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Plight Of The Rohingya: Solution?

PUBLISHED AND RELEASED ON 30 SEPTEMBER 2012

PERDANA GLOBAL PEACE FOUNDATION INTERNATIONAL CONFERENCE ON “PLIGHT OF THE ROHINGYA : SOLUTIONS?”



Y. Bhg. Tun Dr. Mahathir Mohamad, the fourth Prime Minister of Malaysia and President of PGPF, delivered the Keynote Speech at the opening Session of the Conference on 17 September 2012 in Kuala Lumpur.

The Perdana Global Peace Foundation (PGPF), is deeply concerned with reports of what is described as a “human catastrophe of indescribable proportion” in relation to the aggression on the Rohingya, felt the urgent need to hold this conference to address the issue and propose solutions to it.

The PGPF, very much like other civil society movements and humanitarian bodies, is deeply troubled with the recent developments in Rakhine and current reports from international agencies indicate that the crisis is showing no signs of dissipating, but instead intensifying.

We strongly condemn these continuing acts of violence, rapes, beatings, burning of dwellings, killings and other inhumane acts perpetrated on the Rohingya. Since the United Nations itself has recognized the Rohingyas as being one of the most persecuted minorities in the world today, we cannot sit on the sidelines and allow these acts which are tantamount to ethnic cleansing be allowed to persist without undertaking efforts to oppose and put a stop to them.

Adhering to the spirit and understanding of peace between member countries must be maintained vis-a-vis the ASEAN Charter; PGPF has organised this International Conference : “Plight of the Rohingya : Solutions?” at the Islamic Arts Museum Malaysia today for an insight on the crisis. Y. Bhg. Tun Dr. Mahathir Mohamad, the fourth Prime Minister of Malaysia and President of PGPF, delivered the Keynote Speech.



The Conference is divided into 3 sessions which will be moderated by Y. Bhg. Tan Sri Razali Ismail, UN Secretary-General's Special Envoy for Myanmar (2000-2005), Y. Bhg. Tan Sri Dr. Mohd. Rais Karim, acting Secretary-General PERKIM/former Vice Chancellor UPSI) and Y. Bhg. Tan Sri Ahmad Fuzi Abdul Razak (former Secretary-General Ministry of Foreign Affairs Malaysia) for each session respectively.

The speakers are experts and renowned personalities including Mr. Nurul Islam (President of ARNO), Dr. Maung Zarni (Civil Society and Human Security Unit, LSE), Mr. Jacob Zenn (International Affairs Analyst, Washington DC), Mr. Benjamin Zawacki (former Researcher of Amnesty International), Mr. Matthew Smith (Human Rights Watch), Mr. Saiful Huq Omi (Research Consultant, Equal Rights Trust, Bangladesh), Dr. Sriprapha Petcharnesree (Human Rights & Peace Studies, Mahidol University Thailand and Dr. Abdullah Ahsan, International Movement for Just World (JUST) Malaysia.

The Conference is attended by participants comprising representatives from the diplomatic corps, international organisations, parliamentarians, human rights groups, academia, civil society movements, non-governmental organisations, members of the media, as well as leaders of Rohingya organisations who are based in countries outside Myanmar.

"It is indeed a collective and united call to action as part from calling upon the Myanmar authorities to acknowledge and resolve the crisis, UN and international agencies could very well play their part in ensuring their "responsibility to protect", said Norian Mai, Chairman of Perdana Global Peace Foundation in his closing remarks.##

Tuesday, September 18, 2012, 9:33 AM

Recognise Rohingya as Citizens, Dr. Mahathir tells Myanmar

By ROZANNA LATIFF AND EUNICE AU | news@nst.com.my

FINDING RESOLUTION: *Conference seeks solutions rather than to apportion blame, says Global Peace Foundation president*



Perdana Global Peace Foundation president Tun Dr Mahathir Mohamad giving a keynote address at the International Conference 'Plight of the Rohingya: Solution?' international conference in Kuala Lumpur yesterday September 18, 2012. Pic by Mustaffa Kamal

KUALA LUMPUR: THE violence and conflict surrounding the Rohingya community can only be resolved when the Myanmar government recognises the group as citizens, Tun Dr Mahathir Mohamad said.

The former prime minister said yesterday the country's inability to accept the Rohingya as an indigenous group had led to years of discrimination, oppression and sectarian clashes, most recently seen in this year's ongoing riots between the predominantly Muslim ethnic minority and ethnic Rakhine Buddhists.

"When one group is denied their rights, there will be clashes, there will be oppression. "It is very unfortunate that people should be killed and houses burnt, simply because the Myanmar government refuses to recognise its own citizens," he said in his keynote address at the "Plight of the Rohingya: Solution?" international conference held at the Islamic Arts Museum yesterday.

Organised by the Perdana Global Peace Foundation (PGPF), of which Dr. Mahathir is president, the conference was held to discuss and formulate solutions to the conflict and problems surrounding the Rohingya community, which include persecution, statelessness, violence and mass displacement.

Dr. Mahathir said the conference was held not to place blame or judgment on any party, but to find solutions to the conflict. He said such clashes over ethnic differences and citizenship were similar to Malaysia's experience at the end of the British colonial era, when there was little clarity over the status of Indian and Chinese immigrants, in the country then known as Tanah Melayu.



Mr. Nurul Islam, President of Arakan Rohingya National Organisation (ARNO) presenting his Keynote paper on PLIGHT OF ROHINGYA in the Conference on 17 September 2012

"We had the same problems as Myanmar upon independence. Initially, many of the Chinese and Indian immigrants who had been brought over by the British returned to their homeland, especially after the 1929 recession. "However, there were many others who had chosen to stay here, to live here, to regard Malaysia as their home.

"So, when we were struggling for independence, the indigenous people, the Malays, decided that they should accept the Chinese and Indians as citizens of a larger, united state." He said the Malays had accepted others despite the fact that most of the new citizens had settled in the country for only three generations or less.

In contrast, he said, Myanmar has refused to recognize Rohingya despite the fact that they had settled in the Arakan region since the 8th century. "If other countries can accept foreigners as citizens, we cannot see why Myanmar should have a policy that excludes a group that has been in the country for more than a thousand years."

He said Myanmar's laws had in turn created problems for other countries, such as Thailand, Bangladesh and Malaysia, where many Rohingya had been forced to take refuge.

"Myanmar has shown its willingness to be part of a world community, as seen through its membership and involvement in Asean. It has shown that it is ready to transform itself from an authoritarian state to a democracy, where the people have to right to choose their own leaders. "So it would be a shame and a gross injustice if large segments of its population are denied this right."

<http://www.nst.com.my/nation/general/recognise-rohingya-as-citizens-dr-m-tells-myanmar-1.145075>

Appendix 1: (Resource persons of the Conference)

- 1. Tan Sri Razali Ismail - UN Secretary-General's Special Envoy for Myanmar**
- 2. Mr. Nurul Islam - President of Arakan Rohingya National Organization (ARNO)**
- 3. Mr. Benjamin Zawacki - Consultant, former researcher of Amnesty International**
- 4. Mr. Matthew Smith - Human Rights Watch**
- 5. Dr. Maung Zarni - Civil Society and Human Security Unit, LSE**
- 6. Prof Dr. Yunahar Ilyas - Pimpinan Pusat Muhammadiyah, Indonesia**
- 7. Mr. Jacob Zenn - International-Affairs Analyst, Washington, DC**



