

# MINORITY RIGHTS, THE ROHINGYA ORDEAL AND THE BALFOUR OPTION: FINDING HOMELAND FOR THE “MOST FRIENDLESS PEOPLE ON EARTH”.

IGONOH, JOSHUA A., PH.D.

DEPUTY DEAN AND SENIOR LECTURER WITH THE LAW COLLEGE,

SALEM UNIVERSITY, LOKOJA, KOGI STATE NIGERIA

## Abstract

*The issue of minority protection has been a sticky one, both before and after the birth of the United Nations. Regarded as internal affairs of each sovereign state, steps taken by the International Community as a Post-Second World War measure was as inconsequential as in the era of the League of Nations which have been variously described as “Lame-duck”, insincere and insufficient, especially having regards to the volatility of the issue in some member-states of the United Nations. Using ordeal of the Rohingya Muslims in Myanmar as a case study therefore, the paper approached this subject from the perspective of an urgent need for solution, stressing that International Community must awake from the era of lip-service and fault-finding to unearth the sticky historical undercurrent issues bedeviling effort at finding a permanent homeland for the Rohingyas, even if it means history repeating itself as in the Balfour declaration of 1948 towards the creation of the state of Israel.*

*Keywords: Minority Rights, Rohingya Ordeal, the Balfour Option, Most Friendless People on Earth.*

## Introduction

When, in 1919 President Wilson Woodrow said “nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstance be meted out to minorities”, the world then understood it as one of America’s antics to meddle in the internal affairs of other nations.<sup>1</sup> That was in the era where sanctity of State sovereignty held sway in international law and politics.<sup>2</sup> But coming now on the heels of global civilization arising from information on the imperatives of self-governance are all forms of resistance and clamor for self-determination, endeared by the stride in contemporary development of International and regional laws on human rights.<sup>3</sup> Thus, recent wake of international activism in the field of minority rights has now been given such impetus that has brought international community to the threshold of realization that issues regarding the treatment of Minorities must no longer be regarded as internal affairs of the respective member states of the United Nations but matters of legitimate international concern.<sup>4</sup>

In spite of the world resolve to stem the ugly circumstances that resulted in the second world war, but because of the lingering mutual

suspicion amongst nations, inclusive of the issue of minority rights held close to the chest of each nation for domestic politics, the issue of minority rights was excluded or omitted in the Charter in 1945; the Universal Declaration of Human Rights, in 1950; the American Declaration of the Rights and Duties of Man, 1948 and more recently, the African Charter on Human and Peoples’ Right 1981.<sup>5</sup> This gap strengthened the resolve of several Nations, especially within Asian Regional bloc to

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1. Krasner, T; “Chicago Race Riot of 1919, United States History Britannica”. Sourced at <https://www.britannica.com/event/chicago-race-riot-of-1919>. Accessed on 30-01-2020. See also Kymlicka, W “Minority Rights”. Sourced at <https://pesd.princeton.edu/?q=mode/256>. Sourced on 30-01-2020.
  2. Kymlicka, op. cit.
  3. Kovacevic, D; History of Protection of Minorities”. Sourced at [www.kkas.de/11/kodacviv-en.pdf](http://www.kkas.de/11/kodacviv-en.pdf) accessed on 12-11-2019.
  4. Ibid.
  5. Carpotorti, F; Study on the “Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities” New York, UN (1991) P.98 Sourced at [www.kas.de/en/pdf](http://www.kas.de/en/pdf). Accessed on 15-11-2019.
  6. “Minority Rights Group International; China: Minority Exclusion, Marginalization and Rising Tensions”. Sourced at [www.minorityrights.org/download.pdf](http://www.minorityrights.org/download.pdf). Accessed on 28-11-2019.

redouble effort towards their policy of assimilation to scuttle multiculturalism.<sup>6</sup> This is the flare that has given rise to resistance movements of several minority ethnic groups and consequent repressive measures of their host countries in the nature of the ugly persecution of the Yazidis in Syria and Iraq; the persecution of Muslim minority in China; the ethnic Chinese minority in Indonesia; the ethnic Kurds in Turkey and Iraq; the Rohingya Muslims in Myanmar and several other oppressed minorities all over the world.<sup>7</sup>

For the case of the Rohingyas, in reaction to attack of the Myanmar police by the Rohingya Militia in October 2017, the Myanmar Armed Forces resorted to measures that the world has condemned and ranked as ethnic cleansing, resulting in one of the most elaborate humanitarian crisis of the last decade.<sup>8</sup> Quite unfortunately however, it appears that the world does not seem to be abreast with all the facts that will help in addressing the crisis once and for all. For this reason, this paper explored into the historical antecedents of the Rohingyas, to justify or otherwise clarify circumstances that inform their minority status in the place they see as their indigenous homeland. In the end, the paper made findings and recommendations on how to permanently lay this ugly phase of the Rohingyas and the Myanmar government to rest, to give the International community a reprieve, once and for all.

