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Mussarat Jabeen \*

## **Identity Crisis: Citizenship and Myanmar's Muslim Ethnic Group**

### **Abstract**

*Myanmar is one of the most culturally and ethnically diverse state in the world, with almost 135 ethnic groups. Owing to this diversity, the country has been suffering with multiple internal ethnic armed conflicts, including the Rohingyas-Rakhine conflict. The Rohingya, a Muslim ethnic group of Myanmar, was not included in the officially recognized groups of Myanmar at the time of independence in 1948. They migrated from neighbouring states at that time of history when borders were not demarcated and people frequently move from one place to another. The democratic setup of Burma (1948-62) maintained peace and harmony, but the military regime victimized the ethnic groups, including the Rohingya with its brutal policies forcing a huge number of people to flee into other countries. Above it, the 1982 Citizenship Law did not grant citizenship to the Rohingya as a recognized ethnic group with ties to Myanmar prior to 1824 (the year when Arakan (Rakhine) came under British occupation) and this law confirmed their statelessness. In the current situation, they have become alien as the major ethnic group and the Rakhine Buddhists are forcing them to flee to Bangladesh labeling them "illegal Bengali migrants." Most of the Rohingyas found it difficult to apply for naturalizing citizenship in the absence of documents that are required as proof of their long-term stay in the country. Above it, they do not speak any of the Burmese language. Losing the status, they have become subject to persecution and discrimination. By law, they require travel permits to visit other countries. The military regime refused to accept back the refugees demanding proofs of 'genuine citizens.' In this age of globalization, there is talk of the world without borders, but group like Rohingya reminds us the importance of national borders and the rights of citizenship. There is very little attention paid in World Politics to the plight of such 'stateless' groups and solution to their problem. The central thesis of this paper is that assimilation of Roghina into Myanmar is made all the more difficult because they are made out to be just as Bengali and 'foreigners' and secondly the religious colouring has been given to the conflict, highlighting the Muslim character of Roghinga and active involvement of the Buddhist monks in inciting riots against Roghinga are two dynamics that make the future of Roghinga grim in Myanmar.*

**Key Words:** Ethnic groups, Rakhine, Muslim, cruel, citizenship, immigrants, Rohingya.

### **Introduction**

For the post-colonial societies the process of nation-making is extremely complex. Most of them became a 'nation-state' overnight, but what is the essence of the

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'nation' contained in these states continues to be a vexing question. For the multi-ethnic, multi-religious and multi-cultural societies like Myanmar, those groups who are not imagined to be part of the 'nation' can face great hardships. The distance between different ethnic groups is further widened when any regime attempts to apply a nation-building process based on the idea of "one religion, one language, and one ethnicity" using coercive methods for absorption of various elements. The nation-building belongs to "subjective values that cannot be shared objectively, but differentiate one group of people from another." Thus, in this position, the concept of nation-building is "hostile to multiculturalism and diversity" (Saunders, 2003, p. 198). The situation becomes serious, creating humanitarian problems when any ethnic group is deprived of citizenship rights despite living in the land *for several centuries*.

Myanmar, an ethnically diverse state has the population of more than 53 million. The major ethnic group is Burmans comprising of 65 percent (several sources mentioned 68 percent), while other ethnic minorities share 35 percent of the total population. The official number of national races is 135. The Burmans are in majority while minority groups include Kachin, Kayah, Kayin, Chin, Mon, Shan, and Rakhine (Hla-Min, 2000). These groups settle in remote border regions having half of the territory. Apart from this division, there are significant numbers of unrecognized ethnic groups including Chinese, Anglo-Burmese and Rohingya. Owing to this diversity, the country has been suffering with the longest internal ethnic armed conflicts since its independence (Matthews, 2001).

### **Ethnicity as the Major Problem of Myanmar**

Prior to independence in 1948, the Union of Burma was founded as a modern nation-state by the Chin, Kachin, Shan and some other small ethnic groups under the name of Burma Proper. These ethnic groups had the rights to regain their independence from British rule separately having their own respective nation-states in principle. These three groups opted for one Union and signed the Panglong Agreement on February 12, 1947, based on the principle of political equality and voluntary association with the right of self-rule in their respective areas. (Silverstein, 1981, p. 51) stated that they have the "right to exercise political authority of administrative, judicial, and legislative powers in their own autonomous nation state and to preserve and protect their language, culture, and religion in exchange of voluntarily joining the Burman in forming a political union and giving their loyalty to a new state." The agreement was signed between the Burman politician and a few representatives of the minority groups, but it left many ethnic issues unresolved, particularly the rights of those ethnic minorities, which were not represented at the Panglong. As a result, many issues were deferred for future resolution because many rules for the constitutions were agreed in haste (Kramer, 2009, p. 7).

