

Rohingya Migrants - Troubled Past, Uncertain Future

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The Rohingya, now known as one of the most persecuted minorities in the world, has been trapped into statelessness since 1982. The act of denying citizenship and other fundamental rights to them have been done deliberately by the Myanmar government. This paper highlights the plight of Rohingya Muslims who are facing extreme human rights violation and have been forced to migrate to other neighboring countries for safe refuge. In recent years, an estimated 800,000 to 1,000,000 Rohingya fled from Myanmar. Despite political and economic pressure from other nations, the Myanmar government has shown no signs to end the human rights violation. The paper also highlights the immediate response of various countries including India, Bangladesh, China, and various other associations. In the end, the paper tries to suggest various possible solutions to this 'biggest' ever refugee crisis in the history of mankind. It is difficult for anyone who has never been forcibly displaced to imagine what it is like to be a refugee.

Prelude

Yemen, South Sudan, Syria and now Myanmar- these are the countries witnessing large-scale displacement of their people to other countries. According to the UN High Commissioner for Refugees, by the end of 2016, 65.6 million individuals were forcibly displaced worldwide as a result of persecution, conflict, violence, or human rights.¹

International Law defines a refugee as someone who lives outside his or her country of nationality or usual residence, who is able to show a well-founded fear of persecution on specific grounds, and who lacks protection from their country.² Rohingyas of Myanmar are one such community facing extreme violence in their own country and now they are forced to take refuge in other nations. The legal conditions faced by the Rohingya in Myanmar have been compared with Apartheid.³

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¹ UNHCR, Global Trends: Forced Displacements in 2016, UN Doc., 19 June 2017.

² *Convention relating to the Status of Refugees*, 189 UNTS 137 adopted on 28 July 1951, art.1 A (2).

³ *Nicholas Kristoff*, 'Myanmar's Appalling Apartheid', *The New York Times* (29 May 2014) p. 35.

Myanmar mainly consists of Buddhist (88%– 90% of the populace), with small minorities of different beliefs, including a little minority of Muslims (4%), a large portion of whom are denied to vote and denied citizenship (except for the Kaman's).⁴ The country is commanded by its ethnic Bamar (or Burman) majority (68%), the greater part of them are Buddhist.⁵ Several other ethnic gatherings endure separation, mishandle and disregard by the legislature; in the western beachfront region of Rakhine State, it is the prevalently Buddhist Rakhine (4%, around 2 million individuals) and the predominantly Muslim Rohingya (2%, around 1 million individuals) that have suffered because of the administration. Tensions amongst Buddhist and Muslim people group have additionally prompted violence, with Buddhists regularly attacking Rohingya. The Rohingya faced wave after wave of violence along with other humanitarian abuses.

Though in 2018, the violence against Rohingya has come to an end but the crisis has not ended yet and Burmese government has shown no signs of rehabilitating the fleeing migrants and so far has only given assurances of help to the international community.

History of Rohingyas

Rohingya, a Muslim ethnic minority at least 800,000 in number are inhabitants of Rakhine state of western Myanmar. For generations, Rohingyas have been subjected to discrimination due to their different culture, ethnicity, and language. Rohingya Muslims can be considered to be one of the most persecuted minorities in the world. The Rohingya speak *Rohingya* or *Ruaingga*, a dialect that is different from other languages spoken in Rakhine State and throughout Myanmar. They are not counted among the country's 135 official ethnic groups and live in a condition of statelessness because they have not been recognized as citizens by the Myanmar Government till date. The Citizenship Law passed in 1982 by Myanmar gave the effect to this statelessness.

The history of Rohingya can be traced back to around 788 to 810 AD, Muslim Arabic Sailors populated the independent Kingdom of Arakan (now known as Rakhine state) and later on by Bengalis who had been migrated from Bangladesh between fifteenth to seventeenth centuries. The Rohingya and Buddhist Rakhines lived in harmony during pre-colonial times. However, this harmony suffered a setback during the first Anglo-Burmese war in 1825 and second world war proved to be the last nail in the coffin when Arakanese decided to support Japanese

⁴ Jonathan Head, 'What drives the Rohingya to sea?', *BBC News*, 5 February 2009, BBC Official Website available at <http://news.bbc.co.uk/2/hi/asia-pacific/7872635.stm>, accessed on 15 October 2017.

