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THE CRISIS OF THE ROHINGYA AS A MUSLIM MINORITY IN MYANMAR AND UN RESPONSE TO THE ROHINGYA REFUGEES

КРИЗА БІЖЕНЦІВ РОГІНДЖА ЯК МУСУЛЬМАНСЬКОЇ МЕНШИНИ В М'ЯНМІ ТА РЕАКЦІЯ ООН НА ЦЮ ПРОБЛЕМУ

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«Today, nearly one million Rohingya refugees continue to live in dire conditions....

Addressing the root causes of systematic discrimination, disenfranchisement and communal violence in Myanmar is critical»

Secretary-General António Guterres

Abstract. *The purpose of this paper is to analyze the causes and consequences of the forced migration of the Rohingya Muslim minority from Myanmar to the countries of Southeast Asia. The Rohingya problem is considered as composed of various clusters of past and present human rights violations in Myanmar which has caused their forced migration to neighboring countries of ASEAN, such as Bangladesh, Malaysia, Indonesia, the Philippines and Thailand, on boats through the waters of the Malacca Strait and the Andaman Sea.*

This study analyzes the UN responses to manage and resolve the Rohingya problems as well. International initiatives for the introduction of the peace process and mediation services of China to resolve the conflict are studied.

Key words: *ASEAN, Rohingya, Myanmar, South East Asia (SEA), the United Nations (UN), the United Nations High Commissioner for Refugees (UNHCR).*

Анотація. *Метою дослідження є аналіз причин та наслідків вимушеної міграції мусульманської меншини рохінджа з М'янми до країн Південно-Східної Азії. Вважається, що проблема народу рохінджа складається з різних кластерів: минулих і теперішніх порушень прав людини в М'янмі, що спричинило їхню вимушену міграцію до сусідніх країн АСЕАН, таких як Бангладеш, Малайзія, Індонезія, Філіппіни та Таїланд на човнах через води Малаккської протоки і Андаманське море.*

У статті також аналізується реакція та дії ООН щодо вирішення проблем народу рохінджа. Досліджено міжнародні ініціативи із запровадження мирного процесу та посередницькі послуги Китаю задля вирішення конфлікту.

Ключові слова: *АСЕАН, рохінджа, М'янма, Південно-Східна Азія (ПСА), Організація Об'єднаних Націй (ООН), Управління Верховного комісара ООН у справах біженців (УВКБ ООН).*

Introduction. The Rohingyas are an ethnic minority group in the western region of Myanmar, accounting for two thirds of the population of the Rakhine state. They are a religious and linguistic minority from western Myanmar according to the United Nations. The 1 million Rohingyas are different from the Muslim majority linguistically, ethnically, culturally, and

religiously. Myanmar was ruled by the military for over 50 years and during that time period it adopted a lot of racial policies against the Rohingyas. Even today, the state supports discrimination against the Rohingyas in many forms: the Rohingyas have very limited access to basic services and viable livelihood opportunities due to strict movement restrictions and denied citizenship rights. This has rendered them one of the largest stateless populations in the world. UN Secretary-General Antonio Guterres described the crisis of Rohingya as one of, if not the, most discriminated people in the world» [BBC News: 2020].

The purpose of research is to analyze the reasons and effects of the crisis of Rohingya and the UN responses to the Rohingya refugees.

Recent literature review. The article is based on a number of scientific works of foreign and domestic authors. The analysis of foreign and Ukrainian publications on this subject demonstrates that foreign researchers highlighted the issue of Rohingya crisis more often and thoroughly. Among domestic researchers Iryna Krupenya first began to highlight this problem and ASEAN response to the Rohingya refugees in her scientific work [Krupenya, I. *The crisis of the Rohingya as a muslim minority in Myanmar and ASEAN's response to the Rohingya refugees*, 2018]. In the context of the spread of modern international conflicts, the Rohingya problem was briefly described by Viktor Patiychuk [Patiychuk, V., 2018]. The internal political situation in Myanmar was covered by an expert of the analytical center ADASTRA Maryna Petrenko [Petrenko, M., 2021], an expert public platform in the field of foreign policy «The Maidan of Foreign Affairs» analyzed the events in Myanmar as a conflict with many complications [Belokolos, O., 2017].