After independence, the rules of federal union were not pursued, which were envisaged in the Panglong. The constitution of September 1947 introduced a republic with a bicameral legislature; Chamber of Nationalities and Chamber of Deputies, but the federal system was not adopted (Nakanishi, 2013, p.51). Consequently, Burma, a multi-ethnic society, became a quasi-federal union with a unitary system where the major ethnic group Burmans had the authority to

exercise the state powers. This so-called unity did not resolve the constitutional problem or ended ethnic inequality or political grievances, which led to a civil war immediately after independence (Sakhong, 2012, pp. 1-3). Within a year, the whole country was in turmoil and the Communist Party of Burma (CPB) began underground activities against the central government, which led to mutinies in the military as well (Kramer, 2009, p. 8).

Apart from this, another problem was “state formation conflict” which the country had to face. It erupted because the “make-up” of the Union was not inclusive. The Arakan, Karen, and Mon groups were not formally invited at the signing ceremony of the Panglong Conference and General Aung San represented them. General was founder of the country and hero of the World War II as he led the Japanese-trained Burma Independence Army in the war (Mon, 2010, p.1). He drafted the first version of the Union’s constitution and promulgated it by the Constituent Assembly, which was constituted by the interim government of Burma. However, there were several anomalies in the constitution about ethnic rights. The Shan and Karenni were given the right of secession voluntarily after a period of ten years, whereas the Mon and Rakhine were not given such rights (Smith, 1991, pp. 77-80). This constitution did not make the country a genuine federal union and non-Burman nationalities became victim to the atrocities of the regime. U Chan Htun, who re-drafted the constitution given by Aung San, admitted himself, “our country, though in theory federal, is in practice unitary” (Tinker, 1957, p. 13). The fate of these groups was uncertain and they demanded a separate state, particularly the Karen. This demand eventually triggered the ethnic armed conflicts in 1949, which was a “state formation conflict” (Sakhong, 2012, p. 2).

### **Attempts to merge Identity of Minorities through Single Ethnicity, Language and Religion**

Myanmar remained under the military rule for most of the time after its independence on January 4, 1948. In earlier years, democratic setup of Burma enhanced its international status and a Burmese national, U Thant became the first non-Westerner secretary general of the United Nations. However, the assassination of General Aung San and removal of civilian government by the military in a coup d’état in 1962 headed by General Ne Win converted the country into a police state. General occupied the government for the next 26 years (Nakanishi, 2013).

General Aung San wanted the Union of Burma as a “secular state” and emphasized on “pluralism and the policy of unity in diversity.” This policy was to provide equality to all religious and racial groups in the Union for living ‘peacefully and harmoniously.’ His successor, Ne Win continued these policies, but his practice was different and he “opted for a more confessional and exclusive policy on religion by applying cultural and religious assimilation as the core of the nation-building.” The promulgation of Buddhism as the “state religion of the Union of Burma” in 1961 was the greatest violation of the Panglong Agreement (Smith, 1994; Kramer, 2009). Chin and other non-Burman races viewed state’s religion bill not only as an ethnic issue, but also a constitutional problem. They thought that “tyranny of the majority” was justified through the constitution. General Ne Win (1962-1988), the successor of U Nu, introduced the national language policy of *Myanmar-batha-ska* calling it a source of harmony among the

different national races. Following these practices, the successive military regime instrumented ethnicity by imposing *Myanmar-lumyo* for the national unity. All these steps indicated that nation building was simply based on the notion of ‘one ethnicity, one language and one religion’ (Sakhong, 2012, p. 3).

### **Political Crisis and Ethnic Minorities**

The coup of 1962 added fuel to fire. Instead of giving rights to ethnic minorities, the government adopted the policy of suppression, which again pushed Myanmar into a civil war in the mid-1960s. The socialist forces supported by the Chinese Communist Party controlled a part of Shan State. Ne Win era is marked by ethnic rivalries and aggression against religious minorities. After 1963, exodus of about 100,000 Chinese and 300,000 Indians, having only clothes on their bodies, was a racially motivated event of ethnic cleansing. It might temporarily enhanced the regime’s legitimacy among the major ethnic groups, but severely damaged the Burmese economy, which was already in crisis due to army-run ‘socialist’ economic policies. Above it, blockade of Chinese assistance further stripped it (Matthews, 2001, p. 8).

