

# Stateless and hopeless

The Rohingya are a people under attack in their place of birth. India wants to deport them, a marked departure in its response towards asylum seekers.

Foreign Policy

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Myanmar's historically intriguing Rohingya question is one of the most misunderstood and ill-informed international crises of our time. So much ignorance is attached to the subject that the world is blind even to the precise headcount of Rohingyas. From the first ever census in 1872 to the latest in 2014 there is no record of the Rohingya numbers.

W. W. Hunter, the census commissioner of 1872 noted that a total of 64,315 Muhammadans—not Rohingya—were living in Arakan (now Rakhine state). In 1931, the last combined census of British-held India and Burma, J. J. Bennison, superintendent of census operations for Burma, reported that the total Muslim population was 584,839. No census ever used the word Rohingya. Therefore, the numbers, from one million to three million Rohingya Muslims, as claimed by various agencies and media houses are imaginary or based on hearsay.

Even the origin of the pervasive but unverified phrase “ethnic Rohingyas are among the most persecuted minority groups in the world” ascribed to the United Nations, is shrouded in mystery. There is no record available that has ever linked the statement to any of the UN organs, therefore making it a propagandist's tool to influence world opinion.

***Enmity between followers of Theravada Buddhism and the Rohingya Muslims stems from the latter's alleged treachery, betrayal and secessionist behaviour in Burma's freedom struggle.***

The world woke up to the Rohingya crisis in 2012 although tensions have been present since the 1940s. Competitive literature on this subject, which has been produced on an industrial scale, focuses mostly on lobbying for one or the other side. At the root of it are two contrasting stakeholders: the powerful and uncompromising Myanmar military; and the professional champions of human rights and zealous advocates of Rohingya Muslims. Both sides fight fiercely for their ideas.

The enmity between followers of Theravada Buddhism and the Rohingya Muslims stems from the latter's alleged treachery, betrayal and secessionist behaviour in Burma's freedom struggle in the early 20th century. Rohingyas are believed to have sided with the British imperial authority, a view that still dominates the Burmese nationalist psychology and influences its Rohingya policy. As a result, the Buddhists of Rakhine province have been pitted against the Rohingyas for two generations, with devastating consequences.

The name Rohingya, which is wrongly used to describe Myanmar's Muslims, is one of the most contested terminologies in ethno-historical literature. Researchers trace the origin of the word to Arabic “*raham*”, roughly compassion. Some even

argue that since Muslims migrated from the *roh* (hill) in Afghanistan, they are called Rohingya. Others claim the name is drawn from Mrohaung or the old city, the ancient capital of the Rakhine kingdom.

Refuting the contention of Rohingya scholars, Bamar Buddhist historians from the dominant ethnic group assert that the term is a post-1950 construct. They further emphasise that the Rohingya are Bengali Muslim migrants who migrated during colonial rule and settled in the Rakhine region. The Bamar are Myanmar's dominant ethnic group, primarily concentrated around the Irawaddy river basin.

The earliest use of the term Rohingya was by Francis Buchanan in 1799 in “*A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire*” published in the Asiatic Researches of the Asiatic Society of Bengal from London. Buchanan says a dialect was derived from Hindi and “is that spoken by the Mohammadans who have long settled in Arakan and who call themselves Rooinga, or natives of Arakan”. Buchanan further explained that “some Brahmin informants from Rakhing call themselves as Rossawn”, another auxiliary of the word Rohingya. Published from London the *Classical Journal* in its 1811 issue titled “Numbers in 200 Tongues”, included “Rooinga” as one of the languages of Burma. J. S. Vateri in his 1815 German compendium of languages *Linguarum Totius Orbis Index*, mentioned “Ruinga” as one of the languages prevailing in Burma.

Therefore, it can safely be said that Rohingya was a linguistic term that had nothing to do with ethnicity or religion. The language was spoken by Hindus, Buddhists and Muslims in the Rakhine region for centuries. That is why successive British census reports starting from 1872 did not mention the term Rohingya as an ethnic group. Gradually, it may have become a term to refer to the Hindus and Muslim Bengalis of Rakhine region living as traders or war captives resettled in the Kaladan River Valley. Even today, a number of refugees taking shelter at Cox's Bazar's “Temporary Refugees camp of Hindu Refugees from Myanmar” in Bangladesh, call themselves Hindu Rohingya.

