

THE ROHINGYA REFUGEE CRISIS

Rey Ty

- *Contexts, problems, and solutions*¹ •

ABSTRACT

This article focuses on a case study of the extremist actions of militant Buddhists who violate the rights of entire civilian populations of other religions in Myanmar. The goal is to question the popular stereotype of all Buddhists as promoters of unconditional peace and to examine the Rohingya refugee crisis. The text begins with an overview of the historical and current contexts that gave rise to the Rohingya crisis, after which a discussion of the causes and effects of the problem is presented. It concludes by presenting the proposed agenda to solve the refugee crisis besetting the Rohingya.

KEYWORDS

Arakan State | Refugees | Rohingya | Statelessness

1 • Introduction

There are many problems related to statelessness and refugees in Asia, such as the current tensions in Assam, India, along the Myanmar-Thailand border, and the ones affecting the Rohingya in Myanmar, to name a few. Muslim-majority Rohingyas have been living in the Rakhine State for as long as they, their parents, their grandparents, and their great grandparents can remember. Their land is between Bangladesh, to the west, and the rest of Myanmar, to the east. Myanmar, as the country is known today, is home to a multiplicity of ethnicities, religions, and languages.

Many westerners come to Asia to learn about Buddhism and Hinduism, joining Buddhist Vipassana meditation retreats and practicing Hindu yoga. With their romanticised and Orientalised views of Asia,² many westerners convert to Buddhism and Hinduism. When asked about the reasons for their conversion, they invariably answer because these two are religions of peace which allow them to find serenity towards themselves and tranquillity in relation to the universe. True, the tenets of Buddhism and Hinduism deal with social and universal concord. However, when confronted with the fact that extremist Buddhists, including incitements from prominent Buddhist monks, attack Muslims and Hindus in Sri Lanka and Myanmar, that Hinduism is built on the basis of a caste system under which the *Dalits* and the *Adivasis* or indigenous peoples are outcasts, and that extremist Hindus attack Dalits, Muslims, and Christians, these same westerners turn a blind eye and a deaf ear on these acts of oppression and repression. They ignore the fact that Hinduism is built on the foundation of the structural violence of the caste system under which the *Dalits* or “outcasts” and the *Adivasis* or indigenous peoples are marginalised. For millennia, Hindu widows had the duty to perform sati or to immolate themselves by throwing themselves on their husband’s fiery funeral pyre, thus dying a slow and excruciating death. A 1987 law banned the practice of *sati* but isolated cases of widow immolation continue. Up to the present time, Dalit men swim into sewage to clear clogs, while Dalit women collect human excrements by hand in public latrines, even though this practice is banned. In their effort to impose Hindutva, or Hindu ultranationalism as the term is understood today, fanatical Hindu “cow police” monitor, attack and sometimes even kill Christians and Muslims who sell or eat beef. There is a cognitive dissonance between the reality of Buddhists’ and Hindus’ aggressive attacks on people of other faiths on the one hand and the romanticised, idealistic views of Buddhism and Hinduism as philosophies that promote total peace and universal harmony on the other hand. Note, however, that the problem is not religion per se, but the political use of religion.

This article focuses on a case study of the extremist actions of militant Buddhists who violate the rights of entire civilian populations of other religions in Myanmar. The goal is to question the popular stereotype of all Buddhists as promoters of unconditional peace and to examine the Rohingya refugee crisis. This article begins with an overview of the historical and current contexts that gave rise to the Rohingya crisis, after which a discussion of the causes and effects of the problem is presented. It concludes by presenting the proposed agenda to solve the refugee crisis besetting the Rohingya.

As this crisis is still brewing, there is still a gap in academic journals on this matter, which this article seeks to fill. Most of the literature cited here is from news media outlets, such as The Atlantic, BBC, Democracy Now, El Diario, Frontline PBS, The Guardian, El Mundo, NPR, El País, The New York Times, and the Washington Post, to name a few. Insider views from Myanmar are also cited, including publications in English, such as The Irrawaddy. Piecing together snapshots from news releases to form a coherent narrative of the saga of the Rohingya mass exodus, the central focus of this paper was the major events surrounding the refugee crisis which took place in 2017, while looking back at the historical context that led to this situation and synthesising the main proposals to solve this refugee crisis.