### Conceptual Clarification2

The concept of Minority like its allied concepts of Stateless and Non- citizens is complex and like many other legal concepts, it defies a definite, all embracing definition for several reasons, amongst which is the feeling that the concept is

inherently vague and imprecise, thus making any definition incapable of embracing the rather innumerable Minority groups that could possibly exist.<sup>9</sup> This is in addition to the fact that several States and in some cases, potential minorities themselves obstruct any definition that could either embrace certain ethnic groups within their own domain for political reasons or for the derogatory implication of being so classified<sup>10</sup> This situation is further complicated by certain Nation State interests that prefer a restrictive definition to avoid unwieldy responsibility that could arise from the clamor of different groups claiming minority status and the 3advantages attendant thereto.<sup>11</sup>

Looking at this concept from the backdrop of article 27 of the International Covenant on Civil and Political Rights (ICCPR), Capotorti defined "minority" as a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members, being Nationals of the State, possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity, directed towards preserving their cultures, traditions, religion or language.<sup>12</sup>

The United Nations Human Rights Council has adapted a more wholistic view, insisting that the existence of a Minority should be more of a question of fact and that any definition must include objective factors like the existence of a shared ethnicity, language or religion, and subjective factors as to the particular Minority to which an individual has identified himself<sup>13</sup> Thus, it is now almost becoming a norm that

7. Kymlicka, op.cit.

8. Reuters; "At least 71 Killed in Myanmar as Rohingya Insurgents Stage Major Attack". Sourced at <https://www.reuters.com>article>at-least> accessed on 30-01-2020.

9. Javid, R; "The Weakness in the International Protection of Minority Rights" (The Hague: Kluwer Law International, 2000) 14. Sourced at [eurac.edu/en/research/institute](http://eurac.edu/en/research/institute). Accessed on 18-01-2020.

10. Rhona, K; "The Fate of Minorities-Sixty Years on" *Fouryal of Current Legal Issues*, Vol.1. sourced at <https://webjchinet.ac.uk/2009/issue/smithatHTML>. Accessed on 18-01-2020.

11. Ramaga, P.V; "Relativity on Minority Concept" *Human Rights Quarterly*, Vol. 14 no.3 p.112. Sourced at [eurac.edu/en/research/institute](http://eurac.edu/en/research/institute). Accessed on 18-01-2020.

12. Carpotorti, op.cit..

recognition of minority in a State is not solely for the State to decide, but should be based on both objective and subjective criteria .

No doubt, there abound other forms of minorities including the indigenous people constituted by the aborigines of a particular country with distinct social, economic and cultural beliefs, with all attachment to their ancestral features; the Stateless People excluded from mainstream political activities of their State of origin and in extreme cases, excluded from the geographical map of their States despite their longstanding ties with the territory they claim as their home state; and the non- citizens that have lived within a particular State boundary, long enough to be accorded a distinct recognition under State and International Laws.<sup>14</sup> From the clarification thus far, this paper would rather approach the issue of the Rohingyas within the generic nomenclature as Minorities, to determine how they earned such an onerous description in a State they call their home land; to examine their ordeal and how same may be contained for mutual co-existence with their host communities or whatever. But before then, let us examine an outlay of the scope of international protection of minorities under International Laws.

### Minority Protection under International Law

In the early days of the United Nations, most member States took exception to any issue as to special norms and were thus totally averse to any Instruments or Mechanism for the protection of minorities. Subsequently, the International Community became more responsive toward this subject, resulting in several International

Instruments recognizing Minority Rights and Mechanisms for promoting and protecting them.<sup>15</sup> These instruments include the following:-

- a. International Covenant on Civil and Political Rights, 1966
- b. Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, 1992.
- c. Convention on the Elimination of all Forms of Racial Discrimination, 1965.
- d. Convention on the Prevention and Punishment of the Crime of Genocide, 1948.
- e. Convention on the Right of the Child, 1989 .