8. Tan Sri Dr. Mohd Rais A Karim - Acting Secretary-General PERKIM
9. Prof. Dr. Wakar Uddin - Director General, Arakan Rohingya Union (ARU)
10. Dr. H Anwar Abbas - Ketua Majelis Ulama, Indonesia
11. Mr. Saiful Huq Omi - Research Consultant, Equal Rights Trust, Bangladesh
12. Dr. Sriprapha Petcharnesree - Human Rights & Peace Studies, Mahidol University, Thailand
13. Dr. Abdullah Al-Ahsan - International Movement for Just World (JUST), Malaysia
14. Tan Sri Ahmad Fuzi Haji Abdul Razak - Former Secretary-General Ministry of Foreign Affairs
15. Mr. Novariyadi Imam Akbari - Aksi Cepat Tanggap (ACT) Foundation Indonesia
16. Mr. Iqbal Setyarso - Director, Masyarakat Relawan Indonesia (MRI)
17. Mr. Md Mahfuzur Rahman - Country Director, Muslim Aid Indonesia
18. Dr. Ananchai Thaipratan - Young Muslims Association of Thailand
19. Mr. Sarawoot Sriwannayos - President Council of Muslim Organization of Thailand (COMOT)
20. Mr. Stuart Ward - Chairperson Palestine Solidarity Campaign (PSC), Thailand
21. Mr. Alan Rey Sarte - Philippines
22. Mr. Zafar Ahmed - Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MERHROM)
23. Dato' Dr. A Razak Kechik - President, Malaysian Relief Agency (MRA), Malaysia
24. Dato' Dr. Ismail Noor - Altruistic Leadership Center, Malaysia
25. Mr. Sanggat Singh - Malaysian Interfaith Network

The Conference Resolution on Rohingya

**INTERNATIONAL CONFERENCE
ON THE PLIGHT OF THE ROHINGYA: SOLUTION?
KUALA LUMPUR
17 SEPTEMBER 2012**



RESOLUTION

The “International Conference on the Plight of the Rohingya: Solution ” was convened by the Perdana Global Peace Foundation (PGPF), Kuala Lumpur, Malaysia on 17 September 2012.

The Conference was attended by participants comprising representatives from the diplomatic corps, international organisations, parliamentarians, human rights groups, academia, civil society, non-governmental organisations and media, as well as leaders of Rohingya organisations from several countries.

Y. Bhg Tun Dr Mahathir Mohamad, the fourth Prime Minister of Malaysia and President of PGPF, delivered the Keynote Speech. Other prominent Speakers included as in the appendix.

We, the undersigned organisations and undersigned participants of the Conference; Acknowledging the minority Muslim Rohingya are an ethnic group numbering more than 1 million presently residing in the Rakhine state of Myanmar,



The panel of speakers at the ‘Plight of the Rohingya: Solutions?’ conference on 17 September 2012 at Kuala Lumpur, Malaysia. Pic by Mustafa Kamal

Recognising that Rohingyas have been living in Myanmar for centuries and had been recognised as full-fledged citizens of the state of Burma (Myanmar) by previous governments of Burma, the international community and the authorities during the British colonial period.

Mindful of the decision of the government of Myanmar to effectively strip the Rohingyas of citizenship under the 1982 Citizenship Law,

Observing with serious concern that the Rakhine Buddhist community and in particular the Rohingya Muslim community suffered from sectarian violence that erupted in Rakhine State in June 2012,

Observing the current tragic situation facing the Rohingya including violent acts of oppression and human rights violations by state security forces, widespread discrimination by the dominant ethnic Burman society, threats to their security by hostile local Rakhine populations, and continued statelessness that makes them highly vulnerable to abuses,

Concerned over the thousands of displaced and stateless Rohingyas living in Bangladesh, Thailand, Malaysia, Indonesia, Cambodia, Australia, India, Japan, Pakistan, the Middle East and throughout the world,

Gravely concerned that the government of Myanmar has failed to observe its responsibility to fulfill its international human rights and humanitarian obligations with respect to the Rohingyas,

Fully cognisant of systematic crimes against the Rohingya community such as killings, forced labour, rape, and denial of access to adequate humanitarian aid,

Echoing the various concerns about the mistreatment and fate of the Rohingya held by the Organisation of Islamic Cooperation (OIC), non-governmental organisations (NGOs), and citizens concerned with global humanitarian issues,



The panel of speakers at the 'Plight of the Rohingya: Solutions?' conference held on 17 September 2012 in Kuala Lumpur, Malaysia. Pic by Mustafa Kamal

Noting with disappointment the absence of a comprehensive solution in addressing the plight of the Rohingya,

Seriously concerned with the consequences of a prolonged non-resolution of the Rohingya issue including the segregation of displaced Rohingya in the Rakhine state capital of Sittwe, the continued lack of humanitarian access and sufficient aid to displaced Rohingya, and spill-over effects on neighbouring South Asian and ASEAN member countries,

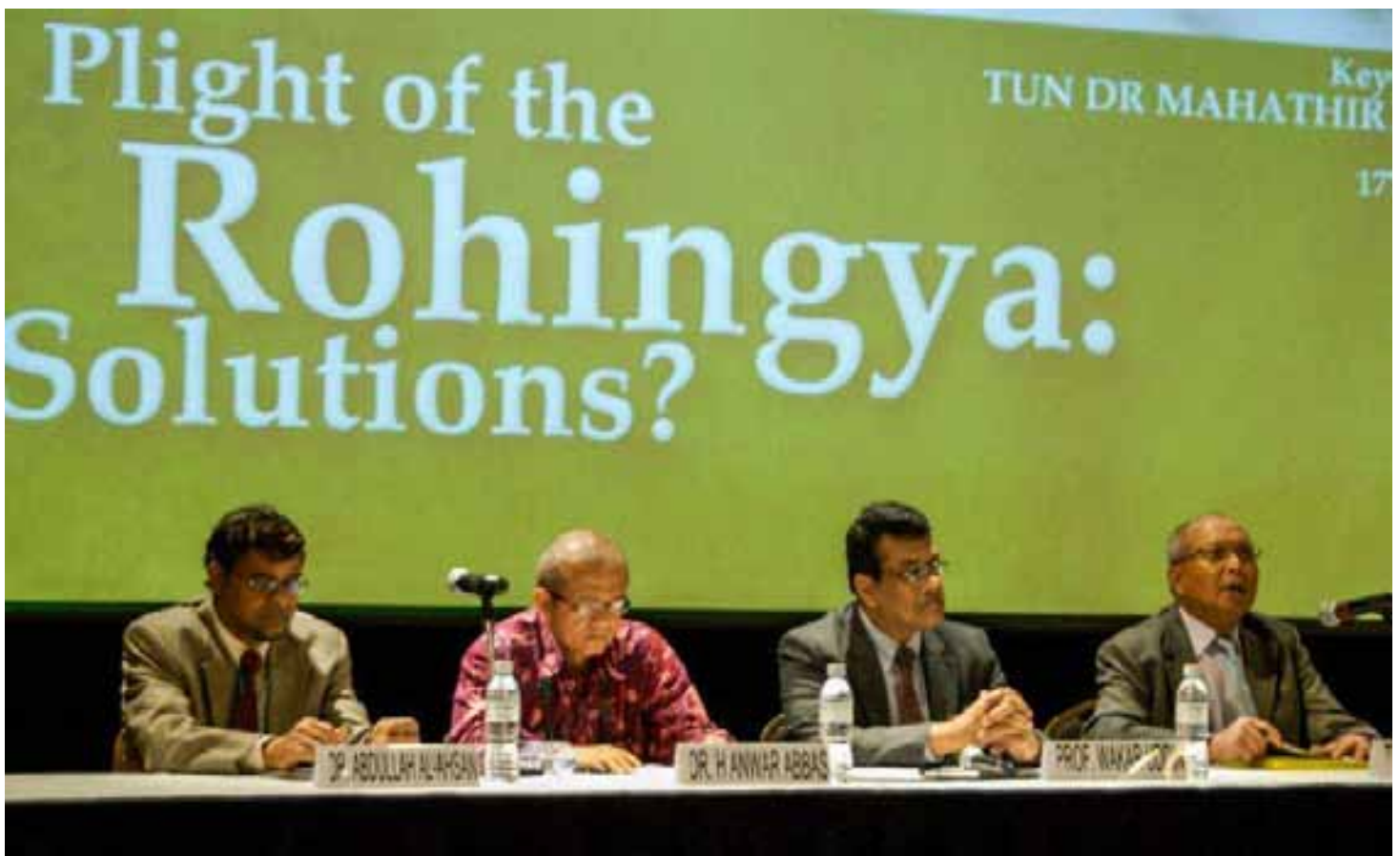
Recognising the political and ethno-religious nature of the issue and human rights dimensions that require determined action by Myanmar's leadership with the support of the people,

