

The conveniently forgotten human rights of the Rohingya

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As stateless Rohingya in Burma face containment in IDP camps and within their homes and communities in what is effectively segregation, their human rights are on the whole being ignored by countries keen either to support reform in Burma or to return refugees who have fled to their shores.

It is no coincidence that the current crisis in Rakhine State in Burma has taken place against the back-drop of Burma's widely hailed, yet still fragile, democratic reform process, the beginnings of which were marked by the elections of 2010. The toxic mix of general racism and an illiberal ex-military government seeking domestic support and democratic legitimacy has proved lethal to the rights of the stateless Rohingya in Burma.

The 1982 Citizenship Law of Myanmar, which ignored the Rohingya's claim to citizenship and thus rendered them stateless, has formed the legal basis for arbitrary and discriminatory treatment against the Rohingya community and made them subject to a series of draconian policies and controls.¹ In June 2012, large-scale violence against the Rohingya – a stateless Muslim ethnic minority of around one million people – resulted in estimated thousands of deaths, the forced displacement of over 100,000 people, and the burning and destruction of homes and property throughout Rakhine State.² At the time of writing there continue to be outbreaks of violence, arbitrary arrests of Rohingya men whose whereabouts remain unknown, and torture and death in custody.

Since June, Rohingya have been largely segregated from the other populations in order to create 'Muslim-free' areas. Some have been 'burnt out' through the destruction of their homes and properties. Others have been relocated by government troops to IDP camps. Only

Muslim populations have been moved by the security forces; their displacement is thus discriminatory rather than protective. Those who were not displaced have been cut off from their livelihoods and face difficulty in accessing food and basic services. Further violence in October, which targeted Rohingya and other Muslim minorities throughout Rakhine State, resulted in the whole and partial destruction of Muslim areas and displacement of a further 36,000 people.³ Cut off from their livelihoods and sources of income, unable to access markets, hospitals and schools, and without access to relief aid, hundreds of thousands of Rohingya are facing disaster.⁴ The government maintains tight control over international agencies working in North Rakhine State, leaving little space for these agencies to engage in public advocacy on behalf of the affected population, let alone raise human rights concerns.

Recent events in Rakhine State should not be viewed in isolation; the Burma security forces have a long history of discrimination and systematic human rights abuses against them. President Thein Sein's remarks in July 2012 that the "only solution"⁵ to the troubles in Rakhine State was either to send stateless Rohingya to third countries or to contain them in UNHCR-administered camps caused outrage within the international human rights community. Despite the outrage, however, 110,000⁶ Rohingya remain held in squalid conditions in IDP camps with no indication that



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they will be either allowed or assisted to return to their home communities or to resume their lives as before.

Countries to which Rohingya have fled over the years as refugees have been quick to condemn the recent spates of violence and persecution but have not been so quick to recognise the rights of stateless Rohingya refugees within their own territories. Bangladesh, for example, has pushed back thousands of recently arrived Rohingya and has blocked humanitarian assistance to the approximately 300,000 unrecognised Rohingya refugees living in Bangladesh. Discussion of 'regional solutions' has so far focused only on overcoming the problem of returning the Rohingya to Burma. Proof of commitment to protect the Rohingya would be better demonstrated by receiving countries if they were also to work together to protect Rohingya rights within their own territories.

Western countries' condemnation, on the other hand, has been overshadowed by their praise for the wider reforms in Burma. The West has rewarded Burma's government for the steps they have made towards democratic reform by easing sanctions and increasing investment. Yet failure of the international community to use their leverage over the Burmese state to ensure

protection and recognise the rights of Rohingya and other vulnerable populations in Burma could have dire consequences for both democracy and stability in Burma.

Under the rubric of maintaining order and stability against (perceived) domestic security threats – in this case the extremist Muslim Rohingya and the backlash of so-called 'communal' violence against them – the government seeks to legitimise the continued central role of the military in politics. Lost in this discourse is the fact that it may be the military/security forces, the perpetrators of decades of human rights abuses against the Rohingya, that are most in need of reform.

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1. See FMR 30 on 'Burma's displaced people' www.fmreview.org/burma
2. See Equal Rights Trust, 'Burning Homes, Sinking Lives: A Situation Report on Violence against Rohingya in Myanmar and their *refoulement* from Bangladesh', June 2012 <http://tinyurl.com/ERT-June2012>
3. See Human Rights Watch satellite images at www.hrw.org/news/2012/11/17/burma-satellite-images-show-widespread-attacks-rohingya See also www.equalrightstrust.org/ertdocumentbank/Rohingya_Emergency_Report.pdf (2 Nov 2012)
4. Burmese Rohingya Organisation – UK (BRO-UK), Press release October 2012.
5. See 'UNHCR seeks true community reconciliation in Rakhine State', *Myanmar Times*, 16 July 2012 www.mmtimes.com/2012/news/635/news63506.html
6. As of late November 2012