Rohingyas

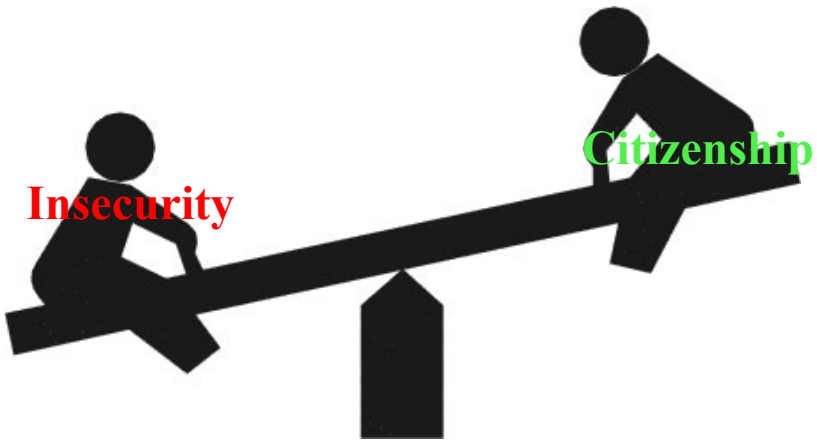## Insecurity and Citizenship in Myanmar

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Rohingyas

Insecurity and Citizenship in Myanmar

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Thaksin University International College

It is with pleasure that we introduce this book about some work conducted through the Thaksin University International College. The International College is a functional unit within the university for regional and international research that is publishable internationally. This particular work has involved some years of fieldwork under difficult conditions and is supplemented by an extensive analysis of documentation both within and outside Myanmar.

As a close neighbour and one with which southern Thailand share a long and rich history, Myanmar forms a key part of the mandate of the International College along with our work in Indonesia, Malaysia, Cambodia, Lao, Vietnam and other members and affiliates of the ASEAN region.

Based on the ethic that sustainable development relies on interdisciplinary understanding, the International College engages in diverse research, which has ranged from economics, law and business through history and social science to technological developments in science, engineering and agriculture.

The work presented in this book represents the efforts of some key persons and has been kindly edited by three senior international academics associated with the International College. In acknowledging their input, we would also like to thank the expert advice also provided by Dr Michael Heppell and Dr Anthony Ware, and the institutions with which our international academics are associated, including; the Australian National University, Deakin University, Monash University, University of Melbourne and University of Queensland.

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What this Book is About

The Rohingyas are a large Muslim minority group living in the Rakhine State in western Myanmar. The Rohingyas are regarded as non-citizens even though they and their proximal ancestors have been born in the Rakhine state. The origin of the Rohingya ethnic group is outlined. The different perceptions of the term 'Rohingya' by various peoples and Governments are discussed.

The book examines the causes and effects of denial of citizenship rights and its results on the human security aspects of the Rohingyas. Social Identity Theory and Social Exclusion Theory are used to explain the Social Exclusion of the Rohingyas and denial of their citizenship rights, which threaten their human security. The legal aspects of citizenship are discussed. The human security aspects are considered based on the human security framework provided by UNDP 1994.

This study concludes that the Rohingyas are entitled to full citizenship within Myanmar by virtue of UNDP Human Security Framework and international conventions relating to Human Rights and Statelessness 1948 to 1961. It also suggests that the granting of citizenship and citizenship right entitlements as prescribed by the 2008 Union of Myanmar Constitution will alleviate the human insecurity and suffering of the Rohingyas and will also be to the benefit of the development of the Republic of the Union of Myanmar.

Abbreviations

ACSC	Associated Citizenship Scrutiny Card
AFPFL	Anti-Fascist People's Freedom League
BTF	Burma Territorial Force
CSC	Citizenship Scrutiny Card
FRC	Foreign Registration Certificate
GCSS	General Council of Sangha Sametggi
ICHR	Irish Centre for Human Rights
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
INGO	International Non-Governmental Organization
INRD	Immigration and National Registration Department
MFA	Mayu Frontier Administration
MNHRC	Myanmar National Human Rights Commission
MOU	Memorandum of Understanding
MSF	Médecins Sans Frontières
NASAKA	Nay Sat Kut Kwey Ye (Border Security Force)
NCSC	Naturalized Citizenship Scrutiny Cards
NGO	Non-Governmental Organization
NRC	National Registration Card
NRS	Northern Rakhine State
OHCHR	UN Office, High Commissioner for Human Rights
PVO	People's Volunteer Organization
SLORC	Law and Order Restoration Council
TBA	Traditional Birth Attendant
TIC	Temporary Identity Certificate
TRC	Temporary Registration Cards
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Childrens' Fund
UNOCHA	Office for the Coordination of Humanitarian Affairs
WFP	World Food Programme
YMBA	Young Men's Buddhist Association

Exchange Rate: 1 USD = ~1,000 Myanmar Kyats (2012)

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Chapter 1

Setting the Scene

'Rohingya' is the name of an ethnic group, of which the majority of the members live in the Rakhine State. The Rakhine state is located in the Western part of Myanmar and extends from latitude 17°15ˈ to latitude 21°11ˈ North and longitude 92°11ˈ to longitude 94°55ˈ East. It has an area of approximately 14,200 square miles (Figure 1). It is surrounded by the Chin state in the north, by the Rakhine Yoma (mountain range) in the east, by the Ayeyarwaddy delta region in the south, by the Bay of Bengal in the southwest, and Bangladesh in the northwest. The Rakhine state is composed of 5 districts and 17 townships (Figure 3). Recently released population data from the Department of Population (2014, p. 2) estimated that the population of Rakhine State is 3,188,963. According to Inquiry Commission (2013, p. 3) the estimated population of Rakhine state is 3,338,669 comprising 2,333,670 Buddhists (70 percent) and 968,218 Muslims (29 percent), 25,206 Christians (0.75 percent), 8,670 Hindus (0.26 percent) and 2,905 Animists (0.09 percent). U Khin Yee, Minister of Immigration and Population estimated Rohingyas population throughout Myanmar as 1.33 million and about 1.08 million are in Rakhine State (Fortify Rights 2014, p. 16).

Many and diverse ethnic groups live in Rakhine State, with the Rakhine ethnic group (mostly Buddhist) themselves representing the largest population group and the Rohingyas (mostly Muslims) the second largest. The Rakhine ethnic group is recognized as one of the eight major national ethnic groups of Myanmar, while the Kaman, Kwamwee, Daingnet, Maramargyi, Mro, and Thet are recognized by the Myanmar government as sub-Rakhine groups. The Rohingyas, meanwhile, are regarded as non-citizens and a non-recognized ethnic group. The majority of people in Myanmar use the word 'Bengali' to

refer to the Rohingyas, because they don't accept Rohingya as an 'ethnic identity'. Although Rohingyas have been living in Rakhine

Figure 1. Ethnicity Map of Myanmar
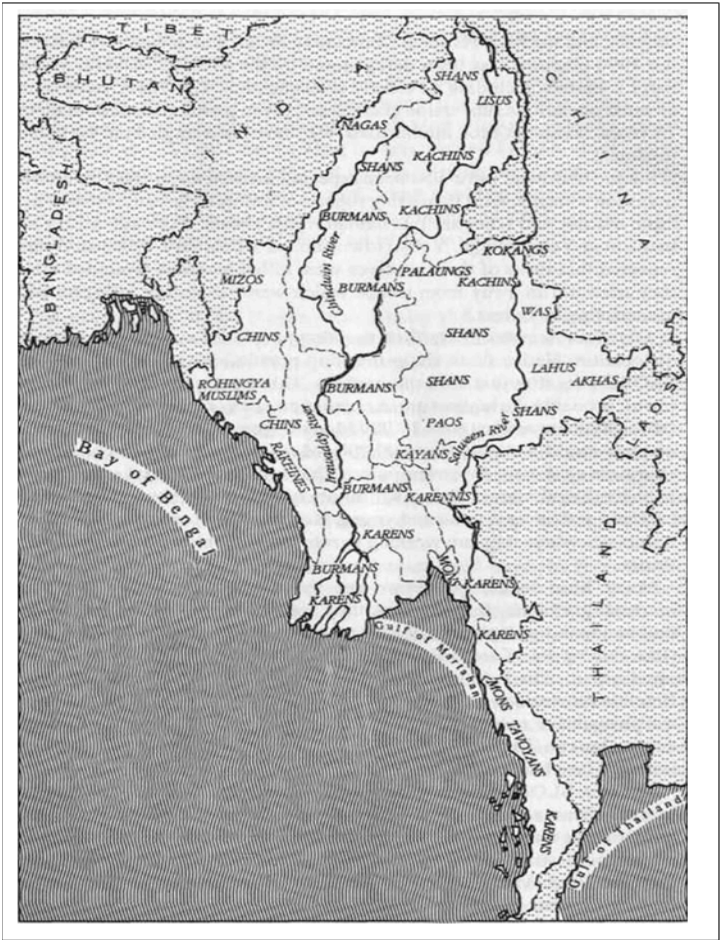
Source: Martin Smith: "Ethnic Groups in Burma", p51.

State for many hundreds of years, their presence is not welcomed by the Rakhine ethnic people. The Rakhine ethnic group perceive themselves as the defenders of 'land and religion' and the Rohingyas as a 'threat to race and religion' and as 'intruders' who will occupy Rakhine land and dominate the economy as part of an Islamic state. This perception has resulted in the Rohingyas enjoying less human security than most of the other ethnic groups in Myanmar, and has increased the level of prejudice shown by the national ethnic groups towards the Rohingyas. This group prejudice has, over the years, transformed into inter-communal conflict. According to a recent report prepared by UNOCHA, (2014a), in 2012 some 140,000 Rohingyas fled their homes to live in separated camps set up specifically for internally displaced persons, in ten out of eleven affected townships in the Rakhine state. Many Rohingyas lost their wealth, property, homes, land, livelihoods, families and friends at this time, while others fled beyond the camps to other countries including Bangladesh, Thailand, Malaysia, Indonesia and Australia, illegally, to find a secure place to live (Human Rights Watch, 2015). This mass emigration of Rohingyas has become a critical problem for the ASEAN countries and beyond.

The Constitution of the Republic of the Union of Myanmar 2008 in Chapter VIII entitled 'Fundamental Rights and Duties of the Citizens' (refer to the end of Chapter 6) is central to the question. The Rohingyas believe that the withdrawal of the citizenship rights therein referred after 1982 is a result of the development of negative attitudes towards the Rohingyas. This Study examines the causes and effects of denial of citizenship rights and its results on the human security aspects of the Rohingyas, as described in the following section.

What is Examined?

In Rakhine State, an estimated more than 900,000 or more Rohingyas live without legal recognition and are regarded as non-citizens (Inquiry Commission 2013, p. 80). The Rohingyas' human

security has been increasingly threatened since 1962, around the time of the first military coup in the country (Bureau of Democracy, Human Rights, and Labour 1999, p. 1). As a consequence of the 2012 inter-communal conflict, the Rohingyas are now living in a state of fear and want beyond the limits of human security. The Universal Declaration of Human Rights states that a person's individual rights must be protected, regardless of citizenship (UN 1948). In contrast, the Rohingyas, as non-citizens, are excluded from citizenship rights and state protection.

The Rohingyas argue that their lives and property have been destroyed because they are not regarded as citizens, and that as long as this remains the case they will not achieve human security. Thus, this book conceptualizes the Rohingyas' denial of citizenship in Myanmar as a key barrier to human security and intends to establish the impacts of this on their everyday lives. Thus the book addresses the following question:

> *In what ways is the human security of the Rohingya threatened by government policies, especially the 1982 Citizenship Law, and to what extent would citizenship provide for their human security?*

Why this Subject?

The main objective is to understand the background to, and details of, the Rohingyas being denied citizenship in Myanmar, and the impact of this on their human security. The following specific objectives were developed to answer the research question:

1. To describe the background and history of the Rohingyas
2. To explore Myanmar's citizenship laws and the implications of these laws for the Rohingyas
3. To analyse how the denial of citizenship impacts on the Rohingyas' human security
4. To suggest policies that may be adopted to alleviate the human security problem of the Rohingya people.

After inter-communal conflict erupted in June 2012 in Rakhine State the Rohingya situation reached the international stage and many academic studies have since been conducted on the citizenship concerns of the Rohingyas. However, there is a gap in reliable information regarding causes and effects of the 1982 Citizenship Law on the human security concerns of the Rohingyas. One of the significant aims of this work is therefore to fill this gap.

The findings and results of this study will hopefully lead to Myanmar state legislators reviewing the citizenship laws and policies in granting citizenship on non-discriminatory basis in accordance with the General Assembly Resolution 66/290 on human security and the series of UN Conventions on Statelessness: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Myanmar, as a member of the United Nations, has an obligation to promote *universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion*, as stated in the United Nations Charter, Articles 55 and 56 (UN 1945). To policymakers, the results should provide a comprehensive account of why human security is so important if Myanmar wishes to make a peaceful transition to democracy and development nationwide, and not only in the Rakhine State. This study shows that citizenship should not be limited to the 135 officially recognized national ethnic groups, because not all people residing in the country belong to those groups. In fact, the exclusion of other groups will simply promote instability and civil unrest, which will in turn hinder the country's development and progress towards democracy.

Scope

This work reported herein focuses on human security concerns linked to the citizenship status of the Rohingyas in Myanmar. Until a human security framework was developed by the UNDP in 1994 there had been no single framework in place to measure human security. The

human security framework developed by the UNDP in 1994 has been adopted for this study as per James (2006, p. 10).

The most challenging task faced during research work was the field survey. This was due to the inter-communal conflict that occurred between the two communities during the study period. Rural Sittwe was selected as a study location based on its accessibility and relative security. During the field survey, respondent interviews needed to be cancelled many times due to the unstable conflict situation in the surrounding area.

In addition to the unstable situation, many female respondents were unable to clearly address the issues discussed during the interviews. The majority of women are illiterate, most have been socially and culturally discriminated against and many are psychologically affected by the ongoing inter-communal conflict. For the male respondents, some had difficulty expressing their opinions because their housing, property and livelihoods had been destroyed. As a result, they found it difficult to recall the details needed to answer specific questions.

Limitations were thus imposed in terms of obtaining accurate baseline data relevant to the Rohingyas. Most papers and documentation available are concerned only with the history of the Rohingyas and there are only a limited number of studies available on the Rohingyas' citizenship concerns. No single study has been conducted into the human security situation among the Rohingyas who live in Sittwe district; however one study has been completed covering the Maungdaw district (northern Rakhine State) (Chaw Su Su Khine 2009, p. 9). There is also no baseline data on the socio-economic status of the Rohingyas who live in Sittwe district; hence, the study was conducted using the recall method, meaning the results shown here were dependent on self-reported data. It was difficult to validate the self-reported data because officials were not authorized by the government to answer the questions. Some data were validated by Rohingyas and Rakhine ethnic elders. The findings and conclusions drawn from this study are widely applicable to the

Rohingyas who reside in Sittwe, Ponnagyun, Mrauk-U, Kyauktaw, Minbya, Myebon, and Pauktaw townships, because the government has applied similar administrative structures in these Townships. But the study results may not be applicable to Maungdaw, Buthidaung, and Rathedaung Townships because the government applied more restrictive administrative procedures and thus human security status of the Rohingyas in these townships is different from the Rohingyas who live in the study locations. Similarly, Rohingyas have not lived in Ann, Toungup, and Gwa Townships since the 1980s.

Structure

This book is organized into eight chapters. The background of the study, research questions, research objectives, significance of the study and its scope and limitations, are presented in the current chapter. Chapter 2 reviews and analyses the literature, theories and concepts related to the research questions to provide a comprehensive level of understanding of the nature of the research topic. In that chapter, social identity theory is applied to explain the social aspects of the Rohingyas' exclusion from citizenship rights. The citizenship concept is presented to explain the issue from a legal perspective. The human security concept is also presented to explain the concepts and dimensions relevant to human security. In Chapter 3, the research methodology, study design, sample selection, data collection activities and data analysis methods used are presented. Chapter 4 presents the origin and ethnic identity construction of Rohingyas while Chapter 5 describes the historical background to the Rohingyas and the group prejudice present among the Rakhine ethnic group. Chapter 6 discusses legal aspects of citizenship especially relating to the 1982 Citizenship Law and the subsequent denial of the Rohingyas' citizenship. Chapter 7 describes the quantitative and the qualitative analysis of the data collected during field studies. The final Chapter 8 discusses the findings of the work, and presents some recommendations.

Rohingyas - Insecurity and Citizenship in Myanmar

Chapter 2

State of Knowledge

The Rohingyas who reside in the Rakhine State argue that their access to citizenship rights were withdrawn after the promulgation of the 1982 Citizenship Law, and their human security was consequently threatened. This study conceptualizes the 1982 Citizenship Law as a main threat to their human security. The development of government policies which threaten the Rohingyas human security reinforce negative attitudes towards the Rohingyas from the recognized national ethnic groups, especially the neighboring community, the Buddhist Rakhine ethnic community.

Therefore, in this chapter, the Social Identity theory developed by Tajfel and Turner (1979) and Silver's concept of social exclusion (Silver et al., 1995), are presented to analyze in what way the development of negative attitudes have resulted on the development of citizenship policies which limit their access to human security. Marshall's (1950) citizenship concepts (Marshall, 1950), Human Security theory and concepts developed by UNDP (1994) and the UN Commission on Human Security (2003) are presented to analyze the research question "in what ways is the human security of the Rohingya threatened by government policies, especially the 1982 Citizenship Law, and to what extent would citizenship provide for their human security?"

Although there have been historical inter-communal conflicts, the conflict commencing in 2012 has been the most severe and this study primarily addresses the cause and results of this recent conflict which effect to the citizenship status and human security of the Rohingyas. Let us begin by considering social identity and social exclusion.

Social Identity

From the social perspective, the denial of citizenship to the Rohingyas is associated with the development of negative attitudes towards the Rohingyas by the national ethnic groups, which threatens their human security. Given this background, it is argued that Social Identity Theory (SIT) is the most appropriate theory by which to study the exclusion of this marginalized group from being granted citizenship status (McNamara et al., 2011). In this regard, Tajfel and Turner (1979) stated that: *social identity is part of an individual's self-concept which derives from his [her] knowledge of his [her] membership in a social group (or groups) together with the value and emotional significance attached to that membership.*

As a result, SIT explains the development of in-group and out-group bias based on the three key cognitive concepts: a) social categorization, b) social identification, and c) social comparison. These three concepts are detailed below.

a)   **Social Categorisation**: Franzoi (1996) pointed out that people categorise themselves into a particular group. Individual human beings label objects in order to understand them easily but humans also label other people. Therefore, individuals categorise themselves and others as members of a particular social group, and this forms a basic element of group identity. Franzoi (1996) has defined social categorization as the classification of people into groups based on their common attributes. Social categories exist in different forms and individuals may categorise themselves into social categories based on gender, religion and ethnicity.

b)   **Social Identification**: Deaux (1996) has defined social identification as the process by which people define themselves as members of a group or into social categories. Social identity is referred to as the specific aspects or characteristics that people identify with, in terms of group membership. Social identity is a group-based identity, which Turner et al. (1987) defined as *a shift towards the perception of self as some social category and away from the perception of self as a unique person.* Social identity exists in many different forms, according to the way people connect to

other groups, such as through gender, ethnicity, religion, relationships, vocations and political affiliations.

c)   **Social Comparison:** People prefer to have a positive social identity and consequently individuals attempt to define their positive social identity by categorizing others into in-groups and out-groups. To do so, people must differentiate their own groups positively from others to achieve a positive social identity. SIT states that people evaluate their own group's worth by comparing it to that of the other groups. Since people prefer to have a positive social identity, they view their in-groups more favourably than the out-groups (Latcheva 2010, p. 190).

In-group bias is the tendency to see one's own group in favourable terms and an out-group in unfavourable terms. In-group bias becomes stronger when the other groups are different in terms of physical appearance, language and religion (Goldstein and Whitworth 2005, p. 190). People's identification with an in-group causes them to selectively process information about the in-group and out-group members' performances, in order to reinforce their prevailing stereotypes, prejudices and discriminatory behaviours. Alternatively, stereotypes and prejudices may themselves arise from the struggle to attain or maintain a positive social identity (Franzoi, 1996).

Franzoi (1996) defined stereotype, prejudice and discrimination in the following way: *Stereotype is a fixed way of thinking about people that puts them into categories and doesn't allow for individual variation. Prejudice is the result of negative stereotyping. These stereotypes are usually based on generalizations and a lack of close experiences with the issues, people or behaviours. Prejudice is the biased behaviour towards a particular person, race, religion, or group. On the other hand, discrimination is the action that a person or a group of people acts upon the basis of prejudice against the other person or a group of people.*

Social Identity theory developed by Tajfel and Turner (1979) explains the development of negative attitudes and group-bias

towards the Rohingyas both from the neighbouring Buddhist Rakhine communities and recognized national ethnic groups throughout Myanmar. The Rakhine Buddhist label the Rohingyas as Bengali illegal immigrants, and classify them as non-members of the national ethnic groups, an out-group. This book hypothesis is that to favour the in-group and to denigrate the out-group, Buddhist Rakhine develop strong nationalist attitudes themselves as emphasizing the defenders of land and religion and they have an obligation to defend land and religion. Then, the Rohingyas are categorized as a threat to race and religion and as intruders who will occupy Rakhine land in order to establish an Islamic state. The group-bias has developed within the Buddhist Rakhine community, and extended to most Buddhist communities who live throughout Myanmar. The Rohingyas are excluded from Buddhist society, especially from the neighbouring Buddhist Rakhine society. The exclusion gradually threatened the human security of the Rohingyas as stereotypes, prejudices and discriminatory behaviours increased. Silver's concept of social exclusion is presented in the following section to explain how social exclusion threatens their human security.

Social Exclusion

The term social exclusion is defined differently by various scholars. Cannan (1997, p. 83) stated that social exclusion refers to a variety of challenges to identity, nationhood, multi-culturalism and racism. Chakravarty and D'Ambrosio (2006, p. 397) defined social exclusion as disintegration and fragmentation of social relations and hence a loss of social cohesion. Sen (2000, p. 9) expressed that social exclusion is a term to address poverty and deprivation. Silver et al. (1995, p. 14) defined the term 'social exclusion' as exclusion of individual(s) from accessing human security based on social identity characteristics such as language, race, sex, kinship, education, occupation, religion and geographical origin. Rawal (2008) pointed out that social exclusion is a tool used to analyze why

individuals and groups are unable to access or benefit from the services offered by societies and economies.

The Commission of the European Communities (1993) stated that: *social exclusion refers, in particular, to inability to enjoy social rights without help, suffering from low self-esteem, inadequacy in their capacity to meet their obligations, the risk of long-term relegation to the ranks of those on social benefits, and stigmatization.*

The development of the term social exclusion was rooted in France during 1960s. However, the coining of the term is generally attributed to Rene Lenoir, who, in 1974 when he was Secretaire d'Etat a l'Action Sociale in the Gaullist Chirac government (as cited in Silver et al., 1995) estimated that: *[t]he excluded made up one-tenth of the French population and included the mentally and physically handicapped, suicidal people, aged invalids, abused children, substance abusers, delinquents, single parents, multi-problem households, marginal, asocial persons, and other social misfits.*

The concept was thereafter adopted as a key concept to analyze poverty and inequality within European countries in the 1980's, and later became a global term used to analyze inequality, variations in entitlements, marginalization, deprivation and development.

Social exclusion is a process through which individuals or groups are wholly or partially excluded from full participation in a society based on in-group and out-group bias (Silver et al. 1995, p. 67). By doing so, culturally diverse ethnic groups can be socially devalued and excluded gradually as an impact of the in-group (Rawal, 2008). Silver et al. (1995) concluded that social exclusion is a multi-dimensional concept that takes into account several important variables, such as exclusion from formal citizenship rights, exclusion from labour markets, exclusion from participation in civil society and exclusion from social arenas. Silver et al. (1995) presented multiple dimensions of exclusion such as: *People may be excluded from: a*

livelihood; secure, permanent employment; earnings; property, credit, or land; housing; minimal or prevailing consumption levels; education, skills, and cultural capital; the welfare state; citizenship and legal equality; democratic participation; public goods; the nation or the dominant race; family and sociability; humanity, respect, fulfillment and understanding.

Silver et al. (1995) provided three paradigmatic approaches to study social exclusion, which developed from different paradigms of citizenship. These paradigmatic approaches to social exclusion are a) solidarity, b) specialization, and c) monopoly. The solidarity approach conceptualizes exclusion as the rupture of social bonds between the individual and society, referred to as social solidarity. The solidarity approach is applied in fields of study such as anthropology, sociology, ethnography, cultural studies, citizenship, and ethnic conflicts. This approach focuses on the exclusion inherent in the solidarity of nations, races, ethnicities, localities and other cultural or primordial ties that delimit group boundaries. The solidarity approach provides the link between citizenship rights and State responsibility to promote reconciliation. The sociality approach suggests reconciliation as a means to impede exclusion (Silver et al., 1995).

The specialization approach conceptualizes exclusion as the consequence of specialization, including social differentiation, the economic division of labour and the separation of spheres. According to Silver et al. (1995), societies are seen as composed of individuals who are bearers of citizenship rights and obligations, and who have diverse interests and capabilities. It assumes that individuals differ, giving rise to specialization in the market and among social groups. Special social structures are comprised of separate, competing, but not necessarily unequal spheres that become interdependent through exchange. To the extent that group boundaries impede individual freedom to participate in social exchanges, exclusion is a form of 'discrimination'. However, a state's protection can also impede the exclusion of individual(s) as well as groups (Silver et al., 1995).

The monopoly approach conceptualizes exclusion as a consequence of the formation of group monopolies. In the monopoly paradigm, societies are seen as inherently conflictual. The influential group controls resources and protects their domains against outsiders, constructing barriers and restricting access – to occupations, to cultural resources, to goods and services. Only group membership allows access to resources and other social goods (Silver et al. 1995, p. 7). This paradigm assumes that the unequal power underlying more general group monopolies can be mitigated with inclusive 'social democratic' citizenship.

Silver et al. (1995), in the same report, stated that: the concept of social exclusion suggests an analytical framework to encompass a variety of dimensions that are being increasingly relevant for an understanding of the notions of deprivation and poverty. These considerations include the need to: *(a) link poverty with employment and social integration; (b) link the economic with the political and social dimensions of poverty; (c) examine the role of social processes and institutional structures in creating deprivation or generating inclusion. This would complement the current emphasis on macro-economic growth, incentives and individual skill development; (d) explore the implications of globalization for anti-poverty strategies, social cohesion and social justice; (e) explore the link between rights (civil, political and social) and access to livelihoods and markets.*

The Commission on Human Security (2003) considered exclusion makes citizenship ineffective. Citizenship determines whether a person has citizenship rights to take part in decisions, voice opinions and benefit from the protection and citizenship rights granted by a state. But the outright exclusion and discriminatory practices against people and communities, often on racial, religious, gender or political grounds, makes citizenship ineffective. Without both social inclusion and citizenship, people cannot easily attain human security.