Unequivocally agree to;

Strongly condemn the continuing acts of violence, rape, beatings, burning of dwellings, killings, arbitrary arrests, detentions and enforced disappearances of the Rohingya,

Strongly deplore all forms of oppression, suppression, persecution, discrimination, intimidation and severe restrictions against the Rohingya on the grounds of ethnicity and religion,

Call on the government of Myanmar to recognise the legitimate rights of the Rohingyas to live in peace, to move freely within the country, and create conditions for the safe and voluntary return of displaced Rohingya to their homes or alternative locations of their choosing without persecution or discrimination including respect for the rights to shelter, food, water, health care, education and basic sanitation according to international human rights law, norms and standards,



Call on the government of Myanmar to amend the 1982 Citizenship Act to recognise or grant citizenship to persons of Rohingya ethnicity on the same basis as others with genuine and effective links to Myanmar by reasons such as birth, residency or descent, and treat them as equal citizens under International and Burmese Law. Ensure, in accordance to

Article 7 of the convention on the Rights of the Child, that Rohingya children have the right to acquire a nationality where otherwise they would be stateless,

Strongly urge the government of Myanmar to stabilise the situation in the Rakhine state and to take the necessary administrative actions to protect, safeguard and uphold the lives, dignity and property of the Rohingyas as well as legally recognising them as one of Myanmar's ethnic groups on the same basis as other ethnic group,

Call upon the government of Myanmar to carry out full and fair investigations and, where warranted, conduct trials meeting international due process standards against those individuals and state security forces who were responsible for criminal offenses, including rape, killings, arson and looting, during sectarian violence in Rakhine state,

Take note of the government of Myanmar's decision to establish a 27- member Commission to probe the sectarian violence and recommend steps to resolve the crisis,

Welcome the government of Myanmar's decision to allow diplomatic missions, independent observers and fact-finding teams including those from the OIC, ASEAN and the Perdana Global Peace Foundation to visit Rakhine state to ascertain the situation affecting the Rohingya,

Urge the government of Myanmar to recognise the multi-ethnic reality of the country and that its failure to resolve the Rohingya problem will undermine its current reform and progress towards national reconciliation, democracy and prosperity,



Call on Aung San SuKyi and the National League for Democracy Party as well as other political parties to promote ethnic rights and equality in Myanmar and take an unequivocal and proactive role in ending the plight of the Rohingyas,

Request the governments of Bangladesh and other destination countries to provide temporary protection to the Rohingya and to allow the international community to provide food and other humanitarian assistance to them pending a political solution of the Rohingya problem,

Urge ASEAN, to play a more proactive, substantive and effective role in resolving the Rohingya problem in the interest of regional peace and stability,

Call on Muslim groups and communities to show due solidarity and exert pressure on their governments, UN agencies civil and faith – based societies to actively support the rights of the Rohingya,

Strongly encourage ASEAN and OIC's efforts in bringing up the Rohingya issue to the 67th Session of the United Nations General Assembly in New York,

Call on the UN to facilitate the establishment of a 'cordon sanitaire' for internally displaced Rohingyas to provide a safe and humane environment for the victims pending the attainment of a political solution,

Convey a copy of the Resolution to the Prime Minister of Malaysia, President of Myanmar, the Secretary General of ASEAN, the Secretary General of the OIC and the Secretary General of the United Nations.

**Kuala Lumpur, Malaysia
17 September 2012**



18 SEPTEMBER 2012

UNANIMOUS: Participants Urge Suu Kyi, Myanmar to Uphold Human Rights for Rohingya



KUALA LUMPUR: PARTICIPANTS at the end of the one-day international conference on the "Plight of the Rohingya: Solutions?" yesterday unanimously passed 16 resolutions, including a call for Aung San Suu Kyi and other political parties in Myanmar to promote ethnic rights and equality.

The resolutions stated Suu Kyi and the National League for Democracy Party should take an unequivocal and proactive role in ending the plight of the Rohingya.

Presented by Tan Sri Ahmad Fuzi Abdul Razak, the resolutions also called on the Myanmar government to recognise the legitimate rights of the Rohingya to live in peace and move freely within the country.

"We call on the government of Myanmar to create conditions for the safe and voluntary return of displaced Rohingya to their homes or alternative locations of their choosing without persecution or discrimination," said Ahmad Fuzi, who is Ambassador-at-Large from the Foreign Affairs ministry.

He said the Rohingya deserved the rights to shelter, food, water, health care, education and basic sanitation according to international human rights law, norms and standards.

Participants of the conference also roundly condemned the continuing acts of violence, rape, beatings, burning of dwellings, killings and forced disappearances of the Rohingya and urged the Myanmar government to amend its 1982 Citizenship Act to grant citizenship to the people.



Another adopted resolution reminded the Myanmar government that its failure to resolve the Rohingya problem would undermine its current reform and progress towards national reconciliation, democracy and prosperity.

Asean was urged to play a more active, substantive and effective role in resolving the ethnic minority's problem in the interest of regional peace and stability.

Conference participants agreed that the United Nations should facilitate the establishment of a "cordon sanitaire" (sanitary cordon) to provide internally displaced Rohingya a safe and humane environment pending the attainment of a political solution.

A copy of the adopted resolutions will be sent to Prime Minister Datuk Seri Najib Razak, Myanmar president Thein Sein, the Bangladesh president, Asean's secretary-general, the OIC's secretary-general and the UN secretary-general. The conference, organised by the Perdana Global Peace Foundation, was attended by representatives from diplomatic corporations, international organisations, parliamentarians, human rights groups, academia, civil society and non-governmental organisations.

At a press conference later, keynote speaker Tun Dr Mahathir Mohamad said Prime Minister Datuk Seri Najib Razak had contact with many international leaders and could easily push the resolutions forward.

"We cannot guarantee that all the resolutions will be fulfilled, but we have to try and push them to the heads of states and people with authority. "The United States is fond of applying pressure on other nations by utilising economic sanctions and this is a situation in which it could be used," said the honorary president of the Perdana Leadership Foundation. Dr Mahathir said in Malaysia, several organisations had come forward to set up schools for Rohingya refugees.

However, he cautioned that this, too, could become a problem. "It could tempt others to come here. As it is now, we also have refugees from Laos and Cambodia. "If people see this country as a good place to go, they will all come here and it may result in our own people not being able to get jobs."##



Monday, September 17, 2012 5:9PM

Malaysia holds international conference on Rohingya plight

Mahi Ramakrishnan, Press TV, Kuala Lumpur

“ A Malaysian foundation set up by former Prime Minister Mahathir Mohammad is pushing for the Myanmar government to recognize its Rohingya Muslim minority as citizens. The foundation has launched an international conference to find solutions for the plight of Rohingya Muslims.”



The United Nation's refugee agency calls them the world's most persecuted ethnic minority. And almost half of the total population of three million people have already fled Myanmar in the face of discrimination and violence.

Their plight had rarely made headlines except briefly earlier this year, after attacks against Rohingya Muslims in their home state, which left hundreds dead and caused thousands to flee. MohamadSadek, a Rohingya refugee in Malaysia, lost a relative in the recent violence in Rakhine or Arakan as it is also known.

Despite Myanmar's recent dramatic political reforms, there seems little hope that people like these impoverished refugees in Malaysia can ever return home. The Myanmar government still refuses to recognize the Rohingya as citizens, saying they are migrants from Bangladesh.

Many people had high hopes that Myanmar's opposition leader, Aung San SuuKyi, would speak out about the plight of the Rohingya. But she has remained silent and when questioned whether the Rohingya were citizens of her country, she said "I don't know".

At the Perdana Global Peace forum on the plight of the Rohingya, Malaysia's former prime minister Mahathir Mohamad said the conference wouldn't be looking to condemn Myanmar but rather seek long term solutions.

