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## Caught between the Crocodile and the Snake – The Plight and the Flights of the Rohingyas in Southeast Asia

Hans-Bernd Zöllner\*

On 25 November 2007, a trawler and two ferry boats carrying some 240 people being smuggled to Malaysia sank in the Bay of Bengal. About 80 survived; the rest drowned. On 3 March 2008, the Sri Lankan Navy rescued 71 passengers from a boat that had drifted for 22 days in the Indian Ocean with a broken engine. Twenty had already died from starvation and dehydration. In early December it was reported that Thai Navy boats intercepted several boatloads asylum seekers approaching Thai shores. They were rounded up and detained on a remote island where they were beaten and given little food. Later, they were herded onto a navy boat that was towing a barge. Then they were forced to move into the barge with only two barrels of water and two bags of rice and were left alone. The boat reached the Indonesian shore some time later.

In May 2015, amidst the reports about the deaths at refugees from Africa and the Near East drowned in the Mediterranean, Southeast Asian „boat people“ made it into the prime news of European TV news programmes. Scores of boats carrying thousands of asylum seekers and migrants arrived in Thailand, Malaysia, and Indonesia. The three governments responded by pushing the boats back out to sea. Only after international pressure, these countries agreed to grant temporary shelter for the refugees. In Malaysia and Thailand mass graves containing hundreds of corpses of refugees were found. It was assumed that they were held there against their will in makeshift jungle camps until they handed over more money or their families back home paid ran-

soms to the organisers of the lucrative business of human trafficking.

This is just a small collection of news about the fate of refugees in Southeast Asia. The people whose misfortune was reported were mostly referred to as „Rohingyas“, often followed by the epithet „the most persecuted people on earth“.<sup>1</sup> When, however, at the end of January 2015 a conference of Southeast Asian states discussed the plight of the boat people in Bangkok, this name was not mentioned. The government of Myanmar, allegedly the main persecutor of the refugees, refused to accept the name. Myanmar<sup>2</sup> names them „Bengalis“, because they are regarded as illegal migrants or descendants from migrants who entered the territory of today’s Myanmar some time ago from what is now Bangladesh. Before 1971 the bordering country was named (East) Pakistan and until 1947 the province of Bengal, part of the British Indian empire.

The current refugee crises were preceded by much bigger albeit less known mass migrations in the second half of the 20th century. Bangladesh was the destination of two mass exoduses in 1978 and 1991–92 of a total of approximately 250,000 refugees from Burma, each followed by a repatriation exercise often conducted under duress. To date, 26,000 remain in Bangladesh in two official refugee camps supervised by UNHCR. An estimated 200,000 more, including many repatriated refugees who then fled for a second time, have settled in precarious conditions in villages and semi-urban slums outside the camps or in an unofficial makeshift site on the Bangladeshi side today’s border between Bangladesh and Myanmar who are denied the citizenship of the country. Within Myanmar an estimated number of one million share a similar fate of stateless people.

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<sup>1</sup> The combination „most persecuted on earth Rohingya“ scores more than 100,000 results, without „on earth“ the number increases to 344,000.

<sup>2</sup> The military junta that took over power in 1988 in Burma issued an order in 1989 according to which the official English name was changed from the „Union of Burma“ to the „Union of Myanmar“. The name „Myanmar“ had been used before in the Burmese language already. This essay uses both namings, Burma until 1989 and Myanmar after the year of the renaming. The order of 1989 affected many other names as well. Rangun got its original Burmese name Yangon, Arakan had to be called Rakhine, the Irrawaddy Ayeyawady etc.

The Rohingyas/Bengalis are stuck between a rock and a hard place or – as a young refugee put it – „between a crocodile and a snake“.<sup>3</sup> All of them are Muslims, the majority of them – if they have not migrated to other countries within the last decades – live on both sides of the border but these are almost the only facts that are not disputed between the pro-Rohingya and the anti-Bengali activists worldwide and in Myanmar. However, the history of the migration of these people goes back to the time before fixed borders were drawn in the region in the 19th century. The interpretation of this migration history is hotly disputed without any solution being in sight – neither academically nor practically.

On this background, this essay starts with some information about the debate on the name and the history of the Muslims in the western part of Myanmar, the Rakhine state, formerly known as Arakan. The following sections contextualise the history of the conflict. First, the recent news of Muslim people fleeing the border region of Myanmar and Bangladesh is connected to the national and international perception of Myanmar's general political development after the crucial events of 1988. A popular uprising against a long period of authoritarian rule led to a new awareness of the necessity of implementing democracy and human rights in Myanmar both inside and outside the country. The main part of this essay will describe the waves of migration of Muslims inside, out of and towards Burma/Myanmar beginning in the 19th century. This migration history will be presented together with the perception of the migration and the series of violent acts happening along with them. It will be shown that one of the main causes of the recent attempts to leave the border region between Myanmar and Bangladesh is the mutual mistrust between the majority Buddhist and the minority Muslim communities within Myanmar. Finally, the role of international bodies and communities in the cycle of failures to solve this problem is considered and an outlook on the future is given.

### 1. The debate on the name, the issue of ethnic identity and the question of „belonging“

In 1799, a 37 year old employee of the East India Company published an article in the bulletin of the Asiatic Society entitled “A Comparative Vocabulary of some of the Languages Spoken in the Burma Empire”.<sup>4</sup> In

this article, the word “Rooinga” appeared as one of the languages spoken in Burma at that time. The term can be regarded as an equivalent to the word “Rohingya” used today. Both denominations are derived from the Pali word Rakhanga for Rakhine (Arakan).<sup>5</sup> Furthermore, Buchanan distinguished between „real natives of Arakan“ who called the Rooingas „Kulaw<sup>6</sup> Yakain<sup>7</sup> or stranger Arakan“.

For more than one century, the term was not mentioned in any primary document available up to now. Therefore, the dropping of the name “Rooinga” by the physician and natural scientist has been one core issue in the controversies about the “Rohingya case”. As to be expected, the “pro-Rohingya” faction highly values the remark as a proof that “Rohingyas” as a distinct group have been living in Burma since ages. The “anti-Rohingya” faction is prone to downplay the evidence as not significant.<sup>8</sup>

The “name question” is linked to the disputes on the history of the Muslims in Rakhine. The pro-Rohingya activists claim that “Rohingya” denotes the name of a group with a specific ethnic identity living on the soil of today's Myanmar for centuries. Therefore, it is argued, they have the right to be regarded as one of the indigenous “races” of the country. The other side denies the existence of a Rohingya ethnic identity and states that the “Bengalis” presently living in Myanmar are “strangers” because there is just a medley of descendants of various groups with a Bengali background that migrated to Rakhine in waves since the beginning of British rule, some before but most after the end of the first Anglo-Burmese war in 1826. According to this view, a “Rohingya identity” was just constructed in the early 1950s by some Muslim politicians.

<sup>5</sup> For the linguistic details of the etymology of the term see Leider 2014 Rohingya: The name, the movement and the quest for identity: 219–220. The analysis is the final draft of an article which appears on Pages 204–255 of a collection of essays “Nation Building in Myanmar” published by Myanmar Egress and the Myanmar Peace Center, with the support of the Federal Department of Foreign Affairs of Switzerland (<http://www.networkmyanmar.org/images/stories/PDF17/Leider-2014.pdf>).

<sup>6</sup> The word „kulaw“ is identical with the Burmese word „kala“ meaning „foreigner“. The term today is often used in a derogatory sense particular when referring to people with an Indian background.