The report prepared by the Commission of the European Communities, (1993) provided a comprehensive understanding of the nature and concept of social exclusion. Social exclusion is concerned

with various players in politics, business and social life. Social exclusion concerns not only insufficient income, but also with lack of job opportunities, lack of participation, access to services such as housing, education, and health. Segregation, discrimination, social inequality, fragmented society were regarded as elements of social exclusion which affect individuals and also groups. Social exclusion effects can be found in almost every country. However the form might sometimes be different from one country to another based on the country situation, for example, poverty in the developing countries, homeless and the long-term unemployment in the United States, violent urban riots in Hong Kong, ethnic conflicts in Sri Lanka and rejection of refugees in Bangladesh, etc.

The Commission of the European Communities concluded that Social exclusion is defined as a multidimensional phenomenon that developed gradually from inadequacies or weaknesses in the services offered and policies pursued in these various policy areas. Such insufficiencies and weaknesses often combine to affect both people and regions via cumulative and interdependent processes of such a nature. The Commission of the European Communities pointed out that to combat social exclusion, it is required to address all dimensions of social exclusion.

Citizenship

In this section, citizenship theory and concepts are presented to illustrate the importance of individual citizenship rights to which the Rohingyas are not entitled. Citizenship is defined differently according to the field of study, whether it be the legal, political, social or economic fields. However, it is broadly seen as a person being granted membership of a nation and of being endorsed with citizenship rights and responsibilities. In this section the citizenship concept is examined from the social perspective. It is discussed from the legal perspective in Chapter 6.

Heywood (2012, p. 263) defined citizenship as *a relationship between the individual and the state based on reciprocal rights and responsibilities*, while Silver et al. (1995, p. 2) states that *citizenship is a social contract based on the possession of equal rights by all individuals, and views social integration in terms of freely-chosen relationships between individuals, rather than a relationship between the individual and society.* Silver et al. (1995, p. 18) and Lister (1998, p. 226) concluded that *citizenship is the right of participation in decision-making in social, economic, cultural and political life.*

Earl Warren, Chief Justice, US Supreme Court, 1958 (as cited in Margaret 2008, p. 1) asserts that *[c]itizenship is man's basic right for it is nothing less than the right to have rights. Remove this priceless possession and there remains a stateless person, disgraced and degraded in the eyes of his countrymen. His very existence is at the sufferance of the state within whose borders he happens to be ... he will presumably enjoy, at most, only the limited rights and privileges of aliens, and like the aliens he might even be ... deprived of the right to assert any rights.*

Furthermore, Marshall (1950) has stated that *[c]itizenship is a status bestowed on all those who are full members of a community. All those who possess the status are equal with respect to the rights and duties with which the status is endowed.*

Marshall's citizenship concept is composed of three fundamental citizenship rights: civil rights, political rights and social rights. Civil rights include fundamental citizenship rights such as liberty, freedom of speech, thought and religion, the right to own property and the right to justice. Political rights include the right to participate in the political power structure, the right to vote and the right to be elected. Social rights include the right to employment, to do business and to participate in the economic welfare system, plus the right to share social heritage and to live the life of a civilised person according to the standards prevailing in society (Marshall, 1950).

Marshall (1950) argued that the citizenship rights in modern societies have been progressively extended and consolidated, starting with civil liberties, continuing with democratic participation and finally extending to social rights. These together provide a framework for the integration of citizenship, citizenship rights and welfare. However, he also believes that some of these citizenship rights remain ambiguous. A 'Rights Revolution' (referring specifically to citizenship rights) has emerged in Western nation-states, leading to the formation of new claims for inclusion and belonging.

Isin and Turner (2002) stated that *[t]he articulation of rights for various groups has been the most recurring theme of Western political history: from ancient Greek and Roman peasants and plebeians to Italian artisans and French workers, articulating rights as claims to recognition has always invoked the ideal of citizenship.*

McNamara et al. (2011) proposed that in theory, citizenship is a process that is developed over time through the extension of citizenship rights. Western nation-states tend to promote the expansion of citizens' rights though, in practice, citizenship rights are rarely granted to everyone in a society and certain individuals or groups may still be denied access to citizenship rights on the basis of gender, social class, ethnicity and/or religion. Marginalized people tend to be excluded partly or fully from being granted fundamental citizenship rights: civil, political and social rights (McNamara et al., 2011). On the one hand then, citizenship is defined as granting citizenship rights to a country's citizens and on the other denying citizenship rights to individuals considered non-citizens which limits freedom of movement, livelihood activities, medical treatment, education, land, housing, and property ownership, and so on.

Citizenship contains two contradictory concepts: 'inclusion' and 'exclusion'. Aristotle presented 'Greek citizenship' as a good example of 'exclusion'. Since citizenship was first introduced into the Greek Polis, marginalized people were excluded from being granted citizenship rights. Aristotle stated that in the Greek Polis, citizenship was only awarded to men who were born in the Polis, the

principle of *jus soli*. Property ownership implied a good and solid character to allow participation in running of the Polis. Thus, additional rules were set up for the citizens such that those who owned property were the only ones allowed to participate in running of the Polis. Women, children, and slaves were excluded from full citizenship rights. Greek citizenship did not allow women to own property and they had no citizenship rights to make their own decisions. They had to rely on a male protector such as a husband, father, and relative in decision-making. In addition, slaves were not allowed to make their own decisions and lacked freedom of choice. Aristotle argued that the right to make one's own decision is important for every individual including slaves. In addition, he highlighted that the right to own property is also as important as is the right to make one's own decisions because property ownership is linked with justice. He pointed out that justice involves equal treatment and freedom (Miller, 2012). Thompson (1997) stated that *the key to freedom was ownership of property and that no authority should be able to take away a man's property without consent.*

Silver (1994) indicates that excluded individuals are unable to secure fundamental citizenship rights such as social rights, economic and political rights. Thus, it is important that every individual must possess equal citizenship rights to employment, housing, health care, etc. According to Marshall's (1950) citizenship concept, social exclusion can be defined as incomplete citizenship, which is due to deficiencies in the possession of citizenship rights and inequalities in the status of citizenship. Social exclusion signifies the importance of incomplete citizenship. In this book, exclusion from granting citizenship rights is referred to as 'social exclusion'.

According to these definitions, this study proposes that the Rohingyas are defined as a 'socially excluded ethnic community' because the 1982 Citizenship Law is interpreted as denying granting citizenship rights to the Rohingyas and this in turn threatens their human security. This last aspect of human security is discussed in terms of theory and concepts in the following section.

Human Security

According to the UNDP (1994) after World War II, state security was considered as the most important aspect. Nowadays Human Security has become a more important aspect with its associations of individual freedom from fear, freedom from wants and the ability to live with dignity. To sustain Human Security, individual(s) must be granted fundamental citizenship rights that provide access to civil rights, economic rights, and political rights.

The Human Security concept has been developed progressively. The concept was first introduced by the UNDP in 1994 and the United Nations General Assembly achieved a common understanding on human security in 2012. The Human Security concept is now increasingly recognized by governments, at both the national and local levels, as well as by regional organizations and civil society groups (UN General Assembly, 2014)

The UNDP in 1994 initially defined human security as freedom from fear and freedom from want. According to UNDP, freedom from fear and from want are the basis for individual security because people feel insecure when they do not have enough food to eat, when they have lost their job, when they are not protected from crime, when their neighbourhoods are areas of violence and crime, when their ethnicity or religion is targeted for persecution or when they do not have fundamental citizenship rights. Thus, the UNDP placed all these concerns into a human security framework contained within its Human Development Report of 1994. UNDP's seven human security dimensions (UNDP, 1994) are as follows:

Economic security: *Ensuring basic incomes for individuals, usually from productive and remunerative work, or in the last resort, from a publicly financed safety net.*

Food security: *Ensuring that all people at all times have both physical and economic access to basic food.*

Health security: *Guaranteeing a minimum protection from diseases and unhealthy lifestyles.*

Environmental security: Protecting people from the short- and long-term ravages of nature, man-made threats and a deterioration of the natural environment.
Personal security: Protecting people from physical violence, whether from the state or external states, from violent individuals and sub-sectors, from domestic abuse or from predatory adults.
Community security: Protecting people from the loss of traditional relationships and values, and from sectarian and ethnic violence.
Political security: Ensuring that people live in a society that honours their basic human rights and ensures the freedom of individuals and groups from government attempts to exercise control over ideas and information.

The most important aspect of human security is that people should be able to live in a society that honours their citizenship rights. There are considerable links and overlap among the above seven elements, which means that a threat to one is likely to have an adverse impact on all the others. The UNDP in its Human Development Report (UNDP, 2013) stressed the importance of human security, saying *in every society, human security is undermined by a variety of threats, including hunger, disease, crime, unemployment, human rights violations, and environmental challenges. The intensity of these threats differs across the world, but human security remains a universal quest for freedom from want and fear*.

Human security is a developing concept. The Commission on Human Security (2003), writing in *Human Security Now*, defined human security as: *to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situation[s]. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.*

The Office for the coordination of Humanitarian Affairs, United Nations, (UNOCHA, 2009) conceptualized human security as:

(i) moving away from traditional, state-centric conceptions of security that focused primarily on the safety of states from military aggression, to one that concentrates on the security of the individuals, their protection and empowerment;

(ii) drawing attention to a multitude of threats that cut across different aspects of human life and thus highlighting the interface between security, development and human rights; and

(iii) promoting a new integrated, coordinated and people-centred approach to advancing peace, security and development within and across nations.

On 10 September 2012, the General Assembly agreed on a common understanding of human security and the General Assembly resolution 66/290 was adopted (UN General Assembly Resolution, 2013). Paragraph 4 of the resolution mentioned freedom from wants, freedom from fear and to live with dignity as follows: *(a) The right of people to live in freedom and dignity, free from poverty and despair. All individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential;*

Paragraph 4 states that all States have the responsibilities to ensure that the above human security principles are adhered to. Paragraph 4 then provides further details of these principles saying that human security:

- calls for people-centred, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities;

- recognizes the interlinkages between peace, development and human rights, and equally considers civil, political, economic, social and cultural rights;

- is distinct from the responsibility to protect and its implementation;

- does not entail the threat or the use of force or coercive measures. Human security does not replace State security;

- is based on national ownership. Since the political, economic, social and cultural conditions for human security vary significantly across and within countries, and at different points in time, human security strengthens national solutions which are compatible with local realities;
- retained by *governments [as] the primary role and responsibility for ensuring the survival, livelihood and dignity of their citizens. The role of the international community is to complement and provide the necessary support to Governments, upon their request, so as to strengthen their capacity to respond to current and emerging threats. Human security requires greater collaboration and partnership among Governments, international and regional organizations and civil society;*
- must be implemented with full respect for the purposes and principles enshrined in the Charter of the United Nations, including full respect for the sovereignty of States, territorial integrity and non-interference in matters that are essentially within the domestic jurisdiction of States. Human security does not entail additional legal obligations on the part of States.

This evolution of the concept of Human Security underpins this exploration of the link between the denial of citizenship to the Rohingyas and their human security.

Exclusion, Citizenship & Security

In this section, theories and concepts as mentioned above, Social Identity, Social Exclusion, Citizenship Policy, and Human Security, are the conceptual framework used to analyze the effect of the 1982 Citizenship Law on the Rohingyas' human security.

Denying the Rohingyas citizenship rights can be referred to as social exclusion, which has both social and legal aspects. From the social perspective, the Rohingyas are regarded as non-citizens, not as a national ethnic group, and are regarded as non-members of the national community. That is, the Rohingyas are an 'out-group'. The

denial of the Rohingyas' citizenship rights promotes group bias and stimulates negative attitudes. This group bias has gradually developed into inter-communal conflict, promoting insecurity and blocking access to human security. The following work conceptualizes how the social aspects associated with the denial of citizenship have had a significant impact on the Rohingyas human security situation.

From the legal perspective, the Rohingyas have been denied citizenship based on the application of the 1982 Citizenship Law and therefore have become non-citizens. Since they are not recognized as citizens, they are not granted equal citizenship rights and state protection, meaning their access to human security is hindered and threatened. As a result, they live in a constant state of fear and insecurity. Therefore this work postulates that the legal aspects associated with the Rohingyas' denial of citizenship has had a significant impact on their human security situation.

In reality, these two aspects, social and legal, are inter-related and difficult to distinguish from each other. Thus insecurity concerns of the Rohingyas are considered to be due to both social and legal aspects. This leads to the proposition that the Rohingyas live in a constant state of fear and insecurity because of the impact of social exclusion, and the denial of citizenship rights. This is conceptualized in the following Figure 2.

This chapter may be summarized by noting that this work relies on the citizenship concept developed by Marshall (1950), the social identity theory developed by Tajfel and Turner (1979), the social exclusion concept developed by Silver et al. (1995), and the human security concept developed by UNDP (1994). Within that overall conceptualization, it is proposed that the denial of citizenship rights to Rohingyas represents 'social exclusion', and that the 'human insecurity' concerns of the Rohingyas represent the 'effects of social exclusion'. Human security concepts of 'freedom from fear' and 'freedom from wants' as developed by UNDP (1994) then indicate

the 'effects of social exclusion'. The way that this approach is used is outlined further in the following Chapter 3.

Figure 2. Conceptual Framework

Rohingyas - Insecurity and Citizenship in Myanmar
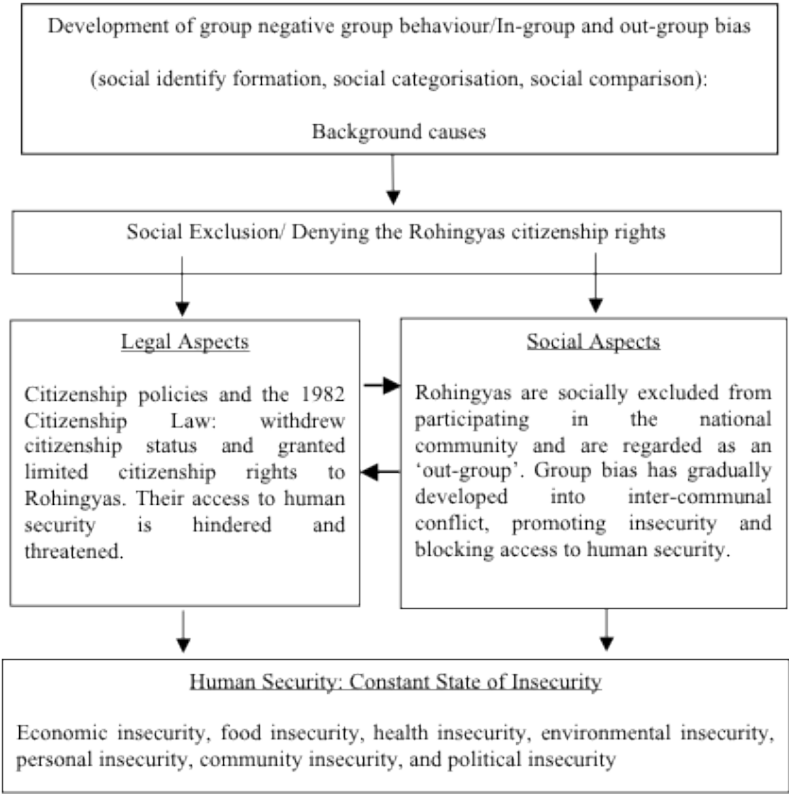
Chapter 3

Applying the Approach

The denial of citizenship rights to the Rohingyas originates from a complex social phenomenon such as in-group and out-group bias that gradually develops stereotypes, prejudice, discrimination and related intolerance. In order to provide comprehensive answers and to offset the limitations of any one approach, this work adopted a combined qualitative and quantitative approach with the qualitative aspect dominant. Conventional fieldwork, semi-structured interviews and questionnaires were employed to collect the data.

Many scholars have pointed out the advantages and weakness of both research approaches. It is therefore instructive to describe some of these viewpoints on qualitative and quantitative approaches in order to provide a comprehensive understanding of why the qualitative method was selected to be the dominant one in this work. The most effective means to understand the broader Rohingya issue is via research into Rohingya society. As such, qualitative research is the method best suited to collect data and to analyse social phenomena from the Rohingyas' perspective. Merriam (2002) has stated: *to understand and make sense of social phenomena from the participant's perspective, qualitative research is the best suited as qualitative research lies with the idea that meaning is socially constructed by individuals in interaction with their world and that in qualitative research, the focus is on process, meaning, and understanding, that the researcher is the primary instrument of data collection and analysis, an inductive investigative strategy, and a richly descriptive end product.*

In contrast, Babbie and Maxfield (2013) stresses that: *Quantification often makes our observations more explicit, makes it easier to aggregate and summarize data, and opens up the possibility of*

statistical analyses, ranging from simple descriptions to more complex testing of relationships between variables.

In addition, Babbie (2012) stated that: *Compared with surveys and experiments, field research measurements generally have more validity but less reliability. Also field research is generally not appropriate for arriving at statistical descriptions of large populations.*

Williams (2007) concludes that qualitative research is applied to understand and interpret social interactions while quantitative research is applied to test hypotheses, look at cause and effect and make predictions and for generalizing. The distinction between quantitative and qualitative data is as the distinction between numerical and non-numerical data. Both qualitative and quantitative research traditions have strengths and weaknesses while mixed research methods can provide more comprehensive answers to research questions and offset the limitations of a single approach. Mixed methods employ both qualitative and quantitative forms of inquiry. The data collection involves gathering numeric information as well as textual information. Creswell and Plano (2008) proposed that the overall strength of a mixed study is greater than either qualitative or quantitative research.

Creswell (2003) noted that: *the use of quantitative and qualitative approaches in combination provides a better understanding of research problems than either approach alone. This better understanding results because mixed methods offer strengths that offset the weaknesses of separately applied quantitative and qualitative research methods. It also encourages the collection of more comprehensive evidence for study problems, helps answers questions that quantitative or qualitative methods alone cannot answer, and reduces adversarial relationships among researchers and promotes collaboration. Mixed methods encourage the use of multiple worldviews and is a practical and natural approach to research. Mixed methods research is important today because of the complexity of problems that need to be addressed, the rise of interest*

in qualitative research, and the practical need to gather multiple forms of data for diverse audiences.

Approaches

This section summarizes the research methods and procedures employed in the study. The qualitative research method was applied within a theoretical framework to explore the stereotypes, prejudices, discrimination, group bias, ethnic identity formation and ethnic identity conflict. The qualitative research section of this study included primary data from observation, interviews, focus group discussions as well as a review of interviews, speeches, press releases, newspapers, reports, books, thesis, and journals relevant to the research problem.

The quantitative research section of the study described the socio-economic status of the respondents according to the human security framework provided by UNDP (1994). The quantitative data will be used to support the qualitative findings. Surveys were conducted in order to measure the socio-economic status of the respondents based on local criteria and conditions, human security indicators and the status of their citizenship.

The Human Security indicators as defined by UNDP (1994) to be included are: economic security, food security, health security, environmental security, personal security, community security, and political security. Human security indicators were organized into two groups as: freedom from wants and freedom from fear. Economic security, food security, health security, and environmental security were organized as freedom from wants and personal security, community security, and political security were organized as freedom from fear.

Indicators selected to measure freedom from want included a) household monthly total income, b) type of job, c) income allocation or income sufficiency, d) access to health services for emergency

health care, e) access to health services for general treatment, f) access to health services for maternity health care, g) access to natural resources, and h) environmental protection and conservation. Indicators selected to measure freedom from fear included respondent access to civil documentation as: a) household list, b) birth certificate, and d) identity documentation.

Locations

A field survey was conducted in Sittwe Township. Originally the field survey was planned to include Buthidaung Township, Rathedaung Township and Maungdaw Township in the northern Rakhine State where the majority of Rohingyas live – refer to Figure 3. However, communal conflict between the Rakhine and Rohingyas ethnic groups occurred before the field survey could be conducted. This conflict made a wider field survey impractical and the decision was made to restrict the survey area to the more easily accessible areas of Sittwe Township.

Neither government nor non-governmental organizations have collected demographic data for the Rohingyas who reside in the three districts of the Rakhine State of Pauktaw, Mrauk-U and Sittwe. As a consequence, the exact Rohingyas' population cannot be provided. Rohingyas who live in both urban and rural areas in Sittwe were estimated as 124,185 and Pauktaw were estimated as over 16,300 (Inquiry Commission Report, 2013). At the time of the field survey, most of the Rohingyas who traditionally lived in Sittwe Town moved to outside of Sittwe Town where Rohingyas' villages are located. There were no Rohingya living in Sittwe town except for one location called 'Aung Min Galar ward'. The term 'ward' is used to refer the subnational administrative structure; Nixon et al. (2013) stated that *the smallest formal administrative unit is the village, with several grouped together into a village tract. Urban wards, town and village tracts are grouped into townships, where the lowest level of government offices are generally located. Collections of townships are organized as districts, which in turn form the region or state.*

In addition, the Rohingya who originally lived in Pauktaw downtown and some 10 villages located throughout Pauktaw Township in the Rakhine State fled to Sittwe and now live temporarily in rural areas of Sittwe. Therefore, the field survey was conducted in the Rohingyas villages located outside of Sittwe town in rural Sittwe. This survey includes Rohingyas who: a) used to live in urban Sittwe town before the recent inter-communal conflict, b) traditionally lived in rural Sittwe township, c) used to live in urban Pauktaw town, and d) used to live in rural Pauktaw township.

Sampling

Purposive sampling was applied to select interviewed respondents because of the requirement and nature of the study location following the advice of Merriam (2009) who stated that: *The most appropriate sampling strategy is non-probabilistic- the most common form of which is called purposive or purposeful. Purposeful sampling is based on the assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned. The logic and power of purposeful sampling lies in selecting information-rich cases for study in depth. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the inquiry, thus the term purposeful sampling.*

The respondents were organized into two groups; a) key informant interviews, and b) field interviews. The respondents for the key informant interviews were actively selected based on the criteria of background knowledge, experiences, residential location, government policy changes, administrative procedures, and group dynamics. To avoid personal biases, information obtained from key informant interviews, field surveys, and literatures were triangulated. Forty-six persons were selected to participate in the key informant interviews. The respondents were both Rohingyas and non-Rohingyas aged between 18 years and 76 years living inside and

outside Rakhine state. The respondents were government officials, businessmen, writers, politicians, monks, teachers, university students, and lawyers.

Figure 3. Field Site: The Rakhine State and its 17 Townships

Source: Mohammed Ashraf Alam: Marginalization of the Rohingyas in Arakan State of Western Burma".p.1
http://danyawadi.wordpress.com/2013/04/15/a-short-historical-background-of-arakan-mohammed-

Source: http://en.wikipedia.org/wiki/Rakhine_State

In addition, 259 Rohingyas respondents, 193 males and 66 females, over 18 years-old were selected for field interviews based on the criteria of background knowledge, experiences, residential locations, and ability to speak either Rakhine or Myanmar language. Probability sampling, specifically the simple random sampling method was applied to select the sample population. Tables 1 and 2 show the sample population breakdown based on geographical location.

Table 1. Informant Interviews Location at Time of Interview

No.	Location	Male	Female	Total
1.	Outside Myanmar	2	1	3
2.	Yangon	16	7	23
3.	Sittwe	3	2	5
4.	Mrauk U (Central Rakhine State)	14	1	15
	Total	35	11	46

Table 2. Sample Population for Sittwe Interviews

No.	Previous location of respondents	Male	Female	Total
1.	Sittwe Urban	63	20	83
2.	Sittwe Rural	65	27	92
3.	Pauktaw Urban	13	7	20
4.	Pauktaw Rural	52	12	64
	Total	193	66	259

Data Collection

Data were collected through respondent interviews, observations, and documents. The interview schedule included a mix of more and less structured interview questions. The interview questionnaires were tested and modified according to the respondent's response. The interview schedules were organized into two parts; the first part

included semi-structured questionnaires to collect quantitative data and the second part included open type questionnaires to collect qualitative data. The person-to-person interviews were conducted for respondents who live within Myanmar and by telephone for respondents who live outside of Myanmar. The key informant interviews were conducted between August 2011 to September 2014 and field survey interviews were conducted from April to December 2013. The interviews were recorded and the *verbatim* dialogues of the interviews were transcribed.

Field Observations

An extended visit to Rakhine state from October 2011 to April 2014 was undertaken. Full-time residence in Sittwe and Thandwe during the research made it possible to observe in-group and out-group bias through daily interaction between the two communities, the Rakhine and Rohingyas in a natural setting. Visits to Maungdaw, Buthidaung, Rathedaung, Ponnagyun, Mrauk-U, Kyauktaw, Minbya, Pauktaw, Myebon, Kyaukpyu, Ramree, Thandwe, Toungup and Gwa were also conducted. It was possible to observe a number of important aspects of culture through attendance at key social and cultural events including religious celebrations and weddings. Most of the research period was spent with both the Rakhine and Rohingya ethnic groups, in rural and urban areas. Widespread inter-communal conflict between the Rakhine and Rohingya ethnic groups occurred in June 2012 and subsequently. The researcher's presence in the area at this time permitted observation of the conflict situation between the two communities residing in the research area before, during and after these communal conflicts.

Analysis

After completion of the fieldwork, the interview schedules were encoded, analyzed and interpreted. Frequency-counts, percentages, means and ranges were used in the descriptive analysis of the data

and presentation of the interview results. After completion of the key informant interviews and review of primary data, the collected data were interpreted and results presented.

Constraints

Research papers, statistical data and other documentation relevant to the Rohingyas proved difficult to source within Myanmar. There were many obstacles in accessing accurate data and relevant documentation to support the study. The majority of the findings are based on the researcher's observations, the respondent interviews and on-line documentation. Most of the available documentation concerns the history of Rohingyas with a very limited number of studies available that address the citizenship and human security situation of the Rohingyas who live in Northern Rakhine State. There is no documentation that could be located covering citizenship and human security concerns of the Rohingyas who live outside Northern Rakhine State.

Extensive inter-communal conflict occurred during the course of the study. This conflict severely restricted the scope of the field survey and respondent interview sample. Field trips to Maungdaw were cancelled and all respondent interviews were suspended a number of times due to the inter-communal tension. A field trip to Sittwe that was planned for May 2012 was postponed due to the Kyauk Ni Maw event, which occurred at this time.

By way of background the events are summarized in this paragraph. The 2012 inter-communal conflict was initiated soon after the Kyauk Ni Maw event. The Inquiry Commission (2013) stated the event as *on 28 May 2012, one Buddhist Rakhine Woman was raped and killed by three Muslims men, in Kyauk Ni Maw, which led to inter-communal conflict between the Buddhist Rakhine and the Rohingyas. Shortly after, photos of the young woman's body were circulated on the internet in Myanmar …The pictures and news spread even to Rakhine villages…On 3 June 2012, when bitterness between the*

races and religions was peaking, a mini-bus of the Yoma-Thitsar company, carrying 10 Muslim passengers, was travelling from Thandwe to Yangon. On the way, one police sergeant who had heard there was unrest at Taunggoke warned the car not to continue and tried to stop it. However, the driver did not listen and continued to Taunggoke. At the town entrance, a guard at the checkpoint warned the car not to enter the town and to turn back for Thandwe. Despite this, the driver of the vehicle continued and entered the town. When the vehicle arrived at the terminal for long-distance buses, the driver realized the situation was dangerous and tried to turn back but it was too late. A violent and enraged mob dragged the 10 Muslim passengers out of the vehicle and killed them with repeated blows and knife stabs. From then on, many towns and villages of Rakhine State experienced increased violence between the Rakhine and Muslim communities. On 9 June 2012, in Sittwe, Bengalis living near the Buddhist monastery in Taungshe village in Kone-Dan quarter and Bengalis living near Bauk-Thee-Su quarter roamed the areas armed with sticks and knives. Some Bengalis surrounded the University of Sittwe in Bu-May quarter. They also stoned the back of government offices in Magyee-Myaing quarter. After Bengalis burned down one house, the Rakhine set fire to the mosque in Magyee-Myaing quarter. Towards the end of the day, armed mobs both of Bengalis and Rakhine roamed the streets of Sittwe... (Inquiry Commission, 2013).