On the other hand, several oppressed ethnic minorities were not able to secure their position. However, eleven pro-federal organizations of different ethnic groups created the National Democratic Front (NDF) in 1976. ICG (2014) calculated that the ethnic struggle was very complex because the groups formed loose alliances and changed loyalties for territories and resources. In this attempt, they even cooperated with the military and fought with each other. Some ethnic groups exploited the situation and succeeded in getting weapons and training from the Communist Party of Burma. They later became the criminal gangs, generating their finance through smuggling and opium production. The counterinsurgency operations put harmful effects on the civilian’s lives and economy because the military destroyed plantation and livestock to destabilize the ethnic nationalist forces. Many Chinese people were ordered to emigrate and the Muslims were sandwiched between ethnic armies and the military (Matthews, 2001).

The use of forced expulsions, violence and discrimination worsened the situation and complicated the process of nation-making in Myanmar. The lack of tolerance for ethnic minorities provided no political space or compromise option. Myanmar strangled in political crises of identities and could not find an appropriate mechanism for resolving this conflict. The ethnic groups chose the path of armed-struggle, making the country an arena of competing rivalries for territorial autonomy. The search for ethnic identity further crystallized the internal disputes, which were not limited to linguistic or ethno-religious category. This situation provided a wider self-awareness to each ethnic group leading them to strengthen their stance on identities. The aspirations of getting ethno-national identity were at peak at that time. All this led to insurgencies, which were fueled by extra-regional powers that provided funding to them, including the United States, China, and Thailand. The Burmese government made attempts to deal the challenge forcefully using coercive methods (Smith, 1994).

### **Change of Name to Pacify the Ethnic Groups**

In July 1989, the military regime renamed the country as Myanmar with the argument that it was more suitable for the ethnic minorities as compared to Burma, which was perceived as a reflection of British colonization. It was also stated that the change of name was to create more indigenoussness among the people, and Myanmar was not a mirror to the Burmans alone, but a collective identity of all people (Leslie, 2007). About it, Matthews wrote (2001, p. 1), "Myanmar has a long and distinguished use among the majority Burmese or BaMa (Bamar) peoples, the term of choice used for generations when referring to their own sense of collective identity." However, ethnic division remained and changed name did not create unity as it was not a new practice. In 1948, Burma became the Union of Burma shedding the name of Burma, a district of the British colony. In 1974, the constitution renamed it as Socialist Republican of the Union of Burma and ultimately it became Myanmar. The United States and the United Kingdom refused to accept the changed name, but at the same time, they extended legitimacy to the military regime of Burma, ignoring its human rights' violation and increasing narcotics trafficking (Pattison, 2012). Among other ethnic conflicts, Rakhine-Rohingya conflict is one of those disputes, which is taking the lives of thousands of people and making them homeless. According to one viewpoint, the conflict is simply hidden in cultural and religious differences, such as Buddhism versus Islam while others opine that it is an inter-communal dispute between the two groups of Rakhine State.

### **Issue of Identity for the Rohingya**

The term 'Rohingya' is used for the Muslims (Sunni) living in Arakan State, which has been designated as Rakhine State in 1989 after the name of the major ethnic group living in the area. The Rohingya Muslims are the inhabitants of northwestern part of Myanmar, which shares borders with Bangladesh and India. The term Rohingya was first time used in early 1950s for Arakan's Muslims. The majority of Rohingya Muslims have been living in three townships named Maungdaw, Buthidaung and Rathedaug. Like other ethnic minorities, the Rohingyas are also living in mountainous frontiers, on a line dividing Islamic and Buddhist areas. They are 1.3 million in number. Their miserable condition is recognized by the United Nations and its High Commissioner for Refugees called them the most victimized and persecuted people in the world. Medecins Sans Frontiers (2010) had presented the same picture of their plight.

The Rohingya Muslims have a long history in Myanmar but the details about their arrival are controversial. In some historian's writings, these people were Muslim Arab mariners and traders who arrived at the coast of Arakan in the ninth century (Lewa, 2001). While other Muslims like Moguls, Persians, Turks, Bengalis and Pathans arrived in later centuries. In the British era, there were massive migrations from Chittagong to Arakan State (Easy Targets, 2002)

According to another version, they came in late 19<sup>th</sup> and early 20<sup>th</sup> centuries and the majority of the Rohingyas were Bengali labourers who migrated during the British rule when the state was monopolized by them in 1824 (Chan 2005; Robinson and Rahman, 2012). Owing to their Bengali origin, they were called Bengali or Kaller. The year of 1824 and British colonization remained fixed in the minds of Burmese governments regarding the residential rights of the Muslim in

Arakan. The right of Muslim inhabitants to live in the area was not controversial before colonization and question about their ethnicity and numbers was raised during the British rule (Smith, 1995).

