



Research Paper

Rohingya Refugees – Digging the Roots of the Crisis

Somosnigdha Pal

IV BALLB

KLE Society's Law College, Bengaluru, India
(Karnataka State Law University, Hubballi)

ABSTRACT – The exodus of thousands of Rohingya refugees from Myanmar to Bangladesh and other neighbouring countries has led to a huge socio-political turmoil in the subcontinent. The utter plight and humanitarian abuses caused to them have frequently made it to the headlines. Several international actors have attempted to provide assistance and ameliorate the situation though the disaster is still far from being calmed. This paper aims to trace how the situation got complicated through the course of time and explores the roots of the crisis.

KEYWORDS – Rohingya Muslims, refugees, displacement crisis, citizenship, discrimination and persecution.

Received 06 August, 2021; Revised: 18 August, 2021; Accepted 20 August, 2021 © The author(s) 2021. Published with open access at www.questjournals.org

I. INTRODUCTION

It is rarely comprehensible for people sitting at the comfort of their homes what it means to be a 'refugee' - the unending anxiety, ravaging trauma, ceaseless wander in search of security, humiliation and mockery by the society and the constant struggle to fit in. The least that can be done is to foster a sense of empathy for them and deal with their problems with compassion and humanity. The Rohingya crisis, which still persists, is one of the most disturbing and horrific episode in recent times. As endeavours are being made around the world to remedy the predicament caused, it is momentous to trace the sources of the same.

WHO IS A REFUGEE?

With more than 65 million people displaced around the world, the terms "refugees" and 'migrants' are used quite interchangeably to address them in the media and public discourse. In real sense, however, the two terms have very different and distinct meanings and using them as synonyms create confusion and problems for the displaced population as well as for the state and non-state actors.

In simple words, refugees are people who flee armed conflict and persecution. Often the situation at their home country becomes so perilous and intolerable that they cross national borders to seek safety and refuge in neighbouring countries. They are precisely recognized as refugees by State and international organizations because it is too dangerous for them to return home and denial of asylum to them has potentially fatal consequences. The 1951 Convention Relating to the Status of Refugees has laid down the criteria for applying the term 'refugee' to a person which, inter alia, includes a person with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and who owing to such fear is unwilling to return to the country of his nationality.¹

The word 'migrant', on the other hand, applies to those who chose to move out of their country in search work, education, and family reunion or for a better future. Contrasting to refugees, they do not lack state protection at their home countries and do not have any obstacles to return.

Generally countries deal with migrants with their own immigration laws and policies while they deal with refugees with the help of refugee protection and asylum norms at place in the national legislation and international law.

¹ The 1951 Refugee Convention and its 1967 Protocol are the cornerstone of modern refugee protection which define and safeguard the rights of refugees

WHO ARE THE ROHINGYAS?

The Rohingya community is an Indo Arabic ethnic group, predominant followers of Islam and residents of the Rakhine province in Myanmar. Representing around 1 million people out of Myanmar's 52 million people, they claim that they are the indigenous inhabitants of Myanmar with a rich heritage of over a millennium. The Rohingyas were not listed in the 2014 census of Myanmar among the 135 other officially recognized ethnic groups, thereby making them ineligible for citizenship. This makes the Rohingya community essentially stateless and deprived of legal rights and protection. Consequently they are vulnerable to human trafficking, child abuse and other forms of violence and exploitation.

WHAT IS THE CRISIS ALL ABOUT?

Despite living in Myanmar for generations, the Burmese laws and government consider the Rohingyas as migrants during the colonial rule. As a result they are not granted full citizenship. According to the 1982 Burmese citizenship law, 'a Rohingya (or any ethnic minority) is eligible for citizenship only if he/she provides proof that his/her ancestors have lived in the country prior to 1823. Else, they are classified as "resident foreigners" or "associate citizens" even if one of the parents is a Myanmar citizen.'