With these are International Mechanisms for the Protection of Minorities which is one of the bodies with procedural mechanism for protecting Minorities and the Commission on Human Rights which until 2006 operated under the name of Human Rights Council, the highest ranking Human Right political organ of the United Nation, set up by the Economic and Social Council (ECOSOC) with initial mandate to be submitting proposals, recommendations and reports concerning the protection of minorities.<sup>16</sup>

Notwithstanding that the boundaries of Minority rights under these Covenants and Conventions remain open-ended because of their fluid interrelationship, the facts remain that Minority rights can at least, be built on the existing framework of the rights of individual human beings which include:

- i. Protection of Existence and Identity of the Minority which has been described as necessary prerequisite for all other rights.<sup>17</sup>
- ii. Rights to equality and non- discrimination, also described as a pillar to adequate system of Minority protection.<sup>18</sup>
- iii. Right to religious, linguistic and cultural autonomy which is footed in Article 27 of ICCPR that prohibit States from denying

13. United Nations Human Rights to "Minority Rights: International Standard and Guidance for Implementation (2010) New York and Geneva p2. Sourced at [www.ohchr.org/11/MinorityRights.eu.pdf](http://www.ohchr.org/11/MinorityRights.eu.pdf). Accessed on 14-12-2019

14. Vemuri refers to them as "The Forgotten and the Excluded; the people without citizenship, stripped of their rights and dignity-they are the stateless". Sourced at <https://www.globalpolicy.org/article>. Accessed on 30-01-2020.

15. Vemuri Ibid.

16. Castellino, J; *Minority Rights in Africa: A Comparative Legal Analysis* (Newyork: Oxford University, Press, 2006)6

persons belonging to Minorities the right to enjoy their culture, to profess and to use their own language. Indeed, it is remarkable to note that UNDM adopts a more emphatic language in this behalf because, while Article 27 of ICCPR requires that persons belonging to the 7 minorities “shall not be denied the rights to”, but Article 2(1) of UNDM adopts the positive expression “have the right to”.<sup>19</sup>

- iv. Rights of participation by the Minorities in all aspects of life in the larger National Society so they could promote their interest and values to build mutual trust through tolerance and dialogue.<sup>20</sup>
- v. Right of association and contacts. Although these two rights are seen to be the same but the UNDM provides for them separately. For the right to associate, Article 2(4) requires that persons belonging to minorities have the right to establish and maintain their own associations except where the rules of democracy state otherwise; and where such limitation is necessary in the interest of national security, public safety, public order, the protection of public health or morals or the protection of rights and freedoms.<sup>21</sup> For right of contact however, Article 2(5) affords the Minorities the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities as well as contact across

frontiers with citizens of other States to whom they are related, by national or ethnic, religious or linguistic ties<sup>22</sup>.

Several other rights subsumed in the foregoing include;

- a. Right to be protected from racial discrimination
- b. Right of Racial and ethnic group to enjoy their own cultures; right to practice their own religion and use of their own language.
- c. Right to seek asylum for fear of persecution grounded on race, Nationality, religion, political opinion and membership of a particular social group.
- d. Right to equal protection before the law irrespective of social, ethnic or religious leaning
- e. Right to benefit from positive steps taken by the State to promote racial harmony; and Right to remedies in case of infringement

Although comment on the workings of these rights is not within the scope of this paper but it must be mentioned that their application may be said to be universal in practical terms, and they are relative to each country and political arrangement as long as they are not outrageous. In the situation of conflict between the Muslim minority and the Myanmar government which is the focal point of this paper, it may be observed that failure to be circumspect enough to assess the feasibility of certain human rights as outlined above in the face of unrelenting provocation by minority ethnic group may be counter-productive. But before delving into such details, let us examine how minorities are made, on a general note.

### **The Making of Minority**

In most countries of the world, we have Minorities spread around some obscure parts of State

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17. United Nations Human Rights to “Minority Rights: International Standard and Guidance for Implementation (2010) New York and Geneva p2. Sourced at [www.ohchr.org/11/MinorityRights.eu.pdf](http://www.ohchr.org/11/MinorityRights.eu.pdf). Accessed on 14-12-2019

18. Thornberry, P.op.cit at 392

19. Ayad, M. Integration is a Human Rights, Mediterranean Journal of Human Rights, vol.12 (double issue), 2008,93

20. Eide, A; fina text of the commentary to the UN declaration on the Rights of persons Belonging to National or Ethnic, Religious and Linguistic Minorities, E/CN.4/sub.2/AC.5/2002/p.2001,para.35.

21. Ibid at para.50

22. Ibid.

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23. Tuner, N; and Otsuki N ; The Responsibility to Protect minorities and the problem of the Kin-state’, Tokyo, United Nations University (2010) P.1

24. Ibid at p.2

boundaries and it is common place that a lot of people answering to this status face multiple forms of discrimination resulting in marginalization and exclusion from the economic, political, social and cultural life enjoyed by the majority in the countries where they live. States have responsibility to protect all people within their national boundaries, whether as majority or minority, citizens or even non- citizens or non-indigenous migrants.<sup>23</sup>

The approach for protection of the Minorities was down-played by the drafters of the United Nations Charter as they deliberately discarded any special provisions on minorities in favour of a general Human Rights regime, based on the principles of equality and non-discrimination, thus leaving the question of protection of the minorities to the individual State as internal or bilateral issue.<sup>24</sup> Pre- occupied by their own internal political interest, most States have derelicted in their responsibility to protect the rights of minority ethnic, religious, cultural and linguistic groups, thus leaving them vulnerable to discriminatory laws and policies, resulting in grievances that could be exploited by violent extremists, disgruntled individuals or even opportunistic kin neighboring States.

