

VIOLENCE AGAINST ROHINGYA PEOPLE

REGIONAL STUDIES ASIA

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INDEX

1. HISTORICAL BACKGROUND OF ROHINGYA PEOPLE	3
2. ORIGINS OF THE CONFLICT	3
3. POLITICAL CHANGES IN BURMA SINCE ITS INDEPENDENCE AND HOW THEY HAVE AFFECTED THE ROHINGYA MINORITY.....	5
4. 2012 ETHNIC CLEANISING CAMPAIGN	6
5. CURRENT SITUATION	9
6. ABUSES AGAINST ROHINGYA	11
7. WOMEN'S AND GIRLS RIGHTS AMONG THE CONFLICT	12
8. INTERNATIONAL ACTORS	12
9. BIBLIOGRAFÍA	15

HISTORICAL BACKGROUND OF ROHINGYA PEOPLE

The majority of Rohingya People are established in the Rakhine state of Burma, also known as Northern Arakan, which borders with Chittagong and the Cox's Bazar districts of Bangladesh by a porous natural border along the river Naff. However, Arakan region is not only naturally separated from its neighbour Bangladesh, but also from the central Burma region. The Arakan kingdom, whose ancient name was Maruk-U, was independent from the two Burmese Kingdoms in central Burma, the Irrawaddy delta, the Bengal and the Mongol empires in India. This kingdom managed to conquer Chittagong and ruled it till 1666.

The origins of the Rohingya Arakanese Muslims are very diverse according to their history, it is believed that their ancestors were Arab and Persian traders who settled in Arakan and Lower Burma in the ninth century. By the twelfth century the presence of Muslim population and culture was so accepted that even the Arakanese kings originally Buddhist, became somehow influenced in their ideas by Mahomet teachings. This period of history was characterized by the strengthening of the relation between Muslims and the Maruk-U kingdom, and also by an attitude of tolerance between the various religions of the region: Theravada and Mahayana Buddhism, together with Brahmanism, Hinduism, animism and other beliefs. (*Fahmida Farzana, 2015*)

ORIGINS OF THE CONFLICT

Conflictivity in the area began in 1784, when the Burmese king Bodawpaya conquered the Arakan Region and incorporated it to the Ava Kingdom in central Burma. As it might be expected, right after the invasion, the Arakanese began to protest and fight against the Burmese oppression, what provoked a state of continual disorder. A number of brutal crimes were committed by the king against this population, forcing people into labour brickfields and construction sectors among others. As a consequence, both Muslims and Buddhist, were forced to flee this area to the adjoining British Colonial Territory of Bengal. From then on, the relationship between Bengal and Burma authorities has been characterized by deep mistrust and animosity.

This is why, when the British Colonial Empire colonised Burma in 1824, they used the annexation of the Arakan region as a buffer zone in order to invade mainland Burma. When the British offered their support to the Arakanese population against the aggression

of the Burmese king, they rapidly accepted and backed the invasion. Therefore, we can assume that ethnic boundaries were created by the 'divide and rule' British policy. This period is crucial to understand the solidification of boundaries between Burmese and ethnic minorities. The British administration destroyed the traditional monarchy system and replaced it with a limited form of parliamentary Home Rule in Ministerial Burma. Meanwhile, they positively discriminated the minorities living on frontier areas, allowing them to reach various top levels of the colonial services; they also allowed the peripheral areas to govern themselves to some extent under traditional rulers. Ethnic boundaries were finally solidified by the collaboration from ethnic minorities such as Muslims, Karen, Shan among others with the British against the Burmese.

Another critical factor to take into account is the British policy of colonial armed forces which mainly consisted in hiring more minorities while discriminating the Burmese. By 1925, this policy was wholly fulfilled, as the armed forces were only shaped by members of the Chin, Kachin and Karen. This situation was seen by the Burmese as a potential sign of oppression by minorities, what was confirmed when the British military used the armed forces to suppress Burmese resistance in order to compound the situation. When the Japanese invaded the area during World War II, protection on minorities provided by the British was removed, and numerous attacks by the Burma Independent Army took place, resulting in bloody communal clashes. As we can see, the tensions between different ethnic groups appeared even before the nation of Burma.