<sup>7</sup> „Yakain“ is identical with „Rakhine“ denoting the western state of today's Myanmar as well as the previous kingdom.

<sup>8</sup> See for example: Khin Maung Saw 1993 The “Rohingyas”, Who Are They? On the Origin of the Name “Rohingya” (<http://asiapacific.anu.edu.au/newmandala/wp-content/uploads/2009/02/khin-mg-saw-on-rohingya.pdf>); Nurul Islam 2011 Rebuttal to U Khin Maung Saw's misinformation on Rohingya (<https://drive.google.com/file/d/0B8G1-jhoS3QzEYzMSZjHYtUtNTkxNC00YzlyLTljNmQtMzQxN2I1YzRINT-cz/view>); For a western analysis see Jacques Leider 2014 Rohingya: The name, the movement and the quest for identity. (<http://www.networkmyanmar.org/images/stories/PDF17/Leider-2014.pdf>).

<sup>3</sup> <https://www.aerzte-ohne-grenzen.de/sites/germany/files/attachments/2002-03-bangladesh-report-rohingya.pdf>.

<sup>4</sup> Asiatic Researches on Transactions of the Society instituted in Bengal for inquiring into the History, Antiquities, the Arts, Sciences, and Literature of Asia. Volume the Fifth, printed verbatim from the Calcutta Edition, London 1799: 219–240. Reprinted in the Bulletin of SOAS: <https://www.soas.ac.uk/sbbr/editions/file64276.pdf>. (All internet sources were finally verified on September 15, 2015).

The question of “belonging” to Rakhine and to Burma/Myanmar is crucial because the first citizenship act of Burma promulgated in 1948 after Burma became independent from Britain regarded only to the members of those “racial group as has settled in any of the territories included in the Union as their permanent home from a period anterior to 1823 A.D.”<sup>9</sup> 1823 was the year before the first Anglo-Burmese War started. After this war, two parts of the Burmese empire were ceded to the British East India Company, Rakhine and Tanintharyi (Tenasserim). All racial and ethnic groups that could have moved into the Burmese territory after this war, mostly from India and China, had henceforward to prove that they had the right to become Burmese/Myanmar citizens. The citizenship act of 1982 superseding the act of 1948 but adopting the clause linking Burmese citizenship to the beginning of the colonial era provides details for the application of citizenship.<sup>10</sup>

The advocates of the “Rohingya cause” claim that their clients belonged to Burma since their forefathers formed an ethnic group with a distinct culture, language and history on Burmese/Myanmar soil and that therefore any need to apply for citizenship is unjustified. As a consequence, any application for citizenship according the regulations of the 1982 law is rejected by the leaders of the Rohingya cause.<sup>11</sup> The many stateless Rohingya/Bengalis suffer from a clash of completely antagonistic readings of the history of the border region between what is today Myanmar and Bangladesh and the unwillingness of the advocates of both positions to enter a dialogue that could result in a compromise.

## 2. National and international sharpening of the conflict

Until 1988, Burma was a backwater of international affairs and did absolutely not receive much public attention. The strict neutrality of the regime during the period of the “Burmese Way to Socialism”, a one party system administered by Ne Win, the leader of the country between 1962 and 1988, was appreciated, an ongoing civil war, economic stagnation and the blossoming of the black market were just noted.

In March 1988 students started to stage demonstrations in Rangoon that spread to the whole country.

<sup>9</sup> [http://www.ibiblio.org/obl/docs/UNION\\_CITIZENSHIP\\_ACT-1948.htm](http://www.ibiblio.org/obl/docs/UNION_CITIZENSHIP_ACT-1948.htm).

<sup>10</sup> For details see Robert Taylor 1993 *The Legal Status of Indians in Contemporary Burma*. K.S. Sandhu and A. Mani (eds.) 1993 *Indian Communities in Southeast Asia*. Singapore, Times Academic Press: 666–682.

<sup>11</sup> Many „Rohingyas“ have got documents proving that they are citizens of Myanmar enjoying all citizenship rights. It is however not known how many people belong to this group and how they obtained their identity cards.

End of July, Ne Win stepped down from his last post as chairman of the ruling party and suggested a referendum on the implementation of a multi-party system which the party congress rejected.

On August 26 of that year, Aung San Suu Kyi, daughter of the country’s national hero Aung San, who had been living abroad since 1960 and returned in April of the year to care for her ailing mother, gave a speech to about half a million people and demanded that the ruling government should make place for an interim government.<sup>12</sup> The government did not step down, however, the public administration came almost to a still-stand and on September 18, 1988 the military staged a coup in order to restore law and order.

From then on, a manichean picture contrasting good and evil developed in the perception of Burma in the western media and politics highlighted by the award of the Nobel Peace Prize to Aung San Suu Kyi in 1991.<sup>13</sup> From then on, she and her followers represented the „good“ side, standing for democracy and human rights, while on the other side the leadership of the Tatmadaw, the armed forces were depicted as brute tyrants. In the words of the commission that awarded her the prize: „She became the leader of a democratic opposition which employs non-violent means to resist a regime characterised by brutality.”<sup>14</sup>

This perception strongly influenced the view on the fate of the Muslims of Rakhine after and even before 1988 inside and outside the country. The “Rohingya movement” became part of the “democracy movement” led by Aung San Suu Kyi and the plight of the Muslims in Rakhine part of a struggle for human rights which left no space for compromises. This trend is illustrated by the attempt to prove that the Burmese military from the times of Ne Win onwards planned a “slow-burning genocide of the Rohingyas”.<sup>15</sup> Such claims reflect the fears of Muslim communities in Myanmar as well as reinforcing them. This might be one of many reasons causing Muslims in Rakhine to leave the country these days.

<sup>12</sup> For details on Aung San Suu Kyi’s political career see Hans-Bernd Zöllner/Rodion Ebbighausen 2015: *Die Tochter. Aung San Suu Kyi – Eine politische Biographie*. Angermünde, Horlemann.

<sup>13</sup> For a documentation and analysis of the period between 1988 and 2011 see Hans-Bernd Zöllner 2012: *The Beast and the Beauty. The Conflict between the Military and Aung San Suu Kyi in Burma/Myanmar, 1988–2011. Set in a Global Context*. Berlin, regiospectra.

<sup>14</sup> [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1991/press.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1991/press.html).

<sup>15</sup> Maung Zarni and Alice Cowley 2014 *The Slow-Burning Genocide of Myanmar’s Rohingya*. *Pacific Rim Law & Policy Journal* 23, 3: 681–752. (<https://de.scribd.com/doc/233346421/The-Slow-Burning-Genocide-Of-Myanmar-s-Rohingya>). At a conference in Oslo partly held at the Nobel Institute in May 2015 a number of Nobel laureates supported this claim through video messages.