⁵ UNHCR Report of the United Nations High Commissioner for Human Rights, UN Doc A/HRC/32/18, 28 June 2017.

whereas Rohingya were openly supporting British.⁶ The situation worsened for the Rohingya when Japanese successfully occupied the Burmese territory (including Rakhine) and both the Burma Independent army and Communalist Buddhist started targeting the Rohingya. The ‘purge’ of Rohingya facilitated when Burma received Independence in 1948 and the army took control of the country.

Onset of Crisis

Though the sentiment to free Burma from so-called illegal Rohingya Muslims existed much before Independence but the indiscriminate killing of Rohingya on a massive scale began after Independence. In 1978, the *military junta* cracked down on Rohingya which eventually led to the escape of 250,000 Rohingya Muslims to other neighboring countries particularly Bangladesh.⁷ Since the late 1970s, nearly 1 million Rohingya Muslims have fled from Burma due to widespread violence, indiscriminate killings, and other hardships. As per the recent data released by the United Nations High Commission for Refugees, over 168,000 Rohingya have fled Myanmar since 2012.⁸

Another setback for the Rohingya came when the Burmese Government in 1982 passed the Citizenship Law that refused to acknowledge Rohingya as citizens of Burma and they were denied citizenship, leaving around 800,000 Rohingya in North Rakhine stateless. Rohingya are not recognized as a national race by the Burmese government, instead of identifying them as “Bengali” illegal immigrants.⁹ A number of new military cantonments in the Rakhine state were established by the Military and State Law and Order Restoration Council (SLORC) in 1988, with a view to the north where Muslims were in majority. The military started taking land forcefully from the Rohingya and refused to them any kind of compensation, hence, Rohingya who were ‘stateless’, became ‘homeless’ as well. On 25th August 2017, Rohingya militants attacked army base and police stations.

The day witnessed Rohingya insurgents armed with knives and bombs attacked more than 30 police stations and an army base in northern Rakhine claimed by the government. The attack led to the death of 59 insurgents and 12 military

⁶ Akm Ahsan Ullah, ‘Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization’, vol. 9, JIRS, p.139, 2011.

⁷ Human Rights Watch (HRW), ‘Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia’, August 2000.

⁸ UNHCR Mixed Movements in South – East Asia UN Doc., 2016.

⁹ WPF & UNHCR, *The Contribution of Food Assistance to Durable Solutions in Protracted Refugee Situations: its impact and role in Bangladesh: A Mixed Method Impact Evaluation*, UN Doc OE/2012/013., December 2012.

personnel. As per the military, almost 1,000 Rohingya insurgents armed with lethal as well as non-lethal weapons attacked the army base and police stations at Maungdaw and Buthidaung townships.¹⁰ The attack led to an escalation in the conflict. The Arakan Rohingya Salvation Army took the responsibility of the attack and warned the government and army to prepare for more such attacks.¹¹ Amid the heightened tensions between militants and army, a huge number of Rohingya started fleeing to Bangladesh.

The attack on August 25 led to a crackdown on entire Rakhine state by the Burmese army which the government claimed as a counter-insurgency operation against the militants of Arakan Rohingya Salvation Army (ARSA). The witnesses to the exodus claimed that the Burmese Army along with local Buddhist mob started burning the villages and killed innumerable civilians.¹²

The ‘purge’ led to fleeing of thousands of Rohingyas to the safe places particularly Bangladesh. Those who did not left are also suffering from the behest of government and army. Since the government does not recognize them as citizens, but rather as illegal immigrants from neighboring country, they enjoy no rights and are subject to restrictions, for instance- they have to take permission from three different authorities to visit a neighboring village, they are not allowed to attend high school and even have to pay a hefty sum in order to get married.

