

Rohingya and the Politics of Discrimination

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ABSTRACT

The large scale exodus of Rohingya to Bangladesh, Indonesia, Malaysia and Thailand as a consequence of relentless persecution by the Myanmar state has gained worldwide attention. The culture of pervasive prejudice prevailing in Myanmar finds manifestation in the legal provisions whereby the Rohingya have been denied basic civil and political rights. This paper highlights the discrimination faced by the Rohingya, placing it in the context of Citizenship.

The large scale exodus of Rohingya to Bangladesh, Indonesia, Malaysia and Thailand as a consequence of relentless persecution by the Myanmar state has gained worldwide attention. The Rohingya have faced decades of discrimination and repression under successive Myanmar governments. Today, they are one of the largest stateless populations in the world. About 900,000 Rohingya are currently living in overcrowded camps in Bangladesh, most of whom fled Myanmar since August 2017 to escape the military's crimes against humanity and genocide. Many more are languishing in Malaysia, Indonesia, Thailand and India. The estimated 600,000 Rohingya who remain in Rakhine state are subject to government persecution and violence, confined to camps and villages without freedom of movement, and cut off from access to adequate food, health care, education, and livelihoods. UN Secretary General, Guterres called it 'ethnic cleansing' and the 'humanitarian situation as catastrophic'¹. This catastrophic situation can be traced back to the systemic and structural violence perpetrated by the state and the society wherein the Burman and Buddhism are taken as the central rallying force of the narrative of the nation- state.

The Rohingya

The Rohingya are an ethnic Muslim minority who practice a Sufi-inflected variation of Sunni Islam. There are an estimated 3.5 million Rohingya² dispersed worldwide. Before August 2017, the majority of the estimated one million Rohingya in Myanmar resided in Rakhine State living mainly in the three townships of Maungdaw, Buthidaung, and Rathedaung situated along the border with Bangladesh, where they accounted for nearly a third of the population. The majority population of Rakhine State consists of Buddhist Rakhine (or Arakanese), who are ethnically close to the Bamar (Burmans). Rohingya differ from Myanmar's dominant Buddhist groups ethnically, linguistically, and religiously.

Burma is incredibly diverse, as around 135 distinct ethnic groups live within the state. While over two-thirds of the Myanmar people are Buddhist, significant numbers are Christians living in the eastern provinces, while a growing number of Muslims (roughly 4%) live mostly in the west. Since the British colonial period, religion has played the role of reinforcing communal divisions. For both administrative and political purposes, the Myanmar government officially recognizes only 7 ethnic minority groups. The Muslim Rohingya, since

1982, are not formally labeled as an ethnic group, and as such have no claim to citizenship in Myanmar³. The ethnocultural tensions between the Arakanese/Rakhine and the Rohingya on the one hand, and state policies of exclusion on the other, have been drivers of a lasting and violent conflict that reaches back to the late colonial period. From the 1980s onward, Myanmar's military and authoritarian state governments have described Rohingya as a political and demographic threat and have increasingly deprived Rohingya of their civic rights. They have faced unprecedented persecution as a result.

Institutionalization of Discrimination: Citizenship Acts

Myanmar's leaders and most of its inhabitants see their country as a historically shaped body of diverse people whose ethnicity determines their civic belonging. 'Ancestry, genetics, territory and linguistic differentiation'⁴ interwoven together form the perception of the Myanmar identity embedded in the national psyche. The Union Citizenship Act of 1948 defined national races as those groups that lived permanently in the country before 1823. This ethnicization of civic status has been taken for granted and has not been contested by multiethnic group members, not even the Rohingya. In fact, Rohingya advocates, such as the Arakan Rohingya National Organization and the Rohingya National Council accepting and condoning the concept of 'national ethnic races,' point to numerous references in the historical record to assert that their presence in Myanmar predates the 1823 cut off by centuries⁵. These assertions have come in the wake of the Rohingya being singled out for increasingly inequitable treatment by the state.

The government refuses to grant the Rohingya citizenship, and most of the group's members have been systemically deprived of legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship.