As a point of fact the Rohingya are overwhelmingly Sunni Muslims. Their language is also of Indo-Aryan stock, heavily inclined towards Bengali spoken in and around Chittagong in Bangladesh. Rohingya Muslims trace their origin to Arab sailors who travelled to the port cities of Arakan province and settled there from the 7th century onwards. From the 13th century, when the Muslim rulers of the Delhi Sultanate expanded their rule up to Bengal, the Muslims of Arakan started asserting themselves in the province and drew attention.

For the centuries of Muslim rule in India, the Arakan Mountains were a natural frontier between Buddhism and Islam. The Arakan region is a theatre for two major religions, Theravada Buddhism, also known as the “doctrine of the elders”, and Islam. The region had significant numbers of Buddhists and Muslims. For centuries they lived side by side adhering to the principle of “sometimes conflict sometimes cooperation”.

Relations among the various ethnic groups changed when the Raj set its eyes on Myanmar. Through the three Anglo-Burmese Wars fought in 1824-26, 1852 and 1885, the British achieved total conquest. After the third battle in 1885, which ended Burmese rule, the British adopted the time-tested policy of divide and rule. Burmese, who constituted 70 per cent of the population, were purposely excluded from government services while minority groups like the Rohingya, Chin, Kachin and Karen got favoured treatment.

The British policy benefited imperial ambitions but created a permanent rift, especially between the Rohingya Muslims and other indigenous ethnic groups. The Rohingya Muslims accepted the colonial embrace. By the time the Burmese arrived at the final stage of their independence struggle in the late 1930s, Rohingya Muslims had completely dissociated themselves from nationalist aspirations and turned to the British instead. They were trapped in a vice from which there was no escape.

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When Aung San, unchallenged hero of the Burmese independence struggle (father of Aung San Su Ki), contacted the Japanese during World War II in 1939 for help to dislodge the British, the Rohingya sided with the British and fought in the British army.

They formed a special unit known as “Voluntary Force or V-Force”, developed as the backbone of British resistance against the Burmese-Japanese coalition. The Burmese, under Aung San and 29 fellow countrymen, were trained by the Japanese and formed the Burma Independence Army (BIA) to press the British for concessions. But “V-Force” proved a handy tool of colonial power and turned its guns inward, killing many Buddhists and destroying monasteries and pagodas, burning Buddhist villages in Rakhine. It also carried out an ethnic cleansing of non-Muslims in Rakhine. Thus V-Force sowed the wind and its descendants are reaping the whirlwind.

When the Burmese were fighting for independence, the Rohingya were busy negotiating their own independence. They demanded a National Muslim Area, a kind of Islamic state within the Arakan area mostly comprised of the Mungdaw and Budhidaung regions. The wily British led them on but there is no official document to support the British commitment to the cause.

When the Japanese occupied Burma they refused to cede independence to the BIA, which infuriated its fighters. They started negotiations with the British and by 1945, with Burmese support, the British recaptured Burma. This was catastrophic for the Rohingya as the British reneged on their oral promise of a separate Muslim

land in Rakhine. The exercise exposed Rohingya intentions to the Burmese and other ethnic groups. Distrust of the Rohingya consequently became a cornerstone of government policy.

Nevertheless, the Rohingya persisted with attempts to create a Muslim autonomous region. In a final throw of the dice, the Jamiat-ul-Ulema-e-Islam, a fundamentalist organisation, campaigned for the amalgamation of Maungdaw and Buthidaung regions with East Pakistan. The unsuccessful campaign further inflamed ethnic feelings. Undeterred, a section of Rohingya Muslims adopted militant means to press for separation.

After independence in 1948, the Burmese army resolved to crush the Rohingya-led “holy war”. It was achieved in 1958 with large number of insurgents either killed or surrendering to the army. Distrust of the Rohingya cast a shadow on Burmese army policy when General Ne Win led a coup d’état in 1962.