The on-going violence against Rohingyas and extreme hardships have resulted in a persistent migration of Rohingya to safer neighboring countries, where they reside as stateless refugees. In fact, the United Nations has called this bloody onslaught “a textbook example of ethnic cleansing”.¹³

The response of the Nations

The Rohingya issue has historical foundations, but it has only received global attention in recent years.¹⁴ All the nations across the globe condemned the actions

¹⁰ Wa Lone & Shoon Naing, ‘At least 71 killed in Myanmar as Rohingya insurgents stage major attack’, *Reuters*, 25 August 2017, *Reuters Official Website* available at <https://www.reuters.com/article/us-myanmar-Rohingya/at-least-71-killed-in-myanmar-as-Rohingya-insurgents-stage-major-attack-idUSKCN1B507K>, accessed on 13 February 2018.

¹¹ *Ibid.*

¹² BBC, ‘Myanmar: What sparked the latest violence in Rakhine?’, *BBC News* (19 September 2017) available at <http://www.bbc.com/news/world-asia-41082689>, accessed on 13 February 2018.

¹³ *OCHCR*, ‘Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries’, 11 September 2017, *OHCHR Official Website* available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>, accessed on 18 October 2017.

¹⁴ Roomana Hukil & Nayantara Shaunik, ‘Rudderless & Drowning in Tears Rudderless & Drowning in Tears The Rohingyas of Myanmar’, 2013, p. 222, *IPCS Official Website*

of Myanmar's military unanimously and urged the Burmese Government to take measures and to help the violent stricken Rohingya in every way possible. In Fact, many countries came forward and announced for humanitarian aid such as a package of \$32 million for refugees by USA,¹⁵ and relief material of 53 tonnes to Bangladesh for Rohingya by India.¹⁶ Bangladesh, which has been the Centre for refugees, received much praise from the international community for all the aid and assistance it is providing to the refugees, however, steps to rehabilitate the Rohingya migrants need to be taken on urgent basis.

Rohingya in India – Threat to Security or Refuge Seeking Migrants?

India, the biggest nation in the South Asian region has so far refused to accept Rohingyas as refugees and termed them as illegal migrants,¹⁷ the Central government vide its notification dated 8 August 2017 asked all states governments to identify and deport illegal immigrants, including Rohingya.¹⁸ The notification made clear that the Central government has decided that Rohingya which are around 40000 in number should be deported and the flow of incoming refugees should be stopped too. The states where Rohingya migrants reside since 2011-12 are Hyderabad, Jammu and Kashmir, and Haryana. However, this notification was put on hold by the Supreme Court on a writ petition filed by two Rohingya Muslims against their proposed deportation. The petition filed under article 32 of the Constitution of India alleged that the deportation will lead to the violation of fundamental rights as well as principles of International law. Fundamental rights in question are article 14, which provides for the right to equality to all, and article 21 which provides for the right to life and personal liberty to India citizens as well as to foreigners as well. The principle of International law in question is non-refoulement which prohibits any country from deporting refugees or asylum

available at http://www.ipcs.org/issue_briefs/issue_brief_pdf/IB222-RoomanaNayantara-Rohingya.pdf, accessed on 19 October 2017.

¹⁵ Josh Lederman, 'U.S. to give \$32 million for Myanmar's Rohingya refugees', 20 September 2017, *Public Broadcasting Service Official Website* available at <https://www.pbs.org/newshour/world/u-s-give-32-million-myanmars-Rohingya-refugees>, accessed on 17 February 2018.

¹⁶ 'India sends relief materials for Rohingya refugees in Bangladesh', *The Hindu* (14 September 2017) available at <http://www.thehindu.com/news/international/india-sends-relief-materials-for-Rohingya-refugees-in-bangladesh/article19682581.ece>, accessed on 17 February 2018.

¹⁷ 'Rohingyas are illegal migrants, not refugees: Rajnath Singh', *The Hindu Business Line* (21 September 2017) available at <https://www.thehindubusinessline.com/news/Rohingyas-are-illegal-migrants-not-refugees-rajnath-singh/article9867110.ece>, accessed on 12 February 2018.

