

Caught between the Crocodile and the Snake

Contexts of the 'Rohingya issue'

Hans-Bernd Zöllner

Abstract

This article is an account on how the internationally-sustained discourse of 'democratic transition' is masking the complexity of the politics of identity and exclusion pertaining to the 'Rohingyas'. The 'Rohingya issue' is enshrouded in an atmosphere of mistrust and antagonism that makes it very difficult for any external and insider peacebuilders to build bridges between conflicting interests and views. Against this background, this article claims not to provide a 'neutral' assessment of the matter at stake, but rather to identify some major factors contributing to the complex web of problems in which the affected people are caught. Taking a historical approach of presenting past events together with current debates and developments, this article provides insights into the interrelated historical threads leading to the present. A key argument is that the dynamics of this long-running conflict have been sharpened by almost everything happening in Myanmar today being seen in terms of how to build up a 'genuine democracy' after decades of military rule. The article also foregrounds the mutual fear of being marginalised or even extinguished both by Muslim and Buddhist communities in the conflict region.

About the publication

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The bulk of this article was written in 2015, and slightly updated in early 2016. There have been crucial developments in Myanmar’s political landscape since then, which has been impacting the ‘Rohingya issue’. Furthermore, from October 2016 on, violent clashes happening in northern Rakhine added a new dimension to the long standing conflict. For the first time since many decades, a Muslim organisation started attacking Myanmar security forces that led to a new exodus of Muslims. The numbers of refugees exceeded the numbers from the 1970s and 1990s. Furthermore, the international community strongly condemned the actions of the Myanmar military and have put into question Aung San Suu Kyi’s reputation as a beacon of democracy and human rights.

The author has added a short epilogue at the end of the article with some broader observations and commentaries at the time of the publication of this article. He further updated the main text taking into consideration the changes in the political leadership of the country since 2015. It is still a very relevant article, despite the unfortunate delay in its publishing due to coordination and funding issues.

1 Introduction

In January 2015, representatives of 17 countries and several international agencies met in Bangkok for an emergency meeting to discuss the plight of the ‘boat people’ trying to escape from the border region of Myanmar and Bangladesh to various South-East Asian countries that were reluctant to offer them asylum. The international press referred to the refugees as ‘Rohingya/Rohingyas’ (hereafter written without quotes), but this name did not appear on the invitation for the meeting, after Myanmar threatened to boycott the talks if it did, and most people at the meeting avoided using it.¹ The Myanmar government at that time referred to the people whose fate was discussed in Bangkok as ‘Bengalis’², i.e. as illegal immigrants or descendants of migrants from neighbouring Bengal who had to prove that they had the right to be granted Myanmar citizenship according to the prevailing laws of the country.

This instance illustrates that almost everything about the issue is controversial amongst the stakeholders except some naked facts: The affected refugees as well as the other people related to the name dispute were stateless Muslims; there is a long standing conflict between Muslims and Buddhists in Myanmar, and that the majority of them³ – if they have not migrated to other countries in recent decades – live on both sides of the Myanmar-Bangladesh border.

The people affected by the crisis addressed at the Bangkok meeting are not only caught between the governments of Myanmar and Bangladesh that both deny them citizenship, but also between antagonistic claims about the identity of the Rohingyas/Bengalis, including historical, ethnological and linguistic evidence as to who the people referred to as Rohingyas ‘really’ are. At the Bangkok meeting, the representative of the United Nations High Commissioner for Refugees (UNHCR) was reprimanded by the Myanmar delegate for not being well informed about the case. Neither the United Nations nor any other body is recognised as an unbiased broker to solve the crisis.

In other words, the ‘Rohingya issue’ or ‘Rohingya conflict’ (hereafter written without quotes) is enshrouded in an atmosphere of mistrust and antagonism that makes it almost impossible for any external and insider peacebuilders to build bridges between conflicting interests and views. Against this background, this article cannot claim to provide a ‘neutral’ assessment of the matter at stake. Rather, it tries to identify some major factors contributing to the complex

¹ See, for example, Associated Press in Bangkok (2015).

² After a government led by the National League of Democracy took over at the end of March 2016, the nomenclature changed a bit. The report of the Advisory Commission on Rakhine State chaired by Kofi Annan – that started to work on the invitation of the de facto state leader Aung San Suu Kyi – stated about the controversial issue:

In line with the request of the State Counsellor, the Commission uses neither the term “Bengali” nor “Rohingya”, who are referred to as “Muslims” or “the Muslim community in Rakhine”. (Advisory Commission on Rakhine State 2017, 12)

³ Numbers are disputed: the total number of people without citizenship in Myanmar in 2015 was nearly 1 million – most of them living in Rakhine State (UNHCR 2015). More than 140,000 Muslims were estimated to live in IDP camps in Rakhine State in 2015 (IDMC 2015).

web of problems in which the affected people are caught. Taking a historical approach by the presentation of past events together with current debates and developments, this article provides insights into the interrelated historical threads resulting in the extremely difficult and depressing situation of today.

