



ROHINGYA BRIEFING REPORT

October 2015



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INTRODUCTION

The controversy surrounding Myanmar's Rohingya people is evident in conflicting stories about the ethnic group's origin. The Burmese government and Burmese historians argue that the Rohingya are actually Bengali Muslims, refusing to recognize the term "Rohingya." They claim that the Rohingya migrated to Rakhine state in Myanmar from Bengal during and after the British colonial era of 1824-1948. However, most experts outside of Myanmar agree that the Rohingya have been living in Rakhine state since at least the 15th century, and possibly as early as the 7th century. Claims that the Rohingya are recent immigrants from Bangladesh are simply untrue.

There are between 800,000 and 1,100,000 Rohingya in Myanmar today, 80% of whom live in Rakhine state. The Rohingya primarily reside in the two northern townships in Rakhine state--Maungdaw and Buthidaung--along the border with Bangladesh. Rakhine Buddhists are the major population group residing in Rakhine state. Tensions leading to violence between these two groups is a regular occurrence.



WHO ARE THE ROHINGYA?

- Sunni Muslims
- Make up 1/3 of Rakhine state's population
- 1,100,000 in Myanmar
- Significant population in Saudi Arabia, Bangladesh, Pakistan, Thailand, and Malaysia
- Government claims they are illegal immigrants from Bangladesh, and rejects them as one of the nation's 135 official ethnic groups
- Most live in Maung Daw and Bu Thi Daung townships

While the government has played a significant role in the oppression of the Rohingya, it has not been without the help of Burmese citizens. There is widespread dislike and even hatred toward the Rohingya in Myanmar. The Burmese government has ingrained this disdain into its citizens, using dislike for the Rohingya as a way to mobilize support. Leading up to November 2015 elections, President Thein Sein has pointed to the passage of numerous discriminatory laws as evidence that he is a strong leader and should be elected for another term. His campaign is fueled, at least in part, by anti-Muslim rhetoric. The Rohingya are a stateless people, hated in their own country and forced to live in appalling living conditions.

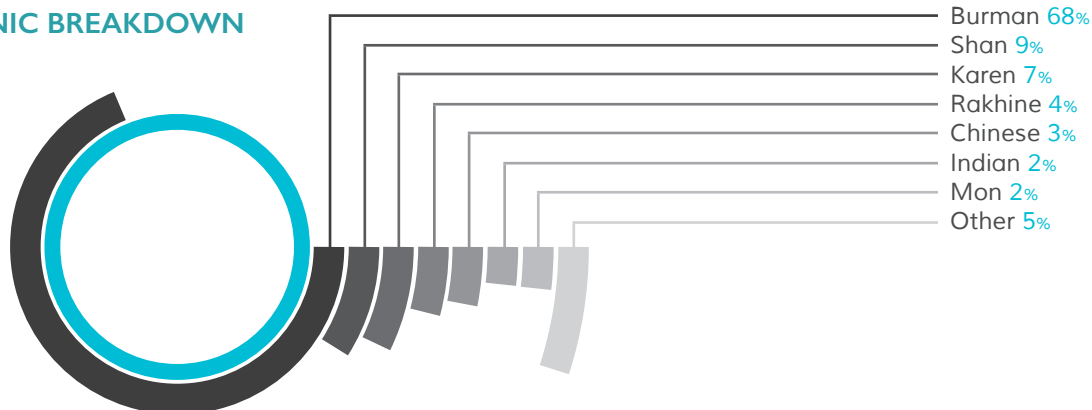
1. For the sake of clarity, the term "Myanmar" will be used throughout the report except when referring to the country before 1989, when its name was still "Burma."

HISTORY OF MYANMAR

The history of the Rohingya people is inextricably linked to the history of Myanmar. Important lessons from the country's history can be drawn to help explain the oppression of the Rohingya people today.

Myanmar is ethnically diverse, with 135 officially recognized races, and at least a few more that are unrecognized (like the Rohingya). The majority ethnic group is the Burmans, who make up 68% of the population (distinct from the term "Burmese" which refers to all citizens of Myanmar). Burmans reside primarily in the central geographic region of the country. Other ethnic groups, such as the Kachin, Chin, Rakhine, Shan, and others, reside primarily in the outside borderlands of the country, also called the Frontier Areas. Many of these minority ethnic groups live on both sides of Myanmar's border with neighboring countries.

