

## From Citizen to Stateless Samuel Farris

In 1958 Burma's first president, Sao Shwe Thaik declared, "Muslims of Arakan certainly belonged to the indigenous races of Burma"<sup>1</sup>, thereby cementing their status as citizens, but presently Rohingya are stateless people. The current government of Myanmar views the Rohingya as illegal migrants, while scholars see them as indigenous to the Arakan state or a mixture of precolonial and colonial migrants. The transformation from citizen to stateless was a gradual process that occurred over many years. Policies alone cannot fully explain why the Rohingya people lost their citizenship. Often policies that were not targeted specifically at a particular group had ramifications for the Rohingya. Further, citizenship laws do not reflect practice and lack of implementation. Therefore, it is important to examine the history of Burma to gain a fuller picture as to why they lost their citizenship. The loss of citizenship is attributed to changes in historical narratives, policies, religious and ethnic tensions within the Arakan (Rakhine) state, all of which have severe repercussions on the Rohingya today.

### **Pre-Colonial**

Before the Burmese conquest of the Arakan Kingdom in 1784, the Kingdom was influenced by Bengali Muslims<sup>2</sup>, this fact has sparked modern debates on whether Rohingya people are indigenous people of Burma. Mrauk U was the capital of Arakan and situated on the coast in the present day Rakhine state. It was a maritime empire and had extensive contact with Muslim traders and mercenaries<sup>3</sup>. While the inhabitants were predominantly

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<sup>1</sup> Green, Penny. *Countdown to Annihilation: Genocide in Myanmar*. (N.p.: International State Crime Initiative, 2015), 28

<sup>2</sup> Victor Lieberman, *Strange Parallels: Southeast Asia in Global context, C. 800-1830*, (Cambridge: Cambridge University Press, 2003), 128.

<sup>3</sup> Ibid.

Buddhist, the rulers had “an imaginative cultural policy that saw Mrauk-u rulers patronize Buddhist shrines while adopting trappings of Muslim sultanship”<sup>4</sup>. The “borrowing of certain Islamic motifs, including Muslim regnal names, as well as Persian numismatic inscriptional styles”<sup>5</sup>, has led to contemporary arguments about the historical religion of the Rakhaing (Arakan) people.

Opponents of this historical link between Muslims and the region, claim that the Arakanese have always been Buddhists and that the Muslim presence was introduced by the British during colonial rule. They believe the term Rakhine is synonymous with Buddhism. This is problematic, as ideas of ethnicity in the region stem from British colonial times. Victor Lieberman points out that ethnicity within the region was fluid and interchangeable: “Cultural and physical differences... do not mean that ethnic identity was static... If a person wishes to change his ecological or political role within the larger society, he often adapts, either temporary or permanently, cultural attributes of another group” (Ethnic Politics 457). Kris Lehman echoes this notion: “Lehman suggests that ethnicities are roles in a system of other roles, that one has many available ethnicities to choose from, and that one’s “ethnicity” changes as one interacts with different people”<sup>6</sup>. Nevertheless, scholars, such as Ashin Siri Okkantha, tend to downplay the role of Islam in the region and state: “The Muslims have entered Arakan mostly during the British times and after [the] independence of Burma”<sup>7</sup>. Others make claims, that historically are not plausible, such as, “Throughout the centuries, ever since the introduction of Buddhism, up to the present time, Arakanese have professed Buddhism without break”<sup>8</sup>. The vast amount of historical

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<sup>4</sup> Lieberman, *Strange Parallels*, 128.

<sup>5</sup> Charney, Michael W. *Theories and Historiography of the Religious Basis of Ethnonyms in Rakhaing (Arakan), Myanmar (Burma)*. November 23, 2005, 2.

<sup>6</sup> *Ibid.*, 31.

<sup>7</sup> *Ibid.*, 4.

