

THE MAJOR PROBLEMS OF THE ROHINGYAS OF MYANMAR (BURMA) AND PRESENT SITUATION

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ABSTRACT

Rohingya is a people under endless tyranny. They are living in Arakan region of present Myanmar (Burma). They have long been subjected to campaigns of terror, genocide and extermination particularly under the military rule in Myanmar since 1962. The aim of this article is to highlight the major problems of Rohingya ethnic of Myanmar (Burma). In the same time, this article also tries to identify the present situation of Rohingya ethnic of Myanmar (Burma). The research will adopt qualitative methods of research. The Rohingya problem needs an immediate and permanent solution to which fact international community like United Nation (UN), Organization of Islamic Conference (OIC), Non-Government Organizations and Human rights Organizations have to take attention on this issue.

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INTRODUCTION

Rohingyas are living in Arakan of Myanmar. It borders one hundred and seventy six miles with Bangladesh, forty eight miles of which is covered by river Naf, which demarcates Arkan (Myanmar) - Chittagong (Bangladesh) border. The area of Arakan is about 20,000 square miles but Arakan Hill-tracts district and southern most part of Arakan were partitioned from Arakan. So, it is now been reduced to 14,200 square miles. Two major ethnic races, the Rohingya (Muslims) and Rakhines (Buddhists), inhabit Arakan.

The word Rohingya is derived from Rohang, the ancient of Arakan (Jha, 1994). They are the descendants of the Muslim Arabs, Pathans, Moors, Persians, Turks, Afghans, Mughals and Bengalis who came mostly as traders, warriors and saints through over land and sea-route. Many settled in Arakan and mixing with the local people developed the present stock of peoples known as "Rohingyas". AFK Jilani in his A Cultural History of Rohingya mentions that Rohingya is derived from the Arabic word 'Rahman' meaning "sympathy". It was during the region of Mahataing Chandra (788-810 A.D). Some Arab ships were wrecked along the shores of Arakan and the ill-fated people who boarded them bagged for help by uttering Rahman, Rahman. Gradually it changed from Rahman to Rohang meaning God bless- land and finally they were named Rohingya (Jalani, 2001).

RESEARCH METHODOLOGY

The research adopted qualitative methods of research. The qualitative method involves doctrinal and non-doctrinal research. As a doctrinal research, author used secondary sources. As a secondary sources author used book, journal articles, newspapers and other useful materials to help the purpose of this research. In this research, author also adopted non-doctrinal approach. As a non-doctrinal approach, author conducted interview with Rohingyas. The author use semi-structured form of interview.

DISCUSSION

Mahmud is a Rohingya refugee he said, "We are citizen of Myanmar. We voted many times in Myanmar as citizen now days, we are refugee in our homeland." Aye Maung is one of the authors of the 1947 Constitution. He said, "a group of people who entered Burma before 1825 and settled in a defined territory are also indigenous race of Burma (Jalani, 2002). This clause was especially written for Rohingya people." The first President of the Union of Burma Sao Shwe Thaik told, while he was in the highest office that "Rohingya is an indigenous race as he himself and there is no difference between Rohingya and Shan in the case of nationality." After the military coup in 1962, it became difficult for the children of

recognized citizens to have citizenship cards. In 1974 a new constitution was introduced to enshrine one party rule. When nearly 300,000 Rohingya fled to Bangladesh in 1977/78, the government of Burma branded that they were all illegal immigrants (Jalani, 2002). Ironically they were accepted back in 1979 as the citizens of Burma. In 1982 a new citizenship law was promulgated which was deliberately targeted at the Rohingyas yet it was not fully applied. In 1989 all residents had to apply for new citizenship Scrutiny Cards. The Rohingyas have applied for it. But no cards are issued to Rohingyas. Only those Rohingya who were successful businessmen or professionals or lackeys of the State Law and Order Restoration Council (SLORC) were able to get the new green cards. According to Arakan Rohingya National Organisation (ARNO), absolute rejection of the citizenship of the Rohingyas in their historical homeland, who lived there for centuries. The Rohingya have become homeless in their own homes. They have become stateless within the state. The military regime has put up two option before the Rohingya people, either to accept Burman-melting pot and become Buddhist or migration to alien lands (The Rohingya Problem, 1999).

Another Rohingya refugee Kutub said that another major problem of Rohingyas are forced expulsion. The military regime has denied the right of the Rohingya people in their on homeland by forcibly dispossessing and seizing of their land, by criminally stripping them daily of their property in an oppressive manner and by expelling them from their ancestral homeland for replacement with non-Muslim settlers, while making them to wander from place to place both inside and outside the country with ultimate aim of wiping this ethnic race.