¹⁸ 'Deport illegal immigrants like Rohingyas due to security threat: Centre to states' *Hindustan Times* (13 August 2017) available at <https://www.hindustantimes.com/india-news/deport-illegal-immigrants-like-Rohingyas-due-to-security-threat-centre-to-states/story-5tdXTBkm5XEB6IxiGPrWN.html>, accessed on 12 February 2018.

seekers to another country where there was a likelihood of prosecution based on “race, religion, and national, membership of a particular social group or political opinion”.¹⁹

The present petition seeks to quash the notification which asks for their deportation and also prayed for directing the government to provide basic amenities to ensure that they live in basic human conditions as fixed by the various International laws and conventions.

On the other hand, the Union Home Minister Rajnath Singh cleared the stand of government on Rohingya crisis by reiterating that government consider the Rohingya Muslims as illegal migrants and not as refugees. They possess a threat to the internal security of India and the government is willing to deport them to Myanmar.²⁰ The Union Home minister talk tough while addressing a seminar organized by National Human Rights Commission (NHRC), “The Home Ministry has clarified its position through its affidavit (in Supreme Court) that these are illegal immigrants and they will be deported. The Rohingyas are not refugees. There is a procedure to get refugee status and none of them followed this procedure”.²¹ The minister further answered the question about the violation of the principle of non-refoulement, “But I want to tell them that the non-refoulement principle is applicable to those who take asylum. No Rohingya has got asylum in India nor have they applied for it. That is why we should not commit the mistake of according to the status of illegal immigrants as refugees in the name of human rights,”²² The stand by the minister makes it clear that the government has made up its mind against the Rohingyas and it will treat them as illegal migrants only.

Bangladesh

In the wake of 1971 Indo-Pak war, an estimated 8-10 million Bangladeshi refugees fled to India for safe refuge against the atrocities committed by the East Pakistan army and other local groups. The Bangladeshi people have seen what a humanitarian crisis is and this experience is enough to tell about the Bangladeshis’ perspective on the woeful condition of Rohingya.

¹⁹ *Convention relating to the Status of Refugees* (n 2) art 33(1).

²⁰ *The Hindu Business Line* (n 17).

²¹ *Ibid.*

²² *Jitendra Bahadur Singh*, ‘Rohingya deportation row: Rajnath Singh asks why object when Myanmar ready to take back, NHRC still objects’, *India Today* (21 September 2017) available at <https://www.indiatoday.in/india/story/rajnath-singh-defends-Rohingya-deportation-nhrc-chief-says-will-fight-for-refugees-1049298-2017-09-21>, accessed on 13 February 2018.

On 22nd September 2017, Sheikh Hasina whilst addressing the United Nations General Assembly informed that her country is currently sheltering 8, 00,000 displaced Rohingya from Myanmar. She also proposed setting up safe zones inside Myanmar to provide safety and security to all citizens, under the supervision of the United Nations. She also proposed some more points to end this ongoing crisis. She proposed the following:²³

- Myanmar must immediately stop the practice of “ethnic cleansing in Rakhine state”.
- The UN Secretary General must immediately send a fact-finding mission to Myanmar.
- Safe zones should be created inside the country to protect all civilians irrespective of religion and ethnicity.
- Myanmar must immediately take back all the displaced Rohingya and provide them with safety and humanitarian aid.

Other Nations and Associations

Not only Bangladesh but China also extended helping arm to the suffering Rohingya. China, in a very uncommon act, offered to act as a mediator in the ongoing Rohingya crisis between Bangladesh and its southern neighbor, Myanmar. China’s Foreign Minister Wang Yi said his country believed that both the nations could work together and reach an amicable solution to end this humanitarian crisis and China will provide as much help in reaching such a solution.²⁴ The plight of the Rohingya in Myanmar forced the then ASEAN Secretary-General Surin Pitsuwan to issue a statement, in which he warned the nations that the indiscriminate killing of Rohingya and throwing them out of their own land could radicalize them and would eventually lead to the destabilization of the entire region. The ASEAN suspects that if the community becomes radicalized, the area risks becoming a zone of violence, which has the potential to damage cooperation in ASEAN and East Asia. The ASEAN nations such as the Philippines have offered help to the people who are coming to their country. The Presidential Communications Operations Office spokesperson, Herminio Coloma Jr., reverred the fact, in an interview to a news channel that the Philippines is committed to extend all requisite aid and assistance to the people coming to the country and do the needful as mentioned under the 1951

²³ GAOR 72nd Session, UNGA GA/11950, 2017.

