Republic of The Union of Myanmar's Actions on Handling The Rohingya

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Abstract

National interest has a big impact to the implementation of some particular actions of a nation state. A nation state might jeopardize another very important aspect of the existence of humankind, such as the human rights. The government of Myanmar has not been able to solve the case of one of the most prosecuted group of people, which is the Rohingya. Arguing on behalf of the lack of citizenship of the Rohingya until to the inability of the government which caused a more severe situation. Somehow, within this implementation of action, there are also a massive human right abuses and the actions of ethnic cleansing are detected. Whether the Rohingya is justified as a citizen or not, it is still wrong for the government of Myanmar to not pay attention to the human right abuses.

1. Introduction

Forced migration which produced refugee is a problem of humanitarian condition that is usual in the eyes of common society. The forced movement nowadays is not caused by the government any more, the unstable conditions of a country also could be a factor of a group of people to move out from their home country. A lot of aspects are being harmed under this condition of migration crisis, such as starvation, sanitary and health issue, absence of educational system for the youth, and human right abuses to the very far extent of example.

The world has been facing refugee crisis since a long time ago, yet somehow the problem cannot be tackled-down even up until right now. This is because the actions and policies that applied by both the world as a whole and by the encountering state are not suitable or even cause another new problem instead. The reason on why the problematic country cannot handle this refugee crisis is due to the sovereign government that is not capable in handling the issues of placement, funding, development, and protection.

Narrowing the focus on to refugee crisis in South East Asia region, Indonesia, Thailand, Philippines, Malaysia, Bangladesh, and Myanmar are facing a massive increasing flow of refugee, especially for Bangladesh and Myanmar. Rohingya, a group of refugees which is seeking for home yet they are being rejected by Bangladesh and Myanmar, under the reason of incapability of both countries.

The process of handling the Rohingya have impounded public attention, because the actions of human right abuses are found to be experienced by the group, such as sexual harassment, killing, and another physical abuses. This group of people is lacking the attention not only from the surrounding countries, but also from the international assembly.[1] The government of Myanmar should not have done this action to handle the group under any possible reasons, but analyzing the reasons behind Myanmar's established such actions and policies that produced the actions of human right abuses, there are a big possibilities of the government is trying to achieve their national interest.

2. Framework

The paper will be using the micro level theory, because the case of Rohingya in Myanmar is all about soft power, misconception, law, religion and culture, all of these are in the field of micro level theory. The case of Rohingya started by the separation of people based on their religion and culture also political view. And then it is found that there is no unity on understanding the law of citizenship, either because of the renewed regulation, or because of the veiled aim of the government. Particular person, Aung San Suu Kyi is also becoming one of the variable that will be analyzed due to his silence of the Rohingya's case settlement. As can be seen, these subjects are the roots of themselves which brought us to the bigger problem. Therefore, all of these subjects have to be investigated one by one and compiled, which is within the scope of micro level theory.

[1] Kevin Poniah, "Who will help Myanmar's Rohingya?" *BBC News*, January 10, 2017, accessed on May 1, 2017, http://www.bbc.com/news/world-asia-38168917

3. Literature review

The Rohingya have been thrown away from some countries which they were seeking for place to live on, including Indonesia, Thailand, Philippines, Malaysia, Bangladesh, and Myanmar. The responses given by each country were diverse, begins by accepting some of them to some extent of action of receiving, until to some various actions of violence. As UNHCR had hold an interview with the Rohingya, the result had proven that the Rohingya did experienced human rights abuses.[2] The Burma's government took such action of rejection of the Rohingya was because the Rohingya do not have the citizenship of Burma. But the action did not stop there, Burma's government would take insolent action to reject the coming back of the Rohingya, including brutality of human rights abuses.[3]

Regarding the violation of human rights which impinged the Rohingya, the ethnic group did not want to come back to their so called former home, Myanmar, then this group went to Bangladesh, again, with the purpose to seek for a place to live. Hence, the group caused a massive influx of refugees for Bangladesh. Actions of repatriation had also been taken to alleviate the influx of the refugee. After gone through bargaining with Bangladeshi government, the Myanmar and Bangladesh has eventually agreed on August 23rd, 1992, under the case of the repatriation of the Rohingya to Myanmar from Bangladesh.[4]

The fact that Rohingya consisted of people from different ages, going to a country and another back and forth was not a proper activity to do, especially for some youth and elder. Hundreds even thousands of Rohingya died on the way of their migration (or illegal migration), the major causes were the lack of food and get sunk under the sea. The rejecting countries made it hard for Rohinya to, at least, anchor by the bay at one of the countries. Also, saying that even though they have stopped or anchored on one of the bay, they were not given any food, because the anchored country did not want them to feel provided with any needs and had the feeling to stay (beside of being rapped).

