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The Rohingya Crisis – A Challenge for India and Bangladesh

The Rohingya crisis in Myanmar is the result of a clash of identities between the Muslim minority and the Buddhist majority in the Rakhine state of the country. Due to an increase in violence, a large number of Rohingyas have crossed into Bangladesh. Many have also fled to India and other parts of Asia. This has resulted in great tension in Bangladesh's relations with Myanmar. On its part, the Indian government is planning to deport the Rohingyas living within its borders. This paper traces the origins of the crisis and examines whether the crisis is just a humanitarian challenge or a security threat as well to the three countries – India, Bangladesh and Myanmar.

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The roots of the on-going Rohingya crisis lie in the history of the relationship between the Muslims of Rakhine (formerly known as Arakan) and the Buddhist-dominated Myanmar state. Many times in the past, their complex relationship has created civil-war-like situations in Myanmar in which a large number of people have lost their lives. The current crisis started after simultaneous attacks on 30 police posts and an army base in Maungdaw, Buthidaung and Rathedaung townships on the northern side of the Rakhine state on 25 August 2017. It

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was carried out by an insurgent group,² Harakah-al-Yaqin, also called the Arakan Rohingya Salvation Army (ARSA). In that attack, 12 Myanmar soldiers and officials, and 77 insurgents were killed.³ After the attack, State Counsellor Daw Aung San Suu Kyi had a meeting with the Union Ministers for Home Affairs, Defence, Border Affairs, State Counsellor's Office and the President's Office as well as the National Security Advisor.⁴ Thereafter, in an intensified clearance operation by Myanmar's security forces, thousands of people, mostly Rohingyas, have been killed. Around 3,000 Rohingya homes have been burnt down and a large number of Rohingya Muslims have fled from Myanmar. Most of those crossing Myanmar's borders are trying to enter Bangladesh. About 400,000 Rohingyas are estimated to have taken refuge in Bangladesh. Also, in this violence, about 30,000 ethnic Rakhine Buddhists and Hindus have been displaced.⁵

It is important to note here that the Rohingyas are an ethnic group. There are other Muslims, too, in Myanmar. They are spread across cities such as Bago, Mawlamyine and Meiktila. These non-Rohingya Muslims, too, face social and institutional discrimination. A derogatory term, *kalar*⁶ is used by the majority community to describe them. At many places, they are socially blocked from buying land from the Buddhists.⁷

History of the Rohingyas

The identity of the Rohingyas is open to many interpretations. The first, as interpreted and accepted by the government of Myanmar, is that the Rohingyas are a Bengali-speaking Muslim minority in Myanmar. For the Myanmar government and many other ethnic groups

² Myanmar's government and media use the term militant for the group. On 25 August 2017 the group was declared as terrorist organization by the government of Myanmar. See "Arakan Rohingya Salvation Army (ARSA) declared as Terrorist Group" The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from <http://www.statecounsellor.gov.mm/en/node/968>.

³ Mahfooz Anam, "Rohingya Crisis: A Concern for the region", *The Daily Star*, 9 September 2017. Retrieved from <http://www.thedailystar.net/opinion/asian-editors-circle/rohingya-crisis-concern-the-region-1459393>.

⁴ "State Leaders Take Charge after violent attacks in Rakhine State", The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from <http://www.statecounsellor.gov.mm/en/node/1005>.

⁵ "All eyes on Aung San Suu Kyi as she delivers speech on Myanmar's Rohingya crises", *The Strait Times*, 19 September 2017. Retrieved from <http://www.straitstimes.com/asia/se-asia/all-eyes-on-aung-san-suu-kyi-as-she-delivers-speech-on-myanmars-rohingya-crisis>.

⁶ This is basically a racist word used to show their links to India.

⁷ Karim Raslan, "What Myanmar's Other Muslims Think of Suu Kyi' Karim Raslam", *South China Morning Post*, 8 September 2017. Retrieved from <http://www.scmp.com/week-asia/politics/article/2110363/rohingya-crisis-what-myanmars-other-muslims-think-suu-kyi>.

in the country, there is no such word as ‘Rohingya’. “The Muslims who call themselves such are considered as those who entered into the country from East Bengal during the British Empire or illegal migrants from Bangladesh”.⁸ During the colonial period, a fair number of Muslims from other parts of India also moved into Rakhine state.⁹

According to a second interpretation, the Rohingyas describe themselves as descendants of 8th century Arab sailors who sailed through the Bay of Bengal and landed in Myanmar for trade. The word ‘Rohingya’ became commonly used in the 1990s. There are records providing evidence, however, that the word ‘Rohingya’ was used in the 18th century to describe people from the Rakhine region.¹⁰ It is also being asserted that Muslim influence in the Rakhine (Arakan) kingdom probably preceded the first known settlement of Muslims in Myanmar, in around 1430 AD. “Thereafter, the Rakhine Muslims managed to preserve their own heritage within the Buddhist environment for many centuries assuming a separate identity distinct from the majority Buddhist Rakhine”.¹¹

In contemporary history, in 1947, when India was partitioned and Pakistan was established, some Muslims in the Rakhine region wanted to be part of Pakistan. However, they did not receive support from the leaders of the Muslim League. According to Tin Maung Maung and Moe Thuzar, sometime in the 1950s, the word ‘Rohinga’ or ‘Rohingya’ became commonly used to reflect the ethnic identity of the Muslims (both recent migrants and naturalised natives) in Myanmar.¹²

In post-independent Myanmar, ethnic tensions came to the forefront when, in the 1960s, the head of state, General Ne Win, began a process of “Burmanisation” to assert the authority of the Barmars, or Buddhists, in Myanmar.¹³ He reintroduced the methods adopted by the 18th century king, Bodawpaya. Across Myanmar, General Win appointed Barmars, or Buddhists, to a large number of senior administrative and ministerial posts. By and large, this process

⁸ Adam Taylor, “How Burma’s Rohingya Crisis went from Bad to Worse”, *The Washington Post*, 6 September 2017. Retrieved from https://www.washingtonpost.com/news/worldviews/wp/2017/09/06/how-burmas-rohingya-crisis-went-from-bad-to-worse/?utm_term=.c635eb88c8a6.