A key argument advanced here is that the dynamics of this long-running conflict have been sharpened by almost everything happening in Myanmar today, which is typically understood in terms of how to build up a 'genuine democracy' after decades of military rule. The article also foregrounds the mutual fear of being marginalised or even being extinguished, as articulated by both Buddhist and Muslims communities in Myanmar, particularly in the conflict region of Rakhine.

The article proceeds thus: chapter two provides a short overview on the controversy surrounding the term Rohingya as a typical example of the unresolved problems related to Myanmar's national identities. Chapter three outlines some historical legacies that contribute to the political culture still impeding a solution of the conflict by way of discourses aiming at compromise. Chapter four looks at the transition period starting with the political crisis of 1988 characterised by two different ways of promoting democracy. Changes in the perception of the Rohingya issue as well as attempts undertaken by the Myanmar government to deal with public anti-Muslim sentiments and the demands of the international community are outlined. Finally, chapter five draws some conclusions with regard to three clusters of action that could be taken in the fields of humanitarian aid, the legal status of the Muslim population in Rakhine, and the overarching task of trust building.

2 The name Rohingya and the issues of national and ethnic identity

In 1799, Francis Buchanan, a 37 year old Scottish physician and natural scientist employed as a medical doctor by the East India Company, published an article based on one of the first major Western surveys of the languages of the Burma Empire, providing “important data on the ethno-cultural identities and identifications of the various population groups in the first half of *Bò-daw-hpayà*’s reign (1782-1819)” (SOAS 2003, 1).⁴ This empire had been expanded through the conquest of the kingdom of Rakhine in the year of the Society’s foundation. In the article, the word ‘Rooinga’ appeared as one of the languages spoken in Burma at that time. The term can be regarded as an equivalent to the word Rohingya used today. Both denominations are derived from the Pali word ‘Rakhanga’ for Rakhine (Arakan).⁵ Furthermore, in his article, Buchanan distinguished between “real natives of Arakan” who called the ‘Rooingas’ ‘*Kulaw Yakain*’ or ‘strangers in Arakan’ (Buchanan 1799, 237).⁶ For more than one and a half century, the term was not mentioned in any primary document discovered up to now. Consequently, the mention of the name ‘Rooinga’ by Buchanan has been a core issue in the controversies over the Rohingya issue. As can be expected, the ‘pro-Rohingya’ lobbyists highly value Buchanan’s remark as a proof that Rohingyas as a distinct group have been living in Burma since ages. The ‘anti-Rohingya’ faction is prone to downplay the evidence as not significant (Maung Saw 1993; Maung Saw 2011; Islam 2011; Kaladan News 2013).⁷

The fierce debate on the issue is one of many controversies amongst scholars of Burmese history⁸ that originated together with the introduction of new patterns of state and nation building by the colonial powers at the time of Buchanan’s visit to Burma. Such debates can be regarded as sequels of the “clashes of civilisations”⁹ happening then between the indigenous states and the foreign intruders. The task of melding a national identity that encompasses the diversity of ethnic identities is not yet finished in Myanmar, as in many other post-colonial states.

In the ‘old days’, unity under the supervision of a more or less powerful lord in a “galactic policy”¹⁰ allowed for a diversity that was not regulated by any fixed criteria of common

⁴ SOAS (2003) referred to and reprinted the original article of Buchanan (1799).

⁵ For the linguistic details of the etymology of the term, see Leider (2014).

⁶ The word ‘*kulaw*’ is identical with the Burmese word ‘*kala*’ meaning ‘foreigner’. The term today is often used in a derogatory sense particular when referring to people with an Indian background. ‘*Yakain*’ is identical with ‘Rakhine’, denoting the western state of today’s Myanmar as well as the previous kingdom.

⁷ For a western analysis, see Leider (2014).

⁸ See, for example, Zöllner (2000).

⁹ As coined by Huntington (1996).

¹⁰ The term was coined by Tambiah (2013) “to represent the design of traditional Southeast Asian kingdoms, a design that coded in a composite way cosmological, topographical, and politico-economic features. The label itself is derived from the concept of

language, customs, religion etc. as in the modern western concepts of a nation. Today, the spokesmen of the Rohingya try to prove that the members of the group form a distinct ethnic group that has lived on Myanmar soil for ages and, therefore, must be recognised as one of the indigenous races such as the Chin, Kachin, Shan and Karen. Their opponents claim that this is not the case and that the Rohingyas do not belong to Myanmar and consequently have no right to be regarded as ‘natural citizens’ of the country. Rather, it is claimed that they should be regarded as ‘Bengalis’ who belong to a neighbouring nation in terms of language, religion, customs, history, etc., and if they want to become Myanmar citizens, they have to apply for citizenship in line with the laws of the country. The ‘name question’ has reached a supreme importance beyond academic disputes. As a Rohingya spokesman declared in July 2014: “The violence in 2012 changed the situation. Before the violence our Rohingya name was not something we thought about every day. Since the violence, everything has been stolen from us – now all we have left is our Rohingya identity. All of us are united on this” (ICG 2014, 29). As in many other cases of the processual genesis of ethnic identities, the identification with a common name in contrast or opposition to an ‘other’ plays an important role.¹¹

