The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh

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Abstract

The Muslim Rohingya crisis has been disrupting the bilateral relations between Myanmar and Bangladesh since the late 1970s. This paper explores the crisis of Rohingya as a Muslim minority in Myanmar and their forced migration to Bangladesh where they took refuge causing disputes between Bangladesh and Myanmar in this regard. The Rohingya problem is seen as composed of various clusters of past and present human rights violations in Myanmar which has caused their forced migration to neighboring countries like Bangladesh contributing to non-traditional security crisis in the bilateral relations between Myanmar and Bangladesh. This study analyzes the local and international responses to manage and resolve the Rohingya problems as well. For understanding the nature of this problem, the forced migration of the Rohingya to Bangladesh and its internationalization process are also singled out. In addition, the approach proposed seeks to integrate developmental and humanitarian factors into the total picture of the Rohingya refugee problems within the framework of non-traditional security crisis. Bilateral negotiations between Bangladesh and Myanmar as well as democratization in Myanmar accelerated by the concerted efforts of the local and international communities can eventually bring about a durable solution to the Rohingya problems in Bangladesh–Myanmar relations.

Introduction

It is widely known that the Rohingya is a Muslim ethnic group from the northern Rakhine state of western Myanmar, formerly known as Arakan state. Their history traces back to the early seventh century, when Arab Muslim traders settled in the area. Therefore, it is also recognized that they are physically, linguistically and culturally similar to South Asians, especially Bengali people. Ironically, the Rohingya people rarely draw attention of the local and global architects as a Muslim minority in Myanmar as one of the most marginalized refugee communities in South and Southeast Asia. According to the report of Amnesty International (AI), since 1978 the Rohingyas continue to suffer from human rights violations in their home country Myanmar under the regime of military junta, and many have fled to neighboring Bangladesh as a result. Apparently, the vast majority of them have been denied Myanmar citizenship. Moreover, due to human rights violations, an estimated 200,000 Rohingyas fled to Bangladesh from 1978 onwards. A new wave of an estimated 250,000 Rohingya fled to the country in 1991. Approximately 20,000 Rohingyas are living in United Nations High Commissioner of Refugees (UNHCR) border camps at Cox’s Bazaar in Bangladesh. Human rights activists say that the Rohingyas have been abused and exploited, forcing many to flee abroad, mainly across the border to Bangladesh.¹ Thousands of Rohingyas leave the country
aboard by rickety boats each year in the hope of finding work, with many traveling to Bangladesh and Thailand by sea and then overland to Malaysia. Upon the denial of citizenship following the military takeover of the country in 1962, the Rohingya were subject to widespread persecution in their native Myanmar. Such a situation compelled them traveling far and wide over the past five decades who desperately kept seeking refuge and a better life. They are stateless, without a legal nationality, and many of them have been forced to migrate to Bangladesh, Thailand, India, Pakistan, Saudi Arabia and Malaysia. Even though they were able to migrate to the preferred destinations, their sufferings have not ended upon reaching new shores. Thus, the irony of fate is that the Rohingyas have been confined to a cycle of acute discrimination, escape, trafficking, poverty, detention, extortion and deportation.

“Rohingya” is considered a reconstruction of the modern nation-state system. The plight of the Rohingyas from Myanmar to Bangladesh and elsewhere in neighboring countries since the late 1970s complicated their status as well as their statelessness. The government of Myanmar (GOM) denied providing any kind of recognition to the Rohingya (one or two million people) in the northern state of Arakan or Rakhine near the Myanmar–Bangladesh border including the right to acquire citizenship. During the post-independence period in Burmese history, the Rohingya’s claim of separate ethnic identity was recognized by the democratic government of Premier U Nu (1948–1958).

The currently practiced Citizenship Law in Myanmar, promulgated in 1982, is the proof of such incidents of human rights violations pertaining to Muslim Rohingya in Rakhine (Arakan). Imtiaz (2001) has pointed out two reasons for their identity crisis which is worth mentioning here. First, under the 1982 Citizenship Law, the Rohingya were denied citizenship and rendered stateless by the military junta of Myanmar. Second, the country’s military junta considers a large bulk of these people as recent migrants from Bangladesh. Second, whilst the other ethnic groups such as the Karen, Shan, Chin, Kachin and Mon are well organized, these groups have therefore the capacity to not only wage a war against the center but also link up issues concerning their respective communities with the international community. In stark contrast, the Rohingyas are not organized and they lack the international networking and channels to link up issues to their community. As a result, the issue of Rohingya is more frequently being neglected by the international community.

The purpose of this study is not to discuss the historical origin of the term “Rohingya”, which is debatable, including its relationship with other terms, like the Arakanese and Rakhine. The main objective is to focus precisely on influx of the Muslim Rohingya from Myanmar to Bangladesh which is causing disputes between these two countries. Against this backdrop national and international responses are being highlighted in this paper in the context of non-traditional security crisis emanating from the Rohingya problems. This study argues that peaceful democratization in Myanmar can pave the way for a durable solution to the Rohingya problem by launching concerted efforts of the local and international communities, which can ultimately improve the bilateral relations between Myanmar and Bangladesh.