⁹ Than Tin Maung and Moe Thuzar, “Myanmar’s Rohingya Dilemma”, *ISEAS Perspective*, 9 July 2012. Retrieved from https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_9July2012_Issue_1.pdf.

¹⁰ Adam Taylor, op. cit.

¹¹ Than, Tin Maung and Moe Thuzar, op. cit.

¹² Ibid.

¹³ Wade, Francis (2017), *Myanmar’s Enemy Within: Buddhist Violence and the Making of a Muslim ‘Other’*, London: Zed Books.

was carried out by the succeeding governments to make what Ne Win wanted – an ethno-religiously ‘pure’ Myanmar.¹⁴ However, throughout the 1950s, 1960s and 1970s, official Myanmar documents referenced the Rohingyas as inhabitants of northern Rakhine state.¹⁵ Later, as a result of ‘Burmanisation’, the ‘Rakhine Muslim’ category was removed from the 135-strong index of ethnic groups.¹⁶ Interestingly, from May 1961 to October 1965, the Burma Broadcasting Service in Yangon used to broadcast a Rohingya language programme thrice a week, and the Rangoon University Rohingya Students Association was among the many ethnic student associations that functioned from 1959 to 1961.¹⁷

In 1982, the current citizenship Act came into effect. It states, “Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 BE, 1823 AD are Burma citizens.”¹⁸ It was an effort to deny citizenship to a large number of Muslims who came to Myanmar after 1823. In the absence of pre-British official recorded documents,¹⁹ many who claim that their forefathers were originally from Myanmar could not get citizenship rights.

However, the Rohingyas used to cast their votes in every election held from 1948 until 2010 with “temporary scrutiny cards” that clearly mentioned that the cards did not entitle them to citizenship.²⁰ The Rohingya parties also took part in the 2010 election but none of their candidates won. Nevertheless, the military’s Union Solidarity Development Party sent three representatives of the Rohingyas to Parliament. However, the Rohingyas were disenfranchised during the election in 2015, which is heralded as the first full democratic election in Myanmar.²¹

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Nirupma Subramanian, “Why no Country Wants Rohingya, why it’s so difficult to deport them”, *The Indian Express*, 12 September 2017. Retrieved from <http://indianexpress.com/article/explained/why-no-country-wants-the-rohingya/>.

¹⁸ Burma Citizenship Law. Retrieved from www.ilo.org/dyn/natlex/docs/ELECTRONIC/87413/99608/.../MMR87413.pdf.

¹⁹ Wade, Francis, op. cit.

²⁰ Nirupma Subramanian, op. cit.

²¹ Ibid.

In the late 1980s, the Myanmar government came out with a plan to establish model villages in the Rakhine region to settle down the Buddhist population. This was primarily to change the demography of the region. Most of the Buddhists allured to settle down in those model villages were prisoners and homeless people. In the 1990s and 2000s, many such people arrived in separate batches. The prisoners arrived on condition that, if they left the place within three years, they would be returned to jail.²² In this attempt at social re-engineering, around 50 model villages were built in Maungdaw, Buthidaung and Rathedaung. The inhabitants received cows, food and money from the state.²³

To look into the Rohingya issue, a nine-member Advisory Commission under former United Nations (UN) Secretary-General Kofi Anan was set up at the request of Myanmar State Counsellor Daw Aung San Suu Kyi. The Advisory Commission on the Rakhine state was set up by the Kofi Annan Foundation and the Office of the State Counsellor in September 2016. The Commission submitted its report to the Office of the State Counsellor on 24 August 2017. After receiving the report, Suu Kyi promised to implement the suggestions as soon as possible.²⁴ Appreciating the work of the Commission, the Office of the State Counsellor stated,²⁵ “We will give the report our full consideration with a view to carrying out the recommendations to the fullest extent, and within the shortest timeframe possible, in line with the situation on the ground. We hope to set out a full roadmap for implementation in the coming weeks...As an immediate step, a new Ministerial-led committee responsible for the implementation of the Commission’s recommendations will be established. This will comprise representatives from across government and will be responsible for overseeing delivery and reporting regularly on its progress.” Subsequently, a committee was set up by the Myanmar government to complete the ministry-wise survey so that the Advisory Commission’s report could be implemented in the Rakhine region. Its members are “permanent secretaries of the Ministry of Home Affairs, Ministry of Information, Ministry of Religion and Culture, Ministry of Agriculture, Livestock and Irrigation, Ministry of Transport and Communications, Ministry of Labour, Immigration and

²² Wade, Francis, op. cit.

²³ Ibid.

²⁴ Ravi Velloor, “Rohingya Issue and the Danger in Southeast Asia”, *The Strait Times*, 15 September 2017.

²⁵ “Statement by the Office of the State Counsellor on the Final Report of the Advisory Commission on Rakhine State”, The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from <http://www.statecounsellor.gov.mm/en/node/998>.