As a result the military junta felt justified in suppressing the community for decades. A new narrative was constructed by Buddhist nationalists and a faction of Marxist followers categorising Rohingya Muslims as illegal migrants, outsiders who migrated from Bengal during colonial rule.

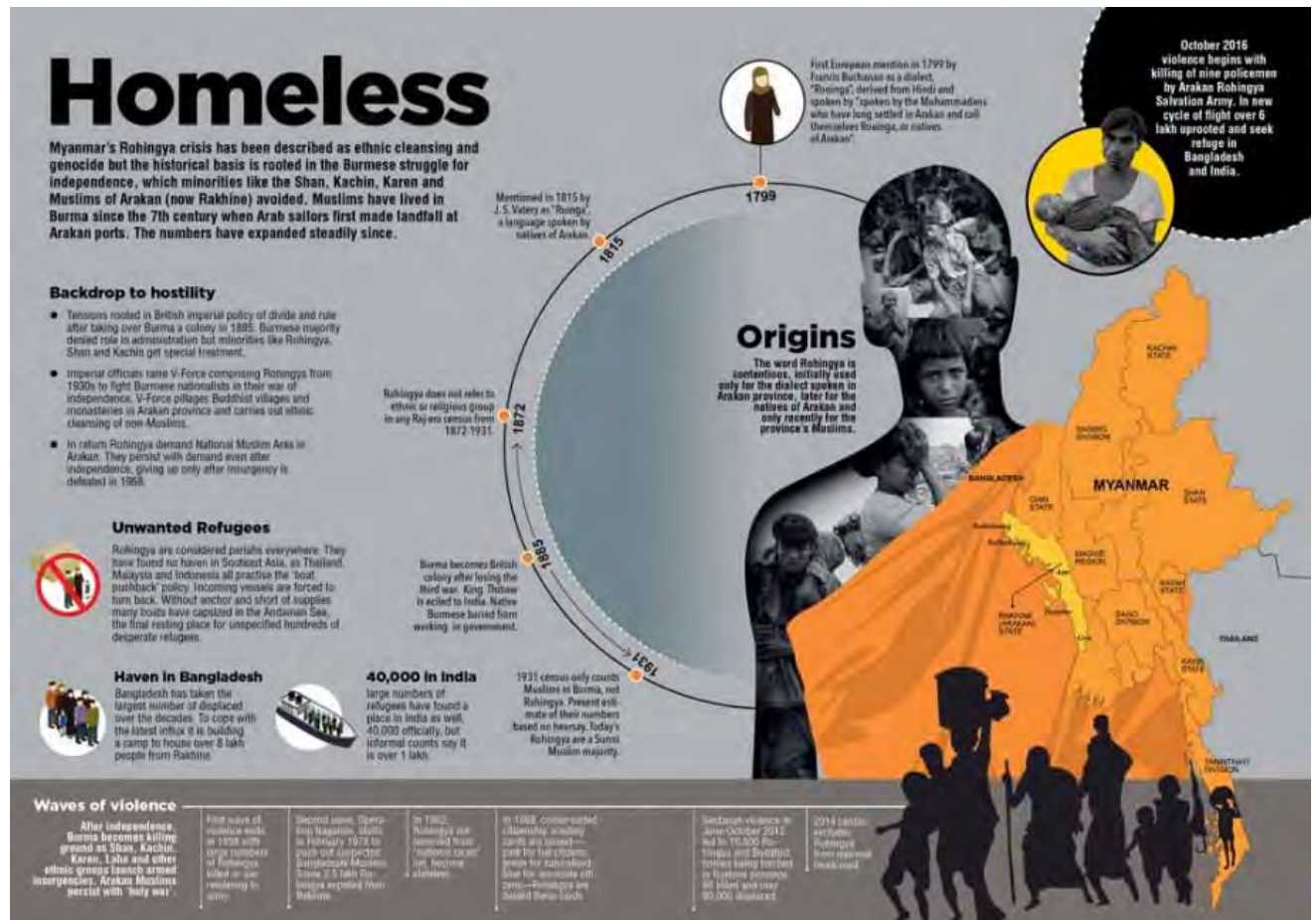
Another significant fact about Myanmar is that it is the scene of several civil wars since independence. The Shan, Lahu, Karen and pro-Christian Kachin continue to fight Burmese rule. Right now, the Kachin Independence Army is pitted against the government; Rohingya Muslims are fighting other ethnic groups and the government; Karen fighters are waging the world’s “longest running civil war” against the government, and a conflict between the government and Karen, Lahu and Shan minority groups continues in eastern part of the country.