Literature Review and Research Methodology

Recent research on the Rohingya refugee situation has concentrated on the political causes of the problem and failed to pay sufficient attention to the consequences. Refugee issues and forced migration are considered as combinations of various major factors and the network of relationships among different actors. This work takes into
account the basic components of the Rohingya refugee situation such as human rights violation and forced migration due to repression in native Myanmar. The consequent Rohingya refugee problems caused conflicts between Bangladesh and Myanmar. The Rohingya refugees and internationalization of this issue are also singled out for particular consideration because it is a problem which manifests itself in various forms on the societal, governmental and international levels. It is a humanitarian and moral issue, a security issue, a development issue and to a growing extent it is issue of an environmental and natural resources. To refer to an abstract typology, according to Soroos and Nagel, the refugee problem is both a “transboundary” and a “shared” problem, which can be applied in case of the Rohingya crisis. There is a voluminous literature on refugees. Although there is little comprehensive research on the Rohingya problems, some recent studies of Imtiaz Ahmed (2010), Thomas K Ragland (1994), Mathieson, David Scott (2009) have focused on the Rohingya problems pertaining to their human rights violations, statelessness, critical repatriation and other related crisis in the border areas. Hardly there is any comprehensive study on Rohingya which looks at the holistic problem by conceptualizing non-traditional security crisis created out of racial differences and governance problems. The Rohingya people have become the victims of domestic discriminatory policies of governance stemming from the deficiency of governance architecture. Which is why, the significance of this study lies in the research on Rohingya problems, which will be discussed in the context of Myanmar–Bangladesh relations by exploring the negligible role of international community and Islamic community to fill the vacuum in this major area to rescue Rohingya from the acute crisis.

The existing literature on Rohingya hardly deals with the root causes and severe consequences of the Rohingya problems particularly against the backdrop of the lack of democracy in Myanmar and the rise of terrorism, illegal drug trafficking, maritime piracy as well as other transnational threats. Thus, this research probes into why and how Rohingya problems have been neglected so far by exploring the root causes and disastrous consequences of the crisis in the light of Burma–Bangladesh relations from the non-traditional and human security perspectives. Here lies the significance of the current study on Rohingya.

The primary data were collected through unstructured interviews on the basis of random sampling and participant observation. I conducted field survey in Cox’s Bazaar from June to July 2011 on migration of Rohingya from Myanmar to neighboring country and their refugee status in the host country like Bangladesh. As mentioned earlier, due to gross violation of their human rights in Myanmar, the Rohingyas were forced to leave their native Myanmar and take refuge mainly in Bangladesh. I had interviewed to inquire about the real situation and conditions of Rohingya refugees in Bangladeshi border areas and their activism. These conversations also form part of the data for this article. My study found that when Rohingya make rights-based claims on the state, they frame them in terms of their differences with other citizens both in Bangladesh and Myanmar which made them stateless. This finding tells us pessimism about the repatriation of Rohingyas to Myanmar in order to attain peaceful co-existence and citizenship rights along with other ethnic groups in Myanmar. I was hesitant to address sensitive issues pertaining to forced migration, human rights violations and refugee dynamics among the Rohingyas located in Cox’s Bazaar (Bangladesh) where the field survey was conducted. I felt to insist on such a focus would be disrespectful of their commitment to their cause and a violation of their rights and willingness to participate in my study.
Forced migration and stateless refugees have become one of the non-traditional security issues in the recent decades, mostly due to the unprecedented scale of this phenomenon. Bangladesh and other neighboring countries are faced with the challenges resulting from the forced migration of the Rohingya from Myanmar. There are many aspects of forced migration and non-traditional security links (Aniol, 1992: 17). The legal–institutional conceptualization of forced migration and refugee problems retain four major strengths which serve to rally its supporters (Gibney, 1999). They are state commitment, reinforcement of law, strengthened states and strengthened migrants. Despite these positive factors, issues of the Rohingya migrants and refugees that are related to social, economic and cultural ones are not possible to solve only through legal–institutional support.

The functions of UNHCR formed in 1950 and the key international legal document on UN Convention relating to Status of Refugees, 1951 are the milestones to shape the legal–institutional models in migration.

A comprehensive refugee theory is difficult to formulate because involuntary and forced migrations are based on complex decision-making processes and diverse causal factors which can pose security threats by causing bilateral disputes between the host country like Bangladesh and a country of origin like Myanmar in the context of the influx of Muslim Rohingya from Myanmar to Bangladesh. Kunz (1973) simplified the process by placing many historical refugee flows within a “kinetic” model in which “outside forces” act to “push” refugees out of an unstable area. He identifies two types of “pushed” refugee migrations: anticipatory flows in which refugees, individually or in small groups, flee deteriorating conditions before actually being forced out; and acute flows in which large numbers flee from imminent danger to the safety of a neighboring country. The forced migration of the Rohingya from Myanmar to Bangladesh is of both the categories causing national security threats to the host country.

The conventional meaning of national security is based on the concept of military threats arising either externally or internally (Nye and Lynn-Jones, 1988). But, revisionist views (Ullman, 1983) have departed from this militaristic conception of national security to incorporate environmental and socioeconomic factors such as events that degrade the quality of life for a state’s inhabitants or that narrow the range of policy choices available to a government. Such events include resource scarcities or natural catastrophes which threaten the stability of the government by disrupting supplies of essential commodities to citizens. These types of threats are particularly relevant for regimes in low-income countries. For example, one consequence of the Rohingya’s influx that struck Bangladesh in 1978 was the destabilization of the government following its inability to cope with the Rohingya intruders or migrants in its border areas. A third conception of national security combines the traditional and revisionist views by seeing national security in terms of three dimensions. The strategic dimension incorporates the traditional view of security, i.e. the ability of the state to defend itself militarily from external aggression. The regime dimension is the capacity of the government to protect itself from internal threats arising from domestic disorder and conflict. The structural dimension addresses the balance between a state’s population and its resource endowments (food, water and living space). This balance is upset when population demands on resources become too great and the government is unable to manage or contain them. This is largely true for a host country such as impoverished Bangladesh encountered with overpopulated areas with limited resources, which is again burdened with the influx of Muslim Rohingya from Myanmar. An influx of Rohingya refugees
potentially threatens all three security dimensions of a host country like Bangladesh, either by creating new security threats or by aggravating existing ones causing strained bilateral relations with Myanmar as emphasized by Jacobsen and Wilkenson. Refugee camps frequently harbor guerrillas—either by assisting them directly or by assisting their families so that the guerrillas are free to fight. The camps are then viewed as havens for the enemy by hostile forces who engage in “hot pursuit” raids into the host country.

