

ROHINGYA CRISIS: THE POLITICAL AND HUMANITARIAN DISCOURSE

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The Rohingya people have faced decades of systematic discrimination, statelessness and targeted violence in the state of Rakhine, Myanmar. Such persecution has led them to flee their homes and seek refuge in Bangladesh and other nearby bordering countries. The number of Rohingya refugees has progressively swelled thereafter. This paper seeks to analyse the current situation of Rohingya refugees and the threat to their security in the ongoing pandemic situation. It also aims to answer some important questions such as whether they are struggling to access basic necessities and if they are being forced to convert their religion to protect themselves.

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INTRODUCTION

The significance and meaning of 'Home' is central to any understanding of displacement. Natalia Fadlalla in her book "Conceptualising the meaning of Home for Refugees" proposes a basic framework to look at *home* from four aspects: material, spatial, emotional and imaginative. The author explains, "These are the aspects in which primary and social processes are carried out. The material aspect consists of shelter, food and security. Spatial aspect is the awareness of the physical dimensions of a home in terms of space, whether enclosed or the surrounding landscape. The emotional aspect describes the need of a sense of attachment, belonging and ownership including the lived trauma of loss. Lastly, the imaginative aspect which consists of narratives, images or memories that lies in the dimensions of time".¹ Refugees who have lost their homes frequently, often find themselves conflicted in these very aspects and struggle to remake or rebuild their perceived concept of 'Home' and re-establish a lost grounding and reclaim their identities.

In 2017, the United Nations High Commissioner for Refugees (UNHCR) described the Rohingya Refugee Crisis as the "most urgent refugee emergency in the world". According to UNHCR's latest statistics, about 860,000 Rohingyas live in the world's most densely populated refugee camps located in southern Bangladesh. About 1.3 million people of the Rohingya community members are in urgent need of humanitarian assistance. During the months of April to November, heavy monsoon makes life more unsafe in the overcrowded camps.² While Myanmar and Bangladesh are still holding negotiations for the repatriation of the Rohingya refugees to Myanmar, it is on the humanitarian grounds that these people have been provided with a reasonable interim structure which includes proper healthcare facilities, food, shelter and safety.

WHO ARE THE ROHINGYAS?

The Rohingyas are an ethnic Muslim minority who practice a Sufi-inflected variation of Sunni Islam. They differ from Myanmar's dominant Buddhist groups ethnically, linguistically and religiously. They are labelled as illegal immigrants from Bangladesh even though majority of the

¹ Natalia Fadlalla, "Conceptualising the Meaning of Home for Refugees," *Spaces and Flows: An International Journal of Urban and Extra Urban Studies* 1.3 (2011): 139-150, <https://cgscholar.com/bookstore/works/conceptualizing-the-meaning-of-home-for-refugees>

² "Rohingya Emergency", UNHCR, India, July 31, 2019, <https://www.unhcr.org/rohingya-emergency.html>

Rohingya population trace their historical roots in Myanmar itself. The Rohingyas trace their origin to 15th century during the reigns of the ‘Arakan Kingdom’. Though there are still disputes on the etymological root of the word ‘Rohingya’, the most widely accepted theory is that *Robang* is derived from the word ‘Arakan’ in the Rohingya dialect and *ga* or *gya* means ‘from’. Hence, essentially by identifying as Rohingya, this ethnic Muslim group asserts that they belong to the land that was once reined by the ‘Arakan Kingdom’.³

LEGAL STATUS OF THE ROHINGYAS

The Myanmar government refused to grant the Rohingyas citizenship, as a result of which they have no legal documentation, effectively making them stateless and illegal immigrants in their own homeland. Until recently, the Rohingyas were able to register themselves as temporary residents with identification cards known as ‘white cards’ issued by Myanmar government. It conferred limited rights but was not recognized as a proof of citizenship. According to the Fortify Rights advocacy group, the Myanmar government has forced the Rohingyas to carry national verification card that will effectively identify them as foreigners but not grant them citizenship.⁴

