 2nd ed. (Albany: State University of New York Press, 2012), x.

⁴¹ Hiroko Kawanami lists three most-respected types of Buddhist monks – the scholar, the preacher and the arhant/arahan (saintly monk) – and argues that the last type which is rarest among the three receives maximum reverence from lay Buddhist patrons. Her article delineates how four late Buddhist monks – Second Taung-hpila Sayadaw, Paríkamma Sayadaw, Konlon Sayadaw, and Thamanya Sayadaw – all of whom she met when they were alive received enormous awe and reverence from Buddhist patrons of all sorts, including high-ranking government officials. See Kawanami, “Charisma, Power(s), and the Arahant Ideal in Burmese-Myanmar Buddhism”.

Buddhist *Sangha*.⁴² (Italics in original) In the case of Myanmar, it is the only institution from pre-colonization which has remained until now. In terms of age, if we take the Pagan (now Bagan) Dynasty (1044-1325ca.) as the beginning of the emergence of Theravada Buddhist Burma,⁴³ it means that the Buddhist Sangha in Myanmar has existed for a millennium.

Moreover within Buddhist theology itself, monks are regarded as one of the Three Gems of Buddhism or the “Tiratana (Skt Triratna) or ‘three jewels’:⁴⁴ spiritual treasures of supreme worth.”⁴⁵ It puts the Sangha on par with Lord Buddha and Dhamma/Dharma (his teachings). Lord Buddha does not live anymore and his teachings do not constitute physical reality. Therefore, among the three Gems themselves, lay Buddhists may only experience day-to-day interactions with monks alone in which the former play the role of material providers and the latter that of spiritual guides. Therefore, Peter Harvey argues:

Monastic involvement in politics is a type of interaction with the lay world perhaps most at odds with the archetype of the monk as a non-involved world-renouncer. Nevertheless, as Buddhism spread literate culture into many societies in the process of political unification and organization, it is not surprising that the *Sangha* came to wield political influence, or even political power, in a number of countries.⁴⁶ (Italics in original)

Mettashin Shwe Pyi Thar Ashin Zawana, one of the most popular Buddhist preachers in Myanmar, gives the title ‘Lifeblood of Myanmar’⁴⁷ to one of his books and argues that

⁴² Peter Harvey, *An Introduction to Buddhism: Teachings, History and Practices*, 1st ed. (Cambridge: Cambridge University Press, 1990), 73.

⁴³ E Sarkisyanz, *Buddhist Backgrounds of the Burmese Revolution* (The Hague: Martinus Nijhoff, 1965); Guenter Lewy, “Militant Buddhist Nationalism: The Case of Burma,” *Journal of Church and State* 14 (1) (1972); Than Tun, “History of Buddhism in Burma: A.D. 1000-1300,” *Journal of Burma Research Society* 62 (2) (1959).

⁴⁴ Bur: တြိရတန or ရတနာသုံးပါး (ဘုရား၊ တရား၊ သံဃာ)

⁴⁵ Peter Harvey, *An Introduction to Buddhism: Teachings, History and Practices*, 2nd ed. (Cambridge: Cambridge University Press, 2013), 245.

⁴⁶ Harvey, *An Introduction to Buddhism*, 1st ed., 243.

⁴⁷ Bur: မြန်မာတို့၏အသက်. မေတ္တာရင်ခွင်ပြည်သာ, မြန်မာတို့၏အသက် (ရန်ကုန်: ချိုတေးသံစာပေ, 2003).

Buddhism is an essential part of Myanmar. J. S. Furnivall also argued that “it is Buddhism that has moulded social Burman life and thought and, to the present day, the ordinary Burman regards the terms “Burman” and “Buddhist” as practically equivalent and inseparable.”⁴⁸ Indeed, Buddhist monks may arguably be said to enjoy the highest reverence provided by their lay patrons even among various types of clergies of different world religions, as Melford E. Spiro argues: “There is probably no other clergy in the world which receives as much honor and respect as are offered the Buddhist monks of Burma.”⁴⁹

A look at daily lives of lay Buddhists in various places in Myanmar, especially in villages, will have enabled the onlooker to understand the inter-personal relationships between Buddhist monks and lay Buddhists. Indeed, this inter-personal relationship between the monastic order and the Buddhist laity constitutes a very important structural cause of the political role of the Buddhist monk. Therefore, Manning Nash asserted: “Buddhism is a pervading force in Burmese society. Even to the casual eye the hillsides dotted with pagodas, the hosts of saffron robed monks, and the innumerable monasteries proclaim the strength and depth of Buddhist belief and practice in Burma.”⁵⁰ To sum up, there is a strong role and tradition of popular Buddhism in Myanmar and its power is made stronger and more evident especially when the majority Buddhist identity is invoked.

British colonization and its impact upon Buddhism

In pre-colonial Burma, “the relationship between state and *sangha* during the monarchy was essentially a patron-client arrangement, whereby the state provided for the *sangha*’s material well-being and the *sangha* legitimated the state in numerous ways.”⁵¹ (Italics in

⁴⁸ John S. Furnivall, *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India* (New York: New York University Press, 1956), 12.

⁴⁹ Melford E. Spiro, *Buddhism and Society: A Great Tradition and its Burmese Vicissitudes*, 2nd ed. (Berkeley: University of California Press, 1982), 396.

⁵⁰ Manning Nash, “Burmese Buddhism in Everyday Life,” *American Anthropologist (New Series)* 65 (2) (1963), 285.

⁵¹ Michael Aung-Thwin, “Those Men in Saffron Robes,” *Journal of Burma Studies* 17 (2) (2013), 246.

original) Therefore, “the state [the king] and *sangha* were the two main institutions of Burmese society — “pillars” holding up the Burmese house, so to speak — their relationship was structurally the most important in monarchical Myanmar.”⁵² (Italics in original) British colonization destroyed kingship, one of the two wheels of Buddhism and the other being the Sangha, which maintained a balance in ancient Buddhist kingdoms.⁵³ Michael Aung-Thwin comments on the structural impact of British colonization upon the patron-client relationship between the king and the Sangha, as follows:

[In] 1885 ... one of the two “pillars,” the monarchy, was eliminated at British Annexation. That not only removed the patron in the relationship, but now the “client” (the *sangha*) had to face a new and very different overseer (“patron” if you wish) in the British. Thus, although the old “pillar” was replaced by a new one (the colonial state), there was no longer a “cross-beam” to secure the other pillar and stabilize the two and provide balance to the structure.⁵⁴

British colonization effectively brought about a cultural trauma, as Robert H. Taylor argues:

No event in the history of Myanmar was as complete and as traumatic to Myanmar’s civilisation as the loss to the British-Indian empire of the monarchical state and the Buddhist order it upheld.⁵⁵

This ‘cultural trauma’⁵⁶ or ‘national trauma’⁵⁷ has led to a rhetoric which interprets almost everything related to British colonization as a collective memory of self-victimization.

⁵² Ibid., 246.

⁵³ Frank Reynolds, “The Two Wheels of Dhamma: A Study of Early Buddhism,” In *The Two Wheels of Dhamma: Essays on the Theravada Tradition in India and Ceylon*, ed. Bardwell L. Smith (Chambersburg: American Academy of Religion).

⁵⁴ Aung-Thwin, “Those Men in Saffron Robes,” 246.

⁵⁵ Taylor, *The State in Myanmar*, 15.

⁵⁶ Jeffrey C. Alexander et al., *Cultural Trauma and Collective Identity* (Berkeley: University of California Press, 2004).

⁵⁷ Arthur G. Neal, *National Trauma and Collective Memory: Major Events in the American Century* (Armonk, N.Y.: M.E. Sharpe, 1998).

Therefore, “the historiography of colonial Burma is characterized by a singular tragic narrative: colonialism was a deeply traumatic and emasculating experience that left colonized men and women with no choice but to regard foreign people, norms, and practices as oppressive and exploitative.”⁵⁸

Amidst popular perceptions of alien British Christian domination and replacement of monastic education by secular Christian missionary schools colonial Burma at the start of the twentieth century saw a short-lived Buddhist renaissance movement, which was neither politically violent nor anti-Muslim.⁵⁹ The movement reached a climax with the establishment of Young Men’s Buddhist Association (YMBA) in 1906, modelled on its Christian counterpart – Young Men’s Christian Association (YMCA). Alleged Buddhist corruption or moral decay was noted by one of the founders and then President of the YMBA, U May Oung, in his reported lecture delivered at the Rangoon College Buddhist Association on 9 August 1908.

On all sides, they [U May Oung and his listeners] saw the ceaseless, ebb-less tide of foreign civilization and learning, steadily creeping over the land, and it seemed to him that unless they prepared themselves to meet it, to overcome it, and to apply it to their own needs, their national character, their institutions, their very existence as a distinct nationality would be swept away, submerged, irretrievably lost.⁶⁰

Despite its professed Buddhist aims, YMBA gradually became political and involved in nationalist politics. In short, the supposedly pure Buddhist objective of YMBA, its

⁵⁸ Ikeya, *Refiguring Women, Colonialism, and Modernity in Burma*, 4. The self-victimization rhetoric-cum-mentality blaming everything that is happening in Myanmar for British colonization is still prominent especially at the official level. That is why Jonathan Saha notes: “The military regime that has ruled Burma for almost half a century has regularly found denigrating the colonial regime to be a useful rhetorical strategy, shifting the blame for contemporary problems into the past.” Jonathan Saha, *Law, Disorder and the Colonial State: Corruption in Burma c.1900* (Houndmills: Palgrave Macmillan, 2013), 126.

⁵⁹ However, by using early British sources often overlooked, Jordan Carlyle Winfield argues that the rebellions at the dawn of colonization were fuelled by Buddhist sentiments. Jordan Carlyle Winfield, “Buddhism and Insurrection in Burma, 1886–1890,” *Journal of the Royal Asiatic Society of Great Britain & Ireland* 20 (3) (2010).

⁶⁰ U May Oung, “The Modern Burman,” *Journal of the Burma Research Society* 33 (1) (1950), 2.

predecessors and its contemporary organizations did not last long.⁶¹ Increasingly political and popular, YMBA renamed itself first as General Council of Buddhist Associations and then as the General Council of Burmese Associations (GCBA) at the eighth YMBA Conference held in Prome (now Pyay) in October 1920.⁶²

With the opening of the Suez Canal in 1869 and growing international demand, the British tried to commercialize and develop the Burmese agricultural sector. To man the sector, the British brought in cheap labour from India which had already been under their rule. Hundreds of thousands of middle-class Indians also migrated to work in the colonial bureaucracy and in other professions. Colonial Rangoon was more like an Indian city than a Burmese one due to the fact that the largest population of the city was Indian.⁶³

Although real power was in the hands of the British masters and Indians only worked for them,⁶⁴ Indians posed the most visible demographic threat to Bamars especially

⁶¹ A comprehensive account of this early Buddhist renaissance movement can be seen in Alicia Turner, "Buddhism, Colonialism and the Boundaries of Religion: Theravada Buddhism in Burma, 1885-1920" (PhD diss.: University of Chicago, 2009); and Alicia Turner, *Saving Buddhism: The Impermanence of Religion in Colonial Burma* (Honolulu: University of Hawaii Press, 2014). For good historical accounts of the Burmese traditional monastic education system and its replacement by secular British schools, see Alicia Turner, "Religion-Making and Its Failures: Turning Monasteries into Schools and Buddhism into a Religion in Colonial Burma," In *Secularism and Religion-Making*, ed. Markus Dressler and Arvind-Pal S. Mandair (New York: Oxford University Press, 2011); Juliane Schober, "Colonial Knowledge and Buddhist Education in Burma," In *Buddhism, Power and Political Order*, ed. Ian Charles Harris (New York: Routledge, 2007); Nick Cheesman, "School, State and Sangha in Burma," *Comparative Education* 39 (1) (2003).

⁶² Robert H. Taylor, *The State in Burma* (Honolulu: University of Hawaii Press, 1987); Smith, *Religion and Politics in Burma*.

⁶³ B. R. Pearn, *A History of Rangoon* (Rangoon: American Baptist Mission Press, 1939); Donald M. Seekins, *State and Society in Modern Rangoon* (Milton Park, Abingdon, Oxon: Routledge, 2011); James Baxter, *Report on Indian Migration* (Rangoon: Superintendent, Govt. Printing and Stationery, 1941); Nalini R. Chakravarti, *The Indian Minority in Burma*; Usha Mahajani, *The Role of Indian Minorities in Burma and Malaya*. New York: Vora & Co. Publishers, 1960).

⁶⁴ For a comprehensive account of the British administration system in colonial Burma, see F. S. V. Donnison, *Public Administration in Burma: A Study of Development during the British Connexion* (London: Royal Institute of International Affairs, 1953); J. S. Furnivall, *Colonial Policy and Practice: A Comparative*

in big cities such as Rangoon.⁶⁵ Since they only held top positions of the colonial bureaucracy, “British officials were so few in number.”⁶⁶ All the middle and lower level jobs were mainly filled by Indians.⁶⁷ A very significant money-lender community known as

Study of Burma and Netherlands India (New York: New York University Press, 1956); J. S. Furnivall, *The Governance of Modern Burma*, 2nd ed. (New York: Institute of Pacific Relations, 1960); and J. S. Furnivall, *The Fashioning of Leviathan: The Beginnings of British Rule in Burma* (Canberra: Economic History of Southeast Asian Project and Thai-Yunnan Project, 1991).

⁶⁵ F. S. V. Donnison gives three reasons provided by the British for this dominance of Indians in the colonial bureaucracy, except in positions which require local language skills and experience: British officials’ familiarity with Indians and the languages they use; Indians’ familiarity with the British system of administration; and Indians’ English language skills. F. S. V. Donnison, *Burma* (New York: Praeger, 1970), 90. Andrew Selth notes that the colonial army also preferred minority races such as the Karen, Chin and Kachin to Barmars by claiming that the former are martial races and Bamar loyalty to the colonial government is suspicious amidst rising nationalism from the beginning of the twentieth century onwards. Andrew Selth, “Race and Resistance in Burma, 1942-45,” *Modern Asian Studies* 20 (3) (1986). Likewise, this racialized/ethnicized denigration and Orientalization of Barmars by the British colonial discourses are carefully traced and critiqued by Deborah Deacon Boyer, Helen G Trager and Tinzar Lwyn. See Deborah Deacon Boyer, “Picturing the Other: Images of Burmans in Imperial Britain,” *Victorian Periodicals Review* 35 (3) (2002); Helen G. Trager, *Burma through Alien Eyes: Missionary Views of the Burmese in the Nineteenth Century* (London: Asia Publishing House, 1966); and Tinzar Lwyn, “Stories of Gender and Ethnicity: Discourses of colonialism and resistance in Burma,” *The Australian Journal of Anthropology* 5 (3) (1994); ဦးကိုလေး, သီပေါမင်းနှင့် နယူးယောက်တိုင်းသတင်းစာ (ရန်ကုန်: ရာပြည့်, 2008 [1969; 1991]).

Comparatively, how a myth of the lazy native, i.e. Malays, Filipinos and Javanese, was discursively constructed and popularized by colonial powers from the 16th to the 20th century has been traced and critiqued by Syed Hussein Alatas. See Syed Hussein Alatas, *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos and Javanese from the 16th to the 20th century and its Function in the Ideology of Colonial Capitalism* (London: F. Cass, 1977). Edward W Said’s critique of the whole Orientalist, colonial discourse and knowledge has apparently influenced most of those above-quoted studies. Edward W Said, *Orientalism* (New York: Vintage Books, 1979[1978]).

⁶⁶ Maung Htin Aung, *A History of Burma* (New York: Columbia University Press, 1967), 268.

⁶⁷ However, the colonial state is not assumed as a simple racialized hierarchical system with the British at the top and Indians and other ethnics minorities such as Karens (Kayin) and Kachins, as well analyzed by Andrew Selth.⁶⁷ As Jonathan Saha argues, “the colonial state was not simply a ‘thin white line’ of British officials and their coercive institutions, nor was it a homogenous, wilful historical actor. ... The colonial state emerged in everyday life through new practices in Burma, practices regularised in bureaucratic rules, legal

the Chettyars⁶⁸ also migrated to Burma to provide Burmese and Indian peasants with needed capital.⁶⁹ Although the Chettyar credit proved helpful with agricultural production, the worldwide fall in paddy prices in the late 1920s and early 1930s resulted in substantial loss of Burmese agricultural lands to the Chettyars.⁷⁰ From 1930 to 1938, percentage of Chettyar-owned land rose from 6 per cent to 25 per cent of the total. By 1938, Chettyars' land ownership had already arrived 25 per cent of the total arable land.⁷¹ Among various Indian communities, the Chettyars understandably bore the brunt of those anti-Indian sentiments increasingly held by Burmese. Therefore, G E Harvey notes:

Alien in appearance and habits, the Chettyar was the butt of the Burmese cartoonist, he was depicted as Public Enemy No. 1, and the violence of the mob was

codes, and institutions financially backed by the resources of imperial Britain.” Andrew Selth, “Race and Resistance in Burma”; Jonathan Saha, *Law, Disorder and the Colonial State*, 128-9.

⁶⁸ Bur: ချစ်ဝံ့:

⁶⁹ Due to different ways of productions and transactions, J R Andrus portrayed the economy of colonial Burma as a clash of three economic systems: “the original Burmese economy, the economy of the Chettyar moneylenders from South India, and the increasingly-important capitalist economy of “western” nations.” J. R. Andrus, “Three Economic Systems Clash in Burma,” *The Review of Economic Studies* 3 (2) (1936), 140. For a comprehensive study of this tripartite relationship among Burmese farmers, the Chettyars and colonial policy over the period from 1850-1941, see Philip Siegelman, “Colonial Development and the Chettyar: A Study in the Ecology of Modern Burma, 1850-1941” (PhD diss.: University of Minnesota, 1962). For a good account of economics of colonial Burma, see J. R. Andrus, *Burmese Economic Life* (Stanford: Stanford University Press, 1948).

⁷⁰ Cheng Siok-Hwa, *The Rice Industry of Burma 1852-1940* (Singapore: Institute of Southeast Asian Studies, 2012 [1968]).

⁷¹ Usha Mahajani, “The Pre-War Anatomy of the Indian Community in Burma,” in *South East Asia: Colonial History: High Imperialism (1890s-1930s)*, ed. Paul H. Kratoska, vol. 3 (London: Routledge, 2001); Khin Maung Kyi, “Indians in Burma: Problems of an Alien Subculture in a Highly Integrated Society,” In *Ethnic Conflicts in Southeast Asia*, ed. K. Snitwongse and W. S. Thompson (Singapore: Institute of Southeast Asian Studies, 2006).

deliberately directed against him, a *canalization*, a projection of the people's own faults and failings on to a convenient victim.⁷² (*Italics in original*)

On numerical strength of the Indian community in colonial Burma, Hugh Tinker argues: "The Indians were not few; they were numerous; they were visible; so it was that they became the symbol of colonialism, of foreign exploitation."⁷³ On the impact of Indian migration on colonial Burma encouraged by the British policy, G E Harvey admitted: "There were one million Indians in Burma. They constituted an acute problem, and it was our doing. There had always been Indians, but never in such numbers until we introduced them."⁷⁴

Moreover, Burma was administratively ruled as a province of India under the British Raj which made Indian migration easy and unhindered because the two territories were the same colony. This combination of Burma and India as the same British territory until the two were separated in 1937 also gave a political impetus for Burmese nationalists. The political link between being part of India under the British and rise of Burmese nationalism seeking self-rule in the 1920s is succinctly stated by Albert D Moscotti who

⁷² G. E. Harvey, *British Rule in Burma: 1824-1942* (London: Faber and Faber, 1946), 55. For good backgrounds in how agricultural credit system worked in colonial Burma, see Sean Turnell, *Fiery Dragons: Banks, Moneylenders and Microfinance in Burma* (Copenhagen: Nordic Institute of Asian Studies Press, 2008); Cheng Siok Hwa, *The Rice Industry of Burma*. Despite this hatred of the Chettyars in colonial Burma and their allegedly negative impact upon the Burmese agricultural sector, there are a number of nuanced studies which have highlighted the role of Chettyar capital in the development of the sector. Sean Turnell, *The Chettiars in Burma* (Sydney: Macquarie University, Dept. of Economics, 2005), accessed February 2, 2014; http://www.businessandeconomics.mq.edu.au/our_departments/Economics/econ_research/research_papers/2005; Michael Adas, "Immigrant Asians and the Economic Impact of European Imperialism: The Role of the South Indian Chettiars in British Burma," *The Journal of Asian Studies* (1974) 33 (3), 385-401.

⁷³ Hugh Tinker, "Indians in Southeast Asia: Imperial Auxiliaries," In *South Asian Overseas: Migration and Ethnicity*, ed. Colin Clarke, Ceri Peach, and Steven Vertovec (Cambridge: Cambridge University Press, 1990), 40.

⁷⁴ Harvey, *British Rule in Burma*, 69-70. For a comprehensive class-based analysis of British-Indian policy and its impact upon Burmese social classes and political elites of the 1930s, see Robert H Taylor, "The Relationship between Burmese Social Classes and British-Indian Policy on the Behaviour of the Burmese Political Elite, 1937-1942" (PhD diss., Cornell University, 1974).

argues: “If Burma had been politically isolated from India, its progress toward self-rule would have been slower and more uncertain.”⁷⁵ The growing nationalist sentiments agitating for Burma’s separation from India and increased competition between blue-collar and white-collar Indian labour and its Burmese counterpart resulted in Indophobia without discrimination between Indian Hindus and Indian Muslims. Regarding this complex relationship between Indian labour and capital on one hand and Burmese nationalism significantly encouraged by the rise of nationalism in India on the other hand, Philip Siegelman comments:

The reaction against the ubiquitous Indian became a significant element in the crystallization of Burmese nationalism. This reaction was made all the more complex by Burma’s dual dependence on 1) Indian political leadership emanating from the Indian Congress party’s agitations for Indian independence, and 2) Chettyar capital and Indian labor in the management of Burma’s agricultural economy.⁷⁶

Renaud Egreteau portrays colonial Burma then as a place in which “popular frustrations and bitterness against a “double-faced” imperialism — the Burmese indeed perceived they were exploited by both British and Indian “masters” — were particularly acute there.”⁷⁷ A myth of deracination⁷⁸ of the Burmese/Bamar Buddhist race rose to prominence in the 1920s and 1930s and was used by Burmese nationalists in their agitations for separating

⁷⁵ Albert D. Moscotti, *British Policy and the Nationalist Movement in Burma, 1917-1937* (Honolulu: University Press of Hawaii, 1974), 20.

⁷⁶ Philip Siegelman, “Colonial Development and the Chettyar,” 265. For further details on the correlation between Indians and emergence of Burmese nationalism in colonial Burma, see Usha Mahajani, *The Role of Indian Minorities*, 33-70; Philip Siegelman, “Colonial Development and the Chettyar,” 265-303; John F. Cady, *A History of Modern Burma* (Ithaca: Cornell University Press, 1958), 185-241.

⁷⁷ Renaud Egreteau, “The Idealization of a Lost Paradise: Narratives of Nostalgia and Traumatic Return among Indian Repatriates from Burma since the 1960s,” *Journal of Burma Studies* 18 (1) (2014), 141.

⁷⁸ It was at the ninth conference of the General Council of Burmese Associations (GCBA) held on 21 October 1921 that the Bamar elite Depayin Wun-htauk U Mye uttered the metaphorical warning *Mye-myo-ywe Lu-myo-ma-pyôk Lu-chin-myo-hma Lu-myo-pyôk-mi* (A Landslide does not Submerge a Race, but Another Race Does!). ဦးလှတို့, *The Law Relating to Foreigners and Immigration: နိုင်ငံခြားသားနှင့် လူဝင်မှုဥပဒေ* (ရန်ကုန်: ချစ်စရာစာပေ, 2003), 153.

Burma from India and limiting Indian migration.⁷⁹ The myth became an expedient ploy for the nationalists who employed it to put Indian immigration in the spotlight “through alarmist discussions of the “Indian menace”, such as the “menace” posed by the Indo-Burmese marriages and the continued immigration of Indians to Burma.”⁸⁰ Increasingly politicized and sensitized, the Indian question became a feeding frenzy not only within political circles but also in the Burmese press owned and run by nationalists.

Amidst all these dynamics, Buddhist monastic⁸¹ and lay political involvement took on anti-Indian and anti-Muslim tones.⁸² Influenced by apocalyptic fears of the extinction of Buddhism and its majority adherents and impacts of violent Indo-Bamar riots in 1930 and 1938, monks in colonial Burma did the same thing, which is now being done by the 969 preachers and Ashin Wirathu, i.e. calls for boycotting Muslims businesses. Those campaigns by Buddhist monks of boycotting Muslims shops were popularly done in

⁷⁹ Ikeya, *Refiguring Women, Colonialism, and Modernity in Burma*, 120-42; Rajashree Mazumder, “‘I Do Not Envy You’: Mixed Marriages and Immigration Debates in the 1920s and 1930s Rangoon, Burma,” *The Indian Economic and Social History Review* 51 (4) (2014).

⁸⁰ Ikeya, *Refiguring Women, Colonialism, and Modernity in Burma*, 131.

⁸¹ The Burmese Buddhist Sangha gradually took part in nationalist politics in the early twentieth century. They even formed in 1920 a parallel Sangha body known as General Council of Sangha Sammeggi (GCSS; meaning United Sangha) to work in close cooperation with GCBA. Those GCSS monks together with GCBA held sway over Buddhized Burmese politics throughout the 1920s. In the late 1920s, due to factionalism in them, both largely lost their influence. By the early 1930s, secular-minded leaders and students had already come to prominence and replaced them. Donald E. Smith, *Religion and Politics in Burma*; Robert H Taylor, *The State in Burma*; သိန်းဖေမြင့်, *၁၉၃၀ တစ်နှစ်မြန်မာနိုင်ငံရေး* (ရန်ကုန်: နံ့သာတိုက်, 1970).

⁸² The colonial British government was disdainful of that politically active section of the Burmese Buddhist Sangha. ‘Political monk’ was used with a negative connotation. F S V Donnison, *Burma*, 108. Likewise, Michael Aung-Thwin writes about such political monastic activities in British Burma and those during the so-called Saffron Revolution of September 2007 and calls such monks ‘those men in saffron robes.’ Aung-Thwin, “Those Men in Saffron Robes”. However, there are positive views of monastic political activities. For example, Christina Fink interestingly calls the leaders of the Saffron Revolution as ‘politically educated monks’. Christina Fink, “The Moments of the Monk: Burma, 2007,” In *Civil Resistance and Power Politics: the Experience of Non-violent Action from Gandhi to the Present*, ed. Adam Roberts and Timothy Garton Ash (Oxford: Oxford University Press, 2009).

Mandalay in the twentieth century.⁸³ At the non-monastic level, the first manifesto of Dobama Asiayone (Our Burman/Bamar Association), which is regarded as the forerunner of the Burmese nationalist movement agitating for independence from Britain, issued on 30 May 1930 also called for boycotting of Muslim shops.⁸⁴ It can even be argued here that the Burmese nationalist movement which later fought for and gained independence from the British originated in Indophobia.

The Interim Report of the Riot Enquiry Committee formed in the aftermath of anti-Indian Muslim riots in 1938 generalizes:

One has only to read, as we have done, the reports of the debates of those years [the 1930s] in the Legislative Council on the separation question to realize that there had been deeply implanted in the minds of members of the House and of the people they represented the fear of the ultimate effect of uncontrolled Indian immigration. It was continuously represented as a menace to Burma's national life and even to the *Buddhist religion* (emphasis added).⁸⁵

At the debates held in August 1930 on the motion for separation of Burma from India, for example, U Ba Pe, representing the Burmese Chamber of Commerce, claimed:

We are sure to be swamped in a few years' time. The peaceful penetration of Indians into Burma is at present not really serious though it is really great. If this state of affairs is allowed to go on forever, the Burmese nation will slowly and surely disappear from the earth.⁸⁶

Another nationalist member, Tharawaddy U Pu, argued:

⁸³ U Maung Maung, *Burmese Nationalist Movements*.