After a panel discussion with international speakers including the UN's former special envoy to Myanmar, the delegates passed a resolution to press the Myanmar government to recognize the Rohingya as its citizens. ##



PGPF international conference on “Plight of Rohingya: Solution?”

Posted on September 21, 2012 by Kaladanpress News



Mr. Nurul Islam, President of Arakan Rohingya National Organization (ARNO) presenting his keynote paper in Conference held on 17 September 2012 in Kuala Lumpur, Malaysia.

Kuala Lumpur, Malaysia: The Perdana Global Peace Foundation (PGPF) is deeply concerned with reports of what is described as a “human catastrophe of indescribable proportion” in relation to the aggression on the Rohingya, felt the

urgent need to hold this conference to address the issue and propose solutions to it, *said Tun Dr. Mahathir Mohamad, the fourth Prime Minister of Malaysia and President of PGPF.*

The PGPF, very much like other civil society movements and humanitarian bodies, is deeply troubled with the recent developments in Rakhine and current reports from international agencies indicate that the crisis is showing no signs of dissipating, but instead intensifying.

“We strongly condemn these continuing acts of violence, rapes, beatings, burning of dwellings, killings and other inhumane acts perpetrated on the Rohingya,” said one of the PGPF members. “Since the United Nations itself has recognized the Rohingyas as being one of the most persecuted minorities in the world today, we cannot sit on the sidelines and allow these acts which are tantamount to ethnic cleansing be allowed to persist without undertaking efforts to oppose and put a stop to them.”

Mr. Nurul Islam, president of Arakan Rohingya National Organisation (ARNO) discussing in the Conference on 17 September 2012 on THE PLIGHT OF ROHINGYA: SOLUTIONS Adhering to the spirit and understanding of peace between member countries must be maintained vis-a-vis the ASEAN Charter; PGPF has organized this International Conference: “Plight of the Rohingya: Solutions?” at the Islamic Arts Museum Malaysia on September 18, for an insight on the crisis. Tun Dr. Mahathir Mohamad, the fourth Prime Minister of Malaysia and President of PGPF, delivered the Keynote Speech in the *international conference.*



Photo at Dinner during PGPF International Conference in Kuala Lumpur, Malaysia

The Conference is divided into three sessions which were moderated by— Y.Bhg. Tan Sri Razali Ismail, UN Secretary-General's Special Envoy for Myanmar (2000-2005), Y.Bhg. Tan Sri Dr. Mohd. Rais Karim, acting Secretary-General PERKIM/former Vice Chancellor UPSI) and Y.Bhg. Tan Sri Ahmad Fuzi Abdul Razak (former Secretary-General Ministry of Foreign Affairs Malaysia) for each session respectively.

The speakers were experts and renowned personalities including Mr. Nurul Islam ,President of Arakan Rohingya National Organization (ARNO), Dr. Maung Zarni (Civil Society and Human Security Unit, LSE), Mr. Jacob Zenn (International Affairs Analyst, Washington DC), Mr. Benjamin Zawacki (former Researcher of Amnesty International), Mr. Matthew Smith (Human Rights Watch), Mr. Saiful Huq Omi (Research Consultant, Equal Rights Trust, Bangladesh), Dr. Sriprapha Petcharnesree (Human Rights & Peace Studies, Mahidol University Dr. Abdullah Ahsan, International Movement for Just World (JUST) Malaysia.

The Conference is attended by participants comprising representatives from the diplomatic corps, international organizations, parliamentarians, human rights groups, academia, civil society movements, non-governmental organizations, members of the media, as well as Rohingya leaders (AFK Jilani, Dr. Mohamed Yunus, Dr. Mohamed Ali (aka) Dr Than Aung and Dr. Wakar Waddin) of Rohingya organizations who are based in countries outside Burma, *said a Rohingya from Malaysia.*

“It is indeed a collective and united call to action as part from calling upon the Myanmar authorities to acknowledge and resolve the crisis, UN and international agencies could very well play their part in ensuring their “responsibility to protect”, *said Norian Mai, Chairman of Perdana Global Peace Foundation in his closing remarks.*



At the end of the one-day international conference on the “Plight of the Rohingya: Solutions?”, the participants

unanimously passed 16- point resolution, including a call for Aung San Suu Kyi and other political parties in Burma to promote ethnic and human rights and equality.

The resolutions stated Suu Kyi and the National League for Democracy Party should take an unequivocal and proactive role in ending the plight of the Rohingya presented by Tan Sri Ahmad Fuzi Abdul Razak. The resolutions also called on the Myanmar government to recognize the legitimate rights of the Rohingya to live in peace and move freely within the country.

“We call on the government of Myanmar to create conditions for the safe and voluntary return of displaced Rohingya to their homes or alternative locations of their choosing without persecution or discrimination,” said Ahmad Fuzi, who is Ambassador-at-Large from the Foreign Affairs ministry. He said the Rohingya deserved the rights to shelter, food, water, health care, education and basic sanitation according to international human rights law, norms and standards.

Participants of the conference also roundly condemned the continuing acts of violence, rape, beatings, burning of dwellings, killings and forced disappearances of the Rohingya and urged the Myanmar government to amend its 1982 Citizenship Act to grant citizenship to the people.

Another adopted resolution reminded the Myanmar government that its failure to resolve the Rohingya problem would undermine its current reform and progress towards national reconciliation, democracy and prosperity.

Asean was urged to play a more active, substantive and effective role in resolving the ethnic minority’s problem in the interest of regional peace and stability. Conference participants agreed that the United Nations should facilitate the establishment of a “cordon sanitaire” (sanitary cordon) to provide internally displaced Rohingya a safe and humane environment pending the attainment of a political solution.

A copy of the adopted resolutions will be sent to Prime Minister Datuk Seri Najib Razak, Myanmar president Thein Sein, the Bangladesh president, Asean’s secretary-general, the OIC’s secretary-general and the UN secretary-general.

“We cannot guarantee that all the resolutions will be fulfilled, but we have to try and push them to the heads of states and people with authority.” “The United States is fond of applying pressure on other nations by utilizing economic sanctions and this is a situation in which it could be used,” said the honorary president of the Perdana Leadership Foundation. Dr Mahathir said, in Malaysia, several organizations had come forward to set up schools for Rohingya refugees. However, he cautioned that this, too, could become a problem. “It could tempt others to come here. As it is now, we also have refugees from Laos and Cambodia. “If people see this country as a good place to go, they will all come here and it may result in our own people not being able to get jobs.” ##



**INTERNATIONAL CONFERENCE ON THE PLIGHT OF ROHINGYA : SOLUTION
HELD ON 17 SEPTEMBER 2012 IN KUALA LUMPUR, MALAYSIA**

THE PLIGHT OF THE ROHINGYA : SOLUTION?

PAPER PRESENTED BY NURUL ISLAM, PRESIDENT OF ARAKAN ROHINGYA NATIONAL ORGANISATION (ARNO)

At the very outset, I would like to thank the Perdana Global Peace Foundation (PGPF) for inviting me to this important international conference. I have come here to talk not as an expert but as a member of the Rohingya community.



The Rohingya are one of the world's most forgotten, persecuted and voiceless peoples. Their population is estimated to be more than 3 millions. Of them about 1.5 millions have either been expelled or have had to leave their home land to escape persecution. They are particularly living in Bangladesh, India, Pakistan, Saudi Arabia, UAE, Thailand, Malaysia, Indonesia etc. and are still hoping to return to their ancestral homeland of Arakan.



The Rohingya trace their ancestry to native Chandras, Arabs, Turks, Persians, Afghans, Bengalis and some Indo-Mongoloid people. Their Muslim settlements in Arakan date back to latter part of 7th century A.D.

