

**MYANMAR'S ROHINGYA REFUGEES
THE SEARCH FOR HUMAN SECURITY**

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Linda Crossman, B.A.

Georgetown University
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Linda Crossman, B.A

Mentor: Pamela Sodhy, Ph.D.

ABSTRACT

The aim of this thesis is to analyze the human rights violations against one minority group in Myanmar – the Rohingya – by the majority Buddhist Rakhinese population with central government support, in order to call the international community to pursue immediate, cohesive diplomatic action to address this humanitarian crisis in Rakhine state. The scope of this thesis, which is organized in five chapters, focuses on the early 21st century from 2000 – 2014, but it includes earlier background information on Myanmar and the plight of the Rohingya. This thesis includes a Preface, which contains maps and images of Myanmar and its people, for the benefit of the reader.

Chapter I, “Background Information on the Ethnic and Religious Conflict,” sets the stage for understanding this problem from pre-colonial times to 1999. Chapter II, “Evidence of Ethnic Cleansing and Genocide Against the Rohingya in Myanmar,” examines the implicit government policies from 2000 – 2014 that target the Rohingya for extermination. This chapter analyzes Myanmar’s political, economic, and socio-cultural intolerance for the Rohingya that have left them stateless and forced them to flee Myanmar for security in neighboring states like Bangladesh, Thailand, and Malaysia. Chapter III, “Responsibility to Protect the Rohingya,” challenges the international community, consisting of the United States (US), European Union (EU),

United Nations (UN), and Association of Southeast Asian Nations (ASEAN), to pursue all peaceful means available to end the abuse of the Rohingya under the international norm of the responsibility to protect (RtoP). Chapter IV, “A Recommended Peacebuilding Plan for Ending the Plight of the Rohingya,” identifies possible paths for integrating the Rohingya politically, economically, and socio-culturally into the fabric of Myanmar society as citizens of the country, with protection from different forms of persecution. Chapter V, “Conclusion,” stresses that reconciliation with the Muslim Rohingya will pave the way for more peaceful relations between Myanmar’s majority Buddhist population and its diverse minority ethnic and religious groups. Without peaceful relations with these minority groups, like the Rohingya, Myanmar’s tenuous transition to democracy will not fully succeed.

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DEDICATION

This thesis was written and researched with the support of my friends and family. The thesis is dedicated to the loving memory of my grandfather, Don Robinson, who was an excellent teacher and led by example to always pursue greater knowledge.

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PREFACE: MAPS AND IMAGES

Figure 1: Administrative Map of Myanmar/Burma



Source: "CIA Maps: Burma," *US Central Intelligence Agency*, 2007, https://www.cia.gov/library/publications/cia-maps-publications/map-downloads/burma_admin.jpg/image.jpg (accessed September 16, 2014).

Figure 2: Map of Rakhine State



Source: “Rakhine State, Myanmar (as of 16 Jul 2013),” *UN Office for the Coordination of Humanitarian Affairs*, July 16, 2013, <http://reliefweb.int/map/myanmar/rakhine-state-myanmar-16-jul-2013> (accessed September 16, 2014).

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Source: Greg Constantine, *Exiled to Nowhere*, Bangkok: Nowhere People, 2012.

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Source: Andrew Stanbridge, "In Pictures: The Plight of the Rohingya," *Al Jazeera*, January 20, 2014, <http://www.aljazeera.com/indepth/inpictures/2014/01/pictures-rohingya-2014120155550685850.html> (accessed September 19, 2014).

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Source: “Burma President Thein Sein Visits Rakhine After Fresh Sectarian Clashes,” *The Guardian*, October 1, 2013, <http://www.theguardian.com/world/2013/oct/01/burma-thein-sein-rahine-sectarian-clashes> (accessed September 23, 2014).

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Source: William McGowan, "Burma's Buddhist Chauvinism," *The Wall Street Journal*, September 3, 2012, <http://online.wsj.com/news/articles/SB10000872396390443847404577628874147528692> (accessed September 19, 2014).

INTRODUCTION

According to Human Rights Watch, the situation for Rohingya Muslims living in Myanmar's Rakhine State is quickly deteriorating. The widespread violence in Rakhine State in 2012 left more than 240 people dead and forced 240,000 people to flee their homes, most of them Rohingya. While the Myanmar government has persecuted the Rohingya since the military took control in 1962, the current humanitarian crisis has left the internally displaced Rohingya in refugee camps without access to basic human needs, such as sufficient shelter, medical attention, safe water, and latrines. The central government's only given solution to the conflict is to resettle this group with any country that will take them in.¹

The Rohingya are denied citizenship by Myanmar, which has left them without state protection. They are not well organized and lack the necessary means to raise their issues to the international community for support.² The United Nations has labeled the Rohingya "the world's most ignored and persecuted minority."³ This thesis will argue that Myanmar's policies against the Rohingya are supporting a program of ethnic

¹ "All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," *Human Rights Watch*, April 2013: 87 – 93, http://www.hrw.org/sites/default/files/reports/burma0413webwcover_0.pdf (accessed March 24, 2014).

² Syeda Naushin Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," *Journal of Muslim Minority Affairs* 33, no. 2 (2013): 281 – 2, *Academic Search Premier*, EBSCOhost (accessed February 7, 2014).

³ Alexandra Phillips, "The World's Blind Spot," *Harvard International Review* 35, no. 2 (2013): 31, *Academic Search Premier*, EBSCOhost (accessed March 24, 2014).

cleansing, one of the worst crimes a government can commit against its people.⁴ The Myanmar government and international community are not sufficiently addressing the issue, and the current climate in Myanmar portends that further violence could escalate further if preventative policies are not pursued. The international community must apply coordinated diplomatic pressure against Myanmar to ensure that the Myanmar government addresses its humanitarian crisis with the Rohingya immediately.

Many place names have changed in Burma/Myanmar since the country gained independence from British rule to signal a departure from the country's colonial past. This thesis will use the term "Burma" to reference the country's history prior to 1989, and the name "Myanmar" to reference developments since that date.⁵ This thesis will also leverage Anthony Oberschall's extensive sociological and historical research on ethnic conflict resolution to propose solutions to the ethnic and religious conflict. The aim is to examine and call attention to the plight of the Rohingya who are stateless and the victims of crimes against humanity, so that international intervention will finally resolve this conflict. The scope of this thesis analyzes events from 1962 to 2014, but it concentrates on the early 21st century since 2000.

The Rohingya have been the target of a host of human rights abuses by the Myanmar government, suffering a form of Burmese apartheid. They have no rights in the country and their movement is restricted: they cannot go to markets, schools, or

⁴ Anthony Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence* (New York: Routledge, 2007), 83.

⁵ To date, the United States State Department continues to utilize the old name of "Burma" in its relations with the country. US Department of State, "U.S. Relations With Burma," August 13, 2013, <http://www.state.gov/r/pa/ei/bgn/35910.htm> (accessed June 14, 2014).

hospitals.⁶ Myanmar's laws make it impossible for the Rohingya to become citizens of the country and to obtain national identity cards, which are necessary to work and to receive an education. Schools in Myanmar largely exclude Muslim students, thereby creating a highly uneducated portion of the population. The Myanmar government has a long history of inciting and encouraging violence against Muslims in order to distract the public's attention away from economic and political issues.⁷

World leaders should be reminded by the 2014 anniversaries of the end to South Africa's apartheid and to Rwanda's genocide of the atrocities that crimes against humanity entail and of their power and duty to protect the helpless. On April 27, 2014, South Africa celebrated the 20th anniversary of its first post-apartheid poll, thus commemorating the long road it has travelled from its racist past to a "self-confident democracy." Rwanda also marked its 20th anniversary of the genocide of the Tutsi population by the Rwanda majority on April 7th, 2014. From April to July, 1994, the *Interahamwe* (Hutu militias) slaughtered at least 800,000 Tutsis to remove them from their shared country. Today, memories of this genocide linger as skeletal remains still poke through the ground after heavy rains."⁸ The atrocity of genocide should never be allowed to happen again; therefore, Myanmar's apartheid must be brought to an end.

⁶ Nicholas Kristof, "Myanmar's Appalling Apartheid," *The New York Times*, May 28, 2014, http://www.nytimes.com/2014/05/29/opinion/kristof-myanmars-appalling-apartheid.html?smid=fb-share&_r=1# (accessed June 3, 2014).

⁷ Habib Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*, E-Book (No Additional Publication Information Available, 2008).

⁸ "To Hell and Back: How Nations Torn Apart by Atrocity or Civil War Can Stitch Themselves Together Again," *The Economist*, April 5, 2014,

The plight of the Rohingya continues, despite the country's recent political transition to a more democratic form of government, with promises for better representation of its minority ethnic groups. In fact, there has been significantly more forced displacement of ethnic minorities in the three years since the transition began in 2011 than in the three years prior.⁹ In 2014, politicians are still using ethnic cleansing policies against the unpopular Muslim Rohingya as a tactic to gain Buddhist votes.¹⁰ Even Aung San Suu Kyi, leader of the National League for Democracy (NLD), the pro-democracy opposition party against military rule, has refuted claims that the humanitarian situation for the Rohingya is dire. Instead, she has chosen to act like any other politician seeking favor with the majority of voters who support the ethnic cleansing policies.¹¹ Without Aung San Suu Kyi's support, there is no champion of human rights in Myanmar's government for the Rohingya.

While the Myanmar government has failed to follow through with improved relations with its ethnic minority groups, including the Karen, Kachin, Chin, and the Rohingya, the international community has responded favorably to the country's

<http://www.economist.com/news/international/21600156-how-nations-torn-apart-atrocity-or-civil-war-can-stitch-themselves-together-again> (accessed June 19, 2014).

⁹ Michel Gabaudan and Melanie Teff, "Myanmar: Act Immediately to Protect Displaced People's Rights," *Refugees International Field Report*, March 17, 2014: 2, <http://refugeesinternational.org/sites/default/files/Myanmar%20Act%20Immediately%20letterhead.pdf> (accessed April 6, 2014).

¹⁰ Kristof, "Myanmar's Appalling Apartheid."

¹¹ Emanuel Stoakes, "Aung San Suu Kyi is Turning a Blind Eye to Human Rights in the Name of Politics," *The Guardian*, November 26, 2013, <http://www.theguardian.com/commentisfree/2013/nov/27/aung-san-suu-kyi-is-turning-a-blind-eye-to-human-rights-in-the-name-of-politics> (accessed June 11, 2014).

concrete steps for better government accountability and more freedom of speech. In 2012, the Myanmar government tackled government reform with a focus on combating public corruption. Civic institutions advanced with the elimination of pre-publication censorship; no journalists were jailed in that year and the exile-run *Irrawaddy* magazine began distribution within Myanmar. Improvements in civil society were also made with the release of 651 prominent political prisoners on January 13, 2012 and with the release of a smaller number of them later in the year. Licenses were returned to activist lawyers on a case-by-case basis.¹²

In response to these improvements, the international community removed most sanctions and established political and economic connections. For example, the United States (US) normalized diplomatic relations with Myanmar in 2012, and President Barack Obama visited the country in November 2012 as the first sitting US president ever to visit Myanmar. Moreover, Western states suspended economic sanctions and deepened ties through tourism and trade. In addition, the World Bank in 2012 made its first grant to Myanmar in 25 years through a pledge of \$80 million out of a \$245 million assistance package.¹³ However, the United States has spoken up too mildly on the subject of the plight of the Rohingya while Europe and Asia have not made significant efforts to address the issue.¹⁴ The full political capital of the US and its partners must be

¹² Ian Holliday, “Myanmar in 2012: Toward a Normal State,” *Asian Survey* 53, no. 1 (January/February 2013): 94 – 5, JSTOR (accessed March 30, 2014).

¹³ *Ibid.*, 98 – 9.

¹⁴ Kristof, “Myanmar’s Appalling Apartheid.”

leveraged to end the appalling apartheid and to prevent Myanmar's Rohingya from a fate similar to that of Rwanda.

The thesis is organized in five parts to draw attention to the plight of the Rohingya and to call for the international community to protect them from crimes against humanity perpetrated against them. Chapter I provides some background history on the present day ethnic and religious conflict in Rakhine state. It examines present-day Burmese xenophobia against the Rohingya as a nationalist response to the legacy of British colonial rule. This chapter also examines the fundamental differences between the Rohingya Muslim and Rakhine Buddhist (also known as Arakanese) populations, and it ends with a brief history of the crimes committed against the Rohingya since the military assumed control over the Myanmar government from 1962 to 1999. This history of the conflict between the Rohingya and the Buddhist majority provides the context for violence in the 21st century.

Chapter II presents the argument that Myanmar's policies and actions against the Rohingya constitute ethnic cleansing and the beginning of genocide. It examines the political, economic, and socio-cultural discrimination against the Rohingya from 2000 to 2014 that have severely curtailed their human rights with the goal of forcing the population to leave the country. This chapter also analyzes the plight of the Rohingya refugees in Bangladesh, Malaysia, and Thailand where they have fled to escape persecution in Myanmar. These stateless refugees face deportations, indentured servitude, arrests, starvation, and internment in camps with little to no hope of finding freedom or asylum, thereby internationalizing Myanmar's conflict. Chapter II ends with an examination of how state complicity in the 2012 violence and the current

humanitarian crisis constitute ethnic cleansing and genocide policies against the Rohingya.

Chapter III presents the case for international action to protect the Rohingya due to the Myanmar government's refusal to do so. I will cite the "responsibility to protect" (RtoP) international security and human rights norm adopted by the United Nations (UN) in 2005 to provide the framework for international involvement in the protection of the Rohingya. The Myanmar government is not taking appropriate action to prevent the mass atrocities committed against the Rohingya; rather, it is actively supporting policies of ethnic cleansing through the participation of state security forces in the 2012 violence and its refusal to mitigate the current humanitarian crisis in Rakhine state for the Rohingya. The international community, through the combined efforts of the US, the European Union (EU), the UN, and the Association of Southeast Asian Nations (ASEAN), the regional political and economic organization, must apply coordinated diplomatic pressure against Myanmar with the consequences of a return to sanctions should the government fail to address its humanitarian crisis with the Rohingya immediately.

Chapter IV proposes specific actions the international community should take to implement the RtoP doctrine and to provide long-term protection for the Rohingya. I will apply the lessons learned from Oberschall's research on successful peace building policies of past ethnic conflicts to reconcile the Rakhine and Rohingya of Myanmar and to provide stability for the future. Some short-term solutions require concerted diplomatic pressure from the international coalition to reestablish humanitarian aid for the Rohingya. Myanmar must also accept international security assistance to enable the

secure return of internally displaced Rohingya persons to their villages. Some long-term solutions require alteration of the Myanmar constitution to recognize the Rohingya as one of the country's indigenous ethnic groups and to bestow the same legal protections and rights on the Rohingya as on all citizens of Myanmar. The economy must be reconstructed in Rakhine state to address conflict drivers deriving from extreme poverty and resource deprivation, and Myanmar's society must be reeducated to embrace religious tolerance. Finally, regional solutions to the issue of the Rohingya refugees who have fled to other states will be presented.

The thesis will conclude with Chapter V, through a review of the importance of protecting Myanmar's Rohingya population from further loss of life due to the country's ethnic cleansing and genocide policies. This chapter will end with cautious optimism that Myanmar has an unprecedented political opportunity to integrate the Rohingya into the community as full members under the progressive government of President Thein Sein. His inaugural address on March 30, 2011 expressed "the most remarkable official and public self-criticism since the military coup of March 2, 1962," and it declared the need to establish better relations with the country's ethnic minorities.¹⁵ Myanmar must address the plight of its stateless Rohingya population to end the national embarrassment of continued crimes against humanity in Rakhine state, to progress towards a successful democratic state, and to open pathways to reconcile conflict elsewhere in Myanmar between the majority Buddhist population and the country's other minority ethnic and religious groups.

¹⁵ David Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 2nd ed (New York: Oxford University Press, 2013), 188 – 95.

CHAPTER I

BACKGROUND INFORMATION ON THE ETHNIC AND RELIGIOUS CONFLICT IN MYANMAR

This chapter aims to provide necessary background information on Myanmar to understand the present plight of the Rohingya in the early 21st century. The scope is very wide, covering pre-colonial and colonial history, Burma's independence, and major developments to the end of the 20th century. It is organized in four parts and begins with a description of the conflict groups by incorporating Anthony Oberschall's sociological research on the importance of ethnic groups to human identity and actions. The second section analyzes social relations between the conflict groups in Burma prior to British colonial rule and examines how British colonial policies exacerbated ethnic tensions and paved the way for ethnic nationalism. The third section presents key developments in Burma's treatment of the Rohingya from 1962 to 1999, which established the institutional framework and precedent for human rights violations against the Rohingya from 2000 to 2014. The fourth section concludes with an analysis of the consequences of these developments on tense ethnic relations between Buddhists and Muslims in Rakhine state.

Myanmar is one of the most ethnically diverse countries in the world with over 100 languages and dialects identified within a population of 55 million.¹ It has the potential to be one of the most prosperous countries in Asia, but its inability to make

¹ Martin Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma* (Washington: East-West Center Washington, 2007), 8.

peace between its ethnic groups has devastated the country's economy.² Myanmar has traditionally been a rich country known as the "rice bowl of Asia;" however, due to internal political conflict, an absence of external investment, and international sanctions, Myanmar's economy has declined steeply.³ Myanmar politics have been dominated by two related struggles: the progress towards a democratically accountable government, and the battles for ethnic minority rights in the country.⁴ These conflicts have left Myanmar included in the UN's Least Developed Country list since 1987.⁵

The cycles of conflict in Myanmar since achieving independence from Great Britain in 1948 demonstrate that ethnic political inclusion is "vital if the cycles of conflict are to be ended."⁶ The ethnic majority Burman Buddhist population has dominated the country's government and military since independence.⁷ Myanmar is engaged in conflict with several different minority ethnic groups (e.g. Karen, Kachin,

² Ibid., 2.

³ N. Ganesan and Kyaw Yin Hlaing, "Introduction," in *Myanmar: State, Society and Ethnicity*, eds. N. Ganesan and Kyaw Yin Hlaing (Singapore: ISEAS Publishing, 2007), 3.

⁴ Ashley South, *Ethnic Politics in Burma – States of Conflict* (New York, London: Routledge, 2008), xiii.

⁵ "Least Developed Countries: LDC Factsheets," *United Nations Development Policy and Analysis Division*, https://www.un.org/en/development/desa/policy/cdp/ldc/profile/country_129.shtml (accessed April 12, 2014).

⁶ Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, xii.