THE ARSA AND THE INSURGENCY

The Arakan Rohingya Salvation Army (ARSA) formerly known as the Al-Yaqeen (Faith Movement) is an active insurgent group in northern Rakhine State, Myanmar. Myanmar’s Anti-Terrorism Central Committee declared ARSA a ‘terrorist group’ on August 25, 2017 in accordance with the country’s counter terrorism law. The organization has been alleged of various brutalities including persecution of Muslims and several killings. In August 2017, the militant attacks triggered a brutal army operation in Myanmar’s northern Rakhine State targeting the Rohingya Muslims. Three months after which, more than 624,000 Rohingyas fled to Bangladesh, making it one of the fastest refugee exoduses in the modern times.⁵ In addition to the unfathomable destruction to

³ Eleanor Albert, Lindsay Maizland, “The Rohingya Crisis”, *Council on Foreign Relations*, January 31, 2020, <https://www.cfr.org/backgroundunder/rohingya-crisis>

⁴ “Myanmar: New Evidence of Denial of Rohingya Citizenship”, *Fortify Rights*, January 16, 2020, <https://www.fortifyrights.org/mya-inv-2020-01-16/>

⁵ Tom Felix Joehnk, “Rohingya Exodus: the fastest, most concentrated Refugee Movement in Asia since 1971”, *The Wire*, September 19, 2017, <https://thewire.in/external-affairs/rohingya-exodus-the-fastest-most-concentrated-refugee-movement-in-asia-since-1971>

human lives and properties, the crisis changed Myanmar's domestic political dimensions and has also affected its international relations and is further expected to have a huge impact on the regional security landscape including potential future cross-border attacks by ARSA militants that could increase tensions between Myanmar and Bangladesh. State Counsellor Aung San Kyi has been widely criticized for her failure to contain the crisis given her moral authority as a Nobel Prize recipient. Meanwhile, the exodus continues and is expected to reach its tragic end point soon: complete depopulation of the Rohingya community from northern Rakhine State.

As a result, the world is now facing a severe humanitarian crisis which needs to be contained by identifying several important elements. There needs to be a consistent insistence and emphasis on the rights of refugees to return in a safe, voluntary and dignified manner. Until they volunteer to go back, there needs to be an interim structure which sustains their lives and dignity in the refugee camps. While there is an urgent need for these issues to be addressed, the focus of international efforts has primarily shifted to the worsening insurgency in the state overshadowing the issues of the safe return of the Rohingya community to their homelands. Imposing targeted sanctions can potentially deter these state sponsored violence and suppression of the minority communities. Besides, international humanitarian efforts need to be consistent and resist any pressure to disengage from the crisis until Myanmar defines a concrete solution.⁶

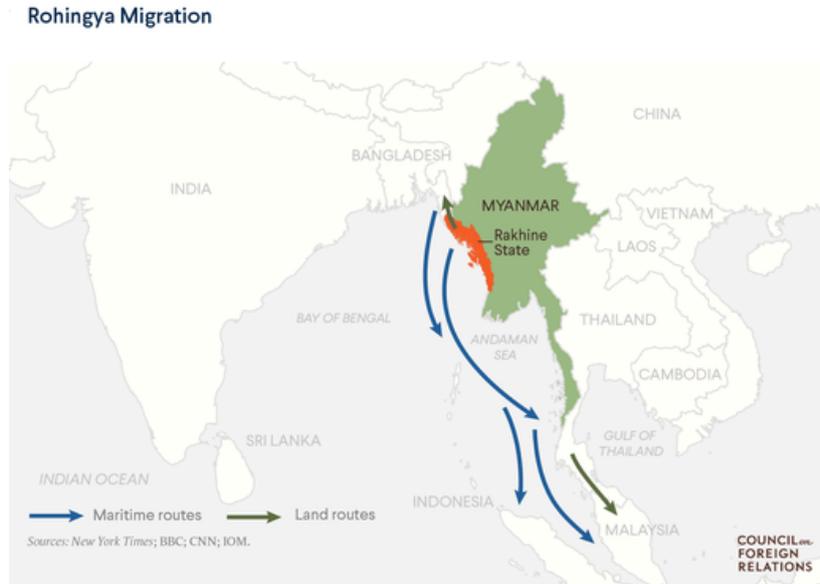
WHERE ARE THEY MIGRATING?