ETHNIC BREAKDOWN



Burma was colonized by the British in 1885, and achieved independence in 1948. A coup in 1962 put the military in control of the government. While recent reforms have lessened the military's influence, it has played a prominent role in politics ever since the 1962 coup. After taking power, the military implemented a unique form of socialism in Burma. The government did its best to isolate Burma from the rest of the world, suppress dissent, and remain in control of the economy. More recently, the government has implemented democratic and economic reforms that have improved relations somewhat with the rest of the world.

COLONIALISM

Despite recent progress, the effects of colonialism remain a significant part of Myanmar's history and is often blamed as the root cause of the country's many problems. The legacy of colonialism, particularly fears of foreign control over the country, is deeply ingrained into Burmese consciousness. This fear has influenced the course of Myanmar's history, especially its policies of socialism and strict military rule of the government.

As a British colony, the Burmese held very little control over their own country. Their government, economy, resources, and administrative responsibilities were in the hands of British colonialists. Burmans felt as though their country was completely in the hands of outsiders--politically, culturally, and economically. After independence, centralized state control over both the government and the economy emerged as a response to the many years of foreign control. The extreme nationalistic tendencies of Myanmar after independence are rooted in fears that the country will once again fall under the control of non-Burmese. While the threat of colonialism has ended, the government continues to utilize this fear to meet its own objectives, directing the fear towards China, the West, or Islamist extremism.

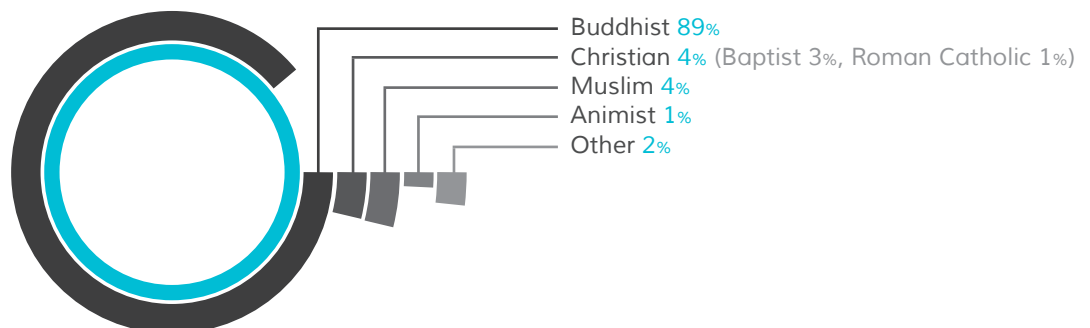
During colonialism, the British encouraged immigration of Indians and other South Asians into Burma. Indians, in particular, occupied a "middle tier" of influence in political and economic affairs, while the Burmese occupied the lowest tier. This fueled suspicions and resentment toward foreigners, both British and non-British. Following the colonial era, anti-immigration legislation was passed. These anti-foreigner sentiments contribute to the discrimination of the Rohingya, especially because of the belief that the Rohingya are relatively recent immigrants to the region. The Citizenship Act of 1982 (see page 12 of report) is the most prominent example of anti-foreigner attitudes solidified into law, limiting citizenship to those who are considered true Burmese. Foreigners residing in Myanmar today are seen as remnants and reminders of colonialism.

The colonial era also created divisions between the Burmans and minority ethnic groups, solidifying the separation and suspicion between races. The British didn't trust the Burmans, so they assembled the Burma Army with minority groups divided into ethnic units. During World War II, the two groups even fought on different sides; the Burmans with the Japanese and the minority groups with the British. These events created divisions between ethnic groups and armed minority groups.

BUDDHISM

Today, Myanmar's population is 89% Buddhist. Almost all Burmans are Buddhist, while most non-Buddhists are part of a minority ethnic group. Burmese national identity has always been closely intertwined with Buddhism. Before colonization, Buddhist kings ruled much of Burma. Under colonization, the British undermined many Buddhist institutions, most notably the schools. This ended the social and economic advantage that Buddhists in Burma had previously enjoyed, creating animosity toward non-Buddhists. This ultimately led to a backlash, where the military government has used Buddhism to bolster its authority and legitimacy, tying together Buddhism and Burmese national identity. The case can then be made that anyone who opposes the government also opposes Buddhism.