THE PLIGHT ON THE ROHINGYA

The Rohingya have a long history and glorious past in Arakan as farmers, traders, fishermen, warriors, administrators, kingmakers and rulers. Yet they are not tolerated in Burma today for their religion and ethnicity. For decades, they have been victims of systematic, persistent and widespread human rights violations, including denial of citizenship rights, sever restrictions on freedom of movement, education, marriage and religion, forced labour, rape, land confiscation, arbitrary arrest, torture, extra-judicial killings, starvation, forced migration, forced deportation and extortion on daily basis. Today they have become increasingly landless, jobless, homeless and internally displaced. On top of that they have become *stateless* within Burma and *refugees* beyond its borders.

In 1942, when the British forces retreated from Arakan to India, the extremist Buddhist Rakhines brought about a pogrom and slaughtered about 100,000 unarmed innocent Rohingyas, forced some 50,000 them to take refuge in



Tun Dr. Mahathir Mohamad, President of the Perdana Global Peace Foundation (PGPF), Malaysia

Bengal and devastated their large settlements in Akyab district. It was an attempt to annihilate the Rohingya population before Burmese independence.

Burma attained her independence on 4 January 1948. But the Rohingya had been alienated and discriminated against. Series of campaigns have been launched in order to sweep off the Rohingya population.

In 1948, a Burma Territorial Force (BTF) was formed with hostile Buddhist Rakhine youths. They took the law in their own hands, arrested, tortured or gunned down many hundreds of Rohingyas and burned down their villages. Many escaped the carnage to the then East Pakistan.

However, during the rule of parliamentary government (1948-1958 & 1960-1962), the Rohingya were recognized as one of the many ethnic nationalities of Burma and by and large enjoyed fundamental rights to some extent, although serious discrimination existed against them.

The Rohingya are facing institutionalized persecution since 1962 military rule. Former dictator Gen. Ne Win made a scheme to rid Arakan of the Muslim population. Occasional communal riots were engineered across the country resulting in the heavy loss of Muslims' lives and properties. In 1983 the townships of Gwa, Ponnagyunt and Taung-gut in South Arakan were turned into a 'Muslim free zone'.

Planned increase in Buddhist settler villages has caused serious demographic changes in North Arakan. Under the aegis of administration, they commit loot, robbery, extortion, kidnapping and theft in the surrounding Rohingya villages.



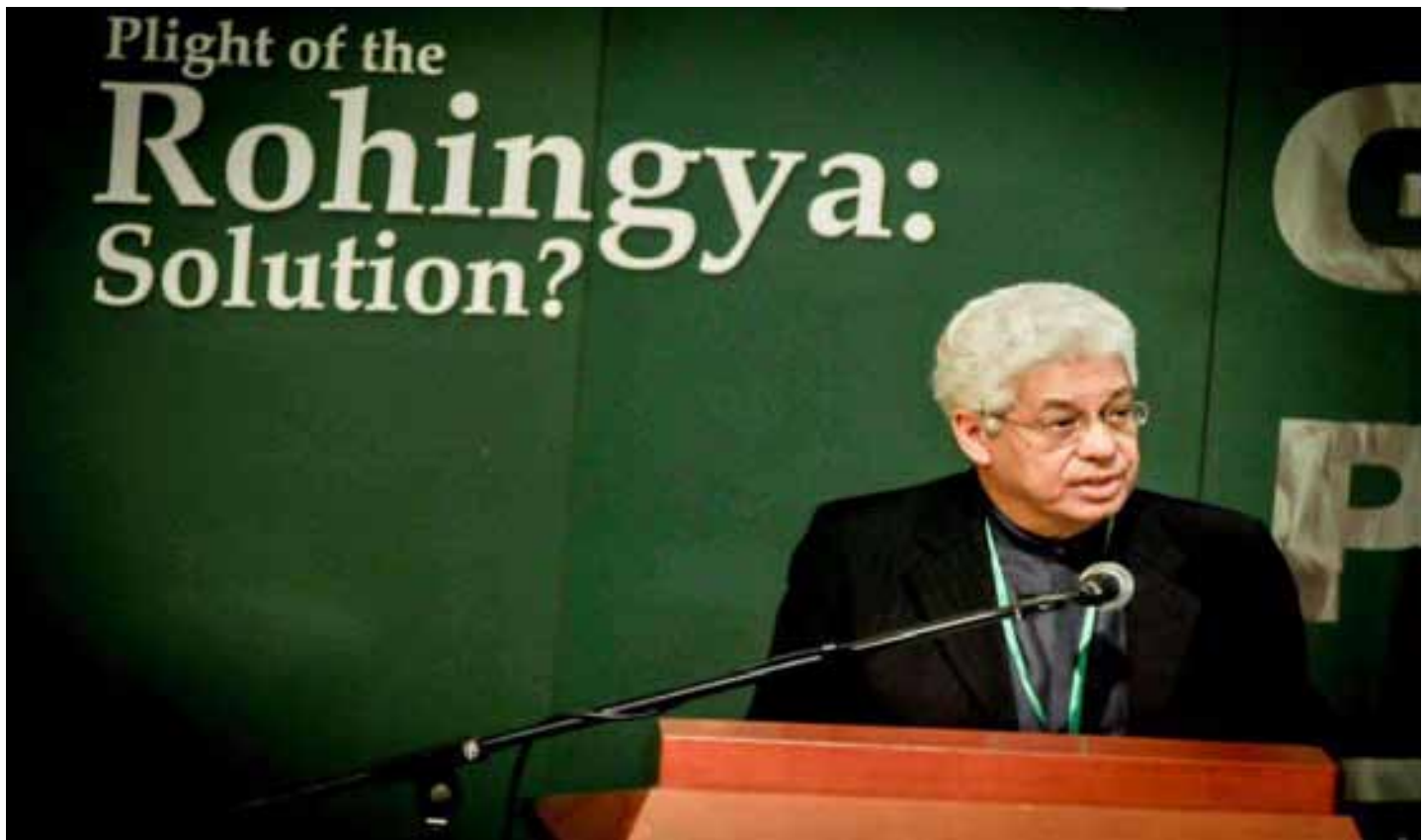
In 1982, Ne Win redefined the citizenship through enactment of an oppressive Burma Citizenship Law and the Rohingya are now legally considered illegal aliens in the country. It violates several fundamental principles of international customary law standards, offends the Universal Declaration of Human Rights and leaves Rohingyas exposed to no legal protection of their rights.

It is conflicting government's obligation to fulfil the rights of the child as stipulated by Article 7(1) of the UN Convention on the Rights of Child, 1989 which states that the child shall be registered immediately after birth and shall have the right to a name, and to acquire a nationality. The Burmese government ratified this convention in 1991. Yet, recently more than 40,000 Rohingya children were blacklisted for their parents did not marry with official permission.

The basic freedom of the Rohingya like freedom of movement, marriage, education, trade and business are severely restricted. They are banned from travelling from place to place, even within the same locality, without a pass. For marriage recommendations from different authorities are required. Getting permission could take one, two or more years. The married couples have to agree not to take more than two children.

In all these cases bribery is obvious and rampant. The higher studies of the Rohingya students are under serious restrictions. The Rohingya students reading in Sittwe University are not protected in the campus. The Rohingyas have been marginalized as the most illiterate section within Burma population.

The authorities impose relentless taxation on all food grains and agricultural produces of the Rohingya. They need to pay for the registration of newborn baby and for the burial of a dead family member.



Many mosques, *madrasas* (religious schools), *Waqf*lands (endowments) and Muslim graveyards have been demolished or taken over. Construction, extension and repairs of the same are prohibited. Muslim relics, monuments and place names have been destroyed, changed and erased. All these attempts aim at effacing the Muslim character of Arakan.

Since June deadly violence, the authorities have shut down almost all mosques and *madrasas* in North Arakan prohibiting daily 5 time congregational prayers, including Eid congregation on last 20 August. During the holy month of Ramadan the clampdown intensified. Immeasurable copies of holy Quran, Hadith and religious books have been burnt down or destroyed. The destruction still continues.

There were two unprecedented Rohingya refugee exoduses from Arakan into Bangladesh, one in 1978 and the other 1991-92, each with about 300,000 refugees. Despite repatriation, the influx of refugees into Bangladesh is in cyclic order due to continued persecution against them. There are 30,000 official refugees and more than 250,000 undocumented refugees living in squalid condition. They face regular harassment of the Bangladesh law enforcement agencies and local goons. Many refugees lost their lives over the years whilst resisting forced repatriation.