According to the media reports, even those who are considering going back to Myanmar in the future may not be able to as their villages have been destroyed to make way for government facilities.⁷ Hence, they have no other resort than to find refuge in different countries. In March 2019, Bangladesh announced that it would no longer accept Rohingyas fleeing Myanmar. As of

⁶ "Myanmar's Rohingya Crisis Enters a New Dangerous Phase", *International Crisis Group*, Report No. 292, December 7, 2017, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmars-rohingya-crisis-enters-dangerous-new-phase>

⁷ "Rohingya crisis: Villages destroyed for government facilities", *Dhaka Tribune*, September 10, 2019, <https://www.dhakatribune.com/bangladesh/rohingya-crisis/2019/09/10/rohingya-crisis-villages-destroyed-for-government-facilities>

now, the Rohingyas have spread to various other countries like Malaysia, India, Thailand, Indonesia, Philippines, Gambia and the United States.⁸



Satellite images show destroyed Rohingya village



Source: Human Rights Watch, Satellite image 21 September 2017

BBC

⁸ “Myanmar Rohingya: What you need to know about the crisis”, *BBC News*, January 23, 2020, <https://www.bbc.com/news/world-asia-41566561>

THE INTERNATIONAL RESPONSE

According to a UN report of August 2018, Myanmar's military was accused of mass killings and rapes with 'genocidal intent'.⁹ A small Muslim-majority nation of The Gambia, in West Africa filed a case in the International Court of Justice (ICJ) on behalf of various other Muslim countries calling for an urgent investigation on the Myanmar military and demanded emergency measures. The State Counsellor of Myanmar, Aung San Suu Kyi rejected all the allegations of a genocide in the Court in December 2019. However, in January 2020, the Court's initial judgement ordered Myanmar to take immediate measures to protect the Rohingyas from further persecution. Although Myanmar is not a member of the ICJ, the Court stated that it still had jurisdiction in this case because Bangladesh is a member. Hence, the ICJ approved the investigation pleaded by the Rohingyas to be held in Myanmar.¹⁰

UN'S RESPONSE

While countries are still beginning to develop an accommodating system for refugees, there have been impending issues regarding refugee claims and checking their authenticity. The system of providing asylum hangs on the idea that the officials or investigators interviewing refugees can tell the difference between a legitimate and a false claim. According to an employee working at the Refugee Status Determination (RSD),¹¹ they try to get as much details as possible. The interviews can last up to four hours. But in reality, the system is often unable to account for the fragility of the process since the system relies on mere testaments. An article by the *Guardian* suggests the various factors that can come into play during the interview like the interviewees might not be able to relay the events properly; factors such as illiteracy, severe trauma, memory loss and old age can complicate the matters considerably.¹²

⁹ Pallavi Prasad, "UN Report: Myanmar Military Systematically Mass Raped Rohingyas with the Intention to Commit Genocide", *The Swaddle*, August 26, 2019, <https://theswaddle.com/un-rohingya-sexual-violence-genocide/>

¹⁰ "Myanmar Rohingya: What you need to know about the crisis", *BBC News*, January 23, 2020, <https://www.bbc.com/news/world-asia-41566561>

¹¹ Helen Nianias, "Verifying refugee's stories: Why is it so difficult?" *The Guardian*, November 17, 2016, <https://www.theguardian.com/global-development-professional-network/2016/nov/17/verifying-refugees-stories-why-is-it-so-difficult>

¹² Helen Nianias, "Verifying refugee's stories: Why is it so difficult?" *The Guardian*, November 17, 2016, <https://www.theguardian.com/global-development-professional-network/2016/nov/17/verifying-refugees-stories-why-is-it-so-difficult>

Another issue is verifying the age of minors. Since minors are treated in an exclusive manner, which includes entitlement to housing, health and education support and are much more likely to be given asylum; there have been numerous cases of false claims with respect to age. The children are consequently subjected to dental check-ups and verification of bone density.¹³ They are even required to go through examination of their sexual organs.¹⁴ With regards to the same, there have been several cases of sexual exploitation of the minor refugees as reported by the British medical bulletin.¹⁵

The verification process has been undoubtedly brutal and distressing to minors who have already spent a considerable amount of their childhood witnessing horrific events which they carry as traumatized memories. The children as young as below the age of 16 are still in the process of building their individualism and their traumatic experiences can hurt their personality development permanently. Therefore, while it is important to have an appropriate system to verify the authenticity of refugees, there is an urgent need to come up with alternate methods which do not destroy the climate of trust and ensures that the entire process does not rekindle or aggravate their trauma or distress. These issues have to be integrated and addressed better into policymaking.