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[2] Eileen Pittaway, *Protracted Displacement in Asia: No Place to Call Home* (New York: Routledge, 2016), 85.
[3] Ibid., 87.
[4] K.C. Saha, "Learning from Rohingya Refugee Repatration," *Learning from Rohingya Refugee Repatriation to Myanmar*, accessed March 18, 2017.
https://refuge.journals.yorku.ca/index.php/refuge/article/viewFile/21203/19874

As a unique country in term of ethnicity, Myanmar should have had tolerance regarding the taken action toward the Rohingya. State Law and Order Restoration Council (SLORC) said that Myanmar would act as how it is expected not to violate the human rights, as SLORC once stated:

Myanmar is well-known for its unique culture, the hall-marks of which are tolerance and compassion. This cultural environment underpins respect for human rights. These rights are guaranteed not only by law but are encouraged and practiced as a matter of tradition. There is no discrimination in Myanmar whatsoever on grounds of race, religion or sex.[5]

Some researchers say that Rohingya is an ethnic group, but the other some argued that it is a political group. Base on the research for this paper, the writer found that Rohingya is in the middle of both ethnic and political group. Rohingya was actually come from the Arkanese. Arkanese is divided into two kinds based on the religion. Arkanese Buddhist and Arkanese Muslim, the Arkanese Muslim then under the cause of political purpose while at the era of colonization became what called as the Rohingya, which sought refuge in a newer identity.[6]

Hence, the debate about which country should have had the responsibility to handle this group, is still on the table. Because of so, Myanmar's government could not apply suitable actions or policies on the group, yet even though if the issue was right on the lackness of identity, any country's government including Myanmar should have not took any careless actions and policies on facing this refugee crisis.

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[5] Martin Smith, "A Strategy of Control: Compulsory Relocation and Forced Labour," *Ethnic Groups in Burma - Development, Democracy and Human Rights,* No.8 (1994): 71, accessed March 18, 2017. http://www.ibiblio.org/obl/docs3/Ethnic_Groups_in_Burma-ocr.pdf

[6] Imitaz Ahmed, "The Rohingyas: From Stateless to Refugee," accessed March 18, 2017. http://www.netipr.org/policy/downloads/20100101_FromStatelessToRefugees_ImtiazAhmed.pdf

4. Analysis

4.1. The Origin of The Rohingya.

Before a sovereign government established an action or a policy toward a subject, the government has to analyze every layer of element that exists within the subject that is going to be applied with the action or policy. The government cannot single handedly apply random action or policy toward a subject, because then it will not match with the subject that the government tried to implement the action or policy to, or it would be less effective, or even cause more problem to the table. Perceiving the background of a problem owned by a particular subject would be the best quantitative data that the government should have done at the very first place. Somehow, the writer found that there are some aspects that are not in the best interest of the sovereign government of Myanmar, which are the issue of religion differences and distinguished political view. The implementation of action or policy by a sovereign government should not be distinguished by the people's religion differences or the diversity of political view, however, the implementation should be equal, as long as the people have an authorized proof that they belong to the state of Myanmar. Therefore, the writer will firstly elaborate the origin of The Rohingya, so that the reader will understand more easily about whether it is suitable or not regarding the action or policy that is done by the sovereign government of Myanmar to The Rohingya.