There is a large variety of works analyzing analyze the reasons and effects of the crisis of Rohingya and the UN responses to the Rohingya refugees among foreign authors, e.g [Al Imran, Md. Nannu: 2014; Kimberly: 2017; Dwiastut: 2017] etc.

The crisis of the Rohingya as a muslim minority in Myanmar is under constant monitoring by Stockholm International Peace Research Institute, foreign television and radio corporation BBC, CNN, Al Jazeera, Deutsche Welle, domestic daily all-Ukrainian newspaper «Day», the English-language newspaper «The Ukrainian Weekly», Ukrainian news agency «RBC Ukraine», Television news service «TCN», an online publication «Radio Svoboda», databases of Human Rights Watch etc.

Main research results. The Rohingya, an ethnic minority of Myanmar (previously known as Burma) is one of the most persecuted groups of people in the world. They speak a version of Chittagonian, a regional dialect of Bengali which is also used extensively throughout south-eastern Bangladesh. The Rohingyas are virtually friendless amongst the Myanmar group of other ethnic, linguistic and religious communities. They were not formally recognized as one of the country's official national groups when the country gained independence in 1947, and they were excluded from both the full and the associate citizenship when these categories were introduced by the 1982 Citizenship Act [Al Imran, Md. Nannu: 2014].

Back in the fifteenth century, history of the Rohingyas can be traced back when Muslims originally migrated to the Arakan Kingdom known today as the Rakhine State, which is a part of Myanmar. Myanmar together with Bangladesh were both British colonies for a time. That being so, Muslims from Bangladesh migrated and made their journey to Myanmar. Majority of the Rohingyas live in the Rakhine State. They represent the largest percentage of Muslims in Myanmar. They claim a long-standing connection to the Rakhine State and identify themselves as a distinct ethnic group with their own language and culture. These claims were successively rejected by the Government of Myanmar, excluding the Rohingyas from the list of recognised 135 ethnic groups of Myanmar [Kimberly: 2017].

The 1982 Citizenship law of Myanmar left the Rohingyas as stateless and rendered them illegal migrants in their own country. According to the new citizenship law, there were three categories of citizens: full, associated, and naturalized citizens. The Rohingyas don't fulfill any of these three criteria. They are the only ethnic group in Myanmar restricted from marriage, traveling beyond their village, or building as well as maintaining religious structures. In addition, they are

subject to frequent forced labor, arbitrary taxation, and sexual violence and land confiscations by the Nasaka. Even, Rohingya women cannot become pregnant without official permission. Some deliver their babies secretly in Bangladesh and many young couples flee to Bangladesh because of the inability to obtain permission to marry in Myanmar.

It has been criticized that the effect of the Burma Citizenship Law 1982 is to make it almost impossible for the Rohingya to gain citizenship. This violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child and international norms prohibiting discrimination of racial and religious minorities. The legal and practical constraints imposed by the Burma Citizenship Law 1982 render it «almost impossible» for the Rohingyas to be recognized as the legitimate citizens of Burma [Krupenya: 2018].

Some experts claim that there is evidence that the British armed the Rohingya in 1942 to use them in the confrontation with the Japanese, who then rushed to the borders with India. However, the Rohingya used the weapons they received to exterminate the local Buddhist population, which resulted in the death of about 50,000 people.

The Burmese, on the contrary, naively saw in the Japanese the power to liberate them from colonial British dependence. General Aung San, the founder of independent Burma, also stood in these positions at that time. It is obvious that these ancient events aggravate the relations between the two communities today, which are already quite tense due to competition for land and other resources [Belokolos: 2017].