This informs the Niger Delta resistance for economic and developmental exploitation by the Nigerian government in conjunction with the multi-national oil companies; the struggles of the Mongolia Autonomous Region (MAR); the Tibetans and the Uyghurs autonomous region's resistance against People's. Republic of China for political and economic exploitation;<sup>25</sup> the Pkk Kurds from Northern Iraq living in Turkey; the Rohingya Muslims against the Buddhists and the government of Burma (or Myanmar as at date) against attempt at religious assimilation;

and several other Minority resistance movements. Today it is evident that the awareness of the Minorities all over the world and their quest to cast off the cloak of oppression and dogged determination of main ethnic bodies to impose mono-culturalism upon them is beginning to adapt such posture that the world would be unable to contain unless a measure to embrace the various international and regional conventions recognizing rights of minorities is given the pre-eminence it deserves; as soon as desirable. Even when governments of some Nation States hide under the cloak of democracy or war against terror to trample upon the rights of minorities as in Kenya, Ethiopia or China, yet the oppressed refuse to be dissuaded and thus resorting to arms struggle to ensure self-determination.<sup>26</sup>

For example, in China, political statements of intention "to evolve a political system based on democracy, the rule of law, justice, sincerity, amnesty and vitality" has always been described by the minorities as a smoke-screen measure for State oppressive rules, supposedly based on "quest to improve the life of the citizens as a developing country" and a measure to ensure National stability under the guise of American-led "war on terror" to deter critics of their human right abuses.<sup>27</sup> The Minorities believe that it is in pursuit of such agenda they are excluded by some clandestine measures, such as political participation and subjected to all forms of exploitation for the comfort of the majority in the name of National development.<sup>28</sup> By this, the vulnerability of the minorities to all forms of abuses in the name of National security and good governance is secured to prevent escalation of ethnic tension at various levels of each Nation State. It is for the purpose of arresting this kind of scenario that various International, Regional and National Instruments have been executed to promote and protect Minority rights to ensure that through the protection of the rights of minorities,

25. Jeffrey G. New York Times; rom.bhandari@thinkafrica.com or www.ohchr.org

26. Okumagba, P.o; ' Militancy and Human Rights Violation in the Niger Delta' International Review of Social Science and Humanities vol.3, no.2 (2012)pp.28-37

27. Minority Rights Group International in China, 'Minority Extension, Marginalization and Rising Tension at www.minorityrights.org/download.php

10recognition and participations in governance through participatory decision-making process, greater understanding and confidence-building measures are forged between the entire stakeholders in the affairs of the State for a more amicable co- existence.<sup>29</sup>

In several instances, State apprehension of assimilation of total strangers to their Statehood is born out of the fear that as long as such tribes retain their identity, their allegiance and loyalty remain connected to wherever they trace their root to, thus making them a danger specie within their new found home.<sup>30</sup> The fear is heightened by efforts of the younger generations of such ethnic groups constituting themselves into resistance movements against their host communities, without proper knowledge of their ancestral antecedents.<sup>31</sup> That way, their host communities tend to regard them as threat to their well being, a situation which those seated in the comfort zone of the Security Council hardly think about confronting to diffuse, ahead of each round of escalation. Today, the world is watching out for the eventual consequence of mass migration of refugees from Syria and other third world countries to Europe; to see if they may be reckoned as minorities with all international rights in that behalf.

### The Rohingya Example

For the Rohingyas, the Myanmars have never mistaken them as belonging to any of the officially recognized ethnic groups in Burma, the Myanmar's official name as British colony between 1824 and 1948 when they gained independence.<sup>32</sup> It is disturbing that within the same period, there were no documentations of

such a distinct ethnic group by Britain, the colonial Master, thus lending credence to Myanmar's historical claim that the Rohingyas were migrants from Malaysia, Indonesia, Thailand and Bangladesh.<sup>33</sup> This belief of the Myanmar has been strengthened at various times by the tendencies of the Rohingyas towards their Kit and Kin in these neighboring countries thus heightening animosity of their host nation against them. No wonder, the people and government of Myanmar would rather refer to the Rohingyas as "Bengalis" meaning "the other". or "strangers"<sup>34</sup>