Ironically, and tellingly, this debate on the name has a parallel concerning the whole state.¹² Many opponents of the government that succeeded the military junta in 2011 refuse to accept the name change from ‘Burma’ to ‘Myanmar’ as the designation of the country in English texts prescribed by the junta in 1989. Aung San Suu Kyi is the most prominent of them, still arguing that the rulers who ordered the change were not legitimised by the people to do so. Both ‘name issues’ indicate that the subject of who has the right to define the national identity of Burma/Myanmar is not yet resolved.¹³

Both Burma/Myanmar as a whole and the Rohingya as a part of the population living within its borders are experiencing a transition – the outcome of which cannot be foreseen. Given this intermediate state of affairs, this article will use the term ‘Rakhine Muslims’ in a broad sense when speaking about the disputed group of some one million people who mostly live in northern Rakhine.¹⁴ The term Rohingya – with or without quote signs – is used to indicate the conviction of people that a group of people with a distinct identity exists in Myanmar. No hierarchy between the two designations is intended because the belief of people that they form a distinct ethnic group has to be acknowledged as a social reality. To find a way of mutually

mandala, which according to a common Indo-Tibetan tradition is composed of two elements—a core (*manda*) and a container or enclosing element (*la*). Mandala designs, both simple and complex of satellites arranged around a center, occur with such insistence at various levels of Hindu-Buddhist thought and practice”.

¹¹ The same applies to other ethnic groups in Myanmar as the Chin, Kachin and Karen that are among themselves divided into a number of sub-groups.

¹² See, for example, Zöllner (2008a).

¹³ This article uses the terms Myanmar and Burma. The former refers to the country before 1989 when the new designations for the English equivalents of Burmese words were introduced, the latter for the time after 1989. Members of the ethnic majority are referred to as ‘Burmans’.

¹⁴ There is a small group of Rakhine Muslims referred to as ‘Kamans’ who are recognised by the government as full citizens of Myanmar. On this group, see ICG (2014, 23).

solving the ‘name question’ can be regarded as a main task of resolving the whole problem.

Finally, it can be noted that Buchanan’s rendering of the non-Buddhists in Rakhine as ‘strangers in Arakan’ has powerful echoes today. The Rohingyas are living ‘between’ Rakhine and Bangladesh and are regarded as strangers on both sides of the border. This deplorable fate of “being caught between a crocodile and a snake”, as a young Rohingya refugee in Bangladesh put it,¹⁵ is to a great part a result of historical legacies.

The broader context: a ‘clash of civilisations’

Francis Buchanan (1762-1829) entered the services of the East India Company in 1794 as a medical doctor after having worked on ships travelling to the east. His visit to Burma and to the Andaman Islands in 1795 was the first of many journeys through many parts of British India and adjacent regions. On his travel in 1805 on which his article on the ‘Burma languages’ was based, he accompanied Michael Symes (1761-1809), a soldier in the services of the Company, on his first visit to the Burmese court that had just been moved from Ava (*Innwa*) to Amarapura.¹⁶ Just a decade before Symes’ diplomatic mission, in 1784, the Burmese empire under the rule of king Bodawphaya (reigned 1762-1819) had just extended its sovereignty over the kingdom of Rakhine. The conquest brought the Burmese empire in territorial contact with Bengal which was under the supervision of the East India Company which was followed by the first tensions between the two powers. Some fugitives from the newly acquired part of the British Empire fled to the territory under British control. The Burmese king ordered an army to capture them, an action that was regarded as an invasion by the British that could not be tolerated. It was “so repugnant to the principles that ought to regulate the conduct of civilized nations” as Symes (1800, 98) worded it in his narration on the events happening before his journey. After this conflict had been peacefully resolved, Symes and his delegation were sent to Burma to obtain information about the new neighbour of the ‘Honourable Company’ and to protect British commercial interests.

The context of Buchanan’s note thus was the arrival of western civilisation in South and South-East Asia with its manifold facets. It concerned the meaning of borders, administration of justice, trade regulations and was based on a thorough investigation into other cultures. The transactions of the Asiatic Society founded in Calcutta that published Buchanan’s article served the purpose of contributing to scientifically underpin the British way of ‘civilising the world’.

The problem was and is that the understanding of ‘civilisation’ was and is different between contesting parties then and now. The Burmese kings regarded themselves as very ‘civilised’ since they traced their roots back to the Buddha and were convinced to rule according to the rules and virtues taught by Him. Three decades after Symes’ and Buchanan’s visit to Amarapura the British had forced the successor of the great Bodawpaya to agree to a ‘friendship treaty’ after the first Anglo-Burmese War. At this time he was urged by his advisers to look at the unfortunate outcome as an event that had happened according to the Buddhist law of impermanence (*anicca*) and practise the supreme Buddhist virtue of giving (*dana*)

¹⁵See, for example, Aerzte Ohne Grenzen (2002).

¹⁶ See Symes (1800). The name “kingdom of Ava” was still used by the British even after the capital had been moved to the new place in 1781.

by conceding to the demands of the invaders (Allott 1994). As the further events of Burmese history showed, the British side was convinced that their military victories proved the superiority of their civilisation.