⁸⁴ တို့ဗမာအစည်းအရုံးသမိုင်းပြုစုရေးအဖွဲ့, *တို့ဗမာအစည်းအရုံးသမိုင်းအကျဉ်းချုပ်*, vol. 1 (ရန်ကုန်: စာပေဗိမာန်, 1976)

⁸⁵ Riot Enquiry Committee, *Interim Report of the Riot Inquiry Committee* (Rangoon: Government Printing and Stationery, 1939), 23.

⁸⁶ Legislative Council of the Governor of Burma, *Proceedings of the Legislative Council of the Governor of Burma*. Sixth Session (Third Council). vol. XVIII (Rangoon: Superintendent, Govt. Printing and Stationery, 1932), 285.

I don't want the English. I don't want the *Kala* [contextually referring here to Indians irrespective of religious faith]. Our mothers and sisters are almost all taken. Our Burmese nationals are about to vanish.⁸⁷

Likewise, a compendium composed by Thein Pe (the novelist Thein Pe Myint)⁸⁸ to explain the causes of Indo-Bamar racial riots in 1938 and endorsed by then-popular student leaders, such as Aung San, Ba Hein, Nu and Ba Swe, concluded that such riots were inevitable and highlighted Indians' ubiquity in Myanmar as a major cause. Giving a ratio of 1 Indian to 12 Burmese in the late 1930s, Thein Pe also foresaw one of 1 Indian to 8 Burmese if Indian immigration remained unchecked, i.e., gradual deracination. Thein Pe wrote:

Beetlenut sellers, donut sellers, cloth merchants, store owners, and wholesalers, all are Indians. Indians are everywhere: shoe makers to factory owners, policemen to high court judge, medical orderly to physician, prison guard to prison warden, all positions are monopolized by Indians.⁸⁹

U Kyaw Nyein, one of the elite student activists-cum-politicians before and after independence, also recounts British Burma in which Indians and British dominated the society:

When Burma was annexed by Britain, the Burmese peasants, ignorant and simple, became a prey in the hands of foreign moneylenders and absentee landlords. High

⁸⁷ Bur: အင်္ဂလိပ်ကိုမလိုချင်ဘူး။ ကုလားကိုမလိုချင်ဘူး။ ကျွန်တော်တို့နှစ်မ။ အမေတွေကုန်တော့မည်။ ကျွန်တော်တို့မြန်မာလူမျိုးတွေ ပျောက်ကုန်တော့မည်။ Ibid., 296.

⁸⁸ တို့ဗမာအစည်းအရုံးသမိုင်းပြုစုရေးအဖွဲ့, *တို့ဗမာအစည်းအရုံးသမိုင်းအကျဉ်းချုပ်*.

⁸⁹ This is Khin Maung Kyi's translation of Thein Pe's original in Burmese. Khin Maung Kyi, "Indians in Burma," 635. Thein Pe's original in Burmese is: ကွမ်းရာဆိုင်မှာလည်း ကုလား။ ဘယာကျော်ဆိုင်မှာလည်း ကုလား။ အထည်ဆိုင်ကြီးမှာလည်း ကုလား။ ဈေးပိုင်ကြီးမှာလည်း ကုလား။ လက်ကားဆိုင်မှာလည်း ကုလား။ စွပ်ကျယ်စက်ကြီးမှာလည်း ကုလား။ သဲဆပ်ပြာမှာလည်း ကုလား။ ရေမွှေးဆပ်ပြာမှာလည်း ကုလား။ အရင်းငွေချေးသူမှာလည်း ကုလား။ ကုလား ကုလား။ နေရာတကာတွင် ကုလားဖြစ်ပေ၏။ မောင်သိန်းဖေ, *ကုလားဗမာတိုက်ပွဲ* (ရန်ကုန်: မြန်မာ့ရုပ်ရှင်, 1938), 7-8.

administrative posts were held by the British, lower posts by Indians and Chinese; the Burmese were mainly clerks and menials. This pattern was repeated throughout the economy. ... The country presented the picture of a social pyramid which had the millions of poor, ignorant, exploited Burmese as its base, and a few outsiders – British, Indian, and Chinese—as its apex.⁹⁰

On both the numbers of alien communities and their alleged racial threat to Bamars, Aung San Suu Kyi's argument also reflects the thinking of nationalists in British Burma as follows:

Foreigners under the colonial administration were not just the English but also the Indians and the Chinese. Thus, the feeling that grew among the Burmese was not the intense racial antagonism which developed in India but a more diffused xenophobia fed by a *well-justified apprehension* (emphasis added) that their very existence as a distinct people would be jeopardized if the course of colonial rule was allowed to run unchecked. *The threat to their racial survival came not so much from the British as from the Indians and Chinese* (emphasis added) who were the more immediate targets of twentieth-century nationalism. Not only did these immigrants acquire a stranglehold on the Burmese economy, they also set up homes with Burmese women, striking at the very roots of Burmese manhood and *racial purity* (emphasis added).⁹¹

This growing Indophobia and increased economic competition for scarcer jobs in the aftermath of the Depression resulted in two bouts of anti-Indian disturbances in 1930 and 1938, the first being anti-Indian and the second anti-Indian Muslim or anti-Muslim due to the differences in the nature of the spark or trigger event.⁹²

⁹⁰ U Kyaw Nyein, "Burma: An Introduction," *The Atlantic*, February 1, 1958, accessed February 25, 2015, <http://www.theatlantic.com/magazine/archive/1958/02/burma/306821/>.

⁹¹ Aung San Suu Kyi, *Freedom from Fear: And Other Writings*. 2nd ed. (London: Penguin, 2010), 103-4.

⁹² The 1930 riots were caused by a fight between the Indian labourers and their Burmese labourers when the former came back to the jobs they previously held but were later filled by the latter. The immediate trigger event of the 1938 riots, on the other hand, was an anti-Buddhist tract published by a Muslim author. Those two causes were only immediate or short-term causes and there are many other contextual factors which influenced the occurrence of the two violent episodes.

An influential monks' organization officially called All Burma Young Monks Association but better known as its Burmese name *Yahanphyu Aphwe*,⁹³ which was significantly influential in post-independence Burma until the early 1960s was also founded in Mandalay amidst anti-Muslim riots which occurred in 1938.⁹⁴ *Yahanphyu Aphwe* was founded by U Zawtika with an aim "to unify the monkhood in the face of the threat which the Indian Muslims were thought to pose to Buddhist religion and Burmese culture. The growth of the organization was disrupted by World War II, but has grown substantially since independence."⁹⁵ Another monks' organization in Yangon called Thathana Mamaka Young Monks Association was also involved in the 1938 riots, according to the final report of the Riot Inquiry Committee.⁹⁶ Renaud Egreteau traces this phenomenon of Indophobia originating in colonial times and concludes that Indophobia has gradually transformed into Islamophobia in Myanmar nowadays. He argues that "after years of 'Burmanization' processes, Burmese old-age 'indophobic' sentiments have turned towards more 'islamophobic' tendencies, now explicitly targeting the Muslim communities of Indian origin."⁹⁷

A qualification is needed here regarding the term of 'Muslim communities of Indian origin'. Egreteau's argument seems to miss an important fact that there is now a blurred distinction between Indian and non-Indian Muslims in present-day Myanmar. In the eyes of the nationalist section of the Sangha, all Muslims in Myanmar, regardless of their racial origin, profess the same religion and all of them collectively pose a threat to Buddhism and Buddhists. Therefore, it might be truer to argue that Islamophobia in present-day Myanmar does not target Indian Muslims alone, but all groups of Muslims. Therefore, first Indians and then Islam and Muslims (mainly Indian Muslims and now all Muslims) started to be

⁹³ Bur: ရဟန်းပျိုအဖွဲ့

⁹⁴ U Maung Maung, *Burmese Nationalist Movements*.

⁹⁵ Smith, *Religion and Politics in Burma*, 189.

⁹⁶ The Riot Enquiry Committee, *Final Report of the Riot Inquiry Committee* (Rangoon: Government Printing Press, 1939).

⁹⁷ Egreteau, "Burmese Indians in Contemporary Burma," 33.

viewed as uninvited guests who turned out to be exploitative and pro-British by Buddhists and this view has remained in present-day Myanmar.⁹⁸

Xenophobia of Ne Win and his legacy

During the first exodus and its aftermath, as we have seen in the speeches of Ne Win, his xenophobia played an undeniably influential role. Holding supreme authority in socialist Burma, Ne Win's personality might have played the most important role. However, we must not discount xenophobia of his BSPP comrades and people in socialist Burma who kept silent about Ne Win's very costly project of *Na-Ga-Min* operation, which only caught a few thousands of illegal aliens who were in Burma then, and the huge project of drafting a new citizenship law from the late 1970s to 1982, which was not implemented until the late 1980s.

'Xenophobia' which is more often than not used to describe Ne Win and the people's mentality towards Chinese and Indians must be further examined in order to understand its real or assumed impact. The prefix 'xeno-' implies a meaning that Rohingyas, Chinese and Indians are alien or foreign although the suffix '-phobia' denotes an illogical, inexplicable, or exaggerated fear or hatred. It may be argued that fear or hatred of an alien or foreign or guest group which is believed to be exploitative towards the hosts or natives is understandable in terms of inter-group relations. However, Chinese, Indians and Rohingyas were already citizens of Burma in the 1970s according to the 1948 Union Citizenship Act and the 1948 Union Citizenship (Election) Act. Therefore, they were not aliens or foreigners in pure legal sense. Although Rohingyas' origins and date of settlement in Rakhine State may be contested, it is a fact that most of them had already existed at the dawn of Burma's independence and were eligible for Burmese citizenship under either of

⁹⁸ Chakravarti, *The Indian Minority in Burma*; Egretreau, "Burmese Indians in Contemporary Burma"; Khin Maung Kyi, "Indians in Burma"; Taylor, "The Legal Status of Indians in Contemporary Burma," in *Ethnic Conflicts in Southeast Asia*, ed. K. Snitwongse and W. S. Thompson (Singapore: Institute of Southeast Asian Studies, 2006), 666-82.

the two union citizenship acts. Xenophobia of Ne Win and his government was mainly economic nationalist evidently from his speeches. However, that argument of economically nationalist xenophobia in contemporary rejection of Rohingyas in Myanmar nowadays does not sound convincing because it has taken on more cultural and religious connotations especially since the 1990s.⁹⁹ In other words, this trait of xenophobia has transformed in recent years into a more a religious version of Buddhist nationalism as we will see in the following paragraphs.

Discrimination of Muslims in the socialist period (1962-88)

There were several instances of discrimination and alienation of Muslims in Ne Win's Burma. Anti-Muslim sentiments rooted in colonial times were carried up to the first years after independence by certain sections of the Sangha and often resulted in confrontation between Buddhist monks and Muslims. However, the U Nu government which ruled Burma from 1948 to 1962, except with a two-year interval (1958-60), was mostly conciliatory and integrative towards religious minorities. Moreover, the state was mostly occupied with various communist and ethnic insurgencies throughout the 1950s. There were interreligious tensions only when U Nu promised Muslim and Christian religious education parallel to their Buddhist counterparts at schools.¹⁰⁰

Those strong anti-Muslim sentiments held by Buddhist monks seemed to have faded into the background at the coming to power of the military coup regime in 1962. The coup regime, i.e. the Revolutionary Council (RC), promoted a socialist economic system ruling by decree from 1962 to 1974 and as a one-party state dominated by BSPP from 1974

⁹⁹ This attitudinal change towards Rohingyas of Myanmar leaders and people in Myanmar nowadays will be discussed in detail below.

¹⁰⁰ U Nu writes about his encounters with monks of an influential Buddhist organization after he had promised respective religious education for Muslim and Christian students at school parallel to their Buddhist classmates and Muslim leaders' request to rescind the prime minister's plan for their religious education amidst threats by Buddhists. U Nu, *U Nu, Saturday's Son*, trans. U Law Yone, ed. U Kyaw Win (New Haven: Yale University Press), 199-204.

to 1988 when another military coup occurred. The Ne Win regime emphasized unity, rather than diversity, which might have been a factor why communal divisions were little highlighted. It was, however, highly xenophobic but it must be noted here that it was more economic nationalist than religious nationalist by nature. Ne Win was believed to hold attitudes against Chinese and Indian communities for their economic wealth and use them as scapegoats whenever he faced economic problems. Even then he did not highlight religious difference. In general, throughout the socialist period (1962-88) the whole country just suffered political repression under one-party rule and social and economic hardships due to mismanagement of the government.

However, Ne Win increasingly created barriers for Muslims' entry into the public sector though pre-independence and post-independence Burma had prominent Muslim politicians and cabinet ministers such as U Raschid, U Razak, and U Khin Maung Latt. Gradually, Muslims became a socio-politically marginalized group and it became increasingly difficult, if not impossible, to find Muslims in senior government positions. Among all organs of public service, the armed forces which had a number of Muslim officers until the 1960s became increasingly anti-Muslim in admission.¹⁰¹ Since most, if not

¹⁰¹ U.S. Department of State, *Burma: International Religious Freedom Report 2007*, accessed February 23, 2015, <http://www.state.gov/j/drl/rls/irf/2007/90131.htm>. This lack of middle-level and senior Muslim officers in the military since the 1960s is difficult to prove with statistics though it is commonly perceived and accepted as such. But this discrimination is unwritten as well. However, ex-Major General Lunn Maung, who acted as the Military Inspector General during the SLORC/SPDC rule, admitted that there is such an anti-Muslim policy in military recruitment although he did not specify when this policy started. He contended through a post-9/11 rhetoric that although all Muslims are not terrorists, all terrorists are Muslims. He said: "Normally, there is no discrimination by the government or by the military. But due to what is happening in the worlds, Muslims may not be recruited to the military. All terrorists across the world are Muslims. Although most of the terrorists are Muslims, all Muslims are not terrorists. Everyone accepts it. We have held that attitude towards Muslims since the beginning." Bur: သာမန်အားဖြင့်တော့ တပ်မတော်မှာရော၊ အစိုးရမှာရော ဒီလိုခွဲခြားမှုမျိုးတော့ မရှိပါဘူး။ သို့သော်လည်းပဲ ကမ္ဘာမှာဖြစ်ပျက်နေတာတွေအရတော့ မွတ်စလင်ကိုတော့ တပ်မတော်မှာ လက်ခံလို့မရဘူး။ ဘာလို့လဲဆိုတော့ တစ်ကမ္ဘာလုံးမှာရှိတဲ့ Terrorist အကြမ်းဖက်တွေအားလုံးလိုလိုက မွတ်စလင်တွေပဲ။ အကြမ်းဖက်သမားအများစုက မွတ်စလင်တွေဖြစ်နေပေမဲ့

all, of senior government positions were then filled by active or retired armed forces officers, that Muslims were not able to join the armed forces meant for them impossibility to land higher office in the government. The exclusion of Muslims from high-ranking public office since the 1960s is common knowledge in Myanmar, although it has never been studied in detail and the evidence is largely anecdotal. Despite this exclusion, anti-Muslim disturbances were very rare under the socialist government.

Islamophobia under SLORC/SPDC (1988-2011)

The colonial-era anti-Muslim sentiments, made dormant throughout the socialist period, often erupted with the coming to power of another military regime which increasingly misused religion in its propaganda. Indeed, the previous socialist regime also did use religion in its fights against communism. The Burmese armed forces published a pamphlet called *Dhammantarāya*¹⁰² (Danger to Dhamma) in 1959 when Burma was being ruled by the military care-taker government headed by Ne Win.¹⁰³ The pamphlet¹⁰⁴ portrayed

မွတ်စလင်တိုင်းကတော့ အကြမ်းဖက်သမားတွေ မဟုတ်ကြပါဘူး။ ဒါကိုအားလုံးကလည်း လက်ခံကြပါတယ်။ မွတ်စလင်နဲ့ပတ်သက်ရင်တော့ အစကတည်းက ဒီသဘောထားရှိတာပါ။ ခန့်ခန့် (ဒဿနိက), "တပ်မတော်မှာ ခေတ်စားခဲ့တဲ့ ဘီပိုးစီပိုးဆိုတဲ့ ခွဲခြားရေးဆိုင်ရာပေါ်လစီ," *Hot News (Myanmar)*, Feb 21-27, 2015, 18.

¹⁰² Bur: ဓမ္မန္တရာယ်.

¹⁰³ Fred von der Mehden, "Burma's Religious Campaign against Communism," *Pacific Affairs* 33 (3) (1960). Bo Bo also traces how the Myawaddy magazine published by the psychological warfare arm of the Burmese military launched in the 1950s a xenophobic socialist rhetoric against communism. See Bo Bo, "Raising Xenophobic Socialism against a Communist Threat: Re-reading the Lines of an Army Propaganda Magazine in 1950s Burma Cultures," In *Cultures at War: The Cold War and Cultural Expression in Southeast Asia*, ed. Tony Day and Maya H. T. Liem (Ithaca: Southeast Asia Program Publications, 2010).

¹⁰⁴ The English version of *Dhammantarāya* is based upon four claims – Buddhism is opium of the worst kind; Nibbana is nonsense; none of the Buddha's "Dhamma" is true; and the doctrine of cessation of suffering is impossible – reportedly made by Thakhin Soe, the ideologue and leader of the Red Flag Communist Party, in 1944 in class teachings to communist cadres in 1944 called 'Answers to Questions'. Thakhin Soe's teachings

Communism as an imminent threat to the majority faith by using the notes written by a Communist attendee in a series of class on ideology given by Thakin Soe. Then a director of psychological warfare and policy in the armed forces who was also an adjutant to Ne Win, Colonel Dhammika U Ba Than writes in a self-satisfied way:

By a mere publication in 1959 – a booklet entitled *Dhammantaraya* (Dhamma in Danger), an exposure of the danger posed by the Burmese Communists to Buddhism, the Defence Services were able to whip up the indignation of the people to such an extent that about 80,800 members of the Buddhist Order and 4,810,000 laymen held spontaneous meetings in 498 towns and denounced the local Communists. This served as a punch at their ideological solar-plexus, and they are yet to recover from that terrible blow. The Defence Services just stimulated the “religious nerves” and all it cost them was a few thousand kyats.¹⁰⁵ (Italics in original)

Notably, partly due to their constructed colonial worldview in Burma which has obviously remained, at least in rhetoric, the armed forces, especially its intelligence and psychological warfare corps, also came to hijack the colonial-era myth of *Amyo-pyauk-hma So-kyauk Hla-pa-thi*¹⁰⁶ (We Fear Deracination!). They did so in the 1990s when Myanmar had a

were obtained from the hand-written notes by one of his cadres. The booklet also has pictures of Buddha images allegedly destroyed by White Flag communists. See Information and Broadcasting Department and Directorate of Education and Psychological Warfare, *Dhammantarāya = (Buddhism in danger): Who in the Union of Burma are posing the Greatest Danger to Buddhism?* (Rangoon: Directorate of Information, Ministry of Information & Directorate of Education and Psychological Warfare, Ministry of Defence, 1959). The campaign was very extensive and targetted not only the Buddhist majority but also Muslims and Christians. Therefore, there were three versions: *Dhammantarāya* (in Burmese, Mon, Shan, and Pao languages for Buddhists); *The Islamic Religion in Danger* (in Burmese and Urdu for Muslims); and *The Burning Question* (in Sgaw-Karen, Pwo-Karen, Chin, Kachin, and English for Christians). A total of 1, 241,786 copies of the three versions in almost a dozen languages were distributed from April to November in 1959. 991,786 copies out of the total were printed and distributed by private donors. Mehden, “Burma's Religious Campaign against Communism,” 293.

¹⁰⁵ Dhammika U Ba Than, *The Roots of the Revolution* (Rangoon: Director of Information, 1962), 71.

¹⁰⁶ Bur: အမျိုးပျောက်မှာစိုးကြောက်လှပါသည်

propaganda war in the state newspapers almost on a daily basis.¹⁰⁷ A series of fourteen articles published in February and June 1989¹⁰⁸ in the state newspaper *Lôk-tha Pyi-thu Nesin* (Working People's Daily) which traced colonization and xenophobia and finally discussed various pieces of Myanmar citizenship legislation before and after independence were titled *Amyo-pyauk-hma So-kyauk Hla-pa-thi*. Typical of pieces of propaganda of those days, the series made several sweeping generalizations based upon selective reading of historical events in British Burma. It asserted that colonial Burma was largely a demographic vacuum swamped by various types of foreigners, mainly Indians and Chinese, brought in by British imperialists without any approval on the part of Burmese. Those hundreds of thousands of aliens who remained and settled in Burma posed a colossal challenge. The citizenship legislation stipulated at the dawn of independence had to accede to British pressures to accept those aliens as co-equals in terms of citizenship in independent Burma. Therefore, both of the two citizenship acts – the 1948 Union Citizenship Act and the 1948 Union Citizenship (Election) Act – were made in haste and it gave undue opportunities to aliens. Due to their alien roots, they may not be fully trusted as fellow citizens. Therefore, the BSPP regime repealed those harmful nationality laws with wide popular consultations over the six-year period from 1976 to 1982 and drafted and passed a new citizenship law, i.e. 1982 Citizenship Law. The new law was drafted and

¹⁰⁷ The propaganda war in the state newspapers of the 1990s and 2000s targetted Daw Aung San Suu Kyi, the democratic opposition, armed ethnic insurgent groups, and other political and social dissidents. It was highly inflammatory, sexist, and often racist, regarding which the Nobel Peace Prize Winner commented in her article for the *Asahi Evening News* of Japan issued on 25 June 1998: “It has been remarked by journalists that never elsewhere have they come across such vicious attacks carried out by the state media against a single individual as takes place in Burma. The newspapers controlled by the military regime (which calls our country Myanmar) regularly print articles vilifying me. There are times when such articles run daily for months without respite. Periodically, some of these articles are collected and brought out in book form. These books are, of course widely advertised by the government controlled press.” Quoted in Monique Skidmore, *Karaoke Fascism: Burma and the Politics of Fear* (Philadelphia: University of Pennsylvania Press, 2004), 132.

¹⁰⁸ The first seven articles Nos. 1-7 were published in 20th-26th, February, 1989 and the last seven on 3rd, 5th, 8th, 9th, 13th, 20th and 28th, June, 1989, all in လုပ်သားပြည်သူ့နေ့စဉ်.

passed with the sole aim to protect Myanmar from being swallowed up again by those infiltrators from neighbouring countries like it risked so in colonial times.

The fourteen articles provided a rare window to the minds of the military generals of Burma in the late 1980s and early 1990s. It is clear evidence of the invigoration and sustainability of the colonial-era myth of deracination, at least at the official level, which created a Bamar Buddhist siege mentality seeing itself on the verge of extinction from the world under siege first from the Indian race and now from the Muslim world. It is notable, though, that Ne Win did not draw from the myth to support his rhetorics against Indians and Chinese. As we have already seen in his various speeches made upon alien communities, Ne Win only displayed his thinking which was xenophobic and economic nationalist. However, the SLORC added a religious and racial flavour to the rationality of the 1982 law, making an argument which is filled to the brim with nuanced notions of anti-colonialism, race, and religion. Accordingly, the old Buddhist word *Dhammantaraya*, which was used in 1959 by the psychological warfare officers, was seen to be used again in an article in the monthly magazine *Myet-kin-thit*¹⁰⁹ issued in May 1992, which was widely known to be under the editorship of military intelligence then. The issue was titled *Dhammantaraya Rohingya* and argued that the Rohingya are a danger to Dhamma.

Fear of deracination as official demographic policy

Another immensely strong evidence for transportation of the colonial-era myth into government immigration and citizenship policy in the 1990s is that the colonial myth, *Mye-myoe-ywe Lu-myo-ma-pyôk Lu-myo-hma Lu-myo-pyôk-mi*¹¹⁰ (A Landslide Does Not Submerge A Race, But Another Race Does!), is used as the official negative motto of the Ministry of Immigration and Population (MIP) which is written on a board and wall-plugged in most, if not all, immigration offices throughout Myanmar. In the picture below,

¹⁰⁹ ဇွဲးကံကောင်း, “မေတ္တရာယံရှိဟင်္ဂရာ,” မြတ်ခင်းသစ်မဂ္ဂဇင်း, May 1992, 87-104.

¹¹⁰ Bur: မြေမြိၼ် လူမျိုးမပြတ် လူမျိုးမှ လူမျိုးပြတ်မည်

we can see Khin Yi, the present minister for immigration and population, standing at his headquarters in Nay Pyi Taw in front of a large wooden board of a picture of eight officials with background text which reads: *Mye-myo-ywe Lu-myo-ma-pyôk Lu-chin-myo-hma Lu-myo-pyôk-mi*. The same motto can also be seen on wooden boards at most, if not all, lower-level offices of MIP.



(Photo: Reuters / Soe Zeya Tun)

MIP was established with a special order issued by SLORC (No. 31/1995) on 15 June 1995 with a proclaimed aim to exercise better control of immigration matters.¹¹¹ A

¹¹¹ Matters of citizenization and naturalization in independent Burma were supervised and decided by the Ministry of Judicial Affairs from 1948 until end of April in 1957. A separate Ministry of Immigration and Natural Registration composed of a Department of Immigration and a Department of National Registration was formed on 1 June 1957. See Government of the Union of Burma, *Is Trust Vindicated?* (Rangoon: Director of Information, Govt. of the Union of Burma, 1960), 85.

Myanmar government publication states that the official motto of the Ministry of Immigration and Population is *Kamba Ti-tha-ywe Myan-ma-naing-ngan Ti-shi-ya-mi; Kamba Ti-tha-ywe Myan-ma-lu-myo Ti-shi-ya-mi*¹¹² It means: As long as the World Exists, There must Exist Myanmar as a Country; As long as the World Exists, There must exist Myanmar as a Race!¹¹³ This positive motto, similar in meaning to its negative counterpart found in most, if not all, offices under the Ministry, also strongly connotes a sense of chauvinism and a longing for Myanmar's eternal existence as both a country and race which might be argued to stem from paranoia about deracination. Actually, they both mean the same thing because they derive from the colonial-era mythological fears of deracination. This mythological thinking of MIP was again seen to re-emerge in the aftermath of violence in Rakhine State and come to be widely accepted and promoted within Myanmar. Before that, there was an important reason behind this emergence or re-emergence of popular Buddhist nationalism against the Rohingyas. It is the impact of changes in Myanmar since 2011, which will be discussed below.

Impact of political changes since 2011

Governmental and popular Buddhist resentment against international community

Democratization¹¹⁴ is a structural factor would have never been included in this thesis if it were finished before 2011 when political changes occurred in Myanmar and sectarian

¹¹² Bur: ကမ္ဘာတည်သရွေ့ မြန်မာနိုင်ငံတည်ရှိရမည်။ ကမ္ဘာတည်သရွေ့ မြန်မာလူမျိုးတည်ရှိရမည်။

¹¹³ နိုင်ငံတော်အေးချမ်းသာယာရေးနှင့်ဖွံ့ဖြိုးရေးကောင်စီ, တိုင်းကျိုးပြည်ပြု: နိုင်ငံတော်အေးချမ်းသာယာရေးနှင့် ဖွံ့ဖြိုးရေးကောင်စီ၏ဆောင်ရွက်ချက်သမိုင်း (၁၉၉၇ ခုနှစ် နိုဝင်ဘာ ၁၅ ရက်နေ့မှ ၂၀၀၀ ပြည့်နှစ် ဒီဇင်ဘာ ၃၁ ရက်နေ့အထိ). စတုတ္ထတွဲ. (ရန်ကုန်: စာအုပ်ပုံနှိပ်ထုတ်ဝေရေးဆပ်ကော်မတီ, 2001), 193.

¹¹⁴ Defining what has been happening in Myanmar since 2011 is a difficult task. According to Dankwart Rustow, there are three phases in democratization – the “preparatory phase”; the “decision phase”; and the “habituation phase” – termed by Guillermo O’Donnell and Philippe C Schmitter as “liberalization”, “democratization”, and “socialization/consolidation” respectively. According to these leading theories of democratization, it may be argued that Myanmar has been experiencing liberalization or in the preparatory

conflicts ensued over the next couple of years. Amidst enormous interest shown by the international community in the changes, for better or for worse, Rohingyas suddenly became a vehemently *political* or *politicized* issue. Previously confined to the human rights world and refugee studies outside Myanmar and to Rakhine State and selected relevant authorities inside Myanmar, the issue is now among top political issues without and without Myanmar. It is so because an improper and imprudent handling of the issue is now widely believed to possess a potentially destructive power to strike at the shaky transition Myanmar is undergoing.

