

## Statelessness and Persecution of the Rohingyas in Myanmar: Time for Serious International Intervention

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### Abstract

*This article examines the decades-long systemic persecution of the stateless Muslim Rohingyas in Myanmar (formerly Burma). Largely unheeded by the world community, the helplessness faced by this group can be evidenced by the staggering numbers in human casualty, loss of property and homelessness. Of late, direct perpetrators behind many of the mass atrocities have been said to include members of Myanmar's military, police, and ultra-nationalist groups, while Buddhist monks who vow to rid the country of Muslims have acted as deadly instigators. As it stands, the continuous flow of Rohingya refugees fleeing the violence has overwhelmed neighbouring countries, who themselves have been unable to adequately accommodate massive numbers of people flooding their shores. If left unaddressed, the Rohingya crisis could well extend beyond a localized humanitarian problem to seriously undermine the political and economic stability of the whole Southeast Asian region. Any resolve to the problem however, must be initiated through a collaboration between and among international government and non-government organizations who see a genuine urgency and obligation to warrant the viability and success in preventing a full-blown genocide in Myanmar.*

Key words: Rohingya, Myanmar, Statelessness, Persecution, Minority Identity, International Community

### I. Introduction

Located in Southeast Asia, Myanmar (formerly known as Burma) is one of the world's poorest countries. Its Gross Domestic Product of US\$65 billion in 2015 was ranked 208 out of 227 countries, placing it among the world's lower income nations (World Bank, 2015). Having recently emerged from 50 years of military rule however, Myanmar is now undergoing a series of political and social reforms that have included the release of political prisoners, the granting of operating rights to privately-owned newspapers, and the holding of its first post-junta elections in 2015. Although key institutions are still held by the military, the recent general elections saw the victory of the opposition National Democratic League (NDL), led by Nobel Peace Prize Laureate Aung San Suu Kyi.

However, not all groups have benefited from Myanmar's democratization. Missing out on the country's new political openness are the Rohingyas, an ethnic Muslim minority living in the western state of Rakhine. Deprived of citizenship, the Rohingyas have no access to jobs, healthcare, education, or freedom of movement inside the country. The situation has worsened in recent years as their persistent discrimination and exclusion have been increasingly accompanied by hate-fuelled and systematic violence in incidents akin to ethnic cleansing. To date, thousands of Rohingyas have perished, while hundreds of thousands more have sought refuge in squalid camps within Myanmar and neighbouring countries. This humanitarian crisis, if allowed to fester, will result in serious social, political and economic problems not only for Myanmar but also for the whole region.

### II. Minority Identity, Statelessness, and Extreme Persecution

Dominant-minority group relations are generally underscored by two fundamental features of inequality. One is the oppression and control by the dominant group against ethnic or racial

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minorities through formal and non-formal forms of structural discrimination. At the core of this control is the varying extents of social and political exclusions that serve to impede minority access to resources, and thereby maintaining dominant group advantages. For the minority group, the continuous and systematic discriminations often result in unending cycles and reproductions of economic disenfranchisement, geographical isolation and absence of meaningful political representation (Esman, 2004).

Second is the ideological dimension embedded in the construction of different identities, situated along polar locations of the social hierarchy. For many societies in the developing world, ethnic identities were often shaped and contextualized by the concomitant processes of European colonization and modern state formation (Tajuddin, 2012). Out of the modern capitalist state emerged a dominant ethnic or racial group with the power and political resources to articulate the national character of the country based on the primordial elements of its own culture and exaggerated versions of ethnic history (Esman, 2004). The identity of the dominant group in this respect, becomes the cumulative product of its superior socio-economic status as well as cultural position relative to minority groups.

Similarly, in new multi-ethnic settings, the identities of minority groups often reflect their social economic positions below and outside the realm of mainstream class and culture. At the same time, the process of national identity formation promotes subtle references of minority cultures as inferior to and thus incompatible with the national culture and its accompanying characteristics (Triandafylliadou, 1989). In this respect, the marginal and sub-standard identities of minority groups, as depicted within dominant group narratives, serves to validate the formalizing of social distances between the two groups. The more contrasting the identities, the more perceivably unassimilable the minority group is deemed to be, and thereby the more undeserving it is to equal status and treatment with the dominant group (Macionis & Parillo, 2004). Often actions and policies aimed at the 'othering' of minority groups serve to validate discriminatory practices against them, especially if their access to power and resources is perceptibly feared to entail the proliferation of alien cultures and ways of life that could also usurp the privileges of the dominant group. In Tajuddin & Sternø (2015) study of the Dutch-Indonesian hybrid minority during the Japanese occupation of the Dutch East Indies, the level and context of political, economic or cultural threat that this group perceivably presented to the occupying force, whether immediate or latent, made co-existence between them volatile and undesirable. In the examples of Uganda under Idi Amin and Serbia under Slobodan Milosevic, such fears were also timely exploited by dominant group elites to consolidate their 'nationalistic' powers at the expense of vulnerable minorities (Esman, 1994). In all these cases, the continuous fear of culturally distinct groups perpetuated by the dominant leaderships through the state has often resulted in disastrous consequences for the affected minorities. In times of heightened ethnic tensions, minorities who have been historically disparaged often find themselves the least shielded against not only discriminatory state policies but also citizen-led xenophobia and violence (Bernstein, 2005).