2 • Early history

The Rohingya refugee crisis is a very complex case. Both the Buddhist Arakanese and the overwhelmingly Muslim Rohingyas have been cohabitating in the general area of what is now known as the Arakan state in Myanmar and the Chittagong Division in Bangladesh since the pre-colonial era.³ Historians trace the Muslims living in the frontier between what is now known as the Arakan State in Myanmar and Bangladesh to as early as the 12th century.⁴ Through Arab traders who also doubled as missionaries, Islam came to the region in the 7th century, in the Christian Era (CE), during which they intermarried with local Buddhists as well as converted Buddhists to Islam by 788 CE.⁵

The Arakans and the Rohingyas, as we call them now, have been living at the frontier between what we now call Bangladesh and Myanmar for centuries. For example, from 1429 to 1785, the independent Kingdom of Mrauk-U ruled over what is now known as the Rakhine State in Myanmar and the Chittagong Division in Bangladesh, where Muslims and Buddhists of different ethnicities coexisted. During this same period, this region was a protectorate of the Sultan of Bengal at different points in time. By the 18th century, it became part of the Burmese Empire.⁶

The conflict besetting the Rohingya is the result of a civil war that started in 1948 during which British colonialists drew up the flawed map of what was known as Burma at that time.⁷ Many of the problems in the world today are the result of maps drawn by former colonialists. In the post-independence period, many ethnic groups in Burma demanded federalisation, while the Rohingya called for unification with the then East Pakistan, which is now Bangladesh.⁸ Why is Myanmar faced today with several armed conflicts among different ethnic groups which consider themselves as separate nations? The primary reason is that the non-Bama ethnic groups are not fully integrated into the Bama-dominated government, politics, economy, and culture. Despite the diversity in Myanmar, only the Bama history is taught in schools. Only Bamas can engage in politics and administration. As the dominant Bama ethnic group has economic, political and cultural hegemony over all the other ethnic groups, the latter continue to demand respect for their right to self-determination. Only the Bama version of history, Bama language, and Bama culture are

taught in schools. For these reasons, many ethnic and religious minorities live as second-class citizens and therefore continue to wage civil war in Myanmar today. The minorities that continue their revolutionary struggles today include the Chin, Kachin, Karen, Karenni, Rohingya, Shan, Wa and other ethnic minorities.

3 • Post-colonial context

In the immediate post-independence period in 1948, the Union Citizenship Act was passed, which defined which ethnic groups could gain citizenship. The law excluded the Rohingya, according to the International Human Rights Clinic at Yale Law School.⁹ However, Rohingya whose families had stayed in Myanmar for two generations or more could apply for identity cards. Initially, Rohingya were given these identity cards and even citizenship under the provision with respect to generations. At that time, many Rohingya served in parliament.¹⁰

The Rakhine State as we know it today is the homeland of several different ethnic communities. The two major ethnic groups residing in the Rakhine State are the Muslim Rohingya and the Buddhist Rakhines, whose identities are not fixed but change over time. Buddhist Rakhines, formerly called the Arakanese, live along the coast of the Rakhine State, known as Arakan and the Kingdom of Mrauk-U in the past, and in the Chittagong and Barisal divisions of Bangladesh. The Rakhine State is also home to other ethnicities, such as Hindus, the Chins and the Myo. The predominantly Buddhist Arakanese Chakma, the Marmas (known as Moghs or Maghs in the past) and other peoples who inhabit the Chittagong Hill Tracts in Bangladesh since the 16th century share similar, if not the same, cultural elements with the Rakhines in the Rakhine State in Myanmar. There are also the Arakanese Buddhist Mog people who live in Tripura, India. To make the situation even more complex, other Muslim groups live in Myanmar, such as the Kamans who are the only Muslim *taing-yin-tha*, or members of the 135 ethnic groups officially recognised by the Burmese government. The situation for the Rohingya worsened after the military coup in 1962. On 12 February 1964, General Ne Win made the *taking-yin-tha* (“national races”) concept the centrepiece of Burma during his Union Day speech.¹¹ All citizens were given national registration cards, while the Rohingya were given foreign identity cards, which restricted their economic and educational opportunities. The Kaman also experience discrimination because they are not Buddhists.¹² They were themselves displaced together with the Rohingya Muslims in 2012.¹³

The Rohingya have been persecuted since the 1970s. In 1982, the military junta in Myanmar passed a citizenship law that listed 135 ethnic groups entitled to citizenship, which excluded the Rohingya who had enjoyed citizenship rights since independence in 1948.¹⁴ As a result, all Rohingya legally lost their citizenship and became stateless overnight.

