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Rohingya Crisis and the Darkside of Military in Myanmar and International Responses

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Abstract- Rohingyas are one of the several Muslim groups in the Rakhine state of Myanmar and were regarded as the most persecuted minorities in the world. They are ethnic and religious minorities in their province and speak Rohinyalis and Bengalis rather than either Burmese or the Rakhine language and are not from a single race but from various ethnics groups, including the Arabs Moguls, and Bengalis. Sometimes they are also known as Asia's new Palestinians. The Government in Myanmar deny any recognition to them and identified them as illegal Bengali migrants from India and Bangladesh during the colonial ruled in India and Burma. The government in Myanmar also refuse to grant them citizenship status or any local documentation effectively and made them stateless. Under Myanmar's 1982 Citizenship Law, Rohingyas had been declared non-national or foreign residents. Thus, the Rohingyas are an ethnic groups who have been denying citizenship from Bangladesh and Myanmar and live their life as refugees without any security protection in both countries with uncertain future.

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Rohingya Crisis and the Darkside of Military in Myanmar and International Responses

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Abstract- Rohingyas are one of the several Muslim groups in the Rakhine state of Myanmar and were regarded as the most persecuted minorities in the world. They are ethnic and religious minorities in their province and speak Rohinyalis and Bengalis rather than either Burmese or the Rakhine language and are not from a single race but from various ethnics groups, including the Arabs Moguls, and Bengalis. Sometimes they are also known as Asia's new Palestinians. The Government in Myanmar deny any recognition to them and identified them as illegal Bengali migrants from India and Bangladesh during the colonial ruled in India and Burma. The government in Myanmar also refuse to grant them citizenship status or any local documentation effectively and made them stateless. Under Myanmar's 1982 Citizenship Law, Rohingyas had been declared non-national or foreign residents. Thus, the Rohingyas are an ethnic groups who have been denying citizenship from Bangladesh and Myanmar and live their life as refugees without any security protection in both countries with uncertain future.

Objective: This study is to understand the main idea or reason behind the persecution of Rohingyas, the role play by the Myanmar Military in their persecution, and the response from different states and international organizations with the way forward for their security in future.

Methodology: It is an analytical study with multiples reviews from the Post-Independence of Myanmar.

Keywords: rohingyalis, stateless, palestinians, migrants, tatmadaw.

I. Introduction

The Rohingyas are an ethnic Muslim group from the Rakhine state of Myanmar who often been regarded as "the world's most persecuted minority" ever since independence in 1948.[1] They dwelled in the Independent Kingdom in Arakan, now known as Rakhine state in modern-day Myanmar. They came into contact with Islam through Arab traders. In 1974, King Bodawpaya conquered Arankan, and the British also made it their province after the first Anglo-Burmese war in 1826. When the Japanese invaded Burma,[2] pushing out the British, the Burmese nationalist attacked Muslims who was governed by the British East India Company.

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[1] Showkat, Myanmar*: Who are the Rohingya*?, Al Jazeera, 5th Feb.' 2018

[2] C. Peter Chen*, Invasion of Burma,* World War II Database

The Rohingyas are several Muslim groups in the Rakhine state, also known as Arakan, before the Military regime in Myanmar. They speak Rohingyalis and Bengalis, rather than either Burmese or the Rakhine language, and are an ethnic and religious minorities within their province and Myanmar. They were being called Asia's new Palestinians. They are not only from a single race and constituted of various ethnics groups, including the Arabs, Moguls, and Bengalis.

The term Rohingya had been derived from the historical termed Rohang, the old word for Rakhine state. During the 1950s and 1960s U Nu Government recognized them and had the right to vote in Myanmar. When a Military Coup was conducted in 1962 by Ne Win, they had been denied as the citizens of Burma, and their right to vote had been canceled.

The allies of the Rohingya claimed that they settled in Myanmar during the seventh, eighth, or ninth century and practice Sunni Islam. They had been concentrated in the Maungdaw, Buthiduang, and Rathedaung township of Rakhine state, which share a borderline with Bangladesh and Chin state, Magway, and Bago regions. The Rakhine Buddhists and the majority of Burmans believe that Rohingya are illegal immigrants from India and Chittagong during the colonial period as laborers, merchants, and money lenders, particularly during harvest season, and claimed that they made rural farmer impoverished.

