The Unwanted People: A Story of One of the World's Most Persecuted Minorities
By Ricky Raymon

Introduction

Not so many people were acquainted with the issue of Rohingya prior to the communal conflict that erupted in 2012. In fact, the conflict has brought the "hidden" issue to the surface, to a new level of visibility particularly among common people. Nevertheless, there is still relatively plenteous unknown patency behind the tragedy that occurred to the Rohingyas, besides a simple fact that it is an ethno-religious conflict between Buddhist majority of Burman and Arakanese against the Muslim minority of Rohingya. The United Nations, indeed, even has regarded the Rohingyas as one of the world's most persecuted minorities[1] and among the world's least wanted.[2]

This paper observes three major issues that are strongly linked and contributed to the creation of predicament for the Rohingyas. Comprehending these three issues are pivotal in order to see and possess thorough understanding about the Rohingyas The first issue covers the problem that related to the legal status of the Rohingyas. Second, the issue that related with the human rights abuse that happened toward the Rohingyas. Third, the issue of Buddhist fundamentalism.

The Birth of The Stateless Rohingya

The statelessness of Rohingya is a product of legal-political process conducted by the Burmese regime ever since the birth of modern Burma. The main driving force behind this policy has been the (political) stance of the Burmese authority that does not consider the Rohingya as a part of its native population (shown by the Panglong Agreement). In fact, the origin of Rohingya is still debatable hitherto. Both sides, the Burmese and the pro-Rohingya, claim to have the most precise argument regarding the origin of Rohingya.

Based on the point of view of Burmese historians, Khin Mau Saw, for example, stated that there had never been the term "Rohingya" before 1950's (when the *Mujahids* changed their name into "Rohingyas") supported by the fact that there was no such name as "Rohingya" in the Census of India 1921 (Burma) compiled by G.G Granthan, I.C.S (Superintendant of Census Operation Burma) or in the Burma Gazetter, Akyab District compiled by R.B Smart.[3]

Aye Chan, a historian from Kanda University of International Studies, shares similarity about the terminology of "Rohingya", in which she believes it came to use not before the 1950's. However, her opinion differs from historian Saw arugued previously. She argued that the educated Bengali residents from the Mayu Frontier Area, northwestern part of Arakan, were

[1] "Burma, Bangladesh leaders 'to discuss Rohingya'."*ABC News* 27 June 2012, retrieved from *http://www.abc.net.au/news/2012-06-26/an-burma-bangladesh-rohingya-talks/4092238* on 10 October 2013.

[2] Mark Dummett, "Bangladesh accused of 'crackdown' on Rohingya refugees", *BBC News* 18 February 2010, retrieved from *http://news.bbc.co.uk/2/hi/8521280.stm* on 10 October 2013.

[3] Uta Gärtner and Jens Lorenz (eds.) (1994), *Tradition and Modernity in Myanmar*, Universitat zu Berlin, Berlin p. 90.

figures behind the inception of the term Rohingya.[4] She asserted that the creators of the term might have been from the second or third generation of Bengali immigrants from Chittagong District in modern Bangladesh; however, it does not mean that there was no Muslim community in Arakan before the state was absorbed into British India.[5]

On the contrary, Arakan historian expert Dr. Jacques P. Leider has different opinion regarding the Rohingya. During the interview with the Irrawaddy, a Burmese news magazine, he stated that:[6]

> "(The term Rohingya) appeared for the first time at the end of the 18th century in the report of an Englishman who went to the Chittagong area, the Rakhine (Arakan) area. His name was Francis Buchanan-Hamilton."