In March 2011, the military junta handed over power to a nominally civilian government under ex-general Thein Sein after a new constitution drafted under the supervision of the military had been adopted in 2008. The new government started a series of reforms that raised the hopes of lifting of all restrictions on civil liberties including the citizenship status of the Rakhine Muslims. On the other hand, the presumed beginning of a democratic age gave rise to a resurgence of Buddhist nationalism headed by a great number of members of the monkhood, the Sangha. Since the colonial period, Muslims had been regarded as a danger to the Buddhist nation of Burma and anti-Muslim pogroms had often happened since 1938 when Muslims had been declared the potential “enemy no. 1” of Burmese Buddhist who had to expect “the extermination of the Muslims and the extinction of their religion and language” if they were not put in their place.<sup>16</sup>

In June 2012, anti-Muslim riots broke out in Rakhine leading to a segregation of Buddhist and Muslims in this state. Almost one year later, riots started in central Burma and spread to many parts of the country. The fate of Muslims in Myanmar is a strong case for the assessment that transition process welcomed by the international community after 2011 has its very dark sides.<sup>17</sup>

This dark side under the new conditions of a democratic government that had to court public support can be illustrated with the example of one of the leaders of the recent anti-Muslim protests, the monk U Wirathu who was identified as the “Face of Buddhist Terror” on the title page of Time Magazine in July 2013. In December 2003, Wirathu had received a jail sentence of 25 years for his involvement in Buddhist-Muslim riots earlier that year.<sup>18</sup> In early 2012, he was released together with many other political prisoners in course of a great amnesty. The monk started his agitation again and was supported by a great number of Burmese Buddhist citizens. Any actions taken against him would have been a risk for the government to lose public support in face of the upcoming elections to be held at the end of 2015. The Muslim population in Myanmar and particularly in Rakhine thus became a plaything of present Myanmar politics under the conditions of a formal democracy. This

phenomenon points to the eminent role of the „Buddhist card“ in the whole conflict as well as in ideology of all Theravada-Buddhist countries.<sup>19</sup>

Even Aung San Suu Kyi, regarded as the icon of Burmese democracy and human rights, to the disappointment of many of her foreign admirers did not take a clear stance on the Rohingya issue. She herself argued that she had been a politician from the beginning and not a „human rights defender“<sup>20</sup> and the whole issue was a very complex one.

In early 2015, four laws known collectively as the Race and Religion Protection Laws, which were submitted to the Parliament of Myanmar in December 2014, were signed by Thein Sein, Burma’s President. The laws regulating intermarriages and promoting monogamy<sup>21</sup> were supported by a “Committee for the Protection of Nationality and Religion” in which monks play a central role. Discriminating Muslims – and other religious minorities – has been democratically legitimised to pacify the country’s Buddhist majority.

### 3. The long legacy of migration waves of Muslims inside, out of and towards Burma/Myanmar

The “boat people” fleeing from the border region between Myanmar and Bangladesh since some years represent just the tip of an iceberg in more than one regard. A look into the recent history of the region shows that a variety of population movements of Rakhine Muslims happened that constitute a historical continuum shaped by the global and regional trend of the respective era. This section will provide an overview about these movements starting with the recent communal clashes in Rakhine state in June 2012 and their consequences.

#### 3.1. June 2012 until today

The outbreak of the violence in 2012 followed a pattern that is deeply rooted in the mistrust between the Buddhist and Muslim communities in the whole of Myanmar. A single event causes violent reactions on the side of the Buddhist majority leading to clashes between the communities that are instrumentalised by both sides as arguments for their respective interests. In 2012, the violence was induced by reports about the rape and killing of a Buddhist woman by

<sup>16</sup> Government of Burma 1939 Final Report of the Riot Inquiry Committee. Rangoon, Gvmt. Printing and Stationery, Appendix I.

<sup>17</sup> International Crisis Group 2013 The Dark Side of Transition. Violence against Muslims in Myanmar (<http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/251-the-dark-side-of-transition-violence-against-muslims-in-myanmar.pdf>).

<sup>18</sup> It is not yet quite clear for what kind of offence he was charged. For the incident and the initial charges against Wirathu see *Democratic Voice of Burma* 31.10.2003 ([http://burmatoday.net/dvb/2003/10/031031\\_spdc\\_dvb.htm](http://burmatoday.net/dvb/2003/10/031031_spdc_dvb.htm)).

<sup>19</sup> Stanley Jeyaraja Tambiah 1976 *World Conqueror and World Renouncer: A Study of Buddhism and Polity in Thailand against a Historical Background*. Cambridge, Cambridge University Press.

<sup>20</sup> [http://www.hreib.com/index.php?option=com\\_content&view=article&id=812:suu-kyi-i-started-as-a-politician-not-a-human-rights-defender&catid=83:burma-human-rights-news-&Itemid=647](http://www.hreib.com/index.php?option=com_content&view=article&id=812:suu-kyi-i-started-as-a-politician-not-a-human-rights-defender&catid=83:burma-human-rights-news-&Itemid=647).

<sup>21</sup> In mid-September the first case of charging a Muslim for violating the law was reported (<http://www.mmmtimes.com/index.php/national-news/16546-first-monogamy-law-charge-hits-muslim-masonry-worker.html>).

some Muslims in Rakhine followed by a series of acts of escalating retaliation by both sides.<sup>22</sup> Martial law was declared, but in October violence flared up again in an increased way. The clashes resulted in an exodus of Muslims from their homes located in a Buddhist-Rakhine neighbourhood and the construction of temporary shelters, e.g. in camps for Internally Displaced Persons (IDPs).<sup>23</sup> The government appointed a commission. Its lengthy report contained a lot of recommendations<sup>24</sup> which are however difficult to implement because of the still prevailing collective mistrust added by poverty and other factors.

In the aftermath of the events of 2012, three regions in which a great number of the affected people live can be distinguished: First, there is the majority of Muslims living in three townships in Northern Rakhine (Maungdaw, Buthidaung and Rathedaung) directly on or close to the border with Bangladesh. The number can be estimated at 800.000.<sup>25</sup> In this regions, they constitute the majority of the population since the end of World War II. Second, there are the people living in IDP camps established after the riots of 2012. Here, some 140.000 people are assembled. And third, there are 200.000 or more Rohingyas living in Bangladesh who are regarded as illegal immigrants by the local authorities.

The following report from September 2015 illustrates a basic fact of discrimination for the first category that is shared by all others to an even higher degree:

- Police seized 21 motorcycles belonging to Rohingyas travelling to and from Maungdaw Town, Arakan State on 7 August because the drivers allegedly did not have the necessary documents according to Shamim, a local elder.
- According to a trader from Maungdaw the police from Maungdaw Town were stopping Rohingyas' motorcycles and demanding to see their documents throughout the day on 7 August. Even if drivers could produce the necessary documents the police would find some sort of fault with the documents, which enabled them to confiscate all the bikes. The police also humiliated some of the motorcycle drivers.
- One of the victims said that the police confiscated his bike and were still holding it, despite him

presenting valid documents and a valid driving license. One of the motorcycle drivers, on condition of anonymity said: "It is a deliberate action against Rohingya bikers." A local elder said that confiscating the motorcycles was a ploy to destroy the morale of the younger generation of Rohingyas as most of the drivers who had their motorcycles confiscated were youths.<sup>26</sup>

The Muslim population is subject to arbitrary treatment by the police and other authorities of the state. On the other hand, if they want to leave their native home, they have to go abroad because they have no identity papers valid in the other parts of the country and can be sent back at any checkpoint. But if they want to go, they depend on human traffickers, often themselves Muslims or even Rohingyas.<sup>27</sup> However, differently from the people in the IDP camps, a majority of these Muslims is still living within the environment they are accustomed to.