The years previous to the independence from Britain were characterised by chaos and disagreement. One of the most controversial issues that was on the table was the treatment that should be provided to minorities, as well as, the design of the state. On the one hand, some visionary politicians believed that they could only put an end to ethnic conflicts through a Federal State where minorities will remain certain power on local politics, while forming part of a greater nation. This approach was materialized in 1947 in the Palong Agreement, signed between major ethnic groups and the General Aung San. On the other hand, other politicians were of the thought that it was better to create a single 'Mahabama', or Burmese greater national identity and eliminate the special treatment on minorities. Sadly, after General Aung San death, the Palong Agreement was abandoned and Burma became independent in 1948 without a clear policy toward ethnic conflicts. On top of this, during the process of independence the boundary lines between Burma

and India continued arbitrary, what lead to even greater disaffection of the peripheral states to central government.

Rohingya People have been living in the frontier between Bangladesh and Burma for years, and that is why the evolution on the borderland formation among the centuries has shaped, reshaped and complicated the construction of the Rohingyas People identity. Rohingya, as other Burmese minorities, were perceived as British collaborators by Burmese government; what it is more, they were even considered incompatible to the creation of a unify national Burmese identity. (*Farzana, 2011*)

POLITICAL CHANGES IN BURMA SINCE ITS INDEPENDENCE AND HOW THEY HAVE AFFECTED THE ROHINGYA MINORITY

After the General Aung's death, the new regime decided to replaced his ethnic policy due to their desire to maintain the Burmese dominance, and also to palliate the political instability caused by communist rebellions. The Prime Minister after independence, U Nu, argued that the ethnic, cultural and territorial divisions had been artificially created by the British in order to replace the natural national unity. Therefore, new policies towards nationalism consisted in the use of the soft power such us media, education system etc. to promote the Burmese identity as central, while relegating minorities to the periphery. These policies were seen as arbitrary and unrealistic by the minority leaders, as well as a threat to their own cultural and ethnic identities.

Nonetheless, governmental policies were once more dramatically changed when General Ne Win seized power after the coup in 1962. One of the most symbolic decision of its administration was the change of name of the country from the colonial Burma, to Myanmar, as well as other names of special symbolic and political relevance like Arakan which is now called Rakhine. The military government also decided to dissolve the federal structure and replace it by a tightly centralized unitary state under the model of the 'Burmese Way to Socialism'. From this moment on, the policy towards ethnic minorities has consisted in the assimilation of these into a greater national Burmese identity.

The 1974 constitution seemed to change once again the pattern, since it adopted an apparent ethno-federalist structure dividing the territory into fourteen regions. Of these fourteen regions, seven were union republics formed by a single ethnicity: Chin, Karen,

Mon, Arakan, Kachin, Kayah and Shan ethnic nations. The other seven regions were Burmese ethnic majority: Rangoon, Irrawaddy, Tenasserim, Pegu, Magwe, Mandalay, and Sgaing. Even though at first glance this division could seem an actual federal division, it lacks from the essential characteristic of a federal state, autonomy and control over the resources. What it is more, this distribution not only did not allow the self govern of regions, but instead, it facilitated a grater centralised administration which assumed a territorial policy based on the assimilation of variety as a single entity.

The situation changed dramatically for the Rohingya people with the implementation of the new Constitution and the Burma Citizenship Law, which recognized 135 ethnic nationalities but did not consider the Ronhingya People one of those. In practice, this law made the Rohingya population living at that moment in Burma, as well as future Rohingya born from them, non-citizens. As a result of this violation of their rights the Rohingya living in Arakan became a stateless minority.

In addition to the constitutional changes and the unitary assimilation, the Burmese government militarized the boundary area in order to secure the frontier. This was carried out by two main measures, the establishment of several military bases in Arakan in first place, and secondly, by the forced immigration of Buddhist Rakhines to the region. At this point it is relevant to clarify that by militarization, we do not only understand military presence, but also surveillance, systemic coercion and demands that had a great effect in Rohingyas everyday life. Moreover, the in-immigration caused an even higher discordance over natural resources and territory among communities. This is how the Burmese government formed artificial limits between ethnic groups, separating non-Burmese minorities and altering the history.

So we can conclude that the ethnic diversity in Burma is not caused by diversity itself, but by the government politics of exclusion and the historical complex development of the country. (*Human Rights Watch*)

2012 ETHNIC CLEANISING CAMPAIGN

Violence between Ethnic Rohingya Muslims and Arakanese Buddhists began in early June 2012. At first it only affected four townships, but by October violence engulfed nine more townships and it had become a coordinated campaign to relocate and remove Muslims from the state. These attacks were orchestrated by local Arakanese political

party operatives, ordinary Arakanese people and Buddhist Monkhood, and supported by state armed forces, which not only organized, but also incited and committed these assaults. Even though, armed forces had the government's mandate to protect the civilian population from any kind of violence, in most of the cases they stayed a side or even participate in the killings and abuses. Rohingya were killed, buried in mass graves and their villages and neighbourhoods were set up into fire, no matter men, women or children.