RELIGION IN MYANMAR



Buddhism continues to play an important role in Burmese society. Monks are revered and serve in leadership positions. Some are even recognized as martyrs of nationalist movements. Animosity toward non-Buddhists continues, especially towards Muslims, due to the legacy of Indian Muslims' power over the economy during colonialism. While Buddhism is considered a very peaceful religion in most of the world, Buddhists and even monks have been responsible for widespread violence in Myanmar.

ETHNIC CONFLICT

On-going ethnic conflict in Myanmar qualifies as the world's longest running civil war. An element of every ethnic group in Myanmar has rebelled during the country's history. Mistrust between the government and ethnic groups has been in effect since colonial times. Ethnic groups feel that they must protect their culture, language, land, and resources from the Burmese government. The government fears the ethnic groups will destabilize or even cause a breakup of the Union of Myanmar. The government is also suspicious of the involvement of foreign powers in disputes with ethnic groups, especially those connected by non-Buddhist religious ties.

In 1947, the Burmese government and the Shan, Chin, and Kachin ethnic groups signed the Panglong Agreement, which promised "full autonomy in internal administration for Frontier Areas". The 1947 constitution also suggested the possibility of independence for ethnic minorities after ten years. Despite these promises, the Agreement was never truly implemented, and soon after it was signed the military began ruling the ethnic areas by force. Ethnic groups viewed the Burmese military as an occupying force rather than a government, as it posted troops in these regions but did not provide schools, health care, or other public goods. In 1958, the ethnic groups realized they would not be granted the autonomy promised in the 1947 constitution, and took up arms in response. The adoption of Buddhism as the state religion in 1960 also caused renewed rebellions, as all non-Buddhists are part of minority ethnic groups.

Ceasefires between the government and ethnic militias have been signed and broken repeatedly over the last few decades. Fear and mistrust between groups causes little incentive to uphold these ceasefire deals. Today, many minority groups sight the Panglong Agreement in their demands, encouraging the government to finally uphold their portion of the deal. However, the government views these ethnic groups as a military problem rather than a political one. More recently, 2013-2014 saw a renewed outbreak of ethnic conflict until a ceasefire deal was signed in March 2015.

"There are herculean tasks ahead and big expectations. If the process after signing begins to falter, I'm not sure we will be able to get back to this point in many years."

- Historian Thant Myint-U on the signing of the March 2015 ceasefire agreement -

Some have claimed that the government uses tension with the Rohingya to justify its control over the country. The military argues that if it removes itself from politics, unrest and violence will emerge among the Rohingya and other ethnic groups. The government, then, actually has an incentive to encourage conflict with the Rohingya to keep up this charade. While the rest of Myanmar begins to open up and has undertaken reforms, life for the Rohingya still resembles the rule of an oppressive military government.

HISTORY OF THE ROHINGYA

The Burmese government censors and restricts access to information, manipulating and using the history of the Rohingya to fit its own aims. The government often uses the Rohingya as a scapegoat to unify the Burmese population under its disdain for the Rohingya.

Two major acts were legislated that infringed upon the rights of the Rohingya: the 1974 Emergency Immigration Act and the 1982 Burmese Citizenship Law. The 1974 Emergency Immigration Act required all citizens to carry an identity card, called a National Registration Certificate. The Rohingya were ineligible for these cards. They were only eligible for Foreign Registration Card which provided only limited rights and was meant for foreigners. Even then few Rohingya were able to secure a Foreign Registration Card.

Until 1982, the Rohingya enjoyed some degree of citizenship in Burma. While they faced discrimination, their status as citizens gave them certain rights. With the passage of the Citizenship Act in 1982, citizenship was revoked for the Rohingya (see page 12 for further information on the 1982 Citizenship Act). The law created three tiers of citizenship, and the Rohingya were excluded from all three tiers. The government justified this action by claiming that, as illegal immigrants from Bangladesh, the Rohingya could not be included in the list of 135 official ethnic groups.

There has been a consistent cycle of Rohingya leaving Myanmar, and then returning either by choice or by force. Two major exoduses of Rohingya into neighboring Bangladesh took place in 1978 and 1991, with a repatriation deal following each exodus. This highlights the disdain for the Rohingya also present in Bangladesh, where the government is eager to keep Rohingya from crossing its border. Bangladesh closed the Rohingya camps in 2005, even though Rohingya have continued to enter the country.