The refugees themselves may constitute real or perceived threats to the Bangladeshi people and government. When refugees bring arms with them they create a potentially dangerous armed community. Refugee camps housing Rohingya in Teknaf and Coxe’s Bazar often become violent places with high rates of crime, especially those where long-term tenure has increased frustration levels, and since refugee camps are rarely secure these problems spill over into surrounding communities. Rohingya as long-term refugee populations, particularly those that are forced to reside in camps or areas away from the mainstream, have been said to develop resentment toward their hosts. Even if refugees do not actually engage in the domestic quarrels of their hosts, Bangladeshi governments often perceive them to be a threat and act to avoid or reduce political repercussions by imposing greater controls on refugees. One widely practiced strategy in Bangladesh is to separate refugees from the local population by housing refugees in camps rather than allowing them to be self-settled. Rohingya refugees in Bangladeshi camps are more easily monitored, controlled and registered, all of which also facilitate eventual repatriation. Security threats affect refugee policies in Bangladesh negatively for several reasons. First, with increased security threats the Bangladeshi army becomes more influential in national affairs. The army is less constrained by public accountability than are other institutions, and army personnel tend to be more concerned with containing security threats than with the welfare of refugees. Containment in Bangladesh frequently means controlling Rohingya refugees by denying admission, restricting them to camps, or practicing refoulement, which is against the UN principle that prohibits the expulsion of persons who have the right to be recognized as refugees.

Any attempt to describe patterns, magnitudes and trends confronts the problem that almost all published data on Rohingya, including those generated by official refugee agencies, are rough estimates at best, irrespective of data quality. Equally disturbing is that the forced migration of Rohingya is rooted in human rights violations and political repression in Myanmar which make them stateless. The non-traditional and human security discourses can explain well as to why and how the forced migration of Muslim Rohingya from Myanmar to Bangladesh has been posing a great threat to the security of both the countries particularly the national security and interests of Bangladesh. This volatile situation regarding Rohingya keeps jeopardizing the bilateral relations between Myanmar and Bangladesh to a great extent and forms the focus of this research.

**The Muslim Rohingya in Myanmar**

The Burmese military government claim that the Rohingyas are not indigenous people but have migrated from Bangladesh. However, even prior to 1962 Rohingyas were holders of government-issued identity cards and had also British-issued ration cards which affirmed they are citizens of Burma. Then on the pretext of checking these identity cards before the very eyes of the genuine holders of the cards, these old identity cards were forcibly taken and torn to bits just to deny them their legal identity.
In February 1978, the Burmese military junta launched a large-scale program with military precision aptly named “operation Dragon King” (Naga-Min) and the indigenous Rohingyas were persecuted on false allegations of violation of nationality laws ultimately leading to mass killing and also expulsion of the Rohingyas from their land. Nearly tens of thousands of Arakanis Muslims (Rohingyas) were killed in cold blooded murder and over two hundred thousand were pushed to Bangladesh on the plea that they are not indigenous children of the Burmese racial stocks, even though the Rohingyas were there for hundreds of years; the bones of their great grandparents are buried there.

Before independence and particularly after independence there have been numbers of Muslim members of parliament (MP) and always two Muslim ministers were in the cabinet till the 1962 military coup. But in the army regime from 1962 to 1995, not a single Muslim was appointed a minister or even as deputy minister. This is an evidence of utmost discrimination against the Muslims in Burma. For the purpose of administration, State Law and Order Restoration Council (SLORC) formed district councils, township councils and village ward councils. Even in the 100% Muslim villages in Arakan, army intelligence officers were planted to the office of counselor and bullied Muslims.

The Burmese military junta has a special bias against the Rohingyas. Throughout 34 years of army rule not a single Muslim was ever appointed a judge in the Supreme Court or the Session Courts or even in the Lower Courts. The schools were nationalized in 1963. As a result there are now no Muslim high schools. Muslim headmasters and senior Muslim teachers were replaced with Buddhist teachers. As reported by Wonterghem, the Burmese Muslims human rights advocates, based abroad, say that deprived of their political rights and opportunity of service in the government, ministries, directorates, departments, corporations, judiciary, education and local administrative councils, the Muslims concentrated on trade and cottage industries and became quite successful. But the army junta has continuously tried to dislocate them in various ways particularly through inhuman atrocities and forced mass expulsion from Arakan.

Rohingya refugee movements pose a non-traditional threat to human and societal security. Traditional security concerns have so far always ruled the game. Global power politics, geo-strategic and security concerns as well as economic interests complicated the security dilemma with regard to Rohingya refugee issues, which made international community less interested in overcoming the current challenges. Political goals and power politics contributed to ignoring the potential danger of providing legitimacy to increasing non-traditional threats emerging from the migration of Rohingyas from Myanmar to Bangladesh and to other neighboring countries. We find strong support for the proposition in this case: the more severe the violation of human rights, insecurity and repression, the larger the scale of the refugee flow. The more the refugee flow, the larger the non-traditional security threats. There is a positive correlation between the number of refugees and repression, the variety of which ranges from violations of human rights. Countries that have generated the main refugee outflows belong to the world’s most repressive ones. Myanmar is notable in this regard. Rwanda, Uganda, Kampuchea, etc. are also known for brutal mass executions. There is a clear link between migration and security as well.

The perceived and actual threats emerged from the plight of Rohingya refugee from Myanmar to the border areas of Bangladesh and also to other neighboring countries such as Malaysia, India and the Middle East. Refugee scholars are traditionally concerned with the human security of refugees, as they often flee to highly volatile areas and are in need of protection. The security of refugees is often threatened in host countries like Bangladesh. Because this country has been struggling with rampant
poverty and encountered with various economic challenges. Moreover, there is a lack of adequate international assistance and interest from UNHCR and other international communities to solve the Rohingya problem between Bangladesh and Myanmar. From the perspective of the security scholars, the main focus is on the security of the host society (citizen and state). This is significant as the feeling of threat by a receiving society can translate into hostility against the refugees and a practice, which in turn is threatening the migrants (forced repatriation, confinement to small areas, etc.). Thus, human security dilemma as a part of non-traditional crisis is evident in case of Rohingya, which disrupts the bilateral relations between Bangladesh and Myanmar.