By reason of being seen as migrants, the Rohingya community was subjected to years of violence, discrimination and persecution. Their movements were restricted within the Rakhine state and were denied access to adequate food, healthcare, education and livelihood. The United Nations had also pointed out attempts of ethnic cleansing in the Rakhine province by the military led Myanmar govt. The period from 2010-12 witnessed political reforms in the country with a gradual tilt towards free democracy. However things changed very little for the Rohingya population who still were victims of statelessness and targeted violence.² The brutality and torture reached its peak in 2017 when villages at large were burned to the ground, families were separated and killed, children were abused and women were gang raped. The Rohingyas who survived the atrocities fled Myanmar in search of security and shelter which consequently resulted into the largest and fastest refugee influx into Bangladesh. An estimated 745,000 Rohingyas, almost 60 per cent of whom are children have taken temporary shelter in Cox's Bazar, Bangladesh. A huge bulk of them resides in the overcrowded and congested camps including the largest single site, the Kutupalong-Balukhali Expansion Site which hosts approximately 626,500 refugees.³ Apart from Bangladesh, other neighbouring South Asian countries like India, Pakistan, Thailand, and Malaysia are also hosting Rohingya refugees. A vast majority of the Rohingyas who are still living in Myanmar are internally displaced people (IDP).

The refugees in the temporary camps in the host countries live with inexplicable trauma and horror of the torture inflicted to them in Myanmar and in extremely vulnerable conditions in the makeshift settlements. The Kutupalong-Balukhali Expansion Camp, often referred to as the 'mega camp' was built hastily and haphazardly on a hilly jungle which presently has no vegetation to resist soil erosion and scorching heat. They live in densely packed huts with the imminent threat of cyclone, storm-surge, droughts, fires, human trafficking, substance abuse, malnutrition and communicable diseases. The camps, in most cases, lack basic health care and educational facilities. It goes without saying that the Covid 19 pandemic has only added to the already existing life threatening situation at the camps. Furthermore, those refugees who could not make it or were denied entry to the host countries died on the sea died without food and water after sailing on the Bay of Bengal for days in search of shelter.

This appalling situation of the Rohingya refugees has called the attention of international bodies who have been working in close coordination with the host countries for the well-being of the refugees. The severity of the crisis has led the Secretary –General of the United Nations to remark that '*the Rohingya people are one of the, if not the most, discriminated people in the world.*' Although the UN, its subsidiary agencies and several international non-governmental organizations have launched programs to provide life-saving assistance and protection to the refugees, their repatriation or a free and dignified life in the host countries still remain a distant reality.

ROOTS OF THE CRISIS

The history of persecution and violence faced by the Rohingyas has its origin in Britain's colonization of Burma (modern day Myanmar).

Back in the day the Rakhine province in southern Myanmar was an independent coastal kingdom called the Arakan State founded by King Naramaikhla in 1433.⁴ The ancient capital of the empire was called Mrauk-U.

² In 2015, after the first ever openly contested general elections held in the country since 1990, the democratically elected government headed by President Htin Kyaw was unwilling to grant citizenship to the Rohingyas.

³ Data published by United Nations Office for the Coordination of Humanitarian Affairs

⁴ Britannica Encyclopedia

However, throughout the ancient period it was known by different names. In Ptolemy's 'Geographia' (1500 AD) it was referred to as 'Argyre'.⁵ Early Buddhist missionaries called it 'Rekkha Puri'. Several texts including the Tripura Chronicles Rajmala denote the region as 'Roshang'.⁶ The Chakmas and Saks of eighteenth century named it 'Roang'.