In more extreme cases, dominant control of minority groups may also involve excluding them altogether from legal recognition of their citizenship status, rendering them 'stateless.' According to Berkeley (2009, p.7), stateless minorities are 'the world's orphans, citizens of no state, marginalized by wars and the break-up of empires, trapped on the wrong side of arbitrary borders, or the wrong side of history.' Despite the Universal Declaration of Human Rights (Article 15:2) stating that 'everyone has the right to a nationality,' many countries continue to refuse citizenship to certain ethnic groups within their populations. In her study of Korean and migrant minority groups in Japan, Chen Tien-Shi (2012) mentioned that nearly 10,000 children in that country are still 'stateless' since they could never be definitively considered Japanese and therefore not eligible for citizenship under the country's *jus sanguinis* nationality laws. Similarly, many of these children are also disqualified from formal citizenship in their parents' countries of origins. This has turned their lives in Japan to one of indeterminate detention as they become ensnared in long-term deprivation of basic rights to higher education, healthcare and freedom of travel.

Similarly, Barany's (2002) study of the Romany or Roma (Gypsies) highlights how European governments have shown reluctance to confer citizenship and full rights to this historically outcast group. A large part of this is attributed to the European cultural perception of the Romani as a dreaded and menacing "other." Lacking security and protection, Romas have often been targeted and scapegoated for problems affecting their host countries during periods of crisis and instability. As recently as 2010, a troubled France under Nicolas Sarkozy saw the deportation of thousands of Romas to Romania, which ironically also happens to be a member of the European Union (Saltmarsh, 2010). This shows that as stateless people, the Romas have never been conferred the same rights or equal treatment as other Europeans even under a supposedly progressive European Union.

Statelessness also subjects a minority group to grim and foreboding forms of persecution. A major element in many nationalistic visions centres around the creation of a racially, ethnically, or culturally homogenous utopia. Given the opportunity and power, far-right nationalists have often embarked on some form of racial or ethnic purification policy as a way to achieve that goal (Solonari, 2010). In modern day definition, this amounts to ethnic cleansing. The United Nations Office of Genocide Prevention and the Responsibility to Protect describes the term as "...a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas" (United Nations, 2017). Research has shown that the propensity for any form of ethnic cleansing to occur has been more probable where minorities were either stateless, comparatively miniscule in number, or dangerously "othered" as trespassers (Berkeley, 2009). Thus, the relational links between minority identity, statelessness and ethnic cleansing vary along the degree of political, economic, and cultural distances separating the dominant group—often represented by the state—and the minority group. The greater and wider the gaps, the more viable the occurrence. Experiences of the Romas in Europe, Armenians in the Ottoman Empire, Bosnians in the former Yugoslavia, and Palestinians in Israel follow at least one or two combinations of these factors (Pappe, 2007; Naimark, 2002)

The aim of this paper is to show that the experiences of the Rohingyas in Myanmar has followed the same theoretical trajectory constituting and defining ethnic cleansing. Using mostly comparative historical approach, it will examine events leading up to the current crisis and also propose general suggestions and steps toward resolving the problem.

### III. Statelessness of Ethnic Rohingyas: A Case of Extreme "Othering"

The story of the Rohingya in western Myanmar illustrates how the extreme "othering" of a minority's identity can lead to long-term exclusion from citizenship. To the Myanmar people, the Rohingyas will always be a racially, religiously and culturally distinct group, whose origins are in the Indian sub-continent rather than Burma. Such a perception, firstly, is relative since geography and borders are politically constructed and not determined according to some kind of natural laws. Secondly, it is just too reductive. The Rohingya identity has in fact, been historically diverse. As early as the ninth century, Muslim settlements had already been well placed along the western shores of what is now Myanmar. Later in the fifteenth century, a Burmese King, Min Saw Mon, ascended the Burmese throne through the help of the Muslim Sultan of Bengal. After conquering Arakan (Rakhine), he rewarded his Bengal attendants with parts of the region. This not only expanded the Muslim population there, but it also further diversified their cultural characteristics (Chan, 2005). Importantly, it provided the Rohingyas with a sense of indigeneity with regards to their presence in Rakhine well before the making of modern Burma. In fact, by the end of the eighteenth century the name "Rooingya" had been documented by the British as reference to the mix of Muslim populations in western Burma (Ibrahim & Nordin, 2015).