At the same time, in recent decades, critics have accused the country's Buddhist majority of discrimination and violent oppression of the Rohingya. Every year, thousands of representatives of this people try to escape to predominantly Muslim countries. They are estimated to be up to 400,000 in Bangladesh, a similar number in the Gulf States, some 200,000 in Pakistan, 20,000 in Thailand and 15,000 in Malaysia. UNHCR estimates some 750,000 Rohingyas remain in northern Rakhine state and other parts of Myanmar [Al Imran, Md. Nannu: 2014].

There is an opinion among experts that the Myanmar government denies the Rohingya citizenship because it considers about 1.1 million representatives of this nationality to be illegal migrants from neighboring Bangladesh. Moreover, the Myanmar government accuses the Rohingya of separatism. Myanmar also seems to oppose the use of the name «Rohingya» in UN documents. The country's government is ready to grant citizenship to this minority only if they call themselves Bengalis, which the Rohingya categorically reject [Belokolos: 2017].

The conflict between the Rohingya and the rest of the country's population has become permanent. The deadly violence erupted between ethnic Arakanese Buddhists and Rohingya Muslims in early June 2012 in Burma's Arakan State began as sectarian clashes in four townships. When violence resumed in October, it engulfed nine more townships and became a coordinated campaign to forcibly relocate or remove the state's Muslims.

The October attacks were against Rohingya and Kaman Muslim communities and were organized, incited, and committed by local Arakanese political party operatives, the Buddhist monkhood, and ordinary Arakanese, at times directly supported by state security forces. Rohingya men, women, and children were killed, some were buried in mass graves, and their villages and neighborhoods were razed. While the state security forces in some instances intervened to prevent violence and protect fleeing Muslims, more frequently they stood aside during attacks or directly supported the assailants, committing killings and other abuses. In the months since the violence, the Burmese government of President Thein Sein has taken no serious steps to hold accountable those responsible or to prevent future outbreaks of violence.

In the Aung Mingalar area of Sittwe, the Arakan State capital, the government has imposed such severe restrictions on the remaining Muslim residents that they are effectively locked up in their own neighborhood. United Nations officials have been denied access to them.

The violence in October 2012 was clearly much more organized and planned. For months, local Arakanese political party officials and senior Buddhist monks publicly vilified the Rohingya population and described them as a threat to Arakan State. On October 23, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons

descended upon and attacked Muslim villages in nine townships throughout the state. State security forces either failed to intervene or participated directly in the violence. In some cases, attacks occurred simultaneously in townships separated by considerable distance.

In the deadliest incident, on October 23 at least 70 Rohingya were killed in a massacre in Yan Thei village in Mrauk-U Township. Despite warning of the attack, only a small number of riot police, local police, and army soldiers were on duty to provide security. Instead of preventing the attack by the Arakanese mob or escorting the villagers to safety, they assisted the killings by disarming the Rohingya of their sticks and other rudimentary weapons they carried to defend themselves.

Satellite images obtained by Human Rights Watch from just 5 of the 13 townships that experienced violence since June 2012 show 27 unique zones of destruction. Images of affected areas in Sittwe, depicting destruction that occurred in June 2012, show 2,558 destroyed structures. Those from 4 of the 9 townships that experienced violence in October show 2,304 destroyed structures. This partial picture of the violence means that at least 4,862 structures were destroyed in Arakan State since June, altogether covering 348 acres of mostly residential property [*Human Rights Watch Report: 2013*].

Since the unrest in 2012, about 200,000 people, mostly Rohingya, have been living in camps in Rakhine. In October 2016, militants of this nationality attacked several police checkpoints, as a result of which many law enforcement officers died. The country's security forces responded with appropriate measures against the rebels. According to the latest information, the State Councilor (de facto head of government) of Myanmar, Aung San Suu Kyi, has announced the country's readiness to allow Rohingya refugees to return to their homes in Rakhine. The laureate of the Nobel Peace Prize noted that 410,000 refugees will be able to return to their homes in Rakhine if their rights to reside in the country are confirmed [Belokolos: 2017].