The Rohingya Crisis and Disputes Between Bangladesh and Myanmar

Due to systematic violations of human rights on the Rohingya, these people have been forced by the Myanmar’s military junta to leave the country. Consequently, thousands have been made refugees, primarily in Bangladesh, while others have managed to flee to Malaysia, India and the Middle East. Crossing the border and taking refuge in Bangladesh was not something that was unexpected. But such crossing into Bangladesh did not change their views on the state and also could not change their status.

Bangladesh shares 168 km of border with Myanmar. But political and security problems sometimes disturb the bilateral relationship between the two countries. The first is of course the movement of Rohingyas across the border to Bangladesh since the late 1970s. These persons who have crossed over in the past continue to temporarily live in refugee camps in bordering Cox’s Bazaar district of Bangladesh. The Myanmar authorities have shown great reluctance in accepting these persons (about 23,000 officially) as their citizens. They consider them as foreigners. On the part of Rohingyas in Bangladesh, they are reported to be alarmed at the internal situation across the border and are not happy to be sent back as they think they would be persecuted. In the latest effort by Bangladesh, the foreign minister during her recent visit to Myanmar again raised the Rohingya matter. The Myanmar authorities have asked for an updated list of these refugees so that they can scrutinize and see if they are their citizens. Such an exercise has been done many times in the past. Due to this hesitation, Bangladesh is quite frustrated and wants a quick resolution, so that bilateral relationship can move on to the next higher level. The Rohingyas are in a way drain on Bangladeshi national resources. Yet we cannot just push them back as it would be inhumane in the face of the uncertainties in Myanmar. Reports of fresh influx of Rohingyas are also anticipated due to difficult political situation in Myanmar under the military junta.

“Involuntary” repatriation of the Rohingya was sometimes alleged to be “forcible” repatriation as well. Even the UNHCR at one point of time had complained that such “forcible” repatriation was initiated and directed by the government of Bangladesh. The Rohingya suffered no less from the Bangladeshi state even when the host country was providing them refuge. Although welcomed by the local population in the beginning, the Rohingya refugees were quickly brought under the governmental control and policy measures, mainly with the intention of policing them. Such policing can be divided into three parts as follows:

Policy of Encampment

First, the policy of encampment has several difficulties. Officially, there is total restriction on movement of the camp refugees. No refugee can go out of the camp without the prior
approval of camp officials, which is seldom entertained in writing. Anyone caught red-handed out-visiting the camp illegally or more particularly without the unspoken “unofficial blessing” faces harsh treatment, which includes beating from the police. As one refugee stated in an interview: I never go out of the camp without the permission of the officials or the police. If the police find out that someone has done so, they beat the person quite a lot and I feared those beating by the police!  

Policy of Unburdening Responsibility

Second, the policy of unburdening responsibility is critical. Bangladesh would be interested to see the continued presence of the UNHCR and the refugees, not for any humanitarian reason but simply for the sake of making profit from their presence. In this context, US Committee for Refugees noted:

Despite Dhaka’s claim that caring for the Rohingya is an economic burden, Bangladesh has borne little of the cost of caring for the refugees. With the exception of $2.5 million that Bangladesh spent on relief prior to the UNHCR involvement, UNHCR, donor governments, and non-governmental organizations (NGOs) have paid for almost all of the relief operation. If anything, the UNHCR relief operation has led to a net financial gain for the Bangladesh government and its citizens, as it has increased employment.

But then, corruption adds to the profit momentum, contributing thereby to the birth of a series of power blocs (or interest lobbies), not necessarily at the high policy level but more importantly at the middle and lower functionary levels, well disposed to the continued presence of the UNHCR and the refugees. And the middle and the lower functionaries of both governmental and non-governmental organizations are powerful enough to create conditions for putting a halt to unprofitable changes and reproducing the post-refugee status quo.

Policy of Repatriation

Third, the policy of repatriation is in dilemma. Despite the unwillingness on the part of the majority of the refugees to return home for reasons of insecurity or lack of improvement in the situation in Myanmar, the UNHCR, with the direct consent of the GOB, repatriated all but 21,117 refugees by April 1997. Since then, however, repatriation has been put on hold following the failure of the GOM to clear the reentry of 13,582 refugees out of the remaining total of 21,117. Only 7,535 received permission but those refused reentry blocked their repatriation. GOB quickly declared that no refugees would be allowed to settle in Bangladesh permanently and this position has been renewed time and again, and is still the current policy of the government.

The bilateral trade between Bangladesh and Myanmar is only US$ 100 million with Bangladesh exporting only US$ 3–4 million. This needs to be definitely enhanced with Bangladesh introducing new items such as pharmaceuticals, jute, cosmetics, consumer ware especially white goods, leather products, computer and IT ware into Myanmar. In return, the government should consider importing food grains, agro products, timber, gas into Bangladesh. It is expected that the bilateral trade will increase to US$ 500 million in two years, to be raised to US$ 1 billion by 2013. Rohingya or other unresolved bilateral disputes including maritime boundary issues are considered as an impediment to the trade relationship between Bangladesh and Myanmar.
Statelessness of the Rohingya has otherwise come to define the Bangladesh–Myanmar relations, indeed, in ways that is ominous for both. These issues have deteriorated the bilateral relations between Bangladesh and Myanmar by causing national security threats to border areas in Bangladesh.

Responses of ASEAN, Thailand and Malaysia

The Association of Southeast Asian Nations (ASEAN) has been aware of the Rohingya’s plight since the early 1990s, when nearly 250,000 fled to Bangladesh. In March 1992, Malaysian Foreign Minister Abdullah Badawi said that the Rohingya refugee crisis “could no longer be regarded as Burma’s domestic problem because the action by Burmese troops has burdened neighboring countries and may disrupt regional stability”. Singapore’s Foreign Ministry noted at the time that the influx of large numbers of refugees from Burma into Bangladesh was creating “a potential area of instability for the region and human suffering”.