Britain's colonization of Burma in 1824 further transformed the demographics of the Arakan region. The absorption of Burma into the larger British Indian Empire created a porous border between the adjacent regions of Chittagong in Bengal and Arakan in Burma that fostered unrestricted movements of people and goods across these territories. The British were especially responsible for further adding various Bengali-speaking groups serving as market intermediaries as well as manual

labour for the burgeoning colonial economy in Burma. Over the years, Arakanese anger and fear against Muslims and Indian minorities often culminated in intermittent riots that left substantial casualties among the Rohingyas in particular (Yegar, 2008). It worsened under the Japanese occupation and the ensuing decolonization of India, Pakistan, and Burma when the fervour of ethno-nationalist sentiments among the different groups ran exceptionally high.

With the creation of a newly-independent Union of Burma in 1948, Muslims who had been in Rakhine for generations were only accorded resident status by the state. Realizing their interminably marginalized treatment, Arakanese Muslims began demanding separate statehood. While several civic and student groups were able to generate substantial following from among the more educated segments of the community, it was the *Mujahid* which effectively forged a secessionist movement under a formal Rohingya identity. Through the use of arms, the *Mujahid* were able to carry out a limited but relatively well-organized insurrection against the Burmese government. It was effectively stifled however, when in 1954 a United Nations-brokered negotiation resulted in Pakistan arresting and jailing the movement's leader (Yegar, 2002: 53).<sup>1</sup> The gradual disbanding of the *Mujahid* allowed the Burmese army to deepen its raids into Rohingya hamlets and villages on the pretence of flushing out remnants of insurgency. This was the beginning of state initiated violence against the minority group.

In 1962, General Ne Win swept into power in Burma through a military coup. His *Burmese Way* policy included the nationalizing of all private enterprises which effectively drove many ethnic Indian and Muslim traders out of the country (Chan, 2005). The majority of Muslims in Arakan, however, were mostly farmers who had nowhere to go and did not feel as threatened by the policy. This did not mean, however, that they were exempted from state discriminatory actions. In 1982, a Citizenship Law virtually stripped many Rohingyas of legal residency and the chance to apply for a more permanent national status. The new law enabled the state to forcefully scrutinize citizenship through the issuance of three categories of color-coded cards; pink cards for full citizens, blue for associate citizenship and green for naturalized citizenship. The law however, stipulated that the Rohingyas were not a recognized ethnic group in Myanmar, and therefore could not qualify for any of those cards (Azad, 2017).

Today, there are approximately 1.33 million Rohingyas, or 2.6 percent of Myanmar's total population. The majority is mostly found in the northern part of Rakhine state, in and around the three townships of Maungdaw, Buthidaung, and Ruthidaung, which also happens to be among the poorest localities in an already impoverished region. For the Rohingyas, the systematic discrimination and statelessness over the last seventy years has left them in dismal need of the basic means of sustaining their families. A dire problem has been the Rohingyas' preclusion from any possibility of citizenship services that has severely affected the life-chances of their children. As it stands, public resources such as healthcare and education are reserved only for citizens. Additionally, Rohingyas are also barred from any government employment, closing them off from occupations in schools, health sector and military (Southwick, 2015). Worse, the absence of state protection has left the Rohingyas helpless against the ruthless actions of government forces, whose 'security' campaigns have killed hundreds of people. It is also not uncommon for the military to randomly confiscate properties belonging to the Rohingyas as well as recruit men, women, and even children into forced labour (Lallah, 2000).

Today, Buddhist resentment against the Rohingya has largely been two-fold; one is the insistence that the latter are first and foremost 'outsiders,' and second, that they present a serious and unnecessary strain on the already scarce resources in the state, where the poverty rate is 80 per cent (UN Population Fund, 2014). Although economic backwardness in Rakhine had more to do with Myanmar's decades-long isolationist policy, there is a long-held belief among Arakan Buddhists that the Rohingyas have been siphoning away local resources and thus responsible for the indigent conditions afflicting the state (Aung-Thwin, 2014). There is also an erroneous and

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<sup>1</sup> Bangladesh, which borders Burma, was at the time East Pakistan.

exaggerated perception of a huge and exploding Rohingya population that would soon outnumber Buddhists. Thus in some areas, a two-child policy is enforced on Rohingya families, the failure to abide by which can result in hefty fines or even incarceration.

Hence, denying the Rohingyas legal presence through citizenship serves to sustain their identity and status as foreigners, and subsequently, their continuing exclusion and disempowerment in Myanmar. Even the name 'Rohingya' is banned in official broadcasts and narratives since the term denotes the group's historical connection to Burma (Solomon, 2016). In this regard, the state has often pandered to majority Buddhist sentiments as a way to gain support for and legitimize its own dictatorial authority. When the new democratically-elected NDL government came to power, the same political posture was maintained in order to not further upset the ethnic Arakans who had overwhelmingly voted for their own hard-line Arakan Nationalist Party in the last elections. Thus, when the government carried out its first census in thirty years in 2014, the state made sure to appease Buddhist wishes in Arakan by mandating Rohingyas to register themselves as 'Bengalis,' a term historically used to refer and implicate them as interlopers from Bangladesh. The contention that the Rohingyas do not officially exist in Myanmar was recently reaffirmed by Armed forces chief Min Aung Hlaine who bragged during a formal event 'We have already let the world know that we don't have Rohingyas in our country' (Murdoch, 2017). The formal statelessness of the Rohingyas would now officially leave them completely unprotected from state-endorsed efforts to have them 'cleansed' from the country.