II. Genesis of the Rohingya Crisis

The genesis of genocide and persecution of Rohingyas Muslims had begun before Burma achieved Independence in 1948. When the Japanese declared war against the British in 1942 and occupied Rangoon, their Fascist Ideology greatly influenced the heart of the Burmese people and was responsible for the persecution of Rohingya Muslims.[3] After the withdrawal of the British, the Burmese Independence Army, led by Aung Sang, with the help of Rakhine Buddhists organized massacring about 100,000 innocent Rohingya Muslims, driving them out more than 80,000 across the border of East Bengal.[4] All these events result in the division of Arakan at present Rakhine into

[3] Min Ye Paing Hein, *Fighting in the Dark: Ideology and State formation in Post-colonial Burma*, Journal of Historical Sociology, 2016.

[4] Abib Bahar, *Burmese Invasion of Arakan and the rise of non-Bengalees settlements in Bangladesh*, Rohingya International.

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two distinct territories, one occupied by the Rohingya Muslims and the other part by the Buddhist.

After the British re-occupation of Burma, the Mujahid insurgency had been formed under the chairman of Omra Meah. They launched the movement before Burma achieved independence. Even after Burma gained independence, the government of Burma refused to grant a separate Muslim state in the two towns, Buthidaung and Maungdaw.[5] Prime Minister U Nu declared Buddhism as a state religion to dismantle the heritage of colonial order gave equal rights to other religions. Young Buddhist Monks were angry and conducted demonstrations against the construction of the Mosque. They also protested against inter-marriage between Buddhist women and Muslim men; this instigated discrimination and hatred between the two communities. So, the Mujahids insurgent declared Jihad war to absorb the western frontier of Burma into East Pakistan (Present Bangladesh) by carrying the Pakistani flag and killed most of the Rakhine Buddhist, and destroyed villages in the North-Maungdaw region. They even surrounded the towns of Buthiduang and Baw-li-Bazar. The central government declared Martial Law and launched three military operations against the Muslim Mujahid insurgency in Northern Arakan. [6]In March 1950, the first operation had been conducted, the second was the May-yu Operation in October 1952, and the last one was Moat-thone Operation in October 1954.[7]

After a decade, the Rohingya Liberation Party (RPL) came into being under Zaffar Kawal and mobilized various former Mujahideen factions under his command, with their base in Buthiduang jungles and armed with weapon smuggled from Bangladesh. They fled across the border into Bangladesh after the massive military operation by Tatmadaw. In 1974, Muhammed Jaffar Habib, the former Secretary of RLP, founded the Rohingya Protection Force (RPF).[8] The central government forces launched a massive Military Operation named Operation King Dragon in 1978 in Rakhine State against the Rohingya Protection Force, to expel Rohingya Muslim insurgents in the area.[9] It led hundreds of thousands of Rohingyas to cross the border seeking refuge in Bangladesh.

III. Major Cause of Violence and Mass Exodus

It was in June 2012; violence sparked due to raped and murdered of 28-year-old Buddhist woman by three Muslim men in Ramri Township.[10] A large group of Buddhist community gathered in Toungop town stopped the bus and killed Muslims who were on the board. The violence spread in Arakan between the two ethnics, which intensified mob on both sides committing killing and arson. Most of the Rohingya Muslim villages were razed to the ground and had been driven to the detention camp complex beyond Sittwe Bumpy junction.

It has been believed that the conflict had been highly organized and planned by local Rakhine Buddhist Politicians and civil society. They took an active part in arranging transport, coordinating the violence, and providing refreshment for the mobs preparing to attack Rohingya Muslims. The state security force denied any action to stop the conflict between the two ethnic groups, and not a single Rakhine Buddhist perpetrator had been persecuted for their involvement in the massacre and arson attacked against the Rohingya Muslim. This violence and conflict displaced more than a thousand Rohingya to the Internally Displaced Person (IDP) camp.

After a month in October, there was an attack against the Rohingya Kaman Muslim community; at least 70 Rohingyas had been killed, including 28 children, in a daylong massacre in Yan Thei Village in Mrauk-U Township.[11] It was much more organized and planned than the later one. This time even the soldier backed the Buddhist communities along with the politicians and Buddhist civil society. In some instance, they protected or abandoned Rohingya from fleeing and either failed to intervene or participate directly in the violence. The local political party and Buddhist Monks publicly vilified the Rohingya Muslims and instigated communal hatred.