⁷ Ibid., 8.

and Shan) that seek self-determination and political inclusion rights,⁸ but its conflict with the Rohingya minority population is unique in the country because it rests on the core issue of statelessness. While the other ethnic groups in conflict seek autonomy under the Myanmar government, the Rohingya struggle for basic security as citizens of the country.⁹

Rakhine state's location between South Asia and Southeast Asia makes it a "frontier culture" of the Muslim and Buddhist communities.¹⁰ The Rakhine region had historic kingdoms that were subject to Indic influences from the ninth century to 1785, when it was conquered by the Burmans. In the pre-colonial period, the Burman Buddhist king exerted sovereignty over the region through a *mandala* system, whereby power emanated outward from the king in concentric circles to distant regions. Rulers under the mandala system paid tribute to the Burman king.¹¹ Rakhine state and Bangladesh contain populations that are heavily Muslim and culturally related. Historically, the peoples of this region crossed the ambiguous border regularly in Burma's pre-colonial period.¹²

⁸ Ibid., 52.

⁹ Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," *Journal of Muslim Minority Affairs* 33, no. 2 (2013): 307, <http://dx.doi.org/10.1080/13602004.2013.810117> (accessed March 7, 2014).

¹⁰ Abid Bahar, *Burma's Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama* (Bloomington, Indiana: Xlibris Corporation, 2010), 23.

¹¹ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 18 – 9.

¹² Ibid., 23.

The term “ethnic group” denotes “a large aggregate of people who have a self-defined name, believe they share a common descent, have common historical memories and elements of shared culture, and have an attachment . . . to a specific territory.”¹³ Being a member of an ethnic group can carry great benefits, as with the Burmans in Burma. Since members of an ethnic group share more in common with one another than with other ethnic groups, members can expect more long-term trust and support from one another than from other groups. The theory of collective action has demonstrated the benefits of working with partners who have strong social links, more information about one another rather than less, and reciprocal obligations to members.¹⁴ The Rohingya and Rakhine people differ from one another in language, religion, culture, and heritage. Despite sharing the same territory since the eighth century, these differences are highlighted within Myanmar society and reinforced by the state, which has resulted in significant animosity between the two ethnic groups.

The Rohingya are the descendants of Arab Muslim traders who came over land and sea routes to settle in Arakan (the historical name for Rakhine state) as early as the seventh century. They are physically, linguistically, and culturally similar to South Asians, especially the Bengali people.¹⁵ Ethnic Rohingya practice Islam and have a

¹³ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 3.

¹⁴ *Ibid.*, 5.

¹⁵ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 281.

distinct culture and civilization.¹⁶ It is important to note that the term Rohingya is controversial in Myanmar. While the members of this group call themselves Rohingya, and the international community also utilizes this term, the majority of Myanmar's population refers to them as illegal Bengali migrants from neighboring Bangladesh. Historically the Rohingya have lived in Myanmar for centuries, and documents dated as far back as 1799 reference the Rohingya population in Rakhine state. According to an 1826 report, about 30 percent of the population of this region was Muslim.¹⁷

The Rakhine population is a minority ethnic group of Myanmar that practices Theravada Buddhism and speaks a language that is highly similar to Burmese. Their religion, which is the single most important attribute that defines a Burman, ties the Rakhine ethnic group to the majority Burmese. Buddhism is integral to Burman lives and government.¹⁸ These similarities in ethnicity have led the Burmese/Myanmar government to favor the Rakhine population over the Rohingya as citizens of the country and part of Myanmar's 135 officially recognized indigenous ethnic groups.¹⁹

It is important to note that the Muslim and Buddhist communities of Rakhine state have a long history of cooperation with one another and adaptation to each other's cultures. Since the early 14th century, the Rakhine region was heavily influenced by the

¹⁶ Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

¹⁷ Kristof, "Myanmar's Appalling Apartheid."

¹⁸ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 24.

¹⁹ Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," 300.

Muslim Sultanate of Bengal to the extent that Buddhist leaders adopted Muslim names. While Buddhist kings ruled Rakhine, Muslims played an important role in the defense and administration of the kingdom. During this time, mosques were constructed throughout the countryside and Islamic culture permeated the society.²⁰

The origins of the conflict between the Muslim and Buddhist communities can be traced to Myanmar's colonial period under British rule [1826 to 1948], which destabilized the country's pre-colonial society. Prior to British rule, Buddhism in the country, then, Burma, dominated every aspect of society. The rites of passage, education, and status in society were all controlled through the Buddhist world order. Monks were the most respected members of the society were involved in every aspect of state administration, up to advising the king.²¹ In Buddhist cosmology, the secular state protects the religious order and, in return, the *sangha* (monastic order) confers *karma* (religious merit) upon state rulers. Pre-colonial Burma was ruled through a monarchy that protected and responded to the monastic order. Identity in Buddhist cosmology was determined by the accumulation of karma from earlier lives and present religious merit as well as one's place in the tributary system to the king. Prior to colonialism, ethnic minority status did not merit discrimination and was not the dominant marker of identity in the kingdom.²²

²⁰ Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

²¹ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 33.

²² Mikael Gravers, *Nationalism as Political Paranoia in Burma: An Essay on the Historical Practice of Power* (Richmond, Surrey: Curzon, 1999), 15 – 20.

Though the British colonial period was relatively short, its impact on the country's ethnic relations has had significant consequences. During this period, strong nationalist reactions developed towards all remnants of the foreign domination. British colonial rule undercut Buddhism's power and influence in Burma through several policies. First, the British eliminated the position of the *thathanabaing*, or most senior monk, which stripped the religion of its administrative power and denigrated the religion. Second, the colonial rulers facilitated the entrance of Christian missionaries in Burma. This action introduced divisions in Burmese culture and depreciated the authority of Buddhism. Third, secular education further undercut Buddhism's influence and fanned cultural dividers between groups that accepted Western education and those that remained faithful to the Buddhist way of life.²³

The monks had served as the educators of the populous prior to British rule and the schools were all held in Buddhist monasteries. Under British colonialism, the secondary education system undercut Buddhism's authority as the mechanism for social mobility, and Western education became the only avenue for success in the new economy. According to David Steinberg, "Buddhism became the surrogate indicator of Burmese nationalism when political activity was banned by the British, and monks were martyrs to the nationalist movement and often led it."²⁴

Present day Burman xenophobia can be best explained through the confrontation between Christian missionaries during the colonial period and Burman society.

²³ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 27 – 34.

²⁴ *Ibid.*

Conversion to Christianity not only required a change in religious practice, but it also signaled a break from the Buddhist world view and cultural structure itself. In pre-colonial Burma, foreigners were allowed to practice their own religions so long as they also abided by Buddhist ontology. This meant that subjects of Burma were required to make tributes to the king as a reverential being with great accumulations of karma, despite their personal religion. The Christian missionaries viewed Burma as an idolatrous country of despotism, and Christian teachings restricted reverence for Buddhist monks and gift giving in exchange for merit. These actions were viewed as idolatry and merited expulsion from the Christian religion. In the Buddhist culture, refusal to participate in the core practices of Buddhism meant that converted Burmans had become “disloyal citizens of the Buddhist kingdom of Burma.” Burman Christian converts were regarded as foreigners and lost their nationality.²⁵

Religion soon became inextricably linked with colonialism. The three colonial wars of conquest by Britain of Burma, in 1824, 1852, and 1885, perpetuated Burman distrust of Christianity as a symbol of rebellion. For example, in 1852 during the British invasion of the kingdom, the Christian-converted Karen ethnic minority population aided the British army and killed or captured many Burmans. In return, Burmans took revenge by burning Christian villages and crucifying a Karen pastor. Through the process of colonisation, religion became an important attribute of ethnic-national identity, which necessitated protection through violence. The religious violence culminated in 1887 at the end of the British conquest when the British army provided

²⁵ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 20 – 1.

rewards of 25 rupees or more for the delivery of Buddhist monks' heads. Ethnicity and religion thus became important definitions of a person's place in Burmese culture during the colonial period.²⁶

The British governed Burma as a province of India until 1937 despite "profound cultural differences" between the two countries.²⁷ The British also divided Burma between the mountainous north Burma and the valleys of south Burma along both political and cultural lines. The southern valleys became "Ministerial Burma," which was administered as a part of India, but the northern 'frontier areas' were not considered civilized enough for inclusion in "Ministerial Burma" and were administered directly by the British governor.²⁸ The Burmese claim that this "divide-and-rule" approach to colonial administration is the cause for the country's troubles with its ethnic minorities to the present day.²⁹

The British rule also exacerbated the complex ethnic relations of Myanmar by introducing a flood of immigrants from India and China. Since "Ministerial Burma" was managed as part of India, the British utilized Indians to assist in its administration. Indians entered Burma as soldiers, money lenders, and laborers. By the Second World War, over half the population in Rangoon was Indian. Ethnic tensions were fueled by the British use of Indians in administrative positions and the tendency for British firms

²⁶ Ibid., 21 – 4.

²⁷ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 29.

²⁸ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 25.

²⁹ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 31.

to employ Indian and Christian workers over Burmans. These tensions were expressed in newspapers of the 1930s, which frequently wrote of the “fear that mixed marriages between Indian Hindus or Muslims and Burman women would lead to the women being forced to renounce Buddhism,” thereby threatening the fabric of Burmese society.³⁰

Class differences in colonial Burma also reinforced ethnic tensions. For example, Indian money-lenders, called *kala*, or foreigners, contributed 55 percent of all taxes in Rangoon and constituted the middle class, whereas the Europeans contributed 15 percent and the Burmans only 11 percent. The unequal class relationship bolstered Burmese opposition to the Indians, who were perceived by the Burmans as owning all of Burma.³¹ Present day xenophobia against the Rohingya Muslims can be traced to resentment of the favored status of the Indian Hindus and Muslims during the colonial period. While the Rohingya’s ancestors settled in Rakhine state in the early eighth century, their physical features and Muslim religion share many attributes with the neighboring Bengali people.³²

Buddhist leaders in the 1920s and 1930s began to integrate xenophobic slogans in their rallying cries for revolts against colonial rule. The first political awakening in Burma following the consolidation of British rule in 1885 was led by the Young Men’s Buddhist Association (YMBA), which was established in opposition to the Christian

³⁰ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 25 – 7.

³¹ *Ibid.*, 29.

³² Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

dominance of Burma's politics. The YMBA was originally formed as a non-violent boycott movement, but over time the organization became more radical. Led in large part by Buddhist monks, the YMBA sought to regain respect for Buddhism and for Burman culture through open demonstrations. The movement's leaders preached a rejection of all foreign influence, which, according to their Buddhist teachings, "generates greed, hatred, drunkenness, and theft." The monks also preached against the Indian money-lenders who comprised Burma's landlords in the 1930s. Inequality was felt throughout Burma as nearly 75 percent of the peasants in the rice-exporting Irrawaddy Delta were in debt. About 30 – 40 percent had lost their land to the Indian money-lenders.³³ Protesters throughout the 1930s shouted slogans such as, "master race we are, we Burmans" and "race, language, religion." Freedom and independence from colonial rule became inextricably linked with the purge of all foreign influences.³⁴

World War II changed many conditions in Burma, to include the exacerbation of ethnic tensions. For instance, while many of the ethnic minorities sided with the Allies against the Japanese, the Burmans remained officially in league with the Japanese until 1945.³⁵ Within Rakhine state, the Rohingya remained loyal to the British while the Rakhine communities sided with the Japanese forces against the British in the Burma Independence Army (BIA). The conflict between the Rakhine and Rohingya during World War II led to violent clashes, with both sides claiming massacres and raids

³³ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 31 – 3.

³⁴ *Ibid.*, 38 – 9.

³⁵ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 37.

against the other.³⁶ The Japanese defeat of the Allies in Burma in 1945 hastened the end to British colonialism but flamed Buddhist nationalist sentiment in the country.³⁷

At the end of the war, the war-time leader of the BIA, Aung San, sought to reunite Burma's minority ethnic groups.³⁸ Aung San worked with ethnic minority and Burmese leaders to establish a Western model of a federal state with minority representation. This model culminated on February 12, 1947 with the signing of the Panglong Agreement, but its promise was cut short when Aung San and his entire team were assassinated in July of that year.³⁹ Following his death, Burma formally achieved independence from British rule in 1948 and was led by a civilian government under Prime Minister U Nu. During this time, the Rohingya were treated with other ethnic groups as equal citizens of the country, and Rakhine state was granted autonomy under the Union of Burma.⁴⁰ Two Muslim members of parliament were always represented in the government.⁴¹

³⁶ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 138.

³⁷ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 37.

³⁸ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 43.

³⁹ Bahar, *Burma’s Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama*, 16 – 7.

⁴⁰ Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

⁴¹ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 286.

However, in 1962 General Ne Win led a coup, which initiated the oppressive military rule over the Rohingya.⁴² After the military coup, there has not been one Muslim representative in parliament.⁴³ Rakhine state's autonomy was abolished in 1962 and the military junta nationalized all of the state's financial institutions and businesses, which hurt the Rohingya population primarily since these establishments were mostly owned by Muslims. Burma's actions against the Rohingya since 1962 have systematically deprived them of their political rights.⁴⁴ The military preached a form of fascism called "disciplined democracy," which taught that the ethnic minorities and foreigners would take over the country if it were not for the protection by the military. From the beginning of Burma's independence, the military used xenophobia as its ideology to intentionally create communal violence.⁴⁵

The history of Burma's discrimination against the Rohingya since 1962 is marked by two devastating pogroms and the 1982 Citizenship Act, which established the institutional framework for exclusion of the Rohingya from political participation. Military leaders used xenophobic nationalist sentiment established during the colonial

⁴² "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 138.

⁴³ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 286.

⁴⁴ Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

⁴⁵ Bahar, *Burma's Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama*, 16 – 7.

period as justification for the actions taken against the Rohingya, who are largely viewed as Bengali immigrants from the colonial period. Indian favoritism, which was practiced under British rule, also exacerbated tensions between the Muslim Rohingya and the majority Buddhist Burmans as a rationalization for the crimes.⁴⁶

The first massacre of the Rohingya occurred in February 1978 when the *Tatmadaw* (Burmese military) launched a large-scale program named *Nagamin* (“Dragon King”) to take a census of the country. The operation resulted in rapes, brutal incidents, mass killings, and expulsions of the Rohingya from their land. Estimates put the death toll at nearly tens of thousands of Rohingya, with more than two hundred thousand being forced to flee to Bangladesh.⁴⁷ The army justified the violence by blaming the conflict on “armed bands of Bengalis” and extremist Muslims ransacking Buddhist communities. Following international outcry at the brutality of the Burmese army, many of the Rohingya villagers were allowed to return to their villages under tight security as Burmese citizens.⁴⁸

After capitulating to the meager measure of repatriation in 1978, Burma then passed the Citizenship Law of 1982, thereby establishing a legal basis for the exclusion of the Rohingya from citizenship. The Citizenship Law states that there are 135 ‘national groups’ within Burma that lived in the country before 1823 and that only those

⁴⁶ Gravers, *Nationalism as Political Paranoia in Burma: An Essay On the Historical Practice of Power*, 27.

⁴⁷ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 286.

⁴⁸ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (New York: Zed Books, Ltd., 1999), 241.

groups have been granted permanent citizenship. The Rohingya, however, are not included as one of Burma's 'national groups.' The Citizenship Law codifies the Burmese military's view that the Rohingya are illegal Bengali nationals who migrated to the country during the British colonial administration (i.e. after 1823). The Burmese military thus deprived the Rohingya of citizenship as a "key strategy to justify arbitrary treatment and discriminatory policies."⁴⁹

Today, the implementation of the Citizenship Law establishes the Rohingya as the world's largest group of stateless persons. About 800,000 stateless Rohingya live within Myanmar's borders and almost as many live in Myanmar's neighboring countries: Bangladesh, Malaysia, and Thailand. Without citizenship, the Rohingya cannot work legally, travel, or use public services.⁵⁰ Withholding citizenship is *de facto* state repression and discrimination against

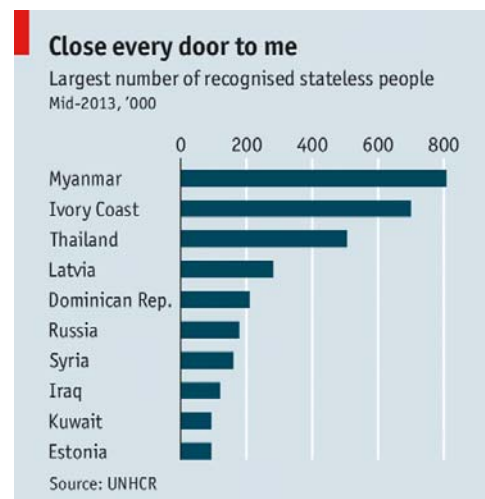


Figure 7: The World's Stateless Populations
 Source: "Nowhere to Call Home: The Changing Face of the World's Non-citizens," *The Economist*, May 17, 2014, <http://www.economist.com/news/international/21602251-changing-face-worlds-non-citizens-nowhere-call-home> (accessed June 19, 2014).

⁴⁹ Kelly Staples, *Retheorising Statelessness: A Background Theory of Membership in World Politics* (Edinburgh: Edinburgh University Press, 2012), 149.

⁵⁰ "Nowhere to Call Home: The Changing Face of the World's Non-citizens," *The Economist*, May 17, 2014, <http://www.economist.com/news/international/21602251-changing-face-worlds-non-citizens-nowhere-call-home> (accessed June 19, 2014).

the Muslim minority and is used to justify human rights violations against the group.⁵¹

In 1991, the second mass exodus in 15 years of Rohingya ensued with the crossing of around 260,000 into Bangladesh. The Muslim community left due to systematic *Tatmadaw* forced labor demands along the north-west frontier and widespread aggression against the Rohingya. At this time, the Burmese government claimed to be introducing government reforms and opening the economy, and these claims served to heighten international attention to the situation in Rakhine state. The UN General Assembly condemned Burma's actions against the Rohingya in its 1991 annual resolutions, and a UN Special Rapporteur on Human Rights was appointed to Burma, with the mission of continuing investigations and reports into human rights abuses throughout the 1990s.⁵²

Following the large expulsion of Rohingya, the UN High Commissioner for Refugees (UNHCR) repatriated around 200,000 of the refugees to Burma from 1992 - 1999. The conditions in Burma for the Rohingya did not improve, however, and thousands of asylum seekers continued to cross the border into Bangladesh throughout the decade. Burma signed a Memorandum of Understanding with Bangladesh in 1992, which obligated Burma to accept the return of Rohingya refugees who could prove their

⁵¹ Staples, *Rethorising Statelessness: A Background Theory of Membership in World Politics*, 1.