Population, Ministry of Education, Ministry of Health and Sports and acting directors-general of the Office of the President and Ministry of Planning and Finance.”²⁶

On the issue of citizenship, the Commission states, “If this issue is not addressed, it will continue to cause significant human suffering and insecurity, while also holding back the economic and social development of the entire state. In the short term, addressing this issue requires an acceleration of the citizenship verification process, and the Commission fully recognises that such an exercise must be carried out under the 1982 Citizenship Law. Yet, there is also a need to revisit the law itself.”²⁷

On the citizenship issue, the UN Special Rapporteur on Myanmar, Professor Yanghee Lee, said, “We have always emphasised that the 1982 Citizenship Law has to be amended to make sure that those who are living there for generations get their citizenship status as soon as possible...[the] other thing is that there were plenty of pilot projects [for] citizenship verification. The government says people do not cooperate but the people are tired of processes, which are very slow. The government needs to speed up the processes.”²⁸ This recommendation, in particular, is considered a reason for the increase in violence in Myanmar in August 2017. However, pre-planning for it cannot be entirely ruled out, as Lee added, “I would like to refer to something that I said in the past that, in Myanmar, nothing happens without a detailed master plan.”²⁹

As the violence increased enormously in August 2017, the Myanmar government is facing strong criticism from many countries as well as from international organisations. Zeid Ra’ad al-Hussein, the UN High Commissioner for Human Rights, speaking at the 36th session of the UN Human Rights Council in Geneva on 11 September 2017, said the situation in Myanmar “seems a textbook example of ethnic cleansing”.³⁰ He urged, “I call on the

²⁶ “Survey on recommendations for Rakhine to be completed in two weeks”, The Republic of the Union of Myanmar, State Counsellor Office. Retrieved from <http://www.statecounsellor.gov.mm/en/node/1018>.

²⁷ “TOWARDS A PEACEFUL, FAIR AND PROSPEROUS FUTURE FOR THE PEOPLE OF RAKHINE: Final Report of the Advisory Commission on Rakhine State”, Retrieved from http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

²⁸ “Over 1,000 killed in Myanmar violence, says UN Special Rapporteur”, The Hindu, <http://www.thehindu.com/opinion/interview/over-1000-killed-in-myanmar-violence-says-un-special-rapporteur/article19621467.ece?homepage=true>.

²⁹ Ibid.

³⁰ “Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries: Human Rights Council 36th session – Opening Statement by Zeid Ra’ad Al Hussein,

government to end its current cruel military operation, with accountability for all violations that have occurred and to reverse the pattern of severe and widespread discrimination against the Rohingya population. I strongly urge the authorities to allow my office unfettered access to the country.”³¹

On 13 September 2017, the UN Secretary-General António Guterres “reiterated his call for Muslims from Myanmar’s Rakhine state to be granted nationality or at least a legal status that would allow them to lead a normal life, while also urging the international community to help provide assistance for the nearly 380,000 people who have fled into Bangladesh”.³² He said, “I call on the Myanmar authorities to suspend military action, end the violence, uphold the rule of law, and recognise the right of return of all those who had to leave the country.”³³ He also urged countries to provide humanitarian assistance to the Rohingya refugees. Later, in an interview with the BBC, referring to Aung San Suu Kyi, the Secretary-General said, “If she does not reverse the situation now, then I think the tragedy will be absolutely horrible, and unfortunately then I don’t see how this can be reversed in the future.”³⁴

The UN Security Council “expressed concern about reports of excessive violence during the security operations and called for immediate steps to end the violence in Rakhine, de-escalate the situation, re-establish law and order, ensure the protection of civilians.”³⁵

Besides such condemnations, there have been demonstrations in various parts of the world demanding revocation of the Nobel Peace Prize awarded to Aung San Su Kyi in 1991.³⁶ In Canada, there have been demands to revoke Suu Kyi’s honorary citizenship, bestowed on her

United Nations High Commissioner for Human Rights”. Retrieved from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>.

³¹ Ibid.

³² “UN chief calls for action on Myanmar and DPR Korea; launches reform initiatives”, UN News Centre, 13 September 2017. Retrieved from <http://www.un.org/apps/news/story.asp?NewsID=57511#.Wbn1krIjGUK>.

³³ Ibid.

³⁴ “Rohingya crisis: ‘Last chance’ for Aung San Suu Kyi”, Retrieved from <http://www.bbc.com/news/world-asia-41297145>.

³⁵ “UN Security Council Condemn Excessive Violence on Myanmar”, Retrieved from <https://www.reuters.com/article/us-myanmar-rohingya-un-statement/u-n-security-council-condemns-excessive-violence-in-myanmar-idUSKCN1BO2GT?il=0>

³⁶ Russel Goldman, “Why Aung San Suu Kyi’s Nobel Peace Prize won’t be Revoked”, *The New York Times*, 4 September 2017. Retrieved from <https://www.nytimes.com/2017/09/04/world/asia/myanmar-rohingya-suu-kyi-.html>.

in 2007. The Canadian Prime Minister termed the situation in Myanmar as “terrible” and “extremely preoccupying”.³⁷

It seems that to avoid further embarrassment and criticism, Suu Kyi decided not to participate in the UN General Assembly meeting from 19 to 25 September 2017. Announcing it, the spokesperson for Myanmar’s presidential office Zaw Htay said,³⁸ “The first reason [Suu Kyi cannot attend] is because of the Rakhine terrorist attacks...The state counsellor is focusing to calm the situation in the Rakhine state. There are circumstances. The second reason is there are people inciting riots in some areas. We are trying to take care of the security issue in many other places. The third is that we are hearing that there will be terrorist attacks and we are trying to address this issue.”