For this reason, when the Burmese government passed the *Union Citizenship Act* after independence in 1945, the 'Bengalis" were not reckoned as part of the officially recognized 135 ethnic groups of the country.<sup>35</sup> Even when they were included in the 1961 census, it was not as a separate distinct ethnic group and then, following the Military coup in 1962 with a Burma-supremacist ideology that further played down on the identity of the Rohingyas through the National registration project in 1974, the Rohingyas were disqualified from obtaining registration cards.<sup>36</sup> Their stateless status was eventually endorsed officially, by the 1982 citizenship Law that tightened the grip on the Rohingyas accessing Burmese Citizenship. It is remarkable to note that as recently as 2015 here, effort of the Rohingyas to reconnect to where they all consider as their alternate original home-land in South- Asian countries like Malaysia, Indonesia and Thailand was rebuffed.<sup>37</sup>

When South Africans attacked people from other African countries at various times in the last decade for xenophobia, a lot of the victims returned to their countries of origin but in the case of the Rohingyas, the rhetorics of Islamic nations in places where host communities seem to resist Islamic domination has now been extended to the situation in Myanmar where persecution of this estranged ethnic group is now being described as **Islamophobic**.<sup>38</sup> But such claim amounts to cheap blackmail because no religions group can attempt to engage in some Islam- dominated State any anti- Islamic worship

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28. Chekole, H.T.; Issues or Minority Right in the Ethiopian federation" European Centre for Minority Issues at [www.portal.org/./FULLTEXT01.pdf](http://www.portal.org/./FULLTEXT01.pdf)

29. Human right in china, op.cit

30. Kymlicka, op.cit.

31. As the case of the Rohingyas whose militia have attacked Myanmar's establishments over the years. See Reuters, op.cit (f/n.8)

without the risk of execution for blasphemy or extermination by Islamic fundamentalists. We cannot talk about the spirit of “live and let live” on a selective basis or in isolation especially where the trend shows that Islam over-ran and marginalized existing dominant faith in places like Egypt, Lebanon, Ethiopia and the Sudan where Muslims received initial welcome from the indigenous population.<sup>39</sup>

In 2019, a UN spokes-woman described the Rohingya Muslim stock as “probably the most friendless people in the world”.<sup>40</sup> Whatever that summation means may be difficult to fathom but it calls for a more proactive measure by the International Community, to find a permanent home for this endangered species to enable them look into a more stable future. As part of this measure, the questions that must first be addressed include:

- a. Where, when and how the Rohingyas came into Burma.
- b. How they lived within the Buddhist majority country in Burma for centuries and why and how the recent repression arose.
- c. What measures can be adopted to find for the Rohingyas, a home they can permanently call their own; into the next generation.

From the recent history of the Rohingyas, they appear to be connected to the British policy of encouraging the Bengali inhabitants from adjacent regions to migrate into the then lightly populated but fertile valleys of Arakan as farm labourers.<sup>41</sup> The East Indian Company extended the Bengal Presidency to Arakan at the time there was no international boundary between Bengal and Arakan and no restrictions on migration between the regions. In the early 19th century, thousands of Bengalis from the Chittagoni region settled in Arakan seeking work.<sup>42</sup> It is hard to know whether these new Bengal migrants were the same population that was deported by force to Bengal's Chittagoni during the Burmese conquest in the 18th century and later, returned to Arakan as a result of British

policy or they were a 11new migrant population with no ancestral roots to Arakan<sup>43</sup>

The British census of 1872 reported 58,255 Muslims in Akyab District. By 1911, the Muslim population had increased to 178,647. The waves of migration were primarily due to the requirement of cheap labour from British-India to work in the paddy fields.<sup>44</sup> Immigrants from Bengal, mainly from the Chittagoni region, moved *en masse* into western townships of Arakan. Albeit, Indian immigration to Burma was a nationwide phenomenon, not just restricted to Arakan. For these reasons, historians believe that most Rohingyas arrived with the British colonialists in the 19th and 20th centuries with some, tracing their ancestry much further although the impact of this immigration was particularly acute in Arakan. Although it boosted the colonial economy, local Arakanese bitterly resented it. According to historian Clive J. Christie,<sup>45</sup> The issue became a focus for grass-root Burmese nationalism, and in the years 1930–31, there were serious anti-Indian disturbances in Lower Burma, while 1938 saw riots specifically directed against the Indian Muslim community. As Burmese nationalism increasingly asserted itself before the Second World War, the 'alien' Indian presence inevitably came under attack, along with the religion that the Indian Muslims imported. The Muslims of northern Arakan were to be caught in the crossfire of this conflict. In the 1931 census, the Muslim population of Burma was 584,839, 4% of the total population of 14,647,470 at the time. 396,504 were Indian Muslims and 1,474 Chinese Muslims, while 186,861 were Burmese Muslims. The census found a growth in the number of Indian Muslims born in Burma, primarily due to their permanent settlement in Akyab. 41% of Muslims in Burma lived in Arakan at that time.<sup>46</sup>

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32. Wikipedia, Rohingya People, op.cit.