The term “Genocide” is appropriate in relation to the current practice of killing the Arakan Muslim population by military in a deliberate way. The military adopted the informal policy of killing or driving out the Arakan the ethnic Rohingyas in order to make Burma as a pure Buddhist region. The Muslims of Arakan 21st century have always been identified as Burmese nationals by the then democratic governments and treated on the same lines as Burmans and shared equal rights (Jilani,1999). However, from the time being, mostly in recent military periods, there have been massacres, communal riots, occupation of Muslim’s lands and properties, destruction of Muslim villages and settlements, demolition of mosques, cemeteries and tombs of great Muslim saints across the country, particularly in Arakan. No muslim minority, not even women and children’s got the privilege to ensure a safe place among the neighborhood of their birthplace. Thus, many choose to become a refugee in Bangladesh, and the rest found missing or death. This human miseries and heart-rending sights becomes a regular phenomenon (The Rohingya Problem, 1999)

Rohingyas are culturally rich with their thousand years of heritage and prides. Even the influence of their culture had always been attracted the Buddhist community of the country in all spheres of national activities. Unfortunately, today the cultural problem becomes one of the most

important problems of the Rohingyas in Burma. In recent times, Rohingyas, being a Muslim, have to confront ideological assaults from all directions. In a whole, the people of Burma started believing that the nationalist patriots are those who glorify the Burman race and culture of Buddhism. Thus, it becomes natural that a Muslim Rohingya had to replace his name with a Buddhists name just only to survive in the society. Particularly, the Muslim students have been brainwashed in schools where anti-Islam materials are encouraged to be taught. Their slogan is 'to be a Burmese is to a Buddhist'. Again, not only the culture of Buddhism have oppressed the Muslim culture through schooling but it also done through media. Film, radio, press or any kind of media played their role in order to present Islam as humiliating, derogatory, degrading and distorted form of culture.

"Freedom of movement is like a dream to Rohingyas of Arakan, Burma". It is a matter of fact that, even in 21st century we have to witness the terrible truth regarding the point that not a single Rohingya is allowed to travel to the capital city, Rangoon. Travelling is so restricted that one cannot go from a village to another even in case of life and death question. This is to say, a new invisible Berlin wall is erected for Rohingyas which is effecting the basic human rights of the mass Muslim people in Arakan, and that is "Right to Move/Freedom to Move". Article 13(1) (2) OF THE Universal Declaration of Human Rights provides the right to freedom of movement which is being denied by the SLORC turns SPDC, the ruling military junta of Burma, Citizenship certificates for Rohingyas are denied. Again, article 15 (1) (2) of the Universal Declaration of Human Rights provides right to nationality to everyone which is also being denied to the Rohingya by the junta, the SLORC/SPDC. No Rohingya can travel without a permit and that permit also needs the payment of bribes to achieve from the authority.

The permit is valid only for 24 hours to a maximum of seven days. Travel to Rangoon, the capital of Burma, has been totally banned for Rohingyas since 1992. "Although this practice was only applied to Rohingya businessmen, doctors, engineer, lawyers, students and even the patients who need urgent treatment available only in the capital city." The Universal Declaration of Human Rights of the United Nations proclaims that every individual and every organ of society should strive to promote the basic rights and freedoms to which all human beings regardless of race, nationality or religion are entitled. However, the government of Myanmar, which is founded on coercion rather than on the mandate of people, has always denied these basic human rights for the Rohingyas. Since 1942 about 1.5 million Rohingyas have been expelled or have fled the country for their lives. It is been a fact that many of them are now living in Bangladesh, Pakistan, Saudi Arabia, UAE and Malaysia. However, the worst truth is that most of them are unofficial refugees and being an unofficial refugee, they have no access to work, safe refuge or the basic necessities of life and education for their children. The prosecution of Rohingyas, forced labor, forced relocation, torture, rape and other

atrocities have caused them to move from their homeland and to settle down in Bangladesh or other countries depending in each occasion. It is unfortunate though a true fact that the role of UNHCR does not effectively bring relief to the social, political and spiritual problems of the Rohingyas. The 153-page report of Human Rights Watch published in 2012 named ‘All You Can Do is Pray: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,’ describes the role of the Burmese government and local authorities in the forcible displacement of more than 125,000 Rohingya and other Muslims and the ongoing humanitarian crisis. Burmese officials, community leaders, and Buddhist monks organized and encouraged ethnic Arakanese backed by state security forces to conduct coordinated attacks on Muslim neighborhoods and villages in October 2012 to terrorize and forcibly relocate the population. The tens of thousands of displaced have been denied access to humanitarian aid and been unable to return home.