⁵² Smith, *Burma: Insurgency and the Politics of Ethnicity*, 422.

previous residence in the country. However, proof of residence has long been routinely denied to the Rohingya in Burma.⁵³

Burma's vacuous claims to improving human rights throughout the 1990s demonstrated instead the military's dedication to eradicating the Rohingya from the country. Regrettably, the plight of the Rohingya from the military coup in 1962 to 1999 set dangerous precedents for their treatment in the 2000s to the present day. According to Oberschall, ethnic conflicts carry the weight of past hostile group relations, which can not only exacerbate religious differences, but also be used as justification for prejudice and ethnic superiority. In this sense, ethnic groups are also a product of historical and social construction; however, this does not make ethnic divisions any less real to their members.⁵⁴

The 1982 Citizenship Law established the legal framework for Burmese exclusion and repression of the Rohingya. To this day, it provides the necessary justification for Burmese xenophobia against the Muslim communities, because the state has declared these people foreigners and intruders in Burma. The widespread violence against the Rohingya in 1978 and 1991, which forced hundreds of thousands to flee Burma's borders into Bangladesh, delineates the Burmese government's long history of forcing the Rohingya to leave the country. This history provides the context for

⁵³ Staples, *Re-theorising Statelessness: A Background Theory of Membership in World Politics*, 142 – 3.

⁵⁴ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 4.

Myanmar's human rights violations against the Rohingya from 2000 to 2014 and the government's clear practice ethnic cleansing policies.

The consequences of the military government's treatment of the Rohingya since 1962 for minority relations in Rakhine state are dismal. In present day Myanmar, the Rakhine ethnic group's leaders blame the state's perceived problems on the Rohingya minority population as "foreigners" to the state.⁵⁵ Community leaders on both sides of the conflict characterize their respective religions as being Buddhist-'Rakhine' or Muslim-'Rohingya.' Both terms Rakhine and Rohingya are in fact derived from the same ancient name for Arakan, but these two groups refer to one another utilizing derogatory terms, such as Buddhist-*Magh* (bandit) or Muslim-*Kala* (foreigner).⁵⁶

Conflict between ethnic groups often results when the majority ethnic group is privileged by the state to dominate the minority ethnic group, as is precisely the case with the Rakhine and Burmans dominating the Rohingya. To justify their privileged position in society, the majority group will establish an intellectual framework, accepted as truth, that the majority group is superior to the minority group. This ideology of justified domination is reinforced throughout the majority ethnic group through schools, religious institutions, and leaders. When ethnic groups differ from one another in religion, language, customs, and race, the justification for domination is especially

⁵⁵ Bahar, *Burma's Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama*, 25.

⁵⁶ Smith, *Burma: Insurgency and the Politics of Ethnicity*, 241.

forceful.⁵⁷ These typical conditions for ethnic conflict are all present in Rakhine state, and the history of state sponsored violence against the Rohingya in 1978 and 1991 provides justification for local Rakhine discrimination against their Muslim neighbors.

Rakhine leaders seek to return the state to the memory of the “golden age” of the medieval Arakan (Rakhine) kingdom and the myth of “Rakhine supremacy.” They perpetuate a “purity of Rakhine race” myth to get rid of the Rohingya. While some members of the Rakhine community recognize the importance of creating a multicultural society, mainstream sentiments promoting ethnic cleansing policies are regularly present in Rakhine literature. They reinforce their “solution” to the state’s issues through xenophobic literature that identify the Rohingya as the “problem.” Academic works from Rakhine intelligentsia consist of belittling terms, biases, and faulty logic that identify the Rohingya as a societal problem, such as the book *Influx Viruses* by Aye Chan which identifies the Rohingya as “viruses” in the community that must be exterminated. Rakhine leaders reinforce their claim that the Rohingya are foreigners through literature that cite as fact Rohingya migration to Burma in 1826 during British colonial rule.⁵⁸

The anti-Rohingya Rakhine also instill societal prejudices by portraying the Rohingya as Muslim “extremists.” This tactic heightens fear that the Rohingya are a dangerous population with connections to terrorist organizations. In actual fact, the

⁵⁷ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 13.

⁵⁸ Bahar, *Burma’s Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama*, 24 – 7.

Rohingya in general are a peaceful community.⁵⁹ Ethnic groups provide the framework for rapid, low-cost mobilization through pre-existing communal organization with cultural, social, and religious relations. Therefore, ethnic activists can easily utilize ethnic symbols and loyalties to galvanize the group to support specific political goals.⁶⁰ Rakhine ultranationalists also fear that a democratic Myanmar will force them to share the scarce resources of Rakhine state with their “racially non-Mongoloid non-Buddhist fellow citizens,” so they spread social biases as fact to gain support for ethnic cleansing policies against the Rohingya.⁶¹

The consequences of British “divide and rule” policies in Burma during the colonial period and the actions of the military government have set the stage for human rights violations throughout the 2000’s culminating in the implementation of explicit ethnic cleansing policies in 2012. Since the British favored Indian administrators and discriminated against Burmans and Buddhism during the colonial period, the Burman and Rakhine Buddhist populations distrust and discriminate against all foreign influences. The Rohingya have been the most unfortunate targets of the majority of this animosity due to their ethnic similarities to the neighboring Bengali people. The 1982 Citizenship Law and state-sponsored violence in 1978 and 1991, which forced hundreds of thousands of Rohingya to flee Burma, have provided state sanctions for crimes

⁵⁹ Ibid., 38.

⁶⁰ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 6 – 7.

⁶¹ Bahar, *Burma’s Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingya*, 38.

against humanity perpetrated against the Rohingya. The next chapter will present the case that Myanmar's actions against the Rohingya constitute crimes against humanity through its ethnic cleansing policies from 2000 – 2014.

CHAPTER II

EVIDENCE OF ETHNIC CLEANSING AND GENOCIDE AGAINST THE ROHINGYA

Chapter II covers the history of the conflict from 2000 to 2014 and is divided into four sections to argue that Myanmar's treatment of the Rohingya perpetrates a policy of ethnic cleansing that has escalated to the level of genocide since 2012. The first section defines human rights in terms of human security through the framework of the United Nations to identify the basic rights that the stateless Rohingya lack. It presents the definition of ethnic cleansing to serve as the framework for understanding the implications of the extensive injustice the Rohingya suffer. The second section reviews the political and socio-economic discrimination against the Rohingya that violate their human rights. The third section analyzes the widespread violence in Rakhine state in 2012 and presents the case that the massacre has signaled the initiation of genocide in Myanmar. Finally, the fourth section presents the human insecurity that Rohingya refugees in neighboring Bangladesh, Thailand, and Malaysia experience as a result of their stateless status and the human rights abuses suffered in Myanmar. The state sanctioned violence in Myanmar created an appalling humanitarian crisis that has escalated to the genocide of the Rohingya and will lead to more deaths if left unchecked.

Discrimination against the Rohingya from 2000 to the present day shows a pattern of human rights abuses, which have eliminated the ability of the Rohingya to live secure lives free from hunger, disease, arbitrary detention, and physical abuse. Human security is a universal concern of human life and dignity. For ordinary people caught in conflict, insecurity arises from concerns about daily life rather than from fear

of an international crisis. The consequences of human security issues such as famine, disease, and ethnic disputes do not stay within national borders. Rather, the international community is affected by them. According to the United Nations Development Programme (UNDP), “human security means that people can exercise [their] choices safely and freely – and that they can be relatively confident that the opportunities they have today are not totally lost tomorrow.” Human security has two primary aspects. First, it means safety from “chronic threats [such] as hunger, disease and repression.” Second, it constitutes “protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities.”¹ The Rohingya are deprived of human security in both of these facets due to their lack of citizenship within Myanmar.

The concept of human security stresses the necessity for people to have the opportunity to meet essential needs and earn a living. It is an integrative concept rather than a defensive concept in the way that territorial security is defined. Security for people occurs only when all people are included in a country’s development.² The Rohingya are not included in Myanmar’s development; rather, they receive no state protection because they are excluded from citizenship in the country. In fact, the right

¹ “Human Development Report 1994,” *United Nations Development Programme*, New York, Oxford: Oxford University Press, 1994: 22 – 3, http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf (accessed June 23, 2014).

² *Ibid.*, 24.

to citizenship, or a nationality, is “widely recognized as a fundamental human right.”³ Thus, the exclusion of the Rohingya from citizenship within Myanmar is a violation of their human rights and renders them fundamentally insecure.

The human right not to be stateless is codified as an international norm in article 15 of the Universal Declaration of Human Rights, which states that every person has the right to a nationality and that this nationality cannot be arbitrarily denied.⁴ This right is also recognized in the 1961 Convention on the Reduction of Statelessness, which requires signatories to provide citizenship for persons who may otherwise be stateless. This includes provisions for persons born within a state’s borders to be granted citizenship and for states to prevent situations whereby a person may lose his or her citizenship without gaining another.⁵ The human right to a nationality is important because citizenship is necessary to fully exercise civil, political, economic, and social rights within that state’s territory. Nationality also enables an individual to receive protection by their nation both domestically and internationally.⁶ Without citizenship, the Rohingya receive no protection within Myanmar or abroad.

³ David Weissbrodt and Clay Collins, “The Human Rights of Stateless Persons,” *Human Rights Quarterly* 28, no. 1 (February 2006): 246, ProQuest (accessed June 25, 2014).

⁴ *Ibid.*, 245.

⁵ The countries primarily affected by the plight of the stateless Rohingya (Myanmar, Malaysia, Thailand, and Bangladesh) have no domestic legislation for the protection of refugees. Chris Lewa, “Asia’s New Boat People,” *Forced Migration Review*, no. 30 (June 2008): 42, Academic Search Premier, EBSCOhost (accessed June 23, 2014).

⁶ Weissbrodt and Collins, “The Human Rights of Stateless Persons,” 247 – 8.

The Myanmar government has removed all human security from the Rohingya population. Rather, the discrimination inflicted upon the Rohingya in Myanmar constitutes a state policy of ethnic cleansing against them. According to Anthony Oberschall, “ethnic cleansing is the use of force or intimidation for removing people of a certain ethnic or religious group from an area or territory that is their homeland. It used to be called ‘mass deportations.’”⁷ Myanmar’s violation of Rohingya human rights are specifically targeted against the Rohingya ethnic group. Crimes that take place during ethnic cleansing include:

. . . murder, torture, arbitrary arrest and detention, executions, rape and sexual assault, military and paramilitary attacks on civilians, robbery and extortion, destruction of cultural and religious buildings and monuments, destruction of homes, confinement of civilians in camps, purposeful starvation, and some others. . . . The purpose of these crimes is to get the target population to flee (kill and assault some, and the others will flee), to rob its property and make it destitute, to administer extra-legal punishment and revenge for alleged disloyalty or helping enemies, and to prevent return by having nothing to return for.⁸

Every one of these crimes exists in Myanmar’s persecution of the Rohingya. They are targeted for their Muslim faith, their ethnic similarity to Bengali peoples, and for the colonial legacy of foreign intrusion by the British. Local Rakhine leaders use the Rohingya as a convenient scape goat for all of their society’s failings, and national politicians support discrimination against the Rohingya as a popular vote-getting scheme.⁹

⁷ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 83.

⁸ Ibid.

⁹ Kristof, “Myanmar’s Appalling Apartheid.”

The stateless Rohingya receive no protection as a result of Myanmar's 1982 Citizenship Law, and they are targeted with threats to their security under six of the seven main categories recognized by the UNDP: political, economic, food, health, personal, and community.¹⁰ The Rohingya suffer political insecurity through their exclusion from the political process and through the state's policy of discrimination against them. Political security means the protection of basic human rights by the state and freedom from political repression.¹¹ In stark contrast to this definition, the Rohingya are the target of human rights violations and have no civil or political rights under the Myanmar political system. The Rohingya have been excluded entirely from the formation of the Rakhine state government and the Myanmar central government.¹²

Since the government excluded the Rohingya from Myanmar citizenship, they are given no political rights. As a result, they are frequently the subject of state repression. For example, the stateless Rohingya are regularly the victim of arbitrary detention in Myanmar.¹³ According to the UNDP, the police are common agents of state repression.¹⁴ State security forces in Myanmar habitually enforce checkpoints to

¹⁰ The Rohingya do not suffer environmental insecurity, as defined by the UNDP. "Human Development Report 1994," 24 – 5.

¹¹ Ibid., 32 – 3.

¹² Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," 307.

¹³ Weissbrodt and Collins, "The Human Rights of Stateless Persons," 267.

¹⁴ "Human Development Report 1994," 33.

restrict the movement of Rohingya within the country.¹⁵ They have a history of failing to protect the Rohingya from, and sometimes participating in, ethnic riots.¹⁶ Rather than receive protection from the state, the Rohingya are the target of institutionalized discrimination.

The Rohingya are marginalized economically in Myanmar due to their stateless status. Economic security requires “an assured basic income – usually from productive and remunerative work, or in the last resort from some publicly financed safety net.”¹⁷ Employers are afraid of hiring undocumented people, so the Rohingya are unable to gain beneficial, long-term employment. Instead, they must rely on ‘daily work’ of poorly paid manual labor that does not last for long periods of time.¹⁸ The Rohingya have lived under movement restrictions for many years, and, since 2012, there has been an increase in government checkpoints, which further limit their ability to access essential services and to make a living.¹⁹ The Rohingya are regularly subject to extortion and arbitrary taxation of what meager money they acquire.²⁰ They do not

¹⁵ Gabaudan and Teff, “Myanmar: Act Immediately to Protect Displaced People’s Rights,” 2.

¹⁶ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 142.

¹⁷ Ibid., 25.

¹⁸ Weissbrodt and Collins, “The Human Rights of Stateless Persons,” 267.

¹⁹ Gabaudan and Teff, “Myanmar: Act Immediately to Protect Displaced People’s Rights,” 2.

²⁰ Saiful Huq Omi, “Fleeing Burma,” *World Policy Journal* 28, no. 2 (2011): 58, Academic Search Premier, EBSCOhost (accessed June 23, 2014).

receive any economic support from the government, and they are unable to provide for the essentials of life. The pitfall of economic, or income, insecurity has serious repercussions on their ability to secure access to food.

Food security requires that people have access to food, either by growing it, buying it, or acquiring it through a public food distribution system. Even when there is enough food available, people can still starve when they are unable to purchase or obtain food.²¹ Food security is a significant concern throughout Myanmar. Malnutrition is common with about 35 percent of infants, and continual inflation undercuts the ability of Myanmar's poor to purchase basic foods, such as rice.²² For the marginalized Rohingya, the issue of food security is even worse. Without access to gainful employment, the Rohingya are unable to purchase food. They are subject to compulsory food donations, deliberate food shortages, and land confiscations by the state.²³ Food security issues are worse for the Rohingya living in internally displaced persons (IDP) camps since the 2012 ethnic riots,²⁴ which will be described in detail in part three of this chapter. Many Rohingya starve from lack of food.²⁵

Rohingya have little to no health security. Health security means the prevention of death by poor nutrition and an unsafe environment, such as polluted water which

²¹ "Human Development Report 1994," 27.

²² Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 98.

²³ "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 139 – 140.

²⁴ *Ibid.*, 89.

²⁵ *Burma: A Human Tragedy*, DVD-ROM (Los Angeles: Blairwood Entertainment, 2011).

contributes to diarrhea. Denial of access to health services aggravates the conditions. According to the UNDP, developing countries spend little on health care and those at greatest risk for health security cannot afford doctors.²⁶ In the case of Myanmar, health security for all citizens is abysmal. The government spends only 0.5 percent of gross domestic product (GDP) on health services. Medicines are largely unavailable except to the wealthy or well connected. Malaria (700,000 cases per year), tuberculosis (130,000 per year), and HIV/AIDS (estimated 350,000 cases in 2005) are common in Myanmar.²⁷ As for the stateless Rohingya, their condition is even worse as they are denied access to what meagre social service of health care exists in Myanmar.²⁸

Within the IDP camps, health aid does not exist and there are near daily reports of Rohingya deaths from preventable conditions. Many of these deaths occur when pregnant women face birth complications. Due to movement restrictions and their lack of citizenship, Rohingya cannot travel to see a doctor.²⁹ The Myanmar government has exacerbated health issues in the IDP camps by restricting access by humanitarian aid groups, which primarily provide medical attention and food to the Rohingya.³⁰ In

²⁶ “Human Development Report 1994,” 28.

²⁷ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 97 – 8.

²⁸ Weissbrodt and Collins, “The Human Rights of Stateless Persons,” 267.

²⁹ Esther Htusan, “Lack of Health Care Deadly for Burma’s Rohingya,” *The Washington Post*, May 8, 2014, http://www.washingtonpost.com/world/lack-of-health-care-deadly-for-burmas-rohingya/2014/05/08/ac5a9ae8-d6e6-11e3-8a78-8fe50322a72c_story.html (accessed July 9, 2014).

³⁰ Jason Motlagh, “These Aren’t Refugee Camps, They’re Concentration Camps, and People are Dying in Them,” *Time*, June 17, 2014,

addition to the lack of medical attention, Rohingya in the IDP camps do not have access to safe water or sufficient latrines.³¹ These conditions accelerate the spread of disease in the camps with the result that the Rohingya regularly die of diseases, which could otherwise be prevented.

One of the most conspicuous forms of discrimination against the Rohingya involves violations of their personal security. Personal security from physical violence is the most prominent aspect of human security, with threats from other groups of people in ethnic conflict as primary threats to personal security.³² UN institutions have carefully documented over two decades of human rights abuses against the Rohingya, which include systematic killings, rapes, and forced labor as a part of state policy.³³ Rohingya are routinely targeted with land confiscations and forced relocations.³⁴ Local authorities have a history of refusing to protect the Rohingya against discrimination and violence in their communities. In 2001 and 2002, state security forces failed to intervene and sometimes participated in widespread mob attacks against Muslim communities across the country, which resulted in an unknown number of deaths and

<http://time.com/2888864/rohingya-myanmar-burma-camps-sittwe/> (accessed June 25, 2014).

³¹ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 88.

³² “Human Development Report 1994,” 31.

³³ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 137 – 8.