At the heart of these civil wars is the dominance of ethnic Bamar Buddhists, who live in the central valley and constitute nearly 70 per cent of the population. Of all the conflicts the problem of the Rohingya is the most complex because they are officially treated by the state as illegal occupants.

The military operation of 1958 is not the only one. The second state operation against the Rohingya, “Operation Nagamin”, began in February 1978. The army suspected that after the creation of Bangladesh in 1971 large number of Bangladeshi migrants had crossed over and must be pushed back. As many as 250,000 Rohingya were forced into Bangladesh.

In an effort to disable Rohingya rights permanently, the junta introduced a citizenship law in 1982 based on *jus sanguinis* (right of blood, a principle by which citizenship is not determined by place of birth but by having one or both parents who are citizens of the state) that removed the Rohingya from the citizens list. Under the new law only 135 “national races”, settled before the first Anglo-Burmese war in 1823, were eligible to citizenship. The official denial of Rohingya Muslims as one of the “national races” rendered them stateless.

In 1989, when the junta issued colour-coded citizenship scrutiny cards—pink for full citizens, green for naturalised citizens and blue for associate citizens—the Rohingya were denied these cards. After vehement protests and advocacy by the United Nations High Commission for Refugee (UNHCR), the government issued a white temporary registration card under the Residents of Burma Registration Act 1949. It cannot be considered a citizenship card.



There have been many waves of migration since the delisting in 1982. During the 2014 national census, the first ever in 31 years, Rohingya Muslims were excluded from the official headcount. Therefore, it is difficult to get the exact number of Rohingyas in Myanmar.

The Rohingya are treated as pariahs everywhere. As the immediate neighbour of Rakhine province Bangladesh has the highest number of Rohingya expatriates. But it too treats them as illegitimate and unwanted. During Prime Minister Sheikh Hasina's three-day official visit to Myanmar on December 5, 2011, the repatriation of Rohingya refugees was top of her agenda. Hasina pressed for the repatriation of 28,000 registered Rohingya refugees, but Bangladeshi media highlighted how nearly 300,000 unregistered Rohingyas lived outside refugee camps.

Southeast Asian countries like Indonesia, Malaysia and Thailand have tried to keep the problem at arm's length. They even adopted the fearsome "boat push-back policy" resulting in thousands of incoming Rohingya returning to the perilous

womb of the Andaman Sea. India is the only other country where the Rohingya think they may be safe.

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efore the Buddha, 700 years before Christ and 1,300 years before Prophet Muhammad, the sage and lawgiver Yagnavalkya is reported to have said: “It is not our hermitage, our religion, still less the colour of our skin, that produce virtue; virtue must be practised. Therefore, let no one do to others what he would not have done to himself.”

The issue of refugees is a subject that requires empathetic and valid application of the codified law of the land. According to the United Nations, of the world’s 65.6 million migrant population, 22.5 million are refugees and 10 million stateless. It is but natural that these last must look for shelter in one or other country.

India’s tryst with the Rohingya has happened in strange circumstances. Even before the present cycle of violence, which started in May 2012, a number of refugees reached Delhi and other parts of India. Two refugees, Jaffar Ullah and Abdui Kuddos, who reside in Mewat, Haryana and Okhla, Delhi, approached the Supreme Court in 2013. Both mentioned in their petition that they reached their respective places in February 2011 and December 2011 along with other 150 families for whom they filed the petition. The petitioners sought the court’s indulgence to grant Rohingya refugees “health care, registration of pregnant women, vaccinations, nutrition for infants, pediatric physician and enrolment in nearby public schools as per the Right to Education Act (2009)”.