Earlier, reacting to global criticism, in a statement issued by her office on Facebook, Suu Kyi said that the government had “already started defending all the people in Rakhine in the best way possible” and warned against misinformation that could mar relations with other countries.³⁹ Some analysts believe it is the military, and not necessarily the government, which is triggering the violence because the 2008 Constitution of the country has allotted three important ministries to the military – home affairs, border affairs and defence.⁴⁰ In a statement, General Min Aung Hlaing, the head of Myanmar’s military (Tamadaw), blamed the current crisis on “unfinished business from World War II”, when, he claimed, “Bengalis attacked, murdered and coerced” the ethnic peoples of the Rakhine state from their homes.⁴¹ A post on his Facebook page says, “They (global organisations and countries) have

³⁷ Zi-An Lum, “Prime Minister Facing Increasing Pressure To Revoke Aung San Suu Kyi’s Honorary Citizenship”, *The Huffington Post* 8 September 2017 Retrieved from http://www.huffingtonpost.ca/2017/09/08/prime-minister-facing-increasing-pressure-to-revoke-aung-san-suu-kyi-s-honorary-citizenship_a_23202106/.

³⁸ “Aung San Suu Kyi To Skip U.N. Meeting As Criticism Over Rohingya Crisis Grows”, *NPR*. Retrieved from <http://www.npr.org/sections/thetwo-way/2017/09/13/550672141/aung-san-suu-kyi-to-skip-u-n-meeting-as-criticism-over-rohingya-crisis-grows>.

³⁹ <http://www.channelnewsasia.com/news/world/myanmar-plays-diplomatic-card-to-avert-un-censure-over-rohingya-9189778?view=DEFAULT>.

⁴⁰ Kundu, Sampa, “Rohingya Crisis Needs a Regional Solution”, *IDSA Comment*, 8 September 2017 Retrieved from http://www.idsa.in/idsacomments/rohingya-crisis-needs-a-regional-solution_skundu_080917.

⁴¹ Nicola Smith, “Myanmar violence: Aung San Suu Kyi under pressure as Muslim Rohingya crisis continues”, *The Telegraph News*, 3 September 2017. Retrieved from <http://www.telegraph.co.uk/news/2017/09/03/aung-san-suu-kyi-pressure-rohingya-crisis-continues/>.

demanded recognition as Rohingyas, which has never been an ethnic group in Myanmar. [The] Bengali issue is a national cause and we need to be united in establishing the truth.”⁴²

On 19 September 2017, in a much awaited address to the nation, Suu Kyi said, “We feel deeply for the suffering of all the people who have been caught up in the conflict.” On international scrutiny, she said, “Myanmar does not fear ‘international scrutiny’ over the Rohingya crisis”,⁴³ but she asked for help in finding a sustainable solution to the conflict.⁴⁴ On the flight of Muslims from the Rakhine state, she said, “We will take all measures mentioned to ensure that there is peace in Rakhine and Myanmar as a whole. We will also investigate why so many young Muslims are crossing the border and going to Bangladesh. We will ask them why they are doing this”.⁴⁵ She added that “Myanmar stood ready at any time” to verify the status of the 410,000 Rohingya Muslims who have fled violence in the last month to aid the return of those eligible for resettlement.”⁴⁶ She also stated, “We don’t want Myanmar to be a nation divided by religious beliefs or ethnicities. Hate and fear are the main scourges...the responsibility to establish peace lies with the government.”⁴⁷ On human rights violations, Suu Kyi said, “We have to make sure these allegations are based on solid evidence before taking any action. Actions will be taken, irrespective of religion, race, against all those who violated human rights”.⁴⁸

If not addressed, this issue may add to the global radicalism. This crisis has been raised by terrorist groups like Al-Qaida and Islamic State. In an article published in *al-Qalam*, Jaish-e-Muhammad chief Maulana Masood Azhar writes, “We have to do something, and do it urgently...The entire Muslim *ummah* [nation] is feeling the pain of the Muslim nation...It is because of the sacrifices of the Myanmar Muslims that the ummah is waking up and we are seeing this new awakening among the Muslims of the world...All of us must do whatever we

⁴² “Rohingya was never ethnic group”. Retrieved from <http://www.thedailystar.net/frontpage/rohingya-was-never-ethnic-group-1463653>.

⁴³ “Myanmar Will Ensure Secure Environment For All Communities, Says Aung San Suu Kyi”. Retrieved from <http://www.ndtv.com/world-news/live-aung-san-suu-kyis-key-speech-on-myanmar-rohingya-crisis-today-1752054>.

⁴⁴ “Aung San Suu Kyi addresses nation on Rohingya violence in Myanmar”, *DW*, Retrieved from <http://www.dw.com/en/aung-san-suu-kyi-addresses-nation-on-rohingya-violence-in-myanmar/a-40572212>.

⁴⁵ “Myanmar Will Ensure Secure Environment For All Communities”, Says Aung San Suu Kyi”, op. cit.

⁴⁶ Ibid.

⁴⁷ “Myanmar ready to begin verification process for refugees who wish to return: Aung San Suu Kyi”, *The Indian Express*, 19 September 2017. Retrieved from <http://indianexpress.com/article/world/myanmar-rohingya-muslim-crisis-aung-san-suu-kyi-state-of-the-union-address-live-updates-4850454/>.