As a result of violence, at least 125.000 Rohingya and less Arakanese people were forced to live in internally displacement person camps (IDPC). These camps rather than refugee camps seemed more like labour camps with poor sanitary conditions, null medical care, lack of food and water and even deficient shelter. On top of these inhumane treatments, in some cases Muslims are even prevented from access to markets, live hoods and humanitarian assistance. Discrimination against Rohingyas is not only carried out at the countryside, but also at the capital of the Arakanese state in Aung Mingalar area of Sittwe, where the government had effectively locked up Muslims in their neighbourhoods without allowing access to UN assistances.

The wave of violence began in Ramri Township with the rape and murder of a 28-years-old women by three Muslims. This incident was responded by the Arakanese community on July 3, when a group of Arakanese villagers in Toungop town, stopped a bus and kill ten Muslims that were on board. Violence between both communities, the Arakanese Buddhists and the Rohingya Muslims, increased rapidly forcing members of both side to internal displacement. Initially, Burmese armed forced remain neutral, avoiding to take part into the conflict, not even stopping it. However, as time passed they joined the Arakanese mobs and participate actively in the attacks and burn od Muslim villages and neighbourhoods.

In contrast to these little organized and more spontaneous attacks, the October violence was more planned and organized. During the months that go from June to October senior Buddhist monks and local Arakanese political party officials had enough time to damage the image of the Rohingya population describing them as a threat to the Arakan State. The instigation against Rohingya people ended up in the October 23 attacks, where thousands of Arakanese men armed with homemade guns, machetes, Molotov Cocktails and swords among other weapons, attacked Muslims villages in nine townships along the

state. The role of the armed forces in this tragedy, was in the best cases passive or null, when they did not decide to join actively into violence against Rohingya. It is relevant to attached that these attacks were in some cases perpetrated simultaneously in towns separated by a considerable distance, what strengthen the planned hypothesis.

During the perpetration of these atrocities at least 70 Rohingya were killed in Yan Thei village in Mrauk-U Township. Even though authorities were aware of the attack and had prevented the armed forces, only a small number of army soldiers, local police and riot police were on duty to provide security. It is not only that the security forces failed to protect the Rohingya population from the attacks, but that they also assisted the massive killings disarming the Rohingya of their rudimentary weapons.

This attack began at 6.30 a.m. and did not end until the army reinforcement arrived and intervened more than ten hours later at 5 p.m. Among the 70 Rohingya deaths, 28 were children, and 13 of these were under the age of 5 years old.

According to the satellite images obtained by Human Rights Watch, 27 unique zones of destruction were found in only five of the thirteen townships that suffered violence. From the attack in June there were found 2,558 destroyed structures, and from those that took place in October, there were found other 2,304 destroyed structures. All in all, the violence against Rohingya ended up with 4862 structures destroyed in 348 acres of mostly residential property in the Arakan State.

Criminal acts against Rohingya people related above, constitute crimes against humanity incardinated into a campaign of ethnic cleansing. In the eyes of International Law, crimes committed as a part of a widespread or systematic attack on civilian population, are considered crimes against humanity. The requisites in order to consider these attacks as a part of a campaign of ethnic cleansing are in first place, that these are against a specific population, and secondly, they must be carried out by the state following an organizational policy. Crimes against humanity are not only committed by states, but they can be also perpetrated by non-state organizations such as political parties and religious bodies if they count with the sufficient degree of organization. (*Yasmin, 2017*)

United Nations has been sending special rapporteurs to the Arakan State since 1990, who had identified these abuses in the terms indicated in the commission of international crimes. The events of 2012 are a perfect example of the commitment of these crimes. It

has been proved that political and religious leaders in the Arakan state organized, planned and incited the attacks against Muslim minorities in order to force them to immigrate out of Burma, or at least to move from the areas where they used to live and share with a majority of Buddhist population.

The October's violence was preceded by a great local organization, Arakanese political parties as well as monk's associations, and community groups made public statements and published pamphlets in which they denied the existence of the Rohingya people, demonize this ethnic and call for their removal of the country, in some of these even the words 'ethnic cleansing' were used. These pamphlets and statements were usually realised in organized meetings in front of the state and national authorities who did nothing about it.