The matter never got the attention of the court, but in August 2017 when another refugee Muhammad Salimullah along with many others petitioned the Supreme Court, it received national attention. The petitioners sought the court’s direction in repudiating the circular issued by the Minister of State on August 8, 2017, which directed all states to “deport about 40,000 Rohingya refugees residing in different parts of India”. The unofficial figures say it is over 1,00,000. The petitioners stated that if they were deported their lives would be “in grave danger and in jeopardy” because “if summarily deported to Myanmar they will be subjected to torture and even death”.

***In successive waves of violence in June and October 2012, nearly 7,000 Rohingya homes and 3,500 Buddhist homes were destroyed.***

The argument in the Supreme Court by public spirited libertarian lawyers for the petitioners and committed as well as proclaimed guardians of law for the

respondents made a media spectacle. It became so toxic that seasoned senior lawyers hurled personal abuse and invoked events from their personal lives to prove their points. The issue of 40,000 Rohingya refugees became a life and death matter for a nation of 125 crore people. The court opined orally that the issue is a “problem of big magnitude” and the state cannot wash its hand of its responsibility. It said “the hearing is likely to take some time” and refused to pass any order. The court was open to the argument that national security cannot be secondary to humanitarian considerations.

The states of Manipur, Mizoram, Nagaland and Arunachal Pradesh share a 1,643-kilometre border with Myanmar but not with troubled Rakhine province. Therefore, few Rohingya reached India through the Myanmar-India border. Most prefer to enter India either by crossing the entire stretch of Bangladesh or by a perilous boat ride through the Bay of Bengal. Rakhine shares a 270-kilometre boundary with the Chittagong and Cox’s Bazar districts of Bangladesh along the Naff River, considered the base districts to receive and host Rohingyas refugees.

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he present cycle of violence began in 2012. On the evening of May 28, 2012, three Muslim youths allegedly raped and killed a Rakhine woman. On June 3, Rakhine Buddhists retaliated and killed 10 Rohingya. Independent verification of any or all of these claims is almost impossible as Rakhine is out of bounds to outsiders and the media. But the available statistics show that in successive waves of violence in June and October 2012, nearly 7,000 Rohingya homes and 3,500 Buddhist homes were destroyed. The New York-based Human Rights Watch Report of 2013 titled “Ethnic Cleansing of Rohingya Muslims: Unpunished Crime Against Humanity” accused the security forces of violence against the Rohingya. But the government denied the accusation and an in-depth International Crisis Group study found that both the Rohingya and Buddhist communities were grateful for the protection provided by the military.

After four years of a fragile peace, in October 2016 violence again broke out when the Arakan Rohingya Salvation Army (ARSA), a militant organisation, allegedly organised coordinated attacks on several police posts in Rakhine state, killing nine police personnel. ARSA was formed after the 2012 riots with one explicit motive, to “liberate Rohingya people from dehumanised oppression perpetrated by all successive Burmese regimes”.

Its leader Ata Ullah was born in a refugee camp in Karachi, Pakistan, and attained adulthood in the Islamic holy town of Mecca. It is alleged that ARSA has a network of international supporters and, according to International Crisis Group, is



supported by Pakistani, Saudi Arabian and Afghan individuals to resist the Myanmar government.

The army has responded with a large-scale crackdown on the militants in an operation that looks like ethnic cleansing, with reports in the global media of rape, arson, killings of innocents and loot by the army and Buddhists. The government says international criticism is an exaggeration of what is happening on the ground. The violence, which started at Muadaung spread across Rakhine, forcing 4,80,000 Rohingya to flee to Bangladesh and lakhs of others to countries like India, Indonesia, Malaysia and Thailand.

A refugee is someone who has fled home and does not have a new home. Often refugees do not carry any possessions and do not have a clear idea of where they will finally settle. The UN in 1951 enacted the Convention on the Status of Refugees to safeguard the lives and interests of displaced people. This convention is the most important legal-moral framework for the world to adhere and offer humanitarian relief to the unfortunate refugees.