According to the Stockholm International Peace Research Institute, another serious armed conflict took place in 2020 between government forces and the ethnic Arakan Army in western Myanmar. The intensification of hostilities in some parts of Rakhine State has led to even greater displacement of the population (at least 60,000 people, as of early May 2020) and has shaken the already weak prospects for the voluntary return of the Rohingya people from the camps in Bangladesh.

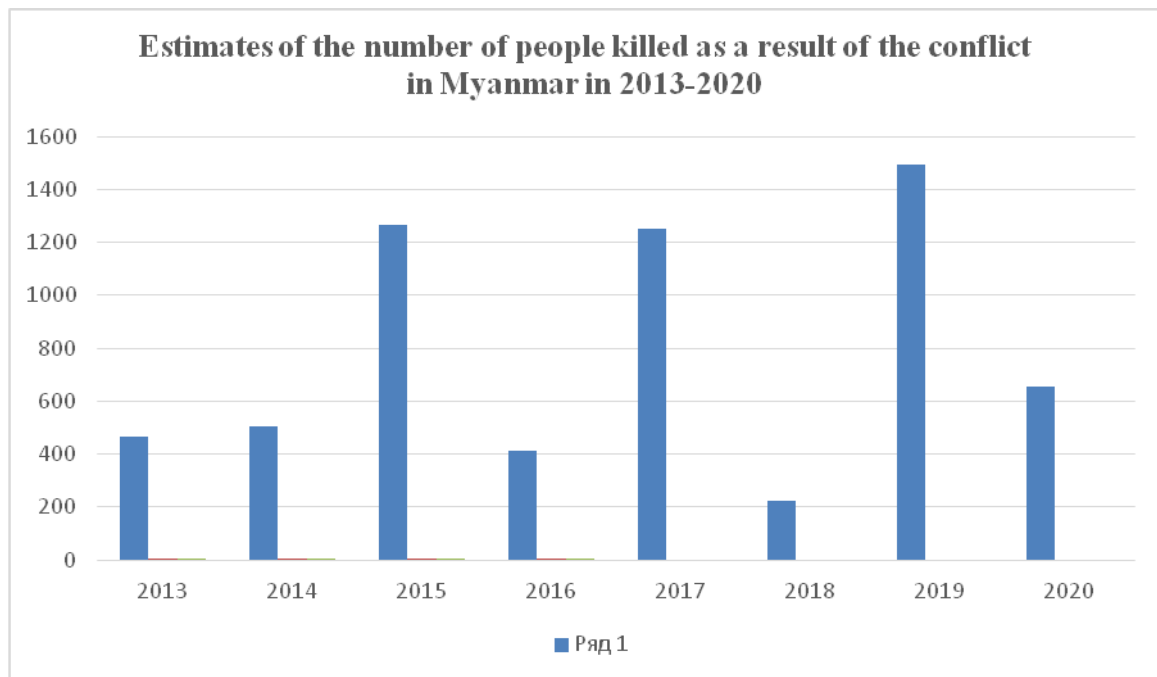
On March 23, 2020, the day the UN called for a general ceasefire due to Covid-19, the Myanmar government designated the Arakan Army as a terrorist group and resorted to oppression of the mass media reporting on the conflict. On April 1, 2020, ethnic armed groups under the common name Three Brotherhood Alliance: Arakan Army, Myanmar National Democratic Alliance Army, and Ta'ang National Liberation extended their own unilateral ceasefire, presenting it as a response to the pandemic. Other armed groups in the country called on the Tatmadaw to also declare a ceasefire, which they did (from 10 May to 31 August 2020), but this did not apply to the conflict with the Arakan Army. However, a ceasefire brokered by Japan between the Arakan Army and the Myanmar Armed Forces in November 2020 allowed dialogue to resume.