Thereafter inter-communal conflict broke out in eleven townships in Rakhine State: the first conflict occurred in June and the second conflict in October 2012. This event had initiated the first major inter-communal conflict in the Rakhine state that then extended from June to October 2012. The respondent interviews were started in April 2013, but were suspended at the end of April 2013 due to the instability caused by the conflict in the survey area itself. A number of the proposed respondents went into hiding because of a lack of security and the threat of imminent violence. The respondent interviews were resumed in July 2013 but again were suspended in August 2013 due to the increasingly unstable situation in the survey area. This meant that respondent surveys had to be conducted from

April to November 2013, thus adding five more months than has been planned.

In addition to the generally unstable situation, women respondents were unable to address many of the issues clearly during the interviews. A majority of the women in the survey area were illiterate, affected by social and cultural discrimination and had been negatively psychologically affected by the inter-communal conflict. Many of the male respondents found it difficult to express their opinion because their housing, property and livelihoods had been destroyed. Many found it difficult to recall details when answering the interview questionnaires on economic security. Given these field conditions the research questions were restructured to accommodate the limitations imposed upon the process.

We may summarise this chapter by saying that the research discussed herein took more than three years to be completed. Inter-communal conflict between two communities, the Buddhist Rakhine and the Rohingyas, occurred while field surveys were being conducted and this affected this study in various ways. Some respondents who used to live in Sittwe downtown before the conflict were unable to be contacted after the inter-communal conflict, and the selected field sites were unable to be reached; a new field site was then selected. The interview schedules were rescheduled frequently because the respondents were psychologically affected. Initially 300 interviews were foreseen, however some 259 persons were ultimately able to participate. In the same way, some original documentation to support the study were lost when people fled their residencies. This work is significant because it overcame these obstacles and was finalized by using a combination of qualitative and quantitative methods allowing the qualitative to be dominant. Through this innovative approach, the historical background of the Rohingyas and answers to the central questions of 'who are the Rohingya' and 'what is their ethnic identity construct' are able to be discussed in the following Chapter 4.

Rohingyas - Insecurity and Citizenship in Myanmar

Chapter 4

Who are the Rohingya?

In this chapter the study explores the historical background of the Rohingyas and answers the central questions: 'who are the Rohingyas' and 'what is their ethnic identity construct'. The study examines a brief history of the Rakhine State before exploring the history of the Rohingyas focusing on the central fact that Buddhist Rakhine ethnic groups and Muslim communities shared land and resources in comparative harmony for many centuries. In this context, the term 'Muslims' refers to all Muslims living in Rakhine state, including the Rohingyas, Kaman and Myedu Muslims.

Before 1989, the Rakhine State was known widely within and outside the region as 'Arakan' and the people who lived in the region were known as 'Arakanese' (Yunus, 1994). The term 'Aracan/Arakan' was first used by Barboas in 1516 CE and was widely used during the British colonial period (1826 - 1948 CE) to refer to the coastal region and the name 'Arakanese' referred to not only the dominant ethnic group (War, 2003) but also to various ethnic groups including the Mros, Khami, Thet, Daingnet, Maramargyi, Kaman (Hla Tun Aung, 2003) and Rohingyas living in Rakhine State (Ministry of News and Information, 1990). In 1989 the Myanmar government replaced the term 'Arakan' with 'Rakhine' to refer to the region, and 'Arakanese' with 'Rakhines' to refer to all of the ethnic groups inhabiting the Rakhine State (Irish Centre for Human Rights, 2010).

The earliest inhabitants of the Rakhine State were possibly Indo-Aryan and Indo-Mongoloid peoples from the Ganges Valley in northern India (National Democratic Party for Human Rights, 1999). The Rakhine State was traditionally ruled by the Rakhine Kings, the first dynasty of which was established by King Marayu in 3325 BCE

(A Shin Kaw Thala, 1998). The Dhanyawaddy (3325 BCE - 327 CE), Vesali (327 CE - 776 CE), Lemro (818 CE - 1430 CE), and Mrauk U (1430 CE - 1785 CE) Dynasties are historically seen as the four glorious periods of the Buddhist Rakhine Kingdoms (Shwe Zan, 2011). In 1785 King Bodawpaya, King of the Myanmar Kingdom based in Amarapura, conquered the last Rakhine King, King Mahathamada, and the Rakhine Kingdom was annexed into the Myanmar Kingdom (Yunus, 1994).

At the beginning of the Rakhine Kingdoms, Hinduism was the most influential religion in the region (Khin Maung Saw, 2011). Buddhism largely replaced Hinduism to become the dominant religion after 500 BCE (A Shin Sakinada, 2005) and Islam reached the Rakhine State around 710 CE (Berlie, 2005). A mosque known as the 'one-dome curious Mosque Badr Maqaam' situated on the rocky coast in the southern part of Sittwe is said to have been founded by the early Arabs in the later part of the 7th century CE (Yunus, 1994). Hinduism, Christianity, and Animism continue to be practised in the Rakhine State. Buddhism developed to become the dominant religion from the period of the later Rakhine Kingdoms so that the later Rakhine Kings were all Buddhists. Given this long history, the term 'Rakhine' (when referring to a person) has changed over time and has come to be defined as one who defends the Rakhine State and Buddhism.

Today, residents of the Rakhine, except the Rohingya, are considered to be akin to an ethnic group and as such represent one of the eight major ethnic groups of Myanmar according to the 1982 Citizenship law. This is the largest and the dominant group in the Rakhine State and includes minority ethnic groups including the Mros, Thet, Maramargyi, Khami, Daingnet, and Kaman (Maung Pasoe Kyan, 2014) as outlined in the following box. As such the Rakhine ethnic group enjoy basic citizenship rights. The Kaman follow Islam and for the purposes of Myanmar Law are regarded as one of the sub-national ethnic groups under the Rakhine ethnic group and enjoy the full citizenship rights discussed in Chapter 6. The Rohingyas are the

second largest population group in the Rakhine State and do not have basic citizenship rights (Ansel et al., 2013).

Officially Recognized National Ethnic Groups

1982 Citizenship Law grants citizenship at birth to (Hla Tun Aung 2003):

I.   Kachin group includes 12 ethnic groups; Kachin, Trone (Karo), Dalaung, Jinghpaw, Guari, Hkahku, Maru (Lawgore), Rawang, Lashi (Lachit), Atsi (Atzi), Lisu (Yawyin), and Duleng.

II.   Kayah group includes 9 ethnic groups; Kayah, Zayein, Ka-Yun (Padaung), Geko (Gheko), Geba (Kebar), Bre (Kayaw), Manu Manaw, Yindale (Yin Talai), and Yin Baw.

III.   Kayin group includes 11 ethnic groups; Kayin, Kayinpyu, Palegyi (Palechi), Mon Kayin (Sarpyu), Sgaw Kayin (Sgaw Kayhin), Tahlaypwa, Paku, Bwe, Monnepwa, Monpwa, and Po Kayin (Pwo Kayin).

IV.   Chin group includes (53) ethnic groups; Chin, Meithei (Kathe), Saline (Saline), Ka-Lin-Kaw (Lushay), Khami, Awa Khami, Khawno, Kaungso (Kaungso), Kaungsai, Khau Sim (Kwelshim), Kwangli (Sim), Kanbe, Gwete, Ngun (Ngorn), Sizang, Hsemtang (Sentang), Saitaing, Za Hau, Zotung. Zophe, Zo, Zannet (Zahnyet), Ta Pong, Tiddim (Hai-Dim), Tay Zan, Tai Chun, Thado, Torr (Tawr), Dem, Dai (Yindu), Naga, Tanghkui,)Malin (Maram), Panun, M'kang (Magun), Matu, Miram (Mara), Mi-e, Mi man, Lushei (Lushay), Lemro (Laymyo), Lyente (Liante), Lawhtu (Lautu), Lai, Laizo (Laizao), Wakim (Mro), Hualngo (Whelngo), Anoo (Anu/Ahu), Anun, Upu, Lhinbu, Asho Chin (Plain), and Rongtu.

V.   Bamar includes 9 ethnic group; Bamar, Dawei, Myeik, Yaw, Yabein, Kadu (Khonku), Kanan (Ganan), Salon, and Hpon (Hpun).

VI.   Mon group include only one ethnic group; Mon.

VII.   Rakhine group include; Rakhine, Kaman (Kamein), Kwamwee (Kwe Myi), Daingnet, Maramargyi, Mro, and Thet (Sak).

VIII.   Shan includes 33 ethnic groups; Shan, Yun (Yun or Lao), Kwi, Pyin, Sa-O (Yao), Sanaw, Pale, En, Son (San), Khamu, Kaw (Ahkha/Ekaw), Kokang, Hkamti Shan, Hkun, Taungyoe, Danu, Palaung, Myaungzi (Miaozi), Yingya (Striped Riang), Yinnet (Black Riang), Shan Gale, Shan Gyi, Lahu, Loila (Wa), Intha, Eikswair, Pao (Taungthu), Tai-Loi, Tai-Lem, Tai-Lon, Tai-Lay, Maingtha, and Mau Shan (Maw Shan).

Rohingyas as an Ethnic Group

Many people in Myanmar still do not know exactly who the Rohingyas are. Yet the question, 'who are the Rohingyas' is pertinent. Non-Muslims argue that the Rohingyas are daily wagers who migrated *en masse* from East Bengal, the area that is present day Bangladesh, into Rakhine State during the British colonial period. From the Rohingyas' perspective, this history is seen as incorrect. The Rohingyas argue that they reached the Rakhine State many hundreds of years ago, and not during British colonial rule. The Rohingyas argue that their ancestors were not from East Bengal alone, but from different Muslim countries. A key focus of this study is to explore when and how Muslims reached the Rakhine State.

People who identify as Rohingyas believe that they are descendants of three different groups of immigrants who arrived in the Rakhine over three different periods and represent three different groupings. According to this viewpoint, the first group was led by Mohammed Hanif, a son of the fourth Khalifer Hazarat Ali from what is now Iraq. Hanif and his followers reached the 'Arab Sha Para' (a village located in Maungdaw Township) of northern Rakhine State in the year 680 CE, after the Battle of Karbala, one of the holiest cities in Islam in present day Iraq. Hanif conquered the 'cannibal' Queen Kaiyapur of Mayyu in Northern Rakhine State and married her. Their tombs may still be seen at the foot of hills in Maungdaw, northern Rakhine State known as *Hanifer Tonki* and *Kaiyapuri Tonki*. Various authors have asserted that the descendants of Mohammad Hanif and Queen Kaiyapur may be the Rohingya ethnic group (Siddiqui, 2008).

The second group of Muslims to reach central Rakhine State were the sea traders from Arab countries. Berlie (2005) mentioned that Arab Muslims traders reached Rakhine in 710 CE. During the Vesali Dynasty (327 CE – 776 CE), the second Rakhine King's Dynasty, trade developed between Rakhine State and Muslims from different countries including Gulf Arabs, Moors, Persians and southern Indians. The children of these traders and many of those who had been shipwrecked stayed and settled down around Sittwe, Kyaukpyu

and Ramree Islands. Berlie (2005) noted that as a consequence *Rakhine became the bridgehead for the diffusion of Islam in Southeast Asia*.

The third group of Muslims to reach Rakhine State were soldiers from Bengal. The Rakhine King Narameikhla, also known as King Min Saw Mun fled to Gaur, the capital of Bengal, having been defeated by the Buddhist Myanmar King Min Khamaung in 1406. The Sultan Giyathuddin Azam Shah allowed him to stay in Bengal where he served as an officer in the Shah's army. After 24 years, the Bengal Sultan Jalaiuddim Mohammed Shah helped King Narameikhla to re-establish an empire in the Rakhine as the Mrauk-U dynasty (Bon Pauk Thar Kyaw, 1989). According to Siddiqui (2008) Narameikhla brought 50,000 soldiers to claim back Laungygyet in Rakhine State and establish a new capital at Mrauk-U in 1430 CE. The King allowed his followers, Muslim soldiers, to settle down in nearby villages and built the Sandi Kham Mosque in 1433 CE. The foundations of the Sandi Kham Mosque still exist at Mrauk-U. From this story, the Rohingyas who live Kyauktaw, Mrauk U and Minbya townships believe they are the descendants of King Narameikhla's soldiers.

Historical records show that the Rakhine Kings developed a strong relationship with the Bangla Sultans. For example, the Rakhine King, King Narameikhla, adopted the Muslim title Solaiman Shah (Siddiqui, 2008) and his successors, though Buddhist, adopted Muslim titles from 1434 CE until 1638 CE (War, 2003). Coins of the period were struck with these Muslim titles written in Arabic characters with the date, sometimes both in Arabic and Bengali characters (Karim, 2000). The Rakhine King Min Khari (1434 – 1459 CE), successor of King Narameikhla, invaded Bengal and occupied some parts of the Bengal region. Again King Min Bin (1531 - 1553 CE) occupied 12 towns of eastern Bengal, including Chittagong. Likewise, invasions from Bengal also occurred and the Bengal Sultan Shamsuddin Abu Muzaffar Mohammad Shah invaded the Rakhine State in 1554 CE, controlling it until 1560 CE (Yegar, 2002). Yegar (2002) adds the detail that: *Muslim influence in*

Arakan began in 1430 when King Narameikhla (1404-1434) returned from the exile in Bengal to Arakan. The Sultanate of Bengal helped with military support and subsequently Muslim soldiers from that expedition settled in Arakan. Narameikhla ceded some territory to the Sultan of Bengal and recognized his sovereignty over the areas. In recognition of his vassal status, Narameiklhla and his heirs - despite being Buddhists - received Muslim titles, which were added to their Arakan title. The Kings then decreed that coins of the Bengal Sultanate, which bore the Muslims inscriptions would be legal tender in Arakan… The custom of maintaining their Muslim titles, along with those of Burma, was practiced by the kings of Arakan even after they were liberated from dependency on the sultans of Bengal. The kings wanted to be considered sultans in their own right ... they were influenced by the fact that many of their subjects had become Muslims. Indeed, many Muslims served in prestigious positions in the royal administration despite its being Buddhist.

A substantial body of scholarly historical literature suggests that Muslims arrived in Rakhine from three different starting points, all prior to British colonial rule. The literature also indicates that Muslims from the Mayyu Region, currently known as Northern Rakhine State, represent the origins of the Rohingya ethnic group (Shwe Lu Maung, 2011). Ansel et al. (2013) also states that the Rohingyas is an ethnic group with *bona fide* historical roots in the region. In subsequent periods of immigration, Mughals, Turks, Persians, Central Asians, Pathans and Bengalis mixed with the Rohingyas. Yegar (2002) holds that *today, it is no longer possible to distinguish the various groups of Muslims*. By contrast, Siddiqui (2008) asserts that *the Rohingya Muslims, whose settlements in Arakan date back to the 7th century AD, are not an ethnic group that developed from different stocks of people. The ethnic Rohingya is Muslim by religion with distinct culture and civilization of its own.*

It is a difficult matter to define an ethnicity when it is officially omitted by legislation.

Defining a Rohingya

To provide a comprehensive understanding of the issues explored in this study an understanding of the term 'Rohingya' and how the Rohingyas' ethnic identity has been constructed over time is essential. The term Rohingyas is used to imply an ethnic identity. In Myanmar the majority of people, and especially the Buddhist Rakhines, do not accept the term Rohingyas as an ethnic identity. It is therefore essential to examine how the term is defined by both Rohingyas and non-Rohingyas.

The word Rohingya means different things to different groups of people. It is derived from the word 'Rohai' or 'Roshangee', and according to the Rohingyas' language, the area that is now Rakhine State was once described as 'Rohang', 'Roshang' and 'Raham', and its Muslim residents as 'Rohingyas'. The Buddhists living in the area are known as 'Magh'. Therefore, the term Rohingyas means 'Muslims of Arakan' or 'Arakanese Muslims'. This derivation is supported by Leider (2014).

It is important to mention the role of language in this discussion. In the fieldwork, respondents mentioned that the dialect they speak is 'Rohingya dialect' which is different from Bengali dialect. According to the respondents, the Rohingya written language was used during the ancient Rakhine Kingdom, however written language disappeared during the British colonial period because the majority of Rohingyas were unable to read and write. Nowadays, they use the Myanmar language in written communication. Ansel et al. (2013) stated that *the Rohingyas speak a Bengali dialect – close to what is spoken in the Chittagong region of Bangladesh.* However, the National Democratic Party for Human Rights (1999) stated that Rohingyas have their own dialect, which is quite different from the Bengali language. Rohingya literature had disappeared since the colonial period. In 1795, the councilor Frances Buchanan recorded that the dialect 'Rovinga' was spoken by Muslims in Rakhine state (National Democratic Party for Development, 2012). M. Siddique (personal communication, 7 January 2015) was able to confirm that

the Rohingya have a number of writing systems known as Arabic script, Hanifi Script and Latin Script. The latest Latin script has been widely used worldwide for translation. Rohingya language is not at all intelligible to Bengali people though it is somewhat similar (about 70 percent) to that of the Chittagonian area that borders the Rakhine State, Burma.

As supporting evidence of the source of the name, Arab and Persian traders once called the area that is now Rakhine state, *Raham Borri,* meaning *the land of Allah's blessings*, and they called those who lived in Rakhine State, 'Roshangee' 'Rohai' or 'Rohingya' (Siddiqui, 2008). Karim (2000) refers to the Rohingya as a Muslim ethnic group living in Rakhine State.

On the other hand, the Buddhist Rakhine define the term 'Rohingya' differently; they describe them as people without a home. According to the Rakhine, the word Rohingya is derived from the Bengali 'Rangoon – gya', meaning *people who went to Rangoon* (War, 2003). One Rakhine historian has concluded that the term, 'Rohingya', is derived from the Bengali words 'Roum-gi-gya', 'Roum-gya' or 'Rohingya', meaning *people without a home who travelled to Rangoon (Yangon) through Rakhine State* (Aye Thein, 2010).

Similarly, Dr Aye Kyaw, another Rakhine historian, believes that the word Rohingya is *Lwintja* in the Rakhine language, meaning *leaves falling from trees and blowing around without any purpose* (The Irrawaddy, 2009). Accordingly this interpretation of the Rakhine language refers to Rohingyas as socially disadvantaged people from East Bengal (present day Bangladesh) who have migrated to Rakhine State and Yangon.

Outside the region yet within Myanmar the term Rohingya is defined differently. The Myanmar Government defines Rohingyas as 'illegal infiltrators' or 'Bengalis', referring to the era before 1947 when East Pakistan was known as "Bengal" and the people who lived in "Bengal" were called "Bengali"; in 1971, East Pakistan became

Bangladesh and the people who live in Bangladesh are called Bangladeshi. The government states that there is no official ethnic group in Myanmar known as the Rohingya (Ahmed, n.d.). Dr. Aye Kyaw has said *in earlier Burmese history and in Arakan history, I haven't seen the word Rohingya. Even after independence, there was no such word* (The Irrawaddy, 2009). Tonkin (2014) has stated that a thorough search of British colonial records did not reveal one instance of the word 'Rohingya' but this may be because Rohingyas under the British colonial rule were included in the term 'Kalar' or 'Arakan Mohamedans' (The Irrawaddy, 2009). The ancestors of those who now identify themselves as Rohingya may have been included in the category of Mahomedan in the 1827 British Census of the Arakan (Tonkin, 2014b). The Census of British Burma (1872) stated that *the Mussulman population of Akyab, however, is not, as elsewhere in the province, alien, as they have for the most part been settled in the province for many generations, and, as the Commissioner of the division says, have little to distinguish them from Arakanese, except their religion*.

The term Mohamedan (also spelt Muhammadan, Mahommedan, Mahomedan or Mahometan) refers to the followers of the Islamic prophet Muhammad or the religion, doctrines, institutions and practices that he established (Mahommedan, n.d.). Except for the Kaman and Myedu, most Muslims in the Rakhine State identify themselves as Rohingyas, and further identify themselves as part of the group of 'Arakan Muslim'. It should be recalled that 'ethnic identity' is a modern term and that in the past as now, religious affiliation was often used to distinguish one group from another. As such Muslims from many different countries arriving in Rakhine State before the 'Rohingya' term was developed were referred to as an ethnic group because they shared a common religion. These groups settled down in the Rakhine State and their population increased.

Historically, Rohingyas are Muslims who live in the Rakhine State and whose ancestors arrived in the Rakhine prior to the start of British Colonial rule (1823), but do not include the Kaman and

Myedu Muslim groups as described later in this chapter. Many Muslims migrated into the Rakhine State during the British Colonial rule (1823-1948), and many intermarried with historical (pre-1823) Rohingyas. Nevertheless, most non-Rohingya people in Myanmar regard the Rohingyas as Bengali Muslims who derive from ancestors who migrated into the Rakhine during the British Colonial period. This has become the official view of the Myanmar Government. But the Myanmar Government does not officially mention Muslim migration prior to British Colonial rule, and hence it regards all Rohingyas as illegal immigrants from Bengal, present day Bangladesh.

In this book the term Rohingyas refers to Muslims born or who live in the Rakhine State who are not Kaman or Myedu Muslims, and includes those Muslims whose ancestors arrived in the Rakhine during the British colonial period and who married historical Rohingyas. Those Muslims whose ancestors arrived in the Rakhine during the British colonial period and who did not intermarry with historical Rohingyas are known as Indian or Chittagonian or Bengali Muslims. Those Muslims who migrated into Myanmar from Bangladesh when it was known as East Pakistan (1948-1971) are known as Pakistani Muslims. Those Muslims who arrived after 1971 are more properly called Bangladeshi Muslims and not Rohingyas.

This classification makes this analysis different to that of Leider (2014) who claims that the term Rohingya is a term for a political movement of Northern Rakhine Muslims who were disadvantaged by the formation of the State of Pakistan and Burma in 1947 and 1948. He holds that the aim of this group is to obtain a semi-autonomous Muslim State in the Rakhine by means of recognition of Rohingyas as a national Race under various Burmese/Myanmar constitutions in which the presence of a particular race in a particular region supports the formation of a semi-autonomous State. Thus according to Leider, Rohingyas is not an ethnic identity but has become in recent years to be identified internationally with Muslims in the Rakhine state who are disadvantaged by lack of citizenship. The definition of Rohingyas used in this book is derived from the

delineations of ethnic identity revealed from interviews during this study.

While Tonkin (2014) also claims that the term 'Rohingya' is a fiction created in the 1940s for political purposes and supports this claim by the absence of the term 'Rohingyas' from all British records prior to 1941, Tonkin acknowledges the populations may decide their own identity. It is on this basis that this book defines 'Rohingya' as stated above. The absence of the term 'Rohingya' from British records does not necessarily count against self-identification as Rohingyas since the people who now identify themselves as Rohingyas could have been incorporated with less specific identities used prior to 1941, including the terms Kalar or Arakanese Muslims.

Constructing Rohingya Identity

This section refers to ethnic identity and ethnicity, terms that are variously defined and interpreted by academic authors. The word 'ethnic' is derived from the Greek word *ethnos*, meaning 'a constituent of nation'. The term ethnic was then developed to refer to a group of people who consider themselves as, or are labelled by outsiders, as culturally distinct (Eriksen, 1993).

Brubaker (2004) asserts that ethnic identity exists only in and through perception, interpretations, representations, categorizations and identifications. Perception refers to ways of seeing (and ignoring), of construing (and misconstruing), of inferring (and mis-inferring), of remembering (and forgetting). Brubaker's analysis is that ethnicity should not be conceptualized as a concrete and tangible organism, or as a collective of individuals, but as a political, social, cultural and psychological process based on group attributes.

According to Chandra (2006), ethnic identity is determined by descendant-based attributes, which include the language, religion, place of origin, tribe, region, caste, clan, nationality or race of a person's parents and ancestors.

Phandis and Ganquly (2001) conceptualized ethnic groups as: *either a large or small group of people, in either backward or advanced societies, who are united by a common inherited culture (including language, music, food, dress, and customs and practices), racial similarity, common religion, and belief in a common history and ancestry who exhibit a strong psychological sentiment of belonging to the group*.

Meanwhile, Barth (1969) explained the concept of ethnic group as: *The term ethnic group is generally understood in anthropological literature to designate a population which: 1) is largely biologically self-perpetuating, 2) shares fundamental cultural values, realized in overt unity in cultural forms, 3) makes up a field of communication and interaction, and 4) has a membership which identifies itself, and is identified by others, as constituting a category distinguishable from other categories of the same order.*

Other scholars have conceptualized ethnic identity in many different ways and so several criteria exist in order to determine when a group should be referred to as an 'ethnic' group. Wilson (2009) cited six attributes for a group to be considered as an ethnic group. For this to be the case, the group must have a name for itself, a common ancestry, a shared historical memory, a shared culture, a territorial attachment and a common ethnicity. Similarly, Smith (1991) provides six main attributes to be used to define an ethnic group, these being; have a collective proper name, have a myth of common ancestry, have shared historical memories, one or more differentiating elements of common culture, an association with a specific homeland, and a sense of solidarity for significant sectors of the population. Thus Kramer (1977) concluded that: *"Ethnicity" can mean different things to different people, and is of questionable utility as a theoretical construct when viewed from the perspective of prehistory… [W]hile "ethnic" attributions, like "culture areas," may have some descriptive utility, their exploratory potential remains to be established.*

In Myanmar, the term 'races' was first introduced instead of 'ethnic group' in the 1948 Citizenship Act, which defined the indigenous races in Myanmar as being *the Arakanese, Burmese, Chin, Kachin, Karen, Kayah, Mon and Shan races and such racial groups as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 AD* (Irish Centre for Human Rights, 2010). The Myanmar scholar Aung argued that the term 'race' has since been used to refer to 'ethnic group[s]' (Hla Tun Aung, 2003). In this way, the term 'ethnic identity' has been limited to the Arakanese, Burmese, Chin, Kachin, Karen, Kayah, Mon and Shan races and racial groups and the term national ethnic group excludes descendants of 'foreign ethnic groups', defining them as non-ethnic groups (Smith, 2002). Chinese descendants are described as "Tayok", Indians as "Kalar" (Inquiry Commission, 2013), Anglo-Indians as "Kabya" (Ikeya, 2006), Nepalese as "Gurkha" (Than Than Oo, 2008), Indo-Burmans as "Zerbadee" and Brahmin descendants as "Pounna" (Pe Maung, 1960). However, Myanmar people do not perceive the terms Tayok, Kalar, Kabya, Gurkha, Zerbadee and Pounna as representing Myanmar national ethnic groups.