India is not a signatory to the convention, or its 1967 Protocol. The refusal to sign the 1951 convention stems from India's belief that it was a western tool to subdue communist countries and only intended to protect European refugees after the Second World War. At the outset, the provisions were clearly aimed at protecting European refugees. Only the 1967 protocol made the provision universal and the UNHCR a world body. India also refused to accept the western definition of a refugee as it does not include the role of contributors responsible for the crisis.

The government of India decides asylum pleas on an ad hoc basis. Asylum-seekers whose plea is cleared are given a long-term visa (LTV) to be renewed annually. It gives them the right to work in the private sector and access to education and banking. In practice the country has opened its doors to refugees no matter what the legal and institutional framework. Muslims and Chakma from Bangladesh, Buddhists from Tibet, Afghans and ethnic Tamils from Sri Lanka have all found sanctuary in India. About 1,00,000 Tibetans have got asylum. Tamil refugees, mostly in Tamil Nadu, numbering about 1,00,000 get state aid. In September 2016, the Narendra Modi government allowed Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan to buy property, obtain driving licences, receive PAN card and Aadhaar cards, etc.

The one exception is the decision to deport Rohingya refugees. The minister of state for home affairs Kiren Rijiju says India wants to deport all illegal immigrants, even those with UNHCR papers, because they are susceptible to recruitment by terror groups. They “not only infringe on rights of Indian citizens but also pose grave security challenges”. The charge against the Rohingya includes the possibility that their “influx may also lead to social, political and cultural problems” and deportation is intended to “ensure the demographic pattern of India is not disturbed”.

India's ethos rests on the scriptural maxim "*Atithi Devo Bhava*", (the guest is God). This tradition is so strong that guests, even if sworn enemies, are given protection and cannot be harmed during their stay. "*Tithi*" in Sanskrit means a calendar date. "A-tithi" means what does not have any date. In ancient times if anyone wanted to visit or meet his near and dear ones, there was no way he could communicate his arrival. So like the present Rohingya immigrants, in olden days the guest went without providing any information and therefore in course of time guest came to be called "*athithi*" one who does not have any fixed time of arrival.

***India is home to 20 million illegal Bangladeshis, in addition to the 3.2 million displaced persons who settled here after the 1971 war.***

Such is the Indian tradition that even invaders were treated with the same warmth, though they responded by becoming rulers of the country. Perhaps it is no coincidence that India until recently was a tolerant society rather than reactive. Iranians, Greeks, Romans, Dutch, Syrians, Turkis or Turks (before Islam), early Christians, Jews, Zoroastrians all came, made a difference, and were absorbed. "India is infinitely absorbent like the ocean," said Edward Dodwell, the Irish archaeologist and writer. The Hindu, Buddhist, Sikh and Jain religions are based on tolerance and mutual agreement.

It is amazing to think about the astonishing inclusive capacity of India, which absorbs foreign races and cultures without major conflict. The Muslims when they came were powerfully affected by their environment. "The foreigners (Muslim Turks) like their forerunners the Sakas and the Yueh-chi, universally yielded to the wonderful assimilative power of Hinduism, and rapidly became Hinduised." (Jawaharlal Nehru, *The Discovery of India*).

As of 2016, India is home to 20 million illegal Bangladeshi immigrants, almost equal to the population of Australia. This is in addition to the 3.2 million displaced persons from Bangladesh who legally settled after the 1971 Indo-Pak war. They were part of the 10 million who fled their land to escape the Pakistani army's brutal crackdown. Only 6.8 million returned when normalcy returned to Bangladesh.

Although India is not a signatory to the conventions on refugees it is a signatory to a number of United Nations and World Conventions on Human Rights, refugee issues and related matters. India has also voted to adopt the Universal Declaration of Human Rights, which affirms rights for all persons, citizens and non-citizens alike.

Its record in protecting refugees is exemplary. During the 1971 crisis, the government set up relief camps for seven million while over three million were supported by host families. But the country doesn't have a formal definition of refugees who are largely dealt with by the Registration of Foreigners Act 1939,

Foreigners Act 1946 and Passport Act 1967. The Constitution provides the right to equality before law and right to personal liberty to everyone living in India.