#### IV. Persecution Amidst Reform

The international sanctions imposed on Myanmar over its repressive military rule had begun to noticeably impact the country's economy whose rising unemployment and inflation were stirring concerns within the state about possible civil unrests (Southwick, 2015). This was one of the main reasons behind the state's constitutional reforms of 2010, which included the eventual holding of elections and prospective negotiations to end major conflicts with various ethnic rebels in the states of Kachin and Shan. The European Union and the United States delighted that a more open Myanmar meant access to markets, investments and untapped resources in that country began lifting their embargos to further incentivize the state toward greater political and economic liberalization.

However, Myanmar's nascent reforms have not included conferring rights to the Rohingyas, and have done little to alleviate the continuing violence and persecution against them, now reaching unmistakable proportions of ethnic cleansing. If anything, the reform has permitted new forms of free speech that are grounded on intolerance toward the Rohingyas. The last few years saw an increase of these coming primarily from Buddhist monks, who have exploited the new freedom of expression to incite hatred against Muslims. Among the notorious ones has been Ashin Wirathu, an Abbott of the Maoyein monastery in Mandalay, who also heads the ultra-nationalist *Ba Ma Tha* (Protection of Race and Religion) organization. In many of his incendiary sermons, Wirathu consistently refers to Muslims as 'bad people' and that Buddhists must 'now rise up, to make your blood boil' (Beech, 2013). His racist vitriol has been connected to numerous violent attacks on Muslims in Rakhine state as well as other parts of Myanmar that have left hundreds dead and thousands more homeless. Explicit in his loathing of Rohingyas and Muslims, Wirathu once responded to allegations of sexual assaults on Rohingya women by saying: 'Impossible! their bodies are too disgusting' (Oppenheim, 2017).

The *Ba Ma Tha* already has branches in 250 of Myanmar's 330 townships and a massive following of millions of ordinary citizens (Thin, 2014). A traditional reverence for the clergy as well as fear of reprisals has refrained those who disagree with his ideas from publicly criticizing him and his organization. However, there is also a general sentiment running deep in Burmese society that the Rohingyas are racially inferior cultural outsiders who do not deserve a place in Burmese society. In this respect, the majority in Myanmar silently agree that the Rohingyas are indeed inassimilable

and are therefore rightly ineligible for citizenship or any form of permanent presence in the country (Aung-Thwin, 2014).

Meanwhile, the United Nations, the Human Rights Watch, and several world aid organizations have provided evidence of systematic torture, beatings and killings of Rohingya villagers by the military during its 'clearing operations.' In retaliation against the killing of nine Myanmar border guards, two major assaults on Rohingya villages were mobilized in 2016, resulting in 192 people dead and 146,000 uprooted from their homes. According to United Nations Commission of Human Rights (UNCHR) report (2017), assaults, detentions and summary executions by armed men have been rampant in which the male victims' ages ranged anywhere from 2 to 70 years. At the same time, many young girls and women have been sexually assaulted and gang-raped by members of the military, often in front of family members. In most cases too, security forces would torch whole villages to the ground along with their crops after the massacre and assaults, forcing survivors to flee to makeshift camps as internally displaced people (UNCHR, 2017). The trauma inflicted upon the survivors has not yet been fully documented, especially when priority for most has been focused on finding a safe haven and refuge from the prevalent butchery.

For the Myanmar state, refugee camps conveniently serve to collectively trap and isolate Rohingyas from the rest of the population, preparing them perhaps for gradual expulsion. For the Rohingyas, daily living conditions in these camps are fetid at best. Resembling open-air ghettos, detainees languish in filthy surroundings, where the ratio of people to latrines averages around two-hundred to one. Their future here has been uncertain and unsafe. With nowhere to go and movements out of the camps made possible only through issuance of permits, many often fall prey to extortion and robbery. More significantly, without adequate medicinal supplies, running water, and sanitation, the health condition of the Rohingyas is also in urgent need of improvement. Thus far, the international organization *Médecins Sans Frontières* (MSF) provides the primary medical services for the Rohingya community. Working under strict state surveillance, MSF clinics service around 750,000 people (Dizard, 2015). Without the MSF, Rohingyas would be left without any lifeline to the most rudimentary service in healthcare. Their infant mortality rate is currently around 135 out of 1000 live births compared with the national average of 77, and there are expectations of an increase in numbers. Since more than 50 per cent of households have no reliable access to basic foods, malnutrition rates range from 15 to 19 per cent of the population, while that of acute undernourishment is about 5 per cent (World Food Program, 2011). Despite this, MSF was temporarily expelled from Myanmar in 2014 after Buddhist residents complained that the organization had shown too much favouritism toward Muslims. Along with this was the raiding of other agencies including the Red Cross, resulting in the evacuation of around 700 international aid workers. These agencies were only allowed to re-enter the country after agreeing to grant Buddhist residents and Myanmar official logistical control of medicinal supplies and treatments (Kuntz, 2015).