*Some sources mentioned the four types of Muslims in Arakan State. These groups are the “Chittagonian Bengalis in the Mayu Frontier; the descendants of the Muslim Community of Arakan in the Mrauk-U period (1430-1784), presently living in the Mrauk-U and Kyauktaw townships; the descendants of Muslim mercenaries in Ramree Island known to the Arakanese as Kaman; and the Muslims from the Myedu area of Central Burma, left behind by the Burmese invaders in Sandoway District after the conquest of Arakan in 1784”* (Chan, 2005, p. 397). The Kamens arrived in 1430 from Bengal when the Sultan of Gaul supported the Rakhine King Mong Saw Mwan to reoccupy the Arakan State from the Burmese (Smith, 1994). The Rohingya group claimed to be descendants of ‘those first Muslims, who were racially mixed with Bengalis, Persians, Moghuls, Turks and Pathans (Matthews, 2001).

The large scale arrival of the Indians at Arakan during the British rule led to significant tension and violence among different ethnic communities. The flashpoints of this communal tension were anti-Indian riots, which broke out in 1930-31 and 1938 and mostly resulted in loss of lives. During the Japanese occupation of Myanmar in the World War II (1942-1945), a political vacuum occurred in Arakan (Rakhine) State in 1943 when the British retreated to India. About 500,000 Indians and Muslims were brutally pushed out from Burma by the soldiers of Aung San’s Burma Independence Army. They were seen as a hindrance in the way of the Burmas’ independence movement, led by Aung San. The Rohingya’s loyalty to the British was due to the latter’s promise of giving them an independent Muslim state. This situation led to fighting between the Rohingya and the Rakhine and 10,000 people were killed in this war. The war further deepened the hostility between the two groups (Ahmed, 2010; HRW, 2000; Smith, 1994). After independence in 1948, the Burma Muslim Congress was cut out from the Anti-Fascist Peoples’ Freedom Party (AFPFL) and was later dissolved. The Muslim soldiers were expelled from the military and strict restrictions were imposed on the pilgrimage and the slaughter of cows (Ijaz, 2015).

Smith (1999) comments that, ‘this move determined the present day governmental attitude towards the Rohingya. They had threatened Myanmar’s territorial integrity on the eve of independence and could never be trusted again.’ In 1947, several Rohingya leaders tried to incorporate northern Arakan into East Pakistan contacting Jinnah, the founder of Pakistan. This gesture undoubtedly made the Rakhine hostile to the Rohingya. To them, they threatened Myanmar’s territorial integrity (Asia Watch, 1992; Smith, 1994; Lewa, 2001). Thus the Rohingya have become “illegal immigrants from Bengal since the British times.”

### **Hatred between the Rakhine and Rohingya**

The Rakhines are primarily Buddhist and their number is three million, making them the major ethnic group, comprising the two third of the population of the state (Asia Watch, 1992). Smith wrote (1995, p. 3), “it is important to stress at the very outset that Arakan itself is an ethnic minority state and that the problems

between local Muslims and Buddhists, but also between Arakanese Buddhists, known as Rakhine, and the central government in Rangoon.”

The borders of Arakan link it with India and Bangladesh. Both Buddhist and Islamic cultures encountered in this tri-border region, which is ethnically disputed. In addition to the Rohingya Muslims, other communities were also involved in conflict and became active in the mountainous region. The religious and ethnic tensions began to escalate in Arakan in the 1920s when a large number of migrants, particularly Muslim Bengalis, arrived in Arakan crossing the Indian border (Lewa, 2001). They were not welcomed by the Rakhines. In 1930's, an “Anti-Muslim's” campaign started calling “Burma for Burmese only.” Its focus was to prove the Rohingya Muslims as immigrants, not legally recognized nationals of the country. The Rakhines rejected the Rohingya Muslims' claim that their forefathers had been settled in Myanmar since the ninth century (Ijaz, 2015). Moreover, the Mughal rule's policy of forced conversion of Buddhists also played a role in nurturing the anti-Muslims sentiments (Margolis, 2002).

Their history unfolded that Mrauk-U Dynasty (1430-1784) was founded in 1429 by Min Saw Mon he was exiled from the kingdom and took refuge in Bengal. After 24 years, he regained his throne with the assistance of the Sultan of Bengal. Mon and his successors adopted the custom of taking Muslim name and he got the name of Suleiman Shah. He allowed his Bengali retainers to settle down in the outskirts of his kingdom where they built the famous Santikan mosque. It was a small community of the earliest Muslims, but in the 17<sup>th</sup> century, the arrival of the Bengali workforce increased the number of Muslims (Topich & Leitich, 2013, p. 20).