The conflict between Muslim Rohingya and Buddhists in the Rakhine State intensified in 2012, 2015, 2016, and 2017. In June and October 2012, Arakanese political party

members, Buddhist monks themselves, and ordinary Arakanese organised, incited violence and attacked Rohingya and Kaman Muslim communities. As a result of this violence, at least 125,000 Muslims were displaced internally. Many were killed and buried in mass graves.¹⁵ In 2012, Muslims, both Rohingyas and Kamans, were driven from their places of residence in Central Rakhine, especially from large cities such as Sittwe and Pauktaw, but also smaller villages. Over 120,000 Rohingyas fled camps, many of which left on perilous maritime trips.¹⁶ The Myanmar and Arakanese security forces' ethnic cleansing of Rohingya Muslims in the Arakan State from June 2012 onwards constitutes crimes against humanity. The ultranationalist Buddhist majority engaged in acts of violence against the Rohingyas.¹⁷

The Myanmar government appointed Advisory Commission on Rakhine State, which former United Nations Secretary General Kofi Annan chaired, remarked that the Rohingya people should be called "Muslims or the Muslim community in Rakhine", not "Bengalis".¹⁸

4 • Social context

Myanmar is a classic case of a mythical nation-state. In fact, it is a state composed not only of one nation, but several nations. Many ethnic groups in Myanmar do not simply consider themselves ethnic minorities, but rather nations without their own sovereign states that they must fight for in order to achieve self-determination. By nation, we mean a group of people who share a common history, a language, an ethnic identity and a culture and who have lived in the same general area for a long time. Aside from the dominant Buddhist Bama majority, some of these nations or ethnic groups in the country include the Shan, Karen, Rakhine, Rohingya, Kachin, Chin, Karenni, Mon, Wa and Kokang Chinese, to name a few. Each of them lives in more or less generally defined, sometimes overlapping, territories. Many practice traditional religions or Christianity, while others are Buddhist. Hence, Myanmar is, in reality, a state with many nations with different religions. Having a multiplicity of ethnic groups or nations is a blessing because of the diversity it brings. At the same time, it is a curse, as these nations' clamour for self-determination has led to armed conflicts that continue up until the present time. Many ethnic groups have armed revolutionary groups with active combatants fighting the central government, while others have signed ceasefire agreements with the central government. Most Rohingyas are Muslim, while a few are Hindu. Many in Myanmar call Rohingyas "Bengalis" and do not consider them people from Myanmar.

5 • Political context

On the one hand, the international community has expected Nobel Peace Laureate Aung San Suu Kyi at the very least to step up to the plate and take up the Rohingya issue, but she has failed miserably. On the other hand, ultranationalist groups accuse Aung San Suu Kyi's National League for Democracy (NLD) for not promoting and protecting

Buddhism. Clearly, Aung San Suu Kyi stands on a tightrope. Many want to know the reasons for which she has been quiet on the matter.²⁰ On one extreme, some outside Myanmar claim that she is complicit in the crime of ethnic cleansing. Another explanation is that she is a mere politician and the military is the institution that wields both political and military power in the country. This raises questions of who is in charge: the military or Aung San Suu Kyi? The role that she plays in this crisis is unclear. The relationship between the military and the government might not be so simple.

The reasons for the speculation about the important role that Aung San Suu Kyi can play in resolving the Rohingya crisis are manifold. First, she was the symbol of democracy thanks to her fight for the political rights of the Myanmar people against the military junta, for which she had been placed under house arrest several times since 1989. Second, she has sacrificed her personal life and professional career for peace. Third, she is the daughter of Aung San, the founder of modern-day Burma, now called Myanmar. Fourth, she has connections with Oxford University. Fifth, she has worked at the United Nations, which stands for justice, equality, self-determination, and peace. Sixth, she is a leader of the National League for Democracy (NLD) which led the mass democratic movement that fought for the democratic rights of the people of Myanmar under the rule of the military junta. Seventh, she is a Nobel Peace Laureate. The list goes on and on. But she has not taken a strong stand to defend the rights of all people in Myanmar, including the Rohingya.