One of the incidents that causes an exodus to Rohingyas Muslims was after the Arakan Salvation Army (ARSA) attacked police and army posts in August 2017.[12] The military conducted a brutal campaign against the Arakan Salvation Army and declared them as terrorists. They destroyed hundreds of villages and forced thousands of Rohingya Muslims to leave Myanmar. Within two months of August and September, around 6,700 Rohingyas were killed.[13] Security forces allegedly opened fire on fleeing civilians and plan land

[5] Chan, Aye. *"Burma's western border as reported by the diplomatic correspondence (1947-1975)".* Kanda University of International Studies.
[6] Angsuman Chakraborty, *Complete Background of Rohingya crisis*, Medium, 2017
[7] Angsuman Chakraborty, *Complete Background of Rohingya crisis*, Medium, 2017
[8] Dray, *Rohingya insurgency in western Myanmar*, Pakistan Defence, 2017
[9] *A short Rohingya history and camp details in India,* Rohingya Human Rights Initiative (ROHRIngya), 20 May 2018
[10] Thant Myint-U, Sada Ma & Wan Junnaidi Jaffar, "*Rohingya Briefing Report*", Warzone Initiatives, October 2015
[11] *Burma: End ' Ethnic Cleansing' of Rohingya Muslims*, Human Rights Watch, April 22, 2013
[12] Nehginpao Kipgen, *Rakhine crisis poses a greater threat,* Jindal School of International Affairs, August 31, 2017
[13] Laura Baron Mendoza, *Myanmar: A Battle for Recognition the War Report 2017,* Geneva Academy, December 2017

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mines near border crossing used by Rohingyas to flee to Bangladesh. Most of the Rohingya Muslim people had faced persecution in Rakhine, where ARSA operated. The Government of Myanmar claimed that they are fighting against the ARSA insurgent. However, the misery and death are upon the people. All these events fear the Rohingya Muslims, felt unsafe in their inhabited land and the mass exodus steadily raises seeking safety in Bangladesh.

IV. 1982 Citizenship Law and their Status

The 1982 Citizenship Law is based on the principle of 'Jus Sanguinis' (Citizenship determined or acquired by the nationality or ethnic of one or both parents) and repealed the Union Citizenship Act of 1948. It was the intention of Burmese officials and Rakhine leader, who often felt that the Muslim population had been growing in western frontier. The government concentrated on race status, tried to ensure that only pure-blooded national would be entitled to citizenship of Burma.[14] The law aimed to exclude Rohingya Muslim people. The law provides three categories of citizenship. The first categories are known as Pink Card Holders/Full Citizenship. Under this category, nationals such as the Kachin, Kayah, Karen, Chin, Burman Mon, and Shan were being recognized as nationals of Burma. The council of state enjoyed unlimited power to decide whether any ethnic group is national or not. They can also revoke any category of citizenship except a citizen by birth. The second category is Blue Cardholder/Associate Citizenship. The Rohingya had been again excluded in this category. Section 23 to 24 of 1982 Citizenship Law deals with Associate Citizenship or Blue Cardholders.[15] If a person cannot give proof of residence of all ancestors or if one grandparent was a citizen of another country before 1823, they had been classified as a Blue Cardholder or Associate Citizen. They enjoyed the right of a citizen under the state's law, except the rights stipulated from time to time by the council of state. The government have unlimited discretion to revoke associate citizenship in the name of disaffection or disloyalty to the state. The third category is Green Cardholder or Naturalised Citizenship. Under this category, naturalized citizenship had been granted to non-nationals who are non-indigenous races. This category specially included the Rohingya Muslims. The criteria for naturalized citizenship are that anyone who can speak well one of the national languages, be of good character and a sound mind. However, the Council of State has full authority to revoke naturalized citizenship if anyone trading or communicating with enemy countries, showing disaffection and disloyalty to the state.

In 2014, the Government of Myanmar conducted a census with assistance from the United Nation Population Fund and did not enumerate people who self-identified as Rohingya,[16] denied their right to vote in the landmark 2015 election. Suu Kyi, who before coming to power said the government should have the "courage to review the law, is now urging Rohingya to accept the National Verification Card, a residency document that falls short of full citizenship.[17] At present, they are living in stateless status in Myanmar and outside the territory of Myanmar.

V. International Response

Though India and China see eye to eye each other in the international affair, both have a strategic interest in Myanmar, little appetite for humanitarian intervention and extended similar support for Myanmar in Rakhine Issue. The two Asian powers wanted to expand their influence in Myanmar to protect their own national interest. India did not want to continue the same mistake that strained the relationship with Myanmar while supporting pro-democracy during a Military Coup in 1962 by General Ne Win. Both countries have infrastructure project in Rakhine, India funded Kaladan Multipurpose project designed to provide a sea-river land link to its remote northeast through Sittwe port and Tri-lateral highway that connect India-Myanmar-Thailand. India knows that Myanmar is the only gateway for India to connect with Southeast Asia Nation. In the Rohingya crisis, India has opposed the displaced community living in its territory, citing "national security" concerns.[18] However, India is sympathetic towards displaced Rohingyas living in Bangladesh and Myanmar and extended assistance to Bangladesh under the umbrella of "Operation Insaniyat." The relief materials had been provided, and divided into multiple consignments.[19] While China-funded Kyauk Phyu Port, which is to be the starting point of the oil & gas pipeline and a railroad link to Yunnan State in China. China is also aware of the strategic importance of Myanmar to access in the Indian Ocean because China has various multipurpose projects in the Indian Ocean.