The UN is worried about the fact that the current process of aid provision to the internally displaced Rohingyas may unintentionally segregate families and result in mass isolation. In the months following the alleged genocide, the UN was seemingly unable to come up with a clear response. Most of the Rohingyas have either fled or remain stranded in the overcrowded refugee camps in Cox's Bazar. The UN's reported 'powerlessness' has been an area of debate since long. In the face of vetoes by China and Russia; in case of any forceful resolution, the UN effectively withdrew itself from carrying out further action. The real issue, however, is not that the UN is

¹³ Mathew Weaver, "Give child refugees dental tests to verify age, says David Davies." *The Guardian*, October 19, 2016, <https://www.theguardian.com/world/2016/oct/19/child-refugees-dental-tests-verify-age-david-davies>

¹⁴ Aamna Mohdin, "Child refugees are subjected to genital tests to prove their age." *Quartz*, October 12, 2015, <https://qz.com/520832/child-refugees-are-subjected-to-genital-tests-to-prove-their-age-and-they-may-not-even-work/>

¹⁵ Samantha L Thomas, "Displacement and Health." *British Medical Bulletin*, June 1, 2004: 115-127, <https://academic.oup.com/bmb/article/69/1/115/523349>

being overwhelmed by various events and its claimed limited capacities, but rather its inability to balance its structural and systematic deficiencies. Not providing aid, on the other hand, worsens the volatile situation facing thousands of refugees which is blatantly contrary to the UN's core responsibility. An improved communication system, greater accountability and the delegation of responsibilities to a range of UN agencies, the government actors, ministries and the general public, who can contribute for the cause in manner of funds and dialogues, are some of the primary measures that need to be integrated.¹⁶

<i>ROHINGYA CRISIS: A CHRONOLOGY</i>
1948: After Burma's independence from British rule, Rakhine State witnesses a Muslim eruption demanding equal rights and an autonomous area. The eruption eventually died.
1962: Military rule begins in Burma.
1977 to 1978: Around 200,000 ethnic Rohingya Muslims fled the country to live in refugee camps in Bangladesh.
1982: A new citizenship law identifies 135 national ethnic groups excluding the Rohingyas which effectively made them stateless.
1989 to 1991: A military crackdown is witnessed, and Burma is renamed as Myanmar. Another set of 250,000 Rohingya refugees flee to Bangladesh.
1992: Myanmar and Bangladesh negotiate to repatriate the refugees. Several thousands of refugees return to Myanmar.
2003: Around two out of 20 refugee camps still remain in Bangladesh.
2012: Sparks of religious violence erupts in Rakhine leaving many people homeless. More than 100,000 people migrated to Malaysia.
2014: In Myanmar's first census in 30 years, the Rohingyas are still not included as an ethnic group.

¹⁶ Max Pensky, "Why is the UN's Response to the Myanmar's Rohingya Persecution so Powerless?", *The Global Post*, July 11, 2019, <https://theglobepost.com/2019/07/11/un-response-rohingya-myanmar/>

2016: Another military crackdown following an attack on a border post killed several police officers. About 87,000 people fled to Bangladesh.

2017: Mass exodus from Myanmar after Rohingya ARSA militants launched violent attacks on more than 30 police posts because their villages were burned and civilians were being killed as a response to the attacks.

2018: A year of hope. Myanmar and Bangladesh governments sit for negotiations and offer refugees to return to Myanmar. The refugees rejected the offer and said that they would not consider going back until they are guaranteed citizenship.

2019: Continued uncertainty. The International Court of Justice accuses Myanmar of genocide of the Rohingya people.

2020: The Coronavirus pandemic hits and Rohingya Muslims forced to change religion to protect themselves under the Constitutional Amendment Bill in India and seeking citizenship.¹⁷

INDIA'S RESPONSE

While analyzing India's response, factors like diplomatic and domestic political compulsions, humanitarian, security and geopolitical considerations and its changing importance over the years have to be kept in mind. India's response to the crisis has evolved swiftly over the years. India has moved from a phase where Delhi asserted the crisis to be an 'internal affair' of Myanmar to allowing the Rohingya refugees to enter the country and providing them with humanitarian assistance. The process was rather complicated owing to the domestic politics and bilateral relations with Myanmar. The dimensions changed when the BJP-led NDA government came to power in 2014. After being turned away from Thailand, Malaysia and Indonesian borders, the Rohingyas turned to India for help. India's inability to provide them assistance owing to its concerns that raising the issue might push Myanmar towards China was heavily criticized. India's