The 'deliberate breach and selective application' of the 1982 Citizenship Law when it was applied after 1989,⁶ rendered hundreds of thousands of Muslims stateless and later, homeless. This 1982 Citizenship Law, which built upon the definition found in the 1947 Constitution, explicitly ties ancestry with territory. According to this law, citizenship is divided into three categories with different rights associated with each. The categories include: full citizens (descendants of

residents who lived in Myanmar prior to 1823); associate citizens (people who acquired citizenship under the 1948 Union Citizenship Law); and naturalized citizens (people who had resided in Myanmar prior to 1948, but who had failed to apply for citizenship under the Union Citizenship Act).⁷ In all three cases, citizenship eligibility is limited to members of the country's named national ethnic races. The list, first published in the 1960s, included: Burman, Karen, Shan, Kachin, Chin, Mon, and Arakanese (now Rakhine). The military regime through a new census conducted in 1983 and published in 1990 enlisted 135 'national ethnic races', precluding Rohingya. The reason given for their preclusion by one well-known apologist: Rohingya were 'Bengalis' who migrated from Chittagong in southeastern Bangladesh after 1823, and thus were ineligible for citizenship.⁸

The 1982 Citizenship Law stripped Rohingya of citizenship and officials carrying out the national census the following year did not bother to count them. Some Rohingya were later able to obtain national registration cards and temporary registration certificates, but these documents did not grant them more permanent legal status. In 1989, the military regime launched a citizen verification programme⁹ in which people had to relinquish their identity papers to obtain color-coded Citizenship Scrutiny Cards (CSCs). Non-Rohingya Muslims, who possessed registration cards or certificates, were encouraged to submit their documents. However, officials neither returned nor replaced the papers.¹⁰ After 1995, most Rohingya were merely given Temporary Registration Cards (TRCs), the so-called white cards, certifying that they were not full citizens.

In 2014 the government held a UN-backed national census, its first in thirty years. The Muslim minority group was initially permitted to identify as Rohingya, but after Buddhist nationalists threatened to boycott the census, the government banned the official use of the word Rohingya, replacing it with the phrase, 'people who believe in Islam in Rakhine State.' The government announced that Rohingya could only register if they identified themselves as Bengali and not Rohingya. The ban, purportedly put in place to reduce tensions between the country's majority Buddhists and minority Muslims, meant that more than one million people went uncounted.¹¹ Similarly, under pressure from Buddhist nationalists protesting the Rohingya's right to vote in a 2015 constitutional referendum, President Thein Sein canceled the temporary identity cards in February 2015, effectively revoking their newly gained right to vote.¹² (White card holders were allowed to vote in Myanmar's 2008 constitutional referendum and 2010 general elections.) In June 2015, new green cards were distributed to those people who were ready to be scrutinized for citizenship under conditions that denied them self-identification as Rohingya.

Even in the 2015 elections, which were widely hailed by international monitors as free and fair, no Muslim parliamentary candidate could contest. The government introduced a pilot project in 2017 that would enable members of this population to acquire a national verification card, provided that they registered as 'Bengali' and listed their religion. The requirement resulted in widespread protests because they feared that in doing so would make it impossible to acquire citizenship in the future¹³.

In recent years, the government has forced Rohingya to start carrying national verification cards that effectively identify them as foreigners and do not grant them citizenship, according to a report by the advocacy group Fortify Rights. Myanmar officials have said the cards are an initial step toward citizenship, but critics argue that they deny Rohingya their identity and could make it easier for the government to further repress their rights. More pointedly Lewa has argued that 'deprivation of citizenship has served as a key strategy to justify arbitrary treatment and discriminatory policies against the Rohingya'.¹⁴

The statement of the Chair of the New National Democracy Party in defense of the 1982 Citizenship Law that it 'is intended to protect our race' by not allowing those with mixed blood from making political decisions [for the country], so the law is very important for the preservation of our country¹⁵ manifests the ethno-social prejudice against the community. Within Myanmar, there is a widespread fear that Muslims will demographically replace Buddhists as the largest group. The Myanmar government has effectively institutionalized discrimination against the ethnic group through restrictions on marriage, family planning, employment, education, religious choice, and freedom of movement. For example, Rohingya couples in the northern towns of Maungdaw and Buthidaung are only allowed to have two children. Rohingya must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face, practices that conflict with Muslim customs. To move to a new home or travel outside their townships, Rohingya must gain government approval. Curfews, checkpoints and movement restrictions mean that they cannot gain access to farms, fishing grounds, markets, day labor opportunities or social services.