Seen in this very broad context, through the dropping of the name 'Rooinga' in his article, Buchanan pointed to the unfinished task of creating a global civilisation, the foundations of which are shared by all major stakeholders from conviction and not because someone is forced to abide by the rules set by a superior power.

In other words, the present Rohingya conflict can be regarded as the continuation of a 'clash of civilisations' that goes back to the conflict between the British and the Burmese Empires at the turn of the 18th to the 19th centuries. On both sides of the present debate, human rights activists, historians and politicians are exchanging arguments regarded as in accord with basic values of civilisation that has to be protected and cannot be compromised. And like in the 18th and the 19th century, the physically stronger party prevails at least temporarily – then the British Company, today the state of Burma/Myanmar.

In a way, the utmost difficulties to even consider the Rohingya conflict today can be regarded as an echo of the different worldviews back then. Different concepts of how to comprehend issues such as citizenship, ethnicity, human rights, etc. still collide and defy resolution by way of compromise. One reason is the central role of identity highlighted in Huntington's seminal (and disputed) book. The concept was shaped historically in a complex process involving cultural and religious factors.

3 Historical Legacies

All South-East Asian countries – and the people today living in the states conceived as nations after (re)gaining independence from colonial rule – suffer from historical legacies to a greater or lesser extent. In Myanmar, as well as in Thailand and the Philippines, Muslim minorities until today are trying to find a proper place in their respective countries between the extremes of assimilation and secession (Yegar 2002). The ‘name question’ in Myanmar points to one of these legacies. The end of the “galactic polity” caused by the colonial powers resulted in a change of meaning of ‘belonging’ to this or that ethno-political party. The counting and classifying of people by the British administrators created borders within the new territories of the empire that in some cases developed later into borders between states. ‘Ethnicity’ was a somewhat fluid phenomenon before becoming a fixed and one-dimensional category. For example, the often criticised guideline in the 2014 Myanmar census forcing interviewees to choose just one option among the 135 ethnicities provided by the questionnaire is a direct consequence of colonial practice.

Besides these general irreversible changes in the concepts of state and society, some other features, discussed next, are still vibrant today as obstacles to conflict resolution.

3.1 The emergence of Rakhine nationalism

The present international discourses about the Rohingya issue concentrates on the attitude of the role of the Myanmar government, which is mainly composed of ethnic Burmans. As such, the role of the Buddhist majority of Rakhine state is downplayed or not even mentioned,¹⁷ even though this majority is a key factor in the conflict.

When Buchanan travelled through Southern Bengal in 1798, he met many people who had fled Rakhine after the Burmese conquest of 1784. He noted that “[t]hese people left their country on its conquest by the Burmas [...] They [...] build houses for the Mohammedan refugees, of whom many came from Arakan on the same occasion, [...] and who] are now much better off than their former Masters” (van Schendel 1992, 31).

This quotation exposes the hierarchical foundation of the pre-modern coexistence of people with a different religious and ethnic background in the border regions of Rakhine and Bengal. The Burmese conquest of the kingdom of Rakhine had a domino effect. Rakhine people had lost their dominating position in their homeland including being placed above the Buddhist community there. The relationship between the two groups had been reversed, with masters

¹⁷ For example, Feigenbaum (2013), while giving useful information on the role of transitional justice in dealings with the wounds caused by former conflicts, almost exclusively uses the word Rakhine as a geographical denomination.

becoming servants building houses for their former subjects. In the eyes of their new native Bengali masters, they became outcasts who, according to Buchanan, needed protection against assaults by the Muslim majority. According to his assessment, “[T]he only means of preventing these oppressions would be to give them Officers of their own, entirely independant [sic] of the Bengalese, and if possible a separate district for a habitation” (van Schendel 1992, 60).

Here, the establishment of a separate territory for an oppressed minority under the protection of a benevolent authority is considered, an idea that pervades colonial and post-colonial histories of many states and separatist movements within them.¹⁸ When the British, some 25 years later, invaded Rakhine in course of their war with the Burmese Empire, they were supported by the Rakhines. Many of them returned from Bengal and at the same time an influx of Muslims to the sparsely populated new part of British India commenced.

These events influenced the emergence of a ‘modern’ national identity of Buddhist Rakhine people in two interrelated ways. On the one hand, the loss of independence in 1784 contributed to the necessity to develop a ‘Rakhine identity’ different from the Buddhist neighbour in the east. On the other hand, the presence of an increasing number of Muslims living in Rakhine added Buddhist religion as a core element of such an identity. Muslims were regarded as not ‘belonging’ to Rakhine just as the Buddhist refugees to Bengal after 1784 had not ‘belonged’ there.