³⁴ *Ibid.*, 143.

injuries. In some cases, local authorities increased tensions by encouraging the violence and intervening only at a late stage of the violence to end it.³⁵

Rohingya communities are discriminated against as a whole in Myanmar without any state protection. Threats to community security endanger human security because “most people derive security from their membership in a group,” such as the Rohingya ethnic group, that provides cultural identity and a common set of values.³⁶ The Muslim Rohingya face threats against their community due to their Muslim religion and expressions of their faith, as well as their stateless status. The Rohingya are restricted from access to state-run secondary education, and the Myanmar government restricts Rohingya high school graduates from travelling outside Rakhine state to attend college or university. The Rohingya are required to obtain government permission to marry and are restricted in the number of children they can have legally. Myanmar government authorities restrict gatherings to celebrate Islamic holidays and do not permit repairs to mosques.³⁷ Simply being a member of the Muslim Rohingya ethnic group invites persecution in Myanmar. Discrimination against the Rohingya cripples their community’s ability to provide security for its members.

Myanmar’s long history of promoting ethnic cleansing against the Rohingya culminated in 2012 with a widespread massacre of Rohingya throughout Rakhine state, which has led many legal experts, academics, and non-governmental organizations

³⁵ Ibid., 142.

³⁶ “Human Development Report 1994,” 31 – 2.

³⁷ US Department of State, *International Religious Freedom Report: Burma*, 2013: 7, <http://www.state.gov/documents/organization/222331.pdf> (accessed August 12, 2014).

(NGOs) to label the atrocity the beginning of genocide in Myanmar.³⁸ Genocide is defined in Article Two of the 1948 Convention on the Prevention and Punishment of Genocide as follows:

. . . any of the following acts committed with intention to destroy, in whole or in part, a national, racial, or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; and (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.³⁹

The 2012 ethnic riots represent an escalation of the long-standing ethnic cleansing policies to those of genocide. More than 240 Rohingya, including children, were killed in the massacres that year.⁴⁰ The actions, and inactions, of the Myanmar government throughout 2012 provide concrete evidence of ethnic cleansing and genocide policies against the Rohingya.

The 2012 sectarian violence in Rakhine state between the Rohingya and Rakhine ethnic groups erupted in June and October. The initial violence in June was sparked by the rape and murder of a 28-year-old Rakhine woman on May 28, 2012 by three Muslim men. In retaliation, on June 3, 2012, a large group of Rakhine men stopped a bus and beat and killed ten Muslims who were on board. The ethnic riot quickly intensified with mobs from both communities committing killings and arson. State security forces did

³⁸ Tun Khin, "Is Rohingya Genocide in Burma Being Ignored?" *The Huffington Post*, May 5, 2014, http://www.huffingtonpost.co.uk/tun-khin/rohingya-genocide-burma-being-ignored_b_5254141.html (accessed July 17, 2014).

³⁹ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 83 – 4.

⁴⁰ "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 87.

nothing initially to halt the violence, but they soon joined in with the Rakhine mobs to attack and burn Muslim neighborhoods and villages.⁴¹

By October, the violence against the Rohingya population became much more organized and deadly. In the months preceding October, local Rakhinese political party officials and senior Buddhist monks launched a public campaign to vilify the Rohingya and to label them as threats to Rakhine state.⁴² Concerned Rohingya raised the warning signs to local government officials who advised them to prepare to leave their village.⁴³ On October 23, 2012, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons attacked Muslim villages in nine townships throughout Rakhine state. According to Human Rights Watch, “in some cases, attacks occurred simultaneously in townships separated by considerable distance.” As in the violence earlier in the year, state security forces failed to halt the violence and even participated directly in the attacks. The deadliest incident occurred in Yan Thei village in Mrauk-U Township, where at least 70 Rohingya were killed, including 28 children who were hacked to death, 13 of whom were under age 5.⁴⁴

According to the UN Office for the Coordination of Humanitarian Affairs, close to 180,000 people were affected by the 2012 violence. Of these, 140,000 persons remain displaced, the majority of which are Rohingya, and an additional 36,000 people

⁴¹ Ibid., 7.

⁴² Ibid.

⁴³ Ibid., 58.

⁴⁴ Ibid., 7 – 10.

live in isolated villages with minimal access to public services. According to IRIN News, “A total of 167 people were killed in the violence (78 in June and 89 in October); 223 were injured (87 in June and 136 in October); and more than 10,000 buildings and homes were damaged or destroyed.”⁴⁵

The central government has failed to hold perpetrators of the violence accountable and has not sought eyewitness interviews for testimony regarding the killings.⁴⁶ Rather, the government’s actions following the violence illustrate that it has no intention of pursuing justice for the victims. For example, the security services dumped bodies of Rohingya killed in the conflict at remaining Rohingya villages and ordered the villagers to dig mass graves for the deceased. Many of the dead Rohingya had their hands bound and exhibited gunshot wounds, which suggest that they were killed execution style rather than in self-defense.⁴⁷ The killing of defenseless persons and the subsequent concealment and denial of those criminal actions, such as the burial of bodies in mass graves, are clear indicators of ethnic cleansing and genocide.⁴⁸

The actions of the local authorities, state security forces, and central government match historical signs of ethnic cleansing and genocide policies at work. Indicators

⁴⁵ “Analysis: In Search of a Regional Rohingya Solution,” *IRIN*, July 26, 2013, <http://www.irinnews.org/report/98477/analysis-in-search-of-a-regional-rohingya-solution> (accessed July 23, 2014).

⁴⁶ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 58.

⁴⁷ *Ibid.*, 65.

⁴⁸ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 84.

present in Kosovo, Rwanda, and East Timor include a history of massacres against certain ethnic groups; hate and threat propaganda from leaders; justification created for killing an entire ethnic group; and armed groups organized against the target group. These factors increase the risk of genocide and ethnic cleansing.⁴⁹ Both are planned and organized by authorities and their agents. Their planning takes time to ensure compliance by authorities at all levels and passive acceptance of the policy by ordinary citizens. According to Oberschall, “collective violence tends to be perpetrated by authoritarian regimes that have a long record of oppression and human rights violations against minorities.” Research has shown that the target group is dehumanized in official propaganda and depicted as amoral or dangerous to society. Officials falsify history and present justifications for why the entire group, to include the elderly, women, and children, must be viewed as guilty.⁵⁰

Rakhine leaders have a long history of vilifying the Rohingya as the cause of their state’s misfortunes. Chapter I illustrated the biases that anti-Rohingya Rakhine leaders have instilled in Rakhinese society against the Rohingya since at least the 1970s. They presented the Rohingya as the problem in their society in literature and teachings. Anti-Rohingya Rakhinese falsified history by labelling the Rohingya as foreigners to Myanmar who were brought in during British colonial rule.⁵¹ The central government’s

⁴⁹ Ibid., 95.

⁵⁰ Ibid., 84.

⁵¹ Bahar, *Burma’s Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyaama*, 24 – 7.

support of this false story has served to bolster Buddhist hatred toward the Rohingya. The 1982 Citizenship Law codifies the illegality of the Rohingya in Myanmar, and the mob violence against the Rohingya in 1978, 1991, 2001, and 2002 demonstrate strong government support for the destruction and removal of the Rohingya from Myanmar. These examples adhere to Oberschall's findings in his research: "quantitative research on indicators for large-scale ethnic collective violence and genocide has found that genocidal states have autocratic governments and a pattern of political exclusion and discrimination against some ethnic groups."⁵²

Throughout Myanmar society, Buddhist nationalism, similar to that seen during the country's independence movement from British colonial rule, has increasingly influenced the predominantly Buddhist society to expunge all foreigners. The 969 Movement serves as the head of this effort through its leader, the "rabble-rousing" monk known as Ashin Wirathu. The group has "espoused a form of ethnoreligious nationalism that encourages Myanmar Buddhists to patronize only Buddhist-owned businesses and seeks to restrict interfaith marriages." Following the 2012 ethnic riots, *Time* magazine portrayed Ashin Wirathu's picture on its July 2013 cover as "The Face of Buddhist Terror." The 969 Movement stokes anti-Muslim sentiment and seeks to "protect" Buddhism from "aliens" or non-native persons.⁵³

⁵² Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 95.

⁵³ Tin Maung Maung Than, "Myanmar in 2013: At the Halfway Mark," *Asian Survey* 54, no. 1 (January/February 2014): 28, JSTOR (accessed April 8, 2014).

The government's management of the aftermath of the June and October 2012 massacres deliberately inflicted on the Rohingya group "conditions of life calculated to bring about its physical destruction in whole or in part." This is the third aspect of the definition of genocide in the 1948 Genocide Convention.⁵⁴ Rohingya who fled the violence went to IDP sites throughout Rakhine state, with the largest 15 camps located in the area of the state capital, Sittwe. The populations in these sites lack many basic human needs such as sufficient shelter, medical attention, safe water, and latrines. The central government has made no attempt to facilitate a return of Rohingya IDPs to their villages. In contrast, the IDP sites populated by displaced Rakhinese are equipped with adequate food, water, and sanitation, and the government is actively working to return those individuals to their communities.⁵⁵

International humanitarian aid workers have not been fully allowed to return to their programs supporting the Rohingya population following the conflict. The Myanmar government expelled the NGO Medecins Sans Frontieres, the primary health service provider to the Rakhine, after January 2014 when the group released the numbers of victims it treated from violence in Rakhine state. Buddhist leaders have since advocated for the removal of all UN agencies and international NGOs from Rakhine state.⁵⁶ Muslim IDPs are not allowed to leave the camps to pursue livelihoods

⁵⁴ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 83 – 4.

⁵⁵ "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 87 – 9.

⁵⁶ Gabaudan and Teff, "Myanmar: Act Immediately to Protect Displaced People's Rights," 2.

because their movement is restricted by the state security forces. They are also not receiving humanitarian aid nor allowed to go to markets to buy any supplies.⁵⁷ As a result, the Rohingya are suffering from acute malnutrition and are dying from easily treatable diseases. Myanmar authorities appear determined to “starve and sicken the Rohingya out of existence.”⁵⁸

The Myanmar government has thus perpetrated many key elements that threaten the existence of the Rohingya: denial of their right to citizenship; far-reaching state discrimination against them; facilitation of public hatred and violence against the Rohingya; and restriction from access to food, medicine, and other basic necessities of life. Together, these elements demonstrate that Myanmar’s policies against the Rohingya have escalated from long standing ethnic cleansing to the initiation of genocide.⁵⁹ For those Rohingya trapped in the IDP camps, there is no escape from the brutality of the Myanmar government.

Outside of the camps, Myanmar’s ethnic cleansing and genocide policies have forced hundreds of thousands of Rohingya to flee their homeland to seek safety in neighboring countries: Bangladesh, Thailand, and Malaysia. According to Refugees International, from October 2012 to July 2013 immediately following the sectarian violence, an estimated 785 Rohingya drowned at sea in an attempt to reach safety in

⁵⁷ “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” 91 – 2.

⁵⁸ Motlagh, “These Aren’t Refugee Camps, They’re Concentration Camps, and People are Dying in Them.”

⁵⁹ Khin, “Is Rohingya Genocide in Burma Being Ignored?”

Myanmar's neighboring states, compared to 140 in 2011.⁶⁰ For those who succeed in reaching these countries, the Rohingya are still subject to continued human rights abuses due to their stateless status.

The international community established normative behavior for states that receive refugees through the Convention relating to the Status of Refugees ('1951 Convention'), which was later amended by the 1967 Protocol. "These documents clearly spell out who is a refugee and the kind of legal protection, other assistance and social rights a refugee is entitled to receive." Refugees are authorized under this Convention to receive several rights, to include the right not to be punished; the right not to be expelled; the right to work; the right to housing; and the right to freedom of movement. The Convention does not protect economic migrants, defined as persons who have not fled persecution, as they enjoy the protection of their own government when abroad.⁶¹

However, Bangladesh, Thailand, and Malaysia have not ratified the Refugee Convention of 1951, and they do not have any domestic legislation for the protection of refugees. They view the smuggling of Rohingya into their territories as the illegal entry of economic migrants rather than as asylum seekers. Unfortunately for the Rohingya, there is limited space for the UNHCR to implement its mandate in these countries. The Rohingya journey to these countries where they face certain continued persecution in

⁶⁰ "Analysis: In Search of a Regional Rohingya Solution."

⁶¹ "1951 Convention Relating to the Status of Refugees and its 1967 Protocol, The," *United Nations Office of the High Commissioner for Human Rights*, September 2011: 1 – 4, <http://www.unhcr.org/4ec262df9.html> (accessed July 16, 2014).

order to “escape systemic oppression, discrimination and human rights violations, and not only for economic reasons.”⁶²

Without documentation of identity or nationality, the Rohingya suffer prolonged and unwarranted imprisonment in Bangladesh, Thailand, and Malaysia. The Rohingya are unable to reenter Myanmar without documentation of their residence in the state, and the detaining states cannot determine where to deport the stateless detainees. Myanmar’s neighboring states are also unwilling to let the Rohingya illegally reside within their territory. As a result, the Rohingya regularly suffer indefinite detention in Bangladesh, Thailand, and Malaysia because the question of where to send them remains unresolved.⁶³

Bangladesh hosts the largest number of Rohingya refugees due to the border it shares with Myanmar’s Rakhine state in northwest Myanmar. As of 2010, the Rohingya refugee population in Bangladesh was estimated at 200,000 to 400,000. That year, there were only 28,000 registered Rohingya refugees in Bangladesh that lived in “official” camps administered by the Bangladeshi government and the UNHCR.” The remaining Rohingya refugees are not protected by the UNHCR because Bangladesh ceased conferring refugee status to the Rohingya after 1993.⁶⁴ Within the two official UNHCR

⁶² Lewa, "Asia's New Boat People," 42.

⁶³ Weissbrodt and Collins, “The Human Rights of Stateless Persons,” 267 – 8.

⁶⁴ “Stateless and Starving: Persecuted Rohingya Flee Burma and Starve in Bangladesh,” *Physicians for Human Rights*, 2010: 6, https://s3.amazonaws.com/PRH_Reports/stateless-and-starving.pdf (accessed March 30, 2014).

assisted refugee camps in the Cox's Bazar district, Kutupalong and Nayapara, there is food, healthcare, and education for the children.⁶⁵

In contrast, unregistered Rohingya are not eligible to receive aid from UNHCR or other international aid organizations. Rohingya refugees living beyond the official camps are largely located in "squalid villages along the coastal regions of Bangladesh. These low-lying areas are prone to floods that inundate villages, destroy crops, and spread disease and famine in their wake."⁶⁶ The number of displaced Rohingya forced to live outside the UNHCR camps continues to grow as repression in Myanmar persists.⁶⁷

In violation of the international norm delineated in the Refugee Convention of 1951, Bangladesh does not confer any rights to the Rohingya refugees. They are denied the freedom of movement, the right to work, and the right to education. Essentially, they are denied the right to self-reliance and self-determination.⁶⁸ They receive virtually no support and live in "sub-human" conditions. "It's common for 16 or more to live together in a single room of barely 30 square feet." Rohingya men and women are often targets of human traffickers who sell them into servitude or sex slavery. "Women are

⁶⁵ Brad K Blitz, "Rescue for the Rohingya," *The World Today* 66, no. 5 (2010): 31, <http://search.proquest.com/docview/89204935?accountid=11091> (accessed June 25, 2014).

⁶⁶ Omi, "Fleeing Burma," 60.

⁶⁷ Blitz, "Rescue for the Rohingya," 31.

⁶⁸ Pia Prytz Phiri, "Rohingyas and Refugee Status in Bangladesh," *Forced Migration Review*, no. 30 (2008): 34, Academic Search Premier, EBSCOhost (accessed June 25, 2014).

often gang-raped or forced into marriages with Bangladeshi thugs.”⁶⁹ State security forces do nothing to protect the Rohingya from these abuses.

Bangladeshi police and border security systematically round up, jail, or expel unregistered refugees across the Burmese border. Refugees in unofficial camps fear arrest from leaving the camps. As a result, they are unable to find work or to buy food, and their unregistered status restricts them from receiving food aid. Therefore, the Rohingya refugees in Bangladesh are being left to die from starvation.⁷⁰ Rohingya who are able to obtain work are exploited by Bangladeshi employers who pay them as little as half the amount for Bangladeshi workers doing the same labor. If they are caught working, then the Rohingya face arrest and indefinite imprisonment.⁷¹

Not surprisingly, the Bangladeshi government views the Rohingya as illegal immigrants who threaten Bangladeshi society.⁷² The influx of Rohingya refugees is a non-traditional security threat to Bangladesh because this influx disrupts the government’s ability to support its own population. The Bangladeshi government encounters overpopulated areas with limited resources to support its population, and the Rohingya exacerbate the Bangladeshi government’s capabilities. Rohingya refugee

⁶⁹ Omi, “Fleeing Burma,” 58.

⁷⁰ “Stateless and Starving: Persecuted Rohingya Flee Burma and Starve in Bangladesh,” 6.

⁷¹ Omi, “Fleeing Burma,” 61 – 3.

⁷² *Ibid.*, 58.

camps also threaten the security of Bangladesh by providing safe havens for militants.⁷³ In response to these threats, the Bangladesh government is trying to make conditions in Bangladesh worse than in Myanmar to force refugees to go home, but it is not working.⁷⁴

The issue of the Rohingya refugees also jeopardizes relations between Myanmar and Bangladesh.⁷⁵ Bangladesh has stepped up efforts since 2008 to expel large numbers of Rohingya back to Myanmar due to new conflicts over the two countries' disputed maritime border. One of these conflicts followed an agreement between Bangladesh and South Korea's Daewoo International Corporation to explore oil and gas resources in contested waters. Since then, Bangladesh has increased its expulsion of Rohingya living in the border area. Tensions increased between the two countries following the Myanmar government's decision to force Rohingya laborers to build a two hundred kilometer fence along the country's border with Bangladesh. Despite the Myanmar government's claims to the contrary, this fence is intended to prevent the future return of the Rohingya refugees to Myanmar. In response, Bangladesh has increased the number of Rohingya returns to Myanmar before the fence can be completed.⁷⁶

⁷³ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 284 – 5.

⁷⁴ *Burma: A Human Tragedy*.

⁷⁵ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 285.

⁷⁶ Blitz, "Rescue for the Rohingya," 31.

On Myanmar's Eastern border, Rohingya fleeing violence in Myanmar turn to smugglers in Thailand for passage to Malaysia, a majority Muslim country that largely accepts the refugees. The refugees use Thailand as a way-station where Rohingya arrive on fishing vessels as human cargo. Thailand does not provide basic shelter or accept requests for asylum from the Rohingya. Once in Thailand, if the Rohingya have the \$2,000 fee demanded by the brokers, then they quickly depart for Malaysia. Those who do not have the means to pay for their transit to Malaysia languish in smugglers camps hidden in the jungles of Thailand, or in government detention camps, where they usually die.⁷⁷ As of July 2013, nearly 2,000 Rohingya men, women, and children were captive in Thai immigration detention centers and government shelters.⁷⁸

Without the means to pay the smugglers for transport to Malaysia, Rohingya refugees remain trapped in camps hidden in Thailand's jungles and are kept in open air cages as animals. Each refugee is worth thousands of dollars in either ransom or as indentured labor. Rohingya are often forced into indentured servitude on Thai plantations and fishing vessels.⁷⁹ Similar to their treatment in Bangladesh, the Thai government does not confer any rights on the Rohingya and does not protect them from these abuses.