The last ruler of the royal court was defeated in 1784 and the famous image of Mahamuni Buddha, a symbol of Arakan's independence, was transported away to Mandalay and remained there even today (Smith, 1994, p. 54; Lewa, 2001; Chan, 2005). The Burmese rule (1784-1824) forced a large number of Arakanese to flee to British Bengal. According to a record of the British East India Company, after the decline of Mrauk-U, more than 20,000 exiles fled to the border area of Chittagong (Bengal) to seek protection (Chan, 2005). They continued their struggle to win back Arakan's liberation. However, the British occupied Arakan after the war of 1824-26, beginning annexation of the other parts of Burma on the pretext of continued disturbances along the border of British India. During the British rule, many Rakhine persons gained significant positions as they were famous for their learning and craftsmanship and one Rakhine, U Paw Tun, even got the rank of prime minister (Smith, 1994, p. 55).

After independence, the early years were full of political turmoil that intensified the division exacerbating the underlying grievances between the two groups. The Rakhines claimed that they have a long history of struggle for independence. They showed their concerns about the increasing population of the Muslims and took it as a threat for occupying the land of Rakhine State (ICG, 2014). They were not even ready to accept the Rohingya as one of the indigenous ethnic group in Rakhine State. To them, over-populated Bangladesh forced these people to move into neighbouring states for economic survival. Ahmed (2012) wrote about Rakhines' viewpoint, “we don't accept the name Rohingya, they are not an



ethnicity, they are not from here and they migrated here.” They also rejected the use of the ethnic term 'Rohingya' for Arakanese Muslims, ignoring its acceptance by different Burmese governments in the parliamentary era of the 1950s and early 1960s. The development funds from humanitarian agencies of the Muslim countries, is another source of tension because the Rakhines receive smaller portion of these funds. To them, the Rohingyas have strong connection with the Middle East and aid is also seen by the Rakhines in the context of the global war on terror as the Western countries are attempting to “win the hearts and minds” of the Muslim community.

### **Government's Policies and Identity Crisis**

Before independence, several groups of Muslims demanded independence of Arakan and both pro-communist and the Muslim engaged in armed conflict in Arakan before the British withdrawal. The government introduced Union Citizenship Act of 1947, which did not enlist the Rohingya Muslims as citizens, but gave them several rights along with the right to vote. The Residence of Burma Registration Act of 1949 was enforced in 1951 and National Registration Cards were issued to the Burmese people but the Rohingyas were not given the NRCs. All this led to armed resistance against the central government. Consequently, several peace accords, were made in the late 1950s and early 1960. However, Myanmar's first prime minister, U Nu tried to facilitate the Rohingya and introduced their language program on the radio for getting their votes in the election of 1960 (Sakhong, 2012). General Ne Win overthrew U Nu and set forth the Burmese Ways to Socialism in 1964 which led to nationalization of private enterprise and the scheme was introduced to confiscate Indian and Chinese assets. Ne Win's policies victimized the Rohingya for the next three decades. The situation remained turbulent and resistance against injustice and inequalities of Rakhine State continued, raising the questions about Rohingys's identities (Chan, 2005).

By the 1970s, the army introduced a new anti-insurgent strategy with the name of 'Four Cuts.' This was to push so-called insurgents out of central Myanmar into the areas adjacent to mountainous borders. This strategy was to cut 'food, finance, recruits and intelligence' links between the 'insurgents' and the civilian population. Its implementation resulted in widespread human rights abuses and heightened displacement (Kramer 2009, p. 6).

In the late 1970s, the *Tatmadaw* (Myanmar's armed forces) launched a series of massive military operations, including the notorious 1978 *Naga Min* (Dragon King) census operation, which was to check identity cards in the northern part of the country in order to purge Myanmar from illegal immigrants. Its main target was the Muslim population. The defining characteristic of the “King Dragon” campaign was the violence (Christie, 1996). Martin Smith (1995) pointed out that *Naga Min* showed the brutality of the army, including rape, murder and the destruction of Muslim mosques. This operation forced over 250,000 Muslims to flee into neighbouring Bangladesh amidst widespread reports of army's rape and murder practices (Lewa, 2001; Ahmed, 2010). The complaints made by the Bangladeshi Government explained that 'exclusion of thousands of Myanmar Muslim citizens was similar to the denial of the citizenship rights. However,