<sup>8</sup> Charney, *Theories and Historiography*, 4.

evidence regarding the presence of Muslims in the region dispel claims that Muslims only emerged in Arakan during British colonial rule.

Proponents of Rohingya as an indigenous race of Burma view Arakan's court affiliation with Islam as historical evidence of their presence. They see the term "Rohingya" as a relatively recent creation and that Muslims have been present in Rakhine for centuries. Francis Buchanan the earliest recorded the earliest usage of "Rohingya" in 1799<sup>9</sup>. It is important to emphasize the date, as it was after the Burmese conquest of the Arakan Kingdom and before the British colonization of Burma. Michael W. Charney concludes that the term Rohingya came from the Rakhaing (Arakan)<sup>10</sup>:

as the historical record is concerned, the shared origins of Rakhaing and Rohingya indicate that Rakhaing has not always been solely an ethnonym of Buddhist Rakhaing, but rather one that has come to be a peculiarly associated with Buddhism as a result of linguistic change over many centuries, change that produced the term 'Rohingya'... Rohingya and Rakhaing were not mutually exclusive ethnyonyms. Rakhaing's topography may have led to Rohingya and Rakhaing emerging as separate versions of the same term in different geographical contexts that came, in the eighteenth century to be associated closely with the predominant religious makeup of the local area concerned<sup>11</sup>

### **Colonial Period**

It is important to examine the evolution of political terms such as indigenous races, as it had a different connotation during the colonial era. Nick Cheesman explains that the term taingyintha in modern times "denoted Myanmar's different linguistic and cultural groups joined together by imagined shared ancestry and/or common homeland"<sup>12</sup>.

However, this term did not enter political rhetoric in the early colonial period. Instead, anti-

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<sup>9</sup> Ibid., 23.

<sup>10</sup> Ibid., 30.

<sup>11</sup> Ibid., 31.

<sup>12</sup> Cheesman, Nick. "How in Myanmar 'national races' came to surpass citizenship and exclude Rohingya." (*Journal of Contemporary Asia* forthcoming 2017), 5.

colonialists addressed crowds with taingthu-pyitha (countrymen and women) and ludu (the masses)<sup>13</sup>. Whereas taingyintha was used “to recognize native handicrafts, medicines and trades”<sup>14</sup>. In response to British policies of ruling ethnic majorities and allowing minorities to have autonomy, the term taingyintha described those “not to be European, Chinese or Indian”<sup>15</sup>. It was used as an inclusive term to join groups otherwise divided by British policies.

During Second World War, the Japanese invasion heightened the division between ethnicities in Burma, as minority groups such as Karen, Kachin and Rohingya sided with the British while Burmans and Rakhine populations viewed the Japanese as liberators. This event would have lasting implications for the Rohingya people as the Rakhine Buddhists fought directly with each other and led to war-time massacres in 1942-43<sup>16</sup>. In return for the Rohingya’s loyalty, the British “promised them an autonomous area in northern Rakhine state and encouraged Muslims to take up administrative posts and engage in infrastructure projects”<sup>17</sup>. Rakhine Buddhists saw this as a threat to their livelihood. Before independence, the British feared retaliation towards loyal minority groups and the term taingyintha was used while drafting a constitution. The term was used “in particular concerning the cultural and linguistic rights of “minority taingyintha””<sup>18</sup>. However, this word was not included in the Panglong Agreement which allowed for autonomous administration in frontier areas. The agreement, while attempting to unify different ethnic groups, excluded Rakhine people from the negotiation.

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<sup>13</sup> Cheesman, *Myanmar ‘national races’*, p6.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Penny, *Countdown to Annihilation*, 28.

<sup>17</sup> Ibid., 47.

<sup>18</sup> Cheesman, *Myanmar ‘national races’*, 7.