33. Ibid.

34. Ibid.

35. Ibid.

36. Ibid.

During World War II, the Imperial Japanese Army (IJA) invaded British-controlled Burma for which British forces retreated and in the power vacuum left behind, considerable inter-communal violence erupted between Arakanese and Muslim villagers. The British armed Muslims in northern Arakan in order to create a buffer zone that would protect the region from a Japanese invasion when they retreated and to counteract the largely pro-Japanese ethnic Rakhines. The period also witnessed violence between groups loyal to the British and the Burmese nationalists. The Arakan massacres in 1942 involved communal violence between British-armed V Force Rohingya recruits and pro-Japanese Rakhines, polarizing the region along ethnic lines.<sup>47</sup>

Tensions boiling in Arakan before the war erupted during the Japanese invasion of Southeast Asia and Arakan became the frontline in the conflict. The war resulted in a complete breakdown of civil administration and consequent development of habits of lawlessness exacerbated by the availability of modern firearms.<sup>48</sup> The Japanese advance triggered an inter-communal conflict between Muslims and Buddhists. The Muslims fled towards British-controlled Muslim-dominated northern Arakan from Japanese-controlled Buddhist-majority areas. This stimulated a "reverse ethnic cleansing" in British-controlled areas, particularly around Maungdaw. Failure of a British counter-offensive, attempted from December 1942 to April 1943, resulted in the abandonment of the Muslim population as well as an increase in inter-communal violence.<sup>49</sup>

During the Pakistan Movement in the 1940s, Rohingya Muslims in western Burma organized a separatist movement to merge the

region into East Pakistan.<sup>50</sup> The commitments of the British regarding the status of Muslims after the war are not clear although it is obvious that the V Force officers like Andrew Irwin felt that Muslims along with other minorities must be rewarded for their loyalty. Muslim leaders believed that the British had promised them a "Muslim National Area" in Maungdaw region, especially because they were apprehensive of a future Buddhist-dominated government.<sup>51</sup> In 1946, calls were made for annexation of the territory by Pakistan as well as for an independent State.<sup>52</sup> Thus, at the independence of Burma in January 1948, Muslim leaders from Arakan addressed themselves to Muhammad Ali Jinnah, the founder of Pakistan, and asked his assistance in incorporating the Mayu region to Pakistan considering their religious affinity and geographical proximity with East Pakistan from which the North Arakan Muslim League was founded in Akyab (modern Sittwe) two months later. The proposal never materialized since it was reportedly turned down by Jinnah, saying that he was not in a position to interfere in Burmese matters.<sup>53</sup>

The number and the extent of post-independence immigration from Bangladesh is subject to controversy and debate. In a 1955 study published by Stanford University, authored by Virginia Thompson and Richard Adloff, it was stated that, "the post-war (World War II) illegal immigration of Chittagonians into that area was on a vast scale"<sup>54</sup> According to the International Crisis Group (ICG), these immigrants were actually the Rohingyas who were displaced by World War II and began to return to Arakan after the independence of Burma but were reckoned as illegal immigrants, while many were not allowed to return.<sup>55</sup> ICG adds that there were "some 17,000" refugees from the Bangladesh liberation war who "subsequently returned

37. World Migration Report 2020. Sourced at <https://www.iom.int/countries/myanmar>. Accessed on 31-01-2020.

38. Wiley online Library "Myanmar/Burma Migration 1962 to present". Sourced at <https://onlinelibrary.wiley.com/doi/pdf>. Accessed on 31-01-2020.

39. Ibid.

40. Wikipedia, Migration period of Ancient Burma" Sourced at <https://en.m.wikipedia.org/wiki/miigra....> Accessed on 31/1/2020.



home".<sup>56</sup> In the end, what is obvious here is a chequered history of immigrants into Burma who have always wrestled to create a home land for themselves in a place that was already massively occupied by ethnic Burmese in Burma.<sup>14</sup>

### The Asian Assimilation Policy

The foregoing discussion points to the Myanmar as adverse aliens rather than stake holders of the Burmese State. First, history points to the Rohingyas as economic immigrants at some points and as war mercenaries at some other time. As a result of their long entrenchment in the Burmese political and social setting, it should ordinarily be expected that by now, the Rohingyas should have been integrated as part and parcel of the Burmese society, especially because of long ancestral connections of those born in Burma over a century by now.