⁷⁷ Jane Perlez, "For Myanmar Muslim Minority, No Escape from Brutality," *The New York Times*, March 14, 2014, http://www.nytimes.com/2014/03/15/world/asia/trapped-between-home-and-refuge-burmese-muslims-are-brutalized.html?_r=0 (accessed April 5, 2014).

⁷⁸ "Analysis: In Search of a Regional Rohingya Solution."

⁷⁹ *Ibid.*

Rohingya who are captured by the Thai government and survive incarceration in the detention camps are eventually moved out for deportation from the country. Thai officials claim that the refugees should be granted citizenship in Myanmar and that their illegal presence in Thailand gives the Thai government no choice but to deport them. Instead of sending them back to Myanmar, from which they fled, Thai officials engage in a “soft” deportation whereby they load the Rohingya refugees onto boats and send them off into the Andaman Sea with no destination. For those who survive the deportation, about 80 percent are once again captured by smuggling rings.⁸⁰ According to the People’s Empowerment Foundation, “In 2009, the Thai navy towed six boatloads [of Rohingya] (over 1,000 people) back to the Andaman Sea where they were left without food, water, and fuel.” The refugees were eventually picked up by the Indonesian navy, but many are not so lucky.⁸¹ Thus, the stateless Rohingya are usually caught in an endless cycle of persecution, with little to no protection by any government. Even when the Rohingya refugees manage to reach Malaysia, they receive few protections of their human rights.

The Muslim Rohingya have historically sought refuge in other Muslim countries. For decades, human smugglers sent the Rohingya to “Saudi Arabia, Pakistan, and to the UAE where many were able to obtain a temporary permit to stay.” At first, Saudi Arabia was the preferred destination for refugees leading Bangladesh. However, since 2005 tighter restrictions on documentation in Bangladesh and Saudi Arabia have diverted the Rohingya to Malaysia as the only affordable Muslim destination. Malaysia

⁸⁰ Ibid.

⁸¹ “Analysis: In Search of a Regional Rohingya Solution.”

began registering Rohingya for residence and work permits in August 2006. The process was quickly suspended due to allegations of fraud, but not before word spread to the Rohingya in Myanmar and Bangladesh. Hence, Rohingya refugees began to travel to Malaysia via the dangerous sea voyage in the Bay of Bengal as the only option for leaving without travel documentation. The most popular route runs by land through Thailand because most, if not all, of the boats landing in Malaysia are captured, which results in arrest and detention on arrival.⁸²

The UNHCR states, as of April 2014, that there are 36,290 Rohingya refugees seeking refuge in Malaysia.⁸³ The Malaysian government often detains Rohingya refugees and asylum-seekers for months in immigration camps where they suffer malnutrition, unsanitary conditions, and beatings. They are usually then pushed back across the border into Thailand where they entered Malaysia.⁸⁴ Without legal mechanisms to provide protection, the Rohingya are vulnerable to constant harassment and detention. The Rohingya are not allowed to work in Malaysia, even if they hold UNHCR documentation, and as a result they are forced to work illegally. Despite the poor conditions in Malaysia, the Rohingya refugees refuse to return to Myanmar because their homes have been destroyed and they fear physical violence.⁸⁵

⁸² Lewa, "Asia's New Boat People," 40 – 1.

⁸³ Cynthia Ng and Teoh El Sen, "Rohingya in Malaysia: Between a Rock and a Hard Place," *Astro Awani*, June 12, 2014, <http://english.astroawani.com/news/show/rohingya-in-malaysia-between-a-rock-and-a-hard-place-35991> (accessed June 25, 2014).

⁸⁴ Weissbrodt and Collins, "The Human Rights of Stateless Persons," 267.

⁸⁵ Ng and Sen, "Rohingya in Malaysia: Between a Rock and a Hard Place."

The plight of the Rohingya is therefore not contained to Myanmar alone. Neighboring states like Bangladesh, Thailand, and Malaysia are also involved in the plight of the Rohingya and must, therefore, be part of any solution to this humanitarian crisis. As this chapter has shown, they are denied human rights and they suffer political and socio-economic discrimination as well as ethnic cleansing. Moreover, they have suffered widespread violence since 2012, including genocide, forcing many of them to seek refuge in neighboring countries. The ethnic cleansing and genocide of the Rohingya from Myanmar cannot be allowed to continue, and the human rights violations perpetrated against the Rohingya in Bangladesh, Thailand, and Malaysia must be mitigated. Myanmar's internal ethnic conflict has become a regional conflict, which can only be resolved through international action. The following chapter will analyze the legal basis for international involvement to protect the Rohingya.

CHAPTER III

RESPONSIBILITY TO PROTECT THE ROHINGYA

Chapter III will examine the overall failure of the Myanmar government and the international community, consisting of the US, UN, EU, and ASEAN, to protect the Rohingya from ethnic cleansing and genocide since the 2012 widespread massacres in Rakhine state. This chapter will argue that since these massacres, the Myanmar government and international community are not fulfilling their duty under the UN "responsibility to protect" (RtoP) principle to save the Rohingya from crimes against humanity. The chapter is organized in four parts. The first section reviews the tenets of the RtoP clause, which the UN General Assembly unanimously endorsed in 2005 and which requires states to protect their populations from human rights abuses. The second section assesses the Myanmar government's failure to protect the Rohingya from ethnic cleansing and genocide in Rakhine state. The third section traces the actions, but eventual failure, of the international community to effectively pressure Thein Sein's government to implement reforms that will help to protect its Rohingya population. Chapter III will end with a recommendation for collective international action by the US, UN, EU, and ASEAN to end the violence against the Rohingya in Myanmar.

In order to protect the Rohingya, the principle of RtoP is the most appropriate international norm to apply to resolve the human rights violations in Myanmar because it obligates states to safeguard their populations from crimes such as ethnic cleansing and genocide. The Myanmar government is responsible under RtoP to protect the Rohingya since, despite their stateless status, "they are human beings living within the

territory of Myanmar.”¹ An international response under this framework is necessary because the Myanmar government is unwilling and unable to protect the Rohingya. Moreover, the Rohingya refugees from Myanmar are adversely affecting at least four ASEAN member nations and Bangladesh. Without some intervention from of the international community, the gross human rights violations against the Rohingya will continue.

The RtoP norm grew out of events in the 1990s, such as the Rwandan genocide and the atrocities in the former Yugoslavia. In both of these cases, the international community did not effectively prevent or respond to the gross human rights violations perpetrated against populations within the two sovereign states. These unfortunate events made it apparent that state sovereignty alone should not prevent the international community from responding to humanitarian crises. The norm focuses on the “victims’ point of view and interests, rather than questionable [state-centered] motivations.”² Since the 1990s, a collection of international humanitarian law has come to legitimize the involvement of external states in the affairs of states that “massively oppress and

¹ Noel Morada, “ASEAN, The Rohingyas and Myanmar’s Responsibility to Protect,” *Asia Pacific Center for the Responsibility to Protect* 2, no. 9 (2012): 5, <http://www.r2pasiapacific.org/docs/R2P%20Ideas%20in%20Brief/R2P%20Ideas%20in%20Brief%20ASEAN%20The%20Rohingyas%20and%20Myanmars%20R2P.pdf> (accessed July 23, 2014). According to Morada, ASEAN should take the leading role in the international response.

² Louise Arbour, “The Responsibility to Protect as a Duty of Care in International Law and Practice,” *Review of International Studies* 32, no. 3 (2008): 445 – 8, <http://www.jstor.org/stable/40212484> (accessed July 31, 2014).

persecute their own people violently” to protect populations, like the Rohingya, from further crimes.³

This norm was expounded by the International Commission on Intervention and State Responsibility in 2001, and the RtoP principle was unanimously endorsed at the United Nations General Assembly on October 24, 2005, when world leaders committed themselves to “take collective action . . . should peaceful means be inadequate and national authorities are manifestly failing to protect their populations.”⁴ The RtoP principle entails four pledges. First, all states have the “responsibility to protect their own citizens from genocide, ethnic cleansing, war crimes and crimes against humanity.” Second, the international community must help states with this responsibility, including capacity building and assistance. Third, the international community has the obligation to pursue peaceful means, such as diplomatic and humanitarian channels, to protect people from genocide, ethnic cleansing, and mass atrocities. Fourth, the UN Security Council will implement its powers under Chapter VII of the UN Charter should all peaceful means fail to protect the afflicted population from the mass atrocities.⁵

Moreover, the obligation for international intervention is also enshrined in the Genocide Convention of 1948, which states that “genocide, whether committed in time of peace or in time of war, is a crime under international law which [states] undertake to

³ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 83.

⁴ Arbour, “The Responsibility to Protect as a Duty of Care in International Law and Practice,” 449.

⁵ “2005 World Summit Outcome,” *United Nations General Assembly*, October 24, 2005: 30, <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf> (accessed July 31, 2014).

prevent and to punish.’’ Violation of this Genocide Convention was cited as the legal authority in the international criminal tribunals for the atrocities committed in the former Yugoslavia and Rwanda. Essentially, both the 2005 UN RtoP document and the long-standing 1948 Genocide Convention stipulate that the duty to protect individuals against gross human rights violations is a function of sovereignty and should be fulfilled by the state wherein the violence is occurring. Without the ability or willingness of that state to fulfill such obligations, as is the case in Myanmar, the burden of responsibility falls on external states. The international community is called to help, compel, or even coerce the offending state to provide protection.⁶

In the meantime, Myanmar’s government under President Thein Sein is failing to meet its obligations to protect the Rohingya from continued ethnic cleansing and genocide under the RtoP principle and the 1948 Genocide Convention. While the Myanmar government has pursued policies of ethnic cleansing against the Rohingya since at least the 1978 *Nagamin* pogrom, this analysis will focus on the country’s inadequate response to the recent crisis in Rakhine state. The state’s failure to protect the Rohingya from atrocities is evident through the active participation of state security forces in the 2012 massacres, the Myanmar government’s inadequate response and investigation into the events, and its refusal or inability to protect the Rohingya from further crimes against humanity.

As described in Chapter II of this thesis, the ethnic riots of 2012 triggered the initiation of genocide against the Rohingya in Myanmar. The complicity of state

⁶ Arbour, “The Responsibility to Protect as a Duty of Care in International Law and Practice,” 448 – 50.

security forces during the attacks demonstrates that the ethnic violence was not isolated from government involvement. Rather, representatives of the Myanmar state, through Rakhine state's security forces, were participants in the destruction and murder that occurred in the Rohingya villages. The Myanmar government's involvement in the crimes was both indirect and direct. While the violence was perpetrated primarily by mobs, the state security forces stood by and did nothing to protect the Muslim communities. In other instances, the state security forces participated directly in the violence.⁷ Reports of the violence in June and October reveal that the state security forces killed many Muslims attempting to protect their homes from fire and other damage. Human Rights Watch assessed that this action "suggests that the authorities were willing to use lethal force against Rohingya . . . who were trying to prevent a forced population transfer."⁸

Human Rights Watch evidence indicates that political and religious leaders in Rakhine state organized and provoked attacks against the Muslim populations to drive them from the communities which they shared with the larger Buddhist population. First, Rakhinese political and community groups issued educational pamphlets and speeches leading up to the violence, which vilified the Rohingya ethnicity and called for their removal from the community. Second, the Rakhinese political and religious leaders held conferences and meetings leading up to the violence during which they called for the Rohingya to leave the area. Third, in the months leading to the October

⁷ "All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 15.

⁸ Ibid., 53.

violence, local authorities thwarted the ability of the Rohingya to conduct day-to-day business in an attempt to force them to leave the area by restricting their freedom of movement, opportunities to work, and access to aid.⁹ Thus, the author of this thesis has concluded that the genocide against the Rohingya was planned, organized, and executed by the elements of Myanmar's government that should have protected the Rohingya under the RtoP principle and Genocide Convention.

President Thein Sein's government has not held the perpetrators of the massacres responsible for their actions and has failed to achieve a solution that will protect the Rohingya from future violence. Human Rights Watch has found no evidence that the Myanmar government is taking any legal action against the perpetrators of the atrocities. Instead, the government exacerbated the situation as state security forces impeded justice by overseeing and ordering the digging of mass graves and dumping Rohingya bodies near Rohingya internally displaced camps.¹⁰ Following the June 2012 violence, President Thein Sein announced in July 2012 that the solution to the crisis was to send the Rohingya to any country that would accept them or to UNHCR refugee camps in other countries. At the time, public opinion supported his call for expatriation of the Rohingya population as an acceptable political solution. President Thein Sen also sent a commission, led by an ethnic Rakhinese man, to Rakhine state to assess the conflict from June to July 2012. Unsurprisingly, the biased commission responded that there had been no government abuses and that the humanitarian needs were being met. The

⁹ Ibid., 12.

¹⁰ Ibid., 15.

central government also denied that the conflict was severe and blamed foreign media and organizations for fabricating the nature and extent of the violence.¹¹

Following the second outbreak of violence, Myanmar's Ministry of Foreign Affairs issued a press release on December 6, 2012, which denied any government responsibility for the mass violence. The press release also referenced the Rohingya as "Bengalis," which reflects the government's continued refusal to provide Myanmar citizenship or state protection for the Rohingya.¹² In response to a non-binding resolution issued by the UN General Assembly on November 26, 2012, which urged the Myanmar government to improve the living situation for the Rohingya and to protect their human rights, the Myanmar delegation accepted the resolution in principle but rejected the existence of the Rohingya as an ethnic group in Myanmar. The government strongly denied that there was any form of ethnic cleansing occurring in Rakhine state. Government officials blamed the violence on communal conflict between the Rakhine ethnic group and the Rohingya "as a result of underdevelopment in the region and [a] lack of international assistance."¹³

In response to continued international condemnation of Thein Sein's handling of the conflict, the Myanmar government introduced several programs to advance social relations in the region, which included initiatives geared towards improving law

¹¹ Ibid., 83 – 5.

¹² Ibid., 86.

¹³ Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," 305.

enforcement, infrastructure, and labor intensive industries in Rakhine state.¹⁴

Unfortunately, the programs were half-hearted and did not improve conditions for the Rohingya. Moreover, these steps fell far short of addressing the core issue of citizenship rights for them. As a result, the government's response was unsuccessful in preventing continued violence against the Rohingya.

Hence, in January 2014, ethnic tensions once again exploded between the Rohingya Muslims and the Rakhine Buddhists in the village of Du Char Yar Tan in Rakhine state. According to *The Washington Post*, "at least 48 people were killed in two separate incidents when Buddhist mobs went on a rampage against Rohingya Muslims." Furthermore, the Myanmar government ordered Doctors Without Borders, which led an extensive program providing medical services to approximately 700,000 people in Rakhine state, to cease all operations in the state in response to the organization's announcement that it had treated 22 victims of the January violence.¹⁵ This step then resulted in the severe health crisis that was described in detail in Chapter II, exemplifying the Myanmar government's unwillingness to protect the Rohingya.

Almost two years after the violence in 2012, nearly 140,000 Muslims (primarily Rohingya) remain displaced in Rakhine state.¹⁶ As discussed in Chapter II, the Myanmar government has not equipped the Rohingya IDP camps with basic human

¹⁴ Ibid., 307.

¹⁵ "Unspeakable Violence Against Muslims in Burma," *The Washington Post*, April 3, 2014, http://www.washingtonpost.com/opinions/unspeakable-violence-against-muslims-in-burma/2014/04/03/fce8b3de-b466-11e3-b899-20667de76985_story.html (accessed August 27, 2014).

¹⁶ Gabaudan and Teff, "Myanmar: Act Immediately to Protect Displaced People's Rights," 1.

needs, such as sufficient food, water, shelter, and latrines. In contrast, the Myanmar government has supplied Rakhine IDP camps with sufficient resources and is actively working to return Rakhine IDPs to their villages.¹⁷ This disproportional response to the needs of the Rohingya and of the Rakhine communities indicates that the Myanmar government is unwilling to protect the Rohingya from continued human rights abuses.

Meanwhile, Myanmar's national elections, scheduled for 2015, make it politically difficult for the nation's leaders to address the Rohingya issue because fears of "Islamization" are rampant among the majority Buddhist population in central Myanmar. The Myanmar government understands that the Rohingya conflict threatens positive relations with the West, but the pursuit of democratic votes prevents the government from properly addressing the conflict. The small step of government allowance for Myanmar's minority Muslim population to identify themselves as Rohingya in the country's first national census in March 2014 caused a mob of Rakhine Buddhists to attack the offices and the homes of foreign aid workers.¹⁸ In that month alone, nearly 700 aid workers were evacuated due to the violence. Constitutional

¹⁷ "All You Can Do is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 87 – 9.

¹⁸ Joseph Schatz, "U.S. Officials Warn Burma that Attacks on Rohingya Muslims, Aid Groups are Hurting Ties," *The Washington Post* (April 17, 2014), http://www.washingtonpost.com/world/asia_pacific/us-officials-warn-burma-that-attacks-on-rohingya-muslims-aid-groups-are-hurting-ties/2014/04/16/3a1bba4c-c193-11e3-bcec-b71ee10e9bc3_story.html (accessed July 31, 2014).

reform, which is necessary to resolve the core issue of Rohingya statelessness, does not appear to be feasible in Myanmar's current political climate.¹⁹

According to Kelly Staples's research on the plight of the Rohingya, the Myanmar government "has much to lose" by providing protection and citizenship to the Rohingya . . . "[T]he requirements of democratization and statehood, in countries with significant minority populations, seem to constitute an understandable – if not justifiable – logic of exclusion."²⁰ Even opposition leader Aung San Suu Kyi has been widely criticized for her restrained response to the violence. On November 8, 2012, Myanmar's parliament Rule of Law committee, headed by Suu Kyi, issued a statement that called for respect for human rights, but also identified the root causes of the communal strife as illegal migration and border security. These statements appear to be calculated political responses so as to not alienate her party, the NLD, from the majority Buddhist population.²¹ Moreover, she has presidential aspirations and needs the support of the Buddhist leaders.²² Suu Kyi's actions reflect the political reality in Myanmar that the government is unwilling and unable to fulfill its responsibility to protect the Rohingya.