Rohingyas who have been able to voluntarily leave Myanmar have done exactly that. Most of them have sold their possessions or borrowed large sums of money to illegally migrate and settle in other countries. Among them, there are an estimated 200,000 in Saudi Arabia, 350,000 in Pakistan, 40,000 in India and about 14,000 in the United Arab Emirates. Despite being away from their country, many across the diaspora have endured a similarly precarious existence since none of these countries intends to extend to them any form of citizenship. Some have even threatened deportation. Even neighbouring Bangladesh, which has currently received over 500,000 Rohingyas, is hesitant in recognizing them as 'Bengalis.' As an overpopulated and impoverished country, Bangladesh prefers to contain newer refugees in its own temporary camps, whose shacks are so rickety that when a cyclone hit the area in May 2017, all of them were virtually destroyed (Najar & Sattar, 2017). Since many of the camps are also located along a picturesque stretch of Bangladesh's touristy beaches, plans are being made to move them out of the area onto an alluvial and flood-prone island further north.

The primary destination for many Rohingyas however, has been Malaysia. Thousands have made their perilous journeys to this predominantly Muslim and prosperous country where local

charities have provided temporary housing, medical services and schooling for an increasingly emergent refugee community. As it stands, there are around 150,000 Rohingyas here, where many make their living inside the country's invisible economy as lowly-paid labourers. Malaysia has, however, recently made some progress in further accommodating the Rohingyas in the form of a pilot programme that officially allows refugees to work in certain plantation and manufacturing sectors where cheap manual labour is urgently needed (Goh, 2017). Despite this, Rohingyas are still ineligible for citizenship and will continue to live amidst the growing uneasiness and suspicion of the local population.

Unfortunately, those fleeing to Thailand have fared worse as many often end up trafficked into forced labour or simply abandoned at sea by profiteers and smugglers. The Thai state has not been particularly sympathetic to the plight of the refugees. Between 2013 and 2014, it deported nearly 1,500 Rohingyas to Myanmar. But recent discovery of mass graves containing bodies of Rohingya refugees in southern Thailand has prompted authorities to become a little more transparent in addressing the human trafficking problem. Today, instead of deportation, neighbouring countries often process Rohingyas for resettlement elsewhere in Europe, Australia or North America. Notwithstanding this, third countries have shown a general disinterest in permanently accepting them. For years now, refugees have continued to wait indefinitely in detention centres where abuse has become increasingly widespread (Kingsley, 2016).

Deteriorating conditions of the Rohingyas have some experts fear of an impending genocide erupting in Rakhine (Southwick, 2015). According to genocide expert Daniel Feierstein (2014), there are six empirical stages that an ethnic group goes through in the process of undergoing genocide. They are stigmatization and dehumanization; harassment, violence and terror; isolation and segregation; systematic weakening; mass annihilation; and removal from collective history. In applying this theory, the International State Crime Initiative (ISCI) at the Queen Mary University of London reports that the Rohingyas are on the verge of the fifth stage, which is mass annihilation (Iyengar, 2015). This conclusion was based on compelling evidence that most of the attacks, including *en masse* killings, have been premeditated and organized by local authorities to ultimately wipe Rohingyas off from Myanmar (Kiersons, 2015). Special reports by the United Nations seem to corroborate the argument that the palpable persecution, expulsion and massacres have been part of a larger plan to sequester the new generation of Rohingyas from national life, and eventually bring the whole group nearer physical displacement and cultural annihilation (UNCHR, 2017).

One would be forgiven to assume that the recent democratization in Myanmar would have introduced policies aimed at ending ethnic persecution in Rakhine. This is especially so with the release of Aung San Suu Kyi, a Nobel Peace Prize Laureate, who had spent more than twenty years under house arrest during military rule and was responsible for helping the NDL to victory in Myanmar's 2015 elections. Instead of aiding the plight of the suppressed minority however, Suu Kyi often goes beyond giving measured responses when asked about the crisis. Having excluded Muslim candidates to run for office in the recent elections, Suu Kyi has gone on to flatly deny any crime being inflicted against Muslims. On other occasions, she has consistently alluded the problem in Rakhine to an 'illegal immigration issue' (Ross, 2017). Such statements reflect the official stance of the state which has adamantly refused to allow the Rohingya problem to be a discussion point in any negotiations involving economic aid or diplomacy. So far it has had its way, seeing that foreign direct investments from 2013 to 2016 more than doubled from US\$4.1 billion to US\$9.8 billion (Business News, 2016). Similarly, tourism has now become a major driving force of the local economy, which rose from mere 800,000 visitors in 2010 to 4.7million in 2015 (Fuxe, 2016).