## Independence

Following Burma's independence civil war began, in response, Premier U Nu started using the term *taingyintha* to denote duty towards the state<sup>19</sup>. The meaning shifted from a collective unity to that of submitting to the state: "Nu calls on *taingyintha* to accept and discharge a duty and responsibility to the state"<sup>20</sup>. During this time the Union Citizen Act of 1948 defined a citizen as:

'any of the indigenous races of Burma' shall mean the Arkanese, Burmese, Chin, Kachin, Karen, Kayah, Mon, or Shan race and such racial group as has settled in any of the territories included in the Union as their permanent home from a period anterior to 1823 A.D.<sup>21</sup>

During this time belonging to an official national race was not a prerequisite for obtaining citizenship. Therefore, ethnicities, such as the Rohingya, were considered citizens. The second prime minister of Myanmar, U Ba Swe reinforced the notion that Rohingya were citizens by stating, "The Rohingya has the equal status of nationality with Kachin, Kayah, Karen, Mon, Rakhine and Shan."<sup>22</sup> The Rohingya were able to vote in the 1960s election.<sup>23</sup>

General Ne Win's coup led to increased ethnic discrimination and a changing rhetoric on national race. He started the Revolutionary Council, which made a decree titled 'The Law of National Unity', which disbanded all parties except his own, the Burma Socialist Programme Party. The use of *taingyintha* for submitting to the state was similar to Premier U Nu usage. However, Ne Win wielded more power, and civil war was no longer a threat to state survival<sup>24</sup>. With Ne Win's position secure he began "rolling out a comprehensive programme for the reinvention of Burma, and with it, the elevation of *taingyintha* to a new

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<sup>19</sup> Cheesman, *Myanmar 'national races'*, 8.

<sup>20</sup> *Ibid.*

<sup>21</sup> Online Burma/Myanmar Library. Last modified 2003. Accessed January 27, 2017. [http://www.burmalibrary.org/docs/UNION\\_CITIZENSHIP\\_ACT-1948.htm](http://www.burmalibrary.org/docs/UNION_CITIZENSHIP_ACT-1948.htm).

<sup>22</sup> new mandala. Last modified October 29, 2012. Accessed January 22, 2017. <http://www.newmandala.org/making-rohingya-statelessness/>.

<sup>23</sup> Penny, *Countdown to Annihilation*, 7.

<sup>24</sup> Cheesman, *Myanmar 'national races'*, 10.

position of primacy”<sup>25</sup>. The Institute of Development of National Races was founded in 1964, in connection to policies of the Revolutionary Council. It was devised to conduct “extensive fieldwork to document and publish authoritative studies on national races’ culture”<sup>26</sup>.

Issues of race became a major problem during the Bangladesh Liberation War, as a large number of refugees resettled in Rakhine. In response, Rakhine Buddhists pressured the government to crack down on illegal immigration. The crackdown resulted in over 200,000 Rohingya fleeing to Bangladesh<sup>27</sup>. Burma claimed those fleeing were illegal Bangladeshis and the Government of Bangladesh argued they were Burmese Muslims. After negotiating, Ne Win accepted to take back the 200,000 refugees. Four years after this incident, the Burmese government created 1982 Citizenship Law.

The Citizenship Law of 1982 required belonging to a national race as a prerequisite to becoming a legal citizen. This shift is reflected in what constitutes a citizen. Section 3 states, “Nationals such as Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine, and ethnic groups who have settled in any territories including within the State as their permanent home from a period anterior 1185 B.E., 1823 A.D are Burma citizens”<sup>28</sup>. Section 5 goes on to say “Every national and every person born, both of whom are born nationals are citizens”<sup>29</sup>. In the Union Citizen Act of 1948, there was no requirement that both parents had to be nationals, only that they had to reside in Burma before 1823. The list of recognized national races was based on the 1983 census but was not included in the Citizenship Law of 1982 (cheesman16). This census was not the same as the 1931 census. By 1983, when the Citizen

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<sup>25</sup> Cheesman, *Myanmar 'national races'*, 10.