Prior to its much-applauded transition, Myanmar had lived under two politically repressive and authoritarian regimes headed or dominated by the military from 1962 to 2011¹¹⁵ spanning almost five decades.¹¹⁶ New ways of governance, although they are still largely under the shadow of the military,¹¹⁷ apparently brought not only new opportunities

phase over the last four years or so. But this section will simply use ‘democratization’ without contemplating its nature. See Dankwart Rustow, “Transitions to Democracy: Toward a Dynamic Model,” *Comparative Politics* 2 (3) (1970); Guillermo A. O’Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: John Hopkins University Press, 1986).

¹¹⁵ The military ruled Burma as a caretaker government from 1958 to 1960 with a mandate offered them by the U Nu government. So, it was a coup regime like the Revolutionary Council which took power in 1962. Moreover, the Caretaker Government’s rule was also constitutionalized by U Nu.

¹¹⁶ Why and how those political changes from 2011 onwards were planned by the preceding SLORC/SPDC regime is beyond the focus of this thesis. However, it could be generally argued that most, if not all, of post-2011 political changes happened according to the seven-step roadmap announced by then Prime Minister Khin Nyunt and endorsed by SPDC in August 2003.

¹¹⁷ Aurel Croissant and Jil Kamerling, “Why Do Military Regimes Institutionalize? Constitution-making and Elections as Political Survival Strategy in Myanmar,” *Asian Journal of Political Science* 21 (2) (2013); Maung Aung Myoe, “The Military and Political Liberalisation in Myanmar,” In *Myanmar in Transition: Polity, People and Processes*, ed. Kerstin Duell (Singapore: Konrad-Adenauer-Stiftung, 2013); Maung Aung Myoe, “The Soldier and the State: the Tatmadaw and Political Liberalization in Myanmar since 2011,” *South East Asia Research* 22 (2) (2014); Nicholas Farrelly, “Discipline without Democracy: Military Dominance in Post-colonial Burma,” *Australian Journal of International Affairs* 67 (3) (2013); Renaud Egreteau, “The Continuing Political Salience of the Military in Post-SPDC Myanmar,” In *Debating Democratization in Myanmar*, ed. Nick Cheesman, Nicholas Farrelly, and Trevor Wilson (Singapore: Institute of Southeast Asian

for political and social change but also new challenges and risks.¹¹⁸ Those changes were mostly military-sponsored or -guided in contrast to the thinking of some observers that they were unexpected¹¹⁹ and have not reached an optimal level yet. Two of them were important for Rohingyas: mobilized emergence of popular opinion against Rohingyas and the unprecedented rise of Rakhine politicians and activists in Myanmar's politics.

The two changes neither emerged out of nothing nor were simple, direct consequences of the transition. If we trace back to when sectarian violence started in Rakhine State in June 2012, widely believed and reported to be sparked by the rape, robbery and murder of Thida Htwe, by three Muslims, we could see that it was not caused by that trigger alone. Largely informed by the decades-long understanding of the Rakhine conflict as a simple Rohingya tragedy caused by political repression and human rights violations and evidently supported by the fact that Muslims bore the brunt of the riots in Rakhine State in June and October 2012 and in other parts of Myanmar in 2013, the international media and policy community constantly 'framed' the issue as that of an innocent Muslim minority in Myanmar being terrorized by Rakhine Buddhists, compounded by failure of the Buddhist-majority government to protect.¹²⁰

Studies, 2014); Roger Lee Huang, "Re-thinking Myanmar's Political Regime: Military Rule in Myanmar and Implications for Current Reforms," *Contemporary Politics* 19 (3) (2013).

¹¹⁸ For comprehensive analyses of Myanmar's recent trajectory of democratization and its various aspects and challenges, see David I Steinberg, ed., *Myanmar: The Dynamics of an Evolving Polity* (Boulder: Lynne Rienner, 2015); Mikael Gravers, ed., *Burma/Myanmar: Where Now?* (Copenhagen: NIAS Press, 2014); Nick Cheesman, Nicholas Farrelly, and Trevor Wilson, ed., *Debating Democratization in Myanmar* (Singapore: Institute of Southeast Asian Studies, 2014).

¹¹⁹ Robert H. Taylor, "Myanmar: From Army Rule to Constitutional Rule?" *Asian Affairs* 43 (2) (2012).

¹²⁰ More broadly, these discourses on Burma/Myanmar which used to be mostly informed and dominated by liberal democracy and human rights have been analyzed and critiqued by many authors. For example, Michael Aung-Thwin, "Parochial Universalism, Democracy Jihad and the Orientalist Image of Burma: The New Evangelism," *Pacific Affairs* 74 (4) (2001-2); Lisa Brooten, "Human Rights Discourse and the Development of Democracy in a Multi-ethnic State," *Asian Journal of Communication* 14 (2) (2004); Lisa Brooten, "The Feminization of Democracy under Siege: The Media, 'The Lady' of Burma, and U.S. Foreign Policy," *National Women's Studies Association Journal* 17 (3) (2005); Zarni, "Orientalisation and Manufacturing of 'Civil Society' in Contemporary Burma," in *Social Science and Knowledge in a Globalising*

The international media outlets profusely used terms such as ‘extremist Buddhists’, ‘neo-Nazi Buddhist ultra-nationalist monk Wirathu’, ‘969 Buddhist nationalist movement’, and the like in referring to Buddhists, both Rakhine and non-Rakhine, whereas they, on the other hand, used ‘minority Muslims’, ‘stateless Rohingya’, ‘humanitarian crisis’, and the like in reporting on Muslims, both Rohingya and non-Rohingya. For international media, there are only two groups: powerful, aggressive Buddhists, and marginalized, defenceless Muslims. This ‘Buddhist aggressor versus Muslim victim’ frame is seemingly based upon and informed by the decades-long frames which were in vogue through 1990s to 2000s in most, if not all, journalistic descriptions and analyses, and in many academic ones¹²¹ as well. This cliché-ridden frame, however reasonable or factual, re-used in the international media reportage on sectarian violence in Rakhine State and elsewhere was resented by the government, people and private media in Myanmar who came to suppose that the international media is unfair and biased.

The silent majority, which constituted moderate Buddhists, stood by during episodes of sectarian violence so they felt that Buddhists were being unfairly and wrongly framed in the international media. All of these sentiments resulted in a governmental and popular Buddhist backlash within Myanmar. Amidst pressures for increased profitability and readership as well, Bamar-dominated local media in Myanmar were observed to sensationalize news relating to Muslims and Buddhists and become increasingly nationalist

World, ed. Zawawi Ibrahim (Kajang: Malaysian Social Science Association and Petaling Jaya: Strategic Information and Research Development Centre, 2012); Sheila Nair, “Human Rights and Postcoloniality: Representing Burma,” In *Power, Postcolonialism and International Relations: Reading Race, Gender and Class*, ed. Geeta Chowdhry and Sheila Nair (London: Routledge, 2002); Elliott Prasse-Freeman, “Fostering an Objectionable Burma Discourse,” *Journal of Burma Studies* 18 (1) (2014).

¹²¹ Michael Aung-Thwin’s article (ibid.) is the most incisive and forceful critique of these political and academic analyses though many of his claims may be said to be too sweeping and extreme. His latest article on Buddhism and politics in Myanmar also draws from the same critique to explain how the Western media and policy community conveniently and expediently situated the so-called Saffron Revolution of September 2007 by portraying protesting Buddhist monks as champions of democracy and human rights. See Aung-Thwin, “Those Men in Saffron Robes”.

although removal of press censorship and allowance of private dailies were hailed in the beginning of as a ‘Burmese media spring’.¹²²

Due to increased competition in the small market,¹²³ public hype around sectarian violence in 2012, and almost universal public opinion within Myanmar that all, if not most, Rohingyas are illegal migrants, the private local media largely featured anti-Rohingya/Bengali messages categorically opposite to the international media and human rights regime’s ‘victimization’ frame.¹²⁴ They portrayed violence in Rakhine State as that committed by *illegal* Bengali Muslim migrants against *native* Rakhine Buddhists and aggressively problematized Rohingyas’ legal identity and belonging in Myanmar by constantly using the term *ko win Bengali*¹²⁵ (illegal Bengali invaders). Even when *ko win* (illegally invaders) is not prefixed to *Bengali*, aggressive problematization of Rohingyas’ belonging to Myanmar in local media reportage effectively gave a connotation of illegality to Rohingyas’ existence inside the country. The most prominent incident, which showed

¹²² Reporters Without Borders, *Burmese Media Spring* (Paris: Reporters Without Borders, 2012), accessed July 29, 2014, <http://en.rsf.org/birmanie-how-long-will-the-burmese-media-17-01-2013,43913.html>.

¹²³ That Myanmar is a small market for old and new weeklies and new dailies in spite of its population of 51 million is stated here because newspaper/journal readership is still low compared to its sizeable population. Poverty is one of the reasons but extreme popularity of Facebook on which Myanmar media regularly post their news might have played a role.

¹²⁴ Fortify Rights, *Policies of Persecution: Ending Abusive State Policies against Rohingya Muslims in Myanmar* (Switzerland/Southeast Asia: Fortify Rights, 2014), accessed January 2, 2015; <http://www.fortifyrights.org/publications.html>; Human Rights Watch, “The Government Could Have Stopped This”; Human Rights Watch, “All You Can Do is Pray”; Physicians for Human Rights, *Massacre in Central Burma: Muslim Students Terrorized and Killed in Meiktila* (Cambridge, Massachusetts: Physicians for Human Rights, 2013), accessed June 1, 2013, <http://physiciansforhumanrights.org/library/reports/meiktila-report-may-2013.html>; Physicians for Human Rights, *Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention* (Cambridge, Massachusetts: Physicians for Human Rights, 2013), accessed September 18, 2013, <http://physiciansforhumanrights.org/library/reports/patterns-of-anti-muslim-violence-in-burma.html>.

¹²⁵ Bur: နိုင်ငံတော်လွှဲ.

Myanmar Buddhist resentment against the international media's 'covering Buddhism',¹²⁶ is the use of the term 'Buddhist terror' and the picture of U Wirathu as its face by the Time Magazine on the cover of its 1 July 2013 issue,¹²⁷ which was banned by the Myanmar government. President Thein Sein's office released a statement criticizing the cover story as a misinterpretation of Buddhism and defending U Wirathu as a Son of Lord Buddha.¹²⁸ Many Myanmar media, politicians and activists also voiced their criticisms of the story.¹²⁹

To sum up, this Buddhist resentment against the international media's reportage on the Rohingyas seems to have clouded the popular understanding of the issue. It also seems to have led to hardening of strong government and popular attitudes against any forms of recognition of Rohingyas as part of Myanmar.

As a postscript to this conclusion on the roles of different traits of popular Buddhism and Buddhist identity, it must be emphasized here that popular Buddhism in Myanmar is not necessarily a negative force or phenomenon. This has generally not been the case since independence. Buddhist nationalism has only emerged as a negative force since 2012, seemingly due to the constructed threat of the Rohingyas during and after the sectarian violence that year.

¹²⁶ This term 'Covering Buddhism' is derived from the use of 'Covering Islam' by Edward W Said as the title of one of his books which critiques how the Western media and experts view and cover Islam and the Middle East. See Edward W Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (New York: Pantheon Books, 1981).

¹²⁷ The cover story titled 'The Face of Buddhist Terror' by Hanna Beech was featured with a cover photo of Ashin Wirathu in the Europe, Middle East and Africa, Asia, and South Pacific editions of Time (Vol. 182, No. 1) issued on 1 July 2013.

¹²⁸ The President Office statement, titled 'Time Magazine Misinterpretation Rejected' and dated 23 June 2014 is available online, accessed February 1, 2015, <http://www.president-office.gov.mm/en/?q=briefing-room/news/2013/06/25/id-2257>.

¹²⁹ Paul Vrieze and Htet Naing Zaw, "Govt, Local Media Condemn Time Magazine's Cover of U Wirathu," *Irrawaddy*, June 24, 2013, accessed January 13, 2014, <http://www.irrawaddy.org/media/govt-local-media-condemn-time-magazines-cover-of-u-wirathu.html>.

*Rise of Rakhine nationalist power*¹³⁰

The 2010 general election saw Rakhine nationalists come to prominence not only at Rakhine state level but also at the Union level. Although ALD, which contested and won 11 seats in the 1990 election, did not participate because it had been de-registered, the new RNDP emerged in time to fill up the political vacuum. The RNDP won 35 seats out of 44 it contested. RNDP's victory must have amazed the USDP, which emerged out of Union Solidarity and Development Association (USDA) established in 1993 by SLORC. After this landslide victory in Rakhine State by RNDP, their rivals from the USDP accused nine RNDP representatives of foul play and submitted complaints to the Union Election Commission (UEC). The UEC acquitted eight of the nine RNDP representatives but dismissed Aung Kyaw Zan, the MP for Pauktaw Township in the Pyithu Hluttaw, which was taken by RNDP as a political conspiracy against them by the UEC headed by the ex-general Tin Aye who was a member of USDP.¹³¹ After this open confrontation between RNDP and USDP in the earlier days, no similar ones ensued. RNDP chairman Dr. Aye Maung was even nominated for a vice-president position¹³² though he was not elected as such when the Pyidaungsu Hluttaw¹³³ started convening on 31 January 2011.¹³⁴ Since he

¹³⁰ Although this section is only concerned with the rise of Rakhine nationalist power at the parliament and in the Myanmar society as well, it must be noted that Rakhine activists and politicians were also prominent in politics of Myanmar prior to 2008. Rakhines used to be democrats who, like their Bamar counterparts, demanded democracy, freedom, and human rights. However, this brand of Rakhine nationalism was mainly concerned with self-determination and equal rights, unlike the one which emerged in the new political context.

¹³¹ Ahunt Phone Myat, "RNDP Allege 'Conspiracy' after MP's Dismissal," *Democratic Voice of Burma*, September 12, 2011, accessed June 15, 2014, <https://www.dvb.no/news/rndp-allege-conspiracy-after-mps-dismissal/17573>.

¹³² There are two vice-presidents under the current Constitution.

¹³³ Bur: ပြည်ထောင်စုလွှတ်တော်

¹³⁴ Irrawaddy, "And the Winner Is ...," *Irrawaddy*, February 5, 2011, accessed June 16, 2014, http://www2.irrawaddy.org/article.php?art_id=20680.

was very vocal about Hluttaw affairs and Myanmar politics, interviews with him were covered by the local Myanmar press and Burmese services of international media.

Another significant landmark in the rise of Rakhine nationalist power in Myanmar is the occurrence of violence in Rakhine State in 2012 during and after which we saw the voice and influence of RNDP leadership and MPs at least upon popular opinion in Myanmar reach a climax. Amidst perceptions within Myanmar that the international media was unfairly covering Rakhine and non-Rakhine Buddhists, exclusive interviews with Rakhine leaders, mainly Dr. Aye Maung and Aye Thar Aung, and their comments upon the Rakhine State issue, were frequently included in dailies¹³⁵ and weeklies in Myanmar.¹³⁶ From this constant and exclusive local media coverage, Rakhine politicians and activists obtained an unprecedented opportunity to make the Rakhine cause and perspective known to all the peoples of Myanmar. Rakhine grievances against Rohingyas, against central governments since independence, and against the international community, all of which were almost entirely unnoticed or unknown in Myanmar until 2012, gradually captured the headlines in the local press. Reinforced by popular opinion that most, if not all, Rohingyas are illegal Bengali Muslim migrants from poor Bangladesh encroaching upon Rakhine State or Myanmar territory and resources, non-Rakhine peoples in other parts of Myanmar consequently came to accept the Rakhine version of the issue, apparent in their several commentaries on the issue..

Due to this growing influence of the Rakhine perspective, a significant change seems to have developed among players of the international policy regime who started incorporating the Rakhine and Bamar perspectives, with the exception of the human rights advocacy network which has continued to stick to their naming and shaming strategy by

¹³⁵ Private daily newspapers, the most prominent among which are the Eleven Daily, the 7Day Daily and the Voice Daily, started coming out in April 2013. Their weekly counterparts also continued to come out in the following months.

¹³⁶ A notable pattern regarding this media coverage of the Rakhine issue is that that by Burmese language services of BBC, VOA, RFA, DVB, the Irrawaddy, Mizzima, and the like have been generally nuanced and inclusive by including interviews not only with Rakhine politicians and activists whereas the local private media within Myanmar have been generally significantly pro-Rakhine and exclusive of the Rohingya voice.

nature. However, a similar compromising perspective among Rakhine and non-Rakhine authorities and peoples in Myanmar is yet to emerge since they have completely rejected and disowned the Rohingyas. Due to this elevation of the Rohingya issue as a political timebomb¹³⁷ within Myanmar, even Daw Aung San Suu Kyi, who is almost universally admired, has faced criticisms and questions from certain human rights groups for her silence on the precarious problem.¹³⁸

Emergence of 'Western Door' metaphor

Rakhine influence did not stop with extensive media coverage. Apart from the myth of deracination, demographic insecurities being felt mainly by Rakhines and to some extent

¹³⁷ This metaphor of timebomb might give the sense that the Rohingyas are either a tinderbox which itself may explode or a timebomb which may be detonated by someone or some group. After being repressed for decades, Rohingyas were until recently indeed a tinderbox or powder keg waiting to explode *itself*. In current political landscape of Myanmar, Rohingyas, with excessive explosive power, are more like a timebomb prone to detonation by anybody or any groups.

¹³⁸ Alex Spillius, "Aung San Suu Kyi Facing Backlash for Silence on Abuses," *Telegraph (UK)*, July 26, 2012, accessed March 1, 2015, <http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/9430518/Aung-San-Suu-Kyi-facing-backlash-for-silence-on-abuses.html>; Emanuel Stoakes, "Aung San Suu Kyi is Turning a Blind Eye to Human Rights in the Name of Politics," *Guardian (UK)*, November 27, 2013, accessed January 1, 2014, <http://www.theguardian.com/commentisfree/2013/nov/27/aung-san-suu-kyi-is-turning-a-blind-eye-to-human-rights-in-the-name-of-politics>; Jane Perleznov, "For Some, Daw Aung San Suu Kyi Falls Short of Expectations in Myanmar," *New York Times*, November 12, 2014, accessed November 13, 2014, <http://www.nytimes.com/2014/11/13/world/asia/for-some-daw-aung-san-suu-kyi-falls-short-of-expectations-in-myanmar.html>; Joseph J Schatz, "Burma's Aung San Suu Kyi, A Hman Rights Icon, is criticized on Anti-Muslim Violence," *Washington Post*, December 23, 2013, accessed January 1, 2014, http://www.washingtonpost.com/world/asia_pacific/burmas-aung-san-suu-kyi-a-human-rights-icon-is-criticized-on-anti-muslim-violence/2013/12/23/c7acb0f4-633e-11e3-a373-0f9f2d1c2b61_story.html; Tim Hume, "Aung San Suu Kyi's 'Silence' on the Rohingya: Has 'The Lady' lost her voice?" *CNN*, June 1, 2014, accessed June 3, 2014, <http://edition.cnn.com/2014/04/15/world/asia/myanmar-aung-san-suu-kyi-rohingya-disappointment/>.

by other non-Rakhine Buddhists are best conveyed by a metaphor¹³⁹ which has become the vogue in speeches and writings on the issue. It is ‘The Western Door is Broken!’¹⁴⁰ It means that the door or the Myanmar-Bangladesh border in NRS, where most of Rohingyas are concentrated in, was flung open by the anti-Rakhine violence in Maungdaw on 5 June 2012. This metaphor mythologizes the constructed threat of Rohingyas portraying the community as a horde of illegal Bengali Muslims constantly breaking into the Western Door jealously guarded by Rakhine Buddhists. Rhetorically, it portrays Rakhines as victims of Rohingya invaders and concurrently as Buddhist guards on the Western Door.

These two metaphors of fear of deracination and the broken Western Door have been constantly used in recent years by various government officials and commentators. The Voice Weekly, one of the leading weeklies, used the title – ‘Breaking Up of the Western Door or Conundrum of the Union’ – in its special report on the issue.¹⁴¹ Likewise, a writer uses ‘Guests from the Western Door’ as the title of his article in another popular

¹³⁹ It is more often than not argued that myths are best conveyed through metaphor. For example, Ernst Cassirer argues: “It has frequently been noted that the intellectual link between language and myth is metaphor.” Likewise, Jonathan Charteris-Black states: “When myth does draw on language it will rely more heavily on metaphors and other rhetorical strategies directed to creating mythic thinking – this is a type of thought that deals with the difficult emotions for which myth provides the answers and it contributes to telling the right story.” Ernst Cassirer, *Language and Myth* (New York: Dover, 1946), 84; Jonathan Charteris-Black, *Politicians and Rhetoric: The Persuasive Power of Metaphor*, 2nd ed. (Basingstoke: Palgrave Macmillan, 2011), 23.

¹⁴⁰ This metaphor (Bur: အနောက်တံခါးကျိုးပျက်သွားပြီ) was uttered by U Hla Myint, one of the executive members of the Arakan League for Democracy (ALD) at a press conference made on 10 June 2012 in Yangon in the wake of largely anti-Rakhine violence committed by Muslims in Maungdaw on 8 June. U Hla Myint said: အခုဖြစ်နေတဲ့ ရခိုင်မှာ တစ်ဖက်နိုင်ငံက ဘင်္ဂလီတွေ ကျူးကျော်လာတဲ့ ပြဿနာဟာ ပြည်ထောင်စုမြန်မာနိုင်ငံတော်ရဲ့ အနောက်ဘက်တံခါးကြီး ကျိုးပျက်သွားခြင်းပါပဲ။ [The problem of Bengalis from the other country [Bangladesh] invading into Rakhine, what is happening now, is being broken of the West Door of the Union of Myanmar.]

¹⁴¹ အယ်ဒီတာအဖွဲ့, “အနောက်တံခါးကျိုးပျက်ခြင်း သို့မဟုတ် ပြည်ထောင်စု၏ ပြဿနာ,” *Voice Weekly* (Myanmar), June 18-24, 2012, 21-2.

weekly.¹⁴² A historian-cum-writer also titled one of his articles ‘The Broken Western Door’.¹⁴³ Another writer muses on the issue and asks ‘Is the Western Door of the State Nearly Broken?’¹⁴⁴ Another article in the Weekly Eleven is also titled ‘The Old Fable of the Camel and Security of the Western Door.’¹⁴⁵

In response to a question – whether the government has a plan to form a Rakhine paramilitary to control Rohingyas – raised on 24 July 2013 by U Maung Nyo, an RNDP representative, General Kyaw Nyunt, Deputy Minister for Defence, said to the Pyithu Hluttaw that although the word ‘Western Door’ is now commonly used at the popular level, state and military leaders have committed since independence to defence of the Door evidently in various military operations carried out for that particular purpose.¹⁴⁶

¹⁴² နိုင်ထက်ရှိန် (ဟင်္သာတ), “အနောက်တံခါးမှ ဧည့်သည်များ,” *Hot News (Myanmar)*, August 2-8, 2012, 21-2.

¹⁴³ ဒေါက်တာမြင့်သိန်း (ရန်ကုန်တက္ကသိုလ်), “ကျိုးပျက်သွားသည့်အနောက်တံခါး,” *Myanmar Herald*, December 28–January 3, 2013, 25.

¹⁴⁴ အံ့ခေါင်မင်း, “တိုင်းပြည်အနောက်တံခါးကျိုးပျက်လုနီးပြီလော,” *Myanmar Herald*, June 14-20, 2014, 17.

¹⁴⁵ The article is based upon the famous fable “The Arab and His Camel”. It claims that Rohingyas in NRS behave like the camel from the fable that, on a cold night, eventually displaced an Arab from a tent after the latter let the former’s nose, head, neck, forelegs, etc. It implies that Rohingyas bite the hand that feeds them. စိုးထက်, “ကုလားအုတ်ပုံပြင်ဟောင်းနဲ့ အနောက်တံခါးလုံခြုံရေး,” *Weekly Eleven (Myanmar)*, February 24, 2014, 24, 30.

¹⁴⁶ General Kyaw Nyunt said: ရခိုင်ပြည်နယ်အတွက် အနောက်တံခါးလုံခြုံရေးဆိုတဲ့ ဝေါဟာရကတော့ ၂၀၁၂ ခုနှစ်၊ ဇွန်လတွင် မောင်တောဒေသ၌ ဆူပူအကြမ်းဖက်မှုအချို့ဖြစ်ပွားပြီးနောက် ကျယ်ပြန့်စွာ ထွက်ပေါ်လာခဲ့တဲ့ ယင်းကာလမတိုင်မီအထိ သာမန်အရပ်သားများအနေဖြင့် အနောက်တံခါးလုံခြုံရေးဟူသော ဝေါဟာရကို သိရှိမှုနည်းပါးခဲ့ပါတယ်။ ဒါပေမယ့် နိုင်ငံ့ခေါင်းဆောင်များ၊ တပ်မတော်အကြီးအကဲများသည် မြန်မာနိုင်ငံလွတ်လပ်ရေးရရှိခဲ့ချိန်မှစ၍ အနောက်တံခါးလုံခြုံရေးအတွက် တစိုက်မတ်မတ်လုပ်ဆောင်ခဲ့သည်ကို ရွှေကျားမင်းစစ်ဆင်ရေး၊ နေမင်းစစ်ဆင်ရေး၊ လမင်းအောင်စစ်ဆင်ရေး၊ သောင်းလုံးအောင်စစ်ဆင်ရေး၊ တိုင်းလုံးဟိန်းစစ်ဆင်ရေး၊ တိုင်းရန်အောင်စစ်ဆင်ရေးများက သက်သေခံလျက်ရှိပါတယ်။ The proceedings of the Pyithu Hluttaw meetings are available at www.pyithuhluttaw.gov.mm, accessed March 1, 2015.

The Western Door metaphor seems concerned with territoriality and sovereignty, two of the “three sacrosanct principles of the nation-state system”, the other being citizenship.¹⁴⁷ However, it has been added a religious favour by Buddhists by claiming that Buddhism in Myanmar shall vanish if sufficient defence of the Western Door is not launched. Myanan Sayadaw U Thaddhamma, one of the leading preachers of the 969 movement, asserts that if the Western Door is flung fully open, Myanmar’s Buddhism shall vanish on Earth.¹⁴⁸ Due to the fact that Rakhines and Bamars are coreligionists this Rakhine view and securitization of Rohingyas as a threat to Buddhism is seen to be readily transferred to Bamars as well. It has become a more potent myth when it is combined with the decades-long myth of deracination which originated in colonial Burma in the early twentieth century.