The Tatmadaw and the Rohingyas

It was estimated in 2003 that, since Myanmar regained its independence from the UK in 1948, successive governments had carried out at least thirteen major armed operations targeting the Rohingya. Each had its own dynamics and was conducted in different circumstances, but they all had several elements in common. In 1975, for example, about fifteen thousand Rohingya fled into neighboring Bangladesh to escape persecution. In 1978, a massive two-stage military operation code-named Naga Min (Dragon King), the stated purpose of which was to screen the population for foreigners and to take action against illegal immigrants, was conducted around Sittwe, Buthidaung, and Maungdaw. More than 200,000 Rohingya fled to Bangladesh as a consequence of the human rights abuses that occurred as part of the 'screening'.¹⁶ Bowing to international pressure, mainly from the UN High Commissioner for Refugees, the Rangoon government reluctantly accepted the repatriation of most of those who had fled. However, the relocation campaigns moved many of the Rohingya that remained in the country further towards the border, concentrating them in the three northern most townships of Rakhine State. Security operations against the Rohingya were also staged in 1989, 1991–92, and again in 2002.¹⁷ After the 1991–92 campaign, nearly a quarter million Rohingya sought refuge across the border¹⁸. Many later returned, but in 2015 there were still about thirty-two thousand registered and two

hundred thousand unregistered Rohingya refugees from Myanmar living in Bangladesh.¹⁹ The sheer scale of the displacement, as a result of military and clearance operations measured as a percentage of the total population, led UN Special Rapporteur Yanghee Lee to conclude that, 'the government may be trying to expel the Rohingya population from the country altogether.'²⁰

The violence was documented in some detail by Human Rights Watch. It wrote, 'The October (2012) attacks were against Rohingya and Kaman Muslim communities and were organized, incited, and committed by local Arakanese political party operatives, the Buddhist monkhood, and ordinary Arakanese, at times directly supported by the state security forces.'²¹ According to Human Rights Watch, 'In many areas, the groups targeted the local mosque first, and then nearby homes, easily flammable structures of bamboo and wood. The burning of entire villages to the ground was a signature tactic of these attacks.'²² Such an event would have impossible without the complicity of the Burmese security forces, who maintain a strong presence in Rakhine state.

Rohingya have always lacked effective political leadership, which made it impossible for them to challenge the laws and policies that progressively stripped them of the few rights they enjoyed. Second, the practices of displacement that erased Rohingya communities from the landscape are neither new nor reducible to outbursts of communal violence between Buddhists and Muslims. State security forces along with the civil administration have always been involved in the spatialized and institutionalized persecution of Rohingya.

Conclusion

The historical antecedents and particular circumstances and happenings were construed selectively and systematically to highlight the ethnic, racial, cultural and linguistic identity of Rohingya to exclude them from the 'national imagination' of the state. The ultra nationalist Buddhist monks have played the - perceived security and demographic threats from Rohingya

within and militant Islam from without - card so well, that there is an overwhelming public support to Theravada Buddhism national identity. Tatmadaw has also reinstated these beliefs and threat perceptions by securitizing the issue. It has relentlessly persecuted the Rohingya, along with the police and civil administration.

This culture of pervasive prejudice prevailing in Myanmar finds manifestation in the legal provisions whereby certain peripheral minorities including Rohingya have been denied basic civil and political rights. This legal – juridical disjunction seal the historical ethnic divide has institutionalized and structuralized the inherent prejudice leveraging the religio – cultural hegemon, the Burman. The systemic violence aimed at depriving the Rohingya of their lands and history and the sense of belonging due to the politicization of the idea of 'national ethnic races' resulted in an untenable situation for them. The newly instated democratic form of government, by its very virtue of the call of the majority, has also been contributed to reinforce this schism. The armed attacks by groups such as ARSA has provided the tangible spur to the already nuanced systemic violence in Myanmar and the Rohingya are caught in a vicious cycle of politicization of ethnic identity, structural violence and securitization.

To prevent further deterioration, the international community should continue pushing the government to allow unfettered United Nations and aid agency access to northern Rakhine. They should press for accountability for crimes committed by the security forces and others. It is also vital to ensure that the government changes conditions in northern Rakhine, to improve the prospects of an eventual refugee return, and more urgently to stabilize the situation of the Rohingya who remain, so as to prevent a further exodus. However it is the change in the perception of the people and the government of Myanmar that will be of utmost importance, if any kind of improvement in the pitiable conditions of Rohingya is desired.

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