The 1982 Citizenship Law states that persons whose ancestors resided in Burma before 1823 are both natives of the country (Taing-Yin-Tha) and an ethnic group (Lu-Myo-Su). However, the State Council determines whether an ethnic group can be recognized as a native of the country (Taing-Yin-Tha) or not. The Rohingyas believe that to obtain citizenship they must be recognized as *Taing-Yin-Tha*, but in fact they only have to be recognized as a Lu-Myo-Su to obtain citizenship. However, non-Rohingya Myanmar people do not recognize Rohingya as either Taing-Yin-Tha or Lu-Myo-Su. This is the reason that observers such as Taylor (2015) claim that there is confusion between race and ethnicity in Myanmar due to the use of these terms.

In addition the way non-Muslims have constructed the Rohingyas' ethnic identity has been very different from the way Rohingyas see themselves, and in fact is quite similar to Brubaker's concept of ethnic identity construction. Non-Muslims have constructed

Rohingya ethnic identity through the use of perception, interpretation, representation, categorization and identification, including methods that involve ways of ignoring, misconstruing, mis-inferring and forgetting (Brubaker, 2004).

The Rohingyas are regarded by Myanmar people as 'Kalar'. This is not an ethnic identity but a derogatory term used to describe descendants of Indians, Bangladeshis, Pakistanis and Sri Lankans (Amnesty International, 1992) without any reference to race or religion. Likewise the term 'Kalar' can also refer to foreigners: British, American, European, and so on. To distinguish between Asian and non-Asian, the term 'Kalarpyu', meaning 'white Kalar', was used to refer to non-Asians, in particular the British (Ikeya, 2006). The original term Kalar comes from the Sanskrit *Kula*, which means *nationalities or ethnic groups* (Ko Ko Gyi, 2011). The Rohingya ethnic group has been misinterpreted as Bengali because the language, religion, customs and physical appearance of the Rohingyas are similar to those of the Bengali ethnic groups who live in Bangladesh (Myanmar Alin Newspaper, 2011). A recent report prepared by the Human Rights Watch (2013) stated the term 'Bengali' is used to refer to Rohingyas by the Myanmar government because the Rohingyas were not native and are not included in the ethnic Groups of Myanmar.

This effectively means that the Rohingyas people in the Rakhine State are seen as Bengali People coming from Bangladesh. President U Thein Sein explains (verbatim) it this way: *concerning the term 'Bengali' is used to refer 'Rohingyas' as the Republic of the Union of Myanmar is bordering with Land borders such as India and Bangladesh countries since time in memorial one country another. In 1824, first Anglo-Burma war happened and Rakhine and Tanitari regions being Myanmar's territory were ruled as one part of India. And then, Rakhine region was allocated into west Benglar because most of Muslim People entered Rakhine State and settled there. In 1885, the whole Myanmar Nation was allocated under the British rule. Majority of Indian Nationals from India entered Myanmar to extend agriculture, to build railways and roads, to carry out load*

and unload in respective ports, to point relevant staff in the English Army and Government Office, to do trade. Rakhine State is bordering with Bangladesh territory. So seasonal workers so called farm labor from Bangladesh were called and they returned to the original places at the end of the respective seasons and they settled later than on there. Muslim People coming from Bangladesh were Bengali People. There has never been any Rohinger People in Rakhine State according to the records of our Ministry. At Gazettes of the British Colonial era, they were mentioned as Bangladeshi and according to the 1973 Nation-wide Census, Rohinger People have not been in Myanmar. In addition to, there has not been written in the official records and household registration list. They were not native and their names were also foreigners' names such as China, India, Pakistan, Bengali and Nepal nationalities. We would like to explain that Rohinger People did not include in the (100) ethnic Groups of Myanmar. This is why, Rohinger people in the Rakhine State were Bengali People coming from Bangladesh in every era. (Human Rights Watch, 2013).

The Rohingyas claim they are an ethnic group, the same as the other national ethnic groups in Myanmar. They give reasons that closely resemble Smith's six attributes of national identity: 1) as a group they share the same ethnicity, and they have 2) a collective proper name, 3) a myth of common ancestry and shared historical memories, 4) one or more differentiating elements of a common culture, 5) an association with a specific homeland, and also have 6) a sense of solidarity among significant sectors of their population (Smith, 1991). In 2012, NDPD described the Rohingyas as *native inhabitants whose faith is Islam and who reside in Rakhine State ... citizens by law and by natural ... birth right, as well as ... indigenous national[s] of [the] Republic of Union of Myanmar* (National Democratic Party for Development, 2012). Given these arguments some academics (Jean A. Berlie, 2005; AFK Jilani, 2001; Shwe Lu Maung, 2011; Smith, 2002) suggest a case for considering the Rohingyas as an indigenous ethnic group of Myanmar.

Other Rakhine Muslims

There is confusion about the association of Islam and citizenship. Most scholars such as Martin Smith, Habib Siddiqui, Moshe Yegar, Sophie Ansel and Ba Shin have used the definition that the Muslims from Rakhine State are regarded as Rohingyas. However, this statement does not cover all the Muslim inhabitants of the Rakhine State. It is true that the majority of Muslims in Rakhine are Rohingyas, but the Kaman and Myedu both represent minority Muslim ethnic groups (Bon Pauk Thar Kyaw, 1989). We therefore need to clarify the question as to who are the Kaman and Myedu Muslims?

The Kaman and Myedu can be found in southern Rakhine State, mostly around Kyaukpyu, Ramree, Thandwe and nearby towns. The Kamans are offspring of the followers of the Mughal Prince Shah Shuja, the second son of the Mogul Emperor Shah Jahan. The Cambridge History of India as cited by Ko Ko Gyi (2011) states: *In 1639, Shah Shuja the second son of the Mogul Emperor Shah Jahan, was designated deputy of the king of Bengal. The struggle for succession between the sons began immediately. Aurangzeb won, dethroned his father in 1658 and declared himself emperor. Shah Shuja continued his fight but was finally defeated in 1660. Since he did not succeed in establishing his rule in Bengal, he fled, together with his family and bodyguards, from Dacca to Chittagong.*

Shah Shuja with his followers fled to Arakan together with his family and hundreds of bodyguards in 1660 CE after having been betrayed by King Sanda Sudamma (1652 CE - 1687 CE), King of Rakhine (National Democratic Party for Human Rights, 1999). Some of Shah Shuja guards then served the Rakhine kings as royal archers and bodyguards. These Muslims are now known as the Kamans or bowman (Bon Pauk Thar Kyaw, 1989) and are recognized as one of Myanmar's 135 official national ethnic groups.

The Myedu Muslims are similar to the Rohingyas; they are the offspring of Muslims of different origins who settled in Myedu. Some were prisoners brought to the area by the Myanmar King Tabinshwehtee (1531 CE - 1550 CE) when he attacked the capital city of Bago in 1539 CE and Rakhine in 1546 CE. This King Tabinshwehtee died in 1550 CE and was succeeded by King Bayinnaung whose son, King Nanda Baing was on the throne in 1599 CE. King Tabinshwehti brought the Muslims as prisoners of wars to Bago. Later the Myanmar King Anaukpetlun captured Thanlyin, in 1613 CE. King Anaukpetlun allowed the Muslims, prisoners of wars, to live in Myedu, which is located near Shebo a small town of central Myanmar. As a result, they became known as Myedu Muslims and served Myanmar Kings as warriors, forming the Myedu Army. The Myanmar King, Prince Shwe Daung invaded Rakhine in 1785 CE, and brought the Myedu Army with him, stationing them at Thandwe. The Myedu Muslims then settled in Thandwe and have lived there ever since (Bon Pauk Thar Kyaw, 1989). They are now recognized as native Myanmar Muslims even though their ethnic grouping is not mentioned among the 135 official national ethnic groups. The Myedu Muslims have certain citizenship rights as Myanmar Muslims. In contrast with the Rohingyas, the minority Muslims groups in the Rakhine are not seen as a threat to the majority Buddhist since the minority Muslims group are few in number compared to the Rohingyas and have a proven record of loyalty to the Buddhist State.

In this chapter we have briefly examined the historical background of the Rohingyas as one of many people who migrated across the eons in search of better opportunities. Similarly many centuries ago, the other Muslims migrated to the Rakhine state from different times and different routes. They gradually developed into a community that later became known as 'Rohingyas'. After independence and until 1962, the name Rohingyas was readily accepted by the Burmese government, as explained in Chapter 5. After 1962, the Military government used the name 'Rohingyas' more judiciously, and after the 2012 inter-communal conflict insisted there is no Rohingya group

in Myanmar. This has stimulated the Rohingya people to insist on the re-instatement of the name 'Rohingya' as their ethnic identity. However, the Myanmar government now perceives the name 'Rohingya' as an indication of a political movement and thus denied the right of Rohingyas to self-identify as such, preferring to label them as 'Bengalis', a term that the non-Rohingya community has also adopted. In December 2014, the UN approved a resolution urging the Myanmar government to grant Rohingyas the rights to self-identify and of full citizenship status (Myanmar Times, 2015). The Buddhist Rakhines strongly opposed the UN resolution, invoking the need to protect and safeguard the Rakhine ethnic community and the fatherland, the Rakhine state. Chapter 8 of this book will further analyse the question as to whether Rohingyas should be granted the rights to self-identify and of full citizenship rights with respect to the United Nations Minorities Declaration and Universal Declaration of Human Rights. The next step towards that point is to examine background sources about the effects of social exclusion by denial of citizenship status to the Rohingyas, and this is explored in the following Chapter 5.

Chapter 5

Social Exclusion

A comprehensive study such as this would be incomplete without presenting the background to the causes of the human insecurity concerns faced by the Rohingyas in Myanmar. Accordingly, this chapter investigates the role of the denial of citizenship status to the Rohingyas as a cause. In this chapter, 'social exclusion' represents the denial of citizenship status to the Rohingyas. Silver's concept of social exclusion has been adopted as the framework to analyze the sources of the social exclusion that hinders the Rohingyas' access to human security. The *solidarity paradigmatic* approach developed by Silver et al. (1995) is used to discuss social exclusion. This approach conceptualizes social exclusion as a rupture in the social bond between the individual and society and focuses on the exclusion inherent in the solidarity of nations, races, ethnicities, localities and other cultural or primordial ties that delimit group boundaries (Silver et al., 1995). The social exclusion of the Rohingyas in Rakhine State can be divided into two dimensions based on the social relationships that exist. These are: a) horizontal exclusion, which refers to the exclusion created by the existing ethnic communities through group bias, and b) vertical exclusion which refers to the exclusion created by the policy making body through the withdrawal of citizenship rights.

Horizontal Exclusion

Group bias developed from negative attitudes is perceived as a major cause of horizontal exclusion, which hampers access to human security. Historical evidence indicates that the Rakhine and Rohingya ethnic groups had lived peacefully during the Mrauk-U Dynasty

(Rakhine Association, 2011). The first communal conflict occurred in 1942 and is regarded as the starting point in the development of group bias with the 2012 inter-communal conflict being the peak of group bias to date. This study examines the main causes of the development of horizontal exclusion through an analysis of the following:

- The British administrative system in Burma (1826-1947)
- Mass immigration from India (1826-1947)
- The 1942 inter-communal riots
- Anti-Rohingya sentiment

British Administration 1826-1947)
In this section, the term 'Burma' is used to refer to 'Myanmar' during the British Colonial Rule, which was the name so assigned to it by that colonial power. After the first Anglo-Burmese war (1824-26) the provinces of Arakan and Tenasserim were annexed by British India. Following the second Anglo-Burmese War (1852) and then the third in 1885, the remainder of Burma was annexed to British-India on 1 January 1886. In Rakhine state, in 1826 the traditional monarchial administrative system was replaced by a British administrative system. After 1890, after the pacification of the Shan States by the British, the Rakhine was administered as part of the Centre/Periphery administrative system of British Burma. Singh (1992) explains the significance caused by influence from British India.

Before the British colonial Rule, the Rakhine state was placed under the traditional administrative system of Burmese Kings. Some understanding of the traditional administrative system of Rakhine State under the Burmese Kings is necessary for the following and is therefore introduced in this section. The kings' administrative system was placed at the centre of the state where Hlut-taw and Kings were located. Hlut-taw was a council of elders or senior officials. The Governors were appointed to govern the provinces for a period of three years in a rotation aimed at introducing a system of checks and balances (Singh, 1992).

According to Singh (1992), during the Burmese Kings' administration, the Arakan was divided into four major administrative units namely: Danyawaddi (Arakan Proper), Yamawaddi (Ramree), Megawaddi (Cheduba), and Dorawaddi (Sandoway). The Myo-Wun, governor, was placed at the centre of the administration located at Myohaung city in Danyawaddi district. Deputy-governors were assigned each of Yamawaddi, Megawaddi, and Dorawaddi districts. The general administrative system included the preservation of law and order, defence, administration of revenue, weights and measures. The office of the Myo-Wun was known as Myo-Yon, the governor's office. Many officials were assigned as heads of the government departments in a manner similar to modern cabinet administrative system. The Yewun were appointed at seaports to manage movement of boats and ships. The Akunwun, or collector of land revenues, was assigned to collect revenue and assess the cultivated lands. Several officers to assist the Akunwun known as Pabia were assigned. As part of the Akunwun's duty to inspect ships and collect port duties, he also made official visits to vessels before their cargo was unloaded. The Sitke was assigned at Myo-Yon and his main duties were the maintenance of law and order through the execution of law and justice. Nakhan, King's spies, were assigned to keep an eye on the local administration. Their main duties were to report any misconduct among local officials to the capital. The Nakhan had authority to attend the Myo-Yon and their appointment was effectively as watchdogs over the instability of peripheral provinces in Arakan that had the potential to conspire against the Burmese capital.

Singh (1992) states that a township level administrative system was placed under the provincial level administrative system. Townships were further divided into smaller administrative units known as villages or hamlets. Thu, the lowest level of administrative system was placed at the village level. Ywa-Ok, village headman, were elected by the village and in addition, the Ywathugyi, village head, was directly endorsed by the King. Kywn Okas or Myothugyi were assigned, as town administrators, to manage a town or a cluster of villages. According to Singh (1992), although Kywn Okas were

placed at the lowest level of administrative system, they had greater influence over the community in comparison with other officials in the administrative system, and the position was generally hereditary and integrated into local life. Being closest to the community and involved in the local administration, this official was influential and respected by the local populace. Several subordinates known as the Asiyin and Myetaing were appointed to assist Myothugyi in judicial work while the Myetaing was in charge of land revenue, land alienation and transfer of land. The Myetaing was also a hereditary official and, in many instances, worked closely with the Myothugyi (Singh, 1992).

Under the British colonial administration from 1885 to 1947, the traditional monarchical administrative system was replaced by the British hierarchical administration system. Initially two geographical administrative regions were established as 'Burma Proper' and the 'Periphery'. Burma Proper was placed under direct British administration. The Periphery, the frontier regions, was placed under indirect rule in which local rulers – Shan Sawbwas, Kachin Duwas, Chin Ram-Uk – were confirmed in their authority through treaties with the British government. They enjoyed considerable autonomy. Burma Proper contained eight divisions: Arakan, Irrawaddy, Magwe, Mandalay, Meiktila, Pegu, Sagaing, and Tenasserim. Each division was subdivided into districts, subdivisions, townships, and village tracts. Administratively the district (two or three per division) was the 'pivot' of regional-local administration and was supervised by deputy commissioners who had wide-ranging responsibilities. The governor retained ultimate authority in vital areas such as defence and finances. The system was highly centralized and bureaucratized in Burma Proper. The Upper Burma Village Regulation (1887) and the Burma Village Act (1889) led to the abolition of the position of the 'Myothugyi' or local chief who under the pre-colonial system had enjoyed considerable autonomy and popular support. They were replaced by village headmen who were effectively functionaries of the colonial state. The basic unit of administration was a village. The larger centralized administrative unit was the village tract. The hierarchy of the officers ascended from village headmen to village

tract, then to Township Officers, Sub-divisional Officers, Deputy Commissioner and finally to Chief Commissioner (Seekins, 2006).

In the Rakhine State, three administrative divisions: Akyab, Sandoway, and Ramree were created under the British administration with Akyab placed at the centre of British administration; Akyab, Sandoway, and Ramree were the names used during the British colonial rule and currently Akyab is known as Sittwe, Sandoway is known as Thandwe, and Ramree is known as Yangbye. Each of the three districts was assigned a number of commissioners who oversaw tax collection. Beneath them were several Kywn Okas (village circle headmen/village tract headmen) who were given authority over a number of villages for which they would negotiate a lump sum to pay as land tax to the British government (Mya Sein, 1973).

Indian law and administrative practices were familiar to Indian immigrants, which led to them monopolizing not only agriculture and many sectors of the economy, but also the administration, police and military sectors. The British government favoured Indians and discriminated against local Rakhine ethnic people. This discrimination was reinforced in law as in the 1935 Government of Burma Act where Indians were regarded as the most important minority community. Urdu and Hindi became the principal administrative languages in many areas including Rangoon and Sittwe (Berlie, 2005).

Mass Immigration 1826-1947
During British colonial rule many people from British India, which includes today's Bangladesh, migrated to Rakhine State. After opening of the Suez Canal in 1869, the British government extended agricultural land in Burma and brought in many seasonal agricultural workers from India, and especially from Chittagong in present day Bangladesh, without placing a limit on the growth of rice production in Rakhine State (Than Than Oo, 2008). The Indian immigrants included low paid agricultural workers from Chittagong, moneylenders from Tamil Nadu (known as Chettiars), sailors and boatmen from Chittagong, coolies from Telegu, guards and laundry

men from Bengal, clerks from Bengal, and household workers from Madras (Ikeya, 2006). The Indians dominated trade, banking, brokerages, services, milling, contracting and shop-keeping, as well as communications, mining, oil sales, wholesale trading, pharmacies and money-lending. The Rakhine people labelled the Indian immigrants 'Kalar' without distinguishing between races within that complex group (Berlie, 2005). This mass immigration of a variety of ethnicities has been misperceived as the origin of the Rohingyas, giving rise to such comments as those quoted earlier about Rohingyas being former seasonal agricultural workers who entered the country during colonial times.

Dominating many economic, police and military sectors these Indians were perceived by the Rakhine ethnic group as evidence of a British government divide-and-rule policy that favoured Indians and discriminated against local Rakhine ethnic groups. As the Muslim population increased, so economic opportunities for the Rakhine ethnic group reduced. The Buddhist Rakhine farmers had to compete with low-cost seasonal Chittagonian agricultural workers who were given agricultural land to develop, sometimes with negative consequences (Aye Chan, 2005). For example, when farmers suffered when the paddy price collapsed with the Great Depression it became common for Buddhist Rakhine farmers to borrow from Chettiars at high interest rates (Turnell, 2004). According to Than Than Oo (2008), when Buddhist Rakhine farmers were unable to pay their debts, ownership of their cultivable land was transferred to the Chettiars. As a result, the native communities lost their sovereignty and economic opportunities and became trapped in poverty. This is said to be a root cause for the Buddhist Rakhines anger and hatred towards the Kalar expressed through an anti-Kalar (at that time including Rohingyas) and anti-colonial movements. Such misconceptions fueled friction that developed into inter-communal riots.

1942 Inter-communal Riots
The anti-colonialist movements began soon after the British invasion and gained momentum in the 1920s with the formation of various

religiously based groups: the Young Men's Buddhist Association, the General Council of Sangha Sametggi (GCSS), and especially the Dobama Asiayone. The nationalist movement had a significant impact on the interaction between the Rakhine ethnic group and Indians. The negative attitude and resentment towards Indians culminated in the anti-Indian movement after the Indian-Rakhine riot in 1942 (Than Than Oo, 2008).

Many thousands of Indians living in Burma Proper fled to India through 'Padaung-Taungup' mountains as the Japanese attacked Yangon in December 1941. The British administration withdrew from Rakhine to India when the Japanese attacked Sittwe on the 23rd of March 1942. The situation became chaotic after the British administration moved to India. During that time of political unrest, many Indians who withdrew to India were robbed and killed. British Rajput soldiers patrolling during the period of Japanese martial law were attacked frequently by the Rakhine nationalist groups. The British exaggerated the news of these attacks to enflame the situation and encouraged Muslims with arms to counter attack the Rakhine ethnic peoples (Than Than Oo, 2008). At the same time, the Rakhine underground movement leaders Sayadaw U Pyinnya Thiha, Ko Tha Kyaw (Bonpauk) and the student leader U Ba San attempted to collect arms and ammunitions from the British en route to India. They infiltrated the Myanmar and the Karen infantry who retreated together with the British troops and offered them protection. Regardless of their motives at the time they came to be perceived as organizing the underground movements to drive the Indian immigrants out of the Rakhine (Than Than Oo, 2008).

The first 1942 inter-communal conflict started when Rakhine nationalists were informed that three Buddhist Rakhines, a village head and his two brothers from Chaung Gyi village in Myebon Township, were killed by Kalars from Yet Chaung village in Myebon Township. In revenge, Buddhist Rakhine people burnt down Yet Chaung Muslim village (War, 2003) and the conflict soon spread from Myebon to Minbya, and then on to Mrauk U, and Kyauktaw Townships. The situation became worse and later escalated into an

armed conflict. Many thousands of Buddhist Rakhines and Rohingyas were killed during the fighting.

After the 1942 conflict, most Rohingyas moved to northern Rakhine State and the Buddhist Rakhines moved away from Northern Rakhine State. Rakhine State was then divided into two culturally diverse regions; the Muslim and the Buddhist regions (Yegar, 2002). Although the Buddhist Rakhine and the Rohingyas had lived peacefully together in the ancient kingdoms, negative attitudes and 'in-group' and 'out-group' bias emerged after this communal conflict (Than Than Oo, 2008). Following this initial conflict and migration, the Buddhist Rakhine ethnic group rejected any proposals and actions that would lead to the recognition of the Rohingyas as citizens. They labelled the Rohingyas *a danger, threatening their land, national identity, and religion* (The Irrawaddy, 2009).

Vertical Exclusion

In this section, social exclusion is viewed in the context of changing government policies that have had a significant impact on the denial of citizenship rights to the Rohingyas. Thus, vertical exclusion is defined as the social exclusion that is developed from the policy-making body, specifically the U Ne Win military regime. Examined first is the Mujahid Insurgent movement and the U Ne Win's military regime's response to this insurgency by perceiving the Rohingya people as threats to national security. This led to the withdrawal of the citizenship rights of the Rohingyas that had earlier been granted by the former U Nu regime. Given this background, the following factors were selected to explore the major causes of the exclusion of the Rohingyas from accessing citizenship rights:
- The complex political situation between 1942-1948
- The Mujahid insurgent movement
- Differences between the U Nu and the U Ne Win Regimes
- Citizenship Scrutinizing Operation
- Temporary Registration Certificates (TRCs) for Rohingyas

Complex Political Situation Between 1942-1948

The British left Burma in 1942 and returned in 1945. During the Japanese invasion, the Rakhine nationalists were on the Japanese side and the Muslims on the British side. During the Japanese invasion (1942-1945), the Volunteer Force (V-Force) was formed to undertake underground operations against the Japanese Imperial Army (Than Than Oo, 2008). The Muslims of the Rakhine were mobilized into the V-Force and were highly motivated to expel the Japanese. Yegar (2002), states that *Arakan Muslims in Force V took on such increasingly important military roles as reconnaissance, intelligence gathering, rescue of downed aviators, and raids on Japanese collaborators*. Aye Chan (2005) describes how the V-Force destroyed Buddhist monasteries and pagodas and burnt down Buddhist Rakhine villages. Yunus (1994) emphasizes that *V-Force became an important and very valuable part of the intelligence framework for the British*. To repay their loyalty and support, the British promised Muslims the formation of an autonomous Muslim state within the Rakhine state (Médecins Sans Frontières, 2002), which War (2003) corroborates as being a National Muslim Area in the Rakhine state in order to bolster military support and to encourage Muslim loyalty. Yegar (2002) clarifies that while these commitments made an impression on the Muslim leaders and it was widely understood that the British promised to grant a National Muslim Area in the Maungdaw region, no single document was presented to support the British commitment. When the British re-captured Rakhine state in 1945, the promises were denied and the commitment was negated.

In the years 1946 and 1947 the process of amalgamation of Burma Proper and Periphery was begun. The question of whether or not the highland and frontier areas would be united with Burma Proper originated from the British administration. During the colonial period, the British administrative system provided a chance for local politicians to learn parliamentary practice and the political process. In parallel, however, the colonial administration was carefully designed to eliminate potential political leadership and destroy unity among the ethnic groups. At first, the British applied the 'divide and

rule' policy to exclude the Highland and Frontier Areas from Burma Proper. Subsequently, at the time prior to Myanmar Independence, the British promoted the question of whether or not the Periphery would be united with Burma Proper. Walton (2008) cites the 1945 British White Paper Statement confirming this, which says, *no decision would be made on behalf of the people of the Frontier Areas without their consent … special regime under the Governor until such time as their inhabitants signify their desire for some suitable form of amalgamation of their territories with Burma proper*.

In December 1946, on the invitation of His Majesty's Government led by Mr. Clement Attlee, General Aung San and other Myanmar leaders were invited to London to discuss the future of Myanmar. On 27th January 1947, the Aung San-Attlee agreement was made and pledged *independence within one year*. In reaction to this, the Panglong Conference was held in February 1947 to promote the urgent quest for unity among the ethnic groups. The representatives from Kachin, Chin, Shan, and Karen attended the conference, except the Mon and the Rakhine. General Aung San and the representatives from Kachin, Chin, Shan were able to sign an agreement on 12th February 1947. They all agreed to unite and work for independence. The Panglong agreement laid the foundation for the Union of Myanmar. The Panglong spirit *unity in diversity* became a significant factor for Myanmar after independence (Walton, 2008).

In April 1947, the countrywide election for the Constituent Assembly was held and the Anti-Fascist People's Freedom League (AFPFL) won with landslide majorities (95 percent). On 19 July 1947, General Aung San was assassinated and U Nu became the leader of the AFPFL. On 4th January 1948, Myanmar became an independent country. Soe Myat Nwe (2008) stated that *the political situation was total chaos and the U Nu democratic government was losing control*. The Communist Party separated from the AFPFL and went underground. Then, the People's Volunteer Organization (PVO) turned into insurgent groups. In addition, many insurgencies occurred in Kayin State, Pa O (Shan State) and Rakhine State. The Communist domination in the Rakhine state ended with the signing

of the ceasefire agreement with SLORC in May 1997 (Narinjara News, 2003).

The Mujahid Insurgent Movement

The Muslim or Mujahid insurgent group emerged in the NRS during the AFPFL administration at a time when the Communist movement was an important factor in the NRS. Muslims became the dominant population group in the NRS during the time of General Aung San's policy in 1946 to amalgamate the ethnic groups of Myanmar. East and West Pakistan were created as independent Muslim states when the British granted independence to India in 1947. The creation of East Pakistan (later, Bangladesh) inspired the Muslims of the NRS to try to establish an autonomous Muslim region. The Muslims declared the NRS to be separated from Burma proper and to be annexed to adjacent East Pakistan in 1947. The majority of the AFPFL and the dominant population in the Rakhine State was Buddhist, leading Muslims to be concerned they would be driven out of the NRS after independence and that civil conflict similar to the 1942 massacre would reoccur (Yunus, 1994). In order to protect Muslims, they wanted to cooperate with the larger Muslim community in Pakistan and to live under Dar-al-Islam, that is an ideal Islamic territory with Islamic rule (War, 2003). However, as Yegar (2002) has stated, *the desires of the Chittagongs were stronger than the Rohingyas to be part of the new Pakistan state.*

According to Yunus (1994, p. 47), a delegation was sent in July 1947 to Lahore from Maungdaw to meet Qaid-e-Azam Mohammad Ali Jinnah who fought for the independence of Pakistan and who became the first president of Pakistan. They appealed for either the NRS to be incorporated into East Pakistan or for it to be granted autonomous Muslim state status in Myanmar. Before the delegation met Mr. Jinnah, a special envoy of General Aung San met and assured Jinnah that the rights of the Arakan Muslims would be constitutionally guaranteed. With this assurance, Jinnah promised General Aung San that he would not support the request of the Muslim delegation.