Rohingya is a group of people who are mixed in term of culture, the diversity of tribe is in the group, yet the one identity which united them is the tribe of Rohingya itself. In the 9^{th} to 15^{th} century, Moorish, Arab, and Persian traders, including Monghul, Turk and Bengali soldiers and migrants were arrived at the land of Rakhine State, then these people married and lived with the local women of Rohingya.[7] Some people said that this is a group of Muslim-Bengali immigrant coming from East Pakistan (Bangladesh), under the reason of the language that they had frequently used, Bengali language with a strong Chittagong dialect. Actually, a particular dialect does not really prove anything, a dialect can be learnt through certain ways. For example, a young Indonesian child who was born by his or her Indonesian parents that use Bahasa as their first language, but the child happened to be using British accent on English. Just because of so, it does not prove anyone's origin. Chittagong is a past name of the present Bangladesh, the Arab traders were once settled in both region and caused inter-mixture of culture. Furthermore, the Arab traders have done a lot of trading action in

[7] Ibid.

both area, meaning that the use of language by these traders is also must be mixed. During the era of Chittagong, the language of Burmese has not yet existed, thus the people of Chittagong and the people who had business with them were using Chittagong accent.[8]

Another evidence of Rohingya's justification are found that The Rohingya is a Muslim group which was having a different political view with the rest of the Burmese. Firstly, local Burmese was called as Arakan by Bengali, Arabic, and Portuguese, and then these local Burmese were divided into two groups based on their religion. The Arkanese Buddhists called themselves as Rakhines, and the Arkanese Muslims called themselves as Rohingya. Their names were also effected by their leader or the kingdom that they were being. The name "Rakhine" was given by their Buddhist missionaries, meanwhile the Rohingya at that time was a part of Kingdom Chittagong, the dialect of Rekhine was pronounce as "Rohong" or "Rohang", and then finally the people is called as "Rohingya". [9]

Secondly, during the year of 1826 to 1948, the British colonialism had took control over almost every aspect of Myanmar, these British people were on the same page with the local Burmese that both of them are against the Rohingya. Arriving almost at the end of the British colonialism, the Japan colonialist at Myanmar had a hard time during their colonialism, a part of the people of Myanmar betrayed the Japan colonialist then turned with their allies. Ever since, the people of Myanmar were divided into two groups, which are the group of those who are in favor with British, and those who are in favor with Japan. Unfortunately, the religion difference also played a role in this distinguished political view, that the Buddhist Myanmar was supporting the British people, and the Muslim Myanmar was supporting the Japan people.[10] At that time, the people of British were stronger than the Japanese, and the British supporter were also stronger than the Japanese supporter. The Buddhists Myanmar were on the chair of the government, and also the amount of Buddhist Myanmar were also much bigger than the Muslin Myanmar. Because of so, somehow the British people and their supporter were a lot stronger than the people of Muslim Myanmar. Therefore, the Rohingya is a group of people that is composed by local Myanmar's and mixed culture, also distinguished political action.

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[8] Abid Bahar, "CHRONOLOGY:THE TIMELINE OF BURMA'S ROHINGYA HISTORY IN ARAKAN, *Burma's Missing Dots*, (2010): 2, accessed May 25, 2017, http://www.netipr.org/policy/downloads/20100101_timeline-of-rohingya-history.pdf

[9] Imitaz Ahmed, "The Rohingyas: From Stateless to Refugee," accessed March 18, 2017. http://www.netipr.org/policy/downloads/20100101_FromStatelessToRefugees_ImtiazAhmed.pdf

[10] Ibid.

4.2 The Consideration of The Rohingya's Citizenship.

Crucial impact brought by the issue of citizenship is needed to analyze the implementation of policies, because it is different on how the government treats its nation citizen and non-citizen. Being a local Myanmar also does not justify that the Rohingya is considered as Myanmar's citizen, more authorized proof to pass the law of citizenship of Myanmar is also needed here to strengthen Rohingya's aim. Therefore, it is required to justify that Rohingya also can be considered as Myanmar's citizen under the regulation of citizenship law that Myanmar has.

A set of citizenship law had exist since 1982, it does manage every aspects of citizenship ever since, beginning by how a subject is considered as a citizen until the management of naturalized citizenship. Regarding the Chapter 2 point six of Burma Citizenship Law which reads as "*A person who is already a citizen on the date this Law cones into force is a citizen. Action, however shall be taken under section 18 for infringement of the provision of that section.*"[11] Since the law is published in 1982, by this point, it is justified that the Rohingya must be considered as Myanmar's or Burma's citizen. The Rohingya has settled in Rakhine state since 1800s while the British still in its colonialism in Myanmar in which the Rohingya was also tried to be expelled from the land of Myanmar by the British colonialist.