The general apathy shown by the international community of states toward the Rohingyas stems mainly from the projected economic benefits in establishing or maintaining good relations with the Myanmar government. As at the time of writing, Microsoft, Google, Unilever, Hewlett Packard and Cisco are just a few examples of the scores of corporations currently doing business and 'development' work in Myanmar, the fruits of which are never going to trickle down to the Rohingyas. But the profit potentials of new markets are just too hard to turn down, and as such, the

core approach taken by most countries and organizations in both their political and business relationships with Myanmar has been premised on the policy of non-interference and 'neutrality'. By doing nothing however, the international community tends to place itself in tacit complicity with the Myanmar state with regard to the atrocities committed by the latter. It not only goes against the spirit of civilizational morality, but can also become increasingly unsustainable in long-term social, political and economic costs. The next sections will discuss the various reasons the Rohingya crisis needs to be resolved and the possible ways it can be attained.

## V. Time for Serious International Intervention

In a world system of states, each country is recognized with total sovereignty over the implementation of their nationality laws which in some cases empowers the dominant group and the state it controls, unrestrained options in resolving their 'minority problem'. In successful instances, solution to such problem has shown to come in the form of third party intervention. Notwithstanding this, as Steiner (2009) notes, third party assistance from a single neighbouring country is often inadequate and temporary due to inadequacy in resources and lack of political clout. What is needed instead is the unaffected collaboration among influential countries and groups across the globe, which are able to concertedly persuade, incentivize or threaten the aggressing party into acknowledging the problem and permanently halting its actions. At the core of these efforts include the stakes and interests each party has and could bring to the table to quickly end the conflict. The example of East Timor from 1997 to 2002 exemplifies this argument. Then western non-government organizations in collaboration with local Indonesian civic groups were able to convince their respective governments the political benefits in pressuring the Indonesian state to end its suppression of the Timorese minority (Rolls, 2003). The effort was successful and resulted in the eventual granting of Timorese independence.

Hence, there are several pressing reasons why and how the international community should seriously intervene in the Rohingya crisis. First and foremost, the mass atrocities inflicted against the Rohingyas are clear crimes against humanity. Members of the civilized world and the international community must utilize every institutional instrument available to prevent a full-blown genocide from occurring. One of them is the principle of *Responsibility to Protect* (RtoP). Borne out of the Rwandan and Bosnian humanitarian tragedies and endorsed in the 2005 World Summit, member countries of the United Nations are now obliged to do all they can to protect their people from any form of ethnic cleansing and genocide. It goes on to mention that where the state is unwilling or incapable of fulfilling this responsibility, then the onus shifts to the broader international community to collaboratively act, first through the use of non-violent means and diplomacy, and then if need be, through the deployment of international forces (United Nations, 2017).

The use of the RtoP principle is inarguably applicable to the Rohingyas. Yet, despite the numerous propositional reports submitted by the various corollary committees of the UN, there has been little in the way of substantive action on the part of the larger organization itself to intervene in Myanmar. As often the case, what becomes prioritized in terms of policy action by the UN is contingent upon what is considered politically and economically important to the interests of the upper tier countries within the organization. The persecution of the Rohingyas does not presently seem to be among the priorities. For example, the 47-member UN Human Rights Council recently approved an inaugural multi-national fact-finding team to formally investigate the increased crackdown on the Rohingya community by government troops in Rakhine (Cumming-Bruce, 2017). The success of this mission has yet to be seen, and is very much dependent on the cooperation of the Myanmar state as well as the pressuring influence of stronger members of the UN such as the United States, the EU and China. As it stands, the Myanmar state has rejected the planned investigation and called as unacceptable any interference from external agencies and countries into its internal affairs. Already in January 2017, ethnic Rakhine Members of Parliament from the Arakan National Party had refused to meet UN special rapporteur Yanghee Li when the latter arrived in Sittwe, the state capital, for a special probe into the killing of Rohingyas by the military (Kyaw, 2017). Later, she was barred from entering Myanmar, and at certain points, her life was also threatened. The responses



from the United States, United Kingdom and EU pertaining to this refusal have so far been in the way of mere verbal criticisms. No mention has been made by the Security Council in taking any action against Myanmar for obstruction of justice and unwillingness to protect human life. This lack of urgency on the part of the big powers has seriously hampered further investigation that could bring those responsible for human rights crimes to face prosecution at the International Criminal Court (Southwick, 2015). Instead, it has allowed the effectual impunity of individuals and groups involved in the atrocities and their potential ability to strike again without fear of reprisal or arrest.

