

Chapter 7

Vignette: Human Rights and the Rohingya Refugees



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'I was born in Burma, but the Burmese government says I don't belong there. I grew up in Bangladesh, but the Bangladesh government says I cannot stay here. As a Rohingya, I feel I am caught between a crocodile and a snake'.

—A 19-year-old refugee, Nayapara camp (*Frontières-Holland 2002*: 8)

Abstract The vignette gives a brief insight into the historical background of the Rohingya Refugees and hints at the extent of their victimization at the hands of the state. It grounds the issues of conflict, displacement and loss as a current and unfolding issue. More people have experienced displacement currently than during the Second World War (UN Director). The United Nations Declaration of the Rights of Indigenous People has been ignored in the case of the Rohingyas.

Keywords Rohingya · Human rights · UNDRIP · Atrocity

Some Background

According to the United Nations High Commissioner for Refugees, Guterres (UNHCR 2014 cited in Rusbridger 2015), for the first time since the Second World War, the global figure for displaced persons has now passed 50 million, and, by 2050, this figure could be as high as 150 million (Rusbridger 2015: 13). And yet the needs of the displaced are not addressed through the current architectures of democracy, governance and education. Surely it is time to reframe the social contract and to support public education to enable people to join up the dots?

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Rohingya is a controversial term which is used by UN. The Myanmar government calls this group of people ‘illegals’ or ‘Bengali immigrants’. The vignette addresses the historical exclusion of Rohingya people by the Buddhist community. It focuses on the human rights issue in terms of the UNDRIP. Rohingya people have suffered from the hostility of the Myanmar government and Rakhine Buddhists. Some were killed, the women were raped, and many houses, villages, and mosques were burnt. In 1978 and 1991, they were forced to flee in huge numbers with over 200,000 people in each of these years. Although making agreements with Bangladesh on the repatriation, the Burmese government has not intended to let Rohingya stay peacefully in Arakan. It can be seen from the recent data that since 2012, over 159,000 people fled to neighbouring countries (Mahmood et al. 2017). Recently, 370 Rohingya people and 15 members of Myanmar security forces died (The Washington Post 2017) caused by confrontations in Arakan. According to the United Nations report, the total death caused by this conflict is more than 1000 people (Kompas 2017b).

The Legacy of Colonialism

“Those, who cannot remember the past are condemned to repeat it”

—Philosopher George Santayana

The Rohingya people in Rakhine state of Myanmar have faced violence in recent weeks. But they have faced discrimination since at 1948 when the military government singled them out as illegal citizens.

Indigenous rights have been undermined through the dispossession of their land and limiting the rights. For decades, Rohingya people have been subjected to excessive violence, forced settlement, and human rights abuse. Their oppression is not the consequence of human nature or laws; it is the outcome of social construction (Ardill 2013: 324). Traditionally, the society of Myanmar had structured by majority and powerful dominance (Klein 2016: 249). Around 951, the Arab merchants choose the Rumri port to business with China, and there was constant influence of the Muslim religion. Between ten centuries (AD) and 1580, Chittagong region was controlled by the Muslim Sultan. Then Arakanese was powerful. In the sixteenth century, Arakanese adopted war techniques from Portuguese and began numerous attacks to capture slaves (Ventura 2014: 10–16). At present, those slaves and their offspring are known as Rohingya (Abrar 1995: 3–6).

After the third Anglo-Burmese war of 1885, British led to control over Burma and influenced a large number of refugees to return from Chittagong (Nicolaus 1995: 1). British occupied them as workforces for cultivation with lower wages. In the Second World War, the Arakanese communities divided into two parts; the Buddhists were in favour of Japan and the Rohingyas were loyal to British. The colonial policies encouraged Rohingya people to support British from their expectation of autonomous state. However, they were not given an autonomous state (Abrar 1995: 3–6). During Myanmar’s independence struggle, General Aung-San

promised a new state of Federal Union. Unfortunately, in July 1942, Aung San and six other ministers were assassinated. The Myanmar military took over the control. After the colonial period, the Rohingya people were powerless and dominated by the Military Group. The Muslim civil servants and policeman were replaced and were banned from military service. In 1982, the Myanmar Citizenship Law was introduced. It denied citizenship to the Rohingya people. Now they are stateless (Ventura 2014: 27). Social exclusion and systematic marginalization disadvantaged them in ways that denied their rights. They became socially, financially and politically powerless (Sodhganga 2008: 5) and stateless.

Human Rights Issue of Rohingya People

One of the fundamental foundations of human rights is the principle that all human beings are born free and equal in dignity and rights (Ullah 2011: 149). Human rights is an inherent value which is based on equality and mutual respect. As a human being, Rohingya people have the right to life, and free from cruel.

The lack of domestic rights protection influenced UN to establish international laws to promote norms, value, and standards to the member states to protect the rights of Indigenous people (Arzey and McNamara 2011: 734). Like other countries, Myanmar is also the member state of UN by ratifying UNDRIP in 2007. UNDRIP is also an important guide to ensure the rights, dignity, and well-being of the Rohingya people. Additionally, it also focuses basic standards of rights in land, culture, natural resource, and self-determination. Articles 1 and 2 of UNDRIP mention human rights; Articles 3 and 4 focus on the right to self-determination (Dunne and Hanson 2009: 66). However, protection of human rights and self-determination of the Rohingya people are limited because they have no recognition, freedom, and sovereignty.

Recent Violence and Hidden Cause to Force Out Rohingya People

In August 2017, the state began a so-called cleansing operation. In Kachin state, more than 500 acres of land was confiscated for gold mining. Similarly, the China National Petroleum Company is connecting Rakhine in September 2013 to take oil and gas from the Shwe gas field. A parallel pipeline is also expected from Middle East (The Conversation 2017). They are forcefully removed from their native land. Devastating cruelty is used to the displacement displace people, including rape, torture, and burning homes. The UN has taken initiatives but failed to protect them. Now, the UN calls them 'the most persecuted refugees' (Zawacki 2012: 21).

The Indian Prime Minister visited Myanmar on 6 September, but did not provide assistance; in contrast, he supported the Rohingya cleansing operation (The Times of India 2017).

The refugee camps into which Rohingya women and children have been displaced for 'safety' as they are unwelcome in both Bangladesh and Myanmar are not protected from the predatory traffickers who have been reported to snatch children from camps in Bangladesh.¹

This brief vignette provides a current example of displacement and loss that unfolded at the time of the symposium and makes a plea to ensure that representation and accountability of Indigenous peoples be taken into consideration as a way to ensure that they do not become invisible victims in a process of conflict, displacement, and dispossession.

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¹ABC news. Retrieved 11 December, 2018, from <http://www.abc.net.au/news/2017-10-20/sexual-predators-human-traffickers-target-rohingya-refugee-camps/9068490>

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