The people living in the 68 IDP camps around Sittwe, the capital of Rakhine State, are not allowed to leave the places. "They have essentially become internment camps", described by a UN's relief coordinator as "appalling", and where access to basic services – including health, education, water and sanitation – is "wholly inadequate".<sup>28</sup>

Furthermore, the situation of international agencies providing relief services is precarious:

In February 2014, the authorities ordered *Médecins Sans Frontières* (MSF)-Holland – the largest provider of humanitarian medical services – to suspend its operations in Rakhine State, amid allegations of bias [towards the Rohingyas; hzb]. The humanitarian situation became more critical when on 26–27 March an ethnic Rakhine mob attacked international humanitarian agencies in Sittwe, with one local bystander killed in police fire, and prompting the evacuation of over 300 humanitarian workers from the city.

MSF was allowed to resume its activities, but the Buddhist population of Rakhine is still very much aggressive against the Muslims in their neighbourhood and those who help them to survive.

<sup>22</sup> For a more detailed account see International Crisis Group 2013: 7–8 and the information provided by Wikipedia ([https://en.wikipedia.org/wiki/2012\\_Rakhine\\_State\\_riots](https://en.wikipedia.org/wiki/2012_Rakhine_State_riots)).

<sup>23</sup> For details on the first phase of the process see [http://www.unicef.org/eapro/2013\\_Aug\\_12\\_Snapshot\\_Rakhine\\_OCHA.pdf](http://www.unicef.org/eapro/2013_Aug_12_Snapshot_Rakhine_OCHA.pdf).

<sup>24</sup> [http://www.burmalibrary.org/docs15/Rakhine\\_Commission\\_Report-en-red.pdf](http://www.burmalibrary.org/docs15/Rakhine_Commission_Report-en-red.pdf).

<sup>25</sup> Exact figures are not at hand. The questionnaires of the census conducted in Myanmar in 2014 with the support of UN agencies did not contain a category „Rohingya“.

<sup>26</sup> <http://www.kaladanpress.org/index.php/news/386-news-2015/september-2015/4851-police-seize-21-rohingya-motorcycles-in-maungdaw.html>.

<sup>27</sup> <http://www.aljazeera.com/indepth/features/2015/06/meet-bangladesh-people-smugglers-150623083053794.html>.

<sup>28</sup> International Crisis Group 2014 Myanmar: The Politics of Rakhine State: 11–12. ([http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/261-myanmar-the-politics-of-rakhine-state.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/261-myanmar-the-politics-of-rakhine-state.pdf))

The situation of Rohingyas in Bangladesh receives not so much attention in the international media. Here is a short report from starting with a report of one of the few camps that receive assistance: written in 2013:

- Extended families live in a room four metres by three metres, and movement is often restricted within the camp. However, Nijam acknowledged a “good” education system for registered refugees since 2004 there, despite it only reaching primary levels, as well as the provision of basic healthcare assistance from UNHCR.
- This is in stark contrast to some of the estimated 70,000 out of 200,000 unregistered Rohingya refugees that he witnessed living outside Kutupalong camp in Bangladesh.
- “They live under open sky, with no support from the United Nations or the Bangladeshi government,” [...] “People are dying every day, there is a lack of food, treatment and education. You can’t imagine how life is.”
- This is the case for the large majority of refugees in Bangladesh, aid groups say. The Bangladeshi government banned aid agencies – including *MSF*, *Action Contre la Faim* and *Muslim Aid* – from operating in the refugee camps in August 2012.<sup>29</sup>

On the background of the joint misery of Rohingyas in the neighbouring countries, it is not clear from where the „boat people“ fleeing the region come. Despite the attempts of the Myanmar and Bangladesh authorities to control the border and prevent border crossing, there is still much smuggling of goods and people going on. The whole conflict is clearly a regional one.

### 3.2. The mass migrations of 1991/1992 and 1978 and the repatriation efforts

This statement is supported by a closer look at the two mass migrations from Rakhine Muslims to Bangladesh that happened at the beginning of the rule of the military junta that took over power in 1988 in 1991/1992 and in the period of one party rule under the Burmese Way to Socialism in 1978. In both cases, a repatriation took place after negotiations between the two governments organised with the assistance of international agencies like the United Nations High Commissioner for Refugees (UNHCR). However, the cooperation between the governments and international agencies did not solve the problem but contributed to sharpen it. These events and the different ways in which they were and are perceived, is part of the present difficulties to address the Rohingya problem.

Until today, unresolved antagonistic opinions about the reasons of the mass migration in both cases exist as the following examples show.

The migration of Muslims over the Naf river separating Rakhine (and Myanmar) from Bangladesh started in early 1991. It is not clear what triggered the exodus. Almost all reports however connect it to the heated atmosphere in Myanmar after the elections in May 1990 won by Aung San Suu Kyi’s party, the National League for Democracy (NLD). The election result was not honoured by the junta that insisted on the drawing up of a new constitution before a transfer of power could happen.<sup>30</sup> Some elected parliamentarians fled to the headquarters of the Karen National Union (KNU) at the Myanmar-Thai border, founded an exile government, and joined an alliance of groups fighting the government, among them two Muslim organisations. The government accused the NLD to cooperate with insurgents. The political antagonism in Myanmar got an international dimension through the award of the Nobel Peace Prize to Aung San Suu Kyi in December 1991.

The mainstream reason for the flight is summarised by the Dutch Branch of *MSF* that started to work in Myanmar in 1992 as one of the first international NGOs in 2002 in a chronology of events:

Influx of approximately 250,000 Rohingya Muslims due to forced labour, land confiscation, religious intolerance, rape, and other forms of persecution by the Myanmar military regime.

From February 1992 onwards, the Myanmar government in Myanmar called such accusation „fables“ and accused foreign media spreading wrong news. Furthermore, Rohingya organisations were accused of joining the insurgents. It was claimed that „Rohingya’s modern weapons are coming from Cambodia, via Thailand and KNU, and finally they cut across the Bay of Bengal in schooners.“<sup>31</sup> It is very likely that the government took countermeasures described in a recent publication:

Against this backdrop, the junta increased the military presence along the border with Bangladesh and in all the border areas of Myanmar in an attempt to sever dissidents from external support and shore up the borders. With the build-up came increased demands for land and labour,

<sup>29</sup> <http://www.aljazeera.com/indepth/features/2014/01/no-respite-rohingya-bangladesh-201411675944519957.html>

<sup>30</sup> See Derek Tonkin 2007 The 1990 Elections in Myanmar: Broken Promises or a Failure of Communication? *Contemporary Southeast Asia. A Journal of International and Strategic Affairs* 29,1: 33–54.

<sup>31</sup> <http://www.ibiblio.org/obl/docs3/BPS92-02.pdf>.



The Voice

resulting in land confiscations, forced evictions, forced labour[...].<sup>32</sup>

Human Rights Watch connected the new wave of refugees to the elections and the developments happening afterwards this way:

In July 1990, shortly after the election, however, the SLORC announced that the elected representatives would be forming not a parliament but a constituent assembly which would write a new constitution under which new elections would be held. The government's failure to hand over power provoked demonstrations by monks and students towards the end of 1990, [...] The government needed a scapegoat, a distraction and common enemy to unite a disillusioned and angry populace. They chose the Rohingyas.