The plight of the Rohingya was conveniently forgotten after Burma joined ASEAN, until an international scandal flared up over Rohingya boat people in the weeks leading up to the 14th ASEAN Summit in February 2009. ASEAN’s failure to address the Rohingya issue and other pressing regional problems caused by the State, Peace and Development Council (SPDC) seriously undermines authority and effectiveness of the ASEAN Charter, and ASEAN itself. ASEAN leaders must realize that the current situation threatens the credibility and the integrity of the organization.27

It is known to all that for years, the plight of the Rohingya had been fading from world attention. Then, in early January 2011, it abruptly reemerged in the public eye following reports that the Royal Thai Navy had towed more than a thousand Rohingya boat people out to sea in engineless boats with little food or water.28 A few hundred were rescued near India’s Andaman Islands and Indonesia’s Aceh Province, but many others were not so lucky, and are presumed to have died at sea.29

In Myanmar, however, the ruling regime has adamantly refused to recognize the Rohingya as one of the country’s indigenous peoples, adding fuel to a fire that other countries in the region are trying to contain. Thailand has long been on the frontlines of Burma’s humanitarian crises and, in this case, it is particularly concerned about the implications of the Burmese junta’s policies. Not only is Thailand a host to an estimated 120,000 refugees and perhaps 2 million migrant workers from Burma, it also has an Islamic separatist insurgency raging in its southern provinces and fears that the arrival of thousands of stateless Muslims could further destabilize the situation.30

The Arakan Project, a Thailand-based NGO, which advocates for the Rohingya, estimated in June 2008 that more than 8000 Rohingya had reached Thai shores over the preceding two years, sailing from the coast of Bangladesh to southern Thailand; from there, most traveled overland to Malaysia. The majority of Rohingya who make this perilous journey are looking for no more than an opportunity to earn a living in a less hostile environment than the one they left behind in Burma. Some, however, seek asylum, a process that is fraught with obstacles.

Despite Malaysia’s poor track record of both ratification of international human rights treaties and harsh immigration laws and policies, it continues to be a focus and “hotspot” for Rohingya migration. An estimated 20,000–25,000 Rohingya currently live in Malaysia. The Rohingya in Malaysia have been trapped in a repeated cycle of arrest, detention and deportation. Thailand and Malaysia are not signatories to the 1951 United Nations Convention relating to the status of refugees or its 1967 protocol, which define the rights
of asylum seekers and the obligations of states to protect them. Thus, although the UNHCR has representatives in Bangkok and Kuala Lumpur, the agency’s mandate is subject to restrictions imposed on it by the Thai and Malaysian governments.31

Meanwhile, in Thailand, the current Democrat-led government has attempted to deflect some of the criticism it has faced for its handling of this issue by insisting that the international community, and especially regional neighbors, must share responsibility for solving the Rohingya problem. To this end, Thailand discussed the issue with representatives of the UNHCR and ambassadors from Bangladesh, India, Burma, Malaysia and Indonesia, and raised it again at the recent summit of ASEAN.

At the ASEAN summit in 2010, Burmese Foreign Minister Nyan Win said that the boat people would be allowed to return, but only if they identified themselves as “Bengalis” born in Burma, rather than as Rohingyas. Observers suggested that the Burmese response was just a token gesture to avoid embarrassing ASEAN governments and to end any discussion of the root causes of the problem, which include widespread human rights abuses in northern Arakan state.

At the 15–17 January 2011 retreat in Indonesia, ASEAN FMs called for the lifting of sanctions against Burma’s military regime. ASEAN cited the release of Daw Aung San Kyi and the 7 November elections as reasons for countries to review their policy on existing sanctions. However, ASEAN also called on the SPDC to initiate a process of national reconciliation with ASEAN’s involvement. On 16 January 2011, Indonesia’s Foreign Minister Marty Natalegawa called for reconciliation and dialogue with Aung San Suu Kyi. On the same day, ASEAN Secretary General Surin Pitsuwan said that other state leaders should access more to Myanmar, particularly to its opposition parties (Human Rights Watch, 2011).32 Apparently, ASEAN cannot afford to let the Burmese generals simply sweep this issue under the rug. Almost nothing has been discussed about the Rohingya problems at ASEAN meetings these days. Eventually, it is clear that ASEAN leaders are more concerned with condemnation of the junta’s atrocities and are less interested to take any viable collective action against the military junta to solve the Rohingya problems.

**Responses of the International Community**

Unfortunately the crisis arising from the exodus of the Rohingya from Myanmar has not been taken seriously either by any national governments or by the international community. The scale of oppression on the Rohingya is not only threatening the very survival of these people but also makes those who flee the country as extremely vulnerable, often making them as objects in human smuggling or terrorist activities. Under these circumstances, it is quite natural for them to look for extra-territorial or international support to redress their plight. Myanmar has been massively criticized by the Western powers for an abysmal record of human rights. As mentioned earlier, with the rise of military power in 1962 from the democratically elected government of Prime Minister U Nu, the military regime had started violating human rights intentionally against many of the ethnic minorities in the name of national security. As a result, many ethnic minorities became involved in armed insurgencies against the center in Yangon, with the hope of seceding from the Union of Myanmar. Violation of human rights gained momentum in Western like-minded states and international organizations, namely the United Nations since 1988.