Thus, he questioned the argument stating that the terminology of Rohingya had just started to be used for the first time not before 1950's. Francis Buchanan-Hamilton stated in the article he wrote in 1779 that; "I shall now add three dialects, spoken in the *Burma* Empire, but evidently derived from the language of the *Hindu* nation. The first is that spoken by the *Mohammedans*[7], who have long settled in *Arakan*, and who call themselves *Rooinga*, or natives of *Arakan*."[8]

Imtiaz Ahmed (2010), proposed two theories related to the origin of Rohingya.[9] The first theory argues that the Rohingya is a mix of group of people with many ethnic and racial connections, such as Moorish, Arab, and Persian traders, including Moghul, Turk, Pathan, and Bengali soldiers and migrants, who arrived between the 9th and 15th centuries. Later, they married local women and settled in the region permanently.

Meanwhile, the second theory refers to the argument that the Muslim population of the Rakhine or Arakan was mostly Bengali migrants from the erstwhile East Pakistan and now Bangladesh, with some Indians coming during the British colonial period. The second theory is even supported by the fact that most of the Rohingya populations speak Bengali with a strong "Chittagonian dialect". The Government of Myanmar and the majority of Burman-Buddhist population prefer this theory since it gives justification that the Rohingyas cannot but be but illegal immigrants from Bangladesh. [10]

Notwithstanding with the controversy, regarding whether the

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[4] Aye Chan, "The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma (Myanmar)", in *SOAS Bulletin of Burma Research*, Vol. 3, No. 2, Autumn 2005, p. 397, retrieved from *https://www.soas.ac.uk /sbbr/editions/file64388.pdf* on 31 January 2014.

[5] *Ibid.*

[6] "Interview: History Behind Arakan State Conflict", in *The Irrawaddy* 09 July 2012, retrieved from *http://www.irrawaddy.org/ interview/history-behind-arakan-state-conflict. html* on 29 January 2014.

[7] A terminology that was used in the colonial era to refer the Muslim community or those who follow the teaching of Mohammed.

[8] Francis Buchanan, "A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire", p. 237, in *Asiatick Researches: Transaction of the Society Instituted in Bengal, for Inquiring into the History and Antiquities, the Arts, Sciences, and Literature of Asia Vol. 5th 1801*, London, retrieved from *http://www.scribd. com/doc/99047980/1799-Rohingya-or-Rooinga-Name-in-Fifth-Volume-of-A-Comparative-Vocabulary-of-Some-of-the-Languages-Spoken-in-the-Burma-Empire*, on 15 October 2013.

[9] Imtiaz Ahmed (2010) (ed.), *The Plight of the Stateless Rohingyas: Responses of the State, Society, and the International Community*, University Press Ltd, Dhaka, p. 4.

[10] *Ibid*, p. 5.

terminology and the origin of Rohingya have existed since more than two centuries ago or it was just a recent "invention", the presence of Muslim community in the northwestern part of Arakan has been confirmed even older than the age of modern Burma itself.[11]

The internal political turmoil that happened in Burma following its independence had, indeed, contributed directly to the institutionalization (legalization) of the Rohingya's statelessness. The 1982 Citizenship Law is considered to be the source of the statelessness of Rohingya. Compared to previous laws, the 1982 Citizenship Law is considerably stricter in defining citizenship criteria, thus broadened the scope of *de jure* statelessness to greater part of population. In the previous laws, both of the principles of *jus sanguins* and *jus soli* were used to determine Burmese citizenship. Hence, persons who were not belong to any native ethnic groups of Burma mentioned in the constitution, could still be regarded as Burma citizen as long they could provide proof that their ancestors had lived in Burma prior the British occupation in 1823.

Those who were not able to prove still could apply for naturalization under the Union Citizenship (Election) Act 1948 with one of the requirements was able to speak any indigenous language. On the contrary, the 1982 Burma Citizenship Law, emphasizes heavily on the principle of *jus sanguinis*. The law also established a so-called *kasta* (caste) or hierarchy of citizenship, as what has been explained previously in the first chapter; (1) Full citizens; (2) Associate citizens; and (3) Naturalized citizens.