Here, another motif takes shape that until today is used to explain actions against Muslims in general and Rohingyas in particular: The government's intention to divert public attention to the failures of democratising the country by playing the "anti-Muslim card". The government press used the same method of revealing the "true intentions" of the other side:

The Myanmar- Bangladesh situation was created to divert public attention from debacle suffered by the KNU in the Deltas at the end of 1991, and to pre-empt and divert the seasonal Tatmadaw general offensive.<sup>33</sup>

Both quotations connect the actions of opposing parties to own failures and illustrate the kind of rhetoric used on all sides that assumes that the other side cannot be trusted. The fate of the "Rohingyas" became

embedded in the rhetoric of blaming the Burmese military for each and every evil in Myanmar because of its refusal to implement a kind of democracy that matched the expectations of the foreign critics of the regime. On the other hand, the military blamed its arch-enemy, the Karen military leadership, for each and every internal trouble.

The Muslim population of Rakhine was effected by this fight of two military factions. These effects resulted in a very slow process of repatriation that was initially very much welcomed by the human rights report of the US Department of State of 1993 on Burma. The report which was very critical about the human rights situation in Myanmar was worded rather neutral in describing what had happened in 1992:

Early in the year, upwards of 270,000 Muslims refugees fled from Arakan State to Bangladesh. The Government has denied allegations of abuse, initially depicting the refugees as illegal aliens fleeing to avoid routine immigration checks. However, on April 28, the Burmese Foreign Minister signed an agreement with his Bangladeshi counterpart for the safe and voluntary return within 6 months of all those who could prove prior residence in Burma.<sup>34</sup>

The implementation of the agreement reached between the foreign ministers of both countries in Dhaka was based on the agreement that

[...] the issue concerned is essentially an immigration matter involving persons who entered Bangladesh from Myanmar, and it has been resolved on the basis of the Five Principles of Peaceful Co-Existence.<sup>35</sup> [...] As for the principal points of agreement, persons who would be repatriated are those who hold official documents issued by the Myanmar Government and are currently being looked after by the Bangladesh Government with the assistance of the UNHCR in Bangladesh. After careful scrutiny, they will be received and sent back to their original places of residence.<sup>36</sup>

<sup>32</sup> Zarni/Cowley 2014: 709.

<sup>33</sup> <http://www.ibiblio.org/obl/docs3/BPS92-02.pdf>.

<sup>34</sup> US Department of State, *Country Reports on Human Rights Practices for 1992*: 528. (<https://ia601409.us.archive.org/32/items/countryreportson1992unit/countryreportson1992unit.pdf>)

<sup>35</sup> These principles stem from an agreement between India and China drawn up in 1954. The five principals are: 1. Mutual respect for each other's territorial integrity and sovereignty. 2. Mutual non-aggression. 3. Mutual non-interference in each other's internal affairs. 4. Equality and cooperation for mutual benefit. 5. Peaceful co-existence.

<sup>36</sup> *Working People's Daily* 1.5.1992 (<http://www.ibiblio.org/obl/docs3/BPS92-05.pdf>).

From the beginning, the process of implementing the agreement was very sluggish for mainly two reasons.<sup>37</sup> (i) It was very bureaucratic owing to the provision that the persons to be repatriated held official Burmese documents and (ii) a voluntary return was required. In July 1992, five “reception camps” had been built on Myanmar soil, some lists of returnees had been exchanged, but nobody had passed the border. The first batch of 46 people only arrived at the end of September. From then on, the Burmese newspaper published reports about the numbers of returnees until May 1996. According to the information provided, the total number was 198,435.

Human Rights organisation accused the Bangladeshi government to have used force in the process of return. The UNHCR on the other hand was accused of not fully observing the principle of voluntary return based on a sufficient information or if the situation at the origin of the flight had changed.<sup>38</sup> One may conclude that most refugees depended on rumours about the actual situation in Rakhine and only went back reluctantly.

When they came back many realised that not much had actually changed. The next wave of fleeing Myanmar started in early 1996. The new old refugees were regarded as “economic migrants”.<sup>39</sup>

In terms of swiftness the return of the refugees the exodus of 1978 was very different from what happened 14 years later. Otherwise some similar patterns of what happened later can be identified.

In late 1977, the Burmese government started a countrywide screening action called Nagamin (dragon king) aimed at “taking actions against foreigners who have filtered into the country illegally”.<sup>40</sup> After some test scrutinizing, the operation was conducted in Shan and Kachin States from December 1977 on. In February citizens in Akyab (Sittwe), the capital of Rakhine State, were screened followed by the township of Buthidaung in northern Rakhine where Muslims formed the majority of the population. In Akyab, the number of arrests because of illegal entry strongly increased compared with the regions under review before. From almost 37,000 people scrutinized, more than 1,000 were put on trial. In

Buthidaung, where the action started in March, the numbers of arrests were not so high: 95,000 persons were checked, some 600 arrested.<sup>41</sup> The news about the first actions undertaken in the capital must have prompted a number of Muslims to flee their homes. A report published in a government newspaper read April 30, 1978:

Because of the agitation an incitement by a group of unscrupulous and malicious people and because they were unable to produce registration cards, altogether 19,457 Bengali nationals ran away leaving 3,723 houses behind.<sup>42</sup>

Here, a typical way of commenting news on both sides of the conflict is expressed again. “Dark forces” are called upon to explain unfortunate events. The international media did not pay much attention to the events then but in retrospect the exodus was the reaction to “abusive attacks on Rohingyas by both the army and local Rakhines.”<sup>43</sup> This attitude of stereotyped reporting contributes to a uniform picture of the chain of events that might hide some of the main causes for the mass exodus and its fatal consequences. A UNHCR employee in 1979 wrote about the event:

What apparently triggered the flight of the refugees into Bangladesh was the combined operation of the Burmese army and administration to crush the independence movement and to conduct the first census in the area since 1962. The heavy-handed methods of the police and soldiers carrying out these operations, and their exploitation of the opportunities for extortion inherent in a situation where some people lacked documentary proof of their right to reside in Burma, accompanied by an upsurge in violent clashes between the two communities, created a climate of fear. News or rumours of beatings, abductions, and killing of Muslim men, and of the rape of Muslim women, spread from village to village, and many Muslim families were spurred into flight.<sup>44</sup>

The author names two main reasons for the flight of the Muslims: the actions of the Burmese authorities and the tensions between the Muslim and the Buddhist communities that had existed long before. The

<sup>37</sup> Other reasons were a bomb blast in Maungdaw and devastations of camps in Bangladesh caused by cyclones.

<sup>38</sup> Human Rights Watch 1996 *Burma. The Rohingya Muslims. Ending a Cycle of Exodus?*  
<http://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>

<sup>39</sup> Ibid.: 5–7.

<sup>40</sup> Klaus Fleischmann 1981 *Arakan, Konfliktregion zwischen Birma und Bangladesch. Vorgeschichte und Folgen des Flüchtlingsstroms von 1978.* Hamburg, Institut für Asienkunde: 110.

<sup>41</sup> Ibid.: 110–111,

<sup>42</sup> Fleischmann 1981: 111.

<sup>43</sup> Human Rights Watch 1996: 11.

<sup>44</sup> Alan C. Lindquist, Report on the 1978–79 Bangladesh Refugee Relief Operation.  
[http://www.ibiblio.org/obl/docs/LINDQUIST\\_REPORT.htm](http://www.ibiblio.org/obl/docs/LINDQUIST_REPORT.htm)

result was a “climate of fear” that triggered the people to leave their homes in a mass hysteria.<sup>45</sup>

Another aspect of the problems faced by the refugees comes up in a report of the New York Times published in March 1979.

Early last year the authorities in Rangoon attempted to spread Government control into the isolated Arakan, registering villages, sorting out illegal immigrants from Bangladesh and expanding tax rolls. Though United Nations and Red Cross officials now believe some abuses occurred, they also believe that Moslem leaders in the region incited the mass exodus in an effort to focus attention on their goal of creating an autonomous Islamic state.

