



ROHINGYA REFUGEE CRISIS

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ABSTRACT

The government refuses to grant the Rohingya citizenship, and as a result most of the group's members have no legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until recently, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990's. The white cards conferred limited rights but were not recognized as proof of citizenship. The Rohingya people have faced decades of systematic discrimination, statelessness and targeted violence in Rakhine State, Myanmar. Such persecution has forced Rohingya women, girls, boys and men into Bangladesh for many years, with significant spikes following violent attacks in 1978, 1991-92, again in 2016. Yet it was August 2017 that triggered by far the largest and fastest refugee influx into Bangladesh. Since then, an estimated 745,000 Rohingya – including more than 400,000 children- have fled Cox's Bazar. The situation that led to killings, rapes and gang rapes, torture, forced displacement and other grave rights violations in 2017 remained unchanged, the investigators said in September, blaming a lack of accountability and Myanmar's failure to fully investigate allegations or criminalise genocide. Rakhine province itself is the site of an ongoing conflict between the army and rebels from the Buddhist-majority Rakhine ethnic group.

Key words: Rohingya, Persecution, genocide intent, Myanmar Military, United Nation etc.

INTRODUCTION

The Rohingya people have faced decades of systematic discrimination, statelessness and targeted violence in Rakhine State, Myanmar. Such persecution has forced Rohingya women, girls, boys and men into Bangladesh for many years, with significant spikes following violent attacks in 1978, 1991-92, again in 2016. Yet it was August 2017 that triggered by far the largest and fastest refugee influx into Bangladesh. Since then, an estimated 745,000 Rohingya – including more than 400,000 children- have fled Cox's Bazar. As of March 2019, over 909,000 stateless Rohingya refugees reside in Ukhia and Teknaf Upazilas. The vast majority live in 34 extremely

congested camps, including the largest single site, the Kutupalong-Balukhali Expansion Site, which is host to approximately 626,5000 Rohingya refugees.³

More than one year into this multifaceted collaborative response, the situation has gradually begun to stabilize. Basic assistance has been provided, living conditions in the camps have improved somewhat and disaster risk mitigation measures have been largely successful. However, despite progress, the Rohingya remain in an extremely precarious situation. The root causes of their plight in Myanmar have not been addressed and their future is yet uncertain. Refugees have access to the basics, such as food and health care, but they are still extremely vulnerable, living in highly challenging circumstances, exposed to the monsoon elements and dependent on aid.⁴

LEGAL STATUS OF ROHINGYA

The government refuses to grant the Rohingya citizenship, and as a result most of the group's members have no legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until recently, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990's. The white cards conferred limited rights but were not recognized as proof of citizenship.⁵

In 2014 the government held a UN- backed national census, its first in thirty years. The Muslim minority group was initially permitted to identify as Rohingya, but after Buddhist nationalists threatened to boycott the census, the government decided Rohingya could only register if they identified as Bengali instead.⁶

Similarly, under pressure from Buddhist nationalist protesting the Rohingya's right to vote in a 2015 Constitutional referendum, President Thein Sein cancelled the temporary identity cards in February 2015, effectively revoking their newly gained right to vote. In the 2015 elections, which were widely hailed by international monitors as free and fair, no parliamentary candidate was of the Muslim faith.⁷

In recent years, the government has forced Rohingya to start carrying national verification cards that effectively identify them as foreigners and do not grant them citizenship, according to a report by the advocacy group Fortify Rights. Myanmar officials have said the cards are an initial step toward citizenship, but critics argue that they deny Rohingya their identity and could make it easier for the government to further repress their rights.⁸

FEAR OF ROHINGYA PEOPLE

The Myanmar government has effectively institutionalized discrimination against the ethnic group through restrictions on marriage, family planning, employment, education, religious choice, and freedom of movement. For example, Rohingya couples in the northern towns of Maungdaw and Buthidaung are only allowed to have two children. Rohingya must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face, practices that

³ <https://www.unocha.org/rohingya-refugee-crisis> (Visited on August 24, 2021)

⁴ *Ibid.*

⁵ <https://www.cfr.org/background/rohingya-crisis> (Visited August 24, 2021)

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

conflict with Muslim customs. To move to a new home or travel outside their township, Rohingya must gain government approval.⁹

Moreover, Rakhine State is Myanmar's least developed state, with a poverty rate of 78 percent, compared to the 37.5 percent national average, according to World Bank estimates. Widespread poverty, poor infrastructure, and a lack of employment opportunities in Rakhine have exacerbated the cleavage between Buddhists and Muslim Rohingya. This tension is deepened by religious differences that have at times erupted into conflict.¹⁰

THE CAUSE OF CLASHES

Clashes in Rakhine broke out in August 2017, after a militant group known as the Arakan Rohingya Salvation Army (ARSA) claimed responsibility for attacks on police and army posts. The government declared ARSA a terrorist organization and the military mounted a brutal campaign that destroyed hundreds of Rohingya villages and forced nearly seven hundred thousand Rohingya to leave Myanmar. At least 6,700 Rohingya were killed in the first month of attacks, between August 25 and September 24, 2017., according to the International Medical Charity Doctors without Borders. Myanmar's security forces also allegedly opened fire on fleeing civilians and planted land mines near border crossings used by Rohingya to flee to Bangladesh.¹¹