The table below shows the number of people killed as a result of the conflict in Myanmar in 2013-2020 [SIPRI Yearbook 2021: p.109–110].

Table 1.

Event type	2013	2014	2015	2016	2017	2018	2019	2020
Combat actions	300	358	1078	155	196	118	1248	380
Explosions /distance violence	45	53	27	35	30	31	85	128
Protests, riots and strategically important events	91	9	0	0	9	9	30	8
Violence against civilians	29	84	162	221	1018	67	132	138
Разом	465	504	1267	411	1253	225	1495	654

Source: SIPRI Yearbook 2021 [8]



Source: SIPRI Yearbook 2021 [8]

The systematic persecution of the Rohingya by the state and the armed conflict with the Arakan Army led to new displacements in 2020. At the beginning of 2020, more than 850,000 Rohingya remained in refugee camps in Cox's Bazar in southern Bangladesh, the largest and most densely populated refugee settlement in the world. Repatriation plans are on hold indefinitely, with no guarantees of citizenship or safety if the Rohingya return to Myanmar. In addition, worsening conditions in the camps forced some Rohingya refugees to seek risky routes to safer places in the region. The situation has worsened amid the Covid-19 pandemic, with countries such as Malaysia closing their borders due to lockdown. In December 2020, the Bangladeshi government began transporting several hundred refugees from Cox's Bazar to Bhasan Char Island in the Bay of Bengal.

Responsibility and justice for the incriminated atrocities against the Rohingya people and other ethnic minorities in Myanmar remained elusive in 2020, despite ongoing trials at the International Criminal Court and the International Court of Justice (ICJ). The Myanmar government's own Independent Commission of Inquiry, established in August 2018 to investigate the actions of the Tatmadaw, rejected allegations of Rohingya genocide, according to a summary report released on January 21, 2020. In two days, the ICC issued a ruling ordering Myanmar to take measures to protect about 500,000 Rohingya who remained in the country. In September, during a video testimony for the International Criminal Court, two military personnel from Myanmar confessed to the killings of the Rohingya. This first admission of human rights abuses by Myanmar's military could be important in the ICC case against Myanmar's military leaders.

The Myanmar government has attempted to implement a comprehensive peace process underpinned by the Nationwide Ceasefire Agreement of 2015. This Agreement includes the promise of political negotiations on the creation of a federal union to guarantee future equality and autonomy of ethnic groups. China is an important participant in the peace process, not least because of its economic and security interests. In January 2020, Chinese President Xi Jinping paid a two-day visit to Myanmar for the first time in almost 20 years to deepen ties between the two countries. The leading role of the military in politics and the government with a fixed proportion of representation remains a major obstacle to constitutional reform in Myanmar.

Signed in 2015 by eight armed groups (and subsequently by only two smaller groups), the Nationwide Agreement leads to a complex dual peace process involving negotiations with signatories to the Agreement and bilateral ceasefire discussions with non-signatories. In 2020, two more armed groups returned to the peace process – the Karen National Union and the Restoration Council of Shan State. Official meetings with all signatories took place throughout the year, and a three-day peace conference was held in August. But overall, in 2020, the peace process with the signatories of the Agreement made little progress amid continued violence and a focus on the country's second general election after the removal of full military rule [8].

Having studied the position of the world's leading countries on the Rohingya problem, it is worth noting that China fully supports the Myanmar government. Moreover, according to some information, it is in the Rakhine province that the People's Republic of China expects to gain free access to the Indian Ocean, from the coast of which there is a Chinese pipeline supplying oil from the Bay of Bengal to South China. There are also data on China's interest in building a large ocean port worth \$7.3 billion and an industrial park with an investment of \$3.6 billion in that region.