6 • The Janus face of Buddhism

The role of leading ultranationalist Buddhist monks and laity in sowing animosity towards and inciting violence against the Muslim Rohingya is well documented in insider news sources in Myanmar.²¹

The problem underlying the Rohingya crisis is not religion per se, but the political use of religion. Ultranationalist Buddhists, including Buddhist monks, are metaphorically in bed with the military.²² When communal violence broke out in 2012 in the Rakhine State, prominent ultranationalist Buddhist monks engaged in anti-Muslim hate speech, sowed fear about the danger of Islamic fundamentalism, called for a boycott of Muslim businesses and spread the narrative that the Muslim Rohingyas are a threat to the security of the Myanmar state.²³ Clearly only the prominent ultranationalist monks cited spew words of hatred, prejudice, and racism against the Rohingya, even inciting the killing of non-Buddhists. These ultranationalist monks urge their followers to support the military at all cost against the Rohingya, even when the military committed disproportionate retaliation against not only the Rohingya rebels, but the whole Rohingya civilian population not engaged in armed conflict. Buddhism is known as a religion of compassion, mercy, harmony, peace, serenity and calmness, while the military and the police in the country have the monopoly of the use of force and can and do resort to physical violence.²⁴ Ultranationalist monks joined, gave speeches, or sent messages praising the security forces at mass rallies held in downtown

Yangon, the Karen State, the Mon State, and the Mandalay Region that thousands attended in order to show their support for the military's actions against the Rohingya in the Rakhine State.²⁵ Some Buddhist monks criticise foreign governments and the international media for lambasting the military for its use of excessive force against Muslim Rohingyas.²⁶ Ultrationalist Buddhist monk U Wirathu wrote a message which was read on his behalf at a rally: "Monks and people are the ones who will take care of the helpless army like their sons".²⁷ Sitagu Sayadaw, who is a prominent Buddhist monk, stated that taking the life of a human being is fine as long as that person is not Buddhist.²⁸

The Constitution of Myanmar prohibits inter-religious or inter-ethnic conflict. Yet, in 2015, the government under the then President U Thein Sein favoured the actions of ultrationalists by passing the Protection of Race and Religion laws. Ultrationalists had participated in the drafting of the law, which is perceived as discriminatory against women and religious minorities, especially Muslims.

However, when Aung San Suu Kyi's National League for Democracy (NLD) came to power in March 2016, ultrationalist Buddhists, especially under the Ma Ba Tha, hiding under the skirt of Protection of Race and Religion laws lost their clout. The NLD-led government arrested and prohibited prominent monks from preaching and arrested ultrationalists who had committed crimes against the state. Ma Ha Na, the state Buddhist Sangha authority which is a government appointed council of monks that tracks monastic discipline and adherence to the monastic rules of the Myanmar government, has declared the ultrationalist umbrella group Ma Ba Tha an illegal organisation that has not been established according to the monastic rules of the country.²⁹

Clearly, Buddhism is Janus-faced in Myanmar. The ultrationalist Buddhist clergy and laity reared their ugly heads, while the NLD indirectly showed its compassion towards the Rohingya by putting a brake on inflammatory Islamophobic speeches and actions. Since then, the outlawed Ma Ba Tha changed its name to Buddha Dhamma Prahita Foundation.

7 • Causes and effects of the current crisis

On August 25, 2017, just hours after Kofi Annan's Advisory Commission publicly issued its recommendations on the situation in the Rakhine State, which Aung San Suu Kyi embraced, the Arakan Rohingya Salvation Army (ARSA) used knives and home-made bombs to carry out attacks on about twenty to thirty police outposts in the northern Rakhine State. During the attacks, about 150 militants were involved and 1 soldier, 1 immigration officer, 10 policemen and 59 militants were killed.³⁰ The attack triggered massive counterattacks by security forces on the Rohingya population in general, which is a violation of international humanitarian law. In short, the ARSA's attack sparked the current escalation of violence and set off a whole chain of events that led to the mass exodus of the Rohingya from their homeland in search of a safe haven.