repatriation was finally agreed in July 1979, but with the condition of holding NRCs. All the refugees were not in the position to fulfill this criterion because these cards were not issued to the majority of the Rohingya Muslims. By the end of 1979, with the help of UNHCR, the majority of the Rohingya returned to Arakan State. On their return, most of them found their land occupied by Buddhist Rakhines (Repatriation of Rohingya Refugees, 1996). General Khin Nyunt (1998) wrote a letter to Sadako Ogata, a former UN High Commissioner for Refugees that "Suffice it to say that the issue is essentially one of migration, of people seeking greener pastures. These people are not originally from Myanmar but have illegally migrated to Myanmar because of population pressures in their own country. ... They are racially, ethnically, culturally different from the other national races in our country." Tension remained high and many Muslims continued to leave Burma, complaining of official harassment.

### **The SLORC and the Muslims' Exodus**

In 1988, Ne Win was forced to resign due to growing discontent among the people and decline in economy. The military cracked down the pro-democracy demonstrations and processions of people and killed several thousands of them. Aung San Suu Kyi, the daughter of General Aung San, who had left the country after military coup data in 1962, returned to Myanmar in 1988. Her political party, the National League for Democracy (NLD) won the election of 1990, gaining 83 percent of the parliamentary seats. Suu Kyi remained under house arrest during the election campaign. Election were monitored and recognized as fair by international community. Nevertheless, the military rejected the results and refused to transfer its power.

The army regained the power and established the State Law and Order Restoration Council (SLORC) to control the country. In 1989, the regime issued new citizen security cards to the people of Myanmar, but excluded the Muslims and absence of cards accelerated their exodus. The SLORC introduced a border development programme in September 1991, which was assisted by several new regiments of the army, customs, immigration and police officials. The purpose of this border security force (NASAKA) was to force the Muslim population of the north-west frontier, to flee to Bangladesh. In 1991-92, pursuing the policy of the ethnic resettlement, 250,000 Rohingya Muslims were pushed towards Cox's Bazaar in Bangladesh (Asia Watch, 1992; Smith, 1994, p. 56; Kiragu et. al., 2011). There was a threat of a border war after the *Tatmadaw's* attack on a Bangladeshi outpost, killing one and wounding the three soldiers.

In late 1993, it was reported by many travelers that the Buddhists were being brought to Monywa area by the 'Department of Human Settlements (Smith, 1994). In other parts of Burma, same complaints were made by the leaders of Kachin, Karen and Mons.

Burma's continuing political and economic crisis forced ever greater numbers of inhabitants to leave their homes. In mid-1994, 400,000 refugees, mostly ethnic minorities were officially recorded at camps in neighbouring countries. It was estimated that one million internally displaced persons were in Myanmar escaping from the war-zones or forceful resettlement. However, unlike the refugees abroad, these internal victims had no access to humanitarian assistance (Pattison, 2012).

In 1994-95, the government issued Temporary Residence Certificates (white cards) to 230,000 refugees who came back, but these cards did not stand for the citizenship. The government also refused to issue birth certificates to Rohingya children. Such practices and other events and above all behavior of SLORC raised resentment among the ethnic minorities, particularly the Muslims (Chan, 2005).

A local Muslim commented about the SLORC's dealing, "If the Burmese army sees a Muslim in the village, he is an alien, if he is fishing on the river, he is a smuggler; and if he is working in the forest, he is an insurgent." About displacement of the Muslims, the SLORC and the Rakhine claimed that there was no reason of the Muslims living in Arakan as the majority of them were illegal Bengali immigrants. Both groups are already at arms with no social interaction. Even their residential areas are separated from each other and rarely both live in the same areas. Ironically, the Rakhines call them Renja, which means the leaf that 'falls off the tree and lands somewhere else' (Centre for Peace and Conflict Studies, 2010).

Under the British, Arakan was one of the most prosperous areas of Burma, but in changing situation, it is characterized by ethnic discrimination, corruption, stagnant economy and poverty. The SLORC introduces new development programmes, including cultivation and timber businesses, but no change occurred for ethnic minorities (Smith, 1994). A number of studies showed that the Naga Min-type campaign was not there in 1992-97, but the similar level of violence and cruelty was in practices. In 1997, the SLORC was replaced by the State Peace and Development Council (SPDC).