[14] Md. Mahbubul Haque, *Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma,* Journal of Muslim Minority Affairs, November 2017

[15] Md. Mahbubul Haque, *Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma,* Muslim Minority Affairs, volume 37, 2017

[16] *Burma: Amend Biased Citizenship Law,* Human Rights Watch, 13 January 2015

[17] Poppy Elena Mcpherson and Simon Lewis, *Exclusive: Myanmar rejects citizenship reform at private Rohingya talks,* Reuters, 26 June 2018

[18] Joyeeta Bhattacharya, *Bangladesh first: Behind India's changing stance on the Rohingyas,* South Asia Weekly, 23 May 2018

[19] *Operation Insaniyat: Humanitarian assistance to Bangladesh on account of the influx of refugees,* Ministry of External Affairs, Government of India, 14 September 2017

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United Nations General Assembly (UNGA) passed a resolution condemning Human rights abuse against Rohingya Muslims and other minority groups in Myanmar. UNGA resolution was passed by 134 with nine votes (Belarus, Colombia, Lao People's Democratic Republic, Myanmar, Philippine's, Russian Federation, Vietnam, and Zimbabwe) against and 28 abstaining. The resolution called on the Myanmar government to take urgent measures to combat the incitement of hatred against the Rohingya and other minorities in Rakhine, Kachin, and Shan. It urged the government to protect all people, to expedite efforts to eliminate statelessness, and dismantle camps for Rohingyas and other displaced people in Rakhine. The resolution also called for specific action on the part of Myanmar to address the root cause of the Rohingya crisis, including granting them citizenship and appreciated the government of Bangladesh for the humanitarian act providing shelter to the displaced Rohingyas. UNGA also cited an independent international fact-finding mission's documentation of gross human rights violations and abuses suffered by Rohingya Muslims and other minorities. But, as United Nations General Assembly (UNGA) resolution just reflected world opinion and not legally binding. So, it failed to meet the hope of Rohingya Muslims.

On behalf of a large collective of states, the Organisation of Islamic Cooperation (OIC), Gambia took a case by bringing genocide allegation before the International Court of Justice (ICJ) in November 2019, under article 9 of the convention, which allows for dispute between parties relating to the responsibility of a state for genocide and related act to be submitted to the ICJ by any party. Case in ICJ is not against an individual but of to state litigation between members' states governed by legal provisions in the United Nations Charter. The Gambia became the first country without any direct connection to the alleged crime has used its membership in the Genocide Convention to bring a case before the ICJ. The Gambia has alleged that Myanmar atrocities against the Rohingya in Rakhine violate a various provisions of the convention on the prevention and punishment of the crime of Genocide.[20]

On 23 January 2020, the International Court of Justice(ICJ) based in Hague directed Myanmar to take all measures in its capacity to prevent the commission of genocide acts against the Rohingya; ensure that its Military and allied entities do not commit genocide acts against the Rohingya; ensure that all evidence relating to the allegations of this case had been preserved; and finally, submit compliance within four months and, after that, after every six months until the final verdict is being delivered.[21] This decision is the first step toward changing and ensuring that the Rohingya get some tangible justice. The court also accused Myanmar authorities of committing human rights violations against the Rohingya even after the provisional measures, confining more than 125,000 Rohingya in over 20 internment Camps.[22] Though the measures imposed by ICJ are binding and not subject to appeal, the ICJ has no way of enforcing them. However, Myanmar has always insisted that its military campaign was being waged to tackle an extremist threat in the Rakhine. Aung San Suu Kyi, the de-facto leader of Myanmar, describes the violence as an internal armed conflict at the Hague court. It will file a counter-memorial at the ICJ on July 23, 2021, in response to Gambia Allegation.[23]