In retrospect, the wars of 1784 and 1824-1826 can thus be regarded as midwives of the emergence of a Buddhist Rakhine identity – contrasted with the Burmans and the Muslims alike – that paved the way for communal anti-Muslim sentiment later. The opposition to both groups was clearly asymmetrical. The Burmans could be regarded as ‘brothers’ because of similarities in language, culture and religion. The Muslims were ‘strangers’ who could be tolerated but only if they accepted a status as guests in the country under the conditions of a full-fledged Rakhine national consciousness. This logic explains to a great extent why today the Rakhine Buddhists reject the claim of Rohingyas to be equal natives of the state much more aggressively than the Burmans.

3.2 The ‘us vs. them’ paradigm and the impact of the religious divide

Within the Burmese heartland a similar development along distinct lines of separating ‘us’ from ‘them’ happened with the emergence of Burmese nationalism and the struggle for independence. Here again, ethnicity and religion were important. The founding in 1906 by Burman colonial subjects of a Buddhist association modelled after the YMCA seemed to be a rather innocent undertaking of moral renewal by promoting virtues like temperance and

¹⁸ A Kayin (Karen) leader wrote a book in 1928 advocating the establishment of a separate administration for his ethnic group. The main argument was cultural incompatibility of Kayins and Burmese. See Po (1929).

adversity to gambling. However, the association quickly took up themes with a distinct anti-foreign overtone. Marriages of Burmese Buddhist women with foreigners were discouraged. Later, Indian immigrants who had entered Burma in great numbers after the Second Anglo-Burmese War in 1852 were targeted as scapegoats for British colonialism.¹⁹ The *Do-bama Asiayone* ('We-Burmese Association' or 'Our-Burma Association') that developed into the most radical and effective nationalist movement under the leadership of Aung San in the late 1930s agitated against the *Thudo-bama* ('their-Burma') political elites of the country to which Indian moneylenders, soldiers, policemen and many professionals belonged (Nemoto 2000).

In 1938, riots broke out in Rangoon and spreading to many parts of Burma and claiming over 100 lives, mostly amongst the Indian Muslim community. Religious hostility was the spark. The pogrom started after a mass meeting at the Shwedagon pagoda attended by some 10,000 people, among them 1,500 monks, had passed a resolution. It regarded the Muslims as "enemy No. 1 who insult the Buddhist community and their religion" and concluded with the threat "to bring about the extermination of the Muslims and the extinction of their religion and language" (Riot Inquiry Committee 1939), if the government did not take the steps demanded before. The assaults on the immigrants were justified by Aung San and other leading members of the *Do-bama* movement as 'unavoidable' (Pe Myint 1938, 14). The main argument was a demographic calculation: the "union of Indian males and females has produced their offspring at the rate of 10 per cent Indians yearly. If these rates continue, after 50 years in Burma, the ratio of the population will be 3 Burmans to 1 Indian" (ibid., 17–18). The left leaning author, Thein Pe Myint, who after the war became one of the most famous Burmese writers, did not care much about religion. He presented a logical chain of argumentation and not a hate speech to prove that there were good reasons to fear that the Burmans could be dominated by the Indians one day. In the capital Rangoon the ratio between Burmans and Indians had already been in favour for the immigrants since the late 1920s. According to the census of 1931, the ratio was 5:3. Different from Rakhine, the capital's Indian population were mostly Hindus, not Muslims. But even there, the religious factor came to the fore due to the involvement of monks, who spread the fear that Buddhists would be 'swallowed up' by the Indian Muslims. This was much more marked later in Rakhine where only a small number of Hindus lived.

3.3 Violence, segregation and separatist tendencies

The riots of 1938 happened at the beginning of the final struggle for independence from

¹⁹ From the 1920s onward, the Burmese nationalists boycotted countrymen who were in British service and regarded as collaborators. Monks denied them, for example, religious services for marriages, funerals and other ceremonies. Elections were boycotted as well. The voter turnout in the first elections for a Legislative Council was less than 7 percent. For those affected, this was equivalent to being shut out of the Buddhist community. For the British, however, it was a violation against the ideals of freedom. They reacted by passing an anti-boycott law. For the Burmese opponents of the law, those convicted were regarded as 'political prisoners'. When they asked about the number of such prisoners, the authorities answered that no such prisoners existed because all convicts had been tried according to the existing laws. The same answer was given by the Myanmar authorities from 1990 onwards with reference to the imprisonment of followers of Aung San Suu Kyi and other political dissidents.

colonial rule. The years that followed were characterised by war between the great world powers and their respective allies that came to include many ethnic groups inhabiting colonial Burma. The bloody clashes of that period left deep scars in the memories of different groups that resulted in the formation of reservoirs of stories that could be used to fuel suspicion, fears and claims of recompense for physical and mental damage on all sides.

The first Japanese bombs dropped on Rangoon in December 1941 triggered a mass exodus of Indians from Burma to India that caused ten thousand deaths (Tinker 1975). In Rakhine, Buddhists killed many Muslims together with a smaller number of Hindus. The massacres were prompted by a combination of the long-standing tensions in Rakhine, the general anti-Muslim attitudes in Burma and the vacuum left by the withdrawal of British forces (Fleischmann 1981, 62–66).