<sup>26</sup> *Ibid.*, 11.

<sup>27</sup> Penny, *Countdown to Annihilation*, 7.

<sup>28</sup> *Burma Citizenship Law*, 15 October 1982

<sup>29</sup> *Ibid.*

Law was implemented, the Rohingya were no longer on the list. Therefore, they did not constitute as belonging to the national race. However, this does not mean the law specifically targeted them. In article 6 of the Citizenship Law of 1982 stated, “A person who is already a citizen on the date of this law comes into force as a citizen”<sup>30</sup>. This in theory allowed for Rohingya to maintain their status but in practice, this is not what happened.

One explanation for the lack of implementation is due to the relationship between the Burman government and Rakhine Buddhists. Post-colonial rule the Rakhine Buddhists suffered under the Burmese government. In the International State Crime Report many Rakhine Buddhists reported, “systematic and ongoing oppression by ruling Bamar elite, who many perceive as oppressors committed to the erosion of Rakhine culture and identity”<sup>31</sup>. The report also found “that the Myanmar government had successfully manipulated the Rakhine into believing their primary enemy is not the State but the Rohingya”<sup>32</sup>. This has led to Rakhine Buddhists to push the government to deport the Rohingya. Regardless of the actual reasons, “registration officers apparently acting on orders from superiors refused to re-register these people”<sup>33</sup>. Instead in 1995 Rohingya were given temporary white cards that would allow them to vote<sup>34</sup>. These were later revoked in 2015 under pressure from Rakhine campaigners.

Lack of citizenship has left the Rohingya vulnerable, as they have no legal rights and are unable to participate politically. The new military regime, which took power during the coup of 1988, sent soldiers into northern Rakhine state in 1991. Soldiers “confiscated land from Rohingya for their camps and for agriculture to provide for their food, levied arbitrary

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<sup>30</sup> *Burma Citizenship Law*, 15 October 1982

<sup>31</sup> Penny, *Countdown to Annihilation*, 28.

<sup>32</sup> *Ibid.*, 31.

<sup>33</sup> Cheesman, *Myanmar 'national races'*, 24.

<sup>34</sup> Penny, *Countdown to Annihilation*, 57.

taxes, and imposed forced labour”<sup>35</sup>. This resulted in 250,000 Rohingya fleeing to Bangladesh. 200,000 Rohingya were repatriated and placed into refugee camps. The conflict between Rakhine Buddhists and Rohingya flared up in 2001. In 2012 the intensity of the violence between the two groups escalated to unprecedented levels. Violence against Muslims was not contained to the Rohingya. Those targeted included the Kaman who are recognized as a national race of Burma. In September of 2012, the largest meeting of Rakhine Buddhists gathered to form a manifesto that approved of, “resolutions supporting the formation of armed militias, enforcement of citizenship laws, removal of Rohingya villages, and reclamation of land that has been “lost” to them”<sup>36</sup>. The Myanmar government has done little to protect the Rohingya people and declare they are illegal Bengalis. In short, lack of citizenship has left the Rohingya vulnerable to, violence, isolation, discrimination and poverty.

There is no one reason why the Rohingya have lost their citizenship. Rather it is a combination of revisionist history, changes in policies, lack of implementation of these policies, ethnic minority tensions, and the changes in definition to what constitutes on as a citizen. The current wave of violence has left the Rohingya isolated and vulnerable. Some argue that the current situation meets four out of the seven stages of Freierstein’s definition of genocide, that being, stigmatization, violence, isolation, and systematic weakening<sup>37</sup>. Frieierstien defines the next stage as extermination<sup>38</sup>.

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<sup>35</sup> "The Dark Side of Transition: Violence Against Muslims in Myanmar." *Asia Report*, no. 251 (October 1, 2013), 5.

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<sup>37</sup> Penny, *Countdown to Annihilation*, 23.

<sup>38</sup> *Ibid.*

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