²⁴ Yimou Lee, ‘China draws a three-stage path for Myanmar, Bangladesh to resolve Rohingya crisis’, *Reuters* (20 November 2017) available at <https://www.reuters.com/article/us-myanmar-Rohingya/china-draws-three-stage-path-for-Myanmar-Bangladesh-to-resolve-Rohingya-crisis-idUSKBN1DK0AL>, accessed on 13 February 2018.

Convention Relating to the Status of Refugees, to which the Philippines is a signatory.²⁵

Other ASEAN nations have also offered to work closely with the Myanmar government. Although most of the ASEAN nations appeared to be on the same page when condemning the violence against the Rohingya but it seems that some nations are not willing to take any step further besides criticizing the Burmese government. Thailand, Malaysia, and Indonesia conveyed their strong reservation to accepting Rohingya as permanent settlers in their territories,²⁶ thus Myanmar is not the only country refusing responsibility towards the Rohingya.

The organizations like the Organization of Islamic Cooperation (OIC) has also condemned the Myanmar authorities for the inhumane treatment and purging of Rohingya and the denial of the group's citizenship and vowed to bring the issue to the United Nations General Assembly. It announced before the summit that it had received a green light from Myanmar to assist displaced Rohingya.

A number of protests occurred in Iran in 2012, denouncing the assaults and approached other Muslim states to take a "firm position" against the inhumane treatment of the Rohingyas. In Saudi Arabia, the Council of Ministers of Saudi Arabia likewise denounced the "ethnic purifying effort and merciless assaults against Myanmar's Muslim Rohingya community" and asked the global group to secure "Muslims in Myanmar". Further, King Abdullah sanctioned \$15 million of help²⁷ sent to the Rohingya, in Saudi Arabia's ability as a "guardian of worldwide Muslim interests".

Rohingya Crisis- Aung San Suu Kyi and Response of Myanmar

After decades of adulation, the long-time political prisoner known as the Lady now finds herself at the center of global ire. Her face again adorns placards at protests across the globe but this time the chants are angry. An attempt to revoke her Nobel peace prize has garnered hundreds of thousands of signatures.²⁸ Aung San Suu Kyi, the Nobel Peace Prize laureate and de facto leader of Myanmar,

²⁵ Euan McKirdy & Saima Mohsin, 'Lost at sea, unwanted: The plight of Myanmar's Rohingya boat people', *CNN* (20 May 2015) available at <https://edition.cnn.com/2015/05/19/asia/Rohingya-refugee-ships-explainer/index.html?>, accessed on 18 October 2017.

²⁶ 'Malaysia DPM: its Myanmar govt's woes, not ASEAN', *Asia One* (18 May 2015) available at <http://www.asiaone.com/malaysia/malaysia-dpm-its-myanmar-govts-woes-not-asean>, accessed on 20 October 2017.

²⁷ 'King Salman orders \$15 million aid for Myanmar Rohingya refugees', *Arab News* (20 September 2017) available at <http://www.arabnews.com/node/1163846/saudi-arabia>, accessed on 18 October 2017.

²⁸ George Monbiot, 'Take away Aung San Suu Kyi's Nobel peace prize. She no longer deserves it', *The Guardian* (5 September 2017) available at <https://www.theguardian.com/commentisfree/2017/sep/05/Rohingya-aung-san-suu-kyi-nobel-peace-prize-Rohingya-Myanma-crowd>, accessed on 20 October 2017.

evades Rohingya accusations whilst addressing her country and the world for the first time after weeks of international urging. The reversal of stance as shown by Ms. Aung San Suu Kyi has left the world stunned and more particularly the Rohingyas who were expecting the acknowledgment of offense launched on them by the military.