UN Secretary-General Antonio Guterres has described the violence as ethnic cleansing and the humanitarian situation as catastrophic. Rights groups and other UN Leaders suspect acts of genocide have taken place, and in September 2018, a UN fact-finding panel released a report that claimed the Myanmar Government had 'genocide intent' against the Rohingya. The chair of the UN panel said it found clear patterns of abuse by the civilians, committing sexual violence, promoting discriminatory rhetoric against minorities, and creating a climate of impunity for security forces¹²

Since early 2018, Myanmar authorities have also reportedly cleared abandoned Rohingya villages and farmland to build homes, security bases and infrastructure. The government says this development is in preparation for the repatriation of refugees, but right activists have expressed concern these moves could be intended to accommodate populations besides the Rohingya in Rakhine. Furthermore, some have raised doubts that the government's tactics have been in response to ARSA attacks, with reports showing that the military began implementing its policies nearly a year before ARSA struck. Sectarian violence is not new to Rakhine State, security campaigns in the past five years, notably in 2012 and 2016, also resulted in the flight of tens of thousands of Rohingya from their homes.¹³

RESPONSE FROM THE INTERNATIONAL ON THE CRISIS

A report published by UN investigators in August 2018 accused Myanmar's military of carrying out mass killings and rapes with 'genocide intent'. The International Court of Justice (ICJ) case, lodged by the small Muslim majority nation of The Gambia, in West Africa, on behalf of dozens of other Muslim countries, called for emergency measures to be taken against the Myanmar military, known as Tatmadaw, until a fuller investigation could be launched.¹⁴

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ <https://www.bbc.com/news/world-asia-41566561> (Visited on August 24, 2021)

Aung San Suu Kyi rejected allegations of genocide when she appeared at the court in December 2019. But in January 2020, the court's initial ruling ordered Myanmar to take emergency measures to protect the Rohingya from being persecuted and killed. While the ICJ only rules on disputes between states, the International Criminal Court (ICC) has the authority to try individuals accused of war crimes or crimes against humanity. The body approved a full investigation into the case of the Rohingya in Myanmar in November.¹⁵

Although Myanmar itself is not a member of the court, the ICC ruled it had jurisdiction in the case because Bangladesh, where victims fled to, is a member. Myanmar has long denied carrying out genocide and says it is carrying out its own investigations into the events of 2017. The country's Independent Commission of Enquiry (ICOE) admitted that members of the security forces may have carried out war crimes, serious human rights violations, and violations of domestic law, but claimed there was no evidence of genocide. Its full report has not yet been released, but questions have been raised.

PRESENT SITUATION OF ROHINGYA

With more than half a million Rohingya believed to still be living in Myanmar's Northern Rakhine province, UN investigators have warned there is a serious risk that genocide actions may occur or recur.¹⁷

The situation that led to killings, rapes and gang rapes, torture, forced displacement and other grave rights violations in 2017 remained unchanged, the investigators said in September, blaming a lack of accountability and Myanmar's failure to fully investigate allegations or criminalise genocide. Rakhine province itself is the site of an ongoing conflict between the army and rebels from the Buddhist-majority Rakhine ethnic group.¹⁸

The massive numbers of refugees who fled to Bangladesh in 2017 joined hundreds of thousands of Rohingya who fled Myanmar in previous year. Kutupalong, the largest refugee settlement in the world according to UNHCR, is home to more than 600,000 refugees alone. But in March 2019, Bangladesh announced it would no longer accept Rohingya fleeing Myanmar. While an agreement for the return of refugees was reached in early 2018, none returned. They said they would not consider going back to Myanmar unless they were given guarantees they would be given citizenship.¹⁹

CONCLUSION

The circumstances in Myanmar are snowballing enormously into a major humanitarian crisis, and have begun to have ripple effects over the region in terms of rebirth of transnational crimes, insecure state borders, social impacts on hosting countries religious, ethnic and cultural balance etc. Despite international provisions, treaties, global conventions and other diplomatic measures to prevent the occurrence of atrocities, crime and fiercely actions on civilian, violence against Rohingya Muslims in Myanmar continues unabated. In case of Myanmar, strengthening and rebuilding its commitment to democratic ideals, human right and rule of law, should not be under limitation of just providing immediate security and relief to the suffering Rohingyas, as it is the bare minimum possible. It must include a long-term, permanent and accountable stratagem that helps integrate the Rohingyas and other minorities; recognizing their sacrifices and contribution to the country thus creating spaces for every person, without discrimination and giving full expression of speech to his or her potential, free from any fear, resultantly leading the peace and tranquillity to prevail around the globe.²⁰

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ <https://www.diplomatic-council.org/node/97> (Visited on August 24, 2021)