Before the October attacks, local authorities implemented various policies to promote anti-Rohingya actions and encouraged the members of this ethnic group to abandon their homes. Local authorities, with politicians and monks had been trying to prevent Kaman and Rohingya populations from conducting ordinary lives, denying them basic freedoms like the freedom of movement, the opportunity to earn a living and the access to humanitarian aid.

Sadly, there is enough evidence to affirm that Crimes against humanity including persecution, killings and forced population transfers and deportation had been systematically committed against Muslim population by political and religious leaders in Burma. Moreover, the terror inspiring techniques used by Arakanese mobs displays the commitment to ethnic cleansing. (*Human Rights Watch*)

CURRENT SITUATION

The National League of Democracy, took office of government in March 2016 after the November 2015 elections. It is actually the first democratically elected government since 1962. The NLD obtained the majority of the seats in both lower and upper houses of parliament. However, this government with Aung San Suu Kyi and Htin Kywa (State Counsellor and president) at his head, faces deep rooted challenges such as repressive legislation, constitutional empowerment of the military, corrupt judiciary and weak rule of law. Political transition began with the primes of the NLD to implement a compound

of policies in order to reform and create democratic institutions. One of the most symbolic was the release of more than 200 detainees and political prisoners.

However, during 2016 the tensions between ethnic armed groups and the Burmese armed forces increased in several regions, as a result, civilians suffered from abuses and massive displacement. The straw that broke the camel's back was the attack perpetrated by unknown insurgents against border guard posts on the 9th October in Maungdaw, in the North of the Rakhine State. This incident resulted in the deaths of nine officials and launched the most serious humanitarian and human rights crisis since the October 2012 ethnic cleansing campaign. (*Abdelkader, 2014*)

The 2008 state constitution is far a way from being a truly liberal and democratic constitution. Under the rule of this constitution military keeps their autonomy from civilian and judiciary surveillance and what it is more, it extends their power over national security and government with the control of the Border Affairs, Home Affairs and Defence Ministries. 2008 Constitution also authorizes the military to take control over the country in case of emergency and gave them an affective veto over any constitutional amendment by guaranteeing them a 25 percent of the parliamentary seats.

The states of Kachin, Karen, Rakhine, and Northern Shan States, suffered once again a worsened of violence between the Burmese armed forces and ethnic armed groups. In this case, the government is perceived has the responsible of serious abuses such as mass forced displacements, extrajudicial killings, torture, sexual violence and property destruction. The government has even violated laws of wars using airstrikes and shelling against ethnic areas. Moreover, there is proof that in the ultimate attacks non-state groups together with government had used anti-personnel landmines and forced children recruitment. (*Human Rights Watch, 2017*)

In October 2015 eight non-state armed groups, half of the countries total, signed with previous Thein Sein government the Nationwide Ceasefire Agreement (NCA). However, the military operations between the signatory and non-signatory groups have continued.

Last September, Aug San Suu Kyi presided the 21st century Panglong Conference, a forum for re-engaging armed groups and other national stakeholders in the peace process. However, the fighting has continued or even intensified since the conference was held.

Over the last five years, violence has left over 220.00 people displaced nationwide, 120 in Rakhine state and 100.000 in Shan and Kachin States. What it is more, the government and other non-state authorities imposed security threats, weak infrastructure and restrictions to impeded access to humanitarian agencies to civilians displaced in the conflict-affected areas. *(Dias, 2017)*

ABUSES AGAINST ROHINGYA

Muslim minorities in Burma, specially the 1.2 million Rohingyas, are still facing systematic human rights violations. After the October 9 events, the government asserted that both the initial and subsequent attacks were carried out by armed Rohingya militants, and therefore, as a governmental response, they initiated the “clearance operations” in order to find attackers, while locking down the area, denying access to humanitarian aid groups, independent media and rights monitors.

Numerous reports point out that during the security operations, the government security forces committed serious abuses against the Rohingya villagers, including summary killings, rape and other sexual violence, torture and ill-treatment, arbitrary arrests, and arson. Moreover, government travel restrictions placed on humanitarian agencies have also led to critical insecurity and malnutrition. *(Iyengar, 2015)*

The government has continually failed to effectively o adequately investigate the abuses against the Rohingya, and did not act on recommendations to seek UN assistance foe an investigation into the violence either. *(Gowan, 2017)*

Four years after the 2012 violence, about 120,000 Rohingya remain displaced in camps in Rakhine State. Humanitarian conditions for both remaining IDPs and newly resettled persons remain dire due to restrictions on movement and lack of access to livelihoods and basic services.