Tensions came to a head in May 2012 after a Buddhist woman was raped and killed in Rakhine state. Three Rohingya men were accused of being responsible. The Rakhine and the Rohingya both took up arms against one another, leaving at least 200 dead. Up to 1,100 people (mostly Rohingya) were detained and 115,000 internally displaced. More incidents followed, with anti-Muslim violence spreading beyond Rakhine state and into other parts of Myanmar. Human Rights Watch accused Burmese authorities of committing crimes against humanity in an ethnic cleansing campaign against the Rohingya. Tensions between Buddhists and Muslims in Myanmar continue to be high, and any minor dispute could lead to another eruption of violence.

A major player in the violence was a Buddhist nationalist group led by monks, called 969. This group of monks is known for its anti-Muslim sentiments, which many consider genocidal in nature. A Burmese nationalist group, their aim is to protect Myanmar's Buddhist society by targeting the Muslim minority. Time magazine described the leader of 969, Ashin Wirathu, as "The Face of Buddhist Terror." While the international community has condemned these activities, the government has done very little to restrain 969 and other anti-Muslim activities.

Islamist militant groups throughout South Asia have spoken out against the discrimination of the Rohingya, and spread anti-Buddhist messages in response. This adds more fuel to fears that Muslims will rise up against the government. The Burmese are fearful of Muslim extremism taking root in Myanmar.

“They (the Rohingya) are trying to improve their lives in our country and our lands. So this symbol and campaign is intended to defend ourselves. I fear that some Bengali Muslims are terrorists and have a mission to Islamise our country.”

- Sada Ma, 969 Movement’s Secretary -

In 2014, the government conducted its first census in 30 years. On the census, there was no option to register as Rohingya, so the Rohingya had to register as “Bengali,” effectively forcing them to admit what the government claims they are-- immigrants from another country. The Rohingya had been allowed to register as temporary citizens and receive a white card, which provided them with limited rights, however the government revoked their white cards in February 2015. This means the Rohingya will not be able to vote in November’s elections. Muslim candidates are also barred from running in the elections. International groups have called for the government to reinstate the Rohingya’s voting rights, but so far it has failed to do so.



PHOTO BY Partners Relief & Development

CURRENT SITUATION

The Rohingya's lack of citizenship has led to a lack of representation, rights, and freedoms. The Rohingya are currently:

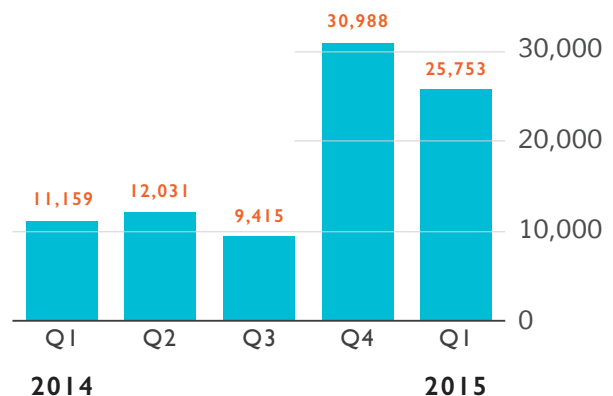
- Forced to live in camps and ghettos
- Prevented from accessing basic human services such as education and healthcare
- Banned from government jobs, running for office, and voting
- Coerced into working hard labor by the government
- Unable to marry without government permissions which is rarely granted
- Limited in the number of children they can have

Worsening these difficult conditions is the Burmese government's restrictions on aid for the Rohingya. The UN does serve about 25,000 Rohingya who live in official UN camps. But the majority of Rohingya live in unofficial camps or ghettos where they receive no help. The Rohingya situation is strikingly reminiscent of Jews in Nazi Germany or apartheid-era South Africa.

The Rohingya are in a very difficult situation. They are trapped with no rights and nowhere to go. Their response is born of desperation. Since the violence in 2012, over 87,000 Rohingya have fled the country in rickety boats, putting their lives in jeopardy on a dangerous sea passage at the hands of human traffickers. Over 800,000 remain in harsh conditions in Myanmar, while over 300,000 live in Bangladesh where conditions are not much better. Others have escaped to Thailand, Malaysia, or Indonesia where they face significant challenges in living and working.

MIGRANT MOVEMENTS

Estimated number of Rohingya and Bangladeshi migrants who left Myanmar and Bangladesh on smugglers' boats.



Source: UNHCR

United Nations High Commissioner for Refugees

The Burmese government has shown little interest in improving its treatment of the Rohingya. Even Aung San Suu Kyi, famed leader of the democratic opposition and winner of the Nobel Peace Prize, has failed to publicly address the plight of the Rohingya. Human rights groups, international media, and Western government have all spoken out about the oppression of the Rohingya. However, it is clear that a solution can only come when the Burmese government decides to address this issue and restore rights and citizenship to the Rohingya.