¹⁷ Chris Huber, "Rohingya refugee crisis: Facts, FAQ's and how to help", *World Vision*, June 12, 2020, <https://www.worldvision.org/refugees-news-stories/rohingya-refugees-bangladesh-facts>

approach towards the crisis is now driven by the need to establish its role on humanitarian grounds by strengthening quiet diplomacy.¹⁸

The current process of identifying illegal immigrants and evaluating legitimate citizenship in the country initiated by Citizenship Amendment Bill (CAB) provides that six minority communities - Hindu, Sikhs, Buddhist, Parsis, Jains and Christians - from three neighbouring countries are eligible to apply for citizenship on the grounds of religious persecution. Owing to which, there has been a spike in the number of Rohingya Muslims and Afghan Muslims in India converting to Christianity so as to become eligible for Indian citizenship.¹⁹ During a CAB debate in December 2019, Home Minister Amit Shah categorically refused to accept Rohingyas in the country. He claimed that since India has not ratified any international convention on refugees, it is, thus, not bound to accept Rohingyas. India is not a party to the 1951 Convention on Refugees and neither to the 1967 Protocol. Uncertain of being granted Indian citizenship, the refugees who are living as 'illegal immigrants' are deviously converting into Christianity. According to the official data, there are around 40,000 Rohingya Muslims living in India with the highest number in Jammu and Kashmir. A large number of this population has been living in India prior to 2012 and is now claiming to be from Bangladesh while adapting Christianity.²⁰

In this scenario, the Indian government should bring some safeguards against those who are converting and ensure that this conversion is not forced. Although India has actively asserted its contention that the only amicable solution to the crisis is that Myanmar ensures safe return of these refugees and evaluate their citizenship, an interim structure of safety should be instituted for those who are already residing here. Moreover, violence in Rakhine State is affecting India's 'Kaladan Multi-Modal Transit Transport' project which was started to develop transport infrastructure in South-West Myanmar and India's North-East and hence, mitigating the violence

¹⁸ K. Yhome, "Examining India's stance on the Rohingya crisis", *Observer Research Foundation*, July 11, 2018, <https://www.orfonline.org/research/examining-indias-stance-on-the-rohingya-crisis/>

¹⁹ Rahul Tripathi, "Muslim, Rohingya refugees convert to Christianity to take benefit of the Citizenship Amendment Act", *The Economic Times*, July 24, 2020, <https://www.orfonline.org/research/examining-indias-stance-on-the-rohingya-crisis/>

²⁰ "Afghan and Rohingya Muslims start converting to Christianity to get Indian citizenship under CAA: Report", *OpIndia*, July 23, 2020. <https://www.opindia.com/2020/07/afghan-rohingya-muslims-convert-christian-indian-citizenship-caa/>

in Rakhine would help in containing the damage.²¹ However, impending issues regarding national security has been an area of concern over the years. An affidavit filed by the government in the Supreme Court contests that the Rohingya refugees are a potential security threat and has serious ramifications and hence, they must be deported to Myanmar. The government reportedly has security inputs indicating links of Rohingya refugees with Pakistan's ISI, the Islamic State and other extremist groups indicating a possibility of communal and sectarian violence. Rohingyas with militant background are also found to be active in Jammu, Hyderabad and Mewat. Over the years, the Rohingyas are reportedly indulging in several illegal/anti-national activities such as mobilization of funds through hundi/hawala channels, procuring fake/fabricated Indian identity documents such as PAN and voter ID cards for other Rohingyas and also indulging in human trafficking. The fragile northeastern corridor may become further destabilized due to Rohingya militancy that is in fact growing. There is also a serious possibility of violence erupting against the Indian Buddhists, by the radicalized Rohingyas.²²

The systematic discrimination and exclusion of the Rohingya community can be mitigated only by greater international pressure on Myanmar. There is a need for a long-term sustainable solution to the crisis. Until then, India, along with other neighbouring countries of Myanmar, should devise an interim structure to provide aid to the Rohingyas without compromising on national security.