Reuters reported on 20 May 1978, from Geneva that UNHCR’s Paul Hartling noted that he had set aside US$ 500,000 in emergency aid for the estimated 200,000 Rohingya refugees who had fled into Bangladesh. Meanwhile, the Motamar Al-Alam Al-Islami (World Muslim Congress) as early as February 1978 had brought the said plight of the
Arakanese Rohingya to the notice of the world, while Organization of Islamic Cooperation (OIC) issued a statement in Jeddah on 16 May 1978 that “The Muslim Rohingya in Myanmar are currently suffering from huge atrocities, which have been confirmed by various reliable sources”.33

After negotiated settlement, with the help of UN and OIC, between Bangladesh and Myanmar, the Rohingya refugees started returning to Arakan, Burma, in 1978. However, the agreement did not deal with the question of their status, life and property as well as security after their return to Arakan. Having repatriated to their native Myanmar, the conditions of the Rohingya Muslims further deteriorated. Unfortunately the army junta, SLORC upgraded their level of terror on the Rohingya causing the exodus of the Rohingya once again in 1992.34

Rape, murder, public torture, kidnapping and burning down of houses, mosques in the entire villages increased to such a level that 250,000 Rohingya refugees had fled to Bangladesh and were officially registered for relief. However, many of them could not register and took shelters on their own in Chittagong. The numbers continue to grow as Rohingyas cluster over a dozen refugee camps from Cox’s Bazaar to Taknaf in Bangladesh.35

Patterns of SLORC violence against Burmese Muslims have become intensified across the western Arakan state. Thus, protracted negotiations were held among Bangladesh, UNHCR and Mayamar to reach an agreement on repatriation of the Rohingya to Myanmar. Eventually an agreement was made paving the way for repatriation. Apparently, on 1 July 1995, a total of 192,467 refugees out of a total 250,877 registered Rohingyas who crossed into Bangladesh between December 1991 and June 1992 had been repatriated from Bangladesh to Myanmar under the supervision of UNHCR. However, the repatriation process was about to stop due to the fact that the Myanmar authorities were intransigent and reluctant to do as negotiated on the agreement. Due to international pressure (i.e. in June 1995, USA had expressed concern over blatant human rights abuses by SLORC, likewise other states particularly Malaysia expressed deep concern) the SLORC regime had agreed to take back an average 20,000 Rohingya refugees every month from 18 camps in Bangladesh, which was announced in August 1995.36

In Mid-December 1994, AI issued its year-end report in London on Myanmar stating that there has been “no significant improvement in the human rights situation in that country (Myanmar) and those ethnic minorities continue to suffer from human rights violations”. The AI report on Myanmar affirmed that “such human rights violations include extra-judicial killings, torture and ill-treatment, forced porter duty for the army, forced unpaid labor on construction projects and forced relocation of villages”.37

Despite the 2005 agreement stipulates that the Security Council is prepared to take action under the Responsibility to Protect (R2P) if governments manifestly fail to protect their populations, the Security Council to date has been largely silent on Myanmar. Both China and Russia vetoed a 2007 draft Security Council resolution on Myanmar on the grounds that violent repression in Burma was not a threat to international peace and security. Within the framework of the R2P, it is extremely important for the international community to let the Rohingya live in this world as the bonafide citizens of Myanmar enjoying human rights. According to the R2P (negotiated in 2005), states have the primary R2P their own populations, as the Myanmar government fail to protect the Rohingya the international community has a responsibility to act in favor of the vulnerable group such as Rohingya. It is essential to facilitate a tripartite agreement among representatives of Bangladesh, Myanmar UNHCR and Rohingya to allow UNHCR and other international bodies to fully function in Arakan to supervise the protection of Rohingya as long as the Rohingya representative deem necessary.38
Against this backdrop, much more needs to be done to engage reluctant actors, such as China and Russia, and to unify the international community of states behind policies to engage, and put pressure on, the government to fulfill its R2P the people of Myanmar. This leverage and soft power should be directed toward encouraging the government to end the perpetration of atrocities against ethnic and religious minorities. The Security Council, the ASEAN, the USA, India and Thailand are potentially the most influential actors and must determine what policy options can plausibly prevent the commission of mass atrocities in Myanmar. Regional actors have a crucial role to play. ASEAN has made a decision that it will not defend Myanmar if domestic issues about the country are raised in any international forum. We cannot deny the fact that the ASEAN has failed to address the root causes of the Rohingya problem. Thus, ASEAN and its members must continue to put pressure on the government, in keeping with R2P and the ASEAN charter, leading the way for future international efforts.

Measures have been proposed to include strengthening diplomatic sanctions, consideration of the Burmese government by the ASEAN Intergovernmental Commission on Human Rights, enacting a global arms embargo and economic sanctions, and referring the military leaders to the International Criminal Court (ICC). A 2009 Harvard Law report called for the creation of an international commission of inquiry (COI), and possible ICC referral, in light of its finding that there was a prima facie case that the government was contravening prohibitions against crimes against humanity and war crimes. In March 2010, the UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana recommended that the UN should consider establishing an UN-mandated CoI. Former UN Special Rapporteurs on human rights in Burma Paulo Sérgio Pinheiro and Yozo Yokota also called for the establishment of CoI. Since Ojea Quintana’s recommendation, an increasing number of governments have voiced their support for the creation of a CoI, including: Australia, Canada, the Czech Republic, Estonia, France, Hungary, Ireland, Lithuania, the Netherlands, New Zealand, Slovakia, the UK and the USA. A CoI is a logical progression in light of the SPDC’s failure to implement relevant measures outlined in UN General Assembly Resolution 64/238, which strongly called upon the SPDC to “allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations and to bring to justice those responsible in order to end impunity for such crimes”. Supporting the establishment of a CoI will provide ASEAN and regional governments with increased leverage to push the SPDC to make genuine reforms.

On 25 January 2011, US Assistant Secretary of State for East Asian and Pacific Affairs Joseph Yun voiced support for ASEAN’s calls for reconciliation and dialogue. Yun said, “These are excellent demands from the ASEAN ministers, and I think the Myanmar authorities should really take them to heart and make them a reality.” While supporting ASEAN’s efforts, the USA indicated that its current policy on sanctions would remain. On 21 January 2011, US State Department spokesman P.J. Crowley said that the Obama administration had no plan to lift sanctions. Many governments, including the Western and Asian countries, have enacted an arms embargo and other sanctions against the government. International community maintains sanctions against Myanmar, but this work is more or less a rhetoric and can influence the Military junta little in Myanmar to bring about changes for durable solution of the Rohingya problems.