[...] In September, after an agreement was reached, few of the refugees wanted to go home. [...]

As evidence that the exodus from Burma was politically inspired, relief officials note that many of the Burmese Moslem leaders who told atrocity stories now offering substantial bribes to Bangladeshi refugee officials to have their names added to lists for immediate repatriation.<sup>46</sup>

The report illustrates that the refugees then and now depend on their leaders who have their special agenda. In a way, if the report of 1979 is halfway correct, large scale “human trafficking” happened very early as a continuation of what was the rule in the pre-modern days when great numbers of dependent people were moved from place to place to serve the needs of the rulers.<sup>47</sup>

### 3.3. The memories of rebellion, war and foreign infiltration

The unresolved tension between the Muslim people in northern Rakhine and the Buddhist population in Rakhine as well as in other parts of Burma that could be exploited by all stakeholders were based on narrations of violent clashes between both sides and memories of migrations that had started after the country became independent and before in the colonial period.

Burma became independent from Britain in January 1948. Almost immediately, civil war started. In 1948, the Communist Party went underground, one year later the Karen National Union. Many other smaller or bigger groups started rebellions as well, among them Muslim fighters in Rakhine known as Mujahids (fighters of a holy war, jihad). Muslim guerillas had helped the British to drive out the Japanese forces and might have got promises of some kind of autonomy or an incorporation into what should become East Pakistan after India gained independence in 1947.<sup>48</sup> Such aspirations were in line with those of other ethnic groups that had supported the British military during the war.<sup>49</sup>

However, such hopes were disappointed. As a consequence of dashed hopes, civil war started in many parts of the country, in Rakhine named the „Mujahid rebellion“. As a consequence, the Mujahids revolted against the government and from time to time concluded fragile alliances with other groups. The armed movement absolutely did not represent all Muslims living in Rakhine. Some of the moderate leaders even asked the government for arms to fight the rebels, but to no avail.<sup>50</sup> It is notable that some of the claims and demands of the Muslim rebels resemble those of today. They claimed to be

the offspring of Muslims who had settled there hundreds of years earlier, and despite similarities in religion, language, culture, and ethnicity differed from the population in the adjacent Chittagong region.<sup>51</sup>

There are some arguments supporting the thesis that the term “Rohingya” designating a distinct ethno-religious-political group began to emerge during the first years of independence. The armed rebels fought for more autonomy in the region of Burma where Muslims formed the majority. The Muslims politicians who participated in the attempts to implement a parliamentary democracy tried to get an equal status as the other ethnic groups that enjoyed the privilege of being recognised as one of the country’s

<sup>45</sup> Fleischmann 1981: 11. This version is confirmed by a report of the US Embassy after a visit to the border region: “[Local Journalists] SAID INTERVIEWS WITH MUSLIMS FAILED TO SUPPORT ALLEGATIONS OF FORCEFUL EJECTION OF BENGALIS, BUT RATHER TENDED TO CONFIRM THAT THOSE WHO FLED DID SO OUT OF FEAR, NOT AS A RESULT OF MISTREATMENT.” ([https://search.wikileaks.org/plusd/cables/1978RANGOO01970\\_d.html](https://search.wikileaks.org/plusd/cables/1978RANGOO01970_d.html))

<sup>46</sup> New York Times, 2. March 1979.

<sup>47</sup> James C. Scott 2009 *The Art of Not Being Governed. An Anarchist History of Upland Southeast Asia*. Yale University Press.

<sup>48</sup> The Muslim allies of the British were held in very high esteem by the British. A British officer dedicated a part of his book about his war memories written in 1945 to “The Mussulman Arakenese and their officers” (Anthony Irwin 1945 *Burmese Outpost*. London, Collins.: 4) and reports that the Japanese sought the assistance of the Buddhist Rakhine as the British the help of the Muslims (ibid.: 23). Irwin is of the opinion that the British had the „duty“ to support all „minorities who have most helped us through the three years of constant fighting and occupation.“ (ibid.: 86)

<sup>49</sup> Fleischmann 1981: 67.

<sup>50</sup> Moshe Yegar 2002 *Between Integration and Secession. The Muslim Communities of the Southern Philippines, Southern Thailand and Western Burma/Myanmar*. Lenham [et.al.], Lexington Books. 2002: 38.

<sup>51</sup> Ibid.: 39.

“indigenous races”. Already British administrators had refused to grant such a status with the argument that “religion itself cannot be the basis for nationality.”<sup>52</sup>

The military as well as the political efforts failed. The rebellion finally was given up in 1960 after the Burmese military under general Ne Win had got the upper hand of the insurgents. On the political front the government promised to treat the Muslims fairly without fulfilling their demands. They got opportunities to broadcast in the “Rohingya” language without accepting them as full citizens. Such measures were used however later to support the claim that the Rohingyas had been accepted as an indigenous race by the Burmese government. In 1961, northern Rakhine was for a short time administered by the military but this episode came to an end with the military coup of March 1962. The desire for a separate territory in which a safe life was possible however survived as did the memories of the mass of Muslims killed during World War II.

Burma was “liberated” from British rule by the Japanese army assisted by a Burmese-Buddhist national army under general Aung San, the father of the fighter for democracy of today. The existing tensions between various ethnic groups in Burma resulted in violent clashes inside the country during this time. In Rakhine, many Muslims were killed in course of communal clashes remembered as bloody massacres. The reasons for the deaths of Muslims and other Indians during the war can be regarded as a combination of a number of factors. Since the time of the British conquest of Rakhine an at least latent hostility between the two communities had existed. It was added by the general anti-Muslim attitudes in Burma that resulted in a mass exodus of Indians after the first air raids of the Japanese in December 1941<sup>53</sup>. Ten thousands of Indians – both Muslims and Hindus – died on their way, many of them in Rakhine. Here, the inflow of Indians totally unsettled the fragile ethnic-religious balance in the region.

The result of this fighting between Rakhine Buddhists and Muslims was a separation of Muslim and Buddhist communities and the emergence of the „enclave“ of Muslims in Northern Rakhine that still exists today.<sup>54</sup> After independence, an “Arakan Mus-

lim Conference” demanded in an open letter to the Burmese government in 1951 that in “Northern Arakan should be immediately formed a free Muslim State as equal constituent member of the Union of Burma like the Shan State and the Kerni [sic] State ...”.<sup>55</sup> Such demands and the reports about the atrocities happening during the war were well remembered and passed to later generations as indications of an impending genocide<sup>56</sup> and a „massacre and driving away the Rohingyas with the intention of rooting out the Rohingyas of Arakan“.<sup>57</sup>

On the other side, the events were memorised by the Rakhine and Burmese Buddhists as well. The Burmese state newsletter wrote in 1992 as a comment on the exodus of Muslims to Bangladesh:

Rohinga insurgents had aspired to take over Buthidaung and Maungdaw Areas {in 1942 and 1947} ... Their vocation was to smuggle rice into the next country, to sell arms to political dissidents in the next country, to trade in narcotics, to trade young girls via the next country with foreign countries.... That is why they are creating communal hatred religious distinctions and other acts to sow hatred against the Tatmadaw [Burmese armed forces; hbz]. Every reasoning person can easily see through their falsehoods together with their illogical exaggerations.<sup>58</sup>

The fear of being “taken over” by Muslims in the whole of Burma goes back to the colonial period and has resulted in a racist attitude among a majority of Burmese Buddhists. The rational reason of the fear of being marginalised lies in the big amount of Indian immigration after the Second Anglo Burmese War of 1852. After the East India Company had taken over the whole of Lower Burma, large scale rice production was started that required a large labor force and new systems of financing the business of effectively growing rice. Many Indian labourers came as migrant workers both for the work on the fields as in the cities as coolies together with money lenders, merchants and professionals who helped the British to make Burma a part of British India. The influx was heavy. According to the census of 1931, more than

<sup>52</sup> <http://www.networkmyanmar.org/images/stories/PDF18/Representations-1947-rev.pdf>.