CURRENT SITUATION AND RESPONSE ACTION

As of June 28, 2020, Bangladesh has reported 133,978 confirmed COVID-19 cases, out of which 2,526 cases have been from the Cox's Bazar District, including 50 Rohingya refugees. Cox's Bazar is an extremely risky place given the overcrowding in refugee camps and also owing to the already under-strain healthcare system. The Rohingya refugees are entirely dependent on humanitarian assistance. An increased number of doctors and other health personnel, delivery of necessary medical supplies and equipment are urgently required to improve response. Currently, the District

²¹ Phyto Wai, "AA, ARSA, Kaladan Multi-Modal Transit Transport Project and India-Myanmar strategic relations", *Eleven Media Group*, January 8, 2019, <https://elevenmyanmar.com/news/aa-arsa-kaladan-multi-modal-transit-transport-project-and-india-myanmar-strategic-relations>

²² Ashok Bagriya, "Rohingya refugee crisis: Top 5 reasons why Indian govt. wants to deport them", *Hindustan Times*, September 18, 2017, <https://www.hindustantimes.com/india-news/here-are-the-top-5-reasons-why-the-indian-govt-wants-to-deport-rohingya-refugees/story-vMAZ3c2X6x6WyIJV8m2NgP.html>

Deputy Commissioner leads the overall situation in Cox's Bazar District while the Refugee Relief and Repatriation Commissioner (RRRC) coordinate the operational response in the Rohingya settlements. A Health Emergency Operations Centre (HEOC) and a control room are now functioning in the Offices of the Civil Surgeon and Deputy Commissioner, respectively. The Civil Surgeon has established a technical committee and a medical response team at District and Upazila (sub-district) levels. The Bangladesh Army has rendered an incredible amount of support to the civilians, both nationally and in the Cox's Bazar District. The UN has been relentlessly trying to provide support to the government in establishing and strengthening the COVID-19 testing capacity at Cox's Bazar.²³

However, according to the UNHCR reports, many Rohingyas living in the refugee camps are trafficked to Southeast Asia. The pandemic has opened doors for human traffickers to resume operations. The Rohingya refugees are loaded in unsafe boats hoping for those to hit landfalls in Malaysia, Thailand or some other Southeast Asian countries. The cost for such unsafe travel is a whopping 15,000 Malaysian Ringgit (Approx. INR 2,62,059). Malaysia, Thailand and other countries have reportedly turned away several boats while thousands who made it ashore were detained as 'illegal immigrants'.

The process of recurring negotiations without any concrete result has been criticised by human rights groups who claim that even if the refugees return to Myanmar, there is no guarantee that they will not be subjected to genocidal violence and persecution. The pandemic has worsened Myanmar's instincts along with the fellow Southeast Asian nations to take necessary steps to mitigate the crisis.²⁴

²³ "2020 Covid-19 Response Plan: Addendum to the Joint Response Plan 2020- Rohingya Humanitarian Crisis (April-December 2020)- Bangladesh", *OCHA Services, Relief Web*, July 22, 2020, <http://reliefweb.int/report/bangladesh/2020-covid-19-response-plan-addendum-joint-response-plan-2020-rohingya>

²⁴ Nor Arlene Tan, "Plight of Rohingyas Under Covid-19 Spotlights ASEAN's Failure", *The Diplomat*, June 16, 2020, <https://thediplomat.com/2020/06/plight-of-rohingyas-under-covid-19-spotlights-aseans-failure/>

CONCLUSION

Abandoning a place, you once called home to go to a foreign land that is reluctant to welcome you, most definitely results in painful inner-conflicts of fear and apprehension. It includes elements of nostalgia, displacement, identity crisis and alienation, but for the people one loves and fears losing, delving into these conflicts becomes one's last priority. Every person reserves the fundamental right to dignity and the right to a home. Many points highlighted in this paper are already being actively discussed within the UN and the Human Rights Communities. The former UNHCR Head, late Sadako Ogata, once said: "There are no humanitarian solutions to humanitarian crisis. Only political solutions." In this respect, it should be recalled that the UN and the UNHCR have already listed the protection mandates. Therefore, a political solution for this crisis is insufficient. There is a need to promote and implement protection of their fundamental rights to life, dignity and asylum in the interim as well as in the long-terms. The UN, the governments concerned and the people at large have to come together to mitigate the crisis effectively and completely.

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