It is claimed that the Rohingyas were the earliest inhabitants of Arakan who had close links with the people of Bengal and Assam. There is no unanimity among the scholars as far as the origin of the word 'Rohingya' is concerned. It is believed by some that Muslims who have long settled in the region called it 'Rovingaw' and accordingly called themselves 'Rohinga' or natives of Arakan. Others believe that the word Rohingya is derived from the Arabic word 'Rahm' which means mercy and yet a few others opine that the term Rohingya comes from the Ruha people who migrated from Afghanistan. Another claim is that the word Roh in Sanskrit means mountain and the mountains in north east India was known as Roh. Hence the inhabitants were called Rohingya.⁷

The history of Arakan had remained separate and distinct from that of the rest of Burma for many years. Muslim settlers have arrived and settled in Arakan for centuries before it was conquered by the Burmese Empire in 1784. Some people are of the view that the Arakanese Muslim community was constituted by the Moorish, Persian and Arab traders who had arrived and settled in Arakan in between ninth and fifteenth centuries. Thereafter, ensuing the annexation of Burma by Britain in 1886, Arakan became a part of the Province of Burma in British India. In 1937 it came under the Crown colony of British Burma which was split off from British India. After years of remaining a contested battleground due to the Japanese occupation of Burma, Rakhine eventually became a part of the newly independent state of Burma in 1948.

Though the initial rulers of Arakan were Hindus, reflecting Indian influence, the growth of Islam in Arakan was prominent owing to trade links with India and Arab. However, the dominance of the Muslims over the region gradually faded with the advent of the Rakhine group from Central Burma with Tibeto-Buddhist roots. During the colonial rule, Muslims from Bengal had entered Burma as migrant workers thereby increasing the Muslim population of the country over the period. Despite the facts that the Muslims have lived in Burma for years and Britain had promised the Rohingyas an autonomous state, it was never materialized and resentment towards them grew with time.

After independence, the government never acknowledged the Rohingyas and considered them as illegal immigrants to Burma. The Rohingyas have been victims of effectively institutionalized and targeted discrimination in the country since then. Ethnic and religious strife in the region gradually culminated in sectarian violence. The anti-Rohingya sentiments, which continued to grow, were mirrored in the constitution and laws of Burma. The situation further worsened when they were denied citizenship under the 1982 Burmese Citizenship law. The aforesaid law categorizes the ethnic groups into four based on their residency status in Burma prior to 1824: citizens, associate citizens, naturalized citizens and foreigners. The Rohingyas were regarded as foreigners since their residency in Burma prior to the nineteenth century was not recognized. This gave rise to restrictions on their freedom and liberty, legal rights, land ownership, employment opportunities and access to health services and education. Increased discrimination and animosity against the Rohingyas paved the way for the creation of Rohingya Patriotic Front armed group which changed names and eventually became Arakan Rohingya National Organization in 1998. Nevertheless circumstances continued to deteriorate as the 2008 Constitution of Myanmar which marked the country's transition towards democracy refused citizenship to the Rohingyas.

However the crisis escalated in the last decade as the long- rooted defiance against the Rohingya population took the form of violence and persecution. In 2012 conflict erupted in the Rakhine state between the Buddhists and the Rohingyas. The incident was triggered by the alleged rape and murder of a Rakhine Buddhist woman which steered the murder of 10 Muslim men. Riots broke out across the state where mosques and private properties were burned down and approximately 200 people were killed. Following this conflict around forty thousand Rohingyas were internally displaced in Myanmar. The role of the government in checking the confrontation was rather ambiguous while some reports suggest that the army took active part in the violence⁸.

The tension and turmoil had escalated swiftly in Rakhine as between November 2012 and April 2013 there was a sporadic rise in cases of violence against the Rohingyas including sexual violence against Rohingya women by the security forces. This made thousands of Rohingya men and women escape attacks at home to Bangladesh, Thailand and Malaysia. The brutality and torture was further strengthened with President Thein

⁵ <https://www.rohingya.org/the-etymology-of-arakan-rohingya-and-rakhine/>

⁶ Mohajan Haradhan, "History of Rakhine State and the Origin of the Rohingya Muslims", Munich Personal RePec Archives, 2018

⁷ Ibid

⁸ Human Rights Watch, 2012, "The Government could have stopped this: Sectarian violence and Ensuing abuses in Myanmar's Arakan State"

Sein's announcement that the only solution to stop the violence was to send the Rohingya to other countries or to refugee camps⁹.