INTERNATIONAL RESPONSE

NEIGHBORING COUNTRIES

Other Southeast Asian countries, especially Thailand, Bangladesh, Malaysia, and Indonesia, have been impacted by the influx of Rohingyas fleeing Myanmar. Each of these countries has, willingly or unwillingly, received Rohingya refugees. For the most part, they have been hesitant to allow the Rohingya into their country, working to discourage them from entering or actively preventing their entry.

Many Rohingya choose to cross the border from Rakhine state into Bangladesh, where they live in conditions little better than the ones they left behind in Myanmar. Around 30,000 Rohingya live in registered camps in Bangladesh where they can receive assistance from the UN and other humanitarian groups. At least 200,000 Rohingya live in unofficial camps or nearby villages where they receive no assistance and are at risk of deportation back to Myanmar at any time. Bangladesh has also become a secondary point of exit for Rohingya, where they find passage by boat to other countries in the region.

*“We have treated [migrants] humanely but they cannot be flooding our shores like this...
They are not welcome here.”*

- Malaysian Deputy Home Minister Wan Junaidi Jafaar -

Thailand has played a particularly prominent role in the Rohingya crisis. As a global hub for human trafficking, numerous abuses have been committed against the Rohingya and others in Thailand. Rohingya are smuggled into Thailand and then trafficked to other places around the world. A recent crackdown on human trafficking and smuggling in Thailand actually exacerbated the crisis. Smugglers feared arrest by the Thai government, so they began abandoning boats full of refugees in the ocean or on islands near the coast. Most were abandoned without sufficient food or water. Thai authorities have also been accused of conspiring with smugglers and turning a blind eye to “transit camps” along the Thai-Malaysian border. These camps are run by smugglers, where migrants are held under terrible conditions until their families agree to pay a bribe. Concealed graves have recently been found in abandoned transit camps in Thailand.

ASEAN, a regional grouping of ten countries in Southeast Asia, has spoken out about the Rohingya situation, but done very little to actually pressure Myanmar to make changes. Critics have pointed to this lack of action as evidence of ASEAN’s overall ineffectiveness. As the crisis continues, however, and ASEAN-member states have to deal with the influx of refugees, they may be forced to implement more concrete actions on behalf of the Rohingya.

Because the Rohingya migrant crisis has increased so drastically in 2015, the international community began pressuring nearby countries to be more humane and proactive in their treatment of the Rohingya.

Indonesia and Malaysia began offering temporary shelter to migrants. Malaysia began rescuing stranded boats of migrants. Thailand agreed to stop towing boats of migrants into international water. Myanmar's navy even began rescue missions. While these efforts are a good start to addressing the Rohingya crisis, more must be done both in Myanmar and in neighboring countries to preserve the lives and rights of the Rohingya.

WESTERN COUNTRIES

Since the political and economic reforms of 2010, Myanmar's relations with the West have been much improved. Sanctions were lifted and diplomatic relations were renewed. However, the United States and European Union, in particular, have tried to exert pressure on Myanmar's government to improve its treatment of the Rohingya. US President Barack Obama visited Myanmar in 2012. During his time there, he spoke specifically about the Rohingya and encouraged the country to implement human rights reforms. While Myanmar's government has agreed to some reforms, they have not followed through with these promises.

LEGAL IMPLICATIONS

BURMA/MYANMAR LAWS

The Citizenship Act of 1982 provides the justification for the Burmese government's marginalization of the Rohingya people by preventing them from gaining full citizenship. This law created three tiers of citizenship. Because the Rohingya were not listed as one of the country's 135 "national races," they could not attain citizenship.

CITIZENSHIP ACT (1982): Created three tiers of citizenship within Burma:

1. FULL CITIZENS	2. ASSOCIATE CITIZENS	3. NATURALIZED CITIZENS
Burman, members of indigenous ethnic/linguistic groups, those who could prove they were descendents of Burma from before 1823	Those born in the country after 1823	Those who could provide evidence that he or his parents entered and resided in Burma prior to independence in 1948 or have a parent with one of the three types of citizenship.

The country has recently enacted a number of laws which are considered discriminatory to the Rohingya and other minority groups.