⁴⁸ Ibid.

can for the Myanmar Muslims. Just say your prayers, and get up to help them. You don't need to show off what you are doing: just do it, and never stop.”⁴⁹ Security analysts fear that the issue may provoke action by many militant groups in South and Southeast Asia. Dr Iftekhar Ahmed Chowdhury from the Institute of South Asian Studies, Singapore, feels that “large refugee camps in Bangladesh could turn out to be breeding grounds for extremism”.⁵⁰

Bangladesh-Myanmar Tensions

In South Asia, Bangladesh is facing the real brunt of the Rohingya crisis, with the influx of droves of Rohingya refugees. To tackle the issue, the Bangladesh Parliament unanimously adopted a resolution on 10 September 2017, urging the UN and the international community to exert strong diplomatic pressure on the Myanmar government to take back the Rohingyas, ensure their safe accommodation and give them citizenship rights.⁵¹

Bangladesh-Myanmar tensions over the Rohingyas can be traced to the 1970s when Myanmar alleged that a large number of Bengali-speaking Muslims (as the Rohingyas are termed by the Myanmar government) crossed into the Myanmar side of border. In 1978, the government under Ne Win carried out operation Naga Min (King Dragon) to remove them from their territory. To save their lives, many Rohingyas fled to Bangladesh. The Myanmar government claimed that the Rohingyas were Bangladeshi settlers who came to Myanmar due to a cyclone.⁵² This was vehemently denied by Bangladesh. The two countries began talks to find a solution. They concluded an agreement in 1978. On the issue of refugees, Annexure III of the agreement states:⁵³

1. (a) The Government of the Socialist Republic of the Union of Burma agrees to the repatriation at the earliest of the lawful residents of Burma who are now sheltered in the

⁴⁹ Praveen Swami, “Jaish-e-Muhammad chief Masood Azhar calls for action in Myanmar”, *The Indian Express* 12 September 2017. Retrieved from <http://indianexpress.com/article/world/masood-azhar-calls-for-action-in-myanmar-4839397/>.

⁵⁰ Ravi Velloor, “Rohingya Issue and the Danger in Southeast Asia”, op. cit.

⁵¹ “Parliament Resolve to Push Myanmar to take back Rohingya refugees”, *The Daily Star*, 12 September 2017. Retrieved from <http://www.thedailystar.net/politics/bangladesh-rohingya-refugee-crisis-parliament-adopt-resolution-united-nations-international-community-push-myanmar-1460767>.

⁵² Tun, Myint Maung (2016). ‘Myanmar-Bangladesh Relations: Challenges and Opportunities, Myanmar ISIS.

⁵³ 1978 Repatriation Agreement Annexure III, <http://dataspace.princeton.edu/jspui/bitstream/88435/dsp01th83kz538/1/1978%20Repatriation%20Agreement.pdf>.

camps in Bangladesh on the presentation of Burmese National Registration Cards, along with the members of their families, such as [the] husband, wife, parents, parents-in-law, children, foster children, grandchildren, son-in-law, daughter-in-law and widowed sisters.

(b) The Government of the Socialist Republic of the Union of Burma also agrees in the second phase to the repatriation of the people who are able to present their documents issued in Burma, indicating their residence in Burma, along with members of their families such as [the] husband, wife, parents, parents-in-law, children, foster-children, grand-children, son-in-law, daughter-in-law and widowed sisters (c) and also of those persons and the members of their families, such as, husband, wife, parents, parents-in-law, children, foster children, grandchildren, son-in-law, daughter-in-law and widowed sisters, who will be able to furnish evidence of their residence in Burma, such as addresses or any other particulars.

Item 6 of the agreement further adds that, “After completion of repatriation of all the aforesaid residents of Burma from Bangladesh, the two Governments shall cooperate for the prevention of the illegal crossing of the border by persons from either side. Both Governments agree to receive the repatriation of their residents who cross the boundary subsequent to the date when the Border Ground Rules comes into force and who are found illegally in each other’s country.”⁵⁴

As a result of the agreement, 210,000 Rohingyas were repatriated but others continued to live in Bangladesh.⁵⁵ Again in 1991-92, due to Operation Pyi Thar Ya carried out by Myanmar’s military, around 250,000 Rohingyas fled to Bangladesh to escape persecution.⁵⁶ As the crisis developed, Myanmar and Bangladesh met again in 1992. A joint statement was issued after the conclusion of the visit of Myanmar’s Foreign Minister to Bangladesh from 23 to 28 April

⁵⁴ Ibid.

⁵⁵ Mahfooz Anam, “Rohingya Crisis: A Concern for the region”, *The Daily Star*, 9 September 2017. Retrieved from <http://www.thedailystar.net/opinion/asian-editors-circle/rohingya-crisis-concern-the-region-1459393>.

⁵⁶ Corr, Anders, “Secret Secret 1978 Document Indicates Burma Recognized Rohingya Legal Residence”, *Forbes*, 29 December 2016. Retrieved from <https://www.forbes.com/sites/anderscorr/2016/12/29/secret-1978-document-indicates-burma-recognized-rohingya-legal-residence/#75ab57d75a79>.