The desire of the Muslims to establish an autonomous Muslim state within the Rakhine state turned into an insurgent movement when their demands were denied. The Muslim insurgent group named 'Mujahid Party' was formed under the 'Dobboro Chaung Declaration' in 1947 (Singh, 2007). The Arabic term 'Mujahidin' for 'Fighters in a Holy War for Islam' (Yegar, 2002) can imply commitment to a 'Holy War' (Peiris, 1998). The movement, led by Jafar Hussin, also known as Jafar Kawal and guided by the Jihad Council, was followed by Rohingya elders who supported the Jihad movement in the Rakhine State as part of the Mujahid Party (Singh, 2007).

Yunus (1994) observed that a Japanese-trained Rohingya, Jafar Hussain a poet and vocalist educated in Rangoon, then started organizing the people by singing *the lyrics of poet Iqbal of Indian Sub-continent and urged people to sacrifice their property and lives in defence of their faith, honour and dignity*. Aye Chan (2005) details that the Muslim Liberation Organization founded by Zaffar Kawal in March 1946, changed its name to the 'Mujahid Party' in 1948. Smith (2005) then notes that *while communists and armed Rakhine nationalists seized control of many of the towns throughout Arakan, hundreds of armed Muslim supporters flocked to join the popular Muslim singer, Jafar Hussain, who had formed the first Mujahid Party in Buthidaung Township in December 1947*.

The objective of the Mujahid was to create a Muslim Autonomous state, 'Arakanistan' and cooperate with East Pakistan. "Pakistan Zindabad, Allah Mujahid" was their slogan (Khin Maung Saw, 2011). The Mujahid camped in Da Pyu Chaung village in Buthidaung Township and trained the Rohingyas as Mujahid for armed conflict (War, 2003). They gained majority support and spread quickly while the central government was engaged with the rebellions that broke out in other parts of the country. Aye Chan (2005) details that the Mujahid Party sent an open letter to the Government of the Union of Myanmar on 9 June 1948, which included part of their unfulfilled demands to create a Muslim State.

The demands made by the Mujahids were cited by Aye Chan (2005) as follows:

1. The area between the west bank of Kaladan River and the east bank of Naaf River must be recognized as the National Home of the Muslims in Burma. 2. The Muslims in Arakan must be accepted as the nationalities of Burma. 3. The Mujahid Party must be granted a legal status as a political organization. 4. The Urdur Language must be acknowledged as the national language of the Muslims in Arakan and be taught in the schools in the Muslim areas. 5. The refugees from the Kyauktaw and Myohaung (Mrauk-U) Townships must be resettled in their villages at the expense of the state. 6. The Muslims under detention by the Emergency Security Act must be unconditionally released. 7. A general amnesty must be granted for the members of the Mujahid Party.

These demands were ignored and subsequently the Mujahid attacked Ngapruchaung and nearby villages in Maungdaw. As a result, a large number of the Rakhine ethnic group left their villages, which in turn provided land for new immigrants from East Pakistan (Peiris, 1998). In June 1949 the law and order situation in the southern Rakhine State deteriorated as increased conflict between the Government Military Police, the Communists and the People's Voluntary Organization (PVO) movements broke out in Kyaukpyu and Thandwe. The Mujahid generally became more powerful and established because of the politically unstable situation throughout the Rakhine State (Yunus, 1994). The Burma Territorial Force (BTF) was formed with Rakhine ethnic group members under the direction of the Deputy Commissioner of Sittwe to eliminate the Mujahid. Yunus (1994) details how the BTF killed many Muslims, including women and children, intellectuals, village elders and Ulema, the latter term literally meaning religious scholars of Islam and in Myanmar is currently taken to mean the Islamic Religious Organization of Muslims.

More than 50,000 people fled to East Pakistan in order to escape from massacre (Yunus, 1994). Information about the suppression of the Muslims was published in Pakistan's newspapers. The

newspapers in Myanmar stated that the Mujahids received support as cash and materials from Pakistan, which significantly impacted diplomatic relations between the two governments. In 1950, U Nu and the Pakistan Ambassador visited the NRS. According to Islam (2011) during U Nu's trip to Maungdaw, the Rohingya leaders of the NRS sent a memorandum to U Nu explaining that Rohingyas never wanted to separate from the Union or to unite with Pakistan.

Yunus (1994) stated that in 1951, *Jafar Hussain was assassinated by his men and the group was divided into many branches led by different leaders; C.L.A Rashid, Abbas and Saleh Ahmed, and Major Quassim*. Major Quassim, a notoriously cruel and rough man, was infamous among the leaders. He stationed his faction at Minglagyi and remained in control until 1954. The 'Monsoon' operation was launched to eliminate Mujahids in November 1954 after the Government reached an agreement with East Pakistan. Islam (2011) states that the Rohingyas never accepted Quassim as their leader and tried all available means to rebel against Quassim. Quassim fled to East Pakistan and many Mujahids were caught and killed in the operation. The Mujahids broke up into small insurgent groups and positioned themselves in the border areas where they engaged in criminal activities and threatened local villagers (War, 2003).

On 31st July 1958, U Nu's government offered an amnesty to all insurgents who would surrender themselves; some Mujhids surrendered (Khin Maung Saw, 2011). On 8h July 1961, nearly all of the Mujahids surrendered to the Government after their groups had been captured by Brigadier Aung Gyi at Buthidaung. Because of the hostilities of the Mujahids, the Rakhine ethnic group's negative attitude towards the Rohingyas became stronger and increased the group bias (War, 2003). Chief of Staff (Army) Brigadier Aung Gyi delivered a notable speech at the surrendering ceremony and guaranteed to protect the Rohingyas as a minority Muslim community. The salient points of the speech were quoted by ARAKAN magazine as follows: *The people of the west of the border are called Pakistanis. The people of the east, who are in Burma, are called Rohingyas. It is not the only border where the same people*

live in two countries: the same case is in Chinese border too. For example, in Kachin State there are Liesu in Burmese side, also there are Liesu on the Chinese side. As there are Eikaw in Burmese side and also on the China side. As there are Lawa on the Burmese side there are also Lawa in China. In this way as there are Shan in Burma, there are T'ai on the China side. They speak same language both inside Burma and Thailand (same religion, culture and appearance). In this way the people of same religion are on the Pakistan side and (Rohingyas) in Burma. (Arakan Magazine, 2011)

During the peak of the Mujahid movement, the All Arakan Muslim Conference was held in Alethangyaw Village, Maungdaw Township on 15-16 June 1951 and the 'Charter of the Constitutional Demands of the Arakani Muslims' was published. The Charter included these critical points; to establish a free Muslim state; to share on a fifty-fifty basis in the management of defence, administration, metropolitan areas and ports of the Rakhine State; to accord the Muslims the same status as other ethnic groups; to appoint a Muslim Affairs Minister in the Government; to protect Muslim properties and businesses and to compensate in case of destruction; to promote the welfare of the Muslim community; to establish quasi courts which decide cases concerning the social and personal life of Muslims according to the laws and principles of the Holy Sharia; to establish Islamic schools and colleges; to maintain the Urdu language in primary and the secondary schools (Khine Myo Saunt, 2010). Aye Chan (2005) describes the charter as *call for the balance of power between the Muslim and the Buddhist Rakhine people* (Aye Chan, 2005).

As a result of the Mujahid movement, non-Rohingya people perceive the Rohingya movement as a political movement that threatens the political security of the Rakhine State. This has severely hindered the official recognition of the Rohingyas as an ethnic group. Key informant interviews conducted for this book and National Democratic Party for Human Rights (1999) suggested that Mujahid movement had little effect on the Rohingyas themselves in their search for ethnic group recognition. The majority of Rohingyas

dissociated themselves from the Mujahid movement. The minority Muslim groups of the Kaman and Myedu that live in southern part of Rakhine State were not involved in the Mujahid movements.

Differences Between the U Nu and the U Ne Win Regimes

Prime Minister U Nu made a radio broadcast on 25th September 1954 declaring that the Rohingyas are *an indigenous ethnic community*, and followed this with similar pronouncements at political rallies in Buthidaung and Maungdaw in 1959. The Rohingyas were therefore regarded as an indigenous ethnic community and granted the equal citizenship rights as the other citizens of Burma at that time. (National Democratic Party for Development, 2012).

The Mayu Frontier Administration (MFA) was established on 30th May 1961, under which the northern Rakhine townships of Maungdaw, Buthidaung and the western parts of Rathedaung were separated administratively from Sittwe and placed under the direct administration of Yangon. The MFA was not established to create an autonomous Muslim state but reflected an effort to control the potentially violent situation in the region. As part of the move, a special police force was formed, manned mainly by Muslims. In this way, the creation of the MFA granted a certain amount of autonomy to the Rohingyas and increased their level of participation in administrative matters (Ministry of News and Information, 1990).

Following these positive changes the Rohingyas were thereafter allowed to participate in many social activities, and on 15 May 1961 a Rohingya language programme was added to the indigenous language Burma Broadcasting Service (BBS), broadcasting three times a week at 17:30. A Rangoon University Rohingya Student Association and many other Rohingya associations were established between 1959 and 1961. Also, Rohingya traditional sports were shown during the 1960s at traditional ethnic cultural shows in Yangon (National Democratic Party for Human Rights, 1999).

The citizenship rights of Rohingyas were promoted during the U Nu administration period, and as a democratic regime U Nu's

government favoured the existence of *multiple diversity* among the ethnic groups, which in effect supported the Panglong spirit *unity in diversity*. In contrast, the military regimes that came later perceived 'diversity' as representing 'disunity', and rejected *multiple diversity*; in favour of 'oneness' and 'unity' being synomonous with Myanmar nationalism. These regimes used *one blood, one voice, one command* as a slogan for state institutions, and *one religion, one language, one ethnicity* for citizens (The Swedish Institute of International Affairs, 2008).

For these reasons, the exclusion of the Rohingyas began officially after the 1962 military coup when the MFA was transferred to the Home Ministry (1st February 1964) and the Rohingyas were removed from the administrative structure (National Democratic Party for Human Rights, 1999). The National Security Act was promulgated in 1964 (Ganesan and Hlaing, 2007), and all Rohingya organizations were banned including the United Rohingya Organisation, the Rohingya Youth Organisation, the Rangoon University Rohingya Students Association, the Rohingya Jamiatul Ulama, the Arakan National Muslim Organisation and the Rakhine Muslim Youth Organisation. The Rohingya language radio programme was also abolished in 1965 (National Democratic Party for Human Rights, 1999).

The Citizenship Scrutinizing Exercise
The first mass exodus of the Rohingyas to Bangladesh occurred due to the scrutinizing operation 'Naga Min' under the U Ne Win military regime. The second mass exodus occurred due to overwhelming military force deployed along the frontier areas of NRS during the State Law and Order Restoration Council (SLORC) period.

During the U Ne Win military regime several scrutinizing operations were conducted to scrutinize and register the Rohingya population and take action against illegal immigrants throughout the Rakhine State. For example, in 1966 the 'Kyeegan' and 'Shwe Kyee'

operations were conducted, in 1969 the 'Myatmon' operation was put into effect and in 1974-78 the 'Sabe' operation was conducted.

'Naga Min', the largest scrutinizing operation, was launched throughout Sittwe, Buthidaung and Maungdaw Townships in 1978. During the operation every Rohingya had to present identity documentation such as an 'Identity Card', 'Foreigner Registration Card' or 'Immigration Permit', otherwise they were to be arrested. Approximately 278,000 Rohingyas fled to Bangladesh, among them 163,970 Rohingyas who had previously obtained Identity Cards (Shwe Zan, 2005). After the signing of a bilateral agreement between the governments of Myanmar and Bangladesh, some 180,000 Rohingyas were forcibly repatriated to Rakhine State in Myanmar within 16 months of flight to Bangladesh (Médecins Sans Frontières-Holland, 2002). Shwe Zan (2005) mentioned that among the 180,000 forcibly repatriated, 145,252 Rohingyas had previously obtained Identity Cards or other kinds of documentary evidence.

The SLORC, the 'second generation' of the military regime, assumed state power in September 1988. During the 1990s as part of anti-insurgency operations, significant numbers from the military forces were deployed in the border areas including the Mayu frontier region, nowadays known as NRS. In addition, the Border Security Force, known as NASAKA was formed to monitor and control the movement of Rohingyas within the northern Rakhine state. NASAKA is an abbreviation of the Myanmar term Nay Sat Kut Kwey Ye comprised of members from the Police Force, the Internal Security or Riot Police, Military Intelligence, Customs Department and the Immigration and Manpower Department, and assumed control over the movement of Rohingyas within Maungdaw, Buthidaung, and Rathedaung Townships from 1992 until abolished in 2013. This increase in military forces in the northern Rakhine State gave rise to an intensification of oppressive practices against the Rohingya population. As a result, in 1992 a second wave of approximately 270,000 Rohingyas fled to Bangladesh (Irish Centre for Human Rights, 2010). The government of Bangladesh and Myanmar signed a Memorandum of Understanding (MOU) in April

1992 to repatriate Rohingyas to Myanmar and by November 1993 approximately 35,000 Rohingyas were returned back to Rakhine state from Bangladesh (Médecins Sans Frontières-Holland, 2002).

Temporary Registration Certificates

In 1995, the Burmese authorities started issuing Temporary Registration Cards (TRC) to the Rohingyas in Northern Rakhine State. The TRC did not mention the bearer's place of birth and therefore could not be used to claim citizenship (Lewa, 2009). The government issued approximately 590,016 TRC to those who resided within the country, which in 23 December 2014 included Bengali, Indian, Pakistani, Nepalese, Monwun, Kilon Lishaw, Chinese and Kokant. Thus Rohingyas were included in the Bengali group (Myanmar Alin Newspaper, 2014). The cards are necessary for any basic tasks such as seeking a marriage licence and travel authorization, and while not conferring citizenship they confirmed lawful residence, which contributed to an improved legal status.

The Union Minister for Immigration and Population (2011) explained the procedures for the Rohingyas who wanted to apply for citizenship as follows: *The Myanmar Muslims who live in Maungdaw mean Bengalis residing in the Region. If he or she wants to apply for Myanmar Citizenship, he or she must legally forgo the citizenship of other countries. They need to present certification that they had not registered at related foreign embassy relating to original race as its citizens, and they have not applied for passport* (Myanmar Alin Newspaper, 2011)

The Union Minister for Immigration and Population (2011) also stated that: *issuing national scrutiny cards are not based on race and religion. It is concerned with the competence of a citizen's features prescribed in 1982 Citizenship Law* (The New Light of Myanmar, 2013). In order to get any card, an individual who complies with the provisions of the 1982 Citizenship Law needs to apply for citizenship to the committee responsible for scrutinizing citizens, associate citizens, and naturalized citizens (Amnesty International, n.d).

The United Nations General Assembly convened a Conference of Plenipotentiaries to draft an international treaty on refugees and stateless persons in 1951. This Convention relating to the Status of Stateless Persons was adopted on 28 September 1954. The 1954 Convention defined a *stateless person* as someone *who is not considered as a national by any State under operation of its law* and the Convention goes on to claim that stateless persons have the same citizenship rights as citizens with respect to freedom of religion and education of their children. For a number of other citizenship rights, such as the right of association and the right to employment and to housing, the Convention provides that stateless persons are to enjoy at a minimum, the same treatment as other nationals (UN Convention Relation to the Status of the Stateless Persons, 1954). Under this Convention the Rohingyas, regardless of their citizenship status, would deserve the same citizenship rights as other citizens of Myanmar.

According to the International Federation of Human Rights League (2000) the Rohingyas were forced to apply for new Citizens Scrutiny Cards. They returned their old ID cards and re-applied for Citizens Scrutiny Cards as part of this process. However, many of them did not receive back their Citizens Scrutiny Cards or other documents they provided as part of the process or any other legal documents that would enhanced their citizenship status. Only a few Rohingyas were granted citizenship under the 1982 Citizenship Law (International Federation of Human Rights League, 2000). As a result the rest of the Rohingyas lost their citizenship status and became foreigners without legal documents. This loss of citizenship and legal standing meant that the Rohingyas entered into a status of *de jure statelessness*. The 1954 Convention relating to the Status of Stateless Persons defines *de jure statelessness* as applying to individuals who have not received nationality automatically nor been granted citizenship through an individual decision under the operation of any state's laws. In contrast *de facto* statelessness applies to stateless people who are unable to obtain proof of their national identity, residency or other means of qualifying for citizenship (Biliz and Lynch, 2009).

We have now canvassed the background causes of social exclusion of Rohingyas through denial of their citizenship rights. The exclusion involved both horizontal and vertical exclusion. Horizontal exclusion covered the background causes of the development of the hostile conflict between the Buddhist Rakhines and the Muslim Rohingyas. Vertical exclusion explained causes in the policy changes that led to withdrawal of citizenship status from the Rohingyas. The compounding effect of the horizontal and vertical exclusions have had a significant impact on the insecurity of Rohingyas that is exemplified by the withdrawal of their citizenship. Acquisition of citizenship and its loss is defined by internal legal frameworks that are described further in the following Chapter 6.

Rohingyas - Insecurity and Citizenship in Myanmar

Chapter 6

How to Gain and Lose Citizenship

This chapter examines further the process by which Rohingyas have become 'non-citizens' in Myanmar from the legal perspective. A complex series of laws, acts and rules related to the citizenship and registration had been endorsed both before and after independence on 4th January 1948 when the Union of Myanmar came into existence. An introduction to the situations that allow citizenship acquisition and loss as it relates to the Rohingyas will assist in understanding the provisions of the 1948 Burma Citizenship Act, 1948 Burma Citizenship Election Act and the 1982 Citizenship Law – accordingly these will now be discussed in brief. After that, the processes of civil registration and civil documentation will be discussed in order to present a more comprehensive understanding of their importance for each individual.

In summary, the major laws, acts and rules are:
a) The Foreigners Act, 1864;
b) The Burma Passport Act, 1920;
c) The Registration of Foreigners Act, 1940;
d) The Burma Immigration (Emergency Provisions)Act, 1947;
e) The Registration of Foreigners Rule, 1948;
f) The Union Citizenship Act, 1948;
g) The Union Citizenship (Election) Act, 1948;
h) The Residents of Burma Registration Act, 1949;
i) The Burma Immigration (Detention) Rules, 1951;
j) The Residents of Burma Registration Rules 1951;
k) The Pyithu Hluttaw Law No. 4 of 1982 (the 1982 Burma Citizenship Law).

Laws for Acquisition and Loss of Citizenship

In general the granting and denying of citizenship rights is largely dependent on domestic government nationality policies. Accordingly, this section analyses how the granting and depriving of citizenship rights to the Rohingyas is dependent on the Myanmar government's citizenship policies and specifically the 1982 Citizenship Law that governs this process.

According to Biliz and Lynch (2009) nationality policies have usually been built on the two principles of *jus sanguinis* (blood origin) and *jus soli* (birth on the territory). The principle of *jus sanguinis* is applied intentionally to deny granting specific minority groups the rights of citizenship, while the principle of *jus soli* grants citizenship rights without discrimination. Saifullha (2011) states that: *the Burmese laws concerning citizenship are neither 'jus sanguinis' nor 'jus soli', it is a mixture of both*. Lewa (2009) attempted to clarify this by noting that the 1948 Citizenship Act was based on the principle of *jus soli* while the 1982 Citizenship Law was based on the principle of *jus sanguinis*.

Section 4(1) of the 1948 Union Citizenship Act states that any person, who under Sub-section (i), (ii), and (iii) of Section 11 of the 1947 Constitution, is a citizen of the Union or who, under Sub-section (iv) of Section 11 of the 1947 Constitution, is entitled to elect for citizenship and who has been granted a certificate of naturalization or a certificate of citizenship or who has otherwise been granted the status of a citizen under this Act, shall continue to be a citizen of the Union, until he or she loses that status under the provision of this Act. The Article 11 of the 1947 Constitution defined a citizen of the Union as:
a)   *Every person, both of whose parents belong or belonged to any of the indigenous races of Burma;*
b)   *Every person born in any of the territories included within the Union, at least one of whose grand-parents belong or belonged to any of the indigenous races of Burma;*

c) Every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been, citizens of the Union;

d) Every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding the 1st January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and within the time prescribed by law.

With respect to the reference to indigenous races in paragraph (a) above, it is relevant to recall that the 1948 Union Citizenship Act defined the Indigenous races of Burma as: *Any of the indigenous races of Burma shall mean the Arakanese, Burmese, Chin, Kachin, Karen, Kayah, Mon or Shan race and such racial group as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 A. D.*

The 1948 Citizenship Act and 1948 Citizenship Election Act granted a certificate of citizenship to a person who makes an application. If the application is successful, that person *shall be a citizen of the Union*. According to 1948 Citizenship Act, the criteria for the citizenship certificate application are as follows:

  i. *Any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union;*
 ii. *A child born in the Union one of whose parents is a citizen;*
iii. *A child born outside the Union of a father who is a citizen;*
 iv. *A child born outside the Union of a parent who, being a citizen, was at the time of child's birth in the service of the Union;*

v. *The minor children whose names are so included in the certificate shall be deemed to have become citizens of the Union as from the date of the certificate provided however that any child so included may, within one year of attaining his majority, make a declaration of alienage and he shall thereupon cease to be a citizen of the Union;*

vi. *On the joint application of a person admitted to citizenship under sub-section (2) and her husband, the Minister shall for the purpose of recognizing as a citizen include in the certificate granted to the mother any minor child not already a citizen and born before the date of grant of citizenship for the mother;*

vii. *Every person, both of whose parents belong or belonged to any of the indigenous races of Burma;*

viii. *Every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been, citizens of the Union.*

Citizenship under this Act could be lost if the person makes a declaration of alien origin or, on making the declaration of naturalization, the certificate of citizenship granted to him had been obtained by false representation or fraud or by concealment of material circumstances or that the person to whom the certificate was granted has shown himself by act or speech to be disaffected or disloyal to the Union.

In 1982, another citizenship law was established to replace the 1948 Union Citizenship Act and 1948 Union Citizenship Election Act. The 1982 Citizenship Law determined Burmese citizenship based on the principle of descent or *jus sanguinis* as well as previous citizenship. Article 2 of the 1982 Citizenship Law confers citizenship as citizens by birth on every national and every person born of parents who are nationals. Generally, according to Articles 5 and 6 of the 1982 Citizenship Law, citizenship is granted to; a) to a person who belongs to one of the 135 officially recognized national ethnic groups, and b) a person who had previously been granted citizenship on the date the law came into force. Naturalized citizenship was

granted to those who had entered and resided in Myanmar prior to 4th January 1948, but had not applied for Myanmar citizenship up until 1982. Associated citizenship was granted to a person who had applied for citizenship but had not yet been granted citizenship status at the time that the 1982 Citizenship Law was promulgated. Under the 1982 Citizenship Law, citizenship is lost or surrendered by those leaving Myanmar permanently, or if a person acquires citizenship of another country, or registers himself as a citizen of another country. This last rule applies to naturalized and associated citizenship in general. Citizenship acquisition and loss of Myanmar under 1982 Citizenship Law is summarized in the following Table 3.

The 1982 Citizenship Law was slightly more constrictive on the granting of citizenship. Under the 1948 Union Citizenship Law, citizenship was automatically granted to all those born in the Union of Myanmar where at least one grandparent was a member of an indigenous race. This condition did not apply under the 1982 Citizenship Law. If a person had not acquired citizenship by 1982, then that person could not claim citizenship by birth alone, but only if at least on parent was already a citizen. By the 1947 Constitution and 1948 Union Citizenship Law, most Rohingyas had citizenship confirmed by citizenship papers. Copies and originals of these citizenship papers were verified in the field during interviews conducted as part of the study for this book. However, for reasons that will more fully explained later, most of the Rohingyas effectively lost their citizenship after 1982. Citizenship acquisition and loss under the 1982 Citizenship Law is summarized in Table 3.

Table 3. Acquisition and Loss under the 1982 Citizenship Law

Acquisition of Citizenship	
The principle of *jus soli*	Birth in the territory does not apply
The principle of *jus sanguinis*	Citizenship is granted to members of the 135 officially recognized national ethnic groups.
Three types of Citizenship	a. Full Citizenship Status b. Associate Citizenship Status c. Naturalized Citizenship Status
a. Full Citizenship Status (CSC). Persons born in or outside of the State are also citizens if:	- one of the 135 recognized ethnic groups - previously been granted citizenship - both parents are citizens - one citizen parent, other associate citizen - one citizen parent, other naturalized
b. Associated Citizenship Status (ACSC)	one who applied and met requirements of the Union Citizenship Act 1948
c. Naturalized Citizenship status (NCSC)	- one parent citizen, other foreign - one parent associate, other naturalized - one parent associate, other foreign - both parents naturalized - one parent naturalized, other foreign
Dual Citizenship	Not recognized
Loss of Citizenship	
Voluntary	- renunciation permitted
Involuntary	- leaves the country permanently - takes passport of another country - takes citizenship of another country - communicating with enemy countries - communicating with hostile organizations - endangering sovereignty and security - disloyalty to the State - committing moral turpitude and adultery

Registration & Documentation

UNICEF (2007) notes the importance of civil documentation as: *a fully functional civil registration should be compulsory, universal, and permanent. It should collect, transmit and store data in an effective way and guarantee their quality and integrity. Such a system, and its instrumental value in safeguarding human rights, contributes to the normal functioning of any society*. Thus *Nationality is a legal bond between a state and an individual* (UNHCR 2007) for which civil documentation provides the legal evidence. Civil documentation and registration is regarded as a key determinant to accessing human security because civil documentation and registration establishes the legal identity essential to access fundamental citizenship rights, including the right to education, employment, own property, medical treatment, freedom of movement and to receive state protection.

According to Ministry of News and Information (1999), the Residents of Burma Registration Act (1949 Registration Act) and Residents of Burma Registration Rules (1951 Registration Rules) were prescribed in 1949 and 1951 respectively. The Ministry of News and Information (1999) stated that: *1949 Union of Myanmar Residents Registration Act and 1951 Union of Myanmar Residents Registration Rules were prescribed and Identity Cards were issued to those (except foreigners) residing in the country from 1952 onwards. In doing so, personal history of each person under aged 12 and above are listed and recorded, household members lists, were issued to every household, identity cards were issued to those of aged 12 years and replaced with lost/damage/unreadable Identity Cards* (sic)*, and address of Registration and Records on changes of Personal Characteristics were also included.*

From 1952 onwards, the civil registration process was mandatory and this is still in effect today. Civil documentation required under the 1949 Registration Act and 1951 Registration Rules are elaborated in the following section.