Another wave of violence ensued in October 2016 after a Rohingya rebel armed group called the Arakan Rohingya Solidarity Army (ARSA) surfaced. It attacked policemen on three border posts and justified that as a response to the crimes and atrocities committed against the Rohingyas. Though denied by ARSA, claims were made that it has links with and receive backing from transnational jihadist groups. The police and the security forces in response launched a major operation to arrest the terrorists and take away the looted weaponry. The military campaign also entailed mobilization of a local militia of Buddhist nationalists to resist the 'Muslim threat'.

The counter-responsive Rohingya uprising in August 2017 acted as the final pin on the coffin. A series of larger, more coordinated and organized efforts were launched by ARSA on 30 Border Guard Police posts around Northern Rakhine. In retribution, the Border Guard Police along with the local militias carried out brutal torture on Rohingya civilians. What followed were bloodshed, sexual violence, destruction of villages and properties and ruthless killing. According to an international charity called Doctors without Borders, at least 6700 Rohingya people were killed in the first month of attack from August to September of 2017. The military was alleged to openly fire the fleeing civilians and plant land mines on the border roads used by the Rohingyas to enter Bangladesh. Amnesty International has pointed out that the Myanmar government is trapping Rohingya civilians who are left in the country in a 'dehumanizing apartheid regime' while the UN has accused Myanmar of ethnic cleansing.

Upon analyzing the series of events that has shaped the past of Rohingyas in the subcontinent, we can arrive at the conclusion that the causes of the disastrous situation are not rooted to any particular incident. It is rather the culmination of all the factors which has given birth to the present situation. History shows us that not any particular country or agency or community can be blamed with the burden of this predicament. There have been national and international actors who have played a role as well as the historical events which have left deep imprints on the socio-political fabric of Myanmar.

The cure for this cataclysm does not seem visible in the near future. While government of Bangladesh and UN agencies have upheld that the ideal solution to this displacement crisis lies in the repatriation of refugees to Myanmar, the absence of the Rohingyas in the repatriation agreements has made it unproductive. Their lack of engagement in dialogues and decision-making, caused mostly by poorly coordinated last minute information campaign, has left the people uninformed and unprepared for any possible return. Bangladesh's attempt to relocate the refugees to Bhasan Char Island has created further confusion and fear. A proper representative structure and organized coordination with the authorities are still required.

Only with the combined efforts of the governments of Myanmar and other host countries and the UN agencies, the welfare of the Rohingyas is possible. A sustainable and permanent solution to the crisis lies in effective measures by Myanmar and a safe, dignified repatriation of the refugees to their home in Rakhine.

REFERENCES

- [1]. Mohajan Haradhan, "History of Rakhine State and the Origin of the Rohingya Muslims", Munich Personal RePec Archives, 2018
- [2]. International Crisis Group, 2016. "Myanmar: A New Muslim Insurgency in Rakhine State"
- [3]. Arakanese kingdom of Mrohaung | historical kingdom | Britannica (
- [4]. The plight of Rohingya Refugees from Myanmar | HRW (www.hrw.org)
- [5]. Rohingya Crisis one year on: Holding on to hope by UN Humanitarian – United Nations OCHA (unocha.exposore.co)
- [6]. UNHCR – Convention and Protocol Relating to the Status of Refugees (www.unhcr.org)
- [7]. UNHCR – UNHCR viewpoint: 'Refugee' or 'Migrant' – Which is right? (www.unhcr.org)
- [8]. Rohingya | Human Rights Watch (www.hrw.org)
- [9]. Rohingya Refugee Crisis explained (www.unrefugees.org)
- [10]. International Crisis Group, 2016 | Myanmar: A New Muslim Insurgency in Rakhine State
- [11]. Rohingya Refugee Crisis | UN News
- [12]. M. S. Bhonsale, "Evolution of the Arakan 'Problem' in Burma", Indian History Congress, 2015.
- [13]. Muslims and Rohingya | Minority Rights Group (www.minorityrights.org)
- [14]. Report on Citizenship Law: Myanmar | Robert Schuman Centre of Advanced Studies | European University Institute

⁹ Ibid