The result of this fighting was a separation of Muslim and Buddhist communities and the emergence of the ‘enclave’ of Muslims in Northern Rakhine that still exists today.²⁰ In 1951, an Arakan Muslim Conference demanded in “The Charter of the Constitutional Demands of the Arakani Muslims” that “North Arakan should be immediately formed a free Muslim State as equal constituent Member of the Union of Burma like the Shan State, the Karenni State, the Chin Hills, and the Kachin Zone” (Chan 2005, 412). Such demands and reports about atrocities during the war were well remembered and passed to later generations as indications of an impending genocide²¹ and a “massacre and driving away the Rohingyas with the intention of rooting out the Rohingyas of Arakan” (Ba Tha 1960).²²

Muslim guerrillas helped the British to drive out the Japanese forces and might have expected to be rewarded for their support by some kind of autonomy or incorporation into what should become East Pakistan after India gained independence in 1947.²³ Such aspirations were in line with those of other ethnic groups that had supported the British military during the war (Fleischmann 1981, 67). However, such hopes were disappointed. The British administration argued that “religion itself cannot be the basis for nationality” (Government of Burma Home Department 1947). As a consequence of such disappointed aspirations and other reasons, civil war started in many parts of the country, including in Rakhine where it was named the ‘Mujahid rebellion’. The Muslim *Mujahids* (fighters of a holy war, *jihad*) were just one of many groups fighting in Rakhine against the government and from time to time concluding fragile

²⁰ A British officer who was stationed in Rakhine during the war wrote: “The result of the ‘War’ [of 1941] was roughly that the Maugh [Buddhist Arakanese] took over the Southern half of the country and the Musselman the Northern” (Irwin 1945, 23).

²¹ The term genocide was already used in the Arakan Muslim Conference’s charter mentioned above.

²² Ba Tha wrote that 80,000 Rohingyas were killed. The article further claims that in 1959, 23,000 people were forced to flee to East Pakistan, waiting for repatriation there.

²³ The Muslim allies of the British were held in very high esteem by the British. A British officer dedicated a part of his book about his war memories written in 1945 to “The Mussulman Arakenese and their officers” (Irwin 1945, 4), and reported that the Japanese sought the assistance of the Buddhist Rakhine as the British the help of the Muslims (ibid., 23). Irwin is of the opinion that the British had the “duty” to support all “minorities who have most helped us through the three years of constant fighting and occupation” (ibid., 86).

alliances with other groups. The armed movement did not represent all Muslims living in Rakhine. Some of the moderate leaders even asked the government for arms to fight the rebels, but to no avail (Yegar 2002, 38). It is notable that some of the claims and demands of the Muslim rebels echo those articulated today. They claimed to be

the offspring of Muslims who had settled there hundreds of years earlier, and despite similarities in religion, language, culture, and ethnicity differed from the population in the adjacent Chittagong region. (ibid., 39)

During this time with its assortment of first steps to implement a parliamentary democracy and the outbreak of civil war on various fronts the claim began to emerge that the northern districts of Rakhine were home to a distinct ethnic group, and the term Rohingya designating this special ethno-religious-political group, was used for the first time since Buchanan's article. However, all efforts to be recognised as a distinct ethnic community at par with other minorities failed. The government promised to treat the Muslims fairly without fulfilling their demands. They got opportunities to broadcast in the Rohingya language without being accepted as full citizens. Such measures were later used to support the claim that the Rohingyas had been accepted as an indigenous race by the Burmese government.

The general tendency to stress one's own ethnic identity within the Union is illustrated by the demand of Rakhine politicians for a distinct Rakhine State.²⁴ While resulting from their opposition to Burmese dominance, it was at the same time strongly opposed by Muslim politicians. The latter feared that the long-standing mistrust between the Muslim and the Buddhist communities would contribute to a suppression of the rights of the Muslim population of the region. The Muslim leaders, for their part, reiterated their request for a special region in northern Rakhine that would be directly administered by the central government (ibid., 48).

Such a region, the *Mayu* Frontier Administration – named after the *Mayu* River in northern Rakhine - came into being in 1961 in course of the preparations for an Arakan state that Prime Minister U Nu had promised to create if his party won the elections of April 1960. The special region, comprising Maungdaw, Buthidaung and parts of Rathedaung townships with a Muslim majority was to be administered by the army. This arrangement became obsolete after the coup of March 1962 when the army under General Ne Win's leadership took over administration of the whole of Burma. Plans to create an Arakan State were also shelved for some time until the constitution of 1974 drawn up under Ne Win's socialist regime.

From then on, all demands for more regional autonomy exceeding cultural diversity and symbolic gestures like the recognition of Rakhine as a union state were regarded as a threat to national unity. The policies of the military government resulted in a large-scale exodus of

²⁴ The constitution of 1947 had only provided the formation of four ethnic states (Kachin, Shan, Karenni and Karen) plus a Chin Special Region.

Indian and Chinese people from Burma, among them many well-to-do Muslims from central Burma. In northern Arakan, a Muslim enclave remained.