However, by bringing highly populous Muslim Bangladesh into the question, the myths of deracination and Western Door have incorporated both racial and religious dimensions. Together with Rohingyas, Bangladesh has been concurrently and effectively securitized as a demographic giant with population explosion sitting on Myanmar’s western borders. Min Zaw Oo, a director of the Myanmar Peace Center involved in ceasefire talks

¹⁴⁷ Varshney, “Ethnicity and Ethnic Conflict”

¹⁴⁸ Myanan Sayadaw’s assertion in Burmese is: အိမ်တစ်အိမ်မှာ တံခါးပေါက်ပွင့်သွားရင် အထဲကပစ္စည်းတွေ ကုန်သွားမှာဖြစ် ပါတယ်။ မြန်မာနိုင်ငံကို အိမ်တစ်လုံးလို သဘောထားလိုက်ရင် မြန်မာနိုင်ငံရဲ့ အနောက်တံခါးသည် ရခိုင်ဖြစ်ပါတယ်။ ... အနောက်တံခါးမလုံရင် မြန်မာပြည်က သယံဇာတတွေ အပါအဝင် လူမျိုးရေး၊ ဘာသာရေး၊ သာသနာရေး၊ အမျိုးအားလုံး ပျောက်ကွယ်သွားမှာ ဖြစ်ပါတယ်။ ဒါကြောင့်မို့ အဲဒီတံခါးကို လုံအောင် လုပ်ဖို့တိုင်းရင်းသားတိုင်းမှာ တာဝန်ရှိပါတယ်။ နိုင်ငံတော်မှာလည်း တာဝန်ရှိတယ်။ သံဃာတော်တွေ မှာလည်း တာဝန်ရှိပါတယ်။ တမျိုးသားလုံးတာဝန်ရှိပါတယ်။ [If a door to a house is opened, all the things from inside will be gone [taken away]. If we consider Myanmar as a house, its Western Door is Rakhine. ... If the Western Door is not well-sealed, not only Myanmar’s natural resources but also its ethnicity, religion, sāsana and race will vanish. So, all of the indigenous peoples are obliged to make sure the Door is well sealed. The state, monks, and all the people are obliged.] Narinjara, “အနောက်တံခါးလုံခြုံရေး ကိုယ်နှင့်မဆိုင်သလို နေ၍ မရတော့ဟုမြန်မာ့ဆရာတော်မိန့်ကြား,” *Narinjara*, December 5, 2014, accessed January 6, 2015, <http://www.narinjara.com/burmese/?p=8871>.

between the present Myanmar government and various armed ethnic groups and the peace process, wrote a couple of articles for the Voice Weekly in July 2012¹⁴⁹ in the wake of the first wave of violence in Rakhine State. In the two articles, he portrays Rohingyas as a national security issue. Apart from many other facets of Rohingyas as a national security problem from Myanmar, he writes that Bangladesh is disaster-prone and millions of Bangladeshi environmental refugees in the near future are highly likely to knock on Myanmar's western doors at which the Rohingya with ethnic/racial/religious/cultural proximity to the Bangladeshis are sitting in waiting. This was called 'Problem of Relatives Waiting to Open the Door When It's Knocked'¹⁵⁰ by Min Zaw Oo.

Securitized Rohingya illegal migration, fertility, and growth

Another significant rhetoric against giving citizenship to and respecting Rohingyas' human rights is 'deep securitization'¹⁵¹ of alleged population explosion of the group, which is also widely shared and believed in Myanmar. Without fact and basis, this argument is repeatedly made by many Myanmar government authorities, politicians, and Rakhines.¹⁵²

¹⁴⁹ Min Zaw Oo, "ရိုဟင်ဂျာပဋိပက္ခ၊ အမျိုးသားလုံခြုံရေးနှင့် လက်တွေ့မူဝါဒဆိုင်ရာ စိန်ခေါ်မှုများ (၁)," *Voice Weekly (Myanmar)*, July 2-8, 2012, 30-1; Min Zaw Oo, "ရိုဟင်ဂျာပဋိပက္ခ၊ အမျိုးသားလုံခြုံရေးနှင့် လက်တွေ့မူဝါဒဆိုင်ရာ စိန်ခေါ်မှုများ (၂)," *Voice Weekly (Myanmar)*, July 9-15, 2012, 34-5.

¹⁵⁰ Bur: လာခေါက်မယ့်တံခါးဝမှာဖွင့်ပေးဖို့ ထိုင်စောင့်နေသူတွေ. Min Zaw Oo, "ရိုဟင်ဂျာပဋိပက္ခ၊ အမျိုးသားလုံခြုံရေးနှင့် လက်တွေ့မူဝါဒဆိုင်ရာ စိန်ခေါ်မှုများ (၁)," 30.

¹⁵¹ Uriel Abulof defines deep securitization as a situation in which "threats are explicitly framed as probable and protracted, endangering the very existence of the nation/state and that discourse is incessantly and widely employed by the society." See Uriel Abulof, "Deep Securitization and Israel's 'Demographic Demon'," *International Political Sociology* 8 (4) (2014), 397. Uriel Abulof's work draws upon securitization theory mainly developed by Barry Buzan and Ole Wæver. See Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, Colo.: Lynne Rienner Publishers, 1998).

¹⁵² Indeed, this is a clever argument made to reject the legal claim by Rohingyas to Myanmar citizenship even if they are able to prove their eligibility. Furthermore, even when they are certified to be legal citizens, they

Such repeated discursive deep securitization seems to have resulted in the emergence of a deep Buddhist public siege mentality. It must be noted here that alleged Rohingya hyper-fertility has not been statistically proven. The mythical fear being felt within Myanmar is based purely upon the government's and Rakhines' claims. David Dapice has argued that this claim is baseless, based upon limitedly available census data.¹⁵³

This demographic insecurity being expressed by Rakhines and the larger Buddhist community in Myanmar has posed another almost insurmountable obstacle for future recognition of most, if not all, Rohingyas as full Myanmar citizens. It also reinforced the re-emergence of the myth of deracination in Myanmar which has remained since colonial times.¹⁵⁴ It has already been discussed above that SLORC started using in the late 1980s and early 1990s the myth in many of their pronouncements to reject Rohingyas as part of Myanmar's citizenry. However, it did not resonate among the larger society then because most of what the regime wrote or said would be automatically taken as sheer propaganda by the people. This military-elitist security practice until 2011 when the Thein Sein administration came to power has drastically changed especially in the issue of Rohingyas. Now, securitization¹⁵⁵ is not just confined to military elites. Other prominent and successful

are still a threat in terms of demographic security. A corollary to this is that Rohingyas may never enjoy full citizenship rights because they pose a threat.

¹⁵³ David Dapice, *Creating a Future: Using Natural Resources for New Federalism and Unity* (Cambridge, MA: Harvard Kennedy School of Government, 2013), accessed 21 October 2015, <http://www.ash.harvard.edu/Home/Programs/Institute-for-Asia/Publications/Occasional-Papers>.

¹⁵⁴ In Alicia Turner's study of how Buddhist associations interpreted British colonization of Burma, which was completed in 1885 with the fall of the Konbaung Dynasty, as the deterioration of *sāsana* and strove for a Buddhist renaissance, she argues that the current anti-Muslim/anti-Rohingya rhetoric of the 969 movement shares common rationalities of decline or deterioration of *sāsana* with those Buddhist associations and movements of early decades of British colonization in colonial Burma. She writes: "the current '969 movement' for Buddhist chauvinism and the murderous drives to avenge imagined harms to Buddhism are no less motivated by an interpretation of the moral defense of *sāsana* than were the early twentieth-century Buddhist associations or the protests of 2007." Turner, *Saving Buddhism*, 142.

¹⁵⁵ Securitization is conceptualized here as "an intersubjective process [because] the senses of threat, vulnerability, and (in)security are socially constructed rather than objectively present or absent." Buzan, Wæver and Wilde, *Security*, 57. For a critique and counter-argument of this 'intersubjective construction'

securitizers,¹⁵⁶ who have reinforced the imagined threat of Rohingya population growth, are Rakhines, Buddhist monks and other politicians and activists.

Rohingyas within Myanmar have been estimated to number around 1,000,000.¹⁵⁷ It is definitely not a small minority, especially when it is compared to many other minorities in Myanmar. Their population could go up to 2 million or more if we included hundreds of thousands of Rohingyas stranded as refugees, forced migrants, economic migrants, and the like outside the country. It means they are to become one of the largest minorities comparable to few others such as Shans and Kayins. Rohingyas' number, which now stands at around two percent of the total population of Myanmar of 51,419,420,¹⁵⁸ reinforces numerical or demographic insecurity being felt by Rakhines and other Buddhists in Myanmar.

Although one million Rohingyas only constitute two percent of the total population, we also have to view it in terms of demographics of Rakhine State where most of the populations of Rakhines and Rohingyas live in. Demographic data by ethnicity or race of the last census is not available yet. However, the census records 2,098,963 persons who were enumerated and 1,090,000 persons who were not, both in Rakhine State. Since almost all of the latter group may be supposed to be Rohingyas or Muslims,¹⁵⁹ we can see that Rohingyas constitute around one third of the total population of Rakhine State. This

aspect of security practice, see Bill McSweeney, "Identity and security: Buzan and the Copenhagen school," *Review of International Studies*, 22 (1) (1996); Barry Buzan and Ole Wæver, "Slippery? Contradictory? Sociologically Untenable? The Copenhagen School Replies," *Review of International Studies* 23 (2) (1997).

¹⁵⁶ Barry Buzan, Ole Wæver and Jaap de Wilde claim that securitization may be said to be successful only when the audience accepts a securitizing move or message by the securitizer. Buzan, Wæver and Wilde, *Security*.

¹⁵⁷ The provisional result of the 2014 census states that there were 1,090,000 persons not enumerated in Rakhine State, almost all of whom must be Rohingyas. Ministry of Immigration and Population, *Population and Housing Census of Myanmar, 2014*, 14.

¹⁵⁸ *Ibid.*, 6.

¹⁵⁹ Although there are non-Rohingya Muslims such as Kamans as well in Rakhine State, who are recognized as one of 135 ethnic groups, their number, estimated to be around 50,000 or more, is not significant in terms of demography.

demographic competition between Rohingyas and Rakhines becomes more critical when it is seen in combination with neighbouring Bangladesh with an estimate of 166 million people as of July 2014. Moreover, ninety-eight per cent of the Bangladeshi population is ethnically or racially Bengalis.¹⁶⁰ Since Rohingyas are believed to be Bengalis, it means that Rohingyas within Myanmar and Bengali Bangladeshis are the same, at least from the standpoint of Rakhines.

Over the last three years, Myanmar government officials were seen to popularize a discourse that Rohingyas have unusually high fertility and imply that they pose a threat. For example, U Win Myaing, the spokesperson for the Rakhine State government, claimed: “I have seen this [population growth] in the records once. There were one census in 1952 and another one just before 1962. The population significantly grew in those years. I have seen a comment written by the [Myanmar] foreign minister then that such population growth would one day lead to conflict.”¹⁶¹ In August 2012, in order to back up his allegation of explosive population growth of Rohingyas Lt-Gen Thein Htay, then cabinet minister for border affairs, gave example of an 82-people Rohingya household which comprises a man, his four wives, twenty eight children and forty nine grandchildren.¹⁶² Moreover, whether the practice of polygamy is that widespread among Rohingyas in NRS and whether most, if not all, Rohingya families are as huge as that one are not known

¹⁶⁰ Central Intelligence Agency, “*The World Factbook*,” accessed March 1, 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>.

¹⁶¹ Bur: ဒီဥစ္စာက ဟိုးအရင်တုန်းက မှတ်တမ်းတွေထဲမှာ တစ်ခါမြင်ဖူးတယ်။ ၁၉၅၂ ခုနှစ်မှာ တစ်ခါ ကောက်တာရှိဖူးတယ်။ နောက်တစ်ခါ ၆၂ ခုနှစ်မတိုင်မီလေးမှာ တစ်ခါကောက်တယ်။ အဲဒီနှစ်အတွင်းမှာ လူဦးရေဟာတော်တော်လေးတိုးပွားလာတယ်။ အဲဒီတုန်းက လုပ်ခဲ့တဲ့ နိုင်ငံခြားရေးဝန်ကြီးကတောင်မှ ဘာပြောလဲဆိုတော့ ဒီလိုသာ လူဦးရေပေါက်ဖွားနေမယ်ဆိုရင် တစ်ချိန်ချိန်ကျရင် ပြဿနာဖြစ်လာနိုင်တယ်ဆိုပြီး ရေးထားတာတွေရပါတယ်။ မာန်ယုကျော် (ရွှေဝမြေ), “ဘင်္ဂလီလူဦးရေထိန်းချုပ်မည့်နည်း ပြည်နယ်အစိုးရမသိရှိသေးဟု ဝန်ခံ,” *Yangon Times (Daily)*, May 25, 2013, 7.

¹⁶² အားမန် and အောင်သူရ, “မွေးဖွားနှုန်းများသော ဘင်္ဂလီများကို အိမ်ထောင်ပြုခြင်း၊ သားသမီးယူခြင်းများတွင် ဥပဒေဖြင့် ကန့်သတ်ရန်မရှိ,” *7 Days News Journal (Myanmar)*, August 2, 2012, 1, D.

either.¹⁶³ However, giving such an extreme example of a huge Rohingya household, Thein Htay was obviously claiming that Rohingyas are hyper-fertile.

Thein Htay's example was readily accepted by the Myanmar public. For example, Thin Yee, an NLD representative elected in the 1990 general election and regular contributor to the *7 Day Daily*, wrote:

Bengalis' fertility is threatening. They seem to have drawn up a grand strategy and are engaged in the business of reproduction and it is worrying. Since a man marries four women and they are happily engaged in reproduction, a household which originates from a father has more than eighty family members. Therefore, it is certain that Bengalis shall swallow up Rakhine land.¹⁶⁴

U Tha Sein, an RNDP representative of the Pyithu Hluttaw also echoed:

There are intransigent and violent activities of non-indigenous people who drew up a strategy to grow their population. After it grew, they are now claiming that Myanmar is their country and stealing it. An example is the ongoing conflicts which occur after about ninety-five percent of Buthidaung and Maungdaw have been swallowed up by them.¹⁶⁵

¹⁶³ According to the interviews with Rohingyas in Yangon, a certain level of polygamy is found in NRS but not as high as the Myanmar government and Rakhines claim.

¹⁶⁴ Bur: ဘင်္ဂါလီတွေ၏ လူဦးရေပေါက်ပွားနှုန်းကလည်း ကြောက်မမန်းလိမ့်ဖြစ်သည်။ မဟာဗျူဟာမြောက် စီမံကိန်းချ၍ လူသားဖောက်လုပ်ငန်း လုပ်နေကြသလားဟု စိုးရိမ်စရာဖြစ်သည်။ ယောက်ျားတစ်ယောက်ကို မိန်းမလေးယောက်ယူပြီး ပျော်ပျော်ကြီး မွေးထုတ်နေကြသည်မှာ ဖခင်တစ်ယောက်တည်းမှ ဦးစီးပေါက်ပွားလာသည့် အိမ်ထောင်စုတစ်ခုဆိုလျှင် လူဦးရေ ၈၀ ကျော်ပင် ရှိသည်ဆိုသည့်အခါ ရခိုင်မြေကို ဘင်္ဂါလီမျိုးမည့်အခြေအနေသို့ ဒက်ထီဆိုက်လာသည်။ သင်းရီ, "ဆေးရိုးပုံပေါ်တက်ပြီး ကလေးမွေးကြသည်," *7 Day Daily (Myanmar)*, June 13, 2013, 19.

¹⁶⁵ Bur: လူဦးရေတိုးပွားအောင် နည်းဗျူဟာခင်းပြီး လူဦးရေများလာသောအခါ ဤမြန်မာနိုင်ငံသည် သူတို့နိုင်ငံဖြစ်သည်ဟု လုယူနေကြသော တိုင်းရင်းသားမဟုတ်သူတို့၏ ကလန်ကဆန်လုပ်နေမှု၊ ဆူပူနေကြမှုများဖြစ်၏။ သာကေမှာ ရခိုင်ပြည်နယ်၌ ဘူးသီးတောင်၊ မောင်တောမြို့များ၌ ၉၅ ရာခိုင်နှုန်းခန့် သူတို့၏ ဝါးမျိုခြင်း

U Aung Myat Kyaw, an RNDP MP at the Rakhine State Hluttaw, argued: “Everyone knows what’ll happen if this high fertility is not controlled. It is the cause of the conflicts. In terms of their fertility, some households even have about sixty seven members. The father is only around 50 and this [fertility] is unacceptable.”¹⁶⁶ In response to a documentary to be broadcast in the next month by Al Jazeera which alleges that the Myanmar government policies regarding and treatment of Rohingyas may amount to genocide,¹⁶⁷ Lt-Gen Thein Htay again said at a press conference held on 7 December 2013 that Al Jazeera’s accusation is totally unfounded because the Rohingya population has even increased tenfold from 100,000 in 1982 to 1,000,000 in 2012.¹⁶⁸ This claim is unfounded because the second last census conducted in 1983 records 567,985 Bangladeshis.¹⁶⁹ Likewise, Win Myaing, the spokesperson of the Rakhine State government, contended in May 2013: “The population growth of Rohingya Muslims is 10 times higher than that of the Rakhine (Buddhists).”¹⁷⁰ Khin Yi, cabinet minister for immigration and population,

ခံထားရပြီးနောက် ဖြစ်ပေါ်နေသော ပဋိပက္ခဖြစ်စဉ်များဖြစ်၏။ ကပ္ပတိန်သာစိန်, “သတိပြုရန်လိုနေပါပြီ,” *ရွှေနိုင်ငံသစ်*, June 8, 2013, 9.

¹⁶⁶ Bur: အဲဒီတော့ ဒီမွေးဖွားနှုန်းကို မထိန်းချုပ်ဘူးဆိုရင် သိတဲ့အတိုင်းပဲ။ အခုပဋိပက္ခဖြစ်သွားတာလည်း အဲဒါကြောင့်ပဲလေ။ သူတို့လူဦးရေပေါက်ဖွားမှုနှုန်းက တချို့မိသားစုတွေကို မိသားစုစုမှာ လူဦးရေ ၆၇ လောက်အထိ ရှိနေတယ်။ အသက်က ၅၀ ဝန်းကျင်ပဲ ရှိသေးပြီး ဒီလောက်တောင်ဆိုတော့ ဒါတော့တော့ကို လက်မခံနိုင်စရာပါပဲ။” တင်ထွဋ်နိုင် (ချင်းတွင်းသတင်းဌာန), “ဘင်္ဂလီသားဖွားနှုန်း ကန့်သတ်ထိန်းချုပ်မှုအမြင် အမျိုးမျိုးပေါ်ထွက်,” *Yangon Times (Daily)*, May 22, 2013, 12.

¹⁶⁷ The documentary titled “The Hidden Genocide” and broadcast in mid-January 2013 is available at <http://www.aljazeera.com/programmes/aljazeerainvestigates/2012/12/2012125122215836351.html>, accessed March 1, 2015.

¹⁶⁸ BBC, “ရခိုင်အရေး သတင်းတရုင်းလင်းပွဲကျင်းပ,” BBC, December 8, 2012, accessed December 9, 2012, http://www.bbc.co.uk/burmese/burma/2012/12/121208_rakhine_presser.shtml

¹⁶⁹ The 1983 census used ‘Bangladeshis’ for Muslims in Rakhine State almost all of whom are known as Rohingyas in present-day Myanmar. Ministry of Home and Religious Affairs, *Burma: 1983 Population Census* (Rangoon: Immigration and Manpower Department, 1986).

¹⁷⁰ Al Jazeera, “Two Child Limit Imposed on Myanmar’s Rohingya,” *Al Jazeera*, May 25, 2013, accessed March 1, 2015, <http://www.aljazeera.com/news/asia-pacific/%202013/05/2013525133356670103.html>

said: “There is high population growth. ... We Burmese are monogamous [though] there is no law which prescribes practice of monogamy. But they are highly polygamous and may marry four wives.”¹⁷¹

Rakhines, though understandably, stand out among those securitizers of alleged Rohingya population growth. Ashin Pandita, a Rakhine Buddhist monk who presides over the Alodawpyei monastery in Nyaung U (Magway Division), said Rakhines and Rohingyas have population growth rates of three and seven per cent respectively.¹⁷² Likewise, U Thar Pwint, a Rakhine lawyer, urged the Pyidaungsu Hluttaw on 29 September 2013: “I request the Pyidaungsu Hluttaw to draw up a necessary law quickly to check massive population growth of illegal Bengalis who are taking up wives and having children as they would like against civilized norms.”¹⁷³

¹⁷¹ Bur: လူဦးရေပေါက်ဖွားတာများတယ်။ လူဦးရေပေါက်ဖွားတာများတော့ ဆင်းရဲတာပေါ့။ ကျွေးရ၊ မွေးရတာ ခက်တာပေါ့။ ကျွန်တော်တို့မြန်မာမှာတော့ မိန်းမတစ်ယောက်ပဲယူကြတာပဲ။ ဥပဒေက မိန်းမတစ်ယောက်ပဲ ယူရမယ်လို့မရှိဘူး။ ဟိုကတအားများတယ်။ လေးယောက်ယူခွင့်ရှိတယ်။ အားမန် and အောင်သူရ၊ “မွေးဖွားနှုန်းများသော ဘင်္ဂါလီများကို,” D.

¹⁷² ဓမ္မပါလမြို့သား, “ရခိုင်ရေးရာဝန်ကြီးတွေလုပ်ဆောင်ချက်အားရမူမရှိသေး’ ညောင်ဦးအလိုတော်ပြည့်ကျောင်း တိုက်ဆရာတော် မဟာဣန္ဒဝိစကပဏ္ဍိတ၊ ဘဒ္ဒန္တပဏ္ဍိတ (ဓမ္မစရိယ၊ MA) ကိုတွေ့ဆုံခြင်း,” *Myanmar Herald*, December 28–January 3, 2013, 23.

¹⁷³ Bur: ယဉ်ကျေးတဲ့လူစံနှုန်းများနဲ့မကိုက်ညီဘဲ မယားယူချင်သလိုယူ၊ ကလေးမွေးချင်သလိုမွေးနေကြတဲ့ ဒီတရားမဝင်ဘင်္ဂါလီတွေရဲ့လူဦးရေမတန်တဆတိုးပွားနေမှုကိုထိန်းချုပ်ဖို့အတွက်လိုအပ်နေတဲ့ဥပဒေတစ်ရပ်ကိုပြည် ထောင်စုလွှတ်တော်ကဆောလျင်စွာပြဌာန်းပေးနိုင်ရေးအတွက်မေတ္တာရပ်ခံအပ်ပါတယ်။ A large seminar on development of Rakhine State was held in Yangon at International Business Center on 29 September 2013 and attended by various government officials, Speakers of Hluttaws, parliamentarians, politicians, activists, etc. At the seminar, ten presentations on Rakhine-State-wide issues were made by prominent Rakhine politicians, elites and activists, and seventeen presentations on township-specific issues by representatives of seventeen (out of twenty) townships in Rakhine State. Although Rakhines have talked to the press on various occasions, they are mostly dispersed and do not touch upon the issue in a comprehensive manner. However, all those twenty-seven detailed presentations provide the best possible window into the minds of Rakhines and how they interpret and explain the Rakhine-Rohingya conflict. The gist of all the twenty seven submitted

At the same conference, U Bo Min Phyu claimed: “Maungdaw, Buthidaung and the border are densely populated with Bengalis. I’d like to present that when there is a change in governmental administration, it shall find itself on the verge of explosion.”¹⁷⁴ Zaw Aye Maung, Rakhine ethnic affairs minister for Yangon Division,¹⁷⁵ also presented: “By giving excuses of overpopulation and suffering from natural disasters in Bangladesh, they sneak into our Rakhine State through illegal migration.”¹⁷⁶ U Hla Maung, representative of Kyaukphyu Township, said: “The issue is perilous growth of Bengali Kalas on a daily basis across Myanmar including our Kyaukphyu and Yangon.”¹⁷⁷ Dr Tun Aye, representative of Buthidaung Township, claimed: “Besides Maungdaw and Buthidaung, Kyauktaw Township is one into which many Bengalis sneak into and becoming one of their main

papers together with their two main findings and fourteen basic facts were then shared with President Thein Sein and all 664 representatives of the parliament by Lower House Speaker Thura U Shwe Mann on 15 October. (All documents on file with the author). ဦးသာပွင့်, “ရခိုင်ပြည်နယ်ဒေသတည်ငြိမ်ရေးနှင့် ပထဝီနိုင်ငံရေးဆိုင်ရာအရေးပါပုံများ,” 5.

¹⁷⁴ Bur: ကျွန်တော်တို့ မောင်တော-ဘူးသီးတောင်နယ်စပ်သည် ဘင်္ဂါလီလူဦးရေများတင်းကျပ်အောင် ပြည့်နှက်နေပြီး အစိုးရအုပ်ချုပ်ရေးအပိုင်း အပြောင်းအလဲဖြစ်သည်နှင့်တပြိုင်နက် ပေါက်ကွဲမည့်အခြေအနေသို့ ရောက်နေပြီဖြစ်ကြောင်းစိုးရိမ်စရာအဖြစ်သတင်းပေးတင်ပြအပ်ပါသည်။ ဦးဘိုမင်းဖြူ, “ရခိုင်ပြည်နယ်နယ်စပ်ဒေသ လုံခြုံရေးနှင့်တရားဥပဒေစိုးမိုးရေးတင်ပြချက်အကျဉ်းချုပ်,” 3.

¹⁷⁵ According to Sections 16 (b) and 16 (c) of the present Constitution of the Republic of the Union of Myanmar, a person who represents a national race in a region or state determined to have 0.1. per cent and above of the total population of Myanmar may be elected as a national race minister to the Hluttaw of the respective region or state.

¹⁷⁶ Bur: ဘင်္ဂါလားဒေ့ရှ်နိုင်ငံမှာလူဦးရေပေါက်ပွားမှုများလာပြီး သဘာဝဘေးအန္တရာယ်ဒုက္ခများ ခံစားရခြင်း ကိုအကြောင်းပြုပြီး Illegal Migrants နည်းနဲ့ ကျွန်ုပ်တို့၏ ရခိုင်ပြည်ကို ခိုးဝင်လာကြပါသည်။ ဦးဇော်အေးမောင်, “ရခိုင်ပြည်နယ်သမိုင်းအကျဉ်းနှင့် လက်ရှိအခြေအနေများ တင်ပြချက်အကျဉ်းချုပ်,” 1.

¹⁷⁷ Bur: ကျွန်တော်တို့ကျောက်ဖြူမြို့နှင့်တကွ ရန်ကုန်မြို့နှင့် မြန်မာပြည်အနှံ့ ဘင်္ဂါလီလူလားများ တနေ့တခြားကြောက်စမန်းလိလိတိုးပွားလာနေခြင်းကိုစွဲဖြစ်ပါသည်။ “ကျောက်ဖြူမြို့နယ်ကိုယ်စားပြုဦး လှမောင်၏ တင်ပြချက်အကျဉ်းချုပ်,” 1.

destinations.”¹⁷⁸ U Tun Aung Thein, representative of Buthidaung Township asserted: “Our Buthidaung Township is situated on a border shared with Bangladesh. Bengalis are illegal entering Buthidaung Township due to extremely massive population in the other country [Bangladesh].”¹⁷⁹ “Although there have been Muslim Kamans since ancient times in Yanbye, the Muslim population has now greatly grown due to illegal migration of Bengalis. Bengalis from the other country [Bangladesh] infiltrate in boats,” said U Aung Soe from Yanbye.¹⁸⁰ “Now illegal Bengalis from outside are always infiltrating into Thandwe,” presented U Maung Maung Phyu from Thandwe.¹⁸¹

Likewise, U Soe Naing, representative of Sittwe Township, called for legislation to check extreme Bengali population growth and sending illegal Bengalis to detention camps.¹⁸² Moreover, U Kyaw Win of Pauktaw Township also securitized Rohingyas in an IDP camp in the township and called for more stringent security.¹⁸³ They were joined by

¹⁷⁸ Bur: ရခိုင်ပြည်နယ်မှာ မောင်တော၊ ဘူးသီးတောင်မြို့နယ်များပြီးရင် ကျောက်တော်မြို့နယ်မှာ ဘင်္ဂလီလူမျိုးများ အများအပြားခိုးဝင်လာနေတဲ့ မြို့နယ်တစ်ခု ဖြစ်နေပြီး အဓိကပစ်မှတ်တစ်ခုဖြစ်လာနေပါသည်။ “ကျောက်တော်မြို့နယ်ကိုယ်စားပြုဒေါက်တာထွန်းအေး၏တင်ပြချက်အကျဉ်းချုပ်,” 1.

¹⁷⁹ Bur: ကျွန်တော်တို့ဘူးသီးတောင်မြို့နယ်ဟာဘင်္ဂလားဒေ့ရှ်နိုင်ငံနှင့် ထိစပ်လျက်တည်ရှိနေသော နယ်စပ်မြို့ ဖြစ်ပါသည်။တစ်ဖက်နိုင်ငံရဲ့လူဦးရေအဆမတန်များပြားမှုကြောင့်ဘင်္ဂလီလူမျိုးများဟာကျွန်တော်တို့ ဘူးသီးတောင် မြို့နယ်အတွင်းသို့တရားမဝင်ဝင်ရောက်လျက်ရှိနေကြပါသည်။ “ဘူးသီးတောင်မြို့နယ်ကိုယ်စားပြု ဦးထွန်းအောင် သိန်း၏တင်ပြချက်အကျဉ်းချုပ်,” 5.