Household List

The household list provides identification of residential status including: date of the record, name of state, township, city, village, street, where the house is physically located, room number, building number and personal information including: name, date of birth, gender, father's name, relationship with the household head, occupation, registration number, ethnicity, nationality and religion. Household list is also known as household members list or family list. A household list must be presented when applying for an identity card, birth certificate, school enrollment, recommendation from a ward/village administrator, travel permit etc. The household list can be obtained and updated at the INRD office in person.

Birth Registration Certificate:

According to UNICEF (2002) a birth certificate acknowledges the existence of the person before the law, establishes the child's family ties and tracks the major events of an individual's life, from live birth to marriage and death. UNICEF therefore claims that lack of birth registration is a violation of the child's inalienable human right to be given an identity at birth and to be regarded as part of society. A birth certificate in Myanmar provides legal identity information including the parent's particulars, place and date of birth, race and religion. It is normally obtained from the township health department in urban areas and rural health centres in the rural areas. From 2005 onwards, a notification of birth included a *live and dead delivery certificate*. Since that time, both types of certificate have been required before a Birth Registration Certificate can be issued. The live confirmation from *live and dead* certificate is issued within one day and notification of delivery certificate provided within one week of birth, and a birth certificate is normally provided within three months.

Identity card

An identity card is one of the most important pieces of civil documentation to provide legal identification and provide access to fundamental citizenship rights such as education, health care, employment, social services, property ownership, participation in the decision making, and state protection (Human Rights Watch/Asia, 1996).

According to the 1951 Resident Registration Rules, National Registration Cards (NRCs) were provided to every resident except foreigners. Those who were 10-18 years old were issued with a 10-year old citizenship scrutiny card, and those above 18 years were issued with an 18-year old citizenship scrutiny card. Pink-coloured cards were issued for women and blue-coloured for men. However, a footnote on the NRC can be translated as: *this card does not necessarily mean that the holder is actually a citizen of that country*. This footnote does not appear to be in agreement with the 1948 Union Citizenship Act and 1948 Union Citizenship Election Act on which the cards were issued. In any case, the relevant government authorities recognized NRC holders as citizens until the promulgation of 1982 Citizenship Law; this included most of the Rohingyas in the Rakhine State as confirmed during this study's fieldwork. This means that holders of NRCs, including Rohingyas, were effectively regarded as citizens until the surrender of NRCs in 1989.

According to the Ministry of News and Information (1999) under the 1982 Myanmar Citizenship Law, a Citizenship Scrutinization Card Naing 3 (A) was provided to every resident 10 years old and a Citizenship Scrutinization Card, Naing 6 (A), was provided to every resident aged 18 years and above. In 1989 a nationwide citizenship examination exercise was conducted. National Registration Cards were replaced with Citizenship Scrutiny Cards for citizens, Associated Citizenship Scrutiny Cards for associated citizens, and Naturalized Citizenship Scrutiny Cards for naturalized citizens (Ministry of Immigration and Population n.d.).

The Union Citizenship Certificates had been provided under the 1948 Union Citizenship Act. Starting in 1952 and continuing until the present time, every resident is required to have an identity card. Such civil registration became mandatory under the 1949 Resident Registration Act and 1951 Resident Registration Rule. This meant that most of the Rohingyas held Union Citizenship Certificates from 1948 to 1952. From 1952 to 1989, NRCs were the only proof of the citizenship identity for all residents of Myanmar, including the Rohingyas (International Crisis Group, 2014). In 1989, nationwide citizenship scrutiny exercises were conducted and NRCs were replaced with CSCs, ACSCs, and NCSCs under the 1982 Citizenship Law (Ministry of News and Information, 1999).

These changes made it difficult for many Rohingyas to replace their NRCs with CSCs, ACSCs, and NCSCs through the citizenship scrutinizing exercises conducted throughout Rakhine state for reasons detailed in the previous chapter (Irish Centre for Human Rights, 2010).

Temporary Cards

The 1951 Resident Registration Rules introduced temporary registration certificates (TRCs), also known as Temporary Identity Certificates (TIC) that were valid for temporary periods. Temporary Registration Certificate means a certificate issued in lieu of a registration card; it represents a proof of identity valid for a certain period that is specified on the certificate. The card is white-colour coded and thus is known as 'the white card'. The cardholder is identified as *a resident of Myanmar*, but not as a citizen of Myanmar. According to Article 2 (E) and 13 (1)(C) of the 1951 Resident Registration Rules, TRCs are issued mostly to those who have reached 18 years-old and who must sit for the citizenship scrutinizing process in order to be granted citizenship status. The government issued 590,016 TRCs until 23 December 2014, mostly to Rohingyas in the Rakhine state. Although the cardholders are not regarded as citizens, they were granted the right to vote during the 2008

referendum according to the SLOC's Rule No. 1/2008 dated 26 February 2008 and during the 2010 election (Myanmar Alin Newspaper, 2014).

On 11 February 2015, the President of the Union of Myanmar announced that the expiry date of the temporary registration certificate provided according to the 1951 Rules was at the end of May 2015 and that holders had to surrender their Temporary Registration Certificates between 1 April – 31 May 2015. The Immigration and National Registration Department mentioned at the beginning of June to the Irrawaddy Newspaper that an alternative form of documentation would be provided in June 2015 (The Irrawaddy, 2015).

Registration of Foreigners

Article 1 of the Foreigners Act 1864 states that *the word foreigner shall denote a person who is not a citizen of the Union.* Rules and regulations to control the arrival and residence of foreigners had been initially enacted under the British colonial administration. The 'Foreigners Act' was enacted in 1864 and 'Registration of Foreigners Act' in 1940. In 1941, 'immigrant certificates' were issued to those who had lived seven years continuously within the country and defined them as concessive immigrants. A series of related laws were subsequently enacted including the Immigration Act (Emergency Provisions) in 1947, the Foreign Registration Act in 1948 and the Burma Immigration (Detention) Rules in 1951. Under the provisions of the 1947 Act and 1951 Immigration Rules, no foreigner was allowed to enter the country without a visa and foreigners who entered the country without any official documentation would be deported after a period of detention. The 1949 Resident of Burma Registration Act and 1951 Registration Rules further defined the laws and since 1952 Foreigner Registration Certificates (FRCs) have been issued to foreigners. This practice is still in effect (Ministry of Immigration and Population, n.d.).

Denial of Citizenship

In general terms anyone could apply for Burmese Citizenship under the 1948 Union Citizenship Election Act and have Union Citizenship Certificates granted. Most Rohingyas in the areas studied in this fieldwork had been able to obtain a Union Citizenship Certificate, originals and copies of which were sighted during this Study. Holders of the Certificate were citizens. However, the application of the 1982 Citizenship Law required that every citizen reapply for citizenship, which could then be granted after a scrutinizing process. If successful in passing the scrutinizing process, cards were issued depending on the classification of citizenship – citizenship scrutiny cards, associate citizenship scrutiny cards or naturalized citizenship scrutiny cards.

In practice, the citizenship application and scrutinizing processes were complicated and persons without an understanding of the citizenship law provisions or having access to legal expertise are at a distinct disadvantage. Applicants must provide detailed and convincing documents, such as a birth certificate, household list and detailed information about parents, grandparents and great-grandparents on both sides. This application process made it more difficult for persons of non-majority ethnic groups including the Rohingyas.

In Rakhine State, most Rohingyas who previously had citizenship resubmitted their applications for citizenship after the 1982 Citizenship Law, but by the time of the fieldwork for this study, they had not been granted citizenship. Field respondents stated that they have been informed by officials that the scrutinization process is continuing.

Burma Campaign UK (2013) stated that the creation of 1982 Citizenship Law rendered the Rohingyas stateless because the 1982 Citizenship Law disqualified them from being granted any of the three types of citizenship - full, associate or naturalized (Shafer, 2013). The Irish Centre for Human Rights (2010) went further and

stated that the 1982 Citizenship Law was the heart of a discriminatory system that led to denial of basic citizenship rights and caused many Rohingyas to become victims of human rights abuses and violation.

It would appear that Rohingyas who had been granted citizenship before 1982 could not under the 1982 Citizenship Law be denied citizenship. However, by delaying the re-granting of citizenship by the scrutinizing and approval process, Rohingyas have effectively been denied citizenship since 1982. This study suggests that deliberate bureaucrat delays are the main reason for the current statelessness of Rohingyas.

The Bureau of Democracy, Human Rights and Labor (2013) indicates that the 1982 Citizenship Law contributes to statelessness because the Rohingyas are not recognised as one of the 135 national ethnic groups which automatically acquire citizenship according to the 1982 Citizenship Law. The 1982 law does not grant citizenship to children of non-citizens so that Rohingyas children born in Myanmar are also statelessness. Thus statelessness continues to increase. Granting citizenship status to the Rohingyas is therefore one of the major elements essential to easing the insecurity status of the Rohingyas, and to prevent an increase in statelessness.

Human Rights Watch addressed this concern directly to President Thein Sein on January 2013 and received a reply from the Myanmar government. A recent report developed by the Human Rights Watch (2013) stated that although the government of Myanmar recognized the Rohingyas as being of Bengali ethnicity, they would be granted citizenship rights and allowed to live in Myanmar continuously. In addition, the government listed four steps towards granting citizenship rights for the Rohingyas as (Human Rights Watch, 2013):
e)   *Not to be Stateless persons for Bengali People because of they are not allowed to enter Bangladesh although Bangladesh nationals are the same religions with Bengali People from Rakhine State in Myanmar.*

f)   They have been specified currently as those who are living in Myanmar in line with the provisions according to the International norms and International Convention, According to the verification for those who are living in Myanmar, we will allow them to live in Myanmar continuously.

g)   Furthermore, they can live together with long term without being any incidents with Local people if they are with the same culture of the Myanmar nationals, live styles and Myanmar Custom. That is why, first, we must be coordinated them with the adaptation of Myanmar Nationals' custom, Life styles of Myanmar people. And, secondly we need to verify whether they are living in Myanmar continuously or not. Only when, we can obtain corrective and exact Population List (or) data. After that, thirdly, we can carryout to make registration those who are living in Myanmar according to the existing Laws.

h)   After making the Registration for those who are living in Myanmar continuously, fourthly, we would like to explain that we will verify whether who are Myanmar Citizenship or not with the existing 1982 Myanmar Citizenship Law practicing currently.

These government-imposed conditions do not seen to be consistent with the 1982 Citizenship Law. In response to these inconsistencies and international concern, the UN General Assembly approved a resolution urging Myanmar to grant full citizenship to the Rohingyas in December 2014 (Aljazeera, 2014). In 2014 July Union Ministry of Immigration and National Registration initiated a process to grant citizenship status to the Rohingyas who live in Myebon, Rakhine State. Citizenship status was granted to the Rohingyas under the condition that they were not allowed to self-identify as Rohingyas and instead would identify as being of Bengali ethnicity. Few Rohingyas received full citizenship status and some Rohingyas received naturalized citizenship status (Myanmar Times, 2014a). According to the Aljazeera (2014) news, 1.3 million Rohingyas living in the Rakhine State have yet to be granted full citizenship

status. Again, the need to identify as Bengali does not seem to be consistent with the 1982 Citizenship Law

National laws relating to the acquisition and loss of citizenship in general and as they apply to the case of the Rohingyas have led to them effectively losing citizenship status through a systemic bureaucrat delay resulting from the 1982 Citizenship Law. As a result of the lack of citizenship status, the Rohingyas are more vulnerable to the types of human insecurity that are now to be discussed in the following Chapter 7.

Myanmar Constitution, 2008, Chapter VIII
Fundamental Rights and Duties of the Citizens

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345. All persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar:
(a) person born of parents both of whom are nationals of the Republic of the Union of Myanmar;
(b) person who is already a citizen according to law on the day this Constitution comes into operation.
346. Citizenship, naturalization and revocation of citizenship shall be as prescribed by law.
347. The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.
348. The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.
349. Citizens shall enjoy equal opportunity in carrying out the following functions: (a) public employment; (b) occupation; (c) trade; (d) business; (e) technical know-how and vocation; (f) exploration of art, science and technology.
350. Women shall be entitled to the same rights and salaries as that received by men in respect of similar work.

351. Mothers, children and expectant women shall enjoy equal rights as prescribed by law.

352. The Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex. However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only.

353. Nothing shall, except in accord with existing laws, be detrimental to the life and personal freedom of any person.

354. Every citizen shall be at liberty in the exercise of the following rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality:

(a) to express and publish freely their convictions and opinions;

(b) to assemble peacefully without arms and holding procession;

(c) to form associations and organizations;

(d) to develop their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relations between one national race and another or among national races and to other faiths.

355. Every citizen shall have the right to settle and reside in any place within the Republic of the Union of Myanmar according to law.

356. The Union shall protect according to law movable and immovable properties of every citizen that are lawfully acquired.

357. The Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution.

358. The Union prohibits the enslaving and trafficking in persons.

359. The Union prohibits forced labor except hard labor as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public.

360. (a) The freedom of religious right given in Section 34 shall not include any economic, financial, political or other secular activities that may be associated with religious practice.

(b) The freedom of religious practice so guaranteed shall not debar the Union from enacting law for the purpose of public welfare and reform.

361. The Union recognizes special position of Buddhism as the faith professed by the great majority of the citizens of the Union.

362. The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.

363. The Union may assist and protect the religions it recognizes to its utmost.

364. The abuse of religion for political purposes is forbidden. Moreover, any act which is intended or is likely to promote feelings of hatred, enmity or discord

between racial or religious communities or sects is contrary to this Constitution. A law may be promulgated to punish such activity.

365. Every citizen shall, in accord with the law, have the right to freely develop literature, culture, arts, customs and traditions they cherish. In the process, they shall avoid any act detrimental to national solidarity. Moreover, any particular action which might adversely affect the interests of one or several other national races shall be taken only after coordinating with and obtaining the settlement of those affected.

366. Every citizen, in accord with the educational policy laid down by the Union:

(a) has the right to education;

(b) shall be given basic education which the Union prescribes by law as compulsory;

(c) have the right to conduct scientific research explore science, work with creativity and write to develop the arts and conduct research freely other branches of culture.

367. Every citizen shall, in accord with the health policy laid down by the Union, have the right to health care.

368. The Union shall honour and assist citizens who are outstanding in education irrespective of race, religion and sex according to their qualifications.

369. (a) Subject to this Constitution and relevant laws, every citizen has the right to elect and right to be elected to the Pyithu Hluttaw, the Amyotha Hluttaw, and the Region or State Hluttaw.

(b) Relevant electorate has the right to recall a Hluttaw representative in accord with the law.

370. Every citizen has, in accord with the law, the right to conduct business freely in the Union, for national economic development.

371. The Union may assist the access to technology, investment, machinery, raw material, so forth, for national economic development.

372. The Union guarantees the right to ownership, the use of property and the right to private invention and patent in the conducting of business if it is not contrary to the provisions of this Constitution and the existing laws.

373. Any person who committed a crime, shall be convicted only in accord with the relevant law then in operation. Moreover, he shall not be penalized to a penalty greater than that is applicable under that law.

374. Any person convicted or acquitted by a competent court for an offence shall not be retried unless a superior court annuls the judgment and orders the retrial.

375. An accused shall have the right of defence in accord with the law.

376. No person shall, except matters on precautionary measures taken for the security of the Union or prevalence of law and order, peace and tranquility in accord with the law in the interest of the public, or the matters permitted

according to an existing law, be held in custody for more than 24 hours without the remand of a competent magistrate.

377. In order to obtain a right given by this Chapter, application shall be made in accord with the stipulations, to the Supreme Court of the Union.

378. (a) In connection with the filing of application for rights granted under this Chapter, the Supreme Court of the Union shall have the power to issue the following writs as suitable: (1) Writ of Habeas Corpus; (2) Writ of Mandamus; (3) Writ of Prohibition; (4) Writ of Quo Warranto; (5) Writ of Certiorari.

(b) The right to issue writs by the Supreme Court of the Union shall not affect the power of other courts to issue order that has the nature of writs according to the existing laws.

379. At the time of the occurrence the following situation, the rights under Section 377 shall not be suspended unless the public safety may so require: (a) in time of war; (b) in time of foreign invasion; (c) in time of insurrection.

380. Every citizen who has relations with foreign countries shall have the right to seek protection of the Union at home or abroad.

381. Except in the following situations and time, no citizen shall be denied redress by due process of law for grievances entitled under law: (a) in time of foreign invasion; (b) in time of insurrection; (c) in time of emergency.

382. In order to carry out their duties fully and to maintain the discipline by the Defence Forces personnel or members of the armed forces responsible to carry out peace and security, the rights given in this Chapter shall be restricted or revoked through enactment to law.

383. Every citizen has the duty to uphold: (a) non-disintegration of the Union; (b) non-disintegration of national solidarity; (c) perpetuation of sovereignty.

384. Every citizen has duty to abide by the provisions of this Constitution.

385. Every citizen has the duty to safeguard independence, sovereignty and territorial integrity of the Republic of the Union of Myanmar.

386. Every citizen has the duty to undergo military training in accord with the provisions of the law and to serve in the Armed Forces to defend the Union.

387. Every citizen, with the Union Spirit, has the duty to enhance unity among national races and to ensure public peace and stability.

388. Every citizen has the duty for the emergence of a modern developed Nation.

389. Every citizen has the duty to pay taxes to be levied according to the law.

390. Every citizen has the duty to assist the Union in carrying out the following matters: (a) preservation and safeguarding of cultural heritage; (b) environmental conservation; (c) striving for development of human resources; (d) protection and preservation of public property.

Chapter 7

Findings from the Field

To verify the findings of the previous chapters, extensive fieldwork was undertaken as has been described earlier in Chapter 3. Accordingly, this chapter deals with data collected from field surveys. The human security frameworks developed by the UNDP (1994) and the Commission on Human Security (2003) are integrated to construct a new framework that can present the overall results of the fieldwork. In doing this, freedom from want is analyzed through the respondents' access to livelihood, job opportunities, income sufficiency, land ownership, education, health, and natural resources. Freedom from fear and life with dignity is analyzed through the respondents' access to basic civil documentation. To provide a context for this human security information, the socio-demographic characteristics of the respondents are first discussed.

Socio-Demographics

Socio-demographic characteristics of the respondents are presented in Table 4. In total, 259 respondents participated in the field study, 75 percent males and 25 percent females. Many women were afraid to participate in the interviews, due largely to the Rohingya women's regular practice of staying within the home and avoiding contact with strangers. Rohingya women generally enjoy less freedom than men. Respondents were aged between 18 and 73 years with most being in the age groups 31-40 (24 percent) and 41-50 (25 percent). The average number of family members of the respondents was six. Thirty percent of the respondents were illiterate, 30 percent of the respondents had received primary education and 2 percent of the respondents had completed under-graduate level education.

Table 4. Respondents' Socio-Demographic Characteristics

Characteristics		Frequency	Percent
Gender	Male	193	75
	Female	66	25
	Total	259	100
Age	18-20	33	13
	21-30	53	20
	31-40	61	24
	41-50	64	25
	51-60	26	10
	Over 60	22	8
	Total	259	100
	Range	18-73	
	Average Age	38	
Family Size (immediate family members)			
	1-3	50	19
	4-6	129	50
	7-9	65	25
	10-12	14	5
	Above 12	1	1
	Total	259	100
	Average Family Size	6	
	Range	1-13	
Education			
	Illiterate	79	30
	Primary Level (1-5)	78	30
	Secondary Level (6-9)	63	24
	High School Level (10-	18	7
	High School Graduate	17	7
	Under Graduate Level	4	2
	Total	259	100

Rohingyas - Insecurity and Citizenship in Myanmar

Human Security

Freedom from Fear

Freedom from fear and life with dignity are critical components of human security. Respondents were concerned about civil documentation as discussed in the previous chapter, and their field responses were analyzed to better understand its impact on their feelings of security. Specifically, respondents' concerns about civil documentation related to; household lists, birth certificates and identity cards. If citizenship is a link between the individual and state as argued previously, then civil registration and civil documentation that provides the legal identity of any individual residing in Myanmar is a key indicator of human security. Since respondents were regarded as non-citizens, the study analyzed that documentation that affected their legal identity and sought to determine the benefits citizenship rights could provide.

Household List:

The first question asked of the respondent was: 'do you have a household list'. Generally, the answer was 'yes, I have'. Beyond a simple 'yes' or 'no' the respondents provided more detail and often a qualification of their answer. The respondents provided their answer based on three time periods: a) the first military regime (from 1962 to 1988), b) the second military regime (1988 to 2010) and c) the transition to democracy (2010 to 2014).

Most of the respondents have access to household certificates. Only respondents more than 60 years old were able to discuss how they obtained household lists during the earliest periods of the military regimes. First, the respondents mentioned that they were issued household lists without restriction during the first military regime, from 1962 to 1988. In contrast, they experienced many restrictions in the issuing of household lists during the second military regime. According to the respondents, these restrictions were a) rude

behaviour by the government officials when they went to government offices, including being shouted at, sworn at and racially abused, b) a necessity to pay extra unofficial expenses to have their registration attended to, c) slow completion of and issuing of household lists (before 1982 completion took one month, after 1982 completion took up to six months) and d) harassment including a requirement by authorities to provide unnecessary extra documentation. The respondents recalled that in approximately the year 2000, family members were not issued with a new household list if they separated from their parent's households. Thus newly married couples could not obtain a household list for their new household. The respondents were not informed of this change in policy until they applied for new household lists at which time they were informed by officials that no household lists were now issued to Muslims who reside in the Rakhine state.

Table 5 shows the respondents' household list status. The majority (70 percent) of respondents have been issued a household list and some 5 percent of the respondents lost their household list during the conflict, most commonly when they had to rapidly abandon their houses when they fled for their lives. As mentioned, since 2000 Rohingyas cannot obtain household lists for family members who want to separate from the parent's household either in the same location or in another place. This has meant that young married couples are not able to separate from their parent's house. The survey found that some (30 percent) of respondents did not have their name on a household list because they were not added or authorities refused to issue a household list to them as detailed in Table 5.

One of the respondents who resided at a small Rohingya village located in Pauktaw Township before the 2012 inter-communal conflict shared his son's experiences as: *My son married seven years ago and now he has four children. Since he and his wife married they have established a house and are separated from my household. My son as head of the household must obtain a household list for his household. But, he is unable to obtain a household list for his family. His name is shown on my household list and his wife's name is*

shown on her parent's household list. His children were not mentioned in the household list. When the 'La Wa Ka' [Immigration and National Registration Department] mobile team visited, we requested to add my grandchildren on my household list. I was allowed to add my newborn child in my household list. My son does not have a household list to add his children. So I want my grandchild to be added on my household list. I requested to add my grandchildren's names to my household list. INRD (La Wa Ka) officer told me that it was not allowed. I did not know why I was not allowed. I did not know what will happen as my grandchildren are not on the household list. I was afraid to argue and I did not ask 'why'.

In effect the respondent's son had lost his rights to take care of his family as he was no longer the head of his household. His grandchildren do not legally exist because of the lack of civil registration and civil documentation. During the interview, the respondents stated that those who obtained household lists before 2005 are able to add new born children to household lists, but the rule apparently did not allow for the adding of new born grandchildren. Due to this restriction, many children born after 2005 have not been registered simply because their parents cannot obtain a household list. Yet, under the provisions of the 1951 Registration Rule every individual must be registered, and without registration they are excluded from fundamental citizenship rights and are discriminated against.

Respondents emphasized that the household list is the most difficult civil documentation to obtain, much more difficult than the TRC. The most serious barriers in obtaining a household list are transportation, discrimination and expense, as detailed in Table 6. According to the 1951 Registration Rule, the household head has to submit applications at INRD in person. In Pauktaw, most of the villages are located on an island and boats are the only available means of transportation and can only be used during the high tide because the water level is too shallow at other times.

Table 5. Respondents' Household List Status

Respondent	Frequency	Percent
Respondents Household List		
Respondents who do have a h/hold list	181	70
Respondents who do not have a h/h list	78	30
Total	259	100
Breakdown of Respondents who have a household list		
Sittwe Urban*	63	24
Sittwe Rural*	62	24
Pauktaw Urban*	20	8
Pauktaw Rural*	36	14
Total	181	70
Breakdown of Respondents who do not have a household list		
Sittwe Urban*	20	8
Sittwe Rural*	30	12
Pauktaw Urban*	0	0
Pauktaw Rural*	28	10
Total	78	30
Breakdown of Respondents who do not have a household list		
Unable to issue household list	64	25
Lost household list during conflict	14	5
Total	78	30

*location where the respondents resided before the 2012 inter-communal conflict

Hence respondents could only travel at certain times which often conflicted with essential activities. For this and similar reasons, the majority (79 percent) of the respondents mentioned that they had difficulties travelling from their village to apply for a household list, and when they could travel they had to spend two to three days in Pauktaw Town to apply for a household list. This added costs for food, accommodation and boat hire to the application charges for a household list. Sixty-eight percent of the respondents claimed that it

was very difficult to pay the expenses. Yet because they felt insecure to live without a household list, they had to pay the additional costs.

Most of the Rohingya are illiterate and unable to fill in the application form on their own. After the SLORC attained power in 1988, more military personal were appointed to senior civil service positions and their conservative nature resulted in more restrictions being imposed on the Rohingyas who attempted to obtain civil documentation. Government officers perceived the Rohingyas as 'Bengali' illegal immigrants and imposed restrictions on respondents in order to avoid granting citizenship rights to them (U Ne Win Speech of October 1982). Most of the respondents (71 percent) claimed they experienced discrimination and felt reluctance to visit an INRD office in person to apply for a household list. Consequently they often paid a third person or agent to complete and submit the application to avoid discrimination.

The study revealed some cases where a Rohingya man married a Kaman woman. Although Kamans are regarded as one of the officially recognized ethnic groups of Myanmar, most of the Kaman women married to Rohingya men lost their citizenship rights. One of the respondents mentioned that he had difficulties in obtaining a household certificate because: *I got married to a Kaman woman. She lived in a small village of Thandwe Township, Southern Rakhine State. I got married when I visited her village to do some carpentry work. I returned to my village together with my wife. Being a Muslim woman who married a Rohingya man, it made it difficult for us to consult an immigration officer to obtain documentation for my wife. The document was required for her to provide evidence that she had moved from Thandwe Township and was required to register at my parents' household list. I did not have a separate household list and my name is still registered at my parents' household list. We were not able to obtain the document for my wife. So, my wife stays at my village without registering her name at my parents' household list.*

Table 6. Challenges in Obtaining a Household List Prior to 2012

Challenges in Obtaining a Household	Frequency	Percent
Transportation	204	79
Discrimination	183	71
Expenses	175	68
Unable to Provide Documentation	156	60

According to the respondents, in approximately the year 2000, a special immigration team was formed to control the Muslim population, including the Kaman population, in Rakhine state. A 'La Wa Ka' mobile team visited all Rohingya villages located in the rural areas in Rakhine to scrutinize and validate the Rohingya population. They returned every two or three years and updated or replaced household lists. The terms 'Rohingyas' or 'Rakhine-Muslim' or 'Muslim' were used to identify their ethnicity on the household list before 1982 and between 1982 and 1999 these terms were retained on the household lists. During the mobile team visits from 2000 onwards, where respondents presented household lists to be updated the lists were taken and replaced by new household lists on which the ethnicity was recorded as 'Bengali'. Similarly, for those who had lost their household list and had new household lists issued, the ethnicity was recorded as 'Bengali'. Some respondents deliberately told officials that they had lost their household lists so that they could keep their original household lists with their ethnicity recorded as Rohingya. These respondents explained that if they had given their original household list to officials to update, they would have been revised such that the household list would identify them as 'Bengali' and thus they would have lost their Rohingya status.