Against this background, the government's prime facie opposition to the Rohingya is based on the fact that the "more than 40,000 Rohingya have illegally entered using porous border between India and Myanmar and there is serious national security threat/concern". The government affidavit is based on the fact that Article 19 is exclusive to citizens of India and no illegal immigrant can pray for a writ of the apex court which directly or indirectly confers fundamental rights in general.

The more specific argument, however, is the presence of some 10,000 undocumented Rohingya in the Jammu. Their presence in an area close to Pakistan has raised fears of their future involvement in anti-national activities. It is said that "security agencies had information about unauthorised Rohingya immigrants' contact with Pakistani terror groups". Media reports also suggest that the Bangladesh government has given New Delhi information about the Lashkar-e-Taiba's setting up of an outfit, Difa-e-Musalman Arakan, in the strife torn province to indoctrinate the Rohingya into jihad.

The Bodh Gaya serial blasts of 2013 were the work of the banned Indian group SIMI, but it was claimed that they were "to avenge the atrocities on Rohingya Muslims by Buddhists in Myanmar".

The ARSA is in arms against the government in Myanmar, though it is currently observing a ceasefire. Funding for ARSA and other Rohingya groups comes from Saudi Arabia, while weapons are apparently sourced from Thailand. India fears that once the Rohingya settle in India, a section of them may work for the insurgents who are pawns in the hands of foreign intelligence agencies. There is a further fear, that being the cradle of Buddhism, India would be a target of radicalised Rohingya in future. Also, there are worries about local resentments over the resources being absorbed by the illegal Rohingya.

The petitioners and supporters of Rohingya refugees have portrayed them as victims of unfortunate circumstances who deserve more generous consideration. The government stresses the Rohingya "criminal behaviour in their host society" and "possible future radicalisation" as reasons to refuse entry. Given the legal infrastructure the issue favours the government argument, but the moral factor may still keep India from adopting an inhuman but legally correct position.

The world, especially India, knows only too well the catastrophe of terrorism. That is the reason political leaders and courts across the globe want secure borders and the expulsion of illegal occupants—irrespective of the humanitarian fallout. The Supreme Court of the United States upheld President Donald Trump's travel ban on citizens of six Muslim countries. European governments are closing their doors to immigrants although a sizeable number still sneak in. Pakistan is in the midst of deportating five million Afghans; and Germany, which accepted nearly a million

refugees from the Middle East is now funding Turkey to arrest the inflow of refugees.

The Rohingya issue is a conundrum hard to solve. Perhaps that was why Nobel peace laureate and Myanmar State Counsellor Aung San Suu Kyi preferred a resolute silence until September 19, 2017. On that day Suu Kyi informed the world that Myanmar was not afraid of international scrutiny and “those who have had to flee their homes are many—not just Muslims and Rakhines, but also small minority groups such as the Daing-net, Mro [Kamee], Thet, Mramagyi and Hindus, of whose presence most of the world is totally unaware”. She clarified that “there has been a call for the repatriation of refugees who have fled Myanmar to Bangladesh. We are prepared to start the verification process at any time.” The government’s Rohingya Ethnic Cleansing Inquiry Commission has denied the charges of ethnic cleansing.

There is no doubt that conditions for Muslims in Rakhine and those who fled to India or Bangladesh are a mix of unimaginable tragedy and hopelessness. Insurgent groups like the Arakan Liberation Army, Arakan Rohingya National Organisation, Rohingya National Council, Arakan Rohingya Islamic Front and Arakan Rohingya Salvation Army are worsening the refugee crisis. The deportation debate is thus part of the global cliché, which is security centric. The other factor is the government’s alleged dislike of Muslim migrants.

India’s policy dilemma and the terrible conditions of the Rohingya in India are running a parallel course. The policy options before India and the world are few. Even if it agrees to host a few thousand refugees, it does not resolve the Rohingya crisis. So while India should offer temporary humanitarian relief to the Rohingya, the leadership must initiate a tripartite India-Myanmar-Bangladesh conversation to find a durable solution. Rohingya statelessness is at the core of the issue. Unless that is resolved, the crisis will not end no matter what policy India adopts.

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