¹⁹ "Don't Count On It: Myanmar's Course is Leading in the Wrong Direction," 36.

²⁰ Staples, *Rethorising Statelessness: A Background Theory of Membership in World Politics*, 152 – 3.

²¹ Noel Morada, "ASEAN, The Rohingyas and Myanmar's Responsibility to Protect."

²² "Halo Slips, The: Running for President Comes with Risks," *The Economist*, June 15, 2013, <http://www.economist.com/news/asia/21579512-running-president-comes-risks-halo-slips> (accessed August 27, 2014).

Since Myanmar has failed to prevent continuing human rights violations against the Rohingya, the international community has the responsibility under the RtoP to pursue all peaceful means to resolve the plight of the Rohingya and to provide Myanmar with sufficient capacity building and assistance to end the ethnic and religious conflict. However, the West in general has chosen to turn a blind eye to Myanmar's ethnic cleansing and genocide against the Rohingya in favor of economic and political engagement with Thein Sein's government. Public condemnations of Myanmar's treatment of the Rohingya by the West and East Asia have fallen short of the response needed to affect change to protect the Rohingya.

In response to the positive reforms in Myanmar, in April 2012 the EU lifted all sanctions on Myanmar, with the exception of its arms embargo, for one year pending further progress on several benchmarks, to include improved treatment of ethnic Rohingya Muslims. Despite Myanmar's failure to meet several of the benchmarks, on April 22, 2013, EU foreign ministers ended all travel bans and sanctions against Myanmar, with the exception of its export ban on arms.²³ The same day that the EU permanently lifted its economic sanctions, which were designed to target military officials and organizations involved in human rights abuses in Myanmar, the International Crisis Group (ICG) "awarded President Thein Sein the prestigious 'In Pursuit of Peace' award for his political reforms and peace efforts with ethnic minority

²³ "EU: Ending Sanctions Undercuts Burma's Rights Progress," *Human Rights Watch*, April 22, 2013, <http://www.hrw.org/news/2013/04/22/eu-ending-sanctions-undercuts-burma-s-rights-progress> (accessed August 13, 2014).

groups.” However, on this same day, Human Rights Watch released its report on continued human rights violations in Myanmar.²⁴

Human Rights Watch EU Director, Lotte Leicht stated:

The EU’s scrapping of targeted sanctions on Burma is premature and recklessly imperils human rights gains made so far. EU member states are ditching measures that have motivated the current progress and [are] gambling on the good will of Burma’s government and military to keep their word to keep reforms on track.²⁵

As Leicht’s comments reveal, the lifted sanctions effectively overlook human rights abuses in favor of promoting business opportunities in Myanmar. By lifting the sanctions hastily, the EU may have sent the wrong message that human rights abuses can continue in favor of economic development.²⁶ The EU has abandoned its leverage to ensure that Thein Sein’s government continues to make progress on the benchmarks established in 2012 and, in particular, on improved human rights for the Rohingya.

Similarly, the US government eased sanctions in 2012 against Myanmar, while retaining limited sanctions for the country’s violations of religious freedom, in response to the Myanmar government’s political and economic reforms.²⁷ The Obama administration views Myanmar’s political transition as a major foreign policy success.²⁸ The US normalized relations with Myanmar in 2012 through the appointment of Derek

²⁴ Phillips, "The World's Blind Spot," 32 – 3.

²⁵ “EU: Ending Sanctions Undercuts Burma’s Rights Progress.”

²⁶ Phillips, "The World's Blind Spot," 33.

²⁷ US Department of State, *International Religious Freedom Report: Burma*, 2.

²⁸ Schatz. “U.S. Officials Warn Burma that Attacks on Rohingya Muslims, Aid Groups are Hurting Ties.”

Mitchell as the first full American ambassador to Myanmar in 22 years.²⁹ In November 2012, when President Obama became the first sitting US president to visit Myanmar, President Thein Sein made 11 commitments to commemorate the meeting, which focused on deepening democracy and protecting human rights. For example, one of the commitments called on the Myanmar government to take “decisive action in Rakhine state” and to “allow international humanitarian access to conflict-affected areas.”³⁰ Despite Myanmar’s failure to follow through with these commitments, the US under President Barack Obama has not leveraged the full weight of its influence on Myanmar to protect the Rohingya.³¹

Rather, the US has pursued only limited measures to hold Mr. Thein Sein’s government accountable. Washington has engaged in direct talks with Naypyidaw, urging the state to end human rights abuses against the Rohingya. For example, on May 20, 2013, during a bilateral meeting in Washington, President Obama “urged President Thein Sein to take strong action to combat sectarian violence and to ensure respect for religious freedom.”³² On October 10, 2013, Secretary of State John Kerry reiterated President Obama’s message to President Thein Sein on the sidelines of the East Asia Summit in Bandar Seri Begawan. Senior former and current US officials, including

²⁹ Holliday, “Myanmar in 2012: Toward a Normal State,” 98.

³⁰ Daniel Sullivan, “Burma’s Broken Commitments: Thein Sein’s 11 Promises to Obama,” *United to End Genocide*, November 19, 2013, <http://endgenocide.org/burmas-broken-promises-thein-seins-11-commitments-obama/> (accessed August 13, 2014).

³¹ Schatz. “U.S. Officials Warn Burma that Attacks on Rohingya Muslims, Aid Groups are Hurting Ties.”

³² US Department of State, *International Religious Freedom Report: Burma*, 11.

former Presidents Carter and Clinton and former Secretary of State Albright, raised similar concerns during their visits to Myanmar. US embassy officials at all levels discussed the importance of addressing sectarian violence and religious freedom with high-level Myanmar government leaders and religious leaders throughout 2013. For example, US Ambassador Mitchell hosted an interfaith event in September “for leaders of all major religious groups to discuss ways to promote religious freedom and respect for religious diversity.” On October 1, he also “spoke out against sectarian violence at an interfaith conference in Myanmar.”³³

However, these actions have not effectively influenced Naypyidaw to protect its Muslim Rohingya population. Since the US prematurely removed most of its sanctions against Myanmar in 2012, the Obama administration’s leverage to improve human rights in the country has been diminished. Rather, the human rights of the Rohingya have since deteriorated dramatically with no movement in sight for progress.³⁴ On May 7, 2014, the US House of Representatives passed a Resolution with bipartisan support calling on the Myanmar government to end persecution of the Rohingya and to recognize the human rights of all religious minorities. It also called on “the United States Government and the international community to put consistent pressure on the Government of Burma to take all necessary measures to end the persecution and

³³ Ibid., 12.

³⁴ “U.S. Can’t Ease up on Burma Now,” *The Washington Post*, August 4, 2014, http://www.washingtonpost.com/opinions/the-us-cant-ease-up-on-burma-now/2014/08/04/5a99105e-142b-11e4-8936-26932bcfd6ed_story.html (accessed August 27, 2014).

discrimination of the Rohingya population.”³⁵ The Resolution represents growing concern in Congress with the Obama administration’s engagement with Myanmar despite its continued human rights violations.³⁶

Despite the US House of Representatives’ call for action, the Obama administration has not discussed a return to sanctions. The normalization of relations with Myanmar is viewed as a vital foreign policy success for the White House. Furthermore, Myanmar is a significant partner in the Obama administration’s “pivot to Asia” foreign policy, as this partnership is an important element of President Obama’s goal to increase US military presence in Southeast Asia. To this end, the US is pursuing military-to-military cooperation with Myanmar.³⁷ The US government is also focusing on the support Myanmar can provide in its role as the 2014 chair of ASEAN in mediating territorial disputes in the South China Sea.³⁸ In addition to the political and strategic gains that partnership with Myanmar represents, the US also seeks to benefit

³⁵ US Congress, House, *Urging the Government of Burma to End the Persecution of the Rohingya People and Respect Internationally Recognized Human Rights for All Ethnic and Religious Minority Groups Within Burma*, H.Res. 418, 113th Congress, May 7, 2014, <https://www.govtrack.us/congress/bills/113/hres418/text> (accessed July 31, 2014).

³⁶ John Hudson, “Too Soon to Celebrate? Congress Slams Myanmar Ahead of Kerry Visit,” *Foreign Policy*, July 9, 2014, http://thecable.foreignpolicy.com/posts/2014/07/09/too_soon_to_celebrate_congress_slams_myanmar Ahead_of_kerry_visit (accessed July 31, 2014).

³⁷ Patrick Barta, “Why the U.S. Needs Myanmar,” *The Wall Street Journal*, November 19, 2012, Video, <http://live.wsj.com/video/why-the-us-needs-myanmar/7DBEEED1-8454-4E35-809B-224EAF99541F.html#!7DBEEED1-8454-4E35-809B-224EAF99541F> (accessed July 31, 2014).

³⁸ Schatz, “U.S. Officials Warn Burma that Attacks on Rohingya Muslims, Aid Groups are Hurting Ties.”

economically from positive relations by enabling American firms to invest in the country.³⁹ American oil firms are particularly keen to explore Myanmar's offshore oil and gas reserves, which foreign experts estimate to be on par with Brazil's reserves.⁴⁰

For all these political, strategic, and economic reasons, President Obama has not held President Thein Sein accountable to his commitment to protect the Rohingya. *The Washington Post's* "Fact Checker" column in December 2013 assessed that the US government had not effectively stood up against atrocities in Myanmar, because "attacks have continued almost unabated with little or no consequences for the killers."⁴¹ Thus, the US has not pursued all peaceful means to end the human rights abuses against the Rohingya as required by the RtoP. Without stronger action, ethnic cleansing and genocide will continue against the Rohingya in Myanmar.

Meanwhile, Myanmar and its neighbors in ASEAN have also not been successful in taking decisive action to resolve the plight of the Rohingya, which affects several ASEAN member states. ASEAN introduced the issue of the Rohingya in 2009 at the 14th ASEAN Summit when member states discussed the need to cooperate to find a regional solution to the Rohingya refugee problem. As a result of the summit,

³⁹ James Politi, "US to Help Companies Invest in Myanmar," *Financial Times*, April 17, 2014, <http://www.ft.com/cms/s/0/9d61898a-c637-11e3-ba0e-00144feabdc0.html#axzz3ATxTSsyh> (accessed August 15, 2014).

⁴⁰ "Drilling in the Dark: Companies Will Soon Find out How Much Oil and Gas There Really is Offshore," *The Economist*, March 19, 2014, <http://www.economist.com/news/business/21599810-companies-will-soon-find-out-how-much-oil-and-gas-there-really-offshore-drilling-dark> (accessed August 15, 2014).

⁴¹ Glenn Kessler, "How Much Has the United States Been 'Standing Up Against' Atrocities in Burma?" *The Washington Post*, December 31, 2013, <http://www.washingtonpost.com/blogs/fact-checker/wp/2013/12/31/how-much-has-the-united-states-been-standing-up-against-atrocities-in-burma/> (accessed August 13, 2014).

ASEAN established the Bali process to primarily decrease transnational crimes like smuggling and illegal migration. However, this process was not very successful in resolving the Rohingya conflict as it downgraded the importance of Rohingya asylum seekers fleeing widespread prosecution in Myanmar to a question of human trafficking.⁴²

Later, following the 2012 riots, ASEAN failed to propose an effective solution to address the Rohingya issue.⁴³ In response to the first outbreak of violence in Rakhine state, in August 2012, ASEAN foreign ministers merely issued a statement that encouraged the Myanmar government to continue cooperation with the UN to address the humanitarian crisis in Rakhine. The foreign ministers expressed willingness to provide humanitarian assistance to Rakhine state and stressed “the promotion of national harmony” as an essential part of the country’s democratization.⁴⁴ This ASEAN response was too weak to bring about change in Myanmar.

Following the second outbreak of violence, in October 2012, Surin Pitsuwan, the then Secretary-General of ASEAN, warned that the Rohingya issue could destabilize the whole region.⁴⁵ Accordingly, the Secretary-General proposed the establishment of tripartite talks between ASEAN, the UN, and the Myanmar government to prevent the violence in Rakhine state from having a broader regional impact. However, Myanmar

⁴² “Analysis: In Search of a Regional Rohingya Solution.”

⁴³ Ibid.

⁴⁴ Morada, “ASEAN, The Rohingyas and Myanmar’s Responsibility to Protect,” 3.

⁴⁵ “Analysis: In Search of a Regional Rohingya Solution.”

rejected the offer by claiming that the issue was an internal matter.⁴⁶ ASEAN has not made progress to influence Myanmar to accept its support and assistance to protect the Rohingya from further human rights abuses.

Therefore, the international community, including ASEAN, must take stronger, coordinated action to protect the Rohingya under the RtoP doctrine. To date, the international community's slight attempts at resolving the conflict have not been effective, and the Myanmar government has shown that it is unwilling or unable to end the ethnic cleansing and genocide against the Rohingya. The international community should engage in consolidated, coherent advocacy for Myanmar to solve the key issues in the Rohingya conflict.⁴⁷ Led by the US, EU, UN, and ASEAN, such advocacy will have the necessary influence and legitimacy to affect change. According to Joey Dimaandal, Program Associates for the South East Asia Committee for Advocacy, this type of effort "will put pressure on the [Myanmar] government to do more to ease the plight of the Rohingya people and prevent the situation from spiraling out of control."⁴⁸

In principle, Myanmar supports the concept of RtoP since it agreed to the international norm during the 2005 World Summit. Yet, during the July 2009 UN General Assembly Informal Interactive Dialogue on RtoP, Myanmar Deputy Permanent Representative U Kyaw Zwar Min stated that RtoP must be narrowly focused to address

⁴⁶ "Myanmar Declined Talks Offer On Violence: ASEAN," *Agence France-Presse*, October 30, 2012, <http://reliefweb.int/report/myanmar/myanmar-declined-talks-offer-violence-asean> (accessed August 13, 2014).

⁴⁷ Gabaudan and Teff, "Myanmar: Act Immediately to Protect Displaced People's Rights," 2.

⁴⁸ "Analysis: In Search of a Regional Rohingya Solution."

the prevention of ““genocide, ethnic cleansing, war crimes, and crimes against humanity.”” He expressed the Myanmar government’s concern that RtoP could be invoked as validation for international intervention when prevention fails.⁴⁹ Since the Myanmar government denies that ethnic cleansing is taking place in Rakhine state, and the government has rejected offers by ASEAN to assist in resolving the conflict, the international community will face serious challenges in its pursuit of peaceful means to protect the Rohingya.

Despite Myanmar’s reluctance to implement the RtoP, ASEAN, as the regional organization, must play an important role in the international community’s action because the spill-over of Myanmar’s ethnic conflict into neighboring ASEAN member nations and Bangladesh demands a regional and international response. Moreover, according to the ASEAN Charter, “promoting and protecting human rights” is one of the primary purposes of the Association.⁵⁰ ASEAN also has a positive history of facilitating international assistance for humanitarian concerns in Myanmar. For example, in 2008 following Cyclone Nargis, which devastated Myanmar’s Irrawaddy Delta region, when the military junta refused to allow the West to provide humanitarian assistance, ASEAN facilitated backdoor diplomacy to convince the Myanmar government to allow

⁴⁹ Morada, “ASEAN, The Rohingyas and Myanmar’s Responsibility to Protect,” 5.

⁵⁰ “Good Practices: Addressing Statelessness in South East Asia,” *United Nations High Commissioner for Refugees*, October 29, 2010: 16, <http://www.unhcr.org/4d7de47f9.html> (accessed April 8, 2014).

international humanitarian aid under the aegis of ASEAN.⁵¹ Thus, former Secretary-General Surin Pitsuwan's comments in 2012 demonstrate that the Association recognizes that the plight of the Rohingya must be addressed regionally.

ASEAN could also use its established mechanisms to provide peacemaking, mediation, and conflict prevention in Rakhine state. The lessons learned by other ASEAN member states, such as Indonesia, Malaysia, Thailand, and the Philippines, in managing communal or religious conflict could be aptly applied to mitigate Myanmar's Rohingya conflict. Member states should assist Myanmar with border security and migration issues as well as with strengthening local government capabilities for peace management. ASEAN should leverage the resources and expertise of dialogue partners, such as the US, Australia, and the EU, to "assist in Myanmar's capacity building in law enforcement, rule of law, human rights protection, and good governance."⁵²

A regional solution is also necessary to address the problem of Rohingya refugees. ASEAN countries fear that a formal regional policy regarding refugee acceptance will only encourage more arrivals; therefore, no ASEAN country has taken the initiative on creating a regional solution. According to Refugees International senior advocate Melanie Teff, ASEAN governments must establish a responsibility-sharing mechanism to provide temporary asylum for the Rohingya.⁵³ Without a regional

⁵¹ Morada, "ASEAN, The Rohingyas and Myanmar's Responsibility to Protect," 5.

⁵² Ibid.

⁵³ "Analysis: In Search of a Regional Rohingya Solution."

response to the human rights abuses suffered by the Rohingya refugees, individual governments will continue to persecute the Rohingya and fail to fulfill their RtoP.

Besides a regional effort, international coordination is also necessary to protect the Rohingya. In partnership with ASEAN, the international community response must consist of consolidated, coherent advocacy by the US, the EU, and UN for Myanmar to solve the key issues in the Rohingya conflict. According to Matthew Smith, Executive Director of Fortify Rights International, “Regional countries should use their economic standing vis-à-vis Myanmar to advance human rights.” The international community should also leverage their economic resources to improve conditions for the Rohingya. The US and EU should return to slower normalization of relations with Myanmar “until discrimination against the [Rohingya] ceases and there is non-discriminatory access to citizenship for all ethnic and religious minorities.”⁵⁴

Myanmar’s leaders will likely respond to economic and diplomatic incentives to resolve the plight of the Rohingya. For Myanmar’s leaders, “normalizing relations with the [US] government was key to ending their dependence on China.”⁵⁵ The Myanmar government will not likely allow a return to the country’s diplomatic isolation and poor economic conditions prior to its recent liberalization. Indonesia’s experience in 1999 over human rights abuses in East Timor delineates the power of economic incentives to force change to end crimes against humanity. Like Myanmar, Jakarta initially refused international support to end violence in East Timor despite the government’s inability to

⁵⁴ Ibid.