The main effect of this hierarchy lies on the list of rights linked to each category. The first "class" of the citizenship, indeed, obtains full rights and access of state services, while the other two only receive limited rights, particularly political rights, and access to public service. Burmese government argued the hierarchical system is pivotal for the national interest and security, as as what was stated by U Ne Win, former Burma Socialist Programme Party Chairman:[12]

> "Such being their predicament, we accept them as citizens, say but leniency on humanitarian ground cannot be such as to endanger ourselves. We can leniently give them the right to live in this country and carry on a livelihood in the legitimate way. But we will have to leave them out in matters involving the affairs of the country and the destiny of the State."

The Rohingyas cannot be classified in the first type of citizenship due to their exclusion as one of the Burmese's native groups. Furthermore, their incapability in proving their existence prior the British occupation hinders them from being included to the remaining classes. In fact, the inability to prove their existence since decades or centuries ago were caused not only due to the lack of access to written records and difficulty in accessing government-controlled areas for registration, but also because of the unwillingness of the government officials to register them as

[11] Kei Nemoto (2005), *The Rohingya Issue: A Thorny Obstacle between Burma (Myanmar) and Bangladesh*, p. 8, retrieved from *http://www.burmalibrary.org/docs14/Kei_Nemoto-Rohingya.pdf* on 02 February 2014.

[12] Tang Lay Lee (2005), *Statelessness, Human Rights, and Gender: Irregular Migrant Workers from Burma in Thailand*, Martinus Nijhoff Publishers, Boston, p. 155.

what also happened to other minority groups.[13]

Living Inhumanly in Human World

With the absence of citizenship, the Rohingyas are not only denied to have access to whole range of civil, economic, and social rights, but also oftentimes vulnerable to mistreatments and abuses toward their human security aspect in form of forced labor, restriction on movement and property ownership, forced relocation and displacement (eviction), torture and other physical and sexual abuses, arbitrary taxation and extortion, restriction on marriage, employment, health care, and education.[14]

Notwithstanding with the fact that throughout the (modern) history of Burma other minority groups had also experienced the persecution, the level of persecution, however, is not in the same (degree) as what the Rohingyas have come through for decades. In fact, Burmese authority's policy to remove the right of Rohingya for citizenship through the 1982 Citizenship Law was also significantly supported not only by the Arakan people but also Burmese in general, including some opposition and exile groups.

Some experts regarded the Burmese government guilty not only for transgressing some international laws and conventions (where Myanmar becomes party of them)—such as the Universal Declaration of Human Rights (art. 15 and 2)[15], the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Child (CRC)[16]—but also for committing 'crimes against humanity'.

Professor William Schabas is one of the proponents of this argument. In his report (2010), he described the Rohingyas as the "prima facie victims of the crime against humanity and persecution for decades" that included "the deprivation of fundamental human rights and forced displacement using expulsion and other coercive means."[17] Indeed, from the eleven acts of crimes against humanity mentioned in the Rome Statute, nine have strong relevancy to what happened to the Rohingya people, such as enslavement in form of forcible labor; forcible deportation or transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, or religious grounds; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character intentionally causing great suffering or serious injury.

[13] Zunetta Liddell "Burma: Children's Rights and the Rule of Law", in *Human Rights Watch* Vol. 9 No. 1(C) January 1997, p. 10, accessed from *http://www.hrw.org/sites /default/files/ reports/burma971.pdf* on 03 August 2013.

[14] Equal Rights Trust (ERT) (2010), *Unraveling Anomaly: Detention Discrimination, and the Protection Needs of Stateless Persons*, The Equal Rights Trust (ERT), London, p. 18.

[15] Both articles clearly state "everyone has the right to a nationality" and "a guarantee of the attachment of (all) rights in the Declaration to every individual 'without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

[16] "Defining Myanmar's Rohingya Problem", in *Human Rights Brief 20 No. 3* 2013, p. 19, retrieved from *http://www.wcl.american.edu/ hrbrief/20/3zawacki.pdf* on 19 October 2013.

[17] NUI Galway Irish Centre for Human Rights (2010), *op cit*, p. 137.