According to the respondents who are currently living at one of the IDP camps, in November 2012 a mobile team visited the camp. Mobile teams have been sent by the State Immigration and National Registration Department under the supervision of the Union Government in an effort to complete civil registration specifically for the displaced Rohingya population in the Rakhine State. However,

the respondents were informed by the INRD team-leader that the visit of the mobile team was to provide household lists, TRCs and to update household lists to account for births and deaths. This process was suspended because the Rohingyas did not agree to be registered as Bengali ethnicity and were not allowed the right to self-identify as Rohingyas. In April 2013, for the second time, the INRD mobile team visited rural Sittwe where the majority of the Rohingyas in Sittwe Township live. The process was again suspended early because the Rohingyas did not want to be registered as Bengali ethnicity. In April 2014, during the conduct of a nationwide census, the entire Rohingyas population in Rakhine State was excluded from participating because they identified themselves as 'Rohingyas' instead of Bengali ethnicity. Consequently Rohingyas lost their right to self-identify during the 2014 Census. Rohingyas did not agree to identify as Bengali ethnic identity because they believed that they were driven out of their homes and forced to live in camps because they were identified as Bengali.

One of the respondents clarified why they did not want to be regarded as Bengali: *In 2009, we received TRCs. We become 'Bengali' because the term 'Bengali' was written on the card. We do not want to be regarded as Bengali because we are not Bengali. At that time, the authority told us that TRCs were temporary and will be replaced with CSC later. We accepted the card because it was temporary. But we are Rohingyas. October, 2012, we were attacked and all houses were burned down. We fled to Kyein Ni Pyin village and on the way, we were robbed and attacked. My two sons were killed on the way to Kyein Ni Pyin. I lost everything, my sons, my house, my prosperity, my job because we were regarded as Bengali. In future, I do not want to suffer the same, I do not want to lose my life again. I did not want to be registered again as Bengali. My grandfather lived in Kan Pyin village. My parents were born and lived in the same village, and my family live in the same village. This is our homeland, we are not from another country. If we accept to register as Bengali, we will become illegal immigrants.*

Household lists provided to the Rohingyas could reasonably be expected to ensure that they have equal citizenship rights as other citizens. However, in practice the household lists are administered quite differently. Citizens can obtain and update household lists at the INRD office at any time. Normally, a household list issued to a citizen is never replaced with a new household list. For citizens, household lists provide identification of residential status and also ethnicity. Every Rohingya household must present a household list at the time of a check by authorities otherwise they will be classified as illegal immigrants. For some households, the household list is used as identification in lieu of TRCs because they could not afford to apply for TRCs for every family member. Since the Rohingyas are not regarded as citizens, household lists are, in reality, not much use to Rohingyas at present. Most female respondents did not consider the household list to be important. Male respondents indicated that household lists are important to present during the time of random checks.

Birth Certificates:

Respondents stated that the regular practice up to 2005 was for birth certificates to be given to the parents at the time of a child's birth. The respondents mentioned that some more affluent Rohingya women delivered their children at the Sittwe hospital, but the majority gave birth at home with the help of a traditional birth attendant (TBA). Birth certificates were given to the respondents who delivered a child in the Sittwe hospital and also for the respondents who delivered a child at home. However after 2005, respondents said that they only received a delivery certificate and not a birth certificate.

After 2005, respondents who would normally have delivered their children at home with the help of TBA would only attend the hospital when the TBA was not capable of assisting in a complicated delivery. Midwives and nurses are authorized to issue delivery certificates, but TBAs are not authorized to issue delivery certificates. Consequently, the Rohingyas are often forced to pay

5,000 to 10,000 kyat to a midwife or nurse to obtain a delivery certificate. In rural areas, many Rohingya children born after 2005 do not have a delivery certificate because their parents were unable to pay this cost.

Respondents who live in the Sittwe downtown area stated that a delivery certificate is required to enable a child to be enrolled in primary school and to have their name registered on the household list. In rural Pauktaw, respondents said their children could be enrolled in primary school without either a delivery certificate or birth certificate, but were unsure about secondary school requirements since their children born after 2005 had not yet reached secondary school age. Respondents mentioned that if they made a reasonable argument to the INRD officials, children born to a registered household can be added to the household list without a delivery certificate, but this informal exception does not apply to grandchildren. In urban areas, respondents said that delivery certificates or birth certificates were always needed to enable enrolment at primary as well as secondary school and to be added to household lists. Thus, both male and female respondents who lived in the rural areas perceived that a delivery certificate is unnecessary because they believed that delivery certificates were not required for children to be enrolled in school or to be registered on their parent's household list.

Sometimes illiterate parents could not provide an accurate delivery date and recorded only a year of the child's birth because they did not note the child's delivery date. One of the respondents said that *I did not know my child's date of birth. I noted my neighbour whose child was delivered two weeks after my son. I asked the child's father to provide the date of birth for my child when I need it*.

In contrast to the UNICEF statement that a *lack of birth registration is a violation of the child's inalienable human right to be given an identity at birth and to be regarded as part of society*, this study indicates that birth registration is a right restricted to citizens. Since parents cannot verify a child's age, the lack of a birth certificate

places children in danger of arbitrary detention and forced labour by authorities. As parents do not remember the child's date of birth, it is also possible that parents arrange their child to marry before the child reaches 18 years of age. Normally, the marriage age of Rohingya girls is about 19 years although some marry around 16 years-old if their parents have arranged the marriage. In fact, most of the marriages are arranged by parents with few girls being able to make their own marriage choice. Thus, the lack of a birth certificate also places Rohingya girls in danger of marriage before reaching adulthood. Additionally, a birth certificate is a key document in preventing other child abuses and the diverse dangers of statelessness.

Identity Cards:

The respondents who live in Sittwe rural areas mentioned that they must present TRCs at the time of random checks otherwise they were classified as illegal immigrants from Bangladesh. The respondents said that if they cannot present a TRC when checked, they have to pay 20,000-30,000 kyat or may be physically assaulted. A respondent who was unable to provide a TRC at a security check claimed he was brutally beaten by the check-point soldiers.

He described his experiences of travelling without a TRC card from a rural area to downtown Sittwe in order to engage in trading as follows: *I lived in Thandawli village, which is located next to Sittwe. I thought I did not need a TRC and I did not apply for a TRC. I usually went to Sittwe to buy groceries for my shop without a TRC. But, one day, I went to Sittwe to buy groceries. At the check point, I was asked to present my TRC. I did not have a TRC. I was beaten brutally because I was unable to present a TRC. I was almost killed. I was so afraid to go to Sittwe again without a TRC. It was in 2000. It was very difficult to apply for a TRC and I paid 20,000 kyat to receive a TRC. But since 2012, even with a TRC I am not able to enter Sittwe Town because we are afraid of potential attack from the Buddhist Rakhine people.*

Although TRCs are mandatory and must be carried at all times, some Rohingyas did not obtain TRCs for various reasons. Some (21 percent) of the respondents did not apply for a TRC because they did not want to pay the cost. In 2009, TRCs were offered to every Rohingya, 18 years-old and above, to allow them to participate in the 2010 election. They had to pay a 1,500 kyat documentation charge, which for some poor households proved to be beyond their means to pay for every family member. They only applied for TRCs for male members of the family because men work and women mostly stay at home. One of the respondents mentioned that about two-thirds of the female population in their village, located in Pauktaw Township, did not apply for TRCs. Some (5 percent) of the respondents did not want to apply for TRCs as a matter of principle because they believed that they are entitled to citizenship and should receive CSCs. Table 7 summarizes the respondents TRC status.

One of the respondents expressed his view as to why he believes he is eligible to be granted citizenship as: *My father was a government employee. My parents were granted citizenship and had citizenship certificates. My parents and the whole family including myself received NRCs according to 1951 registration rules. I strongly believed that my family members are eligible to be granted citizenship and to obtain CSCs according to 1982 Citizenship Law. Thus, I applied for CSCs myself and my family. The officer told me that they would consider my application when I submitted the application. Fifteen years later, I have not received any feedback. I went to the office every three months to check the status. I think my citizenship application has been pending or for more than 15 years when the CSC application is still under process, I keep holding the NRC and did not apply for TRC.*

Table 7. Respondents' TRC Status Prior to 2012

Description	Frequency	Percent
Respondents who hold TRCs	191	74
Respondents who do not hold TRCs	68	26
Total	259	100
Breakdown of Respondents who do not hold TRCs		
Respondents who did not want to apply for TRC because they insist on citizenship status	13	5
Respondents without TRCs because unable to pay the cost	55	21
Total	68	26

Freedom from Want

Serious inter-communal conflict occurred during the study period beginning in June 2012 followed by further conflict in October 2012; consequently field surveys were conducted after this conflict died down. Due to this conflict, many Rohingyas were living in a condition of total dependence without dignity and without freedom from want. In terms of the human security indicators, approximately 140,000 Rohingyas have become internally displaced persons (IDP). IDPs are provided with humanitarian assistance from international organizations and the government in order to gain access to food and shelter, hygiene and non-food items, medical treatment, safe drinking water and sanitation and primary education. Due to the conflict, many Rohingyas lost their right to enjoy freedom of movement, secondary and high school level education, to receive medical treatment at a hospital and to have access to livelihood activities.

Less than 5 percent of educated IDP youths were employed and engaged in INGO activities and less than 5 percent are able to do find other livelihood activities such as selling firewood, trading and selling groceries. Socio-economic conditions for the majority (80 percent) of the non-IDP population, who currently are living in their villages throughout the Rakhine State, continued to deteriorate as a result of threats that made them fearful to go out from their villages for livelihood activities, medical treatment, trading and primary education. After the 2012 inter-communal conflict, both the IDP and non-IDP population have been living in a condition of insecurity and are lacking economic security, food security, health security, environmental security, personal security, community security and political security (UNOCHA, 2012). In the following sections, the data presented are based predominantly on the daily socio-economic condition of the Rohingyas who were living in Pauktaw and Sittwe and covers the period from the promulgation of the 1982 Citizenship Act up until the time of the 2012 inter-communal conflict.

Even when the respondents have documentation pending for granting of citizenship, the respondents remain fearful of a potential attack by the Buddhist Rakhine. All fear for their future since their children also cannot access higher levels of education and their personal insecurity has increased further since the conflict started.

Economic & Food Security:

In 2010 the Rakhine State economy was ranked as the second poorest region amongst the other 14 States and Divisions in Myanmar (UNDP, 2015). It is defined by limited livelihood opportunities, poor transportation, lack of a reliable electricity supply, lack of local investment and industries, lack of human resources and a lack of skilled labour. In central Rakhine State, waterways are the main means of transportation and are used to connect Sittwe to Pauktaw, Myebon, and Rathedaung townships because the road network is limited by the number of river crossings. Most economic activities are related to agriculture and fisheries. However, rice yields are low as a result of unimproved cultivation methods and varieties, which

results in production being barely sufficient for local consumption. Since most of the agricultural lands are located along rivers, salt-water encroachment into agricultural land and diminishing fresh water resources further limit the areas potential except at Rathedaung. Most villages depend on storage rainwater for drinking through the year. For example in Pauktaw, most villages have no fresh water resources and conserve rainwater in ponds for both household and farm use. By May and April each year, most rainwater ponds are dry, and in some cases this means unsanitary water may be shared between humans and livestock. In some areas, they were able to obtain water from nearby Buddhist Rakhine people. Due to the lack of reliable water sources, fighting frequently occurred between the Rohingyas over access to and sharing of water. It also meant that farmers and agricultural workers often had no income for approximately five months because irrigated rice and vegetables could not be cultivated through the dry season.

Fishing and shrimp farming are the most lucrative and promising business sectors in the Rakhine State but as they require high investment costs, only people with capital can engage in them. Commodity trading is the third largest livelihoods in Rakhine State with commodities being imported from Bangladesh through border trade and exported to other parts of Myanmar and vice visa.

With its limited state of development the Rakhine State economy offers few livelihood opportunities to the Rohingyas. Fisheries, agriculture, trading, trishaw driving, and daily wages are the most available livelihood activities for the Rohingyas. Respondents said that prior to 2012 the basic daily income for a casual labour in the urban areas varied from 2,500 to 5,000 kyat per day with a monthly income range of between 75,000 to 150,000 kyat. As the Rakhine State is located along a coastline rich in aquatic resources the majority of the Rohingyas were employed in the fishery industry.

In the rural areas, more than 65 percent of Rohingyas were occupied in fishing activities and 35 percent in agricultural activities. In the urban areas, 80 percent of the Rohingyas were employed in fisheries

and less than 20 percent of the Rohingya population was involved in agriculture. Workers in the fisheries sector were employed in a range of activities related to fishing such as offshore and coastal waterway fishing, renting fishing boats and equipment, making fishing nets, street fish vending and making dried fish and fish paste.

Buddhist-Rakhine fishing boat owners hired Rohingyas for fishing because Rohingyas of their fishing skills and low wage rates. Many coastal Rohingyas in villages were employed in fishing throughout the year, and according to the respondents, an average of two to three family members from every rural poor household were also employed in small-scale fishing and crab trapping in rivers. From this activity they sold their catch of fish and crabs to nearby villages to produce an income that varied from 5,000 to 8,000 kyat daily. This was often enough to support the whole family.

Limitations on Rohingyas wanting to engage in larger-scale fishing were found to be common. For example, they needed to obtain fishing permits and a boat-owner licence to conduct large-scale fishing either offshore or in designated inshore areas. They could obtain a fishing permit and boat owners licence easily, however they could not sell their catch to Sittwe because they were not allowed to travel from one township to another without a travel permit, known as Form 4 in the local Rohingyas communities. According to the respondents from Pauktaw Township they had to pay about 15,000 kyat and spend one day at Pauktaw Township to obtain a travel permit, a cost considered excessive by most of the Rohingya fishermen. They therefore sold their catch to the Buddhist Rakhine ethnic group traders at a lower price and were then forced to procure required materials, such as salt, ice, fuel and fishing equipment from the Buddhist Rakhine traders at higher than market prices. Consequently, their profit was substantially less than that of equivalent Buddhist Rakhine fishers.

Shrimp farming in salt-water ponds is one of the most profitable businesses in the Rakhine State, particularly in Sittwe and Pauktaw Townships. Only a few affluent Rohingyas were able to engage in

the shrimp farming business because of its high investment cost and the potential risks inherent in such management-intensive farming. The areas of shrimp farming ponds ranged from half a hectare to over 200 hectares with monthly incomes estimated to be about 200,000 kyat for a four hectare shrimp farming pond under favourable conditions.

Another obstacle to engaging in shrimp farming was the business licence, which is granted only to citizens and hence not to Rohingyas. Thus Rohingyas needed to cooperate with Buddhist Rakhine citizens to engage in this business. Often they had to pay 30 percent of the profit to the silent Buddhist Rakhine partner. The shrimp farming pond businesses were operated by a group of 5 to 10 persons including one Buddhist Rakhine. As with fishing, Rohingyas sold shrimp products to and procured required materials from the Buddhist Rakhine because of their lack of freedom of movement. Consequently Buddhist Rakhine citizens had many more opportunities to earn more profit than Rohingyas.

One of the respondents who lived in rural Pauktaw described his experience of doing the business under other person's name as follows: *I had owned shrimp farming salt-water ponds before 1993. I did shrimp farming business on my own land, but one day in 1993, I was told that I need a licence to do shrimp farming. I did not obtain the licence because the licence was provided to citizens only. So, I had to find a citizen to obtain a licence for my own shrimp farming ponds. In 2008, I lost shrimp farming ponds because the land ownership was transferred to another person without my knowledge. I did not know very much about citizenship rights related to land ownership. But, I thought I selected the wrong person to obtain a licence for my land. Then, I decided to work with another good person to obtain a licence and continue the business on the rented land because I had no alternative livelihood activities to do.*

The respondents stated that agriculture was the second largest livelihood activity for the Rohingyas although less than 20 percent of the Rohingya population owned agricultural land. Land had mostly

been owned by their grandparents, and they maintained the right to cultivate land that had been registered with the Land Department and on which land tax had been paid regularly. Some of the Rohingyas bought agricultural land from Buddhist Rakhine and vice-visa. However, according to the land laws, land cannot be transferred from one person to another. Rather, the system requires that a permit to cultivate be obtained from the Township Administrative Department. These permits to undertake cultivation were obtained without any obstacles. Often Rohingyas cultivated their own land and also rented additional land from Buddhist Rakhine. In addition, the Buddhist Rakhine often hired Rohingyas to cultivate their land because of the low wage rates and limited manpower available in the region. Thus, more Rohingyas were employed in the agricultural sector than were Buddhist Rakhine. The basic daily income for an agricultural casual labourer was 5,000 kyat and on average about two persons from a poor family were employed in agriculture. Since 2012, little of the land previously cultivated by Rohingyas has been cultivated as a result of fear for personal security. For this reason Rohingyas have shown less inclination to apply for permission to cultivate. However, some Rohingyas in areas distant from Buddhist Rakhine continue cultivate some land for which they receive such subsidies as seeds, fertilizer and loans from the government.

Agriculture is seasonal, offering men about three to six months work between which they were employed in fisheries activities. Generally, the amount of the land owned by the farmers varied from less than one hectare to 20 hectares and less than 1 percent of Rohingyas farmers owned more than 40 hectares. The price received for their rice crop is low because the salt-water tolerant varieties that must be used are not favoured by the market. Some 35 percent of rural farmers grew vegetables during the non-rice cultivation season and exported the produce to urban Sittwe. The Buddhist Rakhine usually had more opportunities to gain profit from agricultural activities than the Rohingyas. In some areas a few Rohingyas farmers were able to secure agricultural loans from the government while many Rohingyas were not able to access loans due to arbitrary decisions by the township authorities. One of the respondents mentioned that they

had not been allowed to apply for agricultural loans for more than 20 years. Again due to limitations on movement, they had to sell agricultural products to the Buddhist Rakhine traders at a price lower than the market.

In urban areas, the Rohingyas were employed as trishaw drivers, in trading, shop keeping, housekeeping, gardening and as daily wagers. They had to compete with local Buddhist Rakhine and often experienced discrimination. They always received lower wages than Buddhist Rakhine and often the Buddhist Rakhine hired Rohingyas because of the low wages they could be paid. Less than 3 percent of the Rohingya population was employed in government services as administration clerks, finance clerks, schoolteachers or heavy goods porters at Sittwe Airport. Although they had access to government employment, they could not apply for any career civil service positions such as the police or the military.

One of the respondents mentioned that: *I wanted to become a police officer. I did apply for the job after I graduated. However, I was denied because I was a Bengali.*

According to the respondents, in addition to Rohingyas employed as school teachers, clerks and porters, 26 percent were employed in fisheries and 14 percent in agriculture, while 39 percent were employed in trading, shop keeping and as street vendors, as indicated in Table 8.

Respondents' monthly basic income before the 2012 inter-communal conflict, ranged from 150,000 to 500,000 Myanmar kyats. The majority (36 percent) of the respondents' income ranged from 300,000 to 350,000 Myanmar kyats per month.

According to the respondents, when monthly income was compared, the respondents who lived in rural areas received better incomes than those in urban areas, both in Sittwe and Pauktaw. Some 5 percent of all respondents received monthly incomes of over 500,000 Myanmar kyats (Table 9). This 5 percent all came from rural areas, 3 percent

from Sittwe rural and 2 percent from Pauktaw rural. At the lower income scale, 3 percent of respondents in Sittwe urban received an income of 50,000 – 200,000 kyats compared to only 1 percent in Pauktaw rural. In addition, when monthly income was compared, the respondents who lived in Pauktaw received better incomes than the respondents who lived in Sittwe.

Table 8. Respondents' Occupation Prior to 2012

Type of Occupation	Total	
	Frequency	Percent
Unemployed	3	1
Government Employee	7	3
Daily Wager/Hard Labour	20	8
Farmer	36	14
Fishermen/Fishery/Shrimp Farming	68	26
Shopkeeper/Street Vendor/Trader	78	30
Trishaw driver	27	10
Other*	20	8
Total	259	100

* other = INGO's and NGO's employee

The respondents mentioned that rural dwellers received better income than urban dwellers because more livelihood opportunities were available for the Rohingyas in rural areas, such as fishing, shrimp farming, crab hunting, cutting mangrove trees, brick-making, cargo transportation and trading. For example, the respondents who ran shrimp farming businesses in Pauktaw received better profit than the respondents who ran the same business in Sittwe. The respondents considered that this was because the environmental conditions were better suited to shrimp farming in Pauktaw where many mangrove forests are located.

In urban areas, respondents' average family size was six and at least two to three family members were employed. Their income was enough for food, education and medical treatment. Normally, 40

percent to 45 percent of the income was allocated to food and only 20 percent to 25 percent of the income was allocated to education. The respondents spent 20 percent to 25 percent of their income on medical treatment.

Table 9. Respondent's Total Household Income Prior to 2012

HH Total Monthly income (MMK)	No. of Rpts	%	ST UB	%	ST RR	%	PT UB	%	PT RR	%
150,001 - 200,000	14	5	7	3	4	2	0	0	3	1
200,001 - 250,000	18	7	7	3	8	3	0	0	3	1
250,001 - 300,000	10	4	4	2	1	0	3	1	2	1
300,001 - 350,000	94	36	52	20	21	8	5	2	16	6
350,001- 400,000	56	22	12	5	22	8	9	3	13	5
400,001 - 450,000	47	18	0	0	24	9	1	0	22	8
450,001-500,000	6	2	0	0	4	2	2	1	0	0
500,001 - above	14	5	1	0	8	3	0	0	5	2
Total	259	100	83	32	92	36	20	8	64	25

HH = Household, MMK = Myanmar Kyats, Rpts. = respondents   ST UB = Sittwe Urban, ST RR = Sittwe Rural, PT UB = Pauktaw Urban, PT RR = Pauktaw Rural

In rural areas, the respondents' income allocation was different from urban dwellers. Respondents who lived in rural areas spent only 20 percent to 30 percent of their income on food and 10 percent to 15 percent on education (Table 10). Their daily expense for food was quite low because most of them fished for their own consumption and sold the rest of the catch at a very low price. For example, in Min Tha Pha village, Pauktaw Township, they spent about 1,500 kyat per day for food due to local commodity prices being very low. In rural areas, they obtained fish and firewood almost free.

In general respondents' total monthly income was sufficient for the rural dwellers while income was insufficient for 30 percent of urban

dwellers. Nearly all of the respondents who received insufficient income were single female-headed households with two or three children. Respondents advised that they sometimes had to borrow money to pay for medical treatment, and that such loans were seldom repaid. In the rural areas, sometimes more than 100 percent of monthly income was spent on emergency medical treatment because of the costs of travel to Sittwe or Bangladesh to receive treatment in addition to the costs of documentation and accommodation of the carer. In some cases, money had to paid to police and soldiers to avert arbitrary arrest when travelling for such emergencies without appropriate permits.

Table 10. Income Allocation of the Respondents Prior to 2012

Description	ST UB % *	ST RR % *	PT UB %*	PT RR %*
Food	40-45	40-50	35-45	20-25
Education	20-25	20-25	20-25	10-15
Health	20-25	20-25	20-25	20-30
Others	5-20	0-20	5-25	30-50

ST UB = Sittwe Urban, ST RR = Sittwe Rural, PT UB = Pauktaw Urban, PT RR = Pauktaw Rural, %* = percent of household monthly total income

Pauktaw Rural respondents used to spend an inordinately large proportion of their income on telecommunications (PT RR 'Others' = 30-50%, Table 10). Such respondents purchased good quality telephone handsets and sim cards and either a generator or solar panels since the official telecommunications services were very poor in those rural areas. As common in such economies, communication costs were high; for example: before 2008 one telephone sim card cost more than 1,500,000 Kyats; from 2008 to 2011 about 500,000 Kyats; after 2011 about 200,000-250,000 Kyats; in 2014 one sim card cost 1,500 Kyats.

Different coping mechanisms were adopted at times of income insufficiency. Table 11 shows that 3 percent of the respondents received money from their immediate family members or relatives

who lived outside of the Rakhine State and 5 percent of the respondents sold property. Ninety-two percent of the respondents' had borrowed money from others. Only government employees and farmers had access to government loan programs. After the conflict, most of the respondents were unable to borrow money from others or their relatives and consequently experienced increased difficulties in supporting their families. They therefore sought emigration opportunities in search of work, which led to many Rohingyas losing their lives or being caught up in human trafficking.

All of the respondents were accommodated at the IDP camps after the 2012 inter-communal conflict. They were not able to restart their livelihood activities. Less than 5 percent of the respondents were able to access such roles as school teachers, shop keepers or daily labourers, or even NGO employment associated with the humanitarian activities in the camps. They have depended on food provided by WFP and household items provided by other agencies. Generally, they have had no income to buy fire-wood, clothing, groceries, fresh meat, and necessities for their families. They have to sell one-fourth or one-third of food provided by WFP and other donors to buy other necessities. This results in food deficiency for these IDPs. Thus their food insecurity has increased since the conflict started.

Table 11. Coping Mechanisms for Insufficient Income Pre-2012

Description	Frequency	Percent
Borrow from Others	238	92
Borrow from Immediate Family	7	3
Sell Properties	14	5
Total	259	100

Health Security:

Rakhine State includes some of the least developed regions of Myanmar. Health facilities are not sufficient to support all of the population including the Buddhist Rakhine and the Rohingyas. This

is due to the low quality of health services and an insufficient number of health care staff (UNDP, 2015).

Most of the respondents said they were unable to access proper medical care due to lack of health facilities and limitations on their movements. Doctors were assigned to the State Hospital at Sittwe and Township Hospitals, but not to the rural health centres. Some respondents were admitted to the State Hospital for emergency cases but many of the Rohingyas who lived in rural areas died without treatment or did not reach hospital in time for medical treatment. In urban areas, many visited private clinics and unqualified doctors to receive treatment. In the rural areas, they had to depend on community health workers, midwives, traditional birth attendants and self-appointed doctors. For childbirth, 94 percent of the respondents said their children were delivered with the help of a TBA and 5 percent were delivered in a hospital (Table 12).

Table 12 Respondents' Access to child delivery Prior to 2012

Child Delivery	Respondents	Percent
Home with the help of TBA	242	94
Home with the help of midwife equiv.	3	1
Hospital	14	5
Total	259	100

Less than 25 percent of the TBAs had training certificates to attend deliveries and therefore most were not trained to manage more complicated births. According to the respondents, in the case of a common cold 5 percent used self-treatment, 68 percent received treatment from a health professional such as a doctor, midwife, nurse or community health worker and 27 percent were treated by self-appointed doctors (Table 13).