1992. It called on the involvement of the UN High Commissioner for Refugees⁵⁷ in the matter. In the joint statement, the two sides stated that:

1. The Government of the Union of Myanmar agreed to take all necessary measures that would halt the outflow of Myanmar residents to Bangladesh and encourage those who had left Myanmar to return voluntarily and safely to their homes.
2. The Government of the Union of Myanmar, in a spirit of cooperation, agreed to accept after scrutiny, all those people who took shelter in Bangladesh and whose presence had been recorded through Refugee Registration Cards issued by the Government of Bangladesh at their point of entry into Bangladesh and which inter alia listed available evidence of their residence in Myanmar. On the basis of the scrutiny of the lists provided by the Government of the Union of Bangladesh, the Government of Union of Myanmar agreed to repatriate in batches all persons inter alia carrying Myanmar Citizenship Identity Cards/National Registration Cards; those able to present any other documents issued by relevant Myanmar authorities and; all those persons able to furnish evidence of their residence in Myanmar, such as addresses or any other relevant particulars. The Government of the Union [of] Myanmar agreed that there would be no restriction on number of persons so long as they could establish bona fide evidence of their residence in Myanmar. They further assured that the lists provided by Bangladesh closely coincided with those persons verified by the Myanmar authorities.

Despite such agreements, the Rohingyas continued to cross into Bangladesh for fear of their lives. In 2016, due to renewed violence in Myanmar, around 65,000 Rohingyas became refugees in Bangladesh. The violence was a reaction to the ARSA killing of nine security personnel in October that year. To address the refugee issue, Aye Soe, Deputy Director in the Myanmar Ministry of Foreign Affairs, paid a visit to Dhaka in January 2017. There, she maintained that the repatriation talks should only cover 2,415 people in Bangladesh whom Myanmar recognises as citizens, contrary to the reported figure of 65,000.⁵⁸

⁵⁷ Joint_statement_by_the_foreign%20(1).pdf <https://www.forbes.com/sites/anderscorr/2016/12/29/secret-1978-document-indicates-burma-recognized-rohingya-legal-residence/#75ab57d75a79>.

⁵⁸ “Myanmar sends envoy as Rohingya Crisis Deepens”, *The Guardian*, 11 January 2017. Retrieved from <https://www.theguardian.com/world/2017/jan/11/myanmar-sends-envoy-to-bangladesh-as-rohingya-crisis-deepens>.

On the Rohingya issue between Myanmar and Bangladesh, the Kofi Annan Commission says:⁵⁹

- (a) The Commission welcomes the expressed intention of the Myanmar Government to establish a Joint Commission with Bangladesh, as recommended in the Commission's interim report, to discuss bilateral relations, challenges, and opportunities of mutual interest. The Joint Commission – which should meet at least every quarter – should address issues such trade promotion, infrastructure, people to-people contact, the management of illegal migration, documentation of refugees and IDPs, voluntary return of refugees, combatting human trafficking and drug smuggling, and security cooperation to combat violent extremism.
- (b) The Governments of Myanmar and Bangladesh should facilitate the voluntary return of refugees from Bangladesh to Myanmar through joint verification, in accordance with international standards and with assistance from international partners.
- (c) When refugees from northern Rakhine state return from Bangladesh, the Government of Myanmar should help create a secure environment and, where necessary, assist with shelter construction for those whose homes have been destroyed.
- (d) Cooperation on security and border management requires urgent attention, particularly in light of the October 2016 attacks in Maungdaw. The Commission notes that substantial progress has been made since the interim report on security cooperation and border issues, including a clear willingness to finalise the three MoUs [Memoranda of Understanding] which will formalize a deepening of Myanmar-Bangladeshi security cooperation. The Commission is of the opinion that this effort should be continued and intensified, and the implementation of the MoUs started as soon as possible.

In the recent crisis, as large numbers of Rohingyas poured into Bangladesh, Zeid said, “In Bangladesh, I encourage the government to maintain open borders for the Rohingya refugees,

⁵⁹ ‘TOWARDS A PEACEFUL, FAIR AND PROSPEROUS FUTURE FOR THE PEOPLE OF RAKHINE: Final Report of the Advisory Commission on Rakhine State’. Retrieved from http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

and I urge the international community's support in helping the authorities receive and better assist the refugee population. Turning to the domestic situation in Bangladesh, I appreciate the government's constructive engagement with my office, and I would like to continue to work with the authorities to address the range of very serious human rights issues in the country."⁶⁰

India's Position

India's dilemma is that, for strategic reasons, it cannot afford to sour its relationship with Myanmar while, at the same time, it has to take into consideration the impact of the Rohingya issue on the India-Bangladesh relationship. The previous government under Dr Manmohan Singh walked a tightrope, maintaining a studied silence on the issue. Economically, the continued violence in the Rakhine state has affected the operationalisation of all sections related to India's Kaladan Multi-modal Transit Transport project, which links the western part of Myanmar with India's northeast.⁶¹

Around 40,000 Rohingyas are living in India. These include 16,000 who have refugee documents.⁶² About them, Minister of State for Home Affairs Kiren Rijiju said, "I want to tell the international organisations whether the Rohingyas are registered under the United Nations Human Rights Commission or not, they are illegal immigrants in India."⁶³ Earlier the Union government sent an advisory to the states to identify and deport them.⁶⁴ A plea against deportation was filed by Mohammad Salimullah and Mohammad Shaqir, two Rohingya refugees registered under the United Nations High Commission for Refugees. In their plea,

⁶⁰ "Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries", op .cit.

⁶¹ Nehginpao Kipgen, "Can India Ignore Rohingya Crisis?", *The Hindu*, 15 September 2017. Retrieved from <http://www.thehindu.com/opinion/op-ed/can-india-ignore-the-rohingya-crisis/article19686341.ece>.

⁶² "Rohingya crisis: Deplore India's current measures to deport refugees, says UN rights body chief", *The Indian Express* 11 September 2017. Retrieved from <http://indianexpress.com/article/world/rohingya-crisis-myanmar-situation-textbook-example-of-ethnic-cleansing-says-un-4838309/>

⁶³ "Rohingyas to be deported, don't preach India on refugees", says Kiren Rijiju", *The Indian Express*, 5 September 2017. Retrieved from <http://indianexpress.com/article/india/rohingyas-to-be-deported-dont-preach-india-on-refugees-says-kiren-rijiju-4830199/>.