The violence that happened in 2012, as well as those in 1978, 1992, 2001, and 2002, obviously indicates the existence of a systemic discrimination (consisted of political, social, and economic system that manifested in law and policy, which is intended to discriminate minority groups in Myanmar, particularly the Rohingyas.

Through the 1982 Citizenship Law, the Rohingya's living condition has been deprived to the lowest level that any human could imagine, and also destroys the very basic foundation of the Rohingyas' right, the right to live in a proper way, 'the right to have rights'. They are unwanted in the land they were born, and they are no longer welcomed in the places they took refuge,[18] as what was testified by two stateless Rohingyas of being unwanted either in Bangladesh or Myanmar;[19]

> "In Burma the military regime tells us we have no rights and no place. In Bangladesh the government tells as we have no rights and no place. We are like a deer between two tigers."

And;[20]

> "I was born in Burma, but the Burmese government says I don't belong there. I grew up in Bangladesh, but the Bangladesh government says that I cannot stay here. As a Rohingya, I feel I am caught between a crocodile and a snake."

As a matter of fact, as what Hannah Arendt have said that since statelessness is seen as an anomaly before the established (local) system or law in a foreign country, stateless persons are oftentimes liable to detainment and jail sentence, even though when they have never committed any crimes.[21]

The Dark side of Burma's Buddhism: Buddhist Fundamentalism

The misery of the Rohingya people is not only limited to the vertical pressure from the Burmese authorities, but also horizontal pressure that comes from their fellow civilians. The communal conflict that erupted in June 2012 vividly shows how (negative) primordial sentiment could convert and spark simple act of crime into a communal and widespread conflict. Buddhist fundamentalism in Myanmar still becomes the prominent factor that impedes the reconciliation and integration of Rohingya people to the Burmese society.

Nevertheless, the question should not only be addressed on how Buddhist fundamentalism shapes the conflict, but more essentially to the factors that drive the rise of Buddhist fundamentalism in Burma. In general, Buddhism is oftentimes regarded as the most pacifist one compared to other (world's biggest) religions, particularly the Abrahamic religions. However, the act of "969 movement" led by prominent former pro-democracy activist monk Wirathu, clearly overrun the assumption of Buddhist pacifism.

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[18] John W. Heffernan (November 2002), *op cit*, p. 17.

[19] UNHCR (March 2007), "Refugee Consultations: Bangladesh", in *Report (UNHCR, Foundation House, Victoria, and Centre for Refugee Research, UNSW)*, p. 9, retrieved from *http://www.unhcr.org/46fa1f0e2.pdf* on 19 August 2013.

[20] Medicins San Frontieres (MSF) (March 2002), *10 Years for the Rohingya Refugees in Bangladesh*, Medicins San Frontieres (MSF) Holland, p. 31, retrieved from *http://www.msf.org/sites/msf.org/files/old-cms/source/downloads/2002/rohingya.doc* on 08 September 2013.

[21] Hannah Arendt (1979), *The Origins of Totalitarianism (A New Edition with Added Prefaces)*, Harcourt Brace & Company, San Diego, p. 331.

There are two propositions that can be utilized to provide comprehensive understanding on the rise of Buddhist fundamentalism in Myanmar, they are: first, the concept of ethno-nationalism. Ethno-nationalism is a term to indicate loyalty both to nation and to ethnic (or religious as also a part of identity) group at the same time, embodied in a particular state (especially when it refers to a "nation-state" type). [22] Though Myanmar possesses heterogeneity within itself, in reality Myanmar politically is still considered as a "nation-state". Why? The history shows that the source of Myanmar nationalism rooted from the anti-colonialist motto of "*Amyo, Batha, Thatana*", which means the *Myanmar-lumyo* or Myanmar ethnicity, *Myanmar-batha-ska* or Myanmar language, and *Myanmar-thatana* of *Buddha-bata* or Buddhism, [23] which later shaped the general perception that "to be Myanmar is to be Buddhist" ("*Buddha-bata Mynamar-lumyo"*).[24]

Based on this perspective, it is not surprising that there was a misconception of building a country post the independence. Burmese authorities preferred to use "nation-building" instead of "state-building". "Nation-building" tends to homogenize and assimilate the diverse elements in a country. On behalf of nationalism and country's unity, authority often does coercive means and those who oppose it are usually regarded as the enemy of the nation. To support and legitimate this forced assimilation, slogans and mottos are created and implanted in the society's mind. The Burmese "nation-building" emphasizes the concept "one religion, one language, and one ethnicity". The change of Burma into Myanmar in 1960s also shows the homogenization policy of the regime.