The bloodbath that the Myanmar army's military operations generated, which ultranationalist Buddhists support, led to the displacement of more than half a million to one million Rohingyas.³¹ Myanmar security forces have the right and duty to engage in battle with the ARSA, as both sides are combatants who must engage in armed conflict based on the laws of war. But international humanitarian law states that on the one hand, reprisals against civilian population and their property are forbidden and military actions on both sides must be proportionate on the other hand. It also establishes that Rohingya civilians must be spared from military attacks under all circumstances and at all times.

Both Article 3 common to all four Geneva Conventions and Protocol II additional to these Conventions affirm that: (1) there should always be a distinction between the armed forces and civilians; (2) all persons taking no active part in the combat, including the wounded and the sick, must be treated humanely; (3) the only legitimate objective is to weaken the enemy's armed might; (4) and the civilian population, including women and children, as well as civilians' homes, property and cultural objects, must be protected, as they are not military targets.

Most of the persecuted Rohingyas fled to Cox's Bazar in neighbouring Bangladesh to seek refuge and a safe haven, which is where the Bangladeshi government welcomed them. After Rohingyas left their villages, their houses and properties were bulldozed.³² At least 55 Rohingya villages were destroyed in order to eliminate the evidence.³³ About half a million Rohingyas still remain in the Rakhine State in Myanmar. UN envoy Yanghee Lee claims that mass graves show "hallmarks of genocide".³⁴ The United Nations High Commissioner for Human Rights at that time, Zeid Ra'ad Al Hussein, called the maltreatment of the Rohingya as a "textbook example of ethnic cleansing".³⁵ A group of Nobel Peace Laureates called on the UN Security Council to protect the Rohingya from further attacks.³⁶

What were some of the responses to this crisis? The Association of Southeast Asian Nations (ASEAN), of which Myanmar is a member, was blasted for keeping mum on the persecution of the Rohingya.³⁷ India and Japan support Myanmar. China and Russia oppose UN resolutions on the Rohingya issue. The European Union (EU) and the US imposed economic sanctions on top military officials as a form of punishment. The UK is calling for repatriation, while China mediates between Bangladesh and Myanmar on repatriation. With China's overtures, Bangladesh and Myanmar signed an agreement to implement the Chinese peace plan for the repatriation of the Rohingya from Cox's Bazar in Bangladesh to the Rakhine State in Myanmar.³⁸

Pope Francis is concerned about the massacre of Muslims in Myanmar. He said, "I see Jesus again in the children I met during my recent visit to Burma and Bangladesh, and it is my hope that the international community will not cease to work to ensure that the dignity of the minority groups present in the region is adequately protected".⁴⁰

After Reuters' local correspondents published an appalling report on the killing of Rohingyas with before and after photographic evidence, its journalists were arrested, charged with

national security crimes, and imprisoned.⁴¹ While the journalists were later freed as a result of international pressure, the Rohingya's status as stateless refugees remains unchanged.

Bangladesh is now struggling to cope with the pressure of hosting approximately 1 million stateless Rohingya refugees in Cox's Bazar.⁴² Not allowed to work in Bangladesh, the stateless Rohingya refugees are desperate and are only permitted to work as part-time volunteers. There are over 200 aid agencies operating in the Rohingya camps. Purporting to serve the Rohingya in the refugee camps, some NGOs are allegedly engaged in corruption and nepotism, while the locals at Cox's Bazar seeking employment with these charities were turned away.⁴³ Sixty-five shipwrecked Rohingya who were survivors of human trafficking were found stranded in southern Thailand.⁴⁴ Human trafficking of vulnerable Rohingya refugees is on the rise. Rohingya girls are the targets of sex trafficking.⁴⁵

8 • Conclusion

Outsiders see the Rohingya as the world's most persecuted ethnic and religious minorities, but many people in Myanmar see them as a foreign group with a separatist agenda. The democratic system in Myanmar is flawed, as no one or no institution seems to bear the responsibility of making a clear statement and taking a clear policy action based on the rule of law and without prejudice. George Orwell reminds us that “[t]he most effective way to destroy people is to deny and obliterate their own understanding of their history.”