VI. Place where they Settle at Present and their Condition

At present, Cox Bazar and Bashan Char Island become a home far away from home for the Rohingya without any other option. Cox Bazar is one of the largest refugee settlements, had 34 Camps; Kutupalong Balukhali "Mega camp" is the largest refugee camp and hosts more than 628,500 people.[24] Rohingya arriving in Cox Bazar was unprecedented and put stress on Bangladesh, with no sign of a return shortly to the country where they were refused citizenship and had limited access to education and health care.[25] The refugees have to dwell in fragilely constructed shelters made of bamboo, brick & mud and, where extreme heat and no ventilation facility make it very unhygienic.[26] They cannot find themselves in a state of security. The refugee did not have adequate access to clean water and health care. After fleeing violence and discrimination in Myanmar, Rohingyas women and girls are now struggling to cope with the loss and trauma they have experienced, to stay safe in the camps, and for basic survival.[27] There is a lack of privacy and proper facilities for women and girls, such as separate bathrooms and toilets. Their children have limited access to education, healthcare and suffer from a high malnutrition rate,

[20] *Gambia Genocide case against Mynamr before ICJ*, Human Right Watch, 5December 2019

[21] Angshuman Choudhury, *What does the ICJ Preliminary Ruling mean for the Rohingya,* The Diplomat, February 04, 2020

[22] SM Najmus Sakib, *Rohingya: Gambia files case against Myanmar at ICJ,* WORLD, ASIA-PACIFIC, 24-10-20 33320

[23] Angshuman Choudhury, *What does the ICJ Preliminary Ruling mean for the Rohingya,* The Diplomat, February 04, 2020

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[27] *Life for Rohingya women, the real and hidden crisis,* INDEPENDENT, 21 October 2019

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which increases the likeliness of outbreaks of infectious diseases in the refugee camps. Without proper education, their future is uncertain and can easily fall prey to exploitation and abuses. The Rohingyas did not have any other income sources and are essentially dependent on rations or aid from any other organization. They are not allowed to cross the camp; if they had been caught outside the camp, they will be cut off from their family book.[28]

Bangladesh had first proposed Bashan Char Island in 2015 as an option for some of the hundreds of thousands who have been housed for years in camps since fleeing brutal crackdowns by the military in neighboring Myanmar.[29] The United Nations said any relocation plan should involve the safety, feasibility, sustainability, and full consent of the Rohingya. Bashan Char is an uninhabited Island formed out of Himalayan silt flowing into the Meghna Estuary in the Bay of Bengal. The island is prone to cyclones and floods and used to be regularly submerged by monsoon rains. On 4 December 2020, Bangladesh started relocating Rohingyas Muslims to Bashan Char Island. They were being taken to Bashan Char Island from the refugees' camp in Cox's Bazar without their consent. On 28 December 2020, despite the objection of moving to flood-prone Island from International and local humanitarian agencies, Bangladesh relocated a second group of Rohingya refugees from crammed camps in Cox's Bazar to a remote Island in the Bay of Bengal,[30] says that they were transferring people who are willing to go, and the move will ease chronic overcrowding in camps. However, some refugees complained that they were being coerced into registering for relocation; they were surprised to see their names on the list of those willing to go to the island as it had not been discussed with them before. The refugees who agreed to move were reportedly promised that they would receive priority to go back to Myanmar if repatriation takes place, or alternatively get priority resettlement in third countries.[31] The United Nations has said it has not been allowed to carry out a technical and safety assessment of Bashan Char, a flood-prone island in the Bay of Bengal, and was not involved in the transfer of refugees.[32]

VII. Conclusion

The Rohingya are the most persecuted minorities who could not enjoy their right to an adequate living standard and find themselves run for their lives. The draconian 1982 Citizenship Law of Myanmar denied their citizenship and lives in Myanmar or other countries with stateless. At present stateless status aggravates their condition of suffering, and they are in the face of extinction and the number of Rohingya Muslims living inside Myanmar is far less than living outside the territory of Myanmar. The only way to solve the problems of Rohingya is to grant them Citizenship status and ensure that they get protection from any kind of threats by the Myanmar Government. Myanmar should also understand and acknowledge that the only way forward to become a fully democratic state first needs to ensure that it protects the rights and freedom of minorities. So, it is not too late for the Government of Myanmar to repeal its citizenship law, get assistance from the United Nations to amend the citizenship law to meet international standards, and provide Rohingya full citizenship on a non-discriminatory basis.

[28] *Ten years for the Rohingya refugees in Bangladesh: Past, Present, and Future,* Medecins Sans Frontieres-Holland, March 2002

[29] Jaclyn Diaz, *Bangladesh begins moving Displaced Rohingya Muslims to Island,* National Public Radio, 4 December 2020

[30] Veena Throopkrajae, *Bangladesh moves more Rohingya to remote Island despite rights concern,* The Guardian, 28 December 2020

[31] *Bangladesh Rohingya relocation to isolated island criticized by rights groups,* Deutsche Welle (DW), 04 December 2020

[32] Ruma Paul, *Bangladesh set to move the second batch of Rohingya refugees to remote Island,* Reuters, 27 December 2020

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