In fact, there is no significant difference between Burma and Myanmar; the previous was regarded as more informal than the latter one.[25] Both referred and derived from the name of Burmese majority ethnic group, *Bamar*, and being *Bamar* at the same time is also understood as being Buddhist. Thus, the regime's "Myanmarization" policy vividly shows the effort of homogenizing the plural society of Myanmar. For example, during 1960-1962 in order to unify the country against the threat of Communist rebels, U-Nu made Buddhism as the state religion, which of course led to even more ethnic or religious-based rebellions. [26] From the explanation above, it is clearly understandable why majority of Rakhine people or Burmese regard the Rohingyas as aliens in Myanmar, both socially and culturally.

Second, is the external factors. Two critical external factors that affect the rise of Buddhist fundamentalism. Firstly, is the events that contribute the to the creation of negative image of Muslim community, such as the 9/11, bombings in Indonesia, Muslims rebellions in Southern part of the Philippines and Thailand, and also the

[22] Daniele Conversi (ed.) (2004), *op cit*, p. 2.
[23] Lian H. Sakhong, "The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma", in *Burma Center for Ethnic Studies: Peace and Reconciliation, Analysis Paper No. 1* January 2012, p. 2, retrieved from *http://burmaethnicstudies.net/pdf/Analysis%20Paper%20No%201.pdf* on 12 October 2014.
[24] Lian H. Sakhong, *op cit*, p. 2.
[25] "Should it be Burma or Myanmar?", in *BBC News* 26 September 2007, accessed from *http://news.bbc.co.uk/2/hi/7013943.stm*, on 20 January 2012.
[26] Karl Derouen Jr. and U.K. Heo (eds.) (2007), *Civil Wars of the World: Major Conflicts Since World War II Vol. I*, ABC-CLIO Inc., Santa Barbara, p. 531

destruction of Bamiyan Buddhist statue in Afghanistan in 2001. Indeed, the destruction of Bamiyan Buddhist statue considerably amplified the hatred of Buddhist Burmese toward their fellow Muslims.

The last external factor is the situation that happened in Sri Lanka, where Buddhist monks play active role in protecting the Buddhist heritage against the alien influence even if it means using violent means. In Sri Lanka case, "motives" and "intentions" are both two keywords that connect Buddhism and the culture of violence, and they also give clarity on why Buddhism could not refrain the violence.

Inspired by the actions of Sri Lanka monks in protecting Buddhist heritage against alien influence at all cost and with any kind of means, Burmese monks, such as Wirathu, have never felt their actions, such as inciting hatred or even promoting violence, as sin or violation the Buddhist teachings. Instead, they regard their actions as protecting Buddhism in its own homeland. As what Wirathu once said regarding the relation between compassionate (representing Buddhist teachings) and being rational (reality):[27]

> "You can be full of kindness and love, but you cannot sleep next to a mad dog (referring to Muslims)."

He also declared himself as pro-democracy and defender from Muslim aggression as what he said in his interview with PBS on June 2013: [28]

> "Anywhere Muslims are a majority, there is violence, like what happened in Rakhine state. That is why our idea is to control the Muslim population."

Wirathu's point of view was also supported by other monks who supported the religious nationalist movement, for example Shwe Nya War Sayadaw. He described how Myanmar identity is intertwined with Buddhism, as he said: [29]

> "[W]e are just protecting our country from the probability of it becoming an Islamic state; we have seen this happening before in political history."