<sup>53</sup> Hugh Tinker 1975 A Forgotten Long March. The Indian Exodus from Burma, 1942. *Journal of Southeast Asian Studies* 6, 1: 1–15.

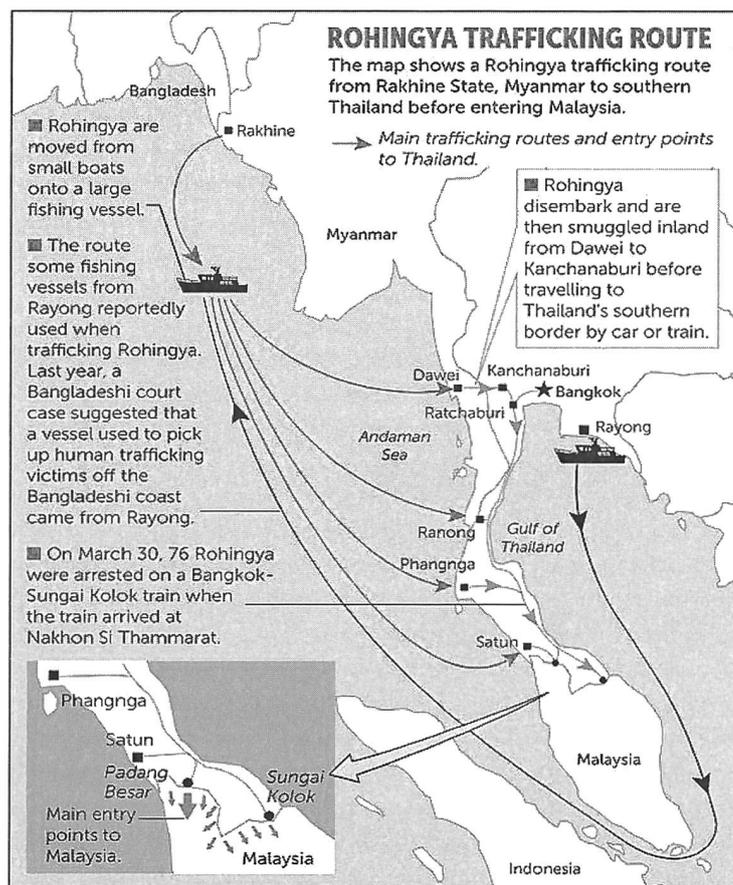
<sup>54</sup> A British officer who was stationed in Rakhine during the war writes: “The result of the ‘War’ [of 1941] was roughly that the Maugh [Buddhist Arakanese] took over the Southern half of the country and the Musselman the Northern.” (Anthony Irwin 1945 *Burmese Outpost*. London, Collins: 23.

<sup>55</sup> <http://www.networkmyanmar.org/images/stories/PDF18/Representations-1951.pdf>.

<sup>56</sup> The term was already used in the open letter of 1951; see footnote 13.

<sup>57</sup> Ba Tha 1960 The Massacre of 1942 (<http://www.arakanbumiputra.com/2013/04/massacre-of-1942-by-ba-tha-buthidaung.html>). Ba Tha writes that 80.000 Rohingyas were killed. The article further claims that in 1959 due to „Inhuman drives ... done by immigration officers“ 23.000 people were forced to flee to East Pakistan waiting for repatriation there.

<sup>58</sup> *The Working Peoples' Daily March* 1992 (<http://www.ibiblio.org/obl/docs3/BPS92-03.pdf>).



50% of Rangoon's population came from an Indian ethnic background. Already in 1930, anti-Indian riots had been taken place in Rangoon followed by the pogroms against Muslim Indians in 1938 in which the religious issue made an already existing Burmese nationalism still more radical.

In Rakhine, the Indian influx had increased already after 1826 from the British-Indian province of Bengal that was predominantly Muslim. Exact figures about the growth of the "Rohingya" population are not known, because this name does not appear in any of the many tables compiled by the colonial administrators.

From there on, the fear of foreign domination was expressed and supported by demographic arguments. Here is an example from an article written in 1992:

Population increases between 1983 and 1991 in Buthidaung and Maungdaw townships have been calculated at 2.5 per cent and 3.3 per cent respectively for Bengalis and 1.2 per cent and minus 0.8 per cent for Rakhines. This reveals that Bengalis kept infiltrating into Maungdaw township where Rakhine population had decreased from 16,784 to 15,594: Rakhine nationals have gradually left Maungdaw township.... If the Bengalis continue to infiltrate

...at this rate...the whole of Rakhine nationality is likely to get swallowed up by Bengalis.<sup>59</sup>

Behind the anxiety of being "swallowed up" lies another argument not so much published but widely communicated inside Myanmar then and now, the option of Muslim men to marry four wives. Since the early days of Indian immigration mostly males came and some of them married Buddhist women. According to Islamic law, the wife and children became Muslims. On these observations a racist conspiracy theory was based accusing "Muslims" in general of trying to swallow up the Buddhist population of Burma.

The present conflict between Buddhists and Muslims in Rakhine is therefore rooted in a long history of mistrust originating from a mixture of facts and often racist fantasies that were never openly discussed in the long history of migration waves of Muslims towards, out of and inside Burma/Myanmar.

#### 4. Reactions of international bodies and agencies

Three recent episodes illustrate the atmosphere in which the involvement of any international actors concerning the "Rohingya case" is embedded:

(a) In early March, 2015, the London based „Rohingya Blogger“ U Ba Sein (aka Mohammed Shah) published a resolution of ten Rohingya organisations that „demanded actions against UN adviser Dr. Jacques Leider“.<sup>60</sup> The resolution asked the UN to replace the consultant with an „unbiased officer“ on the ground that on February 23 he had asked „innocent Rohingya villagers intricate and irrelevant questions about history and ethnic origin in the Community Service Centre (CSC) of Alethan Kyaw village of Maungdaw township“.<sup>61</sup> Jacques Leider had been just taken his new post as a senior consultant to the UN Resident and Humanitarian Coordinator end of January. Only shortly after the appointment, a Rohingya spokesman had already criticised the choice because of previous statements of the appointee. The critics claimed that the UN should hire a person "without a history of bias".<sup>62</sup> The criticised consultant is a historian from Luxembourg who has specialised on Rakhine (Arakan) studies over a long period of time and

<sup>59</sup> The Working Peoples' Daily February 1992 (<http://www.ibiblio.org/obl/docs3/BPS92-02.pdf>).

<sup>60</sup> <http://www.rohingyablogger.com/2015/03/action-demanded-against-un-advisor-dr.html> (16.4.2015).

<sup>61</sup> Maungdaw is one of the three Myanmar townships bordering Bangladesh in which Muslims form the majority of the population for a long period of time.