- A population control law, which would allow authorities to require women in designated areas of the country to wait a certain amount of time between children
- A conversion law, which make converting to a different religion much more difficult
- A law that discourages marriages between Buddhist women and non-Buddhist men
- A law that bans polygamy

While these laws do not appear overly harmful, they can be used as tools to limit the rights of the Rohingya. Even if the Rohingya did gain citizenship, these laws would also need to be repealed in order to give the Rohingya full rights and freedoms and prevent discrimination.

INTERNATIONAL LAWS

The treatment of the Rohingya people by the Burmese government intersects with international humanitarian law at a variety of places.

- According to the Universal Declaration of Human Rights, everyone has the right to a nationality. The Convention on the Rights of the Child (which Myanmar is a signatory of) also states that, from birth, every child has the right to a nationality. As we have discussed above, the Rohingya are being prevented from claiming a Burmese citizenship, leaving them without a nationality.
- Without citizenship, the Rohingya do not have many of the basic rights laid out in international law, including the ability to vote and be elected, own land, move freely, and access public goods like healthcare and education.
- The Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity require that states investigate human rights violations, bring perpetrators to justice, and provide remedies for victims. The Burmese government's failure to fully investigate or bring to justice those responsible for the violence against the Rohingya in 2012, as well as more recent discrimination, violates this principle.
- The concept of "non-refoulement," in the UN Protocol Relating to the Status of Refugees, states that no one can return a refugee to their home country where they feel threatened against his or her will. This has occurred in countries in the region, especially Bangladesh, who use various means for forcing the Rohingya back over the border into Myanmar.

CRIMES AGAINST HUMANITY? ETHNIC CLEANSING? GENOCIDE?

There has been much debate about the government of Myanmar's actions against the Rohingya and whether they fall into the categories of crimes against humanity, ethnic cleansing, and/or genocide. Regardless of the exact classification of these acts, it is clear that past and current treatment of the Rohingya is unjust, inhumane, and must change immediately. The Burmese government has not upheld the principle of responsibility to protect, in which "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means." Some have even argued that "nowhere in the world are there more known precursors to genocide" than the Burmese government's treatment of the Rohingya.

"How can it be ethnic cleansing? They are not an ethnic group"

- Mr. Win Myaing, the official spokesperson of the Rakhine State Government, May 15, 2013 -

CRIMES AGAINST HUMANITY

“Crimes against humanity” include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of population;
- imprisonment;
- torture;
- rape,
- sexual slavery,
- enforced prostitution,
- forced pregnancy,
- enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds;
- enforced disappearance of persons;
- the crime of apartheid;

other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.”

International Criminal Court’s
Definition of Crimes Against
Humanity

ETHNIC CLEANSING

The definition of ethnic cleansing is;

“a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”

UN Security Council Resolution
780

GENOCIDE

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

1948 Convention on the
Prevention and Punishment of
the Crime of Genocide

In summary, the key concept of international law is the sovereignty of individual states. Along with that sovereignty comes the responsibility to protect and uphold the rights of its citizens. The Burmese government has not only failed to preserve the rights of the Rohingya people, it has worked to dismantle these rights.

TIMELINE

- 1885** — Burma becomes a British colony as a part of India; end of monarchy rule in Myanmar as king and family are exiled to India
- 1937** — British separate Burma from India, making it its own colony
- 1942-1945** — Japanese occupy Burma during WWII, is later liberated by British
- 1948** — Burma becomes an independent nation, beginning of civilian government
- 1961** — Buddhism named state religion
- 1962** — Military takeover of government in a coup and institutes socialist policies
- 1988** — People's Revolution - riots against the government lead to thousands of protesters killed by government, ultimately unsuccessful
- 1989** — Military party declares martial law to crack down on protests, renames country "Myanmar"
- 1990** — Opposition party wins landslide victory in elections, but military ignores results
- 2007** — "Saffron Revolution" following price increases, monks play prominent role
- 2008** — Cyclone Nargis hits Myanmar, killing 134,000
- 2010** — Military party wins majority of votes in elections, opposition claims widespread fraud
- 2011** — President Thein Sein begins democratic, economic reforms
- 2012** — Parliamentary by-elections held, opposition wins a vast majority of seats
- 2012** — David Cameron becomes first major Western leader in 20 years to visit the country, demonstrating a loosening of sanctions and more engagement with the country because of reforms
- 2013-2014** — Flares of violence with various ethnic groups
- 2015** — Draft ceasefire signed between government and 15 rebel groups
Elections scheduled for November

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