Anxiety and fear that the Muslims will annihilate and exterminate the Burmese race and nation are the two main factors resulting the public acceptance of using violent means against the Muslims, particularly the Rohingyas. Combined with the regional and international events, the hatred toward the Muslim community increases rapidly and significantly within the Burmese society. Some interviews with the locals in the Rangoon revealed that even in the capital there are still many Burmese who are scared with the Muslims, as what they said; "People are fearful of the Muslim community. We don't want our country to be taken over by Muslims. This is a Buddhist society."[30]

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[27] Daya Gamage, "Myanmar Buddhist radicalism inspired by Sri Lanka Buddhist activism", in the Asian Tribune 25 June 2013, retrieved from *http://www.asiantribune.com/ node/62940*, on 20 January 2014

[28] "Myanmar's Democracy Transition Marred by Anti-Muslim Rhetoric and Violence", in *PBS News Hour* 18 June 2013, accessed from *http://www.pbs.org/newshour/bb/asia/jan-june 13/myanmar_06-18.html*, on 10 October 2013.

[29] Lynn Kuok, "Promoting Peace in Myanmar: U.S. Interest and Role", in *A Report of the CSIS Sumitro Chair for Southeast Asia Studies May 2014* Center for Strategic & International Studies (CSIS), p. 13-14, retrieved from *http://csis.org/files/publication/140428_Kuok_P eaceMyanmar _Web.pdf*, on 05 June 2014.

[30] Kaye Lin, "Blacklisted Journalist Bertil Lintner Returns to Burma After Nearly 30 Years", in *the Huffington Post*, 20 June 2013, accessed from *http://www.huffingtonpost.com/ burma-journal/blacklisted-journalist be_b_3469 613.html*, on 15 November 2013.

Nonetheless, not all the Buddhist monks agreed to what Wirathu perceived and taught about intolerance and religious nationalism. Many other prominent monks believed that Wirathu's ways of defending religion are inconsistent and even antithetical to Buddhist teachings.[31] Nevertheless, what makes the hatred and conflict prolonged is not about the (small) number of monks that opposed the Wiratu's sermon, but it is about their reluctance to oppose or just criticizing publicly the hatred dissemination perpetrated by the controversial monk.

In general, there are two reasons that can be used to understand this reluctance; (1) the belief that criticizing other fellow monks is taboo, particularly criticizing monks that come from other sects; and (2) the belief that monks should follow a practice of disengagement from worldly affairs.[32] Whatever the reason is, the reluctance of fellow monks to stop Wirathu from preaching hatred resulted to the continuation of conflict and more segregation within the Burmese society.

The violence that happened to the Rohingya people may not be as big as to what happened in Rwanda (genocide) yet. However, there is a strong indication and tendency that if the conflict and hatred are prolonged it may escalate the degree of the conflict to the scale of ethnic cleansing. During the Rwanda genocide in 1994, prior to the extermination, the Tutsi were regarded as "cockroaches"; meanwhile in Burma, the Muslim are regarded as similar to the "invasive African catfish" or to "mad dogs".[33]

Conclusion

In conclusion, there are three chief factors that affect directly the plight of Rohingya, they are: the status of statelessness, the human rights abuse as the result of the absence of nationality, and the rise of Buddhist fundamentalism that leads to the amplification of the degree of the persecution against the Rohingya.

[31] International Crisis Group (ICG), "The Dark Side of Transition: Violence Against Muslim in Myanmar", in *Asia Report (251)* 1 October 2013, International Crisis Group (ICG), p. 18, accessed from *http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/251the-dark-side-of-transition-violence-againstmuslims-in-myanmar* on 27 December 2013.

[32] *Ibid*.

[33] Max Fisher, "'I am proud to be called a radical Buddhist': More Burmese embracing anti-Muslim violence", in *The Washington Post* 21 June 2013, *http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/21/i-am-proud-to-be-called-a-radical-buddhist-more-burmese-buddhists-embracing-anti-muslim-violence/* accessed on 22 November 2013.