The wider international community as articulated in the RtoP also includes neighbouring countries and regional blocs. In Southeast Asia, ASEAN (Association of Southeast Asian Nations) has assumed the primary forum for discussing and promoting the region's social, economic, and security interests. In 1997 Myanmar was admitted as a full member of ASEAN. Neither the ruthlessness of its military regime nor the ensuing atrocities perpetrated by the state against the Rohingyas elicited anything as little as an admonishment from Myanmar's ASEAN colleagues. This is hardly surprising considering that the organization takes on an insistently 'neutral' and non-interventionist stand with regards to the internal policies of member states. Furthermore, none of the other member countries themselves has ever been thought of as full democracies or highly-accommodating to its minorities. For instance, Thailand and the Philippines too have historically oppressed their own Muslim minorities who in turn have waged persistent and often bitter secessionist wars against their respective states.

The few positive responses from its member countries have been limited, muted and seemingly intended to pacify internal restlessness over the treatment of Muslims. ASEAN's two largest Muslim member-countries, Malaysia and Indonesia, for example, have publicly voiced their concerns about the situation in Myanmar. In an unprecedented response to the 2016 Rohingya massacre, Prime Minister Najib Razak called for the UN to 'do something' about the situation in Rakhine because 'the world cannot sit by and watch genocide taking place' (Ng, 2016). Later, Malaysia also hosted a special meeting of the Organisation of Islamic Cooperation (OIC) to discuss the current Rohingya crisis with other Muslim countries. At the same time, Indonesian President Joko Widodo met Aung San Suu Kyi to express his worries about the persecution of Muslims in Myanmar. Notwithstanding this, it remains obvious that despite the establishment of an intergovernmental commission on human rights in 2009, the organization has been hesitant to move away from its non-involvement stance when its member countries commit severe human rights violations (Balazo, 2015). Furthermore, efforts to establish some form of charter or dialogue on regional peace, development and economic cooperation have conveniently circumvented full discussion of human rights issues (Poole, 2015). A recent example of this can be seen during the 30<sup>th</sup> ASEAN Summit held in Manila in April, 2017 when the Rohingya issue did not even make its way into the official agenda.

Admittedly, international government organizations such as ASEAN lack the legal obligation to directly intervene in a national crisis in the absence of a supra-governmental juridical authority. But as a regional body, it has also proven to be frequently hampered by the contesting interests of individual member-countries. As conditions for Rohingyas in Rakhine deteriorate however, failure to act and prevent further violence against the Rohingyas could backfire and entail catastrophic social, political and economic costs at both the regional and national levels. Economically, ASEAN member countries are the largest investors in Myanmar, and while doing business as usual there may generate short-term profits for each of the countries, the social and political ramifications of the unending humanitarian crisis may offset the economic benefits derived from market-related gains inside the country. With coverage of the crisis incrementally expanding, there is likelihood that influential international civic organizations and charities could soon take note and petition their respective governments to impose some form of economic censures on Myanmar. Even if these efforts failed to yield the desired results, the mere exposure of the social and political turbulence surrounding the Rohingyas could trigger a sense of uneasiness among investors about a looming return of boycotts or embargos. According to the *Nikkei Asian Review*, there are signs of this already occurring, albeit minimally (Robinson, 2017).

The notion is that the spiralling violence in Myanmar could consequently bring about possible trade disruptions throughout the whole country which could ultimately lead to decreased confidence and plunging returns on investments. In neighbouring ASEAN countries, the continuing flood of refugees could exert tremendous resources in the form of aid, education and welfare services. The social costs of unemployment and marginalization of refugee communities could also lead to recruitments of the desperate among them into vice-related activities involving drug syndicates, gangs and human trafficking. As crime rises, the demand for resources to combat it would also likely increase. This can generate massive disinvestments and commercial flights, leading to inevitable economic destabilization of the whole region. For this reason, member countries need to refrain from making unilateral calculations about their relationships with Myanmar and instead act multilaterally and in unison to a prolonged problem that may jeopardize the political and economic stability of their own.

Additionally, if national politicians and international businesses beyond ASEAN chose to sustain the status quo to preserve their political economic gains, then the source of change must come from other actors. These may include non-state entities including famous celebrities and organizations who promote the cause of justice and equality, and who have the power of the media to spread their message. Just like the case of Timor Leste during the Indonesian occupation, influential charities and non-government organizations can play a role in highlighting the injustices done to the Rohingyas by the Myanmar state. Moderate Rohingya leaders living in exile could also be given a global platform to highlight the political struggle of the community against systemic oppression. Pressure by these organizations must also be directed against their respective governments in the global north to desist from furthering diplomatic and economic relations with Myanmar. The Committee of the Nobel Peace Prize, too, should consider withdrawing the award given to Aung San Suu Kyi, while leaderships from the powerful north should compel her as the *de facto* leader of Myanmar to begin discussions on stopping the carnage against the Rohingyas.