### **1982 Citizenship Law of Myanmar and Rohingya Muslims**

At the time of Burma's independence in 1947, the constitution of the country did not include the Rohingyas as an indigenous group qualifying for citizenship and later policies continued this practice. The Law of Citizenship 1982 of Myanmar further worsened the situation after its implementation in 1987. The 1982 law replaced all previous citizenship laws in Myanmar. Two out of three lawmakers for 1982 law were the Rakhines. It severely victimized the Rohingya Muslims as it defined that anyone who could prove his ancestors' presence and family links from the time of the Anglo-Burma War of 1824-25, qualified for citizenship. The law categorically favoured the Burmans rather than other ethnic minorities, residing in border areas that were not demarcated at that time and frequent cross-border movements were a common practice. The Law of 1982 classified the people into three groups; full citizens, associate and naturalized. Full citizenship was given to those persons whose forefathers were settled in Myanmar prior to 1823 or who were members of the 135 recognized national ethnic groups of Myanmar (Chan, 2005; Situation Analysis, 2012).

Eligibility criteria fixed for an associate citizen was his citizenship under a previous law passed in 1948. Awareness was required about such laws and a few Rohingya had sufficient proofs for getting this citizenship under this category. Access to naturalized citizenship had the same criteria. It was conditioned to stay in Myanmar on or before 1948. The Rohingya Muslims qualified for none of these categories and the 1982 Law deprived them of citizenship. According to Cheung (2012), the law denied Burmese citizenship to the Rohingya people due to "an

onerous evidentiary requirement” stipulated by Article three of the 1982 Myanmar Citizenship Law, which did not recognize the Rohingya as a distinct ethnic group with ties to Myanmar prior to 1823. The aim of the law was to isolate Indian, Chinese and Muslim ethnic groups. The ‘non-nationals’ were barred from serving in the armed forces, police, state institutions and party positions. The doors of higher education were also closed for them under the regulation of the Ministry of Education, which was issued in 1980-81. For admission in university, an applicant must be a ‘Burmese national.’ There was no recourse for the Rohingyas for confiscation of land, property or business by the Burmese authorities (Smith, 1992).

Discriminations under the 1982 Citizenship Law led to the identity crisis, making the Rohingya stateless in their own land, refusing them citizenship. Their position became very critical and they were treated almost like criminals. Their movements were restricted to their residential areas and were not allowed to travel beyond their areas without paid travel permits. Losing their citizenship status, they were subject to ‘persecution, discrimination, extortion, restriction of movement, land confiscation, forced labour, forced eviction, destruction of houses and arbitrary taxation. Furthermore, restrictions on marriages, birth of more than two children, employment, health care, and education became the common practice (Amnesty International, 2010, p. 62; HRW, 2012). In addition to these intense restrictions, they had to face extreme poverty and lack of development initiatives (Robinson and Rahman, 2012).

### **Citizenship as Burning Issue and Cause of Forced Deportation and Miseries**

Citizenship is still a burning issue for the Rohingya and it became a crucial test for reforms of the Burmese regime. The government remained under pressure on the status of the Rohingya and the violence had been increasing since the reform process was introduced by the President Thein Sein in 2011. Above it, the sad event of May 28, 2012, further worsened the situation for the Rohingya Muslims when a Rakhine woman named Ma Thida Htwe was robbed, raped and killed by the three Rohingya Muslims near Kyaut Ne Maw village. The images of the woman’s mutilated body were shown on the internet, which ignited the already volatile situation (Rohingya Terrorists, 2012). The violent protests in Rakhine state led the government to enforce curfew and deployment of security troops to control the situation, and ultimately an emergency was declared in Rakhine State (HRW, August 2012). All the three accused persons were arrested and sent to jail, but Rakhine Buddhists killed several Burmese Muslims and burnt down the shops and homes of the Rohingya Muslims, which resulted in mass displacement. The Rohingya Muslims crossed the border and tried to take shelter in Bangladesh. Unfortunately, a huge number was forced to return back to Myanmar (Myanmar must protect, 2012; The Economist, 2015). On returning, they became targets of the Burmese army and police who tortured these groups (Hindstrom, June 2012; ICG, 2014).

### **Religious Nationalism**

The active participation by Buddhists Monks in actions against the Rohingya Muslims have enormously complicated any resolution to this crisis. Various Buddhists, mainly monks were at the forefront and held meetings against the