Aung San Suu Kyi, who was awarded the 1991 Nobel Peace Prize for her “nonviolent struggle for democracy and human rights”, stated, “Let me be clear that I would like to be seen as a politician, not some human rights icon.” Such changes of priorities after becoming the leader of the country and such recasting of her role have left her followers disappointed. She, during her address, said that Muslims in her country has ample access to education, healthcare and radio broadcast.

The Convention on the Prevention and Punishment of Genocide depicts five acts, any of which, when “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”, adds up to genocide. With the conspicuous and regularly express motivation behind annihilating this group, four of them have been used pretty much ceaselessly by Myanmar’s military since Aung San Suu Kyi became the De facto political leader in 2015.

Not only Aung San Suu Kyi evaded the mass displacement of Rohingya but all-powerful Myanmar’s army chief refuted the claims of violation of human rights by the army and termed it as ‘exaggeration’ by International media.²⁹ Though the army chief refuted the claims, however, agreed to establish a military investigatory team to examine the allegations of human rights abuses by security personnel.

It cannot be denied that the military still holds great power and influence in Myanmar and that Aung San Suu Kyi does not practice effective control over them. It can likewise perceive that the extent of her powers is limited. In any case, there are various handy and legitimate measures that she could utilize specifically to limit this violence, she has one power in wealth: the ability to stand up. Instead of using it, her reaction adds up to a blend of quiet, the refusal of very much recorded proof, and denying humanitarian aid from other nations.

Prospective Solutions

There exist various barriers, which make it difficult to solve the on-going crisis in Myanmar. These barriers create problems, ranging from social to political

²⁹ ‘Myanmar army chief says Rohingya crisis is exaggerated’, Deutsche Welle (12 October 2017) available at <http://www.dw.com/en/myanmar-army-chief-says-Rohingya-crisis-is-exaggerated/a-40917782>, accessed on 15 February 2018.

and from legal to humanitarian. The members of the Rohingya community are subjected to extreme racial hatred and force by non-state actors. Rape, Extrajudicial Killings, sexual violence, arbitrary detention and large scale destruction of the area inhabited by the Muslim community, are just some of the atrocities that the Rohingyas are facing.

To tackle the situation, the primary goal of the government should be to end the ongoing military operations, which constantly add fire to communal tensions. The unauthorized use of force results in the gross violation of basic human rights of the people belonging to the Rohingya community and various other minorities.

Besides the above, there are different other solutions, effective implementation of these can substantially reduce the hue and cry caused by human rights violations. These are:

Firstly, steps should be taken by the government to control the situation, preventing further loss of lives and stop the large scale migration of the people so that suitable health and medical services can be provided to those in need.

Secondly, immediate steps are required to ensure suppression of hate speech resulting in violence. Furthermore, discrimination on the grounds of ethnicity, religion or language should be tackled to implement the appeasement policy in the Rakhine State.

Another important measure is to ensure accountability by undertaking full, transparent and independent investigations of those who commit human rights violations and abuses, including violations and abuses carried out by members of the military, other government agents and members of vigilante groups, including those motivated by extreme views against Rohingya Muslims and those who divide communities.

As per the report submitted by the Special Rapporteur on the situation of human rights in Myanmar, various incidents of hate speech and negative sentiments against non- Buddhist, Muslim minorities, in particular, have been reported.³⁰ While the majority of the incidents are reported against the Muslim minorities, apart from them several other religious minorities are facing similar violence and communal hatred. As long as the spread of violence by way of hate speech towards non-Buddhist communities are not prevented, all other efforts are in vain. Therefore, recognizing the rights of the minority as well as that of the majority on one hand, and developing communal tolerance is necessary, not only for the minorities but for the greater good.

³⁰ UNGA, Report of the Special Rapporteur on the situation of human rights in Myanmar, UN Doc. A/HRC/28/72, 23 March 2015.

The Special Rapporteur, was of the view that all relevant legislation, including the draft, hate speech law, is in line with the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and with the conditions for restricting freedom of expression under international human rights standards, is implemented, recalling that Myanmar has accepted in principle the ratification of the International Covenant on Civil and Political Rights.