⁵⁵ Schatz, “U.S. Officials Warn Burma that Attacks on Rohingya Muslims, Aid Groups are Hurting Ties.”

resolve the conflict. However, following widespread economic sanctions by the US and the EU, the suspension of further loans by the International Monetary Fund (IMF), and the cessation of a \$1 billion aid program by the World Bank in response to the violence, the Indonesian government finally agreed to accept international assistance. In this situation, the international community followed comprehensive and coordinated diplomatic and economic actions to protect the East Timorese.⁵⁶ The international community must similarly use economic incentives to end the human rights violations against the Rohingya in Myanmar to include the possible removal of the World Bank's \$245 million assistance package, which was awarded to the country in 2012.⁵⁷

The responsibility to protect necessitates that states look after their populations to ensure that they do not suffer crimes against humanity, such as ethnic cleansing and genocide. This chapter has shown that the Myanmar government is unable or unwilling to defend the Rohingya against continued abuse. Due to this failure to protect, the regional association, ASEAN, and the international community are obligated under the RtoP principle to pursue all peaceful means to provide this protection. However, to date ASEAN, the US, and the EU have implemented only half measures to influence change within Myanmar with respect to the plight of the Rohingya. The international community needs to pursue coordinated diplomatic and economic steps that make it clear to the Myanmar government that there is a high cost associated with its refusal to end the abuses against the Rohingya. The next chapter provides recommendations for a

⁵⁶ Nicholas Wheeler and Tim Dunne, "East Timor and the New Humanitarian Interventionism," *International Affairs* 77, no. 4 (October 2001): 819, JSTOR (accessed April 9, 2014).

⁵⁷ Holliday, "Myanmar in 2012: Toward a Normal State," 99.

peace building plan for the Rohingya conflict to include some short-term and long-term solutions that need to be implemented to ensure the survival of this long persecuted minority Muslim population.

CHAPTER IV

A RECOMMENDED PEACE BUILDING PLAN FOR ENDING THE PLIGHT OF THE ROHINGYA

In response to dedicated, cohesive diplomatic pressure from the international community, where concessions depend mainly on proof of improved human rights conditions for the Rohingya, the Myanmar government, with international support and oversight, must implement peace building measures to prevent further Rohingya loss of life. The aim of this chapter is to provide such a plan, with both short-term and long-term recommendations that must be implemented to save the Rohingya and close the ethnic and religious fissures in Myanmar society. Chapter IV is divided in five sections and the scope is the present in 2014 as the Rohingya are in grave danger. The first section identifies short-term humanitarian measures, which must be executed within the next six months to stem the rising tide of the Rohingya refugees who are starving from lack of food and dying from preventable conditions. The second section analyzes long-term political changes, which must be carried out within the next two years, to include amendments to the constitution and other safeguards for truth and justice in Myanmar. The third section addresses the long-term solutions for economic recovery to mitigate one of the central drivers of the ethnic and religious conflict in the poverty ridden Rakhine state. Section four stresses the importance of a long-term campaign in Myanmar society to mend social ties by upholding values of religious tolerance and interfaith cooperation. Chapter IV will end with recommendations for wider regional and international solutions to address the plight of the Rohingya refugees living in Myanmar's neighboring countries.

The international community must provide immediate humanitarian aid to the Rohingya IDPs trapped in Myanmar's camps in order to fulfill its basic requirements under the RtoP. This international aid is vital as the Myanmar government has still not made improvements in its treatment of its unwanted Muslim minority group. For example, as of July 29, 2014, *The Washington Post* reported that the Rohingya community “continues to face systemic discrimination, which includes restrictions in freedom of movement, restrictions in access to land, food, water, education, and health care.” Moreover, the government's expulsion of the aid group Doctors Without Borders in February 2014, followed by the evacuation of foreign aid groups in March and April 2014, have had dire consequences for the abandoned Rohingya. According to Bertrand Bainvel, the United Nations Children's Fund (UNICEF) representative in Myanmar, his group saw the number of admissions for severe acute malnutrition double from March to June 2014. Rohingya IDP camps have been left without food at times for as long as 15 days. They have also gone without “soap, water, and other sanitary supplies, which gave rise to widespread diarrhea and other diseases.” Without NGO support, Rohingya children are starving.¹

The Myanmar government must allow humanitarian access to all affected populations and internment camps in Rakhine state.² It announced on July 24, 2014 that

¹ Annie Gowen, “Malnutrition, Disease Rising in Camps of Burma's Rohingya Muslims,” *The Washington Post*, July 29, 2014, http://www.washingtonpost.com/world/asia_pacific/malnutrition-disease-rising-in-burmese-muslim-camps/2014/07/29/4c5dc62c-135b-11e4-98ee-daea85133bc9_story.html (accessed August 27, 2014).

² “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State,” 18.

it would allow Doctors without Borders to resume work in the state. However, at the time of this writing, this medical group has not been permitted to meet with the government to receive approval of a Memorandum of Understanding, which is necessary for international groups to operate in Myanmar. Hence, the group has not been able to restart operations as a result of the Myanmar government's failure to communicate what it expects of the group following the cessation of its suspension.³ The long delay in granting the doctors approval to restart work in Rakhine state lends credence to skeptics who argue that the announcement was simply a "public relations ploy" ahead of a visit by US Secretary of State Kerry in August 2014.⁴

The Myanmar government must be required to allow international aid groups to resume work in Rakhine state to prevent further deaths in the Rohingya communities. Aid groups, the UN, and the Myanmar government should do more to ensure the protection of humanitarian personnel working in the conflict area. Since the Myanmar government failed to protect the foreign aid groups from violence in the spring of 2014, UN security forces should be deployed within Rakhine state to protect aid workers and to deter violence.⁵ Aid groups should respond with more sensitivity in their future work in Rakhine state to mitigate further violence from the Buddhist community.

³ Shibani Mahtani, "Medical Group Pushes for Access to Myanmar's Rakhine State," *The Wall Street Journal*, August 8, 2014, <http://online.wsj.com/articles/medical-group-pushes-for-access-to-myanmars-rakhine-state-1407498819> (accessed August 27, 2014).

⁴ Gowen, "Malnutrition, Disease Rising in Camps of Burma's Rohingya Muslims."

⁵ Phillips, "The World's Blind Spot," 33.

One reason for the early 2014 outbreak of violence was ethnic Rakhinese resentment towards foreign aid groups for showing the Rohingya preferential treatment, when the Rakhinese view the Rohingya as illegal migrants. In actual fact, most aid groups provided support to both the Rakhine and Rohingya communities, but the Rohingya population suffered the most during the ethnic riots of 2012. So far, the Myanmar government has not assisted the Muslim population in the way it has the Rakhinese. Humanitarian agencies must strive to distribute more impartial aid within Rakhine state. Oliver Lacey-Hall, the acting head of the UN Office for the Coordination of Humanitarian Affairs in Myanmar, has advised that, “aid organizations working in Rakhine state [need to] take a conflict-sensitive approach to providing aid so that they do not fuel existing tensions between communities.” Aid agencies need to work with leaders from all segments of the Rakhine state population to explain how and why aid is distributed in a certain way to lessen possible negative effects.⁶

Another immediate necessary step to ensure the protection of the Rohingya is the establishment of a UN office of the High Commissioner for Human Rights (UNHCR) in Myanmar to monitor human rights abuses. The establishment of this important office was one of the 11 promises President Thein Sein made to President Obama in November 2012.⁷ The Myanmar government must follow through on this promise to take a concrete step towards ending human rights abuses. Thomas Andrews, president of United to End Genocide, in his testimony before the US House Foreign Affairs

⁶ Dana MacLean, “Analysis: Myanmar’s Rakhine State – Where Aid Can Do Harm,” *IRIN*, July 3, 2013, <http://www.irinnews.org/report/98351/analysis-myanmar-s-rakhine-state-where-aid-can-do-harm> (accessed August 19, 2014).

⁷ Phillips, “The World’s Blind Spot,” 33.

Committee, called for the opening of a UNHCR office in Myanmar as a prerequisite for further diplomatic or military visits to the country.⁸ The short-term solutions of direct humanitarian aid to affected populations and the opening of a UNHCR office will mitigate the severe health crisis present in the Rohingya IDP camps and facilitate important international coordination to end crimes against humanity in Myanmar.

In addition to addressing the immediate humanitarian situation in Rakhine state, the Myanmar government must pursue long-term political changes before President Thein Sein leaves office in 2016; these measures will necessitate constitutional amendments and additional safeguards for minority rights, truth, and justice in Myanmar. Addressing only the immediate humanitarian needs of the Rohingya in Myanmar without addressing the broader political issues will serve only to ensure that the current IDP camp setting continues to obstruct livelihoods and prevent future reconciliation in Rakhine state.⁹ First and foremost, the Rohingya must be granted full citizenship in Myanmar, and discriminatory laws, which target minority ethnic and religious groups, must be rejected in favor of protections for all the religions in the country. The crux of the complex Rohingya conflict lies with their statelessness, and without implementing an inclusive nationality law, real peace and stability in the region cannot be realized.¹⁰

⁸ Hudson, “Too Soon to Celebrate? Congress Slams Myanmar Ahead of Kerry Visit.”

⁹ MacLean, “Analysis: Myanmar’s Rakhine State – Where Aid Can Do Harm.”

¹⁰ Kipgen, “Conflict in Rakhine State in Myanmar: Rohingya Muslims’ Conundrum,” 308.

Thus, Myanmar's constitution must be rewritten to eliminate discriminatory provisions that impact citizenship determination based on ethnicity, race, or religion in order to grant citizenship to the Rohingya. The country must revise legislation to ensure equal protection of rights for the Rohingya and other Muslims in Myanmar in accordance with international human rights laws. The Myanmar government must remove all restrictions on freedom of movement of the Rohingya population to ensure that they have access to means for livelihood, property, and acquiring the necessities of life.¹¹ Myanmar should leverage the experience of its fellow ASEAN member states to end discriminatory laws and to recognize the Rohingya as citizens. For example, in 2006, Indonesia passed a new nationality law that ended past discrimination against Indonesia's ethnic minorities. Before this change many people of Chinese and Indian descent in Indonesia were unable to obtain citizenship despite having lived in Indonesia for several generations.¹²

Discriminatory laws targeting marriage and religion, which were introduced in Myanmar's parliament in the spring of 2014, must be abandoned.¹³ For example, Myanmar's parliament proposed a draft law on May 27, 2014, which would "impose unlawful restrictions on Burmese citizens wishing to change their religion." The law would require persons wishing to convert to a different religion to first seek approval

¹¹ "All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 18.

¹² "Good Practices: Addressing Statelessness in South East Asia," 18.

¹³ "Burma/US: Kerry Should Press Rights Concerns," *Human Rights Watch*, August 6, 2014, <http://www.hrw.org/news/2014/08/06/burmaus-kerry-should-press-rights-concerns> (accessed August 27, 2014).

from local government departments. This law violates freedom of religion in Myanmar and panders to Buddhist extremists who seek to cleanse Myanmar society from other religions.¹⁴ The proposed religious law was followed by a marriage law, which would restrict Buddhist women to marrying only Buddhist men. Persons of other beliefs would be required to convert to Buddhism before marrying a Buddhist woman, which would be restricted pending state approval under the proposed religious law. Under this law, a man must also first obtain written consent from the woman's parents before marriage. This law would restrict fundamental religious freedom in ethnically and culturally diverse Myanmar and also discriminate against women's freedom.¹⁵

Myanmar must be encouraged to use the law to protect vulnerable religious groups, rather than "further isolate, intimidate, and discriminate against Muslims and other religious minorities."¹⁶ The protection of the vulnerable Muslim Rohingya will become vital as the thousands of IDPs are allowed to leave the internment camps once they are granted freedom of movement. Improved police training and resources will be necessary to protect all citizens of Rakhine state – not only the Buddhist Rakhine. According to Oberschall's research, community opposition complicates IDP return after genocide and ethnic cleansing. However, it must be pursued as soon as possible, because long-term segregation will exacerbate reconciliation efforts, which are analyzed

¹⁴ "Burma: Drop Draft Law," *Human Rights Watch*, May 29, 2014, <http://www.hrw.org/news/2014/05/29/burma-drop-draft-religion-law> (accessed August 27, 2014).

¹⁵ "Burma: Scrap Proposed Discriminatory Marriage Law," *Human Rights Watch*, May 24, 2014, <http://www.hrw.org/news/2014/03/24/burma-scrap-proposed-discriminatory-marriage-law> (accessed August 27, 2014).

¹⁶ "Burma/US: Kerry Should Press Rights Concerns."

in section three of this chapter. Security must be implemented to protect the interests of the returning Rohingya IDPs, which could be provided by a UN peacekeeping force.¹⁷

A political solution must also be found to safeguard truth and justice in Myanmar. To date, no one has been held responsible for the massacres against the Rohingya since 2012.¹⁸ The Myanmar government must investigate and persecute those responsible for the violence perpetrated against Muslim communities in Rakhine state regardless of rank or position.¹⁹ Oberschall's research has found that truth and justice are necessary components to create a civic culture that embraces tolerance and respect for minorities. Victims, like Myanmar's Rohingya, demand justice after ethnic warfare as this facilitates an end to the cycle of retribution that could otherwise arise through private revenge. Justice "uncovers truth, removes offenders from public office, holds individuals rather than groups responsible for crimes against humanity, and gives offenders an opportunity to reintegrate into society after they have served their sentences."²⁰ Justice can pave the path to long-term security because it can provide closure to the horrors experienced in ethnic conflict.²¹

¹⁷ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 210 – 1.

¹⁸ "Burma/US: Kerry Should Press Rights Concerns."

¹⁹ "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 18.

²⁰ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 188.

²¹ *Ibid.*, 227.

In conjunction with revisions to the constitution and legal safeguards for minority rights in Myanmar, the government will need to reconstruct the economy to ensure long-term resolution to the religious and ethnic conflict.²² Poverty is a root cause of the deep-seated grievances that have led to the current conflict, because Rakhine is one of the most impoverished states in Myanmar.²³ The Rohingya have long been the subject of resource deprivation through arbitrary taxation and land confiscations, which have excluded them from their historical agricultural livelihood. The land confiscated from the Rohingya has been designated for factories to support Myanmar's manufacturing sector. Another conflict driver is the food shortages in Myanmar. In 2010, Cyclone Giri destroyed large numbers of crop fields, causing food shortages that resulted in "higher restrictions on Rakhine traders' sales to the Rohingya."²⁴

In order to address immediate livelihood needs, movement restrictions must be lifted and the Rohingya must be allowed access to markets. Rohingya communities affected by the violence have lost their vital assets partially or fully. Damaged vital assets include the loss of draught animals, water pumps, hoes, carts, motorcycles, bicycles, livestock, rowing boats, and fishing gear. The needs of the affected villages must be addressed to enable its inhabitants to pursue a livelihood. Furthermore, farmland is not used at full capacity due to security concerns. The government must

²² Asma Masood, "Myanmar: Ethno-Resource Conflict in Rakhine State?" *Foreign Policy Journal*, August 5, 2013, <http://www.foreignpolicyjournal.com/2013/08/05/myanmar-ethno-resource-conflict-in-rakhine-state/> (accessed August 19, 2014).

²³ MacLean, "Analysis: Myanmar's Rakhine State – Where Aid Can Do Harm."

²⁴ Masood, "Myanmar: Ethno-Resource Conflict in Rakhine State?"

provide security for the pursuit of livelihoods and allocate the necessary inputs to revitalize the economy.²⁵

These measures should be possible to implement due to the rapid growth of Myanmar's economy. The economic structural reforms Thein Sein's government began implementing in 2011 have influenced the growth of the country's gross domestic product (GDP), which rose to 8.25 percent from 2013 to 2014 through the support of "rising investment propelled by improved business confidence, commodity exports, [and] buoyant tourism and credit growth." Experts are optimistic that Myanmar can "become a middle-income nation and significantly increase its per capital income by 2030," if the political reforms and current growth are maintained.²⁶

Myanmar's economic growth should 'lift all boats,' including Muslim Rohingya and Buddhist Rakhine populations in Rakhine state.²⁷ The programs that the Myanmar government initiated following the massacres of 2012, to improve Rakhine state's infrastructure through the development of jobs in the agricultural sector and the promotion of labor intensive industry, must include the Rohingya as beneficiaries.²⁸

²⁵ "Inter-Agency Preparedness/Contingency Plan – Rakhine State, Myanmar, March 2013," *UN Country Team in Myanmar*, March 31, 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Ref%20Doc_Rakhine_Inter-Agency_Contingency%20Plan_5_April_2013.pdf (accessed August 27, 2014).

²⁶ Stuart Paul Larkin, "Myanmar: Between Economic Miracle and Myth," *ISEAS Perspective*, no. 42 (July 11, 2014): 1 – 4, http://www.iseas.edu.sg/documents/publication/ISEAS_Perspective_2014_42.pdf (accessed August 29, 2014).

²⁷ Larkin, "Myanmar: Between Economic Miracle and Myth," 1.

²⁸ Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," 307.

Overtures by Bangladesh in August 2014, to explore economic opportunities in the Bay of Bengal with Myanmar, could create new prospects for employment in Rakhine state, which borders Myanmar's western coast.²⁹ By focusing on poverty reduction in Rakhine state for the Muslim and Buddhist populations alike, the Myanmar government should be able to effectively mitigate a significant driving factor in the ethnic and religious conflict.

In addition to addressing the humanitarian, political, and economic aspects of the conflict, one of the most important peace building elements for long-term stability in Rakhine state will require religious and political leaders' dedication to rebuilding social ties and combatting destructive xenophobia throughout the society. Myanmar's long-ruling military junta supported divisive and disparaging narratives against the Rohingya from the beginning of its rule in 1962 to 2011, thereby stoking hatred by the ethnic Rakhine towards the Rohingya, as was discussed in Chapter I. This long-standing chauvinism continues to the present day through the words and actions of the 969 movement. Such deep-seated grievances will be difficult to overcome and will require years of dedicated re-education.

According to Oberschall's research, "morality, trust, social ties, shared institutions, and social capital are in short supply after ethnic wars." Therefore, social reconstruction in a multiethnic society, like that of Myanmar, is a necessary part of the

²⁹ "Bangladesh Plans to Increase Myanmar's Trust," *BDNews24*, August 27, 2014, <http://bdnews24.com/bangladesh/2014/08/27/bangladesh-plans-to-increase-myanmar-s-trust> (accessed August 27, 2014).

peace building process to facilitate cooperation and tolerance between ethnic groups.³⁰

A reconciliation program between the Rakhine and the Rohingya must begin with religious and political leaders' support and defense of religious tolerance. The two communities need to be willing to compromise and respect one another's identity and culture in order for reconciliation to succeed.³¹

The Myanmar government must take concrete steps to stem violent extremist rhetoric, such as that spread by the 969 movement. Both President Thein Sein and opposition leader Aung San Suu Kyi must embrace and show this moral leadership.³² Currently, the 969 movement enjoys support by senior government officials who deny the destructive influence that the 969 dogma has on ethnic relations. Myanmar's Minister of Religious Affairs, Sann Sint, has stated that Wirathu, the movement's most prominent leader, preaches about "'promoting love and understanding between religions.'" He proceeded to argue that, "'It is impossible [Wirathu] is inciting religious violence.'" President Thein Sein's office also asserted that, "'969 'is just a symbol of peace' and [that] Wirathu is a 'son of Lord Buddha.'" Statements like these by the country's leaders and the freedom of movement and speech that government officials grant to 969 monks indicate both tacit and explicit support for 969 doctrine. Aung San Suu Kyi's NLD is the only mass movement in Myanmar that can rival 969; however, Suu Kyi has been reticent in criticizing the Buddhists' responsibility for the sectarian

³⁰ Oberschall, *Conflict and Peace Building in Divided Societies: Responses to Ethnic Violence*, 230 – 1.