<sup>62</sup> <http://archive-3.mizzima.com/mizzima-news/myanmar/item/17724-un-under-fire-over-resident-coordinator-s-advisor-on-rakhine/17724-un-under-fire-over-resident-coordinator-s-advisor-on-rakhine> (16.4.2015).

can be regarded as the most knowledgeable western expert of the backgrounds of the tensions between the Muslim and the Buddhist communities in Myanmar's western state and former kingdom.<sup>63</sup>

(b) One year before this incident, the Myanmar government had ordered MSF to stop their work in the whole of Myanmar after Rakhine Buddhist had accused the organisation of bias in favour of the Rohingyas. MSF had been active in Rakhine since 1992 and extended its health care services to Muslims after communal riots had broken out in 2012 and many members of the religious minority had to be relocated in special camps. The chairman of the greatest Rakhine party supported the government's action. He was quoted to have said: "It was what the people of Arakan wanted. A very small amount of medical care was for the Rakhine people. They should have worked for both the Rakhine community and the Muslim community, but they discriminated, so most of the Arakanese suffered."<sup>64</sup> The politician like the majority of Buddhists in Myanmar refused to use the term "Rohingya". For him, there were "Bengalis", illegal immigrants.<sup>65</sup> End of March, 2014, the office of another NGO, Malteser International, in Rakhine's capital Sittwe was attacked and ransacked by a mob, allegedly because one of the staff had removed a Buddhist flag near the house that was placed there to protest against the Muslim minority group.<sup>66</sup>

(c) On January 16, 2015, U Wirathu, a Burmese monk who became prominent because of his anti-Muslim propaganda called the UN human rights rapporteur for Myanmar, Ms. Yanhee Lee from South Korea, a "whore" at a meeting with supporters in Yangon. She was visiting Myanmar and had issued some critical remarks about the Myanmar government's dealing with the Muslim minority. "Don't assume you are a respectable person, just because you have a position in the UN," the monk said. "In our country, you are just a whore. You may offer your arse to the kalars [a derogatory term for Indians; also used for Western foreigners; hbz] but you will never sell off our Rakhine state."<sup>67</sup> – The monk was only mildly rebuked by some other members of the Buddhist Sangha.

A basic conclusion can be drawn from these episodes regarding the intervention of outsiders: Each statement and involvement related to the humanitarian and political crisis in Rakhine is controversial and open to the accusation of being biased. There is absolutely no space for mediation efforts. The Rohingya conflict is protracted and deep rooted, i.e. „not based on interests that are negotiable, but underlying needs that cannot be compromised.“<sup>68</sup>

On the other hand it seems clear that the conflict cannot be solved by one state alone because it is – like the related conflicts in the Near and Middle East producing many more refugees – of a regional nature<sup>69</sup> as well as connected to the legacy of the colonial powers. International agencies therefore have been involved for a long time already but without any tangible results. They play more or less the role of "helpless helpers".

A number of factors contribute to this phenomenon. The most important one is the lack of trust between the Myanmar government and the United Nations and their agencies that emerged after the political crisis of 1988.<sup>70</sup> The special envoys sent from New York on behalf of the General Secretary as well as the rapporteurs on the human rights situation in Myanmar were never able to mediate. To quote a recent incident: In August 2015, the current rapporteur on human rights who had been called a "whore" by monk Wirathu complained that her request to visit Rakhine was denied before she began a five-day visit to Myanmar, and that the government had also denied her permission to stay 10 days. Furthermore, security forces had conducted surveillance on some of the people she met on previous visits, she said.<sup>71</sup>

The second reason is related to the principles guiding the cooperation of the states in the region like the „Five Principles of Peaceful Co-Existence“, referred to when the agreement of repatriating the Muslim refugees back to Myanmar in 1992 was made. One of these principles, non-interference in each other's internal affairs – is one of the fundamentals on which the cooperation of the regional body of the Association of South-East Asian Nations (ASEAN) is

<sup>63</sup> Jacques Leider left the post in July 2015 because of a termination of the funding of his assignment by the European Union.

<sup>64</sup> <http://www.irrawaddy.org/burma/burma-govt-sends-emergency-medics-arakan-msf-suspension.html> (16.4.2015).

<sup>65</sup> The termination of the work of MSF outside Rakhine State was lifted quickly. In January 2015, the organisation resumed her activities in the state where it had started to work in 1992

<sup>66</sup> <http://www.voanews.com/content/buddhist-mob-attacks-international-aid-group-office-in-burma/1880259.html>.

<sup>67</sup> <http://www.ibtimes.co.uk/myanmar-extremist-buddhist-monk-wirathu-calls-un-envoy-whore-1484104> (16.4.2015).

<sup>68</sup> Ronald J. Fisher 1990 *The Social Psychology of Intergroup and International Conflict Resolution*. New York, Springer.

<sup>69</sup> For more details see International Crisis Group 2012 *Myanmar. Storm Clouds on the Horizon: 3* (<http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/238-myanmar-storm-clouds-on-the-horizon.pdf>); International Crisis Group 2013: 21–22

<sup>70</sup> For an analysis of the role of international agencies in the post-1988 history of Myanmar see Zöllner 2012: 377–419.

<sup>71</sup> <http://www.reuters.com/article/2015/08/07/us-myanmar-un-idUSKCN0QC10620150807>.

founded<sup>72</sup> as shown by the fact that the members of the association respect the stance of the Myanmar government in the Rohingya vs. Bengali name issue. Furthermore, the border between Myanmar and Bangladesh is separating Southeast Asian and South Asia as well. The relations to neighbouring Bangladesh are additionally aggravated because the country is a member of the Organisation of Islamic Cooperation that has promoted the case of the Rohingyas for a long time.

A last obstacle is the meagre knowledge of international actors about the complex history behind the present problems. There are only few experts worldwide who did some studies on the situation in Rakhine and even those are supposed to be biased as the case of Dr. Leider shows. The mostly western based human rights organisations advocating the cause of the Rohingyas try to put pressure on the Myanmar government but such pressure might be counterproductive because it increases the already high amount of mistrust already existing. Finally, the humanitarian organisations trying to help the victims of the conflict are stuck between a rock and a hard place like the people they want to help albeit in a much less dramatic way.

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<sup>72</sup> Myanmar was admitted to the association in 1997 against heavy objections from the United States and the European Union.

## 5. Outlook

As a conclusion, it can be stated that the vicious cycle of repression against Muslims living in northern Rakhine is not very likely to be broken soon. In the moment (September 2015) the focus of the national and international eyes watching Myanmar is on the elections to be held on November 8. The issue of the Muslims in northern Rakhine plays only a minor role and there is “[n]o Rohingya agenda in Myanmar polls” as an article in the Singapore newspaper *New Strait Times* stated.<sup>73</sup> Even the NLD led by Aung San Suu Kyi has chosen any Muslim candidate to stand for elections despite many applications. Furthermore, a Rohingya member of parliament who won a seat in 2010 on a ticket of the ruling party was not allowed to run again as an independent because his parents were no Myanmar citizens according to the Election Commission. On the other hand, the affected Muslim population in Rakhine has absolutely not benefited from being in the public limelight. It can be concluded that some kind of “secret diplomacy” aiming at alleviating the suffering of so many people might be the best way out of the vicious cycle of oppression. After international protests, the candidate was allowed to take part in the elections. ■

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<sup>73</sup> <http://www.nst.com.my/news/2015/09/no-rohingya-agenda-myanmar-polls>.