But it must not be quickly forgotten that citizens of each State must enjoy some cultural, religious and language identity somehow. A state could be constituted by as many ethnic groups as possible but citizens must share the same dreams and aspirations, rooted in some longstanding cross-cultural interest.<sup>57</sup> But that cannot be said to be the case of the Rohingyas amongst the Burmese despite their long historical co-existence spanning centuries. As a matter of fact, the history of their conflicts has been such a

chequered one, always arising from the Rohingyas' quest to assert them and their Islamic faith amongst a Buddhist dominated Burmese.

The difference between attitude of States in the South Caucasus and those of the Asian region where Myanmar falls lies in the fact that while existence of Minorities in the former is acknowledged with little effort to promote and protect their interest in that capacity, but in the Asian region, conscious efforts toward assimilation has either integrated the Minorities into the dominant group or beaten them into extinction.<sup>58</sup> Where Minorities exist, State attitude makes acknowledgement of that status so odious that the group would rather submit to assimilation.<sup>59</sup> This explains why Minority groups in China, Thailand, Malaysia and Singapore have been virtually assimilated by the Majority groups within their respective boundaries.<sup>60</sup> This has been responsible for why the Asian States concentrate more on Instruments Protecting National identity rather than provide for Minorities' and this is where the main problem of Rohingya crisis lies.<sup>61</sup> Over the years, they have not only been averse to the assimilation policy of the region in which Myanmar falls but they have always tended towards their Kins in neighboring States, thus causing State apprehension of connivance with outsiders to cause internal insecurity.

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41. Ibid.

42. Ibid.

43. Ibid.

44. Wiley online library, op.cit.

45. Ibid.

46. Wikipedia, Migration Period, op.cit.

47. Guiibernan, "What is a nation"? Nationalism, self Determination and Succession". Sourced at <https://opentextbc.ca/chapter/whatis...> Accessed on 31-01-2020.

48. Minority Rights Group International; China: Minority Exclusion, Marginalization and Rising Tensions at [www.Minorityrights.org/download.php](http://www.Minorityrights.org/download.php)

49. Ibid.

50. Rosales, J; Ensuring Protection for Minority Ethnic Groups in South-East Asian States Human Rights Council at [www.my-munofs-iii.wikispaces.com/file](http://www.my-munofs-iii.wikispaces.com/file)

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51. Ibid.

52. Wikipedia, "Attack on Myanmar Police by Rohingya". Sourced at <https://en.m.wikipedia.org/wiki/Rohingya>. Accessed on 31-01-2020. See also TRT World, Buddhist Militia Kill seven Myanmar Police in Rakhine Attacks. Sourced at <http://www.trtworld.com/Asia>. Accessed on 31-01-2020 and Reuters, "At least 71 killed in Myanmar as Rohingya Insurgents stage major attack". Sourced at <https://www.reuters.com/article/at-least...> Accessed on 31-01-2020.

53. Reed, B; "International Court of Justice orders Burmese Authorities to protect Rohingya Muslims from Genocide". Sourced at <https://www.hrw.org/news/2020/01/27>. Accessed on 31-01-2020.

In the events leading to what International Community condemned as over-reaction of the Myanmar army in 2017, the Rohingya militia attacked and killed Myanmar police, presumably as a way of drawing International attention to their plight.<sup>62</sup> Then, as expected, Myanmar army with the tacit approval of her government reacted. Unfortunately, the sentiment of adding “Muslims” as an acronym of the Rohingya seems to draw a wedge against good reasoning that calls for condemnation of the Rohingyaan provocation in a complex political arrangement where the Army virtually oversees the Prime Minister as in Myanmar.<sup>63</sup>

The counsel of this paper to the Rohingyas is to drop Islamic aggression and fundamentalism to submit to the assimilation policy of the region they live, for mutual co-existence or engage in some dialogue of sort, with their host communities otherwise, they risk ethnic cleansing for which they will be the gross losers, having regards to the trend of such happenings in the past.

### **The Hard Reality**

From the discussion thus far, two things are obvious from the chequered rat-race running battle between the Rohingyas and their host country, Burma

- a. That long as the stay of what the modern world now calls the Rohingyas in Burma may be, but they migrated to their present home land in Rakhaine from several British Colonies within the region, as cheap labour on British farms and more especially as mercenaries to help Britain fight against Japan.
- b. That in their struggle for self-determination, the Rohingyas took sides with the British Colonial masters against the Japanese for a promised autonomy by the British thus stigmatizing them before the indigenous Burmese population that fought alongside the Japanese. No wonder, the post-independence history of the Rohingyas, including developments after the military

coup in Burma has been riddled with persecution and all forms of denials.