Table 13. Access to Basic Medical Treatment Pre-2012

Basic Medical Treatment	Respondents	Percent
Own-treatment	14	5
Received treatment from quack-doctor	69	27
Received treatment from health professional	176	68
Total	259	100

The greatest obstacle to receiving medical treatment was limitations on movement. At the time of sickness or medical emergency, Rohingyas had to apply using Form 4 to travel from their own village to Sittwe hospital. Sometimes this delayed movement by days. One of the respondents described how, when his mother was sick, he tried to send her to Sittwe hospital. He applied in Pauktaw Town using Form 4 and it took more than three days. His mother had died by the time he returned to his village. Transport conditions are very difficult: roads are poor, and the weather and tidal conditions sometimes very difficult. Then there are the difficulties with the application process for travel permits. Due to lack of satisfactory local health facilities, only the more affluent people were able to receive timely medical treatment. Some more affluent people went to Bangladesh to receive medical treatment using water transport, often without proper permission from the authorities sometimes resulting in arrest by the authorities when they came back to their home village. They were then perceived and classified as illegal immigrants. In preference, the Rohingyas who could afford the cost went to Yangon to receive treatment. This required payments of approximately 200,000 kyat per person for the travel permit from Sittwe to Yangon in addition to the costs of transportation and medical treatment. In these ways, limitations of movement and exclusion from citizenship rights have resulted in Rohingyas losing their right to access medical treatment and health security. This is regarded as 'health insecurity' for the Rohingyas who reside in the Rakhine State.

The IDPs are dependent on NGOs for health services, but the NGOs can only provide basic health services. For more serious health issues, the patient has to be sent to Sittwe hospital. Only Sittwe hospital accepts Rohingyas patients, and then they must have permission from the government. Where this occurred, permission was obtained and the transportation provided by MSF and ICRC. However, as a result of agitation by Buddhist Rakhine people, the activities of MSF have been suspended since February 2014 (UNOCHA, 2014b). Since MSF provided most of the medical services up until that time, it subsequently became difficult for Rohingyas to be admitted to Sittwe Hospital even though MSF mobile clinics had been suspended. The government Department of Health stepped in and cooperated with other health service providers, but the result was not as effective as MSF. This has increased the health insecurity of the respondents leading to poorer health outcomes than before the conflict started.

Environmental Security:

Environmental security is mostly concerned with natural resources and forest conservation. The technical aspects of natural resources conservation, while not considered in this study, have been the subject of a related book (Leake, 2012). In this section, respondents access to forest, drinking water, preparedness for natural disaster, and access to agricultural land and land ownership are briefly presented. Natural disasters have become one of the major threats against the environmental security of Myanmar. Floods, cyclones, deforestation and scarcity of drinking water are the major problems recently affecting the Rakhine State. The Rakhine State is rich in forest and aquatic products and community-led forest replanting and protection of mangrove forests activities have begun in the southern Rakhine State. Activities to maintain forest and aquatic products have not been carried out throughout the entire Rakhine State, except Gwa Township, for example across Rakhine state, mangrove cover declined from 1620 square kilometres in 1980 to about 600 square kilometres in 2013 (Myanmar Times, 2014b).

The respondents confirmed that they were exploiting natural resources daily, apparently without knowing and understanding of responsibilities for their preservation. The respondents mentioned that they had never been provided with adequate knowledge about how to protect the environment. They were cutting down trees and fishing almost every day to earn money for their families just to survive. Since they have been displaced, obtaining firewood was one of the major challenges in their daily lives in the IDP camps. The respondents said that the availability of firewood had declined and that the firewood price had increased from 500 kyats to 1500 kyats – enough to cook daily meals for an average family – over the two years 2012-2014. In some areas, the respondents had cut down trees inside their living compounds and nearby because selling timber and firewood were the most available sources of income.

In other areas, all of the trees were burnt down during the conflict. Thus, the respondents were afraid of potential floods and the risk of cyclone damage during the rainy seasons. The respondents felt that they were unable to replant trees because they had lost their land. They grow vegetables for their own consumption on all available land and some respondents were able to sell a small surplus. The respondents cut trees for their own use and also for income and while they noticed that firewood has become scarce from time to time, they had no plans to carry out replanting by themselves or to engage in any activities led by local authorities. The respondents were also adamant that they have no plans to grow trees until such time that they can access land provided by the government, or are resettled to their original location or villages of origin.

One of the respondents said: *I notice it's too hot this summer. I think it's because no trees exist nearby our shelters. I think, I should grow a tree next to my shelter. But I will not do it. Because, I am not sure how long I have to stay in this shelter. If I know how long I have to stay in this shelter, I will grow a tree. I will better grow a tree once I return to my location or wait until moving to new location. I do not want to inform authorities to grow trees next to the shelters because, I am afraid that I have stay in this shelter for the rest of my life.*

In October 2010, Pauktaw Township was affected by cyclone Giri. Most of the respondents in rural Pauktaw mentioned that they had to move from their villages to the highlands or hills to flee from the flood and the cyclone. Some of the respondents, about 35 percent, who lived in Pauktaw town received cyclone assistance. However, most of the respondents, 65 percent, who lived in rural villages throughout Pauktaw Township received little or no assistance. Some respondents mentioned that they were saved from the cyclone because of trees and strong structures such as a mosque, school and houses. After the 2012 October inter-communal conflict, nearly all of the strong structures and trees were destroyed. As there are no cyclone shelters provided for the Rakhine state, and because of the perceived threat from nearby Rakhine communities, the probability of future cyclones worried respondents that they might not be able to escape from strong winds, heavy waves, and floods. This means the respondents were living in a status of environmental insecurity.

Land & Land Ownership:

In this section, land ownership is selected as the main variable to analyze the respondent's access to land utilization. According to the land ownership law, only citizens are allowed to own movable and immovable property. Land ownership and land confiscation is a complex procedure and a cause of conflict between government and citizens. Respondents were not recognized as citizens and their restricted access to land ownership directly affected their economic security and food security (WFP, 2011). During the interviews, the respondents mentioned that they had had their properties and their houses taken from them. It was clear from records and observation that all of the Rohingyas houses in Pauktaw Town, Ward 3 and Ward 4, all of the houses in eleven Rohingyas villages situated within Pauktaw Township and twelve wards located in Set Yon Su Ward of Sittwe Town were either burnt down or destroyed during the inter-communal conflict 2012. At the time of study most of the respondents did not know whether or not they could go back to their residences.

The Constitution of the Republic of the Union of Myanmar (2008) states that: *The Union shall protect according to law movable and immovable properties of every citizen that are lawfully acquired. The Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution.*

In Myanmar, almost all of the land is owned by the State and allocated to citizens. All land is classified into one of thirteen categories: freehold land, grant land, agricultural land, garden land, grazing land, cultivable land, fallow land, waste land, forest land, town land, village land, cantonments, and monastery land. Two types of land, grant land and agricultural land, were selected in this analysis to ascertain the respondents' access to land ownership.

Grant lands are concerned with housing plots and agricultural lands are concerned with agricultural activities. Leckie and Simperingham (2009) state that: *Grant Land is owned by the State which is leased on a long-term basis to citizens on 10, 30, and 90 year terms. Grant land is transferrable and lessees are required to pay land tax. Agricultural land is used for agricultural purposes and non-transferrable. The land is owned by the State and allocated by the Village Peace and Development Council (administrative committee).*

As shown in Table 14 the vast majority (90 percent) of the respondents had access to land ownership. Most of the respondents did not have the 'Grant' lease agreement issued from the government but instead they had a buyer-seller agreement. They paid land tax to the city development department every six months and they kept the receipts as one of the pieces of evidence of land ownership. The receipt included the name of the land owner, name of the payee, plot number, building number, street, ward, payment for yearly land rental charges, land tax, electricity tax, waste tax and date of payment.

One of the men from Set Yon Su ward observed that: *I brought a house in Set Yon Su, Sittwe from my friend. I had the signed contract between buyer and seller. I did not know about the original Grant, landownership documentation. One mid-night, we were told to get out of the house immediately. I could not take any belongings. But I was able to take these important documentations. I have a household list, my childrens' birth registration certificate, TRC, landownership documentation and land tax receipts.*

Table 14. Respondents' Access to Land Ownership Prior to 2012

Type of ownership (formal)	Frequency	Percent
Housing Plot	232	90
Agricultural Land	27	10
Total	259	100

According to 1963 Land Nationalization Act, all agricultural lands are owned by the State and farmlands are then allocated back to the farmers via village administrative departments. Table 14 indicates that 10 percent of the respondents had access to agricultural land. All of the farmers had a farmland ownership book that allowed them to use the land for agricultural activities. The number of farm animals and the agriculture equipment owned was recorded in the book. According to the Land Law (2012), a land use permit has to be renewed every two years otherwise the farmer will lose the permission to use the land.

One of the farmers from Pauktaw mentioned that: *I had 50 acres of farmland. My grandfather owned the farmland and then transferred it to me. I can't cultivate the land. The Rakhine will kill me or they will take all the harvest, if I cultivate the land. This season, the Rakhines cultivated the land. They did not inform me to use the land. I can't go out of my village. What can I do?*

Although the majority non-Rohingyas insist that Rohingyas are illegal immigrants, the respondents clearly had citizenship rights to enjoy land ownership before the conflict. After the 2012 inter-

communal conflict, their access to landownership became unsure, and they were displaced from their own houses and forced from their farmlands. Since they have been displaced, most of the respondents were unable to visit their previous locations, especially for those who previously lived in Sittwe and Pauktaw towns. They expressed many unknowns about their landownership status, such as; how long they will be away from their own land, do they still own the land, who will decide their land ownership? Thus in addition to all other aspects of human security – economic security, food security, health security, environmental security, personal security, community security, and political security – their land ownership has also become insecure.

In the Myanmar situation, it seems that adequate human security status for persons such as the survey respondents will be achieved only if they are recognized as citizens. However, granting of citizenship status may not enough to rehabilitate appropriate human security because it will also require the lifting of all the limitations imposed on their freedom of movement, and enhancing their dignity in both legal and social terms. In other words, it will be necessary to remove all the barriers that exclude them from achieving human security. Compared to stateless Rohingyas, the neighbouring Buddhist Rakhines enjoy better health care, receive better education and are freer to move and conduct business and to participate in the political process.

From this analysis and the preceding chapters, it is possible to elicit some recommendations of relevance for policy formulation bodies, and this forms the basis of the following final chapter.

Chapter 8

Towards Future Policy

The review of writings, legislation and surveys of affected persons presented in the preceding chapters may now be consolidated around three significant points related to the human insecurity concerns of the Rohingyas. These are:
a) perceptions about citizenship rights;
b) ethnic discrimination against Rohingyas; and
c) deteriorating human security of the Rohingyas.

These factors result from formal field interviews conducted with participants from Rohingya villages located in Sittwe and Pauktaw as well as with many key informants located outside of the main study area. In addition, several field trips were made to all townships in the Rakhine State during which informal interviews were conducted with Rohingyas and non-Rohingya people. This breadth of exposure across the region where the Rohingyas are located provides sufficient confidence to suggest that the conclusions of this study are generally applicable to the Rohingyas' situation throughout the Rakhine.

Perceptions About Citizenship Rights

The majority of Myanmar people perceive ethnicity to be a major determinant in granting citizenship rights, a perception that does not agree with humanitarian perspectives. As a consequence, the majority of Myanmar people do not want a formal Rohingya national ethnic group because official recognition would lead to full citizenship rights. If the Rohingyas were given full citizenship rights, then the Buddhist Rakhine fear that the Rakhine state would become Muslim dominant. However as this book explains, both the Buddhist

majority and the Rohingyas themselves misunderstand citizenship requirements.

The majority Buddhist Rakhine interpret that the 1982 Citizenship Law only applies the principle of *jus sanguinis* (blood origin) in granting of citizenship, and therefore understand that a citizen must be a member of one of the 135 officially recognized national ethnic groups. This interpretation is supported by the fact that 'ethnic identity' is an essential component of personal information that must be cited in all civil documentation, specifically identity cards, birth certificates and household lists.

Because of this perception, the majority Buddhist Rakhine strongly resist recognition of the Rohingya as a national 'ethnic group', consideration of their rights to full citizenship or even the use of the term 'Rohingya' as an 'ethnic identity'.

On the other hand, the Rohingyas regard their official recognition of an ethnic group as absolutely critical and their right. However, while it may be their right, the criticality of official recognition of ethnicity seems to have not been part of the 1982 Citizenship Law, which stated that granting of citizenship does not depend solely on ethnicity or a group being officially recognized as a national ethnic group. Rather, that 1982 Citizenship Law clearly stated that citizenship is granted to all those holding citizenship at the time of the Law's promulgation in its Article 6 of Chapter II statement that *a person who is already a citizen on the date this Law comes into force is a citizen*. Since it appears that most Rohingyas were granted citizenship before 1982, it would be expected that they would continue to be citizens under that Citizenship Law. In fact, nearly all the Rohingyas interviewed who were older than 40 years stated that they had NRCs, citizenship certificates and citizenship identity cards, and many could provide the original copies of these documents. However, this study was unable to find any official data about the number of Rohingyas or other Muslims in the Rakhine who had these documents.

Internationally, Article 1 of The Hague Convention (1930) states that each State has the right to determine under its own laws who are its citizens. Following this convention, the Constitution of the Union of Myanmar (2008) defines citizens of Myanmar as: *all persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar: (a) persons born of parents both of whom are nationals of the Republic of the Union of Myanmar; (b) person who is already a citizen according to law on the day this Constitution comes into operation and; c) Citizenship, naturalization and revocation of citizenship shall be as prescribed by law.*

Interpreting the Rohingyas citizenship issue through that Constitutional statement, it would seem that most Rohingyas who were citizens before 1982, would be citizens after 2008 and that their children would *ipso facto* be citizens. This was, however, confused for all parties by the 2008 citizenship scrutinizing process.

As part of addressing the issue, an Inquiry Commission established in June-September 2014 that a Union Level Immigration team visit Myebon, Rakhine State in order to contact Rohingyas and Kamans who wanted to apply for citizenship. The inquiry commission was acting in accord with Chapter V of the 1982 Citizenship Law in its issuance of new CSCs, which states that, *any person may apply to the Central Body when it is necessary for a decision as to his citizenship, associate citizenship or naturalized citizenship and the Central Body shall: a) permit the submission of an application with supporting evidence; b) decide in accordance with law; and c) inform its decision to the applicants.*

Such application of this section of the Law rendered it difficult for Rohingyas to claim citizenship because of its reliance on detailed evidence that their ancestors for at least three generations on both sides of an applicant's family had previously been granted citizenship, or on evidence of their continuous residential status in the country. Very few people were able to present such evidence as well as the required citizenship certificates or registration numbers

of their ancestors, often because they are illiterate and may not have understood the value of such ancient documents, or because they lost documentation during the 2012 inter-communal conflict. Thus it was nearly impossible for many Rohingyas to qualify for citizenship status under this procedure.

In addition to these requirements, Section 44 (c), Chapter IV of the 1982 Citizenship Law, details that an applicant for naturalized citizenship shall *be able to speak well one of the national languages*. This requirement presented a major obstacle for the Rohingyas, especially women in remote rural areas who, in accordance with cultural tradition have stayed inside the home with minimal contact with outsiders, visitors or strangers. As the Rohingyas speak their own dialect within their community, the women generally speak only that language, which is not officially recognized. All of these developments clearly conflict with the previous interpretation of the 1982 Citizenship Law, which confers citizenship on the Rohingyas. It would seem to be an infringement of their rights as citizens from the 1982 Law to be subject to the 2012 reassessment.

In fact, the 2013 Myanmar National Human Rights Commission (MNHRC) supported the granting of citizenship rights to the Rohingyas as a means of reconciling the two communities and to foster development in the Rakhine State. Motivation for this outcome included concern to protect the country's international image in the light of the inter-communal conflict's impact on regional, international and UN Agency opinion (The New Light of Myanmar, 2013). But in reality, the MNHRC had only a limited role in improving the insecurity of the Rohingyas. An Inquiry Commission on Sectarian Violence in Rakhine State assigned directly by the President in August 2012 was to have a more significant role in recommending such enhanced human security.

Notwithstanding these developments, the perception of the Buddhist Rakhine influences policy-making bodies, especially the Rakhine State Government, to limit local action that would otherwise flow from the international humanitarian laws, conventions, and treaties.

From international perspectives, Myanmar membership of the United Nations is deemed to require it to respect and follow international humanitarian laws, conventions, and treaties.

Ethnic Discrimination Against Rohingyas

The fieldwork suggested that stereotype, prejudice, and discrimination against the Rohingyas was not in accordance with the UN Declaration on Ethnic Minority Rights (2012) and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNOHCHR, 2012a). This situation has arisen from arguments promoted by the non-Rohingya majority that Rohingya ethnicity has never existed.

The non-Rohingya majority considers that those who call themselves Rohingyas are actually from Bangladesh. This argument is based on an assumption that some who live in Bangladesh speak the same dialect, have the same religious faith and are of similar physical appearances to the Rohingyas (Tonkin, 2014). However, dialect, religion, and physical appearance are not the only indicators of ethnic identity. For example, the Di Net, Thet, and Maramargyi are included in the 135 recognized national ethnic groups yet share several characteristics of the Rohingyas. These groups form part of the more than 100,000 Rakhines living in Bangladesh, many of whom moved to the area in the 18th century to escape Burman persecution. A recent example of such movement back to Myanmar is that of the January 2013 organization of the Rakhine community in Arakan State to bring back a Buddhist Marmargyi family and 29 Bangladeshi Rakhine families because they were facing difficulties earning a living in Bangladesh (TV, 2015).

The Di Net, Thet, and Maramargyi that form part of the 135 recognized national ethnic groups of Myanmar provide specific comparisons of value to the Rohingyas' case. They speak the same dialect, reside in both Bangladesh and Myanmar and share a similar physical appearance to that of the Bengali/Rohingyas. These recognized ethnic groups of the Rakhine State practice the Buddhist

faith, and hence are mostly referred as Bangladeshi Buddhist. Within Bangladesh, these groups enjoy ethnic minority rights and are granted Bangladesh citizenship. Since at least the year 2000 members of this group have resettled in the Rakhine State, but in contrast to the Rohingyas, are perceived as an officially recognized ethnic group.

Similarly, the Kaman people dress and speak like Buddhist Rakhine, although they practise the Islamic faith in common with the Rohingya. Some have similar physical appearance to the Rohingyas. This group is also recognized as an official national ethnic group. Clearly dialect, religion and physical appearance are not the only indicators of ethnic identity, and their use to label Rohingyas as Bengalis seems disingenuous. It for such reasons that this study highlights that selective discrimination against the Rohingyas by the Buddhist majority, whether in response to fear of Rohingya economic and political dominance or other factors, is a matter of Constitutional concern. This fear of Muslim domination is not new, and can be found in records from at least 1921 (Leider, 2010).

The assumption of non-Rohingyas that Rohingyas are recent arrivals from Bangladesh is also open to challenge. In fact, the firm control by Myanmar immigration and security forces has meant that very few Rohingya have been able to migrate from Bangladesh to Myanmar in recent decades. Most Rohingya, at least in the study area, would trace their ancestry to immigration waves of around 1823 from what is now Bangladesh, which is substantiated by Tokin (2014) and Leider (2014). By perpetuating the myth of recent immigration, prejudice and discrimination against Rohingyas is reinforced in the non-Rohingyas communities.

All of this contrasts with modern global values that eschew ethnicity being used as a basis for prejudice, as codified in the UN Declaration on Ethnic Minority Rights (2012) and UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This would mean that the Rohingyas should be able to promote and enjoy their own culture and identity, because the

Minority Rights Declaration 2012 (UNOHCHR, 2012a) specifically states that *States have an obligation to acknowledge and promote the rights of minorities to enjoy their own cultures and identities, to profess and practise their own religions and use their own languages* (UNOHCHR, 2012). For this reason, the international perspective of the Rohingyas issue is seen as one of racial discrimination.

Deteriorating Human Security

According to the Residents of Burma Registration Act 1949 and the Residents of Burma Registration Rules 1951, Rohingyas would have been entitled to have identity cards, birth certificates, and household lists. These items of civil documentation have been essential to gain access to fundamental citizenship rights. However, for each these three types of documentation, the fieldwork reported herein confirmed that the Rohingyas experience systemic disadvantages.

Identity Cards: The 1982 Citizenship Law required all persons to reapply for citizenship after 1993. From 1948 to 1955, many Rohingya were issued with Citizenship Certificates and Identity Cards that were replaced by National Registration Cards. Most Rohingyas received National Registration Cards from 1955 to 1993. NRC were issued by virtue of the Union Citizenship Act 1948, and the Union Citizenship Election Act 1948, the Residents of Burma Registration Act 1949, and the Residents of Burma Registration Rules 1951. However, the Cards contain a disclaimer in fine print which states (informal translation) that *this card does not necessarily mean that the holder is actually a citizen of that country*. So, although cardholders including the Rohingyas were all previously regarded as citizens, the disclaimer was being used by officials to deny the Rohingyas citizenship, at least until the time of preparing this publication.

From 1993 onwards, Government authorities replaced NRCs with Temporary Registration Cards, known as white cards that did not confer citizenship. Thus the Rohingyas lost proof of their citizenship

from that time, which meant that under provisions of the 1982 Citizenship Law their freedom of movement was restricted. This restriction reduced their ability to participate in social activities, livelihood opportunities, hospital treatment and education. In contrast to these restrictions however, Rohingyas were allowed to vote in the Constitutional referendum in 2008 and the Multi-Party General Election in 2010, and also appear to be protected under the 1987 Transfer of the Movable and Immovable Property Act.

Birth Certificates: The Rohingyas could obtain Birth Certificates for their children from 1955 to 2005, but after that authorized officers ceased issuing birth certificates for Rohingya children. No formal notice was given of the change. A Notification of Delivery Certificate is now issued instead of a Birth Certificate, which is a requirement for children in rural areas when they seek enrolment in government primary schools.

Household Lists: The Rohingyas were entitled to obtain household lists from 1955 to 2005 after which no new household lists were issued to them although they could be updated in case of births and deaths of those in the list. Married couples became unable to obtain a household list, which significantly restricted freedom of movement. The limitation sometimes results in anomalously large numbers of family members per household when children born to newly married parents are registered as children of their grandparents who have a pre-2005 household list. This is interpreted to mean that Rohingyas born after 2005 have lost their citizenship rights by not being properly registered and recognized at birth.

Economic & Food Security: Although Rakhine State is ranked as the second poorest region in Myanmar, before the 2012 inter-communal conflict, the average income of the Rohingyas household was generally sufficient to provide for enough food, education, health and other basic expenditures. Rohingyas were engaged in diverse livelihoods including fisheries, agriculture, trading, casual labour, domestic workers, lawyers, primary school teaching, clerks, community health workers and village administrators. However, they

were not allowed to serve in the military or high-level positions in government. Known as diligent workers, Buddhist Rakhine employers often preferred to employ Rohingya labourers before non-Rohingyas – until the 2012 inter-communal conflict occurred. Field interviews conducted for this book confirmed these impressions. Rohingya fishermen could obtain fishing licences and fishing boats although they could not fish in the most productive areas that were assigned to Buddhist Rakhine fishermen. As Rohingyas had to apply for travel permits to sell their fish at markets, this meant a cost in either buying permits or accepting a lower price from Buddhist Rakhine traders who could travel freely. This effect of restricted freedom of movement contributed to the reduction of Rohingyas' economic and food security. The same effect may be seen in the example of licences necessary for saltwater shrimp farming being limited to citizens, which effectively forced Rohingyas to accept silent Buddhist Rakhine partners who could obtain the licence, usually in return for a 20 to 30 per cent share of income.

Health Security: Township hospitals are located in every town. However, most of the Rohingyas who need hospital treatment are admitted to Sittwe hospital; those who can afford it go to Yangon or Bangladesh to receive better treatment. Access to medical treatment is limited by restrictions on movement and, since incomes have been squeezed, by the cost of medical treatment. As the normal procedure is for patients from township hospitals to be transferred to Sittwe general hospital for emergency treatment, Rohingyas who are delayed for one or two days before travel permits can be issued suffer an additional health security impost. Together with the delays induced by natural conditions including tidal flows and weather conditions, it was anecdotally reported to fieldworkers that many pregnant women and older people died before they could reach a hospital. In contrast to this actual situation, the national health policy claims to be nondiscriminatory with respect to race and religion.

Environmental Security: Climate change and associated severe weather events also threaten the human security of the Rohingyas since the areas in which they live are close to the sea and remote.

While such locations provide them with firewood, bamboo, wild fish and other resources, the relative hazard of natural disasters has been increased because of their lack of access to Government evacuation plans.

Closing Remarks

As the international community focuses on humanitarian efforts to reduce global statelessness, the case of the Rohingyas has achieved some notoriety. It is all very well to observe that stateless people represent a country's wasted human resource being turned into a potential threat, but there is also a need for practical recognition of the pace at which governments can act, and acknowledgement of the different circumstances of each case.

The following statement by the UNHCR identifies some of the problems associated with statelessness (ILPA, 2014): *To be stateless is to be without nationality or citizenship. There is no legal bond of nationality between the state and the individual. Stateless people face numerous difficulties in their daily lives: they can lack access to health care, education, property rights and the ability to move freely. They are also vulnerable to arbitrary treatment and crimes like trafficking. Their marginalization can create tensions in society and lead to instability at an international level, including, in extreme cases, conflict and displacement.*

In practical terms, Myanmar has proceeded on its transitional path towards a workable democracy in recent years, and has assumed a role in the Association of South East Asian Nations (ASEAN). The tolerance of ASEAN compared to some international statements emerging from Western-influenced international organizations provides another perspective about the means by which Myanmar may gradually enhance its image as it considers appropriate means of conferring citizenship and equal rights to all Rohingyas in the Rakhine state. This may first require introducing the concept of statelessness into the Myanmar legal framework and then ratifying

the 1951 Convention relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness (OHCHR n.d.).

Union level authorities have found it difficult to identify a term acceptable to both the Rohingya and the Buddhist Rakhine communities. From the humanitarian point of view, the rights of Rohingyas to self-identify seems more important than identifying a specific identity for the Rohingyas, simply because they have been forced to live in a state of insecurity and fear without dignity. From a development point of view, such a change could add valuable human resources that are otherwise being diluted by inertia, ennui and trafficking and other crimes. Fieldwork for this book revealed that, for example in the remote village of Pan Hpaw Pyin, half of the paddy fields were left uncultivated since the 2013 cultivation due to a lack of manpower. As Rakhine youths migrate for work to China, Thailand and Malaysia, such development issues increase and point to the need for a long-term development plan that includes economic opportunities, transportation, communication, education and training. But the first step may well be to police illegal regional trafficking in labour exploited for minimal return to Myanmar.

The fear of Rohingyas domination by the Buddhist Rakhine is unfounded. If the Rohingyas are granted equal citizenship rights it is likely they will eventually assist the development of Myanmar in a manner similar to how many Muslims assist economic development in other parts of Myanmar, including Yangon, where they generally live in harmony with the Buddhist Myanmar people.

Within such a development plan, human resources for the Rakhine state would be a major focus since the majority of the Rohingya population remain illiterate. Once the Rakhine region is made stable and secure, such productive development can occur. As this work shows, ongoing conflict is a high cost to all of the communities of the Rakhine, as well as to Myanmar itself – this is likely to be the focus for resolution of the humans insecurity and citizenship issues that have preoccupied segments of the international community.

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