Some other issues in the state of Myanmar include gross violation of the rights of the women and children and unnecessary restriction on freedom of movement within the state. To ensure the safety of the weaker section of the society (Children), Myanmar needs to implement different treaties and conventions on the rights of the Child i.e., Convention on the rights of the child. The State of Myanmar also needs to fulfill its international obligations and should implement laws for the welfare of child and women, in accordance with the international human rights standard.

Citizenship Rights

The major cause behind the large scale migration of Rohingya Muslim from the State of Myanmar to the territories of Bangladesh and India is the denial of citizenship rights to the Muslim minority, rendering them stateless. The State of Myanmar harbors the largest community of stateless people in the world. The 1982 Citizenship Law of Myanmar lays the groundwork for the problem of stateless and denial of citizenship rights to several minority communities, Rohingya Muslim in particular.

Persistent variations in the political and legal system in the State of Myanmar have influenced the legislative process and the formation of laws. One of such major legislation is the 1982 Citizenship law. The 1982 law suffers from deficiencies, and above all fall short of standards set by canons of international law, including those to which Myanmar is a party.

The Convention on the Rights of the Child (CRC) – ratified by Myanmar – requires states to respect, protect and fulfil the right of every child to acquire a nationality “in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”

Apart from international obligations the 1982 law, also suffers from legal deficiencies, such as the law clearly defines that there will not be a change in the citizenship rights of those individuals, who already had citizenship rights, prior to the implementation of the present law. Yet after the enactment of the law, the rights of Muslims in Rakhine were heavily curtailed. In 1989, a citizenship

inspection process was carried out across Myanmar, and those found to meet the new requirements had their National Registration Cards (NRCs) replaced with new “Citizenship Scrutiny Cards” (CSCs). The majority of Muslims in Rakhine with NRCs surrendered their documents but was never issued with CSCs, rendering them de facto stateless.

The 1982 law leads to an upward rise in the statelessness over the years. The law does not provide any safeguard as regards the citizenship rights of children born within the territory of Myanmar. Children of Stateless person will not acquire the citizenship of Myanmar even if they do not have the nationality of any other country. In other words, Children of Stateless person are also stateless. As per the Convention on the Rights of the Child (UNCRC), Government of Myanmar has an obligation which requires them to implement the rights of the Child to acquire a nationality, if otherwise, it would render them stateless.³¹

In order to tackle the problem of increasing statelessness there are certain practical solutions which the Government of Myanmar can follow:

Firstly, there is an urgent need to review the 1982 Citizenship Law and suitable reforms are to be incorporated.

Secondly, Myanmar also needs to lay down the framework for those who are residing in Myanmar without acquiring citizenship. There is a need for a clear distinction between the rights of the people residing in Myanmar and those who are natural citizens.

Thirdly, the laws should be in conformity with international standards such as the Convention on the Rights of the Child (UNCRC). Also, safeguards should be implemented so that the children born of stateless persons can acquire citizenship rights.

Fourthly, Discrimination on the basis of race, ethnicity and other grounds should be stopped and just, fair and reasonable procedure should be laid down for the purpose of granting citizenship rights.

Apart from the above solutions, there is a need for the international community to provide assistance to the displaced persons from the territory of Bangladesh and Myanmar.

Conclusion

The fact that Rohingyas have been denied the citizenship and excluded from the mainstream has caused immense humiliation to the community and now

³¹ *Convention on the Rights of the Child*, 1577 UNTS 3, adopted on 20 November 1989, art.7 (2).

the humiliation has reached a level beyond tolerance. Human rights violations are at their peak. It cannot be denied that the Myanmar government is facing immense pressure from organizations working for refugees such as UNHCR and other nations to devise a more reasonable system for dealing with the Rohingya refugee crisis.

It is high time that the governments of Myanmar and Bangladesh must indulge in dialogues in order to mutually address the issue. However, the constant failure of Myanmar government has made it evident that they are not going to address the issue in coming days as well by, henceforth; the involvement of the nations across the world has become more imperative than before. It is the moral duty of the nations to address the predicament of the Rohingya people by taking vital measures to improve the situation of the Rohingya populace inside Myanmar.