¹⁸⁰ Bur: ကျွန်တော်တို့ရမ်းဗြီမြို့နယ်တွင် ရှေးယခင်က အစ္စလာမ်ဘာသာဝင်ကမန်လူမျိုးများ ရှိနေခဲ့သော်လည်း ယခုအခါ ဘင်္ဂလီများ များပြားစွာခိုးဝင်လာမှုကြောင့် မွတ်ဆလင်ဦးရေအလွန်တိုးလာနေပါသည်။ တစ်ဖက်နိုင်ငံမှ ဘင်္ဂလီများသည် ရေလမ်းခရီးမှ မော်တော်ဘုတ်များဖြင့် ခိုးဝင်လာကြခြင်း ဖြစ်ပါသည်။ “ရမ်းဗြီမြို့နယ်ကိုယ်စားပြု ဦးအောင်စိုး၏ တင်ပြချက်အကျဉ်းချုပ်,” p. 10.

¹⁸¹ Bur: ယခုအချိန်မှာ သံတွဲမြို့နယ်အတွင်း မြို့နယ်ပြင်ပမှ တရားမဝင်ဘင်္ဂလီများ အမြဲတမ်းစိမ့်ဝင်လျက် ရှိပါသည်။ “သံတွဲမြို့နယ်ကိုယ်စားပြု ဦးမောင်မောင်ဖြူ၏ တင်ပြချက်အကျဉ်းချုပ်,” 10.

¹⁸² “စစ်တွေမြို့နယ်ကိုယ်စားပြု ဦးစိုးနိုင်၏ တင်ပြချက်အကျဉ်းချုပ်,” 2-3.

¹⁸³ “ပေါက်တောမြို့နယ်ကိုယ်စားပြု ဦးကျော်ဝင်း၏ တင်ပြချက်အကျဉ်းချုပ်,” 4-5.

other township representatives such as U Tin Aye from Myebon and U Aung Myint Thein from Maungdaw.¹⁸⁴ All of these discourses have effectively formed public opinion that Rohingyas are illegal, polygamous, and hyper-fertile Bengali Muslims from Bangladesh who have constantly infiltrated into various places in Rakhine State and are still doing so.

Therefore, U Zaw Aye Maung contended: “Buthidaung now has ninety-eight percent Bengalis. If it is not checked [through a fertility control] sovereignty, race, religion, and culture will all vanish from this democratic country [Myanmar].”¹⁸⁵ This apocalyptic vision seems to be shared by many Barmars and the local Myanmar media as well. For example, an editorial of the Daily Eleven, which is among the most read dailies in Myanmar, reads:

Rakhine State is the Western Door of Myanmar. There is an imminent danger of invasion of millions of people through this gate from the country [Bangladesh] which is experiencing an explosive population growth. If the Western Door is broken, the whole Myanmar risks a danger of population swallow-up.¹⁸⁶

All of these securitizations of Rohingyas’ hyper-fertility and extreme population growth point to the end: the end of Buddhist Rakhines and Rakhine State and a complete Islamization of Myanmar. Since Rohingyas are believed to be illegal Bengalis, it

¹⁸⁴ “မြေပုံမြို့နယ်ကိုယ်စားပြုဦးတင်အေး၏တင်ပြချက်အကျဉ်းချုပ်,” 7; “မောင်တောမြို့နယ်ကိုယ်စားပြုဦးအောင်မြင့်သိန်း၏ တင်ပြချက်အကျဉ်းချုပ်,” 7.

¹⁸⁵ Bur: ဘူးသီးတောင်မှာက ဘင်္ဂါလီ ၉၈ ရာခိုင်နှုန်းလောက်ရှိနေပြီ။ ဒီလိုမှ မတားဆီးရင် ဒီမိုကရေစီနိုင်ငံမှာ နိုင်ငံရဲ့ အချုပ်အခြာအာဏာ၊ လူမျိုးဘာသာယဉ်ကျေးမှုတွေ ပျောက်ကွယ်သွားမှာပေါ့။ နေထက်ဝေ, “ဘင်္ဂါလီမိခင်တစ်ဦးကလေးနှစ်ဦးထက်ပိုမယူရဆိုခြင်းသည် လူဦးရေမျှတမှုရှိစေရန်အတွက်သာဟုဆို,” *Union Daily (Myanmar)*, May 29, 2013, 2.

¹⁸⁶ Bur: ရခိုင်ဒေသသည် မြန်မာနိုင်ငံ၏ အနောက်တံခါးပေါက်ပင်ဖြစ်သည်။ ထိုတံခါးပေါက်မှတစ်ဆင့် လူဦးရေ ပေါက်ကွဲမှုနှင့် ကြုံတွေ့နေရသည့်နိုင်ငံမှ လူဦးရေသန်းပေါင်းများစွာ ကျူးကျော်ဝင်ရောက်လာနိုင်သည့် အန္တရာယ်ရှိ နေသည်။ အကယ်၍ အနောက်တံခါးကျိုးပေါက်ခဲ့ပါလျှင် မြန်မာနိုင်ငံတစ်ခုလုံး လူဦးရေပါးမျိုခံရမှုအန္တရာယ်နှင့် ကြုံတွေ့သွားရနိုင်သည်။ Editorial, “အနောက်တံခါးမှအန္တရာယ်,” *Daily Eleven (Myanmar)*, August 11, 2013, 4.

concurrently means the annihilation of Myanmar's sovereignty. Moreover, portrayal of Rohingyas as uncivilized savages engaged in medieval marital practices and unlimited child birth has effectively demonized the community, resulting in questioning of their suitability and readiness to become part of Myanmar.

The securitization of Rohingyas' fertility reached a climax when the Rakhine State government renewed a regional order in March 2013 which bans practice of polygamy and having more than two children. U Win Myaing, the state government's spokesperson, admitted in the third week of March that the order, which had been in existence and renewed every year since 1990,¹⁸⁷ had been renewed for a week.¹⁸⁸ Moreover, U Win Myaing said: "It [the order] was made for security of Rakhine State and the country [Myanmar]."¹⁸⁹ U Saw Naing, Chief Officer of Immigration and Population (Maungdaw District), also confirmed the existence of the order and said that if a Rohingya man is found to have more than one wife, action will be taken against him for illegal marriage and if Rohingya couples are found to have more than two children, all the additional children will be blacklisted.¹⁹⁰

Aung San Suu Kyi responded by saying that the order which is meant for Rohingyas alone is discriminatory and is not in accord with human rights.¹⁹¹ But Khin Yi

¹⁸⁷ "ဘင်္ဂါလီသားဖွားနှုန်းထိန်းချုပ်မှု ရခိုင်ရှိ NLD ပါတီများ ထောက်ခံ," *Voice Daily (Myanmar)*, May 30, 2013, 4.

¹⁸⁸ ရန်မျိုးနိုင်, "ဘင်္ဂါလီများအားတစ်အိမ်ထောင်ကလေးနှစ်ယောက်မူဝါဒချမှတ်," *7 Day Daily (Myanmar)*, May 27, 2013, 1.

¹⁸⁹ Bur: ပြည်နယ်နဲ့ နိုင်ငံရဲ့ လုံခြုံရေးအတွက်လုပ်တာပါ. "ဘင်္ဂါလီသားဖွားနှုန်းထိန်းချုပ်မှုလုံခြုံရေးအတွက်ဟုဆို," *Voice Daily (Myanmar)*, May 30, 2013, 1.

¹⁹⁰ ဝင်းမြင့်ကျော် and ဝင်းမောင်, "မောင်တောခရိုင်အတွင်း ဘင်္ဂါလီလူမျိုးများ အိမ်ထောင်ပြုခြင်းနှင့် ကလေးမွေးဖွားနှုန်း ကန့်သတ်သည့် ညွှန်ကြားချက်အား ဒေသန္တရအမိန့်ဖြင့် ထုတ်ပြန်," *Daily Eleven (Myanmar)*, May 15, 2013, 17.

¹⁹¹ Aung San Suu Kyi said: အဲဒါဆိုရင်ဥပဒေနဲ့မညီညွတ်ဘူးထင်ပါတယ်။ ဒီလိုခွဲခြားဆက်ဆံမှုက ဘယ်ကောင်းပါ့မလဲ။ လူ့အခွင့်အရေးနဲ့လည်း မကိုက်ညီဘူးလေ. ရန်မျိုးနိုင်, "ကလေးနှစ်ယောက်မူဝါဒ လူ့အခွင့်အရေးနှင့် မညီကြောင်းဒေါ်အောင်ဆန်းစုကြည်ပြော," *7 Day Daily (Myanmar)*, May 28, 2013, 14.

argued that he agrees to the order because it will eventually improve the rights of Rohingya women who suffer from having many children.¹⁹² Interestingly Daw San San, a member of the Myanmar National Human Rights Commission,¹⁹³ agreed with Aung San Suu Kyi although she noted that such a restriction may be beneficial for big families. Zaw Aye Maung responded that Rohingyas should not live in Myanmar if they cannot obey the order.¹⁹⁴ Despite the comment by Aung San Suu Kyi against the order, leadership and members of the NLD branches in eight townships in Sittwe District argued that they agree to the order.¹⁹⁵ Rakhines even held public gatherings in support of the order.¹⁹⁶ Other non-Rakhine politicians, people and Buddhist monks as well mostly showed support for the policy though a small section questioned feasibility and effectiveness of such an order.¹⁹⁷ Interestingly amidst mounting criticisms of the order outside Myanmar,¹⁹⁸ the central

¹⁹² Jason Szep and Andrew R C Marshall, “Myanmar Minister Backs Two-child Policy for Rohingya Minority,” *Reuters*, June 11, 2013, accessed March 1, 2015, <http://www.reuters.com/article/2013/06/11/us-myanmar-rohingya-idUSBRE95A04B20130611>.

¹⁹³ Melissa Crouch, “Asian Legal Transplants and Rule of Law Reform: National Human Rights Commission in Myanmar and Indonesia,” *Hague Journal on the Rule of Law* 5 (2) (2013).

¹⁹⁴ မင်းသီဟန်, “ကလေးမွေးဖွားနှုန်းကန့်သတ်ရာတွင် တစ်ပြေးညီဖြစ်သင့်ဟု မြန်မာနိုင်ငံလူ့အခွင့်အရေး ကော်မရှင်ဆို,” *Messenger (Myanmar)*, June 17, 2013, 3.

¹⁹⁵ သန်းလှိုင် (စစ်တွေ), “ရခိုင်ပြည်နယ်အတွင်း ဒေသန္တရအမိန့်အပေါ် စစ်တွေခရိုင် ရှစ်မြို့နယ်ရှိ NLD အဖွဲ့များထောက်ခံ,” *Daily Eleven (Myanmar)*, June 2, 2013, 2.

¹⁹⁶ သန်းလှိုင် (စစ်တွေ), “ရခိုင်ပြည်နယ်တွင်ထုတ်ပြန်ထားသော ဒေသန္တရအမိန့်အား ထောက်ခံကြိုဆို ဆန္ဒဖော် ထုတ်ပွဲ စစ်တွေမြို့တွင် ကျင်းပပြုလုပ်,” *Daily Eleven (Myanmar)*, June 5, 2013, 16.

¹⁹⁷ Agency France-Presse, “Myanmar’s Opposition Parties Split on Contentious Two-Child Policy,” *Radio Free Asia*, March 6, 2013, accessed July 11, 2014, <http://www.rfa.org/english/news/myanmar/debate-06032013182340.html>.

¹⁹⁸ Daniel Schearf, “Burma’s ‘2 Child Policy’ for Muslims Criticized as Discriminatory,” *Voice of America*, May 28, 2013, accessed January 1, 2014, <http://www.voanews.com/content/burma-two-child-policy-for-muslims-criticized-as-illegal-discriminatory/1669722.html>; Chris Lewa, “Two-child Policy in Myanmar will Increase Bloodshed,” *CNN*, June 6, 2013, accessed January 8, 2014, <http://edition.cnn.com/2013/06/06/opinion/myanmar-two-child-policy-opinion/>; Jethro Mullen, “Suu Kyi Criticizes Two-child Limit on Muslims in Western Myanmar,” *CNN*, May 28, 2013, accessed March 3, 2015, <http://edition.cnn.com/2013/05/28/world/asia/myanmar-rohingya-child-limit/>.

government denied its involvement in making the order and claimed that it would reconsider it.¹⁹⁹ A few days later the Rakhine State government took a U-turn and said that the order had never been in existence, ending another controversy surrounding the Rohingya issue.²⁰⁰

Besides securitizing Rohingyas as a threat to both Rakhine State and the Union of Myanmar, Rakhines have been portrayed as victims at the hands of hordes of illegal Bengali savages and as Buddhist gate-keepers guarding the Western Door. For example, in the immediate after of the first round of violence in June 2012, Dr Aye Maung said:

We, Rakhines, have defended the Western Door to the Union for years through death and hunger... Our thinking is that we shall not lose even an inch of our land. We shall not give even an inch of our land, our air, and our water, bequeathed by our forefathers. We shall not lose it. We shall defend.²⁰¹

Though Rakhines and Bamars have their own problems, they seem to have found common ground regarding Rohingyas and their alleged threat.²⁰² Their common religion of Buddhism seems to have effectively played a strong role in creating a new form of ethnoreligious alliance or Buddhist solidarity between the two groups, at the expense of

¹⁹⁹ Agency France-Presse, “Govt to Examine Two-child Policy Targeting Rohingya” *Democratic Voice of Burma*, June 3, 2013, accessed March 1, 2015, <https://www.dvb.no/news/govt-to-examine-two-child-policy-targeting-rohingya/28598>.

²⁰⁰ သန်းလှိုင် (စစ်တွေ), “ဘင်္ဂါလီများအနေဖြင့်ကလေးနှစ်ယောက်သာယူရမည်ဆိုသည့် ဒေသန္တရအမိန့်ကို ထုတ်ပြန်ထားခြင်း မရှိကြောင်း ရခိုင်ပြည်နယ်အစိုးရပြောကြား,” *Daily Eleven (Myanmar)*, June 7, 2013, 5.

²⁰¹ Bur: နိုင်ငံတော်ရဲ့ ဝင်ပေါက် အနောက်တံခါးကို ကျွန်တော်တို့ ရခိုင်လူမျိုးတွေက နှစ်ပေါင်းများစွာ အသေခံပြီး ဖြစ်ဖြစ် အငတ်ခံပြီး ဖြစ်ဖြစ် စောင့်ရှောက်ခဲ့တယ်။ ... ကျွန်တော်တို့ရဲ့ သဘောထားကတော့ ကျွန်တော်တို့ရဲ့ ပိုင်နက်မြေကို တစ်လက်မမှ အဆုံးရှုံးမခံနိုင်ဘူး။ နှစ်ပေါင်းများစွာ ဘိုးဘေးစဉ်ဆက် အမွေပေးခဲ့တဲ့ ကျွန်တော်တို့ရဲ့မြေ၊ ကျွန်တော်တို့ရဲ့လေ၊ ကျွန်တော်တို့ရဲ့ရေ တစ်လက်မမှ မပေးဘူး။ အဆုံးရှုံးမခံဘူး။ ကျွန်တော်တို့ ကာကွယ်သွားမှာပါ။ *Voice Weekly (Myanmar)*, June 18-24 2012, 8.

²⁰² Ardeth Maung Thawnghmung, “Contending Approaches to Communal Violence in Rakhine State,” in *Burma/Myanmar: Where Now?* ed. Mikael Gravers and Flemming Ytzen (Copenhagen: NIAS Press, 2014).

Rohingyas who are further alienated. Thura Shwe Mann, Speaker of the Pyithu Hluttaw, said to the audience of 540 people at the seminar on development of Rakhine State in Yangon on 29 September 2013:

It's not enough to praise [Rakhine people] verbally. Let's cooperate to carry out our duties for the development of Rakhine State, and to physically and mentally support the people. It's not an easy task to take care of national sovereignty, territorial integrity, culture, traditions, customs and religion. I appreciate the attempts of the Rakhine people to protect Myanmar ... despite the difficulties.²⁰³

These combined rhetorics of Rohingyas as uncivilized, hyper-fertile, and polygamous Bengali savages and Rakhines as loyal and defensive Buddhist patriots have effectively led to polarization of public opinion within Myanmar that Rakhines must be protected from Bengalis at any cost.

This local issue of Rakhine-versus-Rohingya or Buddhist-versus-Muslim has also carried global notions because of the involvement of the Muslim world in condemnations of the Myanmar government regarding the treatment of the Rohingyas, which will be discussed below.

The OIC and global Muslim factor

Another very significant causal factor in this popular Buddhist backlash against what they perceive to be as an international 'naming and shaming' campaign against Myanmar's Buddhists is that the Organization for Islamic Cooperation (OIC) was among those who voiced out most scathing criticisms of the Myanmar government and Rakhine Buddhists' treatment of Rohingyas. The nature, work, and politics of the global Pan-Islamic body are generally unknown among the populace of Myanmar.

²⁰³ Ei Ei Toe Lwin, "Speaker pledges "support" for Rakhine people," *Myanmar Times (English)*, October 4, 2013, March 1, 2015, <http://www.mmmtimes.com/index.php/national-news/8350-speaker-pledges-support-for-rakhine-people.html>.

However, the sheer fact that the 57-member Islamic body advocates for the Rohingya and Myanmar Muslim cause was a sufficient reason for Buddhists in Myanmar, both the government and the people, to believe that there exists a gigantic global Muslim community or *ummah* which is biased in favor of their Rohingya and non-Rohingya Muslim brothers and sisters. Although the real political influence of OIC upon Myanmar's government is little or nil, this effectively reinforced the existing perception in the minds of Myanmar's Buddhists that they only constitute a minority in the world compared to a much larger Muslim community. This has effectively made Myanmar's majority Buddhists to view themselves, in structural terms, as a tiny community surrounded by a global Muslim juggernaut.²⁰⁴

When it was reported in the local media that OIC had signed a Memorandum of Understanding (MOU) with the Myanmar government to open an office in Myanmar and provide humanitarian aid to the violence-stricken in Rakhine State, it angered the wider Myanmar society who interpreted the move by OIC as a global Muslim conspiracy to Islamize Buddhist Myanmar. The reported agreement between the government of Myanmar and OIC especially aggravated the deteriorating Buddhist-Muslim relations in Myanmar²⁰⁵ because it apparently antagonized the nationalist sections of the Buddhist Sangha. While the whole country was questioning the genuine intentions of OIC's offer for help and the nature of its agreement with the Myanmar government, the government was slow to respond to it.

²⁰⁴ Interestingly, this view of a Myanmar Buddhist minority in the world has been expressed by Daw Aung San Suu Kyi for a number of times. See Samantha Michaels, "In Burma, Mixed Reactions to Suu Kyi's BBC Statements," *Irrawaddy*, October 25, 2013, accessed December 21, 2013, <http://www.irrawaddy.org/burma/burma-mixed-reactions-suu-kyis-bbc-statements.html>; and Nathan Vanderklippe, "Aung San Suu Kyi Plays Down Role as Myanmar's Conscience," *Globe and Mail (Canada)*, April 4, 2015, accessed April 5, 2015, <http://www.theglobeandmail.com/news/world/aung-san-suu-kyi-plays-down-role-as-myanmars-conscience/article23790644/>.

²⁰⁵ British Broadcasting Corporation, "လူထုနဲ့သံဃာတော်တွေက လက်မခံပေမယ့် အိုအိုင်စီရုံးဖွင့်ဖို့ပြင်ဆင်," *BBC*, October 10, 2012, accessed October 11, 2012, http://www.bbc.co.uk/burmese/world/2012/10/121010_rohingya_oic_view.shtml

Eventually, it ended up in anti-OIC protests by thousands of Buddhist monks and people in October 2012.²⁰⁶ The government finally acceded to the public demands and replied that it would not allow OIC to be based in Myanmar.²⁰⁷ The second round of protests in October and November 2013 against an OIC visit were held in Yangon, Mandalay, Pakokku, Myingyan, Meiktila, Patheingyi, Sittwe, Pegu, Sagaing, Mawlamyaing, Yayzacho, Pyaw, and many other towns in Rakhine State.²⁰⁸

Although a memorandum of understanding was reportedly signed between OIC and the government on 11 September 2012 in Nay Pyi Taw,²⁰⁹ the latter was seen to take a complete U-turn amidst public protests. The Myanmar government later said that a provision to allow OIC to open an office to coordinate aid to the violence-stricken, regardless of ethnicity and religious background, was not included in the MOU and said that it would not agree to an OIC office and aid as long as the people are against it.²¹⁰ Monks and lay Buddhists accused OIC not only of interfering in Myanmar's internal affairs and disrespect for its sovereignty but also of seeking to Islamize Buddhist Myanmar.²¹¹

²⁰⁶ Agency Presse-France, "Burma's Monks Protest against OIC," *Australian Broadcasting Corporation*, October 12, 2012, accessed October 13, 2012, <http://www.abc.net.au/news/2012-10-12/an-burma-monks-protest-against-oic/4311114>.

²⁰⁷ "OIC ဆက်ဆံရေးရုံးများ ဖွင့်လှစ်ရန်ကိစ္စမှာ ပြည်သူ့ဆန္ဒနှင့် မကိုက်ညီသဖြင့် ခွင့်ပြုမည် မဟုတ်ကြောင်း နိုင်ငံတော်သမ္မတရုံးမှသိရှိရ," October 15, 2012, accessed October 12, 2012, <http://www.president-office.gov.mm/zg/briefing-room/news/2012/10/15/id-1476>.

²⁰⁸ Ko Htwe, "Burmese Buddhists Protest OIC Visit," *Democratic Voice of Burma*, November 12, 2013, accessed November 13, 2013, <https://www.dvb.no/news/burmese-buddhists-protest-oic-visit-burma-myanmar/34351>; Myo Zaw, "OIC in New Push to Set Up an Office in Myanmar," *Radio Free Asia*, November 14, 2013, accessed November 14, 2013, <http://www.rfa.org/english/news/myanmar/oic-11142013192521.html>.

²⁰⁹ "OIC delegation calls on Union Minister, signs MoU with Border Affairs Ministry," *New Light of Myanmar*, September 12, 2012, 2.

²¹⁰ Ingjin Naing, Tin Aung Khine and Kyaw Kyaw Aung, "Islamic Group Denied Office," *Radio Free Asia*, October 15, 2012, accessed October 16, 2012, <http://www.rfa.org/english/news/myanmar/oic-10152012170158.html>.

²¹¹ That an argument against Islamization of Myanmar was made by monks and lay Buddhists is understandable. A popular argument against sovereignty and non-interference in Myanmar's internal affairs is

Among anti-OIC protesters, the most vocal and vehement ones were again understandably Rakhines and radical Buddhist monks. OIC consequently backed down on its original plan to channel its humanitarian aid to Rakhine State through setting up its own office in Myanmar.²¹²

Threats to Myanmar by international Jihadists

Besides OIC, chauvinist international jihadist threats made in response to the violence in Rakhine State also seem to have cemented Buddhist solidarity in Myanmar. The threats were mostly verbal. However, U Aye Thar Aung and Dr Aye Maung nearly escaped a physical assassination attempt in Kuala Lumpur on 5 February 2015 when the two prominent Rakhine politicians paid a visit to their fellow Rakhine migrant workers in Malaysia. The failed attempt to assassinate them must have further deteriorated the tensions between the two communities. Dr Aye Maung opined that “It could be related to the incidents inside the country [Myanmar]”²¹³ whereas U Aye Thar Aung emphatically

interesting because such statements are by nature often made by governments. In other words, the Myanmar people were in fact performing a governmental duty which relieved the Myanmar government out of the dilemma between the urgent need for international humanitarian aid and the international pressures for access to inaccessible conflict-stricken communities in Rakhine. However, more importantly, the Myanmar government was even able to seize upon these public protests for its apparent diplomatic failure to honor the MOU with OIC just by responding that the people had not approved of it. In other words, the Myanmar government apparently gained diplomatic benefits from the popular backlash against any OIC involvement in Myanmar.

²¹² The most recent effort by OIC regarding the issue in Myanmar is its appointment of the former Malaysian foreign minister Syed Hamid Albar as Special Envoy to Myanmar in May 2014. However, against the backdrop of intense popular mistrust and misunderstanding of OIC’s role in Myanmar affairs, any significant future work of OIC is expected to face opposition. Organization of Islamic Cooperation, “OIC Secretary General Appoints a Special Envoy for Myanmar,” May 10, 2014, accessed January 2, 2015, http://www.oic-oci.org/oicv2/topic/?t_id=9049&ref=3627&lan=en

²¹³ Nyein Nyein and Htet Naing Zaw, “After Shooting in Malaysia, Arakanese Targets Admit Potential Religious Link,” *Irrawaddy (English)*, February 7, 2014, accessed February 8, 2014, <http://www.irrawaddy.org/burma/shooting-malaysia-arakanese-targets-admit-potential-religious-link.html>

claimed that “All Rakhine people in Malaysia and Myanmar understand that these gunmen are Islamic terrorists.”²¹⁴

There have been a threat by Tehreek-e-Taliban in Pakistan (July 2012), the attack upon Buddhist people, monasteries and properties in Ramu in Bangladesh (late September 2012), a threat by the Indonesian cleric and Bali terror leader Abu Bakar Bashir (May 2013), the plot by Indonesian Islamists to bomb Myanmar Embassy in Jakarta (May 2013), a threat by the ISIS (Islamic State of Iraq and Syria) or IS (Islamic State) (July 2014), and that by Al Qaeda (September 2014). All of them did not materialize but they apparently have resulted in a siege mentality among Buddhists in Myanmar and reinforcement of Buddhist solidarity between Rakhines and Bamar. Already existing attitudes of Us versus Them seemed hardened as well.

To sum up, although the influence of OIC on the Myanmar government and society has been so far little or none and international jihadist attacks have not occurred in Myanmar, the fact that OIC and jihadists voiced out their criticisms and condemnations of the treatment of the Rohingya in Myanmar seemed to have led to the emergence of Buddhist solidarity shared by Bamar and Rakhine Buddhists. The immediate impact of such in-group solidarity is hostility against the out-group, Rohingya Muslims in this case. All these dynamics have led to anti-Muslim Buddhist nationalism which has significantly grown in Myanmar in recent years. After discussing this, we will now look at discriminatory identification and documentation policies which have targetted the Rohingyas for decades.

²¹⁴ Wa Lone and Ei Ei Toe Lwin, “Rakhine Leaders Say Attack Work of ‘Terrorists’,” *Myanmar Times (English)*, February 8, 2014, accessed February 9, 2014; <http://www.mmmtimes.com/index.php/national-news/9487-rakhine-leaders-say-attack-work-of-terrorists.html>.

Impacts of discriminatory identification policies towards Rohingyas

This section traces and discusses the documentation policies and practices by successive Myanmar governments since the late 1970s which have targetted the Rohingyas resulting in their lack of proper identification now. This does not fall under any categories of rational, structural and cultural reasons developed in the middle-range model. However, this is the end result of the rational, structural and cultural reasons which have been so far discussed. That is why it is included in this chapter because it is also a very important cause which lies at the centre of decades-long statelessness of the Rohingya. In particular, this section will look at two important policies which have affected identification of the Rohingyas – the 1982 Myanmar Citizenship Law and the White Card.

The 1982 Citizenship Law

Although Rohingyas were repatriated after the first exodus because they possessed identity documentation or proved legal residence/attachment to Burma, the discursive response made by the BSPP government in the first place led to the emergence of official opinion that many, if not most, of Rohingyas had indeed illegally migrated to Burma. This discourse has lingered until now not only within official circles but also at the popular level. The discourse became more prominent and widespread during and after the second exodus in the early 1990s due to propaganda of the SLORC/SPDC regime.

As I have already discussed in detail in Chapter 3, the new citizenship law passed in 1982 effectively created the four classes of citizens – citizens by birth, (full) citizens, associate citizens, and naturalized citizens and the law has been usually hailed by the Burmese/Myanmar governments as a humane and logical law without acknowledging that it originated in excessive securitization of people of alien or mixed ancestry and economic nationalism.²¹⁵ That said, the discriminatory law has many provisions for citizenization or naturalization of peoples of alien or mixed ancestry which the BSPP and SLORC/SPDC

²¹⁵ Khin Maung Kyi, “Indians in Burma”

never implemented in the case of Rohingyas. Therefore, the 1982 citizenship law and the discourse that Rohingyas are illegal migrants have created social or cultural statelessness rather than purely legal *de jure* statelessness because Rohingyas' belonging to Myanmar is made to be prone to question and mistrust by people of Myanmar. In other words, both governmental and popular opinion in Myanmar seems to reach a consensus that Rohingyas' citizenship must be carefully scrutinized, if not outright rejected. In effect, this discourse and opinion makes Rohingyas permanent illegal migrants, however long they have resided in Myanmar.