³¹ Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum," 308.

³² MacLean, "Analysis: Myanmar's Rakhine State – Where Aid Can Do Harm."

violence. Wirathu preaches that Muslims dominate the NLD and Suu Kyi's inner circle, but, meanwhile, some elements within the NLD are also supportive of the 969 movement.³³

By failing to take a stand against incendiary speeches by the monks of the 969 movement, Thein Sein and Suu Kyi thus condone further sectarian violence and the segregation of Myanmar society along ethnic and religious lines. Myanmar's political leaders must call for religious tolerance and defend the rights of minority ethnic groups. Without moral political leadership, Myanmar's society will continue to be at war with itself and ethnic riots against the Muslim Rohingya will persist until they are all expunged from the country. The legal safeguards, which were proposed in the second section of this chapter, must be fully supported and implemented by the country's political leadership.

Myanmar's community and religious leaders also have a decisive role to play in promoting peace in Rakhine state.³⁴ Myanmar's religious sector has a significant and unique influence over the country's people. In the absence of government support under military rule, the religious sector stepped up to provide "health services, alternative school systems, and humanitarian relief to the population." Religious leaders understand the needs of the people and they are able to "organize, mobilize, and respond" to local needs. The protests during the 2007 "Saffron Revolution," when

³³ Andrew R.C. Marshall, "Special Report – Myanmar Gives Official Blessing to Anti-Muslim Monks," *Reuters*, June 27, 2013, <http://in.reuters.com/article/2013/06/27/myanmar-idINL3N0DX1AE20130627> (accessed August 30, 2014).

³⁴ MacLean, "Analysis: Myanmar's Rakhine State – Where Aid Can Do Harm."

Buddhist monks and nuns demonstrated throughout the country against the military junta's economic policies, are demonstrative of the power that the *sangha*, or Buddhist monkhood, possess in Myanmar. Therefore, as Susan Hayward, Senior Program Officer at the US Institute of Peace, has pointed out, Myanmar's religious sector has the power to unite communities and to advance peace just as it has the power to spread intolerance, as is the case with the 969 movement.³⁵

Within Myanmar society, there are burgeoning movements to counter the message of 969 and to call for religious tolerance. Buddhist monks in Yangon, Bago, and Mandalay are beginning to speak out by using Buddhist doctrine to challenge intolerant messages. Buddhist monks have been known to engage with interfaith groups to mediate between Buddhist and Muslim communities, and some monks were reported to have even sheltered Muslims during riots in central Myanmar in 2013.³⁶ Prominent monks, such as Sitagu Sayadaw, have led the movement to promote tolerance through public statements countering the vocal 969 movement. In addition, respected monks Ashin Seikkeinda and Ashin Sandadika have led inter-faith gatherings, which have "created space for lower-ranking monks and lay people to speak out and challenge the hitherto dominant narratives of hate, fear, and exclusion." These prominent Buddhist

³⁵ Susan Hayward, "Mixed Blessings: the Power of Religious Protest in Burma," *United States Institute of Peace*, September 17, 2012, <http://www.usip.org/olivebranch/mixed-blessings-the-power-religious-protest-in-burma> (accessed August 28, 2014).

³⁶ Rachel Vandenbrink, "Solution to Myanmar Violence Lies in Local Community, Experts Say," *Radio Free Asia*, April 25, 2014, <http://www.rfa.org/english/news/myanmar/sectarian-violence-04252014162034.html> (accessed August 28, 2014).

leaders have paved the way to enable others to challenge the message of hate from other monks.³⁷

In March 2013, Buddhist, Muslim, Christian, and Hindu leaders and activists kicked off a campaign called “Pray for Myanmar” at a YMCA in Yangon. This small effort sought to promote religious tolerance so that all of Myanmar’s population can live together in peace. In April 2013, volunteers of this group countered the pervasive 969 stickers by distributing “thousands of t-shirts and blue stickers that [said], roughly translated, ‘I will not let religious or ethnic violence begin with me.’” Some of these volunteers were met with hostility and threats of violence from Yangon’s citizens.³⁸

Unfortunately, while these nascent movements begin to garner support for religious tolerance, security concerns thwart their progress. Monks and activists face threats for speaking out too loudly for religious tolerance.³⁹ For example, in June 2014, anonymous threats of riots and property destruction caused the organizers of Myanmar’s Human Rights Film Festival to withdraw a documentary about an improbable friendship between a Buddhist woman and a Muslim woman during the 2013 ethnic violence in the

³⁷ Matthew J. Walton, “Myanmar Needs a New Nationalism,” *Asia Times*, May 20, 2013, http://www.atimes.com/atimes/Southeast_Asia/SEA-02-200513.html (accessed August 28, 2014).

³⁸ Joseph Schatz, “In Myanmar, a Movement for Muslim and Buddhist Tolerance,” *The Christian Science Monitor*, May 20, 2013, <http://www.csmonitor.com/World/Asia-Pacific/2013/0520/In-Myanmar-a-movement-for-Muslim-and-Buddhist-tolerance> (accessed August 28, 2014).

³⁹ Vandenbrink, “Solution to Myanmar Violence Lies in Local Community, Experts Say.”

town of Meikhtila.⁴⁰ The rule of law in Myanmar will need to be strengthened to enforce religious protection and curb hate speech to allow important messages of religious acceptance to spread, as was discussed in section two of this chapter. In the long run, the country's education system will need to be improved to teach religious tolerance and ethnic harmony.⁴¹ Reversing decades of Myanmar nationalism, manifested through Buddhist chauvinism, will not come easy, but with the support of the country's political and religious leaders, this essential element of building a sustainable peace in Rakhine state will be possible.⁴²

Finally, Myanmar and its neighboring states must work together to pursue a regional solution to the Rohingya refugee problem once the necessary political safeguards have been implemented within Myanmar for the Rohingya. Peace building solutions for the Rohingya refugees who have fled persecution in Myanmar may consist of a variety of mechanisms. First, the international community should facilitate the voluntary return of Rohingya refugees to Rakhine state with adequate protection.⁴³ Second, the international community should leverage the strategic use of resettlement programs through the UNHCR for eligible candidates as a durable solution. Third,

⁴⁰ Mong Palatino, "Religious Extremists Target Myanmar Film Festival," *The Diplomat*, June 25, 2014, <http://thediplomat.com/2014/06/religious-extremists-target-myanmar-film-festival/> (accessed August 28, 2014).

⁴¹ Vandenbrink, "Solution to Myanmar Violence Lies in Local Community, Experts Say."

⁴² Walton, "Myanmar Needs a New Nationalism."

⁴³ "'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 18.

Rohingya refugees who choose to stay in the countries where they are currently living should have a path to legalize their presence for the long-term.⁴⁴

At the same time, ASEAN must work to establish an agreement among member states affected by the Rohingya refugees about how they will respond to the refugees in their respective countries. Once Myanmar establishes citizenship for the Rohingya, then countries like Bangladesh, Malaysia, and Thailand will be more likely to discuss long-term solutions for these refugees because they will no longer fear creating a pull factor for Myanmar's Rohingya population. Initially, ASEAN members must agree to provide temporary asylum for newly arrived Rohingya refugees. However, in the long run, affected countries must facilitate more permanent residence for those refugees who choose not to return to Myanmar.⁴⁵

While Bangladesh is not a member state of ASEAN, its leaders have taken recent steps to improve relations with the regional association through the appointment in May 2014 of the first ambassador of Bangladesh to ASEAN. Bangladesh seeks to work through ASEAN to explore economic growth in the Bay of Bengal as a gateway to ASEAN. It could work with its ASEAN partners, as a member of the ASEAN-South Asian Association for Regional Cooperation (SAARC), to find a regional solution to the Rohingya plight.⁴⁶ Bangladesh has also exhibited signs of willingness to settle the

⁴⁴ "Analysis: In Search of a Regional Rohingya Solution."

⁴⁵ Ibid.

⁴⁶ "First Ambassador of Bangladesh to ASEAN Presents Credentials," *ASEAN Secretariat News*, May 6, 2014, <http://www.asean.org/news/asean-secretariat-news/item/first-ambassador-of-bangladesh-to-asean-presents-credentials> (accessed August 27, 2014).

Rohingya issue with Myanmar in order to form an economic partnership with Myanmar in the Bay of Bengal. For instance, in August 2014, Dhaka proposed to hold a security dialogue with Naypyidaw to discuss issues such as border management and the Muslim Rohingya, which are the primary detriments to positive relations between the two countries.⁴⁷ When successful implementation of political measures to protect the Rohingya within Myanmar takes place, opportunities for resolving refugee concerns in Myanmar's neighboring countries will become more feasible through the framework of ASEAN.

While the proposed short-term and long-term peace building solutions are not all inclusive, they serve to address the core drivers of the ethnic and religious conflict in Myanmar. First and foremost, humanitarian aid must be allowed immediately to reach the Rohingya to end the inhumane conditions of the IDP camps and to prevent further loss of life. Once stability in these camps is achieved, the international community must hold Myanmar accountable for implementing political safeguards for the Rohingya through the vital constitutional change to grant them citizenship. Legal amendments are also necessary to enshrine and implement special protections for Myanmar's minority religious populations, to include the Rohingya. Without rescinding the 1982 Citizenship Law and defending the rights of all humans living in Myanmar, the conflict will continue unabated and more lives will be lost. Political changes will facilitate inclusive economic revitalization in Rakhine state for all of its citizens to pursue a relatively stable livelihood. The political changes will also be vital to the success of a long-term social reconciliation program whereby religious tolerance is defended and incendiary

⁴⁷ "Bangladesh Plans to Increase Myanmar's Trust."

hate speech is persecuted. Once Myanmar assumes responsibility for its Rohingya population, then regional and international solutions to address the issue of Rohingya refugees will be more feasible. These steps are all necessary to end persecution of the Rohingya in Myanmar and in neighboring states. As the conclusion of this thesis will show, a combined national, regional, and international effort will be the most effective way to end the plight of the Rohingya.

CHAPTER V

CONCLUSION

The plight of the Rohingya is a modern day tragedy. They are persecuted at home and abroad and they have no hope of a better life at present. The Myanmar government denies that they have any right to live in Rakhine state, their historic home since the seventh century, and they have been the subject of cruel pogroms by the state since the military junta assumed control in 1962.¹ Myanmar is fully engaged in ethnic cleansing and genocide of its unpopular minority Muslim group, despite government assertions to the contrary. These policies are evident through the actions and inactions of the state security forces during the 2012 massacres, through the government's refusal to protect the Rohingya from further violence by the state's Buddhist majority group, and through its denial of life saving aid to the Rohingya IDP camps, where they are currently starving.

Thus, the Myanmar government is failing to protect the Rohingya under the RtoP doctrine, and there are no signs that indicate it will change course. Rather, despite President Thein Sein's government having implemented democratic reforms in 2011, to include promises of improved human rights for the Rohingya, the situation for the Rohingya has deteriorated dramatically. The 969 movement has garnered support throughout the country for its doctrine, which calls for ethnic cleansing of the Muslim Rohingya, and other non-Buddhist populations. Hence, the impetus for change must come from outside Myanmar. The international community has enshrined protections

¹ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 281.

for persons persecuted by the state through the Genocide Convention and the RtoP, which were established to prevent crimes against humanity like those perpetrated against the Rohingya in Rakhine state. At the same time, the international community, led by the US, EU, UN, and ASEAN, must learn from its mistakes in Rwanda and the former Yugoslavia and not allow the ethnic cleansing and genocide against the Rohingya to continue to Myanmar.

Help for the Rohingya must also come from ASEAN as it is the most appropriate regional organization to assist in addressing the crimes against humanity in Myanmar. Moreover, besides Myanmar, the ASEAN member states of Malaysia and Thailand are also adversely affected by this ethnic conflict. Important dialogue partners, such as the US and the EU, must collaborate with ASEAN to implement unified diplomatic pressure to affect change in Myanmar to protect the Rohingya. To date, the international community has failed to take decisive action to end the crimes against humanity in Rakhine state in favor of political and economic engagement with Thein Sein's government. Furthermore, as the 2014 chair of ASEAN, Myanmar has blocked attempts by member states to address the Rohingya issue collectively.² The international community and Myanmar's regional neighbors have not effectively pursued all peaceful means required by the RtoP to protect the Rohingya.

This must change as soon as possible. With the passing of the ASEAN Chairmanship to Malaysia in 2015, more political opportunities should be present to

² Tim McLaughlin and Nyan Lynn Aung, "Govt Succeeds in Keeping Rohingya off ASEAN Summit Agenda, *Myanmar Times*, May 12, 2014, <http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/10324-govt-succeeds-in-keeping-rohingya-off-asean-summit-agenda.html> (accessed August 31, 2014).

address the plight of the Rohingya.³ Malaysia is one of Myanmar's neighbors that is most affected by the Rohingya refugees, so it has a significant incentive to aggressively pursue a regional solution to the issue. Once Naypyidaw no longer holds political influence in the South China Sea dispute through its being the Standing Chair of ASEAN in 2014, the US will have less motivation to appease that government. The international community can no longer ignore the severe humanitarian repercussions of Myanmar's persecution of the Rohingya. Immediate action must be taken.

When the international community becomes focused on addressing the plight of the Rohingya, the Myanmar government should also improve its record in protecting the country's other minority ethnic groups as well. The international community should provide assistance in this regard as failure to protect equal rights for all persons living in Myanmar would serve to undermine the political reforms initiated by President Thein Sein, which would benefit military elements strongly opposed to his reforms.⁴ The recommended plans of action proposed in this thesis to build a sustainable peace between the Rohingya and the Rakhine ethnic groups can be used to establish trust between Myanmar's other minority ethnic and religious groups.

For example, political safeguards for minority rights will also protect other ethnic groups "who have been subjected to various forms of violence and oppression by

³ "Moving Towards Asean Community, Malaysia Shows the Way," *Malaysian Ministry of Foreign Affairs*, August 8, 2014, <https://www.kln.gov.my/archive/content.php?t=4&articleId=1646846> (accessed September 1, 2014).

⁴ Morada, "ASEAN, The Rohingyas and Myanmar's Responsibility to Protect," 4.

state agents, including rape and abuse of women in Kachin and Karen states.”⁵

Furthermore, the Muslim Rohingya in Rakhine state are not the only Muslim minority group subjected to mob violence and requiring state protection, although their situation is the worst due to their stateless status. In 2013, anti-Muslim riots also occurred in “Bago Division, Rangoon Division, Shan State, Kayah State, Kachin State and Sagaing Division.”⁶ Additionally, by protecting the minority Muslim Rohingya, Myanmar will set the stage for protection of its Chin and Kachin Christian minority groups, which “have long been subjected to threats, intimidation, and discrimination, including the burning of churches.” Religious intolerance threatens Myanmar’s nascent transition to a more open, democratic state. President Thein Sein must protect religious expression and reject discriminatory laws. Such protections would give the President more credibility in his meetings with Myanmar’s ethnic minorities and increase the possibility of ending “more than six decades of ethnic violence.”⁷

In addition to amending the country’s nationality law and establishing political safeguards for the protection of Myanmar’s ethnic and religious minorities, President Thein Sein’s government must proceed with constitutional change to establish a more democratic state. Currently, Myanmar’s constitution grants the military “a quarter of the seats in parliament (and thus a veto over constitutional reform), control over the powerful National Defense and Security Council, and complete immunity from civilian

⁵ Ibid., 5.

⁶ US Department of State, *International Religious Freedom Report: Burma*, 1.

⁷ Diamond, “Burma: Religious Intolerance is Threatening the Country’s Tenuous Transition to Democracy.”

oversight.” These undemocratic elements must be removed in order for Myanmar to successfully transition to a democratic state. Constitutional change must include greater devolution of power and resources to Myanmar’s ethnic minorities, which constitute about a third of the population.⁸ Cease-fire negotiations between Thein Sein’s government and Myanmar’s ethnic minority rebel groups since 2011 have focused on the rebel groups’ demands for a federal system of government that would grant greater autonomy to the minority groups in their respective states.⁹ Should the federal system be implemented, the international community must demand that the minority Rohingya population in Rakhine state enjoy significant protections from potential marginalization that could result from ethnic Rakhine political monopoly.

While Thein Sein’s progressive government has made significant improvements in transitioning Myanmar to democracy, there are essential political and social elements that must be addressed in order to make true advancement in the country’s appalling history of human rights abuses. The nation’s ethnic cleansing and genocide of the Muslim Rohingya is a disgrace and must be ended. Myanmar has a long history of religion playing an important role in politics. Without religious tolerance, however, Myanmar cannot achieve a successful democratic transition.¹⁰ Myanmar’s politicians must take a stand against Ashin Wirathu’s 969 campaign in order to reject religious

⁸ Ibid.

⁹ “Two Holdout Myanmar Armed Ethnic Groups Agree to Cease-Fire Deal,” *Radio Free Asia*, August 29, 2014, <http://www.rfa.org/english/news/myanmar/cease-fire-08292014165117.html> (accessed September 1, 2014).

¹⁰ Nehginpao Kipgen, “Religious Tolerance Key to Myanmar’s Democracy,” *The Huffington Post*, June 21, 2013, http://www.huffingtonpost.com/nehginpao-kipgen/religious-tolerance-key_b_3479383.html (accessed August 28, 2014).

chauvinism and protect all religions equally.¹¹ As this thesis has shown, the regional and international community must take the initiative to protect the Rohingya, because Myanmar's leaders have so far failed to take essential steps to end the crimes against humanity perpetrated in Rakhine state. The future of a tolerant and peaceful society in Myanmar depends on ending the plight of the Rohingya with international assistance.

¹¹ Diamond, "Burma: Religious Intolerance is Threatening the Country's Tenuous Transition to Democracy."

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