In addition, under extreme condition, the Rohingyas have desperately chosen dangerous voyages by rickety boats towards Southeast Asian countries, and many hundreds of them drowned over the years. Some of them were rescued or detained in Sri Lanka, India, Thailand, Indonesia, Malaysia and etc.. A large number of people were victimized at the hands of the greedy exploiters and human traffickers.

Rohingyas' dilemma

Violence against Rohingya reaches deep-rooted xenophobia. US Ambassador to Burma Derek Mitchell rightly said "the Rohingya are oppressed by everyone."¹ In support of President Thein Sein's statement, not only Buddhist Rakhines, but also Buddhist monks, politicians and activists have demanded Rohingyas' expulsion from the country

¹ Patrick Barta, "US Ambassador in Myanmar Speaks out on Rohingya", in Southeast Asia Real Time, August 24, 2012.



It is now increasingly clear that the government and Rakhine Nationalities Democratic Party (RNDP) are directly involved in the violence. The popular slogan in the country is *“Arakan is for Rakhine; Rakhine and Buddhism are synonymous; Muslim Kala (Rohingya) have nothing to do in Arakan”*. On top of that the pro-democracy leader, Daw Aung San Suu Kyi, has remained uncharacteristically silent on the persecution of Rohingyas making the situation more appalling. When asked, during her recent trip to Europe, if the Rohingya should be treated as citizens, she answered “I do not know.”

Large-scale state sponsored violence against Rohingyas

The early June deadly violence in Arakan was plotted under the pretext of rape and murder of a Buddhist Rakhine woman in Kyauknimaw by three Muslims, who were then already arrested at the end of May. On 4 June 12 Muslims that included 10 Burmese Muslim passengers belonging to Jammah Tablig, were brutally killed in Taung-gup by an organised Buddhist Rakhine mob of 300, but the security forces just stood by. People of the area know that the actual culprits were Burmese soldiers and the three Muslims were made scapegoats. It is outrageous that soon the main suspect was announced to have committed suicide in police custody while the rest two were hastily sentenced to death.

A curfew was imposed but the killing of innocent Rohingyas continued. In the absence of evidence, along with Buddhist extremists, police, security forces and soldiers took part in the killing. Dead bodies were reportedly cremated, buried in mass graves or thrown into the sea. The government and media groups on the ground are “proved liars”. Whereas many hundreds of Rohingyas were killed and disappeared, still the media reports the number of deaths as 87.



According to Burma Campaign UK²

- Burmese police, security forces and soldiers are raping, looting, torturing and arbitrarily killing Rohingya people.
- There have been mass arrests with Rohingya people kept in detention camps without trial, without food or medical services.
- Around 100,000 internally displaced people in various locations, the vast majority without receiving proper assistance because they are ethnic Rohingya. Aid is mostly being blocked by the government or where allowed Rohingya people have been excluded.
- Unknown thousands of people fled to Bangladesh where they were getting no aid or protection, while thousands more are turned back by the government of Bangladesh, literally at gun point, in violation of international law.
- Local authorities are refusing to allow many Rohingya people back to some villages, shops and homes in a policy that appears designed to 'cleanse' these areas of Rohingya people.
- President of Burma has proposed a policy that amounts to ethnic cleansing asking the United Nations to arrange for Rohingya people to be removed from Burma and sent to third countries.

Important historical and legal nexus between Rohingya and Burma

1. From 1430 to 1645, for a period of more than two hundred years, the Arakanese kings took Muslim titles and used Muslim names in their coins. Col. Ba Shin, the then Chairman of the Burma Historical Commission states, "Arakan was virtually ruled by Muslim from 1430 to 1531."³

² <http://www.peacejam.org/news/Mairead-Maguire-calls-on-UN-to-end-Burmese-Government-Led-Repression-802.aspx>

³ Ba Shin, "Coming of Islam to Burma 1700 AD", A research paper presented at Azad Bhavan, New Delhi in 1961, p.4.



2. The word 'Rohingya' was a historical name for the Muslim Arakanese. In 1799 a Scottish doctor Francis Buchanan wrote, "...Mohammedans, who have long settled in Arakan, and who call themselves Rooinga (Rohingya), or native of Arakan." Dr. Michael W. Charney states "it can be asserted, however, that one claim of the Buddhist school in Rakhaing historiography, that Rohingya was an invention of the colonial period, is contradicted by the evidence."⁴
3. In December 1942 British Military Administration declared part of their traditional homeland in North Arakan as 'Muslim National Area'.⁵
4. In 1946, General Aung San assured full rights and privileges to Muslim Rohingya Arakanese saying *"I give (offer) you a blank cheque. We will live together and die together. Demand what you want. I will do my best to fulfil them. If native people are divided, it will be difficult to achieve independence for Burma."*⁶
5. Under Annex A of the Aung San-Attlee Agreement (27 January 1947) and Article 3 of the Nu-Attlee Treaty (17 October 1947), the Rohingya are citizens of the Union of Burma. They are also one of the indigenous races of the country under Section 11 (1) (II) and (III) of the 1947 Constitution.
6. The Burma parliamentary government of U Nu had recognized 'Rohingya' as one of the indigenous ethnic nationalities of Burma. *"The people living in Maungdaw and Buthidaung regions are our national brethren. They are called Rohingya. They are on the same par in the status of nationality with Kachin, Kayah, Karen, Mon, Rakhine and Shan. They are one of the ethnic races of Burma."*⁷

⁴ Dr. Michael W. Charney, Buddhism in Arakan: Theory and Historiography of the religious Basis of the Ethnonym" Forgotten Kingdom of Arakan Workshop, 23-24 November 2005, Bangkok, p.15

⁵ Public Notice No. 11-OA-CC/42 dated 31st December 1942.

⁶ Prof. Dr. Aung Zaw, *"Tineyin Muslims Sapyusasu Poggu-kyawmya-2"* (Indigenous gazetted Muslim elite-2), (in Burmese), 2009, p.188.

⁷ Radio speech by Prime Minister U Nu on 25 Septmebr 1954 at 8 PM. Public speech PM UN and Defence Minister Un Ba Swe at Maungdaw and Buthidaung respectively on 3 and 4 November. 1959.



7. Giving special significance on the indigenous status of Rohingya, the former first President of Burma Sao Shwe Theik stated, *"Muslims of Arakan certainly belong to one of the indigenous races of Burma. If they do not belong to the indigenous races, we also cannot be taken as indigenous races."*⁸
8. Rohingyas were not subjected to any laws related to Registration of Foreigners before or after Burma's independence such as the Foreigner Act (Indian Act III, 1846), the Registration of Foreigners Act (Burma Act VII, 1940) and the Registration of Foreigners Rules, 1948. They participated in all elections held in Burma from 1946 (British colonial period) to last November 2010 elections – including SPDC's 2008 referendum-- and who, in exercise of their right of franchise, voted their representatives to parliaments and different levels of administration in Burma. *Thus they were never leally treated as foreigners.*
9. There have been Rohingya MPs. Minister, parliamentary secretaries, professionals, doctors, engineers, lawyers, academics, government officials and others who run for public office. It is noteworthy that citizens whose parents hold FRCs are not allowed to run for public office.

Rohingya issue is not a problem of 'illegal immigration' but a case of intolerance and persecution deeply entrenched in 'systematic racism' and preoccupation of 'Muslim phobia'. Burma is one of the most ethnically diverse countries in the world. Different ethnic groups are living all along its borders having natural affinities with peoples living in the adjacent areas across the international borders. For example, Shan, Mon and Karen in Thailand and Laos, Kachin in China and India, Chin and Rakhine in Bangladesh and India, etc. While this inherent identicalness between them is accepted, the existence of Rohingya in Burma is rejected for their resemblance with the people of adjacent Chittagong region of Bangladesh. The reason is they are Muslims and are in South Asian appearance in contrast to Southeast Asian.