Finally, violence begets violence. According to Berkeley (2009, p.7), 'stateless People, abandoned by the world, and bereft of hope, sometimes take matters into their own hands.' Today, a new insurgent movement against the Myanmar state has emerged. Calling itself *Haraqah Al-Yaqin* (Faith Movement), it comprises mainly Saudi-educated Rohingya clergies living as refugees abroad. Through its armed wing in Rakhine, *Al-Yaqin* has managed to mobilize a fledgling group of a few hundred well-trained guerrilla fighters. Between October and November 2016 the group managed to launch daring attacks on several police stations, a security installation and an armoury, killing a handful of officers in the process. The state's heavy-handed response has not stymied the insurgents or their cause. For now, the majority of Rohingyas have been a peaceful community who have publicly eschewed violence as a means of resolve. This may soon change. The Myanmar government's indiscriminate killings and continuing persecution could cause many to lean toward their despair and gradually take on the side of the insurgents (Johnston & Neelakantan, 2016). If the Myanmar government in any way further mishandles the crisis, there is the possibility of violence in Rakhine intensifying to a higher level, this time involving civilians on both sides.

There has also been mounting concern outside Myanmar that the continuing cycle of violence could be exploited by transnational terrorist networks such as ISIL (Islamic State of Iraq and the Levant). Today's high-technology communications and media have allowed Islamic radicals around the world to follow the developments in Myanmar. Incensed at the treatment of their fellow Muslims and convinced that the international community's insensitivity to the Rohingyas mirrors its prejudice against Muslims, many have called for armed retaliatory campaigns against the 'Buddhist oppressors' (Chowdhury, 2017). Already, there have been rising tensions amongst Muslims communities in Bangladesh and Malaysia, where politicians have been forced to publicly incorporate the Rohingya issue within their political platforms. Among them are hard line opposition parties which see a connection between their own incumbent governments and the Myanmar state in prioritizing material goals over Muslim lives. As it is, there is evidence that radicals in several ASEAN countries have taken up the call of aiding their Rohingya 'brothers and sisters' by either joining terrorist groups or planning their own acts of violence (*The Guardian*, 2017). So far, one

major incident has stood out. Between 2014 and 2016, Indonesian police arrested several members of the *Jammah Ansharut Daulah*, a group that had increasingly become supportive of ISIL, and which was later found guilty by a court of planning a bomb attack on the Myanmar embassy in Jakarta (Deutsch Welle, 2016). While this potential terrorist attack may have been averted, there is no telling how many more of such groups and individuals throughout ASEAN, or the rest of the world for that matter, which could be much more elusive and successful in their operations. In this regard, the scope of the Rohingya crisis is no longer national or regional. Rather, it has become global. It would serve world leaders well to seriously heed the warning signs now rather than later.

## VI. Conclusion

There is no easy solution to the Rohingya crisis. There are however, important steps and procedures that may offer useful options for deliberative proposals. At the core of any proposition is the recognition that the persecution of the Rohingyas in Myanmar has reached the equivalent of ethnic cleansing, while others consider it to be on the threshold of genocide. The longer the world neglects the problem, the more portentous the situation will become for the Rohingyas. Allowing the persecution to persist will only serve to repeat the similar tragedies in Bosnia and Rwanda, during which the international community's inactions and disinterest helped generate catastrophic losses in human life and property.

Importantly, the key to resolving the humanitarian crisis in Rakhine lies in dismantling the systemic structures responsible for the ongoing persecution of Rohingyas. Here the state must be made to acknowledge that its policy actions not only transgress the various international laws and conventions on human rights but also counter the progress made in democratization efforts. Any proposal to pressure the state into ceasing its discriminatory treatment of Rohingyas must therefore include a set of incentivizing and punitive measures. As it currently stands, major powers of the world have been rewarding the Myanmar state for its democratization efforts, but little in the way of reproofing its oppressive treatment of the Rohingyas. This needs to change and the initiative should first emerge from within ASEAN. In 2015, its member countries formed the ASEAN Socio-Cultural Community with the aim of putting together a common identity based on a 'people-centred' and 'people-oriented' regional society. Although yet to be fully implemented, this principle can be used to propel the drafting of a more complete and comprehensive human rights agenda into the Association's larger policy-making processes. This will require Myanmar (and other member countries for that matter) to observe the requirements of equal and just treatment of all minority groups if it wishes to participate within ASEAN as a full member with privileges. Likewise, if Myanmar refuses to commit itself to meeting the principle, it should be made to face sanction-type consequences culminating in its expulsion from the Association. This is where ASEAN members must fully pledge toward the implementation and fulfilment of this principle not only for the sake of the region's long term security, but with respect to the organization's own moral legitimacy as well.

Ultimately, the end-result for Rohingyas must lie either in their inclusion as full-fledged citizens of Myanmar or in conferring them a separate homeland in northern Rakhine. The deliberation of these choices must be weighed in with the participative complicity of all parties, including the state, citizen groups and the international community of states and organizations. All must also reach some consensus that the narratives of race, ethnicity and identity are transitional and non-static, and that there is nothing concrete and 'pure' about Myanmarese nationality itself. In this respect, progressive voices within Myanmar must also consolidate their voices and influence, working in tandem with external agencies, to bring the country in line with human rights standards of the twenty-first century.

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