3.4 The Citizenship Issue

Another question related to the status of ethnic groups is the crucial issue of citizenship. Pro-Rohingya lobbyists demand the amending or abolishing of the current law promulgated under the rule of the Burma Socialist Programme Party (BSPP) chaired by Ne Win in 1982. The first recommendation put forward by the first Human Rights Watch (HRW) report on the situation of the 'Rohingya Muslims' in 1996 stated:

As a matter of urgency, the SLORC should immediately amend or repeal the 1982 Citizenship Act to abolish the over-burdensome requirements for citizens in a manner which has discriminatory effects on racial or ethnic minorities as described by the U.N. Special Rapporteur to Burma, and grant the Muslims of Arakan State full citizenship and accompanying rights, in particular the right to freedom of movement. (HRW 1996, 4)

The report later shortly informs about the Burmese legislation on citizenship in the chapter under the heading 'Continuing Discrimination'. It points to the 1982 law – the timing and content of which indicates that “it was deliberately targeted at the Rohingyas” (ibid., 25) – alleging that the situation of the Rakhine Muslims had been dramatically worsened in course of the implementation of the new law.

The issue however was already simmering before Burma gained independence on January 4, 1948. A look into the history of Burma's citizenship laws helps to understand the problems of drawing a precise line between those who 'belonged' to Burma as 'natural citizens' and those who were regarded as foreigners and therefore had to file an application in order to become a 'naturalised citizen' thus admitting that he might be a migrant or a descendant of one.

Six months before independence, on June 13, 1947, the Burmese government issued the Burma Immigration (Emergency Provisions) Act. The act was drafted while Aung San, assassinated on July 18 of that year, was still the acting Prime Minister.²⁵ The jurisdiction dealing with this Act shows that only people of Chinese and Indian background were affected by the regulations. This is confirmed by the provisions of the Burmese constitution issued on Independence Day, January 4, 1948, and the Burmese Citizenship Act that came into effect in November of that year. Article 10 of the constitution stated that there should be “only one citizenship throughout the Union”. Article 11 reserved citizenship for the “indigenous races of Burma” and Article 12 opened the door for changes of the citizenship both to “provide for the admission of new classes” or “for the termination of the citizenship of any existing classes”. The citizenship law declared that the expression “indigenous races” should refer to “the

²⁵ For this and other legal texts before 1960, see Verma (1961).

Arakanese, Burmese, Chin, Kachin, Karen, Kayah, Mon and Shan races and such racial group as has settled in any of the territories included in the Union as their permanent home from a period anterior to 1823 A.D. (1185 B.E.)” (HRW 1996, 26).²⁶

Because of the crucial date of 1823 that was taken over in 1982 and has not yet been modified, Muslims with an Indian background from the declaration of independence on the assumption could not be sure if they were regarded as ‘natural citizens’ of Burma. Muslim organisations were aware of this fact and tried to be recognised as a ‘national minority’ by being named as one of these minorities like the *Shan, Karen*, etc. Their claims to be included in the ‘indigenous races’ according to Article 11, (i) and (ii) of the constitution were however rejected. They were told that the Burmese Muslims were already citizens of the state according to Article 11, (ii) and (iii) of the constitution if they were born within the territories of the Union (Yegar 1972, 73–75). However, both articles comprised provisions related to the status of parents or grandparents in terms of ethnicity and residence in Burma that made it necessary to provide respective documents if anybody wanted to ensure citizenship and disperse the assumption that he or she might be a foreigner.

This option was elaborated in the Union Citizen (Election) Act of 1948 (Verma 1961, 188–202). It defined the way for foreigners to apply for Burmese citizenship. Only few Indians used this clause offered by the law. For Rakhine, no reliable figures of applications exist (Fleischmann 1981, 86-89). It can be assumed that the majority of the Muslims living in the northern part of Rakhine did not even know about these regulations and simply followed what they were told by their leaders. One of these leaders, Sultan Ahmed, who had been elected to the Constituent Assembly in April 1947,²⁷ wrote an article in June 1948 substantiating the claim that the Muslims of Arakan belonged to Burma’s indigenous races (Arakan 2009).²⁸ He deplored that government officials simply regarded Muslims as foreigners (Burmese: *kalas*) because they had Islamic names. According to Sultan Ahmed, the Shan prince Sao Shwe Thaik, President of the Constituent Assembly who later became Burma’s first President, dispelled any doubts by stating that such a thing as a ‘pure’ indigenous race didn’t exist in Burma (ibid., 12). Other politicians gave such verbal assurances as well, but no legal warranty was provided. The issue of citizenship thus was a matter of interpretation, and thus remained in limbo. In other words, citizens with an Indian-Muslim background depended on the government’s goodwill. On the other hand, the leaders of the Muslim communities in Rakhine ignored the provision of the laws on citizenship issues that tried to regulate a complex and sensitive post-colonial issue.

Against this background, the citizenship law of 1982 can be regarded as an attempt to legally clarify what had been left unclear in Burma’s first constitution and the laws elaborating its

²⁶ The report does not inform that the clause referring to 1823 was already part of the first Citizenship Law of 1948, and insinuates that it was created in 1982.

²⁷ Sultan Ahmed had already unsuccessfully competed in the elections of 1936 in Maungdaw.