The attacks on the Rohingya civilian population violate international human rights law and international humanitarian law, also known as the laws of war. The crimes committed include crimes against peace, crimes against humanity, and war crimes. The UN Secretary-General expressed his position according to which “the Rohingya are one of the most discriminated against population in the world – and that was even before the crisis...”⁴⁶

Some of the recommendations to stop the atrocities against the Rohingya in the short, medium, and long-term include the following: a ceasefire, high-level dialogue, and negotiations; immediate access to relief; a stop to ethnic cleansing and genocide; massive training for security forces on human rights and the laws of war; interfaith dialogue at the grassroots and middle levels to teach tolerance and acceptance; immediate support for reputable humanitarian organisations; fact-finding missions; repatriation; restoration of the Rohingya's citizenship; promote, observe, and protect international human rights laws; all parties to the conflict to comply with international humanitarian law; and, autonomy or federalism.

In 1947, Aung San, the founder of Burma, as Myanmar was called then, floated the idea of the adoption of a federalist system in which the homelands of the ethnic groups in the country would be the states under a federal system, thus promising equality among all ethnic groups.⁴⁷ Today, Aung San Suu Kyi is reviving her father's dream of a federal country. After Aung San was assassinated, the hope for federalism in Burma was dashed, as the

Bama military centralised all government powers. Since then, over twenty rebel groups have fought the central government at one time or another.⁴⁸

In its final report, the Advisory Commission on Rakhine State, which former UN Secretary-General Kofi Annan chaired, issued a number of recommendations on August 25, 2017. One of the most important ones was a review of the 1982 citizenship law. The citizenship law is crucial to finding a durable and just solution to the current conflict.⁴⁹ At that time, Aung San Suu Kyi embraced those recommendations.⁵⁰

Are we holding Aung San Suu Kyi to a much higher and therefore unfair standard? No. She stood up for abstract principles of democracy and equality. She is thus held to her own high standards. Do these standards apply to the Rohingya? Yes, indeed, they do. Can Aung San Suu Kyi do much if she wants to? She is the best hope for change in Myanmar. She could take a larger-than-life moral stance against the military, moving from a mere politician to a grand statesperson. Peace is not merely the absence of physical violence, but the presence of the conditions of justice.

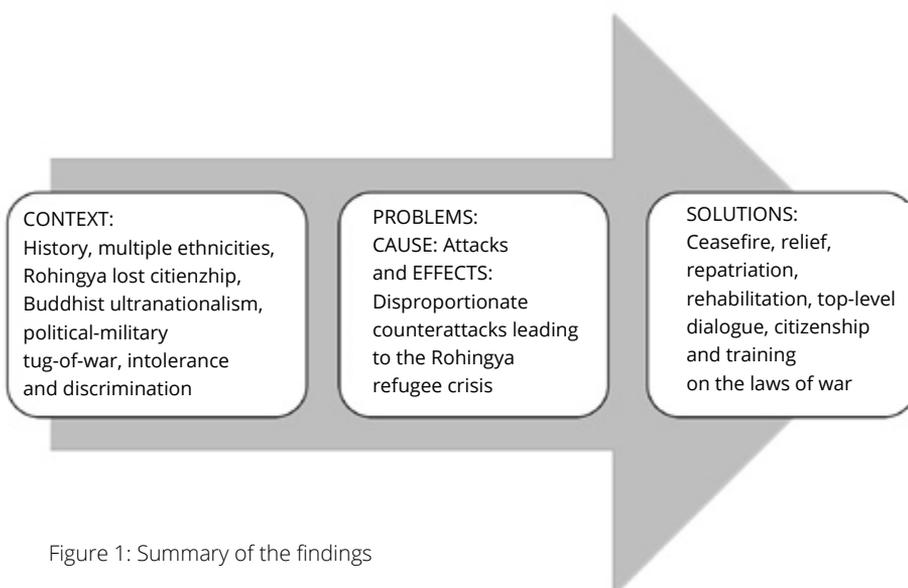


Figure 1: Summary of the findings

NOTES

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22 • *Ibid.*

23 • *Ibid.*

24 • "[N]ationalist groups, led by prominent Buddhist monks across the country, organized activities and talks to encourage followers to boycott Muslim businesses and spread anti-Muslim hate speech—sparking a series of deadly communal clashes between Buddhists and Muslims" (*Ibid.*).

25 • "Thousands of people, including Buddhist monks, joined... mass rallies... held by the Tatmadaw (Military) Admirer Group to primarily show support for the army's actions in Rakhine State" (*Ibid.*).

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Received in June 2019.

Original in English.



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