Muslims. The monks have a very high moral stature in Myanmar, and hostile sentiments were running high among the majority of the Buddhists. Since the riots of 2012, the Rakhine monks had been ahead of other people instigating them. They wrongly interpreted the statement of President Thein Sein that “only overstaying Bengali illegal migrants would be resettled in other countries” (Naing, 2012). The monks demanded to deport all the Muslims and the Rohingya from Rakhine State under the 1982 Citizenship Law. Their actual aim was to expel the Rohingyas, making them stateless on the pretext of NRCs, which had not been issued to the Rohingyas. Apart from this, those Muslims who had the citizenship certificates were being alleged by the Buddhists that they bought them from corrupt immigration officials. Many Kaman persons were also targeted by the Rakhines during the riots in Rakhine State. It is to remember that the Muslims were included in the Kaman, which is an officially recognized ethnic group of the 135 national races in Myanmar (Situation Analysis..., 2012). All this indicates a growing unwillingness of the Buddhists to accept Muslims as legitimate citizens. The Buddhists are so powerful that on several occasions, the government has surrendered to their demand. In 2010, the former military regime persuaded the parliament for the vote-right of the ethnic minorities on the bases of the white cards, including the Rohingya Muslims, but President Thein Sein had to withdraw temporary vote right from the Rohingya Muslims on the protest of Buddhists who argued that, “White card holders are not citizens and those who are non-citizens don't have the right to vote in other countries” (BBC, February 2015). Aung San Suu Kyi, the winner of Nobel Peace Prize who later became president, is being criticized for ‘politically silence as she avoided to support the Rohingya and commented that “the issue stems from lack of rule of law. On one occasion, she suggested to grant citizenship to those who are eligible under the present law of Myanmar while on the other, she admitted that she does “not know whether the Rohingya qualify for Burmese citizenship.” This answer was under the international pressure continuing to grow for her reply on this issue (Hindstrom, July 2012).

However, the government of Myanmar repeatedly explained and tried to portray the issue of Rakhine-versus-Rohingya as an inter-communal dispute and tried to tone down its religious aspect, i.e. Buddhists versus Muslims, as the Buddhist monk and lay men seemed to target all the Muslims of Myanmar without any discrimination. For example, protests were made in many cities when the OIC planned to open an office for humanitarian purpose in Myanmar. It indicates that the conflict between the two groups requires the attention of the state, society, regional and international community for appropriate solution. Most importantly, it is the first and foremost duty of the government of Myanmar to realize the critical nature of the conflict and its impact on a specific group, which has become a victim of the Citizenship Law.

### **Conclusion**

For last several decades, the Rohingya Muslims have been victim to state-oriented mechanism, facing constraints and punitive treatment designed to force them to quit the country. Their struggle for citizenship has been one of the most under-reported humanitarian crises in the world. The Rohingyas are looked down upon by the Rakhines who are in the majority, and a considerable tension is there

between the two groups. The Rohingys' demand to be identified as an ethnic group, has never been heeded by the governments and was denied consistently since independence. It is calculated that present day attitude of the Rakhines towards the Rohingya Muslims is rooted in history. The Rakhines still alleged them of a threat to Myanmar's territorial integrity as they showed their loyalty to the British due to the latter's promise of giving them an independent Muslim state and sided with them in war when thousands of people were killed. After independence in 1948, expulsion of Muslim soldiers from the army and denial of citizenship are results of this mistrust, which is still prevailing and religious colouring is also there. It is a legacy of colonial rule and the British politicized the ethnicity, following their policy of 'divide and rule.' In the beginning, the democratic government responded positively, but the military regime suppressed the demand calling them illegal Bengali immigrants. They remained marginalized and their migration to neighboring countries continued, particularly in Bangladesh.

The government's proposed solutions to bring peace and stability in the country are often unsuitable to ethnic minorities as they rarely address their century-old grievances. To offer one resolution for all ethnic conflicts in Myanmar is difficult as the one coat never fits for all. Following are a few options to settle the issue of citizenship of the Rohingya.

- One is to follow the dialogue among ethnic leaders, stakeholders, representatives of humanitarian agencies and the international community for making a true federation ensuring autonomy to all units within the jurisdiction of the constitution.
- Second is to eliminate all those policies and practices that discriminate the ethnic groups on the basis of ethnicity and religion. The forgiving their past mistakes either in British rule or later, the system of discrimination must be dismantled to bring Myanmar's Rohingya problems closer to a solution. It is to remember that the British exploited the ethnicity following their policy of 'divide and rule.'
- Finally, the 1982 Citizenship Law is to amend or repeal or redraft. While doing so, much consideration must be given to the Rohingya living dated back to 1948 in Myanmar. Throughout the world, legislation that defined the claims to whom the citizenship is to be extended, is in practice, but Myanmar has designed the Act of Citizenship to exclude its ethnic minorities making them stateless. If the problem would not be resolved, Bangladesh and other neighbours have to bear the burden. The humanitarian agencies are also bearing the burden of the forced migrants, which is no doubt, their moral and legal obligation but the problem requires a solution.

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