²⁸ Sultan Ahmed’s ‘memorandum’ was reprinted in *Arakan*, a newsletter advocating the Rohingya cause, under the title ‘Rohingya belong to Burma’.

articles. The law explains in detail the short articles on citizenship of the 1974 constitution of the Socialist Republic of Burma that simply stated “[c]itizenship, naturalisation and revocation of citizenship shall be as prescribed by law” (Burma Socialist Programme Party 1974, Article 146). The work on the new citizenship law started in 1976. The intention of the law however was influenced by the first mass exodus of Muslims to Bangladesh in 1978 and their repatriation as admitted in the Burmese government newspapers (The Working People’s Daily 1992). In a series of articles on the history of Indians in Myanmar published in 1992 it was claimed that the interests of the country had been hurt since 30,000 more people came back from Bangladesh than had fled after the exodus of 1978 (ibid.).²⁹

On October 9, 1982, Ne Win addressed the Central Committee of the BSPP on the issue of the new citizenship law (The Working People’s Daily 1982).³⁰ He looked back at the laws promulgated after independence “to clarify the position of guests and mixed bloods” in Burma and concluded that the attempted clarity had not been achieved and that as a consequence the affected people “are now living in panic because most of them have no definite status” (ibid.). Ne Win then talked about the correct attitude to the foreigners, stressing the need to be ‘magnanimous’ and to ‘have sympathy’. The categories of ‘associated citizens’ and ‘naturalized citizens’³¹ were created in the new law with the intention of combining ‘leniency’ with strictness. The latter was said to be necessary not “because we hate them” but because there were concrete reasons for some mistrust (ibid.). By way of example, Ne Win referred to the smuggling of goods out of the country in which Indians and Chinese were involved. Such acts were often reported from the border area between Burma and its western neighbour both sides of which were inhabited by Muslims with and Indian-Bengal background. Finally, Ne Win set out a future in which all these distinctions will disappear because the grandchildren of the associated and the naturalised citizens will become full citizens one day regardless of the origin of the ancestors.³² One may entertain some doubts about Ne Win’s benevolent attitudes³³ towards the “guests and mixed bloods” expressed in the speech, but it is quite clear that for Ne Win the main rationale behind the new regulations was his clearly expressed mistrust in Indians and Chinese rooted in the experiences during the colonial period and shared by many of his compatriots.³⁴

²⁹ For the difference of numbers of refugees and returnees given by Bangladesh and Burmese sources see Taylor (1993, 670, 673).

³⁰ The title of the text reproduced in the Online Burma Library calls the speaker “General Ne Win”. The chairman of the BSPP had however left the military after the constitution of 1974 had become effective. This is one small case of “militarising” the history of Burma in retrospect. It is clear, however, that Ne Win’s power after his change of clothes still very much relied on his influence on the armed forces.

³¹ The ‘associated citizens’ had already applied for citizenship after 1948; the ‘naturalised citizens’ had not yet done so.

³² For the same arguments, see Maung Kyi (1993).

³³ On Ne Win’s attitude towards Indians, see Taylor (1993).

³⁴ Ne Win’s point of view is supported by some reports of foreign diplomats. The German Ambassador to Pakistan reported in 1965 in connection with a state visit of Ne Win that the citizenship status of 250.000 Muslims in Rakhine was unclear. The Burmese government regarded them as illegal immigrants and had already deported many of them (See extract from the report at www.networkmyanmar.org/Arakan.html). In 1975, the British ambassador to Burma reported after a talk with his Bangladeshi colleagues that the latter had admitted that “they were upward to half a million Bangalee trespassers in Arakan whom the Burmese

The Citizenship Act of 1982 can be regarded as a legal expression of mistrust on the side of Buddhist Burman and Arakanese majority against Indians and Chinese in general and Muslims in particular. One lesson from the colonial period inferred by the Burmans was that the great number of Indians in the country had to be controlled to prevent Indian domination. On the other side, Muslims feared marginalisation. Such fears were deeply rooted, connected to the nurturing and strengthening of the respective national or ethnic identity, and rationalised by way of arguments and historical memories.

had some right to eject” (CDNH 2015, 4).

4 Myanmar's transition process and the ambiguous impact of advocating democracy

Until 1988, the events outlined above were not subject to any discussions inside Burma. The military coup of 1962 resulted in a deep-freezing of all political and intellectual discourses within and outside Burma. In the West, only a few academic outsiders dealt with the fate of the Muslims of Burma.³⁵ Both Burma and the rest of the world were not prepared to deal properly with the historical legacies full of anxiety, prejudice and mistrust.

Indeed, until 1988 Burma was a backwater of international affairs and did not receive much attention. This neglect can be regarded as another historical legacy hindering the solution of the Rohingya problem. The strict Cold War neutrality of the regime during the period of the 'Burmese Way to Socialism' between 1962 and 1988 was appreciated in the West and in the East, the ongoing civil war between government troops and a number communist and ethnic rebels was regarded as a relatively small affair compared to the Vietnam war, and the economic stagnation and the blossoming of the black market were noted but not of international significance.

The situation changed dramatically