The law is widely believed among the international community to have rendered Rohingyas stateless; therefore, it must be amended or repealed to citizenize or naturalize Rohingyas. This is most commonly heard in the international advocacy regarding the Rohingya problem because it is believed to solve all the issues surrounding it. In this view, giving back citizenship rights to Rohingyas and then getting their rights respected and protected by both the Myanmar government and people would have solved the problem. However, outright rejection of the law as the very tool of wholesome repression of Rohingyas without showing a nuanced understanding of the law and pointing out why it is discriminatory does not seem to help especially in the case of Rohingyas, which is the most volatile issue in Myanmar's current political and cultural landscape.

An international advocacy campaign calling for amelioration of the Rohingya plight through amending or repealing the 1982 law has remained in place at least since the 1990s. The campaign became louder in the aftermath of sectarian violence in Rakhine State and internal displacement. Over the last three years, the international community including the UN repeatedly demanded that Myanmar give Rohingyas citizenship rights or amend or repeal its citizenship law to do so. The law was never part of a public debate in Myanmar until sectarian violence broke out. However, the stepping up of the international criticisms of the law has only met with an adamant defence by the Myanmar authorities and people that the law is perfectly suitable for Myanmar and it must continue to exist. Unfortunately, both sides are at fault. The international community has failed to back up its claims with credible and acceptable evidence that the law is genuinely discriminatory whereas the Myanmar government and people have also failed to support their argument that the law is

indeed just and well-reasoned. Although the law was only rhetorically used to legally dispute and reject Rohingyas' eligibility for Myanmar citizenship until 2000s, it started to be defended by both the Myanmar government and people not only as a legal barrier against illegal migration but also as a cultural Buddhist wall against Islamic encroachments upon Myanmar.

Within Myanmar, Aung San Suu Kyi is the only person who has stated that the law, if found noncompliant of international norms, ought to be amended.²¹⁶ She said at a meeting with Myanmar people in Tokyo in mid-April 2013:

Those who are qualified for citizenship under this existing law must be recognized as citizens immediately. When they become citizens, all citizens must have equal rights. These are what we currently have to do. For a next step, we will have to look and assess whether our citizenship law is just or not, whether it meets the international standards. After such assessment, we have to change or add to it as necessary.²¹⁷

Although the Nobel laureate did not specify what sections need amendment, it implies that she understands that something is wrong. However, other pro-democracy activists such as those from the 88 Generation Students have failed to highlight the law's discriminatory impact and even often defended it. Jimmy, the spokesperson of the group, asserted: "The law is the best until now, in my view. If need be, amending it must be in accord with

²¹⁶ Aye Nai, "Suu Kyi Calls on Citizenship Law to be Revised," *Democratic Voice of Burma*, April 17, 2013, accessed March 1, 2014, <https://www.dvb.no/news/suu-kyi-calls-on-citizenship-law-to-be-revised/27605>.

²¹⁷ Bur: ဒီတည်ဆဲဥပဒေအရ နိုင်ငံသား ဖြစ်ပိုင်ခွင့် ရှိတဲ့သူ အားလုံးကို နိုင်ငံသားအဖြစ်နဲ့ အမြန်ဆုံး အသိအမှတ် ပြုရမယ်။ နိုင်ငံသူ နိုင်ငံသား ဖြစ်လာပြီဆိုရင် နိုင်ငံသား အားလုံးဟာ တန်းတူညီမျှမှု အခွင့်အရေး ရှိရမယ်။ အဲ့ဒါ တွေကို ကျမတို့ လောလောဆယ် လုပ်ကြရမယ်။ နောက်တဆင့်က ကျမတို့ရဲ့ နိုင်ငံသား ဥပဒေဟာ မျှတသ လား၊ မမျှတဘူးလား ဆိုတာ ကျမတို့ ကြည့်ရမယ်။ နိုင်ငံတကာရဲ့ အဆင့်အတန်းအရ အဆင့်မှီရဲ့လား။ အဲ့ဒါကို ကျမတို့ သုံးသပ်ရမယ်။ သုံးသပ်ပြီးတော့ လိုအပ်ရင် လိုအပ်သလို ပြုပြင် ပြောင်းလဲရမယ်။ ဖြည့်ဆည်းရမယ်။ ဒေါ်ခင်မျိုးသက်, "ဂျပန်တက္ကသိုလ် ဂုဏ်ထူးဆောင်ဆုတွေ ဒေါ်စုလက်ခံရယူ," *Voice of America (Burmese)*, April 15, 2013, accessed April 17, 2013, <http://burmese.voanews.com/content/daw-suu-visits-japan-universities/1641672.html>.

popular will.”²¹⁸ Moreover, Ko Ko Gyi, a prominent leader of the group, responded to a resolution by the European Parliament²¹⁹ which calls for amending the 1982 law and giving citizenship rights to Rohingyas on 13 September 2012:

In my view, laws may be assessed and discussed in order to keep them in line with time. Especially, matters such as citizenship legislation lie with sovereignty of the people. Every country stipulates a citizenship law suitable for them. That it must be the same for every country is nowhere to be found. Citizenship legislation of a country is a matter which must be discussed within the country. No outside organization or force has the right to say that citizenship legislation of a country must be amended or changed.²²⁰

However, Ko Ko Gyi seems to realize the fact that something is wrong with the 1982 law but he did not mention it. Indeed, this rhetoric is also notably similar to the official position of the Myanmar government. For example, Ye Htut, President Thein Sein’s Spokesperson and Deputy Minister for Information, responded to a UNGA resolution in

²¹⁸ Bur: ဒီဥပဒေဟာ ကျွန်တော့်အမြင်တော့ အခုအချိန်ထိ အကောင်းဆုံးဖြစ်နေသေးတယ်။ တကယ်လို့ ပြင်သင့်တယ် ဆိုရင်လည်း အများပြည်သူဆန္ဒနဲ့အညီ ဖြစ်ဖို့လိုတယ်။ ဇင်ဘိုလွင် and ကျော်ဇင်ဝင်း, “၁၉၈၂ခုနှစ် မြန်မာနိုင်ငံသားဥပဒေကို နိုင်ငံတကာ စံနှုန်းများနှင့် ပြန်လည်ဆန်းစစ်သင့်ကြောင်း ဒေါ်အောင်ဆန်းစုကြည် ပြောကြား,” *Daily Eleven (Myanmar)*, June 8, 2013, 3.

²¹⁹ “European Parliament resolution of 13 September 2012 on the persecution of Rohingya Muslims in Burma/Myanmar (2012/2784(RSP),” accessed January 1, 2015, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-355>.

²²⁰ Bur: ကျနော့်အမြင်ပြောရရင် ဥပဒေဆိုတာက ခေတ်ကာလနဲ့ လိုက်လျောညီထွေဖြစ်အောင် သုံးသပ်ရတာတွေ၊ ဆွေးနွေးရတာတွေ ရှိပါတယ်။ အထူးသဖြင့် နိုင်ငံသားဥပဒေလို ကိစ္စမျိုးဟာ ပြည်သူရဲ့ အချုပ်အခြာ အာဏာပိုင်နက်ထဲမှာပဲ ရှိတယ်။ နိုင်ငံတိုင်းမှာ သူနိုင်ငံနဲ့ လိုက်လျောညီထွေဖြစ်တဲ့ နိုင်ငံသားဥပဒေကို ပြဋ္ဌာန်းကြတာပဲ။ နိုင်ငံတိုင်း တပြေးညီ ဒီပုံစံတိုင်း ဖြစ်ရမယ်လို့ ဘယ်နိုင်ငံမှာမှ မရှိဘူး။ နိုင်ငံတနိုင်ငံရဲ့ နိုင်ငံသားဖြစ်မှု ဥပဒေဟာ နိုင်ငံတွင်းမှာ ဆွေးနွေးရမယ့်ကိစ္စပါ။ ပြည်ပအဖွဲ့အစည်းတခုက သော်လည်းကောင်း၊ အင်အားစုတခုက သော်လည်းကောင်း၊ နိုင်ငံတနိုင်ငံရဲ့ နိုင်ငံသားဖြစ်မှု ဥပဒေကို ပြင်ပေး ရမယ်၊ ပြောင်းပေးရမယ်လို့ ပြောခွင့်လည်း မရှိပါဘူး။ နေသွင်, “မြန်မာနိုင်ငံသားဖြစ်ခွင့်ဥပဒေ ပြင်ဆင်ရန် အီးယူ၏ တိုက်တွန်းချက်ကို ပယ်ချ,” *Democratic Voice of Burma*, September 16, 2012, accessed September 18, 2012, <http://burmese.dvb.no/archives/30834>.

November 2013 calling upon Myanmar to give equal access for Rohingyas to citizenship²²¹ by stating on his well-known Facebook page that Myanmar would resist any outside pressures regarding Rohingyas' citizenship.²²²

Likewise, in a rhetoric and rationality strikingly similar to Ne Win's, Thein Nyunt, Chairman of the New National League for Democracy and member of the parliament, said in one of his media interviews:

The citizenship law is intended to protect our race; by not allowing those with mixed blood from making political decisions [for the country], so the law is very important for the preservation of our country.²²³

Rakhines are most vociferous among those who have rejected any international calls regarding the 1982 law. For example, Dr Aye Maung said apparently admitting that the law was written by targeting Rohingyas:

As far as we know, a census was taken by Ne Win [Ne Win's government] in 1973. When the referendum for the Constitution of the Socialist Republic [1974 Constitution] was held, it was found out that Buthidaung and Maungdaw had a swollen population. Only after drafting by expert legal scholars for over six years or almost seven years was the law promulgated. ... The 1982 law might not be suitable for the present situation today. But to do anything about or to have rights under it is only up to the citizens. The law shall be valid until it is repealed by those who represent the citizens. Interference

²²¹ UN General Assembly, "Situation of Human Rights in Myanmar," A/C.3/68/L.55/Rev.1, November 12, 2013, accessed November 21, 2014, http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/68/L.55/Rev.1.

²²² Voice of America, "Burma Rejects UN Appeal to Grant Citizenship to Rohingya Muslims," *Voice of America*, November 21, 2013, accessed January 29, 2014, <http://www.voanews.com/content/burma-rejects-un-appeal-to-grant-citizenship-to-rohingya-muslims/1794956.html>.

²²³ Aye Nai, "Suu Kyi Calls on Citizenship Law to be Revised"

by any other country regarding what it should be and who should be citizens is unacceptable. The answer to all of these only lies with the citizens.²²⁴

U Kyaw Kyaw, an RNDP member of the Amyotha Hluttaw, argued at a debate held on 6 November 2012²²⁵ on a motion tabled on 13 August by U Tin Mya, a representative of the ruling Union Solidarity and Development Party (USDP), to repeal the 1982 law and draft a new one²²⁶ that the law protects Rakhines and other nationals from illegal aliens. Likewise, Dr Banyar Aung Moe, a representative of All Mon Region Democracy Party, contended at the same debate that the law needs neither amendment nor repeal. Most importantly, the lengthy explanation given by Khin Yi regarding the construction of the 1982 law reaffirms the need for the law for Myanmar's geopolitical context by referring back to colonial-era migration. The immigration minister in essence invigorated the colonial-era xenophobic sentiments which instantly found ready resonance with other members of parliament and the general public as well who largely hold prejudiced and ill-informed views regarding

²²⁴ Bur: ကျနော်တို့သိသလောက် ၁၉၇၃ ခုနှစ်မှာ census (သန်းခေါင်စာရင်း) ဦးနေဝင်းက ကောက်တယ်။ ၁၉၇၄ ခုနှစ်က ဆိုရှယ်လစ် ဖွဲ့စည်းပုံအခြေခံဥပဒေပြဋ္ဌာန်းဖို့အတွက် referendum (ပြည်သူ့ဆန္ဒ ခံယူပွဲ) လုပ်တဲ့အခါ အထူးသဖြင့် ဘူးသီးတောင်၊ မောင်တောဒေသမှာ လူဦးရေဖောင်းပွနေတာကို တွေ့တယ်။ ၆ နှစ်ကျော်ကျော်၊ ၇ နှစ်လောက် တကယ့် ဥပဒေပညာရှင်တွေနဲ့ ရေးဆွဲပြီးခါမှ ၁၉၈၂ ခုနှစ် နိုင်ငံသားဥပဒေကို ပြဋ္ဌာန်းခဲ့တာဖြစ်တယ်။ ... ၁၉၈၂ ဥပဒေကို ဒီနေ့ ဒီအချိန်ကာလမှာ ယနေ့အခြေအနေနဲ့ လျော်ညီကောင်းရှိချင်မှရှိမယ်။ ဒါပေမယ့် ဒီနိုင်ငံသားဥပဒေနဲ့ ပတ်သက်လို့ လုပ်ပိုင်ခွင့်၊ ရပိုင်ခွင့် နိုင်ငံသားတို့နဲ့ပဲ ပတ်သက်တယ်။ ကျနော်တို့နိုင်ငံမှာရှိတဲ့ နိုင်ငံသားတွေက ကိုယ်စားပြုတဲ့ ပုဂ္ဂိုလ်တွေက ဒီဥပဒေကို မပယ်ဖျက်သမျှကာလပတ်လုံး ဒီဥပဒေက အတည်ဖြစ်တာပဲ။ တခြားနိုင်ငံက ဝင်ရောက်စွက်ဖက်ပြီး ဘာဖြစ်သင့်တယ်၊ ဘယ်သူဟာ နိုင်ငံသားဖြစ်သင့်တယ် ဆိုတဲ့ ဝင်ရောက်စွက်ဖက်တာမျိုးတော့ လက်မခံဘူး။ ဒါအားလုံးရဲ့ အဖြေဟာ နိုင်ငံသားတွေနဲ့ပဲ ပတ်သက်တယ်။

နေသွင်, "မြန်မာနိုင်ငံသားဖြစ်ခွင့်ဥပဒေ ပြင်ဆင်ရန် အီးယူ၏ တိုက်တွန်းချက်ကို ပယ်ချ," *Democratic Voice of Burma*, September 16, 2012, accessed September 18, 2012, <http://burmese.dvb.no/archives/30834>.

²²⁵ Proceedings of the Amyotha Hluttaw, 9th Day of the Fifth Meeting, November 6, 2014, accessed January 2, 2015, www.amyothahluttaw.gov.mm.

²²⁶ Proceedings of the Amyotha Hluttaw, 25th Day of the Fourth Meeting, August 13, 2012, accessed January 2, 2015, www.amyothahluttaw.gov.mm.

Rohingyas and other peoples of alien or mixed ancestry. Most importantly, Khin Yi literally used the myth of deracination in his presentation.

An editorial of the Daily Eleven on 8 June 2013 was titled ‘The 1982 Citizenship Law and Myanmar’s Long-lasting Existence’. It read:

All the countries in the world have respective laws regarding citizenship. Citizenship laws from country to country may not be the same, depending on national interests of the respective countries. Therefore, Myanmar needs a citizenship law like the 1982 Citizenship Law for its national interest to defend against invasion into the country of those from neighbouring countries with explosive population growth. If the 1982 law needs to be amended, it must be done so mainly for Myanmar’s national interest. It must be amended neither in line with international norms nor in line with human rights norms, which may harm interests of Myanmar and its nationals.²²⁷

President Thein Sein said in Norway in his exclusive interview with DVB on 27 February 2013, when asked if the Myanmar government has any plans to amend the 1982 law due to international criticism:

For now, the government has no plan to revise the law... From what I learnt, the law intends to protect the nation and some time was taken to draft it with input from experts. I see that even in Norway, an [immigrant] can become a citizen after living in the country for

²²⁷ Bur: ကမ္ဘာ့နိုင်ငံအသီးသီးတွင်လည်း နိုင်ငံသားဖြစ်ခွင့်ဥပဒေနှင့် ပတ်သက်၍ ဥပဒေအသီးသီး ရှိကြပါသည်။ နိုင်ငံ၏အကျိုးစီးပွားပေါ်မူတည်ပြီး နိုင်ငံတစ်နိုင်ငံနှင့် တစ်နိုင်ငံ နိုင်ငံသားဖြစ်ခွင့်ဥပဒေသည် တစ်သမတ်တည်း မရှိနိုင်ပါ။ ထို့ကြောင့် မြန်မာနိုင်ငံတွင်လည်း မြန်မာနိုင်ငံအကျိုးစီးပွားအတွက် နယ်စပ်ချင်း ထိစပ်လျက်ရှိသော နိုင်ငံကြီးများမှ လူဦးရေပေါက်ကွဲပြီး နိုင်ငံတွင်းဝင်ရောက်လာမှုကို ထိန်းထားနိုင်ရေးအတွက် ၁၉၈၂ နိုင်ငံသား ဥပဒေကဲ့သို့ ဥပဒေမျိုးသည် လိုအပ်ပါသည်။ အကယ်၍ ၁၉၈၂ ဥပဒေကို ပြင်ဆင်မည်ဆိုပါ ကလည်း မြန်မာနိုင်ငံ အကျိုးစီးပွားအတွက် အဓိကထား၍ ပြုပြင်ရမည်ဖြစ်ပြီး မြန်မာနိုင်ငံနှင့် နိုင်ငံသားတို့၏ အကျိုးစီးပွားကို ထိခိုက်နိုင်သော နိုင်ငံတကာစံချိန်စံနှုန်းနှင့်သော်လည်းကောင်း၊ လူ့အခွင့်အရေးစံနှုန်းနှင့်သော်လည်းကောင်း ပြုပြင်၍ မရနိုင်ပါ။ Editorial, “၁၉၈၂ နိုင်ငံသားဥပဒေနှင့် မြန်မာနိုင်ငံ အခွန်ရှည်တည်တံ့ရေး,” *Daily Eleven* (Myanmar), June 8, 2013, 4.

seven years. But there are different situations in different countries. We have a different history, situation and population than Norway. I believe the law is meant to protect the country and the government has no plan to revise it.²²⁸

In response to the statement of Tomás Ojea Quintana, then UN Special Rapporteur on the Situation of Human Rights in Myanmar, delivered on 16 February 2013 at Yangon International Airport,²²⁹ Nay Zin Latt, then one of the three special political advisors to President Thein Sein, wrote:

In Myanmar where 135 national groups together reside in, national politics must protect those nationals. That's why 1982 Myanmar Citizenship Law came to exist. We had to question whether Quintana was well aware of sovereignty of a country when he lightly said about amending it. Every country has its own sovereignty. No other country or no other representative must violate it and has the right to do so either.²³⁰

It was echoed by Khin Yi who asserted: "The 1982 law is Myanmar Citizenship Law and Myanmar's internal affairs. It is not related to anyone else. No one has the right to say

²²⁸ Khin Maung Win, "Thein Sein: 'With Freedom Comes Responsibility'," *Democratic Voice of Burma*, March 1, 2013, accessed March 19, 2014, <https://www.dvb.no/interview/thein-sein-with-freedom-comes-responsibility/26709>.

²²⁹ "Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar," February 16, 2013, accessed 18 February 2013, <http://yangon.sites.unicnetwork.org/2013/02/16/statement-of-the-special-rapporteur-on-the-situation-of-human-rights-in-myanmar/>.

²³⁰ Bur: တိုင်းရင်းသားလူမျိုး (၁၃၅) မျိုး စုပေါင်းနေထိုင်ကြတဲ့ မြန်မာနိုင်ငံမှာ အဲဒီတိုင်းရင်းသားတွေအားလုံးကို အကာအကွယ်ပေးရမယ့် အမျိုးသားရေးဟာ တစ်စိတ်တစ်ပိုင်းဖြစ်ပါတယ်။ ဒါကြောင့် "၁၉၈၂" မြန်မာနိုင်ငံ သားဥပဒေဆိုတာ ဖြစ်လာခဲ့တာပါ။ အဲဒါကို ပြင်ဆင်ဖို့ ခပ်ပေါ့ပေါ့ပြောလိုက်တဲ့ ကင်တားနားဟာ နိုင်ငံတစ်နိုင်ငံရဲ့ အချုပ်အခြာပိုင်စိုးမှုကို သတိရောထားမိရဲ့လားလို့ မေးခွန်းထုတ်စရာဖြစ်ခဲ့ရပြန်ပါတယ်။ နိုင်ငံတစ်နိုင်ငံမှာ သူ့အချုပ် အခြာဆိုတာ ရှိနေတယ်။ အဲဒါကို ဘယ်တခြားနိုင်ငံ၊ ဘယ်တခြားကိုယ်စားလှယ်ကမှ ထိပါးလို့မရပါဘူး။ ထိပါးခွင့် လည်း မရှိပါဘူး။ ဒေါက်တာနေဇင်လတ်, "အမျိုးသားရေးလည်းတည်ဆောက်ကြပါ," *Messenger (Myanmar)*, March 4, 2013, 19.

things about it.”²³¹ In other words, any criticisms of the 1982 law and calls for its amendment or repeal by the international community would be assumed as interference in Myanmar’s internal affairs and thus as violations of her sovereignty. However, this conventional response to the international human rights criticisms carried more nuances by starting to argue that the 1982 law is a Buddhist Wall against Bengalization/Islamization.

Indeed, the most Buddhicized argument which calls for continued existence and enforcement of the 1982 law understandably comes from nationalist Buddhist monks. There are two best-known Buddhist nationalist monastic groups in Myanmar – *Ma-Ba-Tha* and the 969 movement. The international community is more familiar with the 969 movement due to ubiquity of its 969 emblem used at Buddhist-owned shops, homes, taxis, etc., and the extreme anti-Muslim rhetoric of Ashin Wirathu, the media-friendly de facto leader of 969. *Ma-Ba-Tha*²³² has formed hundreds of chapters across the country, according to its own Facebook page, although their exact number is not known. However, 969 constitutes part of *Ma-Ba-Tha* because two of the former’s campaigners and Ashin Wirathu sit on the executive committee of the latter.

²³¹ Bur: အဲဒီ ၈၂ ခုနှစ် ဥပဒေဆိုတာ မြန်မာနိုင်ငံသားဥပဒေ၊ မြန်မာနိုင်ငံအတွင်းကိစ္စဖြစ်ပါတယ်။ တခြား ဘယ် သူ နဲ့မှ မဆိုင်ဘူး။ ဘယ်သူမှလည်း ပြောပိုင်ခွင့်မရှိဘူး။ တေဇာဘုန်းမြင့်, “ဘင်္ဂါလီများထဲတွင်လည်း ဥပဒေအရ နိုင်ငံသား ဖြစ်နိုင်သူ ရှိကြောင်း လ.ဝ.က ဝန်ကြီးပြော,” *Messenger (Myanmar)*, February 25, 2013, F.

²³² *Ma-Ba-Tha* (Headquarters) was officially established in Yangon on 27 June 2013 and its Upper Myanmar branch on 15 January 2014. Its Central Body is composed of ninety nine members and Executive Committee of forty five members. It is chaired by Ywama Sayadaw Ashin Tiloka Bhivamsa and vice-chaired by Sitagu Sayadaw Ashin Nyanissara, Magway Sanghayama Sayadaw Ashin Cintasara, and Zwegabin Sayadaw Ashin Kavidhaja. Its secretary is Mawlamyine Mya Zedi Sayadaw, according to the *Thakithwe*, the official journal of *Ma-Ba-Tha*. All of those monks are prominent senior ones, especially Sitagu Sayadaw who is arguably the most respected monk in contemporary Myanmar. However, most people within Myanmar only associate Ywama Sayadaw with *Ma-Ba-Tha*’s leadership and are not aware of the fact that many other senior monks sit on the Central Body and Executive Committee of the organization. *Ma-Ba-Tha* uses a logo: a Bodhi banyan leaf on the background; and twenty-four Pathana, map of Myanmar and image of Shwedagon Pagoda on the leaf. “အမျိုးဘာသာသာသနာစောင့်ရှောက်ရေးအဖွဲ့ (ဗဟို) ဟန်ချက်ညီညီရှေ့သို့ချီလျက်,” *သာကီသွေးဂျာနယ်*, August 6, 2013, B, C.

Rhetorically, what 969 has called for is mostly concerned with shunning Muslim businesses because richer Muslim men may be in a better position to financially lure Buddhist women and convert the latter to Islam. Moreover, since Muslim (especially Rohingya) families are also believed to be more fertile than their Buddhist counterparts, the latter is demographically doomed. Therefore, future Muslim power must be curtailed by societally stopping Buddhists' business transactions with Muslims. But actions of those nationalist monks do not stop there. *Ma-Ba-Tha* has campaigned for special laws known as race protection bills, which will ensure perennial Buddhist supremacy in Myanmar by criminalizing interfaith marriage and polygamy, and by restricting religious conversion and population growth.²³³ Since one-million-strong Rohingyas within Myanmar are believed to be hyper-fertile and polygamous illegal Bengali invaders, they pose the most imminent threat to the Buddhist majority in Myanmar from the perspective of *Ma-Ba-Tha* and 969 leaders. Therefore, *Ma-Ba-Tha* (headquarters) in Yangon and its Upper Myanmar chapter in Mandalay have called for non-revision and non-repeal of the 1982 law.²³⁴

All of these rhetorics do not seem to be aware of the fact that the 1982 law does have provisions for citizenizing or naturalizing Rohingyas. They also seem to believe that Rohingyas are indeed illegal migrants and the law is able to prevent them from becoming

²³³ A detailed discussion of these proposed special laws is beyond the focus of this chapter. However, until President Thein Sein under pressures by *Ma-Ba-Tha*, which submitted 1.3 million signatures of supporters of race and religion bills, sent a message to the Pyidaungsu Hluttaw to draft the bills, most people knew about the interfaith marriage bill alone. However, *Ma-Ba-Tha* started calling for four bills with a statement dated 21 July 2013. Shwe Mann, Speaker of the Pyidaungsu Hluttaw, responded and asked that respective ministries draft the bills. President Thein Sein then proceeded to form a special commission to draft the two bills on religious conversion and population growth and ask the Supreme Court of the Union to draft the other two bills on interfaith marriage and monogamy. Lawi Weng, "Thein Sein Asks Parliament to Discuss Interfaith Marriage," *Irrawaddy*, February 27 2014, accessed April 1, 2014, <http://www.irrawaddy.org/burma/thein-sein-asks-parliament-discuss-interfaith-marriage.html>; Win Naung Toe and Nay Myo Tun, "Myanmar Leader Backs Buddhist Monks' Calls for Laws to 'Protect' Religion, Race," *Radio Free Asia*, February 27, 2014, accessed April 1, 2014, <http://www.rfa.org/english/news/myanmar/laws-02272014174350.html>. For the whole statement by *Ma-Ba-Tha* calling for the four bills, see သာကီသွေးဂျာနယ်, July 22, 2013, C, D.

²³⁴ Statement of the Sangha Conference held in Mandalay on 15 January 2014 signed by Chair of *Ma-Ba-Tha* (Headquarters) and Chair of *Ma-Ba-Tha* (Mandalay/Upper Myanmar) (on file with the author)

citizens of Myanmar. This potent popular opinion has been a source of legitimacy for the present regime who also finds it politically expedient to cover what its predecessor military regimes did and what they did not do regarding Rohingyas' statelessness. As long as this popular opinion changes and starts understanding what lies behind the creation of Rohingyas' statelessness, the government will continue to do what it has been doing over the last four decades. Apart from the controversial documentation policies and practices, which stem from the stipulation and implementation of the 1982 Citizenship Law, there is another highly important identity documentation policy which has affected the Rohingyas in recent decades, which will be discussed below.

The White Card

In the aftermath of the second exodus, when the SLORC faced pressures from the UNHCR and had to agree to provide Rohingya returnees with certain identity documentation, it intentionally or unintentionally seemed to have created another scheme to put Rohingyas in a legal abyss by providing them with temporary identity certificates or White Cards. The White Cards have been given to Rohingyas since 1995. Over the last two decades, the government failed to citizenize or naturalize Rohingyas. Although the ultimate aim of the drafters of the 1982 citizenship law, as we have seen in Chapter 3, is to give full citizenship to people of alien or mixed ancestry after three generations, Rohingyas are still in the beginning after more than three decades.