Condemnable as their oppression and persecution by their host State may be, but it must be established that no matter how long an alien ethnic group (and more so, on adverse alien) may live amongst the indigenous population that already evolved into a sovereign State recognized by international community, such alien population may never succeed in creating a niche for itself without some form of negotiated international intervention. The situation becomes more perilous where the alien community is perceived by the host community as an adverse one which also declines overtures for assimilation. Such attitude of the Rohingyas has consistently pitched them against the Burmese for centuries, thus sparking Islamophobic rhetorics by Myanmar’s dominant Buddhists that their faith has been under threat by the connivance of the *Bengalis* with Muslims from Afganistan and Indonesia, which animosity has fueled the fury against the Rohingyas over the years.

Even in the most recent face off that has drawn international outcry against the Burmese government for high-handedness, it was obvious that the Rohingya Militia played into a doldrum of generational conflict waiting to be triggered, a scenario which none of the countries condemning Burma will accommodate under any circumstance were it to arise in their own home countries. While we call for restraint on the side of Burmese government but the world must be firm enough to counsel with the Rohingyas that equal obligation is placed on them to de-escalate tension in the region by demobilizing their exuberant militia, knowing fully well that each time there is a conflict, they are the worst for it. As was obvious from the lame-duck ruling of International Court of Justice in January, 2020, all that International Community can do is to ask Burmese government to take measures to avoid genocide and no more<sup>64</sup>. This is especially so having regards to Burmese government’s ties

with China, Russia and Britain as members of UN Security Council.

### Summary, Conclusion and Recommendations

The case of the Rohingya Muslims of the Rakhaine State of Myanmar is such a sticky one that the International Community lacks the will to tackle for several reasons. Firstly, the religious sentiment imported into the issue bereaves International Community of the good reasoning required for proper placement of the Rohingya sect. As it is traditional of Muslims all over the world, adherents of the faith cannot lose for any reason. For this reason, no one cares to ask how the Rohingyas came into Burma, from where, and on what terms. Today, Europe has opened its boundaries to several Muslim migrants in the name of refugees from war-ravaged countries like Syria, Iraq, Yemen and several others without the foresight that less than half a century from now, several of those refugees would have been sufficiently entrenched as to demand the rights of minorities. But because Europe has strategic representation on the Security Council, it may be difficult to blackmail that region into accepting Muslim refugees from various Islamic countries as minorities within Europe, with all the minority rights. That is the kind of insulation the third world countries like Myanmar and the rest don't have except to take protective refuge in any permanent member country of the United Nations Security Council.

Today, Myanmar is being pressurized to accept the Rohingyas as citizens without first identifying where they came from and on what terms. No matter how entrenched a visitor may be in the home of his host, he must not be heard to assume automatic status of a legitimate member of the family. The fact that several Mushroom Islamic States have strategically positioned themselves in the Human Rights Council as power brokers within the United Nations hierarchy must not be exploited to force some aliens down the throat of a particular sovereign state as citizens when historically they belong elsewhere. To do so is a catastrophe beyond the

present ordeal of the Rohingyas, waiting to happen.

The Balfour Treaty that midwived the birth of Israel as a nation State did not come on such platform. In the case of Israel, all players in the event leading to the creation of the State of Israel in 1948 recognized the fact that Israel was not just a stateless people by choice but by circumstances arising from wicked displacement by anti-Semitic powers at various times, including the Nazis German Hitler horror, leading to extermination of over six million Jews.<sup>65</sup> Thus, those who conceived the idea of Israel as a nation traced them to the Palestine as their original home, even if as a stateless people.<sup>66</sup> Indeed the situation of Israel was facilitated by the fact that the Arabs that constitute the bulk of Palestinian agitators today were themselves not the aborigines of the land. That setting no doubt is different from the scenario of Rohingya Muslims who only came to sojourn as laborers or mercenaries in the then Burma, who must however not be denied all other human rights except the right to citizenship. Myanmar no doubt has her laws on how to acquire her citizenship but by all means, not by arms or blackmail or any form of violence for that matter.

Bangladesh is a populous Muslim nation with large expanse of land. It is therefore not out of place for her to concede part of her land to her Muslim brethren fleeing from Myanmar that is

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54. Berenbaum, M; "Holocaust European History: Definition, Concentration Camps & History/Britannica". Sourced at <https://www.britannica.com>event>Hol...> Accessed on 31-01-2020.

55. Tahhan, Z; "100 years on: The Balfour Declaration Explained". Sourced at <https://www.aljaeera.com>2017/10>1>. Accessed on 31-01-2020. See also USDepartment of State; "Creation of Israel, 1948-office of the Historian". Sourced at <https://istory-state.for.milestones>cre....> Accessed on 31-01-2020.

essentially a non-tolerant Buddhist nation. The alternative is that the Rohingya Muslims should lay down their arms and seek Security assurance on the platform of various provisions of International Covenants, Treaties, Charters and Conventions that guarantee basic human rights to stateless minorities in various capacities; so they could cohabit with their host country in peace.

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