⁶⁴ "Supreme Court asks Centre why it wants to deport Rohingya refugees to Myanmar", *The Scroll .in* Retrieved from <https://scroll.in/latest/849537/supreme-court-asks-centre-why-it-wants-to-deport-rohingya-refugees>.

they claimed that they “had taken refuge in India after escaping from Myanmar due to widespread discrimination, violence and bloodshed against the community there”.⁶⁵

On India’s position, Zeid said, “India cannot carry out collective expulsions, or return people to a place where they risk torture or other serious violations”.⁶⁶ Even if India decides to deport them, it will face difficulties as Myanmar is unlikely to accept these Rohingya people as its citizens. It has done so in the past.⁶⁷

Meanwhile, in an affidavit submitted to the Supreme Court, the Government of India said there was an “organised influx of illegal immigrants from Myanmar through agents and touts facilitating illegal immigrants/Rohingyas into India via Benapole-Haridaspur (West Bengal), Hili (West Bengal), Sonamura (Tripura), Kolkata and Guwahati.”⁶⁸ The affidavit states that a “large influx of illegal immigrants from neighbouring countries” had already caused “serious changes” in the “demographic profile of some of the border states” and this was “causing far-reaching complications in various contexts and is taking its toll and has a direct detrimental effect on the fundamental rights and basic human rights of the country’s own citizens”.⁶⁹ The affidavit maintains that, “Some Rohingyas are indulging in illegal/anti-national activities, i.e. mobilisation of funds through hundi/hawala channels, procuring fake/fabricated Indian identity documents for other Rohingyas and also indulging in human trafficking” and “they are also using their illegal network for illegal entry of others into India”. Many of them have also been able to “acquire fake/fraudulently obtained Indian identity documents i.e. PAN (Permanent Account Number) cards and voter cards”.⁷⁰ The Rohingyas also pose a security threat, contends the government affidavit. It states, “Many of these illegal immigrants also figure in the designs of ISI (Inter Service Intelligence – a Pakistani intelligence agency) and ISIS (Islamic States) who want to create communal flare-ups in the country. Rohingya militancy may further destabilise the country’s north-eastern corridor and there was the

⁶⁵ “Centre Refuses to Tell Supreme Court It Won’t Deport Rohingya Refugees”, *The Wire*, 5 September 2017. Retrieved from <https://thewire.in/173957/centre-supreme-court-rohingya-refugees/>.

⁶⁶ “Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries”, op. cit.

⁶⁷ “Deporting Rohingya not easy”, *The Hindu*, 6 September 2017. Retrieved from <http://www.thehindu.com/news/national/deporting-rohingya-not-easy/article19631400.ece?homepage=true>.

⁶⁸ ‘Illegal Rohingyas are security threat: Govt to Supreme Court’ Anantkrishnan G. *The Indian Express* 19 September 2017 Retrieved from <http://indianexpress.com/article/india/rohingya-illegal-migrants-are-terror-threat-government-to-supreme-court-4849909/>.

⁶⁹ Ibid.

⁷⁰ Ibid.

possibility of eruption of violence against the Buddhists who are Indian citizens, who stay on Indian soil, by the radicalised Rohingyas... some of them with militant background are also found to be active in Jammu, Delhi, Hyderabad and Mewat and posed a threat to national security”.⁷¹

India is not bound by the principle of ‘non-refoulement’, which bars governments from returning immigrants to countries where they face persecution, says Delhi, as India was not a signatory to the 1951 Refugee Convention.”⁷² The government says that “though India was a signatory to the International Covenant on Civil and Political Rights, its scope did not extend to non-refoulement”. The government insists the Foreigners Act of 1946 “statutorily empowers” and “casts an obligation upon the Central government to deport a person who is an illegal immigrant”.⁷³

Earlier, on 6 and 7 September 2017, during the World Parliamentary Forum on Sustainable Development in Indonesia, the Indian parliamentary delegation, led by the Speaker of the Lok Sabha (Lower House of the Indian Parliament), Sumitra Mahajan, dissociated itself from the Bali Declaration, which expressed “deep concern on the ongoing violence in the Rakhine State of Myanmar, amongst others.”⁷⁴

During Indian Prime Minister Narendra Modi’s visit to Myanmar from 5 to 7 September 2017, the two countries came out with a joint statement in which “India condemned the recent terrorist attacks in northern Rakhine state, wherein several members of the Myanmar security forces lost their lives. Both sides agreed that terrorism violates human rights and there should, therefore, be no glorification of terrorists as martyrs...The two sides shared the view that the situation in Rakhine state had a developmental as well as a security dimension.”⁷⁵

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ “India refuses to join declaration of international meet against Myanmar”, *The Indian Express*, 8 September 2017. Retrieved from <http://indianexpress.com/article/india/india-refuses-to-join-declaration-of-international-meet-against-myanmar-4833551/>.

⁷⁵ “India-Myanmar Joint Statement Issued on the occasion of state visit of Prime Minister of India to Myanmar (5-7 September 2017) http://www.mea.gov.in/bilateral-documents.htm?dtl/28924/IndiaMyanmar_Joint_Statement_issued_on_the_occasion_of_the_State_Visit_of_Prime_Minister_of_India_to_Myanmar_September_57_2017.