The Rohingyas have been subjected not only with the violation of the right to move but with other severe grave human rights violations as well. Such as, extra-judicial killings, summary executions, arbitrary arrests and torture, humiliating restrictions on movement, slave labor, uprooting of villages and forcible eviction of inmates, confiscation of properties, destruction of mosques, cemeteries and religious schools have been perpetrated against them. Article 23 of the Universal Declaration of Human Rights states that everyone has the right to work. However, Rohingyas have been deprived of their right to work. No freedom of marriage is also another violation of human rights which can be foreseen among them. Artificial price-hike is created by restricting them to carry any essentials into the Rohingya areas. The price commodities in the border town of Maungdaw (100 mile NE of Akyab) is between 150% to 300% higher than in Akyab, the provincial capital of Arakan. They have been continuously subjected to rape, murder, loot and extortion of money. They have to supply free of cost house building materials, ration, cattle, agricultural tools and funds to the army (Jilani, 2002). Rohingyas have been rendered jobless, landless, and foodless, shelter less and most of them are living on nearly starvation. Despite of that, “voluntary labor” became a term which is used by the junta in order to practice forced labor against the Rohingyas. In a whole, they are now being subjected to condition flagrantly contrary to all norms of international laws and principles of fundamental Human Rights and Freedom.

PRESENT SITUATION OF ROHINGYAS

For decades, Burmese Rohingya have sought refuge in Bangladesh. In 1991 some 250,000 Muslim were recognized as refugees by the Government of Bangladesh (Phiri, 2012) For the last 16 years, a residual number of approximately 27,000 Rohingyas have been living in two

refugee camps in the southernmost tip of the country, near Cox's Bazar. In an Amnesty International Report, it was found that:

Bangladesh is neither a signatory to the 1951 Convention relating to the Status of Refugees nor to its 1967 Protocol and has not enacted any national legislation on asylum and refugee matters. Nevertheless the government, on its own initiative, recognized the Rohingya arrivals in 1991 as refugees and has, in partnership with UNHCR, been providing them with assistance to this day.

It is significant that Bangladesh has acceded to several of the existing international rights Covenants and Conventions and has provisions within its Constitution that uphold the rights and duties within the UN Charter and further safeguard the legal protection of non-citizens within its territory. As a result, it recognises a body of international law which provides the framework for protecting refugees. UNHCR, after the agreement with Bangladesh Government on Rohingya refugee issue, has been successful in starting to raise funds and to construct the refugee camps at the end of 2009. A second major achievement was that, for the first time in the history of UNHCR's operation in Bangladesh, resettlement to a third country was used to provide protection and a durable solution for some. Twenty-three refugees were resettled to Canada in 2006 and a further 79 in 2007. The agreement to re-settle was piloted by UNHCR in part to lobby the government to allow more skills training and enhanced education facilities. As a consequence, the government in 2006 agreed to allow skills training and an increase in the number of courses as well as the grades taught in schools. Although this progress still did not reach up to the international standard.

Again, in 2015 an ongoing incident of migration of thousands of Rohingya people from Myanmar and Bangladesh began, collectively dubbed as 'boat people' by international media, to Southeast Asian countries including Malaysia, Indonesia, the Philippines and Thailand by rickety boats via the waters of the Strait of Malacca and the Andaman Sea. In October 2015, researchers from the International State Crime Initiative at Queen Mary University of London released a report drawing on leaked government documents that reveals an increasing "ghettoization, sporadic massacres, and restrictions on movement" on Rohingya peoples. The researchers suggest that the Myanmar government are in the final stages of an organised process of genocide against the Rohingya and have called upon the international community to redress the situation as such. The United Nations High Commissioner for Refugees estimates that 25,000 people have been taken to boats from January to March in 2015 by human traffickers. There are claims that around 100 people died in Indonesia, 200 in Malaysia, and 10 in Thailand while on their journey after the traffickers abandoned them on the sea.

David Scott Mathieson, who is Burma Researcher for New York-based Human Rights Watch, have said that "the Rohingya are not a forgotten people, as many headlines described them. They are more a foresworn people. No one wants them, even though the world is well

aware of their predicament.” Other than Bangladesh, Thailand is the second place where Rohingyas seeks for refugee. Thailand’s refugee policies remain fragmented, unpredictable, inadequate and ad hoc though they experience hosting millions of refugees for decades. These inadequate policies results unnecessarily vulnerable to arbitrary and abusive treatment for refugees. Thailand is not a party to the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) or its 1967 Protocol. It has no refugee law or formalized asylum procedures. The lack of a legal framework leaves refugees and asylum seekers in a precarious state, making their stay in Thailand uncertain and their status unclear (Mathieson, n.d.).