Increasing ties between the USA and Myanmar would apparently annoy China in many ways. Because, China–Myanmar trade relations are significant and bilateral trade of the two countries was worth more than US$ 4.4 billion. Chinese investment in Myanmar was amounted to US$ 16 billion in 2010. But China would not probably get
involved in any direct confrontation with the USA; rather it would try to expand its relationship with other key states in Asia to maintain a balance in the region.

To what extent the role of the great powers will influence Myanmar and Bangladesh in its foreign policy will be a matter of great concern to the policy-makers of the two countries in recent years. Bangladesh has a number of bilateral disputes with Myanmar which remain unresolved till now. The increasing ties between the USA and Myanmar will have a negative impact on Bangladesh in its dealing with Myanmar on bilateral contentious issues. The USA puts pressure on Myanmar regime to go for armistice with Karen guerilla as a condition of good bilateral relations between the USA and Myanmar, but nothing was mentioned with regard to the repatriation of Rohingyas from Bangladesh to Myanmar. There seems to be a tie between insurgent groups in Myanmar with the insurgent group in Bangladesh, which can only be solved through cooperation between Bangladesh and Myanmar. But democratization in Myanmar would eventually open the door for resolution of the Rohingya crisis through viable diplomacy between Myanmar and Bangladesh on the basis of win-win situation.

Bangladesh–Myanmar Relations and the Muslim Rohingya

Human rights violation against the Muslim Rohingyas and their statelessness made them more desperate and militant to safeguard their interests. The militancy of the Rohingya Solidarity Organization and/or the Arakan Rohingya Islamic Front is well known. Previously their activities were restricted to Myanmar but with series of pushes and no respite by way of seeking refuge in Bangladesh, it is quite likely that they would expand their operations well beyond the Arakan region and into Bangladesh. In fact, much of the militancy in refugee camps has been blamed on them. The list of prospective supporters mainly includes the so-called Islamic political groups, namely the Rabita Al Alam Islami, the Jaamat-e-Islami, etc. In the wake of such support, it is not difficult to see that the state-to-state relationship has entered into a new dimension of transnational forces, not all of which is restricted to the state itself.

There was a positive development in January 2012 on the long pending Rohingya repatriation issue that emerged from the fourth foreign secretary-level talks between Bangladesh and Myanmar in Dhaka. Myanmar’s deputy foreign minister indicated his country’s willingness to take back 9000 of the 28,000 registered Myanmar refugees encamped in Cox’s Bazaar. During a December (2011) visit to Myanmar by Bangladesh Prime Minister Sheikh Hasina, Burmese President U Thein Sein expressed his desire to cooperate with Bangladesh in resolving the Rohingya issue and had agreed to take back documented Rohingya refugees from Bangladesh after verification by its authorities. It means that at least some forward movement on the repatriation issue is in sight. To successive Bangladesh governments’ chagrin, the question remained consigned on to the Myanmar military rulers’ back burner for the last nearly two decades. That way it is a breakthrough, a diplomatic success, but certainly one that must be acclaimed with cautious optimism. For, a similar green light was given by the Myanmar side for the same number of refugees to be taken back in 2005, but that ended up being a disappointment, and only 90 went back to Myanmar.

After the November 2010 election in Myanmar, SPDC expanded its offensive activities against ethnic nationality groups to different parts of the country and increased serious international crimes against civilians. Moreover, the SPDC continued its religion-based systematic discrimination of Rohingyas in northern Arakan state, denying them basic and fundamental human rights. The junta subjected Rohingyas to de-nationalization, arbitrary arrests, restrictions of movement, extortion, torture and harassment.
Thus, the return of Rohingya refugees repatriated earlier on is an added dimension to the problem, basically underlining the congeniality of atmosphere at that end. In a large part though, this was also due to the relative ease with which they could put up in Bangladesh amidst shared humanitarian concern of Bangladesh government and the UNHCR. It is alleged that several of them may have melted away in adjoining places in Bangladesh.

The militancy of the Rohingya Solidarity Organization and the increasing involvement of jobless Rohingyas in different criminal activities, including murder, racketeering, bootlegging, prostitution and narcotics, are well known in the border areas of Bangladesh.43 Previously, their activities were restricted to Myanmar but with push factors at home and limited options of seeking refuge in Bangladesh, it is quite likely that they would expand their operations well beyond the Rakhine region and into Bangladesh. As mentioned earlier, the Rohingyas have been blamed for militancy against both Myanmar and Bangladesh authorities and for crimes in the refugee camps in Teknaf and Cox’s Bazar. The proliferation of small arms and the possible use of exotic weapons, namely chemical and biological weapons, are worrisome, causing non-traditional security threats, including terrorist attacks to people across both sides of the borders. For example, when the Mong Tai Army of the Golden Triangle druglord, Khun Sa, surrendered to the Yangon authorities, it handed over assault rifles, machine guns, rocket launchers and even SA-7 surface-to-air missiles. More worrisome is the fact that despite repeated denials by the GoM, accusations of chemical and biological weapons used by the Myanmar military against “ethnic” insurgents have surfaced from time to time. There is no guarantee that such weapons, small or exotic, would not be used to promote or contain militancy in the Bangladesh–Myanmar borders.