India's position on the issue threatens to have an impact on its relationship with Bangladesh. After the joint statement by India and Myanmar, the Bangladeshi High Commissioner to India, Syed Muazzem Ali, met the Indian Foreign Secretary, S Jaishankar, "to specifically raise the Rohingya issue". After the meeting, Ali said there had been changes since the joint statement was issued. He stressed that "the situation since then had taken a different turn in terms of the influx of refugees. When the visit took place, the security situation was the main focus. Since then, the number of refugees have increased at an alarmingly fast pace. In the last two days, 100,000 people took shelter in Bangladesh...*I hope that India can issue another statement updating their position on this issue* (emphasis added)."⁷⁶

In his column, Mahfooz Anam writes, "India has completely surprised Bangladesh by its all-out endorsement of Myanmar's position. We, naively as it now appears, were hoping that Prime Minister Modi's visit to Myanmar would help, if not to solve issue but at least to stop the violence and ebb the flow of refugees. PM Modi's support to the Myanmar's position and the absence of any substantive reference to the refugee issue and the consequent humanitarian disaster has greatly disappointed Bangladesh."⁷⁷

Later, due to regional and global outcries against the Myanmar government, there was a change in India's position on the Rohingya issue. India reportedly told Bangladesh that it would "pressurise" Myanmar to end the military crackdown in Rakhine and take back the Rohingyas.⁷⁸ India also decided to provide around 7,000 metric tonnes of relief and aid through operation *Insaniyat* (humanity) to Rohingya refugees stranded in Bangladesh. "The relief material consists of items required urgently by the affected people, namely rice, pulses, sugar, salt, cooking oil, tea, ready to eat noodles, biscuits, mosquito nets etc."⁷⁹ The first batch of relief reached Chittagong on 14 September 2017. The statement by the Ministry of External Affairs also said, "India has always responded readily and swiftly to any crisis in

⁷⁶ Devrupa Mitra, "Exclusive: Public Anger Brews in Bangladesh Over India's Stance on Rohingya Crisis", *The Wire*, 10 September 2017. Retrieved from <https://thewire.in/176013/bangladesh-rohingya-crisis-myanmar-india/>.

⁷⁷ Mahfooz Anam, "Rohingya Crisis: A Concern for the region", *The Daily Star*, 9 September 2017. Retrieved from <http://www.thedailystar.net/opinion/asian-editors-circle/rohingya-crisis-concern-the-region-1459393>.

⁷⁸ "Rohingya crisis: India backs Bangladesh's stance, Sushma Swaraj reportedly tells Sheikh Hasina", *The Indian Express*. Retrieved from <http://indianexpress.com/article/india/amid-deepening-crisis-india-pushing-myanmar-to-take-back-rohingya-refugees-report-4844861/>.

⁷⁹ "Operation Insaniyat - Humanitarian assistance to Bangladesh on account of influx of refugees", Ministry of External Affairs, Government of India, Retrieved from http://www.mea.gov.in/press-releases.htm?dtl/28944/Operation_Insaniyat__Humanitarian_assistance_to_Bangladesh_on_account_of_influx_of_refugees.

Bangladesh, in keeping with the close ties of friendship between the peoples of India and Bangladesh. India stands ready to provide any assistance required by the Government of Bangladesh in this hour of need”.⁸⁰

On 19 September 2017, participating in the interactive session of the UN Human Rights Council on the fact-finding mission on Myanmar, India said that, “it is apparent that the only long-term solution to the situation in the Rakhine state is socio-economic and infrastructure development of the state. Such development would generate employment opportunities and economic activity that should have a positive impact on all communities living in the state. It is with this understanding we have recently agreed with Myanmar to provide financial and technical assistance for identified projects to be undertaken in the Rakhine state in conjunction with the local authorities”.⁸¹ The projects had been outlined in the joint statement by India and Myanmar during Modi’s visit. India and Myanmar “agreed to bring about overall socio-economic development in the [Rakhine] state by undertaking both infrastructure and socio-economic projects, particularly in the spheres of education, health, agriculture and allied activities, agro-processing, community development, construction of small bridges, upgradation of roads, small power projects, livelihood activity, setting up of training centres, promotion of household crafts, conservation of environment and cultural heritage. Myanmar welcomed India’s offer of assistance under the Rakhine State Development Programme and the two sides agreed to finalise the implementation modalities within the next few months.”⁸²

Conclusion

To address this humanitarian crisis, the Rohingya issue needs a permanent solution and not incremental fixings. Any such solution needs to take the following steps: First, provide them full citizenship status and rights. The conditions mentioned in the 1982 citizenship rights have to be removed. Second, the government of Myanmar has to take back all the Rohingyas

⁸⁰ Ibid.

⁸¹ Indian Representative to UNHCR’s statement on Myanmar issue. A copy of the statement was posted on twitter account “India at UN, Geneva”.

⁸² India-Myanmar Joint Statement Issued on the occasion of state visit of Prime Minister of India to Myanmar (5-7 September 2017). http://www.mea.gov.in/bilateral-documents.htm?dtl/28924/IndiaMyanmar_Joint_Statement_issued_on_the_occasion_of_the_State_Visit_of_Prime_Minister_of_India_to_Myanmar_September_57_2017.

who have fled to different parts of Asia due to military operations against them in their country. Also, a safe zone has to be demarcated for the Rohingyas in Myanmar where they can live after their return. Third, the process of further “Burmanisation” of Myanmar has to be stopped. Finally, although the global community has come forward to provide humanitarian assistance to the Rohingyas, the world has to exert more pressure on the Myanmar government to end the violence against the ethnic minority.

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