⁸ "The Rohingyas: Bengali Muslims or Arakan Muslim", Euro Burma Office (EBO) Briefing Paper No.2, 2009. In Dr. San Oo Aung <http://sannaung.wordpress.com> 22 January 2008.



In reality all the Buddhists are not citizens of Burma, not all the Muslims and Christians are illegal immigrants of Burma.

SOLUTION TO THE ROHINGYA PROBLEM

The long standing Rohingya problem is an issue of '*ethnic, religious and political persecution*' to rid Arakan of the Muslim population. It is an '*ethnic cleansing*', and the violations of human rights against them are systematic, persistent and widespread that amount to '*crimes against humanity*'. Their problem is a manmade tragedy having political and humanitarian dimensions of regional and international concern.

By all legal standards the Rohingya are indigenous to Arakan and, therefore, to Burma. Arbitrary deprivation of Rohingya's citizenship is an international crime. Nonetheless, the Rohingya problem is first and foremost to be resolved within Burma, and the most pertinent right in this connection is their right to stay and live without disturbance in their country which, today, constitutes customary international law, reflecting the traditional position that the "natural" place for an individual is the territory of the State of nationality or his homeland.

Burma became a member of ASEAN in 1997. Under the ASEAN Charter, Burma has committed itself to values of peace, democracy and respect for human rights. As a part of ASEAN, Rohingyas of Burma must be seen as ASEAN people and ASEAN members have obligation to protect their democratic rights in Burma. The impact of Rohingya problem has been felt through out ASEAN region, particularly with the Rohingya refugee and their boat people crisis. The problem cannot be termed as an internal affair of Burma and it warrants a regional solution.

The international community, all NGOs and humanitarian organizations have an important role to play to improve the situation of the Rohingya. Some NGOs are already working and operating in Arakan and Burma. They should state in their contracts and agreements that there must be no abuse of human rights of Rohingya and other people in Burma. NGOs, through domestic, regional and international cooperation, should extend pressure, join the lobbies, and call a halt to human rights violations and abuses by the government and non-state actors in Burma against the Rohingya and



other people. They should extend all possible help and assistance to the Rohingyas, within their mandate, to promote human rights and democratic values.

Amnesty International, Human Rights Watch, Minority Rights Group, the Anti-Slavery Society, the International Committee of the Red Cross and many other NGOs, are concerned with specific aspects of individual rights and they can be of help to the Rohingya situation. NGOs and humanitarian organizations would be able to take activities and projects to address the need for Rohingya people for alleviation and advancement in their livelihood based on a foundation of self-reliant strong and sustainable educational, economic, socio-cultural structure.

In the absence of national protection the 'Responsibility to Protect' the Rohingya weighs on the international community. For a genuine long-term solution, the root cause of their problem, the issue of their statelessness and refugee problem, their displacement and marginalization must be effectively dealt with. Food security, economic and social development, respect for the religion and culture, freedom of movement, political participation, property ownership, access to schools and livelihood opportunities, and the right to marry are some of the key issues to be dealt with.

For the purpose of a permanent solution to the Rohingya problem:

1. The Burma/Myanmar government must recognize the citizenship, human and ethnic rights of the Rohingyas in an unequivocal term. They should be able to peacefully co-exist in Arakan with their '*collective rights*' on par with other national groups of the Union of Burma.
2. The political and democratic process in Burma must be all-inclusive, and the Rohingya should be a part of it.
3. Honourable repatriation, rehabilitation and reintegration of Rohingya refugees in their original places in the homeland of Arakan.



4. There should be a dialogue between the Muslim Rohingya and Buddhist Rakhine with a view to burying prejudice and easing tension for a 'peaceful co-existence' as equal citizens.

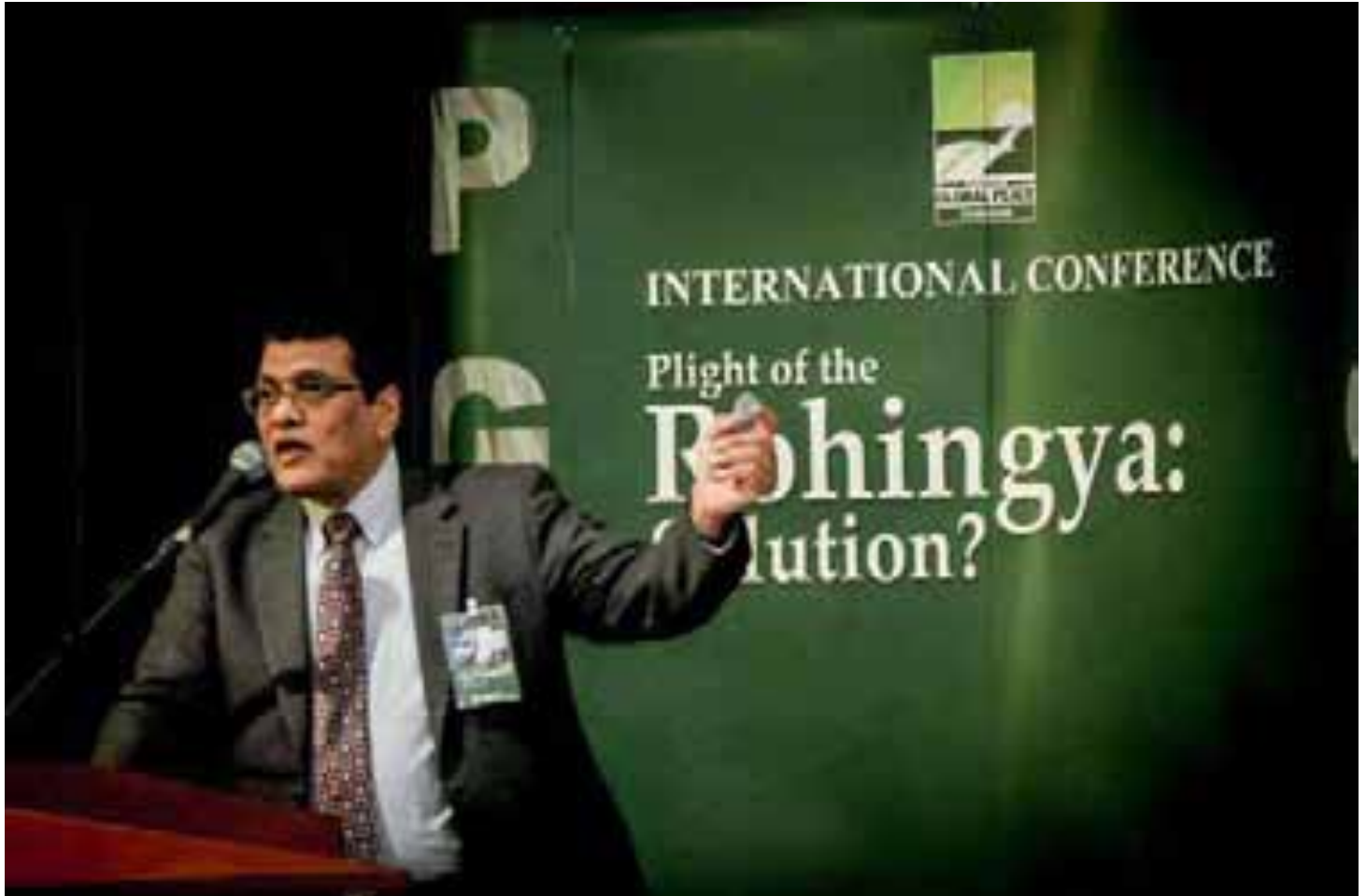
Meanwhile, the following immediate measures are of importance:

1. Concerted international pressure needs to be mounted on the Burmese government to end the ongoing cold-blooded murder, silence-extermination, destruction, rape, arbitrary arrest, torture and other inhuman act against the Rohingya people; and to release forthwith all those who have been arrested under false and imaginary charges.
2. A UN Commission of Inquiry should be sent to Arakan immediately in order to publicly announce the true findings and to bring those responsible to justice.
3. It is vital that UN intervenes in the matter, on grounds of humanitarianism, for the specific purpose of preventing or alleviating widespread suffering or death.
Should the Thein Sein government fail to repeal or amend the 1982 Citizenship Law to conform to international law standards and bring about all other desired changes, the UNSC may consider creating a 'safe haven' in North Arakan to protect the lives of the Rohingya people.
4. Under its Charter the ASEAN should make regional efforts, and the OIC Member States of ASEAN should take an initiative for a permanent solution of the Rohingya problem, with the cooperation of UN, OIC and other essential international organizations.
5. The international community should extend unhindered humanitarian assistance to all victims of the violence in Arakan.
6. Rehabilitation of the internally displaced Rohingya victims of violence in their original properties and places, with full security, and evict those Rakhine vigilantes who intruded on the Rohingya's land, properties and houses.