Malaysia, is probably, the next place where Rohingyas seeks for refugee as Malaysia has experienced successful economic growth over recent decades and it is the best place for earning in South Asian region. Other than Rohingyas, Malaysia also experiencing other group of refugee in the country, such as, Acehnese, Burmese (the Chin, Shan, Kareni, Arakan, Kachin and Mon) and Nepali. The number of Sri Lankan refugees is also increasing in Malaysia. Again, the tensed situation in Middle East, such as in Syria, Libya and Iraq also making the people to come here and settling down themselves for a thirst to have a better future. However, it is important to note that Malaysia is not a party to many of the key international human rights instruments. Malaysia is not a party to the 1951 Convention relating to the Status of Refugees nor to the 1967 Protocol relating to the Status of Refugees, the key international instruments relating to the protection of refugees.

Malaysian immigration law does not provide special protection or procedures for asylum seekers, refugees or trafficked persons nor does it make special provisions for children or women, including pregnant women. As a result, the status of ‘refugee’ does not exist in Malaysian law and, at least formally, the fact that a person has the recognition of the United Nations High Commissioner for Refugees (UNHCR) does not attract any special rights in Malaysian law. Despite an absence of formal recognition and protection, those who have obtained recognition from the UNHCR may be able to enjoy a basic de facto status at the national level. This recognition provides them with status in international law, and some very limited dispensation from the enforcement of immigration law in Malaysia. However, there remains a large degree of ambiguity in the conduct of the authorities towards refugees and asylum seekers, particularly since the amendments to the Immigration Act in 2002. Refugees and asylum seekers may apply at the office of the United Nations High Commissioner for refugees in Kuala Lumpur. After assessing an applicant's case against the criteria set down in the 1951 Convention Relating to the Status of Refugees, an applicant may receive a positive decision from UNHCR recognizing them as a person requiring temporary protection (in which case a temporary protection card is issued) or as a refugee (in which case a refugee card is issued). Practically, persons holding UNHCR documents are generally expected to be

protected from arrest and prosecution. This dispensation, albeit informal, derives from written directions issued by the Attorney General in 2005 stating that it would refrain from prosecuting holders of UNHCR documentation. The Immigration Department and the other law enforcement agencies have been less clear in their approach, although general statements have been made, the mission was told, suggesting that the arrest of UNHCR recognized persons should be avoided and that there should be co-ordination with the UNHCR should arrests take place.

Thus, most of the asylum seekers Rohingyas here either are fighting to be recognised or kept in detention by the police. In a whole, majority of Rohingyas suffering to get a good life here. In most of the cases, only NGO's and some Human Rights organizations are helping them to get a flexible place for them.

CONCLUSION AND RECOMMENDATIONS

It is important for Bangladesh, Thailand and Malaysia to urgently reconsider its current position on the ratification of the Refugee Convention and acknowledge the need for states to co-operate and contribute to the alleviation of human suffering caused by refugee producing situations and move to ratify the Convention and implement its provisions in domestic law. Meanwhile, amend the Immigration Act or enact separate legislation to legalise the status of refugees and Rohingya asylum seekers. It is also urgent to guarantee the recognition and respect of UNHCR POC letters and Refugee Protection Cards by ensuring that the authorities do not arrest, charge, prosecute nor mistreat holders of these documents and contact the UNHCR immediately if a person holding such documents is arrested or otherwise held, and where possible, release the person to the UNHCR.

It is also obvious that the countries should guarantee the rights of children refugees or asylum seeking children as set out in Articles 3 and 22 of the Convention on the Rights of the Child and paragraph 82 of the concluding observations of the of the Committee on the Rights of the Child in its 44th Session on 2 February 2007. Where possible, the countries should enable recognised refugees and asylum seekers to work and access health care and education until such time as there future is determined, eg. status determination or resettlement. Again, the organisations such as United Nations, European Union, ASEAN and other NGO's to come forward and deal with the issue for the sake of preserving humanity. The first and foremost task of ASEAN is to encourage ASEAN states to ratify the Refugee Convention and undertake co-ordinated steps to share the refugee burden in the region. It is also important for them to continue regional efforts to prevent the trafficking of humans, particularly of women and children and to formulate regional solutions to tackle this problem. Moreover, it is the solemnize duty of European Union raise the issue of the treatment of migrants and refugees, the ratification of the Refugee Convention and immigration detention and as well the issue of

whipping under the EU Guidelines on Torture of 9 April 2001. Thus, the people with no nationality, no food, no work and no human rights should be backed by the world organizations and neighboring countries.

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