There were 734,453 White Card holders as of January 2014, according to U Maung Maung Than, director-general of the Department of Immigration and National Registration.²³⁵ The estimate given by the Bill Committee at the Amyotha Hluttaw in

²³⁵ Min Min, "Most White Card Holders in Rakhine State, Says House Panel," Mizzima, March 13, 2014, accessed March 14, 2015, <http://archive-3.mizzima.com/mizzima-news/politics/item/10991-most-white-card-holders-in-rakhine-state-says-house-panel/10991-most-white-card-holders-in-rakhine-state-says-house-panel>.

The estimate given by the Bill Committee at the Amyotha Hluttaw is that there are 850,000 White Card holders in Myanmar. Proceedings of the Amyotha Hluttaw, 23rd Day of the Ninth Meeting, March 12, 2014, accessed March 14, 2015, www.amyothahluttaw.gov.mm. However, the total number of White Cards which

March 2014 is that there are 850,000 White Card holders in total.²³⁶ However, the total number of White Cards as of 23 December 2014 is 590,016 and most of the card-holders are in Rakhine State, according to Khin Yi.²³⁷ It means that only around half of Rohingyas within Myanmar hold White Cards. The rest, which include young children, are still without documents.

Khin Yi has on several occasions asserted that the temporary certificates are given to those who are of dubious origin or whose citizenship is yet to be processed without specifying the reasons why.²³⁸ The certificates were issued under Section 13 (1) (c)²³⁹ of the Registration of Residents of Union of Burma (now Myanmar) Rules (1951)²⁴⁰ which allows such issuance under a general or special order for purposes specified by the Chief

have been issued by the Ministry of Immigration and Population as of 23 December 2014 is 590,016, according to Khin Yi. This discrepancy is not surprising because even the total population of Myanmar used to be estimated around 55-60 million before the last census was conducted in 2014. However, Khin Yi also said that most of the holders are in Rakhine State. ဟန်နီဝင်း (သတင်းစဉ်), “White Card ကိုင်ဆောင်ထားသူများသည် မြန်မာနိုင်ငံအတွင်း ရောက်ရှိနေထိုင်သူများသာဖြစ်ပြီး နိုင်ငံသားအဖြစ် အသိအမှတ် ပြုခြင်းမဟုတ်,” *ကြေးမုံ*, December 25, 2014, 9. It means that only around half of Rohingyas within Myanmar hold White Cards. The rest are still undocumented.

²³⁶ Proceedings of the Amyotha Hluttaw, 23rd Day of the Ninth Meeting, March 12, 2014.

²³⁷ This discrepancy is not surprising because even the total population of Myanmar used to be estimated around 55-60 million before the last census was conducted in 2014.

²³⁸ Nan Hnin Lwin Pwint, “EC and Immigration Authorities Play Blame Game,” *Mizzima*, September 16, 2013, accessed September 17, 2013, <http://www.mizzima.com/news-91481/prisoner-watch/10092-ec-and-immigration-authorities-play-blame-game>; Nyein Nyein and Kyaw Kha, “It Is Not That White Card Holders Automatically Become Citizens,” *Irrawaddy (English)*, February 10, 2015, accessed February 10, 2015, <http://www.irrawaddy.org/interview/white-card-holders-automatically-become-citizens.html>.

²³⁹ Bur: အောက်ပါအကြောင်းတစ်ခုခုရှိလျှင်စာရင်းထိန်းက ယာယီသက်သေခံလက်မှတ်များကို ထုတ်ပေးနိုင်သည်။

...

(ဂ) မှတ်ပုံတင်အရာရှိချုပ်က ယေဘုယျ သို့တည်းမဟုတ် အထူးအမိန့်ဖြင့် သီးခြားဖော်ပြသည့် အခြားအကြောင်းများရှိလျှင်

²⁴⁰ The rules were issued in 1951 to implement the Registration of Residents of Union of Burma (now Myanmar) Act (1949).

National Registrar. In short, White Cards were legally issued. There are a lot of questions to be asked regarding this repeated statement by Khin Yi because White Cards have significantly eroded documented identity of the Rohingyas. I will only discuss and highlight five most important questions here. Firstly, Khin Yi and MIP have not announced that particular general or special order to issue the cards to Rohingyas. Secondly, the cards are held not only by Rohingyas but also by peoples such as Indians, Pakistanis, Nepalese, Chinese, Kokang, Wa, etc. in the border regions. We do not know the existence of those specific general or special orders issued for giving White Cards to the different groups of people?

Thirdly, Khin Yi only refers to that particular section of the Registration of Residents of Union of Burma (now Myanmar) Rules, i.e. Section 13 (1) (c). Indeed, there are four other sub-sections under Section 13: Sub-Section (2) specifies the format of the card; Sub-Section (3) stipulates that a validity period or expiry be included; Sub-Section (4) asks card holders to return the cards within seven days after their expiry but stipulates that the relevant official may change the validity date on the cards or issue new cards if need be; and Sub-Section (5) asks card holders to return the cards when they receive registration cards.²⁴¹ Moreover, the cards are defined as those issued with a specific period in place of

²⁴¹ Bur: ၁၃ (၂): ယာယီသက်သေခံလက်မှတ်များသည် ဤနည်းဥပဒေများနောက်တွင် ပူးတွဲပါရှိသည့် ပုံစံ ၃ အတိုင်းဖြစ်ရမည်။ ၁၃ (၃): ယာယီသက်သေခံလက်မှတ် အတည်ဖြစ်သည့်ကာလအပိုင်းအခြားကို နေ့ရက်သတ်မှတ်၍ ကန့်သတ်နိုင်သည်။ ၁၃ (၄): ယာယီသက်သေခံလက်မှတ်ပိုင်ရှင်သည် မိမိလက်မှတ်ကို လက်မှတ် အတည်ဖြစ်သည့် ကာလအပိုင်းအခြားကုန်ဆုံးပြီးနောက် ခုနှစ်ရက်အတွင်း စာရင်းထိန်းထံ ပြန်အပ်ရမည်။ စာရင်းထိန်းသည် လိုအပ်လျှင် နောက်ထပ် မည်ရွေ့မည်မျှ ကာလအပိုင်းအခြားအတွက် လက်မှတ် အတည်ဖြစ်ကြောင်း၊ ထပ်ဆင့်လက်မှတ်ရေးထိုး၍ ထိုလက်မှတ်ကိုသော်လည်းကောင်း ပြန်လည်ထုတ်ပေး နိုင်သည်၊ သို့တည်းမဟုတ် ယာယီသက်သေခံလက်မှတ်အသစ်တစ်ခုကိုသော်လည်းကောင်း ထုတ်ပေးနိုင်သည်။ ၁၃ (၅): ယာယီသက်သေခံလက်မှတ်ပိုင်ရှင်သည် ထိုယာယီသက်သေခံလက်မှတ်အစား သက်သေခံကတ်ပြားကို ရရှိသော အခါ ထိုယာယီသက်သေခံလက်မှတ်ကို စာရင်းထိန်းထံ ပေးအပ်ရမည်။

identity cards in Section 2 (e) of the Rules.²⁴² All of these Sub-Sections pose two important questions about continued practice of giving White Cards to Rohingyas. They are that MIP failed to specify a period of validity of the cards and that MIP allowed the use of the cards from 1995 to 2015, which are only meant for temporary use.

Fourthly, the Registration of Residents of Union of Myanmar Act and its Rules only aim at registration of residents who are not foreigners. I argue so for two reasons. One is that there are separate Registration of Foreigners Act (1940) and Registration of Foreigners Rules (1948). The other reason is that Rule 33 of the Registration of Residents of Union of Burma Rules clearly states that Rules 29 and 31 alone apply to foreigners, both of which are concerned with procedure.²⁴³ The former stipulates that holders carry identity cards with them when they travel or submit them for inspection as required by the authorities whereas the latter penalizes those in violation of the rules. Therefore, since Khin Yi has repeatedly claimed that White Cards were issued to Rohingyas under Section 13 (1) (c), it means that MIP did so because they were not foreigners in the first place. Or another reason is that the SLORC under UNHCR pressures made a scheme to only give temporary White Cards to Rohingyas and used Section 13 (1) (c) to support legality of their action.

Fifthly, both the Registration of Residents of Union of Burma (now Myanmar) Act and its Rules are supposed to register residents of Burma in the 1950s. Although there were Union Citizenship Act and Union Citizenship (Election) Act in operation, the AFPFL government was only able to issue 8,496 citizenship certificates from 4 January 1948 to 30 April 1957 and the Revolutionary Council 12,937 from 1 June 1957 to 6 February 1959. Therefore, over the period of twenty one years from 1948 to 1959, only 21,433 citizenship certificates were issued, meaning that almost all of the people of Burma in the 1950s did

²⁴² Bur: ၂ (c): “ယာယီသက်သေခံလက်မှတ်”ဆိုသည်မှာ သက်သေခံကတ်ပြားအစား ထုတ်ပေး၍ သတ်မှတ်ထားသည့် ကာလအပိုင်းအခြားအတွက်သာလျှင် အတည်ဖြစ်သော မည်သူဖြစ်ကြောင်း သက်သေခံလက်မှတ်ကို ဆိုလိုသည်။

²⁴³ Bur: အထက်ပါနည်းဥပဒေများတွင် မည်သို့ပင် ပါရှိစေကာမူ နိုင်ငံခြားသားများသည် နည်းဥပဒေ ၂၉ နှင့် နည်းဥပဒေ ၃၁ မှတစ်ပါး အခြား အဆိုပါနည်းဥပဒေများနှင့် သက်ဆိုင်ခြင်းမှ ကင်းလွတ်စေရမည်။

not have any citizenship certificates issued under the Union Citizenship Act or Union Citizenship (Election) Act. Moreover, a National Registration Department was formed under the Ministry of Home Affairs in 1951 to implement the Registration of Residents of Union of Burma Rules. From 1952 to November 1958 the Department registered 4,100,000 people. Registration was expedited by the Revolutionary Council at a rate of registration of about 2 million people per month which claimed by February 1960 that 18 million people had been registered. The population of Burma in 1961 was estimated at 22.7 million.²⁴⁴ Therefore, we may expect that by the end of 1960, all the residents of Burma had been registered and given their National Registration Cards (NRCs).²⁴⁵ In 1989, the SLORC started exchanging NRCs with color-coded citizenship scrutiny cards (CSCs) under the 1982 Citizenship Law: pink cards for citizens by birth and other non-indigenous citizens; blue cards for associate citizens; green cards for naturalized citizens; and white cards²⁴⁶ for foreigners. However, the Rohingyas were left out from this documentation as well. .

However questionable Khin Yi's statements and actions of MIP since 1995 regarding Rohingyas' documentation have been, the people of Myanmar seem to have believed the governmental rhetoric concerning the White Card. This ignorance and anti-Rohingya sentiments widely shared by the larger Myanmar society have led to widespread debates on and actions against White Cards and their status.

Rohingyas were able to vote and form political parties in all the general elections held in independent Burma/Myanmar including the second last one in 1990. They also participated in the constitutional referendum in 2008. In all of those elections, Rohingyas'

²⁴⁴ Myat Thein, *Economic Development of Myanmar*, p. 45. M Ismael Khin Maung gave 22.541 million as population of Burma in 1963, drawing from an UN estimate. There is a small discrepancy in the two figures; however, we can estimate that the population of Burma in 1960 was 21-22 million. M Ismael Khin Maung, *The Population of Burma: An Analysis of the 1973 Census* (Honolulu: East West Center, 1986), 6.

²⁴⁵ From my living experience in Myanmar for twenty seven years, I myself have never seen or even heard of citizenship certificates held by anyone who I know. What relatives and friends had in hand until 1989 were cards called National Registration Cards (NRC; in Burmese အမျိုးသားမှတ်ပုံတင်).

²⁴⁶ Those white cards issued to foreigners must not be confused with White Cards held by Rohingyas. White Cards are so called because they are also white in color.

legal qualifications or entitlements to vote did not become a question. However, introduction of White Cards in 1995 caused further deterioration in legal identity and documentation of the Rohingyas.

The second last general elections were held by the SPDC in 2010 and by then most of Rohingyas only had had White Cards in hand. Although they were introduced in 1995, an unknown number of more White Cards was reportedly issued prior to the 2010 elections. Since Rohingyas constituted one third of the population of Rakhine State, their voting power is a significant force. When the SPDC wrote a political parties registration law and electoral laws for Pyithu Hluttaw, Amyotha Hluttaw and Region Hluttaws or State Hluttaws, they included provisions to enable White Card holders to form and join political parties²⁴⁷ and to participate in elections as voters,²⁴⁸ together with citizens, associate citizens, and naturalized citizens.

Those provisions became a controversy from 2013 onwards in Myanmar, again mainly problematized by Rakhine politicians.²⁴⁹ In all those pronouncements and writings not only at the Hluttaw but also within the Myanmar society, including the media, three arguments were highlighted: that White Cards are temporary; that White Cards were only given by the SPDC from 2008 onwards to buy Rohingyas' votes for USDP; and that White Card holders have not become citizens yet. Those arguments were apparently echoed the rhetorics of the Myanmar government and Rakhines nationalist politicians.

Eventually, the White Card controversy ended up with three actions by the Pyidaungsu Hluttaw, President Thein Sein, and the Constitutional Tribunal of the Union. Firstly, a second amendment to the Political Parties Registration Law approved by the

²⁴⁷ Sections 4 (a) and 6 (a) of the Political Parties Registration Law (The State Peace and Development Council Law No. 2/2010) (8th March, 2010)

²⁴⁸ Section 6 (a) of the Pyithu Hluttaw Election Law (The State Peace and Development Council Law No. 3/2010) (8th March, 2010); Section 6 (a) of the Amyotha Hluttaw Election Law (The State Peace and Development Council Law No. 4/2010) (8th March, 2010); Section 6 (a) of the Region Hluttaw or State Hluttaw Election Law (The State Peace and Development Council Law No. 5/2010) (8th March, 2010)

²⁴⁹ Those pronouncements and writings on the White Card and their status as founders and members of political parties and voters will not be discussed in detail here.

Pyidaungsu Hluttaw in September 2014 stipulated that citizens alone (excluding associate citizens, naturalized citizens, and White Card holders) may form political parties and citizens and naturalized citizens (excluding associate citizens and White Card holders) may join political parties.²⁵⁰ Secondly, a confrontation between many Hluttaw representatives including Rakhine ones and President Thein Sein ended up in approval of the law at the Pyidaungsu Hluttaw on 2 February 2015 for holding a referendum to amend the present constitution, which allowed White Card holders to participate as voters.²⁵¹ This allowance led to nationwide condemnation and some protests.²⁵² President Thein Sein eventually made a move to satisfy the harsh critics by announcing through a Presidential order on 11 February 2015 that White Cards shall expire on 31 March and be returned by 31 May because a citizenship project for Rohingyas is being implemented.²⁵³ This effectively annihilated voting rights of Rohingyas. Thirdly, led by prominent Rakhine representatives,

²⁵⁰ Sections 2 and 4 of the Second Amendment to the Political Parties Registration Law. နိုင်ငံရေးပါတီများမှတ်ပုံတင်ခြင်းဥပဒေကို ဒုတိယအကြိမ်ပြင်ဆင်သည့် ဥပဒေ ၂၀၁၄ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော် ဥပဒေအမှတ် ၃၈)/၂၀၁၄၊ ၂၀၁၄ ခုနှစ် စက်တင်ဘာ ၃၀ ရက်။

²⁵¹ Section 11 (a): ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် ဖွဲ့စည်းပုံအခြေခံဥပဒေ (ခုနှစ် ၂၀၀၈) ကို ပြင်ဆင်သည့် ဥပဒေကြမ်းအတည်ပြုရေး ပြည်လုံးကျွတ်ဆန္ဒခံယူပွဲဥပဒေ (Pyidaungsu Hluttaw Law 2/2015 (10th February 2015)

²⁵² Pyone Moet Moet Zin, Win Naung Toe and Myo Thant Khine, “Hundreds Protest Rohingya Vote on Myanmar Charter Change,” *Radio Free Asia*, February 11, 2015, accessed February 13, 2015, <http://www.rfa.org/english/news/myanmar/rohingya-02112015182610.html>; Shwe Aung, “Outrage over White Card Voters,” *Democratic Voice of Burma*, February 4, 2015, accessed February 5, 2015, <https://www.dvb.no/news/outrage-over-white-card-voters-burma-myanmar/48012>; “ပို့ကတ်ကတ်အရေးနှင့် ပြည်သူ့အသံ,” *7 Day Daily (Myanmar)* February 9, 2015, 16-7; အောင်ခိုင်, “ပို့ကတ်ကတ်မဲပေးခွင့် ရန်ကုန်တွင် ပထမဆုံးအကြိမ် ကန့်ကွက်ဆန္ဒပြ,” *7 Day Daily (Myanmar)*, February 12, 2015, 3; ဟိန်းကိုစိုး, “ပို့ကတ်ကတ်ပြဿနာ အစိုးရနှင့်လွှတ်တော်ကို ရခိုင်ပြည်နယ်လုံးဆန္ဒပြ,” *Mizzima (Burmese)*, February 16, 2015, accessed February 16, 2015, <http://www.mizzimaburmese.com/2013-10-20-16-16-07/2013-11-01-01-48-27/item/39056-2015-02-16-02-07-07>.

²⁵³ The Presidential order (19/2015) dated 11 February 2015 was reproduced in the *Myanma Alin* of 12 February 2015 on page 32.

a number of Amyotha Hluttaw MPs asked the Constitutional Tribunal of the Union²⁵⁴ which decided on 16 February that allowing White Card holders is unconstitutional,²⁵⁵ ending the controversy and further deteriorating the Rohingya plight.

In these ways, the governments of Myanmar failed to citizenize or naturalize the Rohingyas even under the discriminatory 1982 Citizenship Law since the late 1980s when the new CSCs were introduced. Instead of CSCs, Rohingyas were issued White Cards which were only meant for temporary use by citizens. This practice of issuing White Cards to Rohingyas continued for twenty years from 1995 through 2015. By 31 March 2015, the Rohingyas had found themselves without any forms of documentation. Although the Thein Sein administration has formulated a plan to scrutinize and citizenize/naturalize Rohingyas, it has not implemented it due to other pressing political issues. All of these dynamics have led to further deterioration of the status of the Rohingyas who are now people to be scrutinized. Moreover, amidst the now widely popular belief that Rohingyas en masse illegally migrated to Rakhine State in the second half of the twentieth century, any significant moves on the part of the government of Myanmar to finalize citizenship scrutiny and recognition seems susceptible to a strong opposition by Rakhines and nationalist Buddhist monks. For this particular reason, the plight of the Rohingya in Myanmar is highly expected to continue at least into the near to medium-term future.

To conclude, I have already discussed various factors or causes which have led to the Rohingya problem. However, a note regarding ‘agency’ or ‘causers’ must be made here. In both instances of Rohingya mass exoduses in the late 1970s and the early 1990s, the primary causers of human rights violations were the central governments (principals) and their field-level forces (agents). Moreover, human rights violations before, during and after the first exodus were more temporary than those installed during, before and after the

²⁵⁴ Win Ko Ko Latt, “Rakhine MP Seeks Tribunal Decision on White-card Holders’ Voting Right,” *Mizzima* (English), February 4, 2015, accessed February 5, 2015, <http://www.mizzima.com/mizzima-news/myanmar/item/17462-rakhine-mp-seeks-tribunal-decision-on-white-card-holders-voting-right>.

²⁵⁵ Yen Snaing, “Court Deems White Card Holders’ Vote Unconstitutional, Sends Law Back to Parliament,” *Irrawaddy*, February 17, 2015, accessed February 18, 2015, <http://www.irrawaddy.org/burma/court-deems-white-card-holders-vote-unconstitutional-sends-law-back-parliament.html>.

second one. After the refugees were repatriated during the *Hin-Tha* Operation period in 1979, active repression of Rohingyas who returned and those who remained in NRS was not committed by the central BSPP government and local authorities. They were mostly marginalized and left as they were before the outbreak of the first exodus. However, the aftermath of the second exodus is significantly and actively more repressive than that of the first.

The *Na-Sa-Ka* corps with their 9 territories in Maungdaw and Buthidaung townships in which Rohingyas are most concentrated violated various human rights of the Muslim minority almost on a daily basis from 1992 to 2013. The most important causal factor behind these agents being given free rein in NRS is that the top leaders were directly or indirectly involved too. In other words, both causers, i.e. principals and agents, were involved in creation of the chronic problem of the Rohingya plight, by constructing the Rohingyas as a threat to sovereignty and territorial integrity of Myanmar. The larger Burmese/Myanmar society was not well acquainted with the situation in NRS except when they saw or heard those foreign media reports and the government rebuttals in the aftermaths of the two exoduses. This situation drastically changed with the outbreak of sectarian Rakhine violence in 2012 and political changes from 2011 onwards. Over the last three years, however, besides the central government's principal role as agents of human rights violations, many other stakeholders – most importantly, nationalist Rakhines, anti-Muslim radical monks, non-Rakhine politicians and peoples – have played both direct and indirect roles in further worsening and prolonging the plight of Rohingyas.

All of these dynamics involving various groups of causers and causes may be summarized by drawing from the middle-range model of human rights violations (Figure 2.2 of Chapter 2) as outlined below.

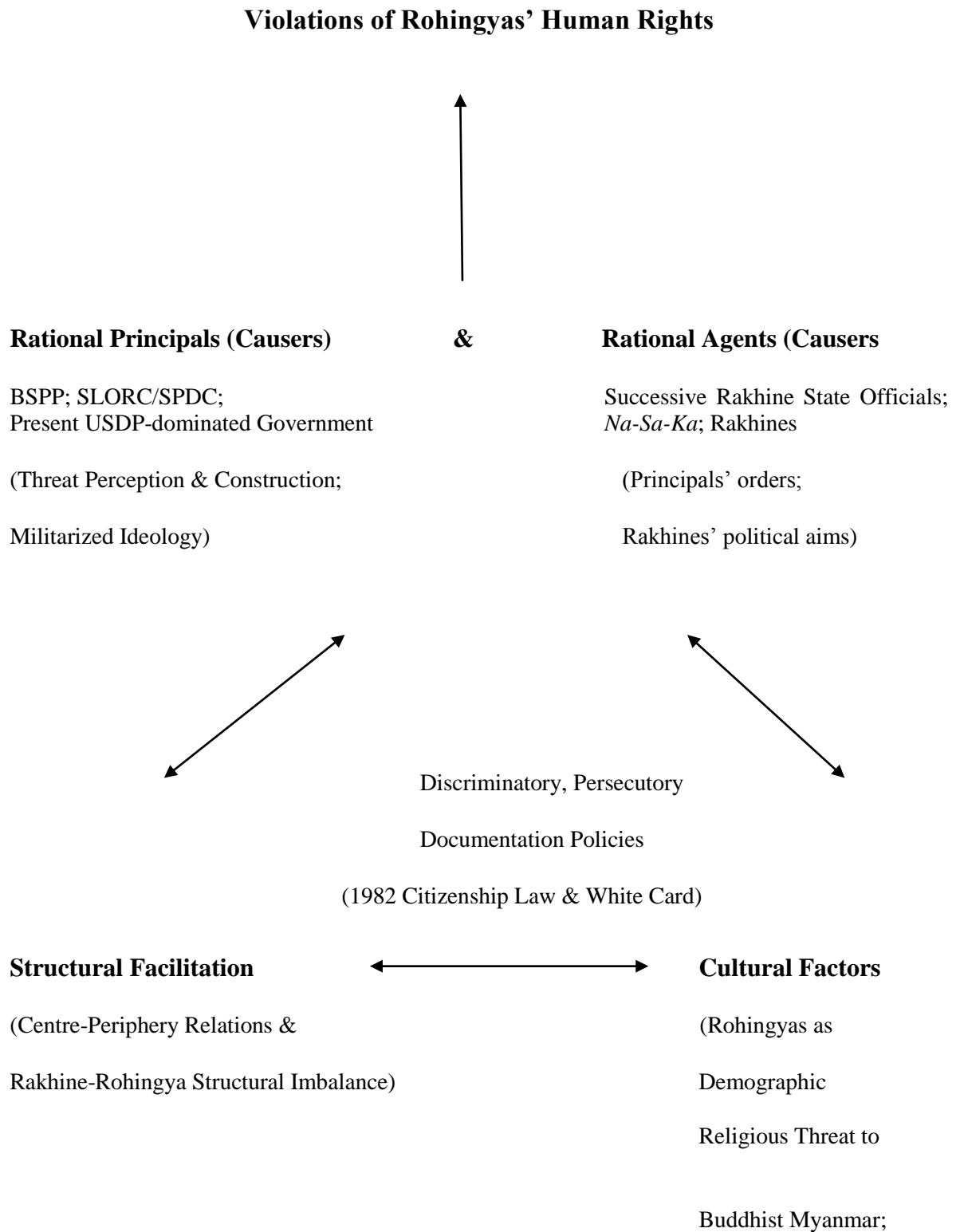


Figure 6.1: An Explanatory Model for the Case Study

Conclusion

This chapter has shown how interactions between various causal factors and causers have together led to the emergence of the decades-long Rohingya problem. It has looked at rational, structural or cultural factors in terms of both causes and causers all of which have interacted in creating the plight of the Rohingyas in Myanmar.. Security-obsessed military elites, structural imbalance between the central state and Rakhine State on one hand and between Rohingyas and Rakhines on the other hand, and construction of the Rohingyas as illegal Bengali migrants and a threat to Buddhist Rakhines and Myanmar have led successive governments of Myanmar to violate human rights of the Rohingya. Moreover, all of these rational, structural, and cultural reasons have also led the government to use two tools of identity documentation – the 1982 Citizenship Law and the White Card – to render the Rohingyas chronically stateless, despite the facts that the Rohingyas were citizens until all these documentation policies and practices were used against the community.

Chapter 7: Conclusions and reflections

This thesis has provided a nuanced, intensive case study of the causes of the violations of Rohingyas' human rights by the Myanmar state and its agents, by using many previously unused sources. It has examined the details of the repressive policies and actions by successive governments who have sought to arbitrarily deprive Rohingyas of their human rights and even belonging to Myanmar. More specifically, it has provided and highlighted many new facts and figures on the three exoduses and their aftermaths, on the 1982 citizenship law and on the White Card, to shed light on how successive Myanmar governments have used and abused different documentation policies and actions in order to deprive Rohingyas of Myanmar citizenship rights and many other related human rights. In this final chapter, I first recap my case-specific conclusions. Secondly, I reflect upon the theories and middle-range model of human rights violations used in the case study. Thirdly, I discuss a few issues relating to making or helping make policies to ameliorate the Rohingyas' plight. Finally, I discuss four areas for further research.

Case-specific conclusions

The main aim of this thesis was to conduct and present a theory-guided case study of why the Rohingyas' human rights have been violated at least since the 1970s. It traced these violations before, during, and after the first, second, and third exoduses in the late 1970s, the early 1990s and from 2012 onwards respectively. These were three critical junctures in the history of the Rohingyas, and they resulted in three particularly harmful developments: the drafting and passage of the 1982 citizenship law; the installation of *Na-Sa-Ka*; and the emergence of a nationwide discourse and movement at both government and popular levels that contends that Rohingyas are illegal migrants and calls for further curtailment of whatever human rights they now have.

The thesis did not attempt to trace each and every turn in Myanmar's political and social context in which repression of the Rohingya occurred and continue to occur.

Moreover, as highlighted throughout the thesis, violations of the Rohingyas' human rights did not always exist at the same level, although they have been ongoing throughout a period of more than forty-five years since the late 1970s. It greatly intensified at three critical junctures. Focusing on these three junctures and their aftermaths provided a useful vantage point from which to explore official thinking and policy regarding the Rohingyas.