The last words:

Last but not the least, solution to the Rohingya problem largely depends on the *will* of the ruling Burmese government. It is equally important that good sense prevails in the mind of the Buddhist Rakhine and the Muslim Rohingya should be able to peacefully co-exist in Arakan as equals. Thank you for listening. #

The international community, including Malaysia, must put pressure on the Myanmar government to cease the abuse of the Rohingya ethnic minority and recognise them as citizens of Myanmar : Dr. Wakar



Kulam Lumpur : Arakan Rohingya Union director-general Professor Dr Wakar Uddin cautioned that the Myanmar government was arrogant and would not respond to scattered messages from a few organisations. "Countries need to come together and put concerted pressure on the Myanmar government to stop their systematic and persistent genocide of the Rohingya people in the Rakhine state of Myanmar.

"We need a multi-track approach. Not only must the Organisation of Islamic Cooperation (OIC) and the Association of Southeast Asian Nations (Asean) speak up, but the North Atlantic Treaty Organisation (Nato) and the United Nations (UN) should come in to condemn the violence towards the Rohingya Muslims," Wakar urged at the one-day international conference "Plight of the Rohingya: Solutions?" at the Islamic Arts Museum here yesterday.

He urged for a concerted international intervention effort to improve the plight of the Rohingya people and that it should be continued and sustained until the problem is solved. "Being redundant can be good. It does not hurt the international community to repeat the same message again and again to the Myanmar government as this will drive the message home."



Panelists at the conference pointed out that the discrimination against the Rohingya people was a direct result of the Myanmar government's decision to strip them of their citizenship under the 1982 citizenship law and all agreed that the law be repealed.

"Once the Rohingya have citizenship, we have the basis to fight for the other violations of their human rights." He said that the international media and monitoring teams also needed to be in the region to report the situation in Rakhine.

Dr. Wakar also proposed the international community ensure that Rakhine's current police force, which had allegedly participated in the abuse of Rohingya, is disbanded and replaced with a force that includes the Rohingya to keep the violence towards the community in check. The Rohingya people have been described as "among the world's least wanted" and "one of the world's most persecuted minorities." ##



Sunday September 23, 2012

Roots of violence, hatred run deep

By BENJAMIN ZAWACKI

The Rohingya problem in Myanmar stems from the systematic discrimination against this ethnic and religious minority.

MUCH has been written lately, either empathetically or as a challenge, of Myanmar's "Rohingya problem". Since early June, the Rohingya have borne the brunt of communal violence, human rights violations, and an urgent humanitarian situation in Rakhine State, and face an uncertain future. But when considered more closely, is that all? What really is the problem?



Mr. Benjamin Zawacki - Consultant, former researcher of Amnesty International (AI) in Kuala Lumpur Conference held on 17 September 2012

The events of this year, as well as the violent events of 1978, 1992, 2001, and 2009, are attributable to systemic discrimination against the Rohingya in Myanmar. That is, to a political, social, and economic system – manifested in law, policy, and practices – designed to discriminate against this ethnic and religious minority.

This system makes such direct violence against the Rohingya far more possible and likely than it would otherwise be. Further, in the eyes of the Myanmar authorities at least – as evidenced by the lack of accountability for the civilians and officials alike – discrimination also makes the violence and violations somehow justifiable. That is the problem.

In 1978's "Dragon King" operation, the Myanmar army committed widespread killings and rape of Rohingya civilians and carried out the destruction of mosques and other religious persecution. That resulted in the exodus of an estimated 200,000 Rohingya to neighbouring Bangladesh.

A similar campaign of forced labour, summary executions, torture and rape in 1992 led to a similar number of Rohingyas again fleeing across the border.

In February 2001, communal violence between the Muslim and Buddhist populations in Sittwe resulted in an unknown number of people killed and Muslim property destroyed.



Late 2009 featured the pushing back by Thai authorities onto the high seas of several boats – lacking adequate food, water, and fuel – of Rohingyas in the Andaman Sea. It is true that all of these events have similar, separate equivalents in countries in which systemic discrimination does not take place.

Yet in Myanmar such discrimination provides the violence with a ready-made antecedent, expressly approved by the state. Indeed, to varying degrees, the five seminal events noted above were simply exacerbations of this underlying discrimination.

It would overstate the causality to assert that if Myanmar had never put its system of discrimination against the Rohingya into place, these events would not have occurred. Eliminating it now, however, is urgently required for a sustainable future peace in Rakhine State and, equally important, is a human rights imperative.

The system's anchor is the 1982 Citizenship Law, which in both design and implementation effectively denies the right to a nationality to the Rohingya population. It supercedes all previous citizenship regimes in Myanmar of 1947, 1948, and 1974.

The 1982 Citizenship Law creates three classes of citizens – full, associate, and naturalised – none of which has been conferred on the Rohingya. Full citizenship is reserved for those whose ancestors settled in Myanmar before the year 1823 or are among Myanmar's more than 130 recognised national ethnic groups, of which the Rohingya is not one.

Associate citizens are those who were both eligible and applied for citizenship under the 1948 Union Citizenship Act. Requiring an awareness of the law that few Rohingya had and a level of proof that even fewer were able to provide, this included few Rohingya.



Likewise with naturalised citizenship, eligible for those who resided in Myanmar for five continuous years on or before 1948. Moreover, with all three classes, a Central Body has the discretion to deny citizenship even where the criteria are met.

The 1982 Citizenship Law's discriminatory effects are also extremely consequential. The main one is that the Rohingya, lacking citizenship in Myanmar, have been rendered stateless, both unable to avail themselves of the protection of the state and – as has been the case for decades – subject to policies and practices which constitute violations of their

human rights and fundamental freedoms. While not limited to Rohingyas, they are not imposed in the same manner and to the same degree on Buddhists or other Muslims in Rakhine State. This is systemic discrimination. Laws, policies, and practices, though designed and carried out by people, are ultimately part of or attributable to a system that ensures discrimination even in the absence of discriminatory individuals.

And it is patently unlawful. As a member of the United Nations, Myanmar is legally obliged to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”, as written in Articles 55 and 56 of the UN Charter.

The Universal Declaration of Human Rights – though admittedly not a binding document – provides in Article 2 that everyone is entitled to all the rights in the Declaration “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” It is clear that Myanmar, as a state party to this Convention, is in violation of its international legal obligations pertaining to the right of Rohingya children to a nationality.



Solutions?

Myanmar should substantially amend the 1982 Citizenship Law or repeal and redraft it, such that the Rohingya are indisputably made citizens. Rohingyas born in Myanmar who would otherwise be stateless should be granted citizenship, as should those who are not born there but are able to establish a genuine and effective link to the country.

Myanmar should also eliminate its policies and practices that discriminate against the Rohingya on the grounds of ethnicity and/or religion. Myanmar's "Rohingya problem" is almost entirely of its own making. More than any other single step, dismantling its system of discrimination would bring it closer to a solution.

Benjamin Zawacki is the South-East Asia Regional Representative of the International Development Law Organisation and a member of the Council on Foreign Relations. The views expressed here are his own, adapted from remarks given earlier last week at "Plight of the Rohingya: Solutions?", a conference organised by the Perdana Global Peace Foundation in Kuala Lumpur. #



