The denial of citizenship, who are not recognized on the official list of 136 ethnic groups since the approval of the 1982 Citizenship Law, has facilitated enduring rights abuses, comprising restrictions on movement; arbitrary arrests; limitations on access to health care, livelihood, shelter and education; and forced labour. Travel is also severely restricted by authorization requirements, security checkpoints and a strict control of IDP

camp access. These barriers aggravate even more the health crisis caused by poor living conditions, limited health facilities and severe overcrowding.

To understand the level of discrimination that Rohingya population is facing, it is needed to be aware that the government even refuse the term Rohingya in favour of the term ‘Bengali’, which implies an illegal migrant status in Burma. (*Human Rights Watch*)

WOMEN’S AND GIRLS RIGHTS AMONG THE CONFLICT

Justice for women and girls in Burma remains obscure, specially regarding violence related to the armed conflict. Sexual violence by the military and also by the armed ethnic groups has been frequent. These crimes are facilitated by near total lack of accountability, and non institutionalized complaint mechanism.

In October and November, media and local groups reported numerous incidents of rape and other sexual assault of Rohingya women and girls committed by security forces during the “clearing operations” in Maungdaw district. The government denied all reports of sexual violence, and the military lockdown has prevented independent investigations into the abuses. This suppression is emblematic of the military’s long-standing refusal to seriously investigate cases of sexual violence.

Despite their central role in human rights and democracy activism in Burma, women have been marginalized in the government’s various peace process initiatives, and their concerns have been noticeably absent from the negotiations. What it is more women made up less than 10 percent of participants in the peace process, and women’s rights groups were side-lined at the 21st Century Panglong Conference. (Abdelkader, 2014)

INTERNATIONAL ACTORS

Burma’s political transition has been widely celebrated by the International Community. Since the new administration took office, there have been only limited efforts by foreign governments to press for authentic policy and legal reforms.

States like the US have relaxed sanctions to ease US business financial transactions and investments in Burma. What it is more, after the Aug San Suu Kyi visit in September, the US announced plans to lift most remaining sanctions, which was finally carried out by an

executive order in October 7. Despite serious concerns about Burma's labour practices that do not meet the General System of Preferences (GSP) conditions on labour rights, the US resumed the GSP trade status with Burma. Conversely, the US State Department downgraded Burma in its annual Trafficking in Persons report to Tier 3, the lowest tier, in recognition of ongoing abuses related to human trafficking, child soldier recruitment, and forced labour. (*Zarni*)

In March the UN human Rights Council, once again, adopted a resolution on Burma and extended the special rapporteur's mandate. Nonetheless, the European Union avoided to introduce a resolution at the UN General Assembly in November, highlighting the international community's softening attitude toward the Rohingya issue. (*Gowan, 2017*)

Meanwhile, China, Burma's immediate neighbour with significant business and military ties within the country, continued its efforts to strengthen its geopolitical engagement with the Burmese government and advance the large-scale development projects that offer access to the country's natural resources and strategic regional borders, often to the detriment of local populations.

FUTURE PERSPECTIVES AND POSSIBLE SOLUTIONS

According to some experts from Human Rights Watch, Burma's government must follow the following policies in order to initiate the long journey to peace and tolerance. (Human Rights Watch)

- Investigate those responsible for serious abuses in connection with the violence in Arakan State and prosecute them fairly to the fullest extent of the law.
- Revise legislation as necessary and ensure that state practice upholds the equal rights of Rohingya and other Muslims in Burma in accordance with international human rights law.
- Lift all unnecessary restrictions on freedom of movement of the Rohingya population; ensure they are able to pursue livelihoods, purchase essentials, and return to their homes and recover property; and provide them protection as needed. Ensure that returns of displaced persons and refugees take place in accordance with international standards, on a voluntary basis with attention to the safety and dignity of the returning population.

- Provide safe and unhindered humanitarian access for UN agencies and international and national humanitarian organizations to all affected populations and detention facilities in Arakan State.
- Agree to the establishment of an independent international mechanism to investigate serious violations of international human rights law, including possible crimes against humanity, committed by security forces and non-state actors in Arakan State.
- Permit the UN special rapporteur to conduct an independent investigation into abuses in Arakan State and support efforts to establish an OHCHR office in Burma with a full protection, promotion, and technical assistance mandate, and sub-offices in states around the country, including Arakan State.
- Amend the 1982 Citizenship Act to eliminate provisions that are discriminatory or have a discriminatory impact on determining citizenship for reasons of ethnicity, race, religion or other protected status.

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