Contrary to mainstream accounts of the Rohingyas' plight in the English language literature as a classic case of *de jure* statelessness, this thesis has argued that it is a deeply political issue grounded in history. It has examined not only structural, cultural and rational reasons behind each of the three exoduses and their aftermaths, but also the pretexts provided by the Myanmar government and, more recently, by the Rakhine authorities and the wider Burman Buddhist community. Two reasons, in particular, have been provided to justify the violations of the Rohingyas' human rights. First, that Rohingyas are aliens who *illegally* have been entering Myanmar since colonial times. Secondly, that the Rohingyas' alleged illegal status and rapid demographic growth pose a threat to Myanmar's sovereignty and Buddhist fabric. These twin discourses have served to effectively obscure the decades-long, arbitrary and deliberate deprivation of the Rohingyas' human rights, including but not limited to their citizenship rights. Moreover, they imply that even if the Rohingyas were found in the future to be qualified and accepted as citizens, their hyper-fertility, illiteracy, polygamy and savagery would still pose a threat to "civilized" Buddhist Myanmar.

Besides these rhetorical bombardments, this thesis has found that, in the case of Rakhines versus Rohingyas, rational reasons – specifically, the intense competition in terms of demography and political and economic power between the two communities in impoverished Rakhine State – have played a significant role. In the case of non-Rakhine Buddhists (including Bamar-Buddhist-dominated governments and military), the cultural or religious factor has been the principal reason behind anti-Rohingya sentiments. However, these rational and cultural reasons alone have not caused the Rohingyas' plight. The nature of military or military-dominated rule has provided a particularly permissive structural context for the deliberate formulation and implementation of a range of repressive policies targeting Rohingyas.

On the surface, all of these causal factors seem to miss an agency perspective – i.e. who on the ground have actually committed the violations of the Rohingyas’ human rights. These “causers” include both principals and agents. Principals, i.e. the central governments of Myanmar, have formulated repressive policies against Rohingyas, which stem from their rational and cultural fears and prejudices against a minority and are facilitated by the nature of governance existing in Myanmar. Agents on the ground in Rakhine State, who harbor their own rational and cultural prejudices against Rohingyas and find themselves in a position to reap financial benefits out of corruption in everyday dealings with Rohingyas throughout the 1990s and 2000s, have implemented these policies formulated by their principals.

The fundamental factors have remained similar over time, but they have become observably more complex in recent years with the involvement of new players and new dynamics. Prior to the occurrence of sectarian violence in Rakhine State in 2012 amidst rapid political and social changes, causers were limited to the BSPP, SLORC/SPDC and their agents on the grounds. However, more recently, wider groups have become involved. Ordinary Rakhines, nationalist Buddhist monks, and other Buddhists who have aggressively shown their anti-Rohingya attitudes may not have directly ‘caused’ the recent violations of Rohingyas’ human rights. However, their strong opposition to any forms of continued recognition, respect, protection, and fulfillment of Rohingyas’ human rights by the government, which has given in to the mounting tide of anti-Rohingya popular opinion, has obviously played a role. Indeed, the government has even embarked upon an unprecedented legislative project involving four “race and religion protection” bills, initially proposed by nationalist Buddhist monks and strongly supported by Rakhines. Three of these manifestly target Rohingyas and their alleged polygamy and hyper-fertility.¹

Apart from the identification of these causes, causers, and the dynamics between them at the three critical junctures, this thesis has sought to clarify what the Rohingya conundrum is all about. It has examined in great detail the 1982 citizenship law, the White

¹ The fourth bill, which is supposed to restrict interfaith marriage between non-Buddhist men and Buddhist women, may be said to particularly target other non-Rohingyan Muslims since cases of Rohingya-Rakhine intermarriage are extremely rare.

Card, and the Rohingya ethnonym, details which in many cases have been unknown or unexamined. These three topics have been given great attention by the Myanmar government and people in recent years, although they do not really back up their arguments. A high level of ignorance and selectivity has been displayed by both government and popular opinion to discredit and reject any claims by Rohingyas to Myanmar citizenship. It is probable that widespread popular prejudice, which has always been anti-Muslim in general and anti-Rohingya in particular, has been manipulated by the government to hide its own wrongdoings, and by Rakhine supremacists for their own rational reasons. With the repeated sensationalist securitizations of the Rohingyas' alleged illegal migration, lack of documentation, hyper-fertility, and polygamy by the government and Rakhines, the populace has become numbed. It has resulted in intense self-defense, bereft of reason and without foundation, not only by the government and Rakhines but also by other non-Rakhines, whenever the international community has called upon Myanmar to recognize and protect Rohingyas.

All of these causal factors and mechanisms have led to violations of different human rights of the Rohingya mainly by the state and its agents on the ground, increasingly supported by Rakhines and the larger Myanmar society in recent years. Specifically, several human rights, stated in UDHR, of the Rohingya have been violated over the last decades and increasingly in recent years: the right to freedom from discrimination (Article 2); the right to life, liberty, and security (Article 3); the right to freedom from torture or to cruel, inhuman or degrading treatment or punishment (Article 5); the right to freedom of movement and residence within the borders of each state (Article 13 (1)); the right to a nationality, to freedom from arbitrary deprivation of one's nationality, and to change one's nationality (Article 15); and 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 (Article 25 (1)). Several state policies and actions in terms of documentation, residence, resettlement, protection, etc., which have been proven to have led to the chronic plight of the Rohingya, have been traced, described and analysed. Most of these state policies and actions belong to one or more of the three types of violations identified by Chapman – violations resulting from direct actions and policies of the government, violations resulting from discrimination, and violations resulting from the

failure of the government in meeting its minimum obligations to respect, protect and fulfil human rights.²

Indeed, rather than singling out one or more of these human rights of the Rohingya and explaining how they have been violated, this thesis has taken a holistic approach by treating their plight as an interconnected problem. This is in line with the position taken by the United Nations that human rights are indivisible, interdependent, and interrelated.³

Theoretical reflections

This thesis has mainly drawn from political repression theory, which is the most advanced literature explicitly termed as human rights violations studies. The thesis has reconfirmed the main proposition made by repression theory that governments repress or commit human rights violations due to threats posed by dissidents⁴ However, both the meaning of dissidents and threat are under-theorized, as shown by the case study of the Rohingya plight. As the thesis has shown, victims of human rights violations do not have to be dissidents, as long as they are believed to pose a threat to a government. Likewise, the nature of threat posed by a group of people may be more complex, depending on the construction of it as a threat by a government. This thesis has shown that successive Myanmar governments, recently joined by Rakhines and other people in general, have constructed Rohingyas as a threat to Myanmar in terms of illegal migration, religious identity and demography although Rohingyas are not necessarily political dissidents. Therefore, this threat presents a proposition that a government may commit human rights violations as long as it views and constructs a certain group of people as a threat regardless of the realities of that claim. This proposition, which has been strongly supported by the case study of the plight of the Rohingya, presents itself as a hypothesis to be tested in

² Chapman, “A “Violations Approach”.

³ United Nations Office of the High Commissioner for Human Rights, “*What are Human Rights?*”

⁴ Davenport, “Multi-dimensional Threat Perception and State Repression”; Earl, “Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control”

further single or multiple case studies so that it could be incorporated into the general theory of repression.

Though the majority of Rohingyas, with the exception of small armed groups among them, have not politically challenged the central governments of Myanmar, they have been constantly constructed as a threat by the governments. Such construction has been given further impetus by the participation of the people during and after the sectarian violence in Rakhine State in 2012. All of these dynamics of threat perception and construction initially by the government and in recent years by the people have both directly and indirectly led to violations of Rohingyas' human rights over the last four decades. Therefore, it is suggested that human rights violations research pay more attention to the content of a threat as perceived and constructed by a government and other stakeholders.

As shown in Chapter 6, in a democratizing polity such as Myanmar the government has provided justifications not only for itself but for the people who, without being necessarily aware of the historical roots of the problem, have increasingly provided their support for treatment of the Rohingya by the government at least in recent years. This adds another nuance to the theory of political repression by suggesting that studies which analyse cases of political repression (or human rights violations) be attentive not only to what is done to a minority community by the government of a country but also to how it has been justified by the government and people in that country. By analysing justifications by the government and people, case studies of human rights violations are highly likely to uncover both their general causes and various causers at different levels. In other words, studies should not stop at finding out who and what have caused certain cases of human rights violations. They should also aim at uncovering and analysing nuances of causes and causers of cases of human rights violations because such cases occur in dynamic political, social, economic, and cultural milieu. It is generally true that governments are the main agents or causers of human rights violations but we must not lose sight of the fact that governments need justifications at least for themselves in deciding to commit or committing human rights violations.

Also, this thesis strongly suggests that individual or comparative case studies of human rights violations pay attention to the roles of both causes and causers and the interactions between them. It also suggests that human rights violations studies seek to better understand and explicate the complex rational, structural and cultural factors that influence causes and causers. Since human rights research is deeply interdisciplinary by nature, this thesis has also shown that drawing from various disciplines and sub-disciplines would be desirable. For example, topics such as religion, demographic security, and identity are not usually considered as necessary or sufficient dependent variables in human rights violations case studies. Like this thesis has drawn upon those theories and explanatory frameworks, it is advisable that interdisciplinary human rights research projects do so because human rights are respected, protected, and fulfilled on one hand and are violated on the other hand in a deeply political, social, and cultural milieu.

Another general prophecy often made and taken for granted by repression research is that democracies necessarily bring peace.⁵ However, as this case study has shown, democratic changes may actually result in deterioration of the plight of a minority, which is widely prejudiced against by the majority in a country. It is necessary to further contextualise the domestic democratic peace theory, as it may not hold true for each and every country and each and every community in a democratizing country. In the case of Myanmar, this democratic people proposition seems to hold true for ceasefire talks held to end the decades-long armed conflicts between the central government of Myanmar and various ethnic armed insurgent groups whereas it has done otherwise for the case of the Rohingya.

Policy reflections

Until 2012, the Rohingyas' plight was usually conceptualized as a refugee or statelessness issue, which was caused by deliberate state repression involving the savage and the victim

⁵ Davenport, *State Repression and the Democratic Peace*.

alone, to borrow from Makau Mutua's description.⁶ It pointed at the 1982 citizenship law as the main culprit behind the issue and assumed that this law must be changed or repealed to ameliorate the plight. In short, the approach was a legal one and concluded that all of the repressive policies and human rights violations Rohingyas suffered stemmed from lack of their Myanmar citizenship. This approach is problematic for three main reasons: it neglects the existence of provisions for Rohingyas' acquisition of Myanmar citizenship in the law although it is indeed a substandard document of citizenship legislation under international human rights norms; it does not recognise that the law is only one of the tools of repression and is only used as a pretext for diverting the attention away from the real rational and cultural thinking behind the human rights violations; and it assumes that changing the law will solve most, if not all, the problems.

Since the outbreak of sectarian violence in Rakhine in 2012 – and with the new political and social liberalizations and the increasingly populist stance taken by the Thein Sein administration – many new players, Rakhines and nationalist Buddhist monks in particular, and new dynamics have entered into the equation. Interactions between old dynamics and old players and new dynamics and new players have further complicated the issue. Therefore, any sound policy advice must consider all of these.

This is indeed a daunting task. Having considered all of the old and new causes and causers of human rights violations, the most difficult aspect of providing policy recommendations is their timeliness since the whole issue is in a state of constant flux. However, I suggest that a number of core findings of this case study must be first and foremost dealt with, bearing in mind the fact that no one can be certain about what is going to happen to Rohingyas a few years from now.

Most importantly, as I argued above, popular emotions and movements against any form of recognition of Rohingyas in Myanmar stem from widespread prejudice against the minority and public ignorance of the facts and figures of the issue. Moreover all of those prejudices against and denials of Rohingyas are being mainly expressed on the discursive

⁶ Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harvard International Law Journal* 42 (1) (2001).

plane, worsened by selective use of anecdotal evidence. In that regard, the general populace has been observably swayed by a governmental narrative in recent years framed in alleged illegality of Rohingyas as part of Myanmar's citizenry; total defence of the 1982 law; non-existence of 'Rohingya' as a name and its group identity; repeated allegation of hyper-fertility of Rohingyas and Bengalization/Islamization of Buddhist Myanmar as an imminent threat. All of these discursive practices have caused a surge in popular fears of Rohingyas and the people of Myanmar are now ready to challenge and reject any efforts by the international community to ameliorate the plight of Rohingyas. Effectively, the successive governments' repression of Rohingyas has been largely unnoticed or unknown by the people who act paranoiac whenever they hear anything talked or written about Rohingyas.

Framing by human rights advocacy reports of whatever has happened in the case of Rohingyas in human rights and international criminal law terminology alone has been increasingly challenged by the emergence of a counternarrative launched by the Myanmar government, Buddhist national monks, Rakhines, and certain Buddhists. However controversial the way the counternarrative is framed in terms of race, religion, Buddhist nationalism, sovereignty, territorial integrity and non-interference, it has observably made international advocacy, however well-meaning and humane it is, fall on deaf ears within Myanmar. Amidst increased international pressures post 2012 for better treatment of Rohingyas, the present Thein Sein administration continues to resort to adopting the same governmental rhetoric, couched in Westphalian sovereignty, in use since the 1990s that Rohingyas, most of whom are undocumented mainly due to failure of successive governments, first undergo special citizenship scrutiny.

At the popular or societal level, another national security discourse defined as defence of *amyō batha sāsana* (race, religion, and *sāsana*) has emerged since 2012, popularized by nationalist Buddhist monks and their mother organization – *Ma-Ba-Tha* (Organization for Protection of Race, Religion, and *Sāsana*) – who naturally own enormous moral authority in Buddhist-majority Myanmar. This race and religion protection discourse, which seems to be new, is rooted in colonial times and has been informed by a myth of deracination since. It argues that Rohingyas are allegedly polygamous and hyper-fertile so citizenizing or naturalizing them shall end up with a loss of the Myanmar Buddhist race

and Buddhism. The governmental and popular discourse against Rohingya's citizenship has emerged to be a voice of strong opposition to the international community, which has been made largely powerless.

A rather psychological phenomenon seems to be at play in the extremely obstinate response from the Myanmar government and people that they would never change the 1982 law because it is perfectly suitable for the country and it is their own business. International pressures regarding this particular issue seem to be supposed as undue by the Myanmar society as a whole. If the international community keeps on pressuring them to amend or repeal the law, the now very strong opinion among them that the law is actually effective and Rohingyas are indeed illegal shall have further ossified. It also seems that we are now witnessing collision of international human rights norms and the domestic Myanmar norm of *amyo batha sāsana*.

Amidst all of those discursive bombardments, the people seem to believe that Rohingyas are indeed illegal migrants and the 1982 law has strong legal buffers against their citizenization or naturalization, although the government must be aware of its own shortcomings and wrongdoings. The people also seem to believe that Myanmar must resist unfair and invasive international pressures at all costs and as long as they can do so Rohingyas may not become Myanmar citizens and pose a demographic and religious threat to Buddhist Myanmar. Therefore, an information campaign should be launched by the international community to *gradually* inform the larger Myanmar society of the facts and figures, and context in which Rohingyas have been deliberately deprived of entitlements to Myanmar citizenship. The campaign should ideally be upfront about two main things, backed up by strong evidence: that the reasons given by the government to problematize and reject Rohingyas are rife with half-truths and cover-ups; and that the issue is not just about alleged illegal migration and hyper-fertility but more about construction of the Rohingya scare backed up by anecdotal evidence and identity.

On the other hand, the government of Myanmar has been striving hard to solve the problem. However, their plan as expressed in the draft Rakhine Action Plan is problematic and does not respond to popular fears and narratives all intensely against Rohingyas. Moreover, the gigantic plan to check and register all one-million-strong Rohingyas in

Rakhine as ‘Bengali’ without approval and willingness of the majority of Muslims in Rakhine seems to end up in a conflict between the authorities and Rohingyas. Moreover, registration of Rohingyas as Bengalis is just the tip of the iceberg. Rohingyas have to undergo another process of citizenization or naturalization which is not likely to end in the near future. The draft Rakhine Action Plan, which has not been finalized yet, anticipates that the whole project will continue until late 2016. As of May 2015, the Myanmar government and people have many other political and social issues to solve which include but are not limited to constitutional amendment, peace process, student protests, upcoming election scheduled in November, and contested civil-military relations, all of which have effectively eclipsed the Rakhine issue. Moreover, what is going to happen after the election is not known.

Rather than all these legal and procedural matters as outlined by Rakhine Action Plan – mainly, termination of the White Card, registration of Rohingyas as Bengalis, citizenship scrutiny, another issue which must be solved as the first priority is the Rohingya scare. A government-initiated project with an aim to manage fears of Rohingyas as an apocalyptical threat to Myanmar would be the ideal first step. However, over the last decades and increasingly in recent years, the Myanmar government, now joined by Rakhines, nationalist monks, and other peoples, has repeatedly engaged in producing and reinforcing paranoid discourses. Worse, the reasons given by the government and people have become more complex, ranging from alleged illegal migration to hyper-fertility to Rohingyas’ disloyalty to Myanmar and cultural inappropriateness to become part of Myanmar. It does not seem that it will stop in the near future even after Rohingyas are one day hopefully citizenized or naturalized, especially amidst palpable public paranoia over Rohingyas and governmental unwillingness to help manage them.

Although the trajectory of the Rohingya plight into the near future obviously contains a high dose of uncertainty, the international community should at a minimum launch a nuanced response to all of those discursive rejections and problematizations by the Myanmar side. Most importantly, the schematic international response must be both sensible and swallowable. But at the same time, it must not let the issue be eclipsed by the multitude of Myanmar’s pressing political and social problems.

In Rakhine State, certain fears held by Rakhines against Rohingyas, especially those in terms of demography are real. Demography alone does not always make sense but those Rakhine fears are better understandable if we consider political, social and economic opportunities which should in theory be given to Rohingyas when they are recognized as citizens.

This thesis has shown that Rohingyas' citizenization or naturalization has been long overdue and they have been deliberately deprived of their citizenship rights. Although Bamars and other non-Rakhine peoples do not seem to fully understand Rakhines' genuine motives in repeatedly calling in recent years for non-recognition of Rohingyas as citizens, there are indeed political motives behind all of the strong rhetorics being launched by nationalist Rakhines against Rohingyas. Rakhines apparently understand that Rohingyas are their nearest enemy in terms of political opportunities being offered by changes since 2011 although their main target is to get better treatment as part of the Union of Myanmar from the central Bamar-dominated government. Rakhines also have highlighted their identity as natives and their rights must be first and foremost given priority in any development plans for Rakhine State. There are no easy solutions to such intense inter-communal rivalries being witnessed in the case of Rakhine State. The major hurdle to any future recognition of Rohingyas as part of Myanmar is that Rakhine nationalists have found it politically expedient to hijack the fears of Rohingyas increasingly felt among ordinary Rakhines and Bamars as well.

In recent years, Rakhine nationalist politicians have been able to kill two birds with one stone. Their repeatedly portraying Rohingyas as uncivilized, hyper-fertile illegal Bengali invaders from Bangladesh in the last three years, which has been sincerely believed by non-Rakhine peoples in Myanmar, has already resulted in loss of voting rights of Rohingyas. Therefore, Rohingyas will not play a political role in the near future. Concurrently, Rakhines have obviously enjoyed widespread sympathy not only from radical Buddhist monks but also from moderate sections of the society because the Rakhine version of the story which portrays Rakhines as Buddhist guards at the Western Door. Therefore, any significant improvements in the status of Rohingyas in future shall meet strong opposition from Rakhines.

At the same time, international and domestic aid for development of Rakhines is being proposed as a major solution to the problem because certain sections of Myanmar society and the international community as well seem to believe or suppose that poverty was among the main causes of this intercommunal conflict. It is undeniable that Rakhines must have better livelihoods soonest and poverty played a role. But I believe that such a development-oriented approach may work initially but it must accompany a sincere effort by both the government and Rakhines to recognize Rohingyas as part of Myanmar. I argue so for two main reasons. The first reason is that economically assisted by the Myanmar government and the international community, Rakhine nationalists may find themselves in a better position to demand more and more incentives. The second is that the whole issue has been brought about by many other structural and cultural factors, not by poverty alone. But it is easier said than done! It is foreseeable that ANP will win almost all of the seats in the Rakhine State Hluttaw in the upcoming election and further federal concessions are to be given by the central government in the near future. Those changes will again see further rise of Rakhine power which shall be an insurmountable obstacle to recognition of Rohingyas' human rights by the state. Coming to power of the opposition led by Daw Aung San Suu Kyi and her NLD party may not necessarily solve or help solve the problem whatsoever because popular opinion within Myanmar is totally against Rohingyas.

To sum up, it is expected that the Rohingya plight will continue to exist in the near future. The only areas to which the Myanmar government and the international community may and should pay attention is to educate the people, especially the radical sections, of the fact that there are many misunderstandings and Rohingyas have rights which have to be recognized sooner or later. However, the political will on the part of the Myanmar government has been missing although it has repeatedly promised that it will solve the issue.

Suggestions for further research

There are four main suggestions for further research. Since this thesis is mainly a pioneering study of why Rohingyas' human rights have been violated, it might be argued

that it has already laid the foundation for further studies on this intricate issue. There remain, however, several areas on which further work should be done.

First of all, simply because the Rohingya plight is such a pressing political and human rights issue in contemporary Myanmar, a nuanced understanding of its causes should at a minimum lead to a detailed policy study of how to help solve it. Some policy suggestions are provided above but further work on this area is needed. It is advisable that such a policy analysis ought not to follow in the footsteps of the international human rights reports which have mostly done what they are best in, i.e. naming and shaming. This thesis has found out both causes and causers of human rights violations, both of which must be considered to help solve the issue. International human rights advocacy has, though understandably, paid most attention to causers at the expense of causes.

Secondly, further work on the contents and discontents of Rakhine nationalism is a pressing necessity. This thesis has included some discussions on Rakhine nationalism, though not in a comprehensive manner due to a different focus of this thesis on Rohingyas. As noted in the literature review and argued in other sections of the thesis, Rakhine nationalism is a unique type among those of ethnic minorities such as the Kachin and Shan vis-à-vis successive Bamar-dominated central governments since independence. Whereas the latter type of nationalisms is a two-party phenomenon mainly involving the central government on one hand and each of the ethnic minority groups on the other hand, Rakhine nationalism is a tripartite one involving the central government, Rakhines and Rohingyas. Therefore, a more comprehensive study of interactive dynamics of the government versus Rakhines, Rakhines versus Rohingyas, the government and Rakhines versus Rohingya seems logically necessary.

Thirdly, to further a point hinted in the policy suggestions, a normative and psychological research on how international advocacy and local Myanmar attitudes regarding Rohingyas have collided or been made to collide in recent years is another area to be explored for further research. How a shamed country targeted by the international human rights regime may, in response, engage in contention against the latter by drawing from various discursive repertoires (denial, justification, counteroffensive, etc.) which are locally meaningful and accepted should form the core of this research project.

Fourthly, although this thesis has attempted to distinguish different causal factors into rational, structural, and cultural ones for theoretical and empirical analysis, the problem in its broadest sense lies in identity. How the state and people of Myanmar imagines identity of the country and of the citizenry has led to exclusion of Rohingyas. Although, there are a number of studies which look at identity construction of minority groups (e.g. the Kachin, Kayin, and Muslims as a whole until 1962) and the relations between the state and the minorities, there is an obvious gap in studying how Barmans imagine themselves relative to religious minorities especially since the 1990s, influenced by a statist version of identity. Moshe Yegar's authoritative study of Muslims in Myanmar only covers pre-1962 issues. Therefore, political ethnographic works on identity construction of Barmans and of Muslims and how they have led to a clash in different contexts especially since the 1990s are a fourth area of suggestion for further research. In particular, for the case of Rohingyas versus Rakhines, there is a serious need for works on both imagined communities⁷ and imaginative geography⁸ because most, if not all, people in Myanmar together with successive governments simply believe that Rakhine is the homeland for Rakhines alone and Myanmar for Buddhists and other ethnic minorities alone, effectively excluding Rohingyas and other non-Rohingya Muslims.

⁷ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised ed. (London: Verso, 2006).

⁸ Edward W Said, *Orientalism* (New York: Vintage Books, 1979[1978]).

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ခိုင်မြဝါ. လူ့အခွင့်အရေးအရေခွံ "ရိုဟင်ဂျာ" အမည်ခံစစ်တကောင်းအနွယ်ဝင်ဘင်္ဂါလီတို့၏ နယ်သစ်ချဲ့ထွင်ရေး သမိုင်းလိပ်ကိုဝေဖန်ခြင်း. ရန်ကုန်: Signature Book House, ၂၀၁၂.

ငြိမ်းအေးအိမ်. အနောက်ဘက်တံတိုင်းသို့လှမ်းကြည့်ခြင်း [၂၀၁၂ ရခိုင်အရေး]. ရန်ကုန်: ပန်းဝေဝေစာပေ, ၂၀၁၃.

စံကျော်ထွန်း. ငါ့ရိုဟင်ဂျာကုန်လဲ. ရန်ကုန်: ရခိုင်သားကြီးစာပေ, ၂၀၁၄.

တို့ဗမာအစည်းအရုံးသမိုင်းပြုစုရေးအဖွဲ့. တို့ဗမာအစည်းအရုံးသမိုင်းအကျဉ်းချုပ်. အတွဲ ၁. ရန်ကုန်: စာပေဗိမာန်, ၁၉၇၆.

ဗိုလ်မှူးချုပ်အောင်ကြီး(အငြိမ်းစား). 'ဗိုလ်ချုပ်အောင်ဆန်းနှင့် အာဇာနည်ကြီးများကျဆုံးသည်နှင့် ကျွန်တော်ဖြေရှင်းခဲ့ရ သော ရိုဟင်ဂျာပြဿနာ'. ဗိုလ်မှူးချုပ်အောင်ကြီး (အငြိမ်းစား) ကျွန်တော်ဖြေရှင်းခဲ့ရသော ရိုဟင်ဂျာပြဿနာ. Comp. အလင်္ကာမြတ်ဇာနည်. ရန်ကုန်: ကံ့ကော်မြိုင်စာပေ, ၂၀၁၄. 67-91.

နိုင်ငံတော်အေးချမ်းသာယာရေးနှင့်ဖွံ့ဖြိုးရေးကောင်စီ. တိုင်းကျိုးပြည်ပြု: နိုင်ငံတော်အေးချမ်းသာယာရေးနှင့် ဖွံ့ဖြိုးရေး ကောင်စီ၏ဆောင်ရွက်ချက်သမိုင်း (၁၉၉၇ ခုနှစ် နိုဝင်ဘာ ၁၅ ရက်နေ့မှ ၂၀၀၀ ပြည့်နှစ် ဒီဇင်ဘာ ၃၁ ရက်နေ့အထိ). စတုတ္ထတွဲ. ရန်ကုန်: စာအုပ်ပုံနှိပ်ထုတ်ဝေရေးဆပ်ကော်မတီ, ၂၀၀၁.

မြန်မာနိုင်ငံလုံးဆိုင်ရာကျောင်းသားများဒီမိုကရက်တစ်တပ်ဦးဗဟိုကော်မတီဌာနချုပ်. ရိုဟင်ဂျာပြဿနာနှင့် မြန်မာ-ဘင်္ဂလားဒေ့ရှ်နယ်စပ်ဒုက္ခသည်များပြဿနာအပေါ်လေ့လာချက်စာတမ်း. N.p: All Burma Democratic Students' Democratic Front, 1992.

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Local News Media

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မေယူရှေ့ရေး
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မြန်မာ့အလင်း
ရွှေနိုင်ငံသစ်
လုပ်သားပြည်သူ့နေ့စဉ်
သာကီသွေးဂျာနယ်
7 Day Daily (Burmese)
7 Day Weekly (Burmese)
Daily Eleven (Burmese)
Democratic Voice of Burma (Burmese & English)
Hot News (Burmese)
Irrawaddy (Burmese & English)
Messenger (Burmese)
Messenger (Daily) (Burmese)
Mizzima (English & Burmese)
Myanmar Herald (Burmese)
Myanmar Times (Burmese & English)
Narinjara (Burmese)
New Light of Myanmar (English)
Union Daily (Burmese)
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Voice Weekly (Burmese)
Weekly Eleven (Burmese)
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Yangon Times (Daily) (Burmese)

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Reuters

RFA

Seattle Times

Sunday Telegraph (UK)

Telegraph (UK)

Today's Zaman (Turkey)

VOA

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