Considering that there are two heredities which are *ius sanguinis* and *ius soli*, the government of Myanmar adheres both the *ius sanguinis* and *ius soli* heredity meaning that the child who is born by both parents that have the bloodline of Myanmar, is automatically considered as a citizen, also the child who is born outside the country by both Rohingya parents, regarding to Chapter 2 point five and seven of Burma Citizenship Law which read as *"Every national and every person born of parents, both of whom are nationals are citizens by birth"* and *"The following persons born in or outside the State are also citizens: (a) persons born of parents, both of whom are citizens."*[12] By this point, then the children of Rohingya parents are not considered as the citizen of Myanmar, but their mother are, because most of Myanmar's women were a pure blood of the Rohingya, yet their father are not.

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[11] Burma Citizenship Law [Chapter 2 point six], 15 October 1982, accessed May 27, 2017. http://www.refworld.org/docid/3ae6b4f71b.html

[12] Burma Citizenship Law [Chapter 2 point five and seven], 15 October 1982, accessed May 27, 2017 http://www.refworld.org/docid/3ae6b4f71b.html

These two laws of Burma Citizenship Law are confusing to which law that it is needed to be adopted. But, if both laws are combined, it is justified that the Rohingya is considered as Myanmar's citizen. By point six, all of the Rohingya, including parents, whether the people were a bloodline of Rohingya or not, this group should be considered as citizen, because they have resided within the area of Myanmar since 1800s. Moving on to point five, if a child is born by Rohingya parents, means that the child is also considered as a citizen. Therefore, in Burma Citizenship Law, within the writer's research, the Rohigya should be considered as the citizen of Myanmar.

Around 300 out of 1.1 million Rohingya have managed to get full citizenship, but the government does not give the same opportunity in the field of job vacancy, education, access to healthcare, and another aspect of life that should have been given to the citizenship of Myanmar. Beside the issue of inequality, the government is also found to be denial toward the application of full citizenship requested by the Rohingya. Argument brought by the government is that the Rohingya did not entered Myanmar around the years stated by Rohingya, even though the history said so, also the renewed law of citizenship had been done before the entry of the Rohingya.[13] As can be seen, the government implicitly just rejecting the Rohingya.

Furthermore, it is not only the government that is not in favor of the Rohingya, but the people of Myanmar are also on the same page. It is found that the Rakhine men were involved in the torture of the Rohingya, the Rakhine were asked to bring knife and attack the Rohingya in Sittwe.[14] They could have rejected, but they did that anyway, because within the local people themselves, they still have revenge or insecurities toward the Rohingya brought by the history. Speaking of insecurities, the issue of insecurities of religion and culture are giving impact to the rejection of Rohingya by the people of Myanmar. When a group of people whom had lived in a certain region for a long time, with many investments in many fields such as economy, development and politic, they will feel threatened by the existence of the other groups, and do not want any unwanted things happened toward their position. The same scenario goes to this Rohingya case, where the majority people of Myanmar (the

[13] Human Right Watch, "DISCRIMINATION IN ARAKAN," accessed May 27, 2017 https://www.hrw.org/reports/2000/burma/burm005-02.htm

[14] "The most persecuted people on earth?" *The Economist Group Limited*, June 13, 2015. Accessed May 27, 2017 http://www.economist.com/news/asia/21654124-myanmars-muslim-minority-have-been-attacked-impunity-stripped-vote-and-driven

Buddhist) might feel that this people of Rohingya are going to jeopardize their interest, or their national interest.

4.3. Human Right Abuses within The Implementation of Action.

It is been wide-spread news that the government of Myanmar did human right abuses on handling the Rohingya. Arguing that the Rohingya does not belong to Myanmar because they are lacking of citizenship might be a diversion that the government is trying to achieve something that is within its national interest. For example, that its people do not want to get any form of distraction coming from the Rohingya, the nation cannot provide enough accommodation or any service of any aspects of life (education, healthcare, et cetera), or the state budget needs to be distributed to the more important field. During the implementation of the action, human right abuses issues come along within, like it is the one and only choice for the Rohingya. In fact, a state policy that was done by the government has been there since a long time ago.[15] Considered as a citizen or refugee, either way the government is still hampering the needs of the Rohingya. By history and law, it is justified that the Rohingya belong to Myanmar, the government should have taken care their needs, starting from the issue of citizenship, until the provision of the accommodation of the Rohingya.