Myanmar has already earned a reputation for being a “narco-state” because it has been corrupted by drug cartels and weak or non-existent law enforcement. In such a scenario, illicit drug trafficking, with frustrated groups acting as “intermediaries” or traffickers, is not farfetched. There are already reports that drug addiction has increased sharply in the Myanmar–Bangladesh border regions, allegedly because of the Rohingyas’ participation in drug trafficking.44 Indeed, nothing can be more ominous than the growth of a nexus between arms, drugs and frustrated groups. Considering the deplorable living conditions of the Rohingyas (especially those in the refugee camps in Cox’s Bazar, Bangladesh), they can be easy targets for recruitment by Islamic fundamentalists and other criminal groups. In turn, this could potentially trigger non-traditional and transnational security threats, such as terrorism, illegal drug and human trafficking, illegal logging, environmental degradation, maritime piracy, deadly violence and crimes. Growing militancy is another possibility.45

The maritime boundary dispute between Bangladesh and Myanmar has been resolved peacefully by international arbitration on 14 March 2012 allowing Bangladesh to fulfill its claim over the resource-rich Bay of Bengal.46 Since Bangladesh’s independence in 1971, it has been in negotiation with Myanmar over the delimitation of maritime boundaries in the Bay of Bengal. This development gives reason for optimism in resolving the Rohingya crisis in the near future. The long pending Rohingya repatriation issue had a breakthrough in January 2012 during the fourth foreign secretary-level talks between Bangladesh and Myanmar held in Dhaka. Myanmar’s deputy foreign minister U Maung Myint expressed his country’s willingness to take back 9000 of the 28,000 registered Myanmar refugees encamped in Cox’s Bazaar. During the visit of Bangladeshi Prime Minister Sheikh Hasina to Myanmar in December 2011, Burmese President U Thein Sein expressed his desire to cooperate with Bangladesh in resolving the Rohingya issue and
had agreed to take back documented Rohingya refugees from Bangladesh after verification. It means that at least some forward movement on the repatriation issue is in sight. A similar green light was given by Myanmar’s government for the same number of refugees to be taken back in 2005, but that ended up being a disappointment, with only 90 going back to Myanmar.47

While there have been positive strides, there were also setbacks. Since early June 2012, Bangladesh has been experiencing yet another round of inflow of Rohingyas through its land and sea borders. In western Rakhine State, violent conflicts between the Buddhists and Rohingyas have left dozens dead and more than 30,000 displaced. The horrible sufferings that the Muslim Rohingya endured during the racial riots from June 2012 onwards in Rakhine eventually contributed to their decision to flee and seek refuge in neighboring Bangladesh. The Bangladeshi government quickly sealed both land and sea borders. It suspended maritime trade and communication arrangements between St. Marin and Mohakhali Islands of Ukhia for a few days and deployed additional border guards for surveillance. The Rohingyas who had trespassed into Bangladesh were taken into custody by Border Guards Bangladesh and sent back to Myanmar. In order to justify the position of the Bangladeshi government, the foreign minister said that Bangladesh is not a party to the 1951 UN Refugee Convention and its 1967 Protocol. As such, it is not obligated to accept the Rohingyas from Myanmar. It seems that recent changes toward democratic reforms in Myanmar have not resulted in a consistent policy and action concerning the Rohingyas. The Rohingyas continue to be regarded as foreigners and as long as this is the case, the longed-for durable solutions will continue to be elusive.

Conclusion

The Rohingya crisis is non-traditional in nature concerning more with human security, which should be addressed properly by the local, regional and international communities. The UN, ASEAN and other key players such as USA, China and Russia must, in keeping with their own R2P, place pressure on the Myanmar government to take action to prevent and halt mass atrocities. They can also urge the military regime to restore Rohingya citizenship rights, ethnic rights, to lift restrictions on marriage, movement, education and to find a permanent solution for Rohingya refugees who are living in Bangladesh. Coordinated local, regional and international diplomatic engagement, focused on urging the Myanmar government to cease the commission of atrocities against minorities such as the Rohingyas and avoid a resort to violence with ceasefire groups, should be undertaken. This engagement should be in conjunction with other measures such as the creation of commission of inquiry.

Bilateral ties between Bangladesh and Myanmar have been tense, at times, partly due to the Rohingya Muslim refugee issue. Myanmar closed its border trade through Teknaf for three months from July to October 2012 when violent clashes broke out between Rohingya Muslims and the Buddhists. Recent clashes have affected trade activities which have dropped by more than 25% in Teknaf land port.48 Though the political and economic relationships among the countries of the sub-region of Eastern South Asia have been strengthened since 1990s, the ties between Myanmar–Bangladesh have often been disrupted by the Rohingya issue. Statelessness and the identity crisis of the Rohingyas have a great impact on the Bangladesh–Myanmar relations, indeed, in ways that are ominous for both countries.
Strong initiatives must be taken by important global, regional as well as local actors to exert pressure on Myanmar’s military junta for the restoration of governance through democratization to ensure human rights of Muslim Rohingya and other minorities. Such initiatives require special parameters of international law to be promulgated under the United Nations R2P framework for the promotion and protection of human rights of Rohingya by overcoming the weaknesses of both the global and local systems of governance. The strong political will of the governments of Myanmar and Bangladesh can pave the way for a permanent solution to the Rohingya refugee crisis. There is hope for Myanmar’s move to democratization with the release of Aung San Suu Kyi in late 2010 and her election to Parliament in April 2012. In her first speech to Parliament on 24 July 2012 Suu Kyi called for new laws to protect Myanmar’s fractious ethnic minority groups, including the Rohingyas, thus highlighting one of the country’s most challenging issues as it opens up to the outside world. However, Suu Kyi was criticized by Human Rights Watch for not calling for an immediate solution to the Rohingya crisis. The government of Myanmar should live up to its democratic responsibilities by taking all the necessary measures to stop violence in the Rakhine state to fully accord the rights of citizenship to Muslim Rohingyas. The recent democratization in Myanmar will open up new avenues for resolving the Rohingya refugee crisis through viable political means, diplomatic breakthroughs and intensified bilateral negotiations between Myanmar and Bangladesh and thus laying the basis for a win–win situation for all.

NOTES

27. ASEAN Summit, 2009, http://www.aseansummit.org/
47. Uddin, Rohingya Refugee in Bangladesh, op. cit., p. 74.