Russia also sympathizes with Myanmar, with which it carries out military-technical cooperation, and expects to participate in the country's promising nuclear program. India, which is fighting Islamic terrorists on its territory, is also clearly inclined to share the positions of the Myanmar leadership. The US is not interested in an aggravated crisis and encourages Bangladesh to accept refugees from Myanmar. It is also possible that Washington would like to take advantage of the situation to win certain sympathies in the Islamic world [Belokolos: 2017].

At the same time on 21 September 2022 representative from the Human Rights Council in Geneva presented not optimistic report with which warned that unless UN member states change course in the way they collectively respond to this crisis, the people of Myanmar will suffer even further [9].

In 2022 was launched Joint Response Plan (JRP) for the Rohingya Humanitarian Crisis by co-hosted by the Government of Bangladesh, the International Organization for Migration (IOM) and UNHCR. This is a very important step in the direction of solving the problem of Rohingya migration. Joint Response Plan declared three protection pillars for the Rohingya, in particular:

- working towards and preparing for the sustainable return of the Rohingya refugees/FDMNs to Myanmar by promoting capacity building of the Rohingya that is commensurate with opportunities in Myanmar for their eventual return and reintegration. At the same time, the UN system in Myanmar will also continue to work toward the voluntary, safe, dignified, and sustainable return to Myanmar, under the framework of the 2022 Myanmar Humanitarian Response Plan;

- securing the identity of Rohingya refugees through continuous registration, as part of the Government of Bangladesh-UNHCR joint registration exercise, and relevant documentation in close consultation with the Government, in an environment respectful of their basic rights to assistance and services, and to facilitate their safe, voluntary, dignified, and sustainable repatriation to Myanmar.

- promoting a safe and protective environment for Rohingya refugees in close cooperation with the Government of Bangladesh and through ensuring equitable access to basic assistance and protection needs of all refugee women, men, girls, boys, and persons with specific needs. This includes supporting the development of their skills and capacities commensurate with opportunities in Myanmar, addressing and responding to various protection issues including child marriage, domestic violence, and dangerous onward movements by sea, prioritizing disaster risk management, and mitigating potential tensions between the Rohingya refugees and host communities [10].

Conclusions. Based on the conducted analysis, one can draw a conclusion that the crisis is not only Myanmar's internal matter, but it has regional consequences which could pose threat to regional stability. It is obvious that there is an inter-ethnic and religious conflict in Myanmar, steeped in long-standing historical enmity between the Rohingya and Buddhist population, competition for land and other resources, various grievances and accusations, fueled by international Islamists and complicated by the intertwining of interests of influential players.

Responsibility for the Rohingya refugee crisis rests with Myanmar. The Rohingya people have faced systematic disenfranchisement, discrimination, and targeted persecution in Myanmar's Rakhine State for decades. Persecution has repeatedly driven Rohingya refugees across the border into Bangladesh, Malaysia, Indonesia, the Philippines and Thailand. Widespread influxes have occurred following violence in Rakhine State from Myanmar into Bangladesh in 1978, 1992, 2012, and again in 2016. By far the largest refugee influx began in August 2017. The UN Independent International Fact-Finding Mission on Myanmar concluded that the root causes of this exodus included crimes against humanity and other grave human rights violations.

To address this humanitarian crisis, should be following steps: provide for the Rohingyas full citizenship status and rights. The conditions mentioned in the 1982 citizenship rights must be removed; the government of Myanmar should take back all the Rohingyas who have fled to different parts of Asia due to military operations against them in their country. Also, a safe zone should be demarcated for the Rohingyas in Myanmar where they can live after their return; the process of further «Burmanisation» of Myanmar should be stopped.

In the near future, we should hardly expect a complete resolution of the Rohingya migration crisis. The Myanmar government is clearly not ready to make any concessions now. It is believed that the primary task of the international community should be to provide urgent humanitarian aid to all victims and exert pressure on all parties to the conflict in order to prevent new exacerbations.

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