The issue of Rohingya needs to be settled as soon and as unpainful as possible, since the people who are rejected by Myanmar have been seeking for shelter to another country around. Indonesia and Thailand for example, the rejected Rohingya had went to these countries, but as these countries are also have their limitation on receiving refugee, some amount of the refugee were also being rejected but not in the way as Myanmar did. The Rohingya can be considered as the most oppressed group of people in the world. Not only that they do not have a land to live, they are also being prosecuted. Boys of Myanmar above 10 years will be killed by the military, 1,250 homes and 5 villages of the Rohingya have had burned down by the authorities yet the government denied by saying that the fire was started by the arson of the Rohingya itself.[16] The government have been working to solve this action of ethnic cleansing, but the case remains up until now since so much years ago, something is

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[15] Fortify Rights, "Legal Framework & Analysis" *Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar* (2014), 45, accessed May 27, 2017, http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf

[16] Rebecca Wright, "They will kill us: The Rohingya refugees fleeing torture and rape in Myanmar," *CNN*, November 28, 2016, accessed May 27, 2017, http://edition.cnn.com/2016/11/24/asia/myanmar-rohingya-refugees-bangladesh/

unclear under the work of the government to find and solve the prosecutor, or are they a part of the government itself?

The society of both Myanmar and the rest of the world have a big question mark on why the administrative of Aun San Suu Kyi remains wordless. As someone who have received the Nobel Peace Prize and called as "an outstanding example of the power of the powerless,"[17] she has to do something toward one of the most powerless group of people in earth, the Rohingya. Toward this case, Aung San Suu Kyi once said, "This is not the only problem we have to face, (but) this is one on which the international community has focused," but once the United Nations tried to force Myanmar to settle this case as soon as possible, the government stated that they know what they are doing and let them do them focusing on it.[18] On the other hand, she is feared that she would probably make tension between the Buddhist and the Rohingya. During Aung San Suu Kyi visit to UK, she said that she is afraid to the acknowledgment of the victim because then it would cause politic suicide in Myanmar in which racial prejudices are highlighted.[19] In short, Aung San Suu Kyi has not made a move yet in the name of politic.

As it can be seen, there are a political play, inequality on the distribution of law and action, and prosecution or ethnic cleansing within the case of Rohingya. The government seemed that they are prioritizing the needs of the Buddhist Myanmar, rather than giving suitable action towards the Rohingya. Human right abuses become one of the choice that is believed to be done by the government or the government do not or do not want to pay attention to.

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[17] "Profile: Aung San Suu Kyi," *BBC News*, December 5, 2016, accessed May 27, 2017 http://www.bbc.com/news/world-asia-pacific-11685977

[18] James Griffiths, "Is The Lady listening? Aung San Suu Kyi accused of ignoring Myanmar's Muslims," *CNN Regions*, November 25, 2016, accessed May 28, 2017, http://edition.cnn.com/2016/11/17/asia/myanmar-rohingya-aung-san-suu-kyi/

[19] Emanuel Stoakes, "Aung San Suu Kyi is turning a blind eye to human rights in the name of politics," *The Guardian*, November 26, 2013, accessed May 28, 2017, https://www.theguardian.com/commentisfree/2013/nov/27/aung-san-suu-kyi-is-turning-a-blind-eye-to-human-rights-in-the-name-of-politics

5. Conclusion

In the eye of history and law, it is justified that the Rohingya belongs to Myanmar, in term of citizenship, somehow, the government keep on denying the citizenship of Myanmar under the reason of false citizenship evidence. The government tried to handle the group, but there are a massive human right abuses within the implementation of the actions, arguing that it is not done by them, but the government itself do not show any action of care towards these human right abuses. Even if the Rohingya does not belong to Myanmar as assumed by the government, it is still false if the government handle the issue by this way. Aung San Suu Kyi stated that it is in the name of politic, which implicitly speaking, she or the rest of the government are more emphasizing the political enrichment rather than upholding the norms and values of human rights. In short, the government is advancing its national interest, instead of protecting one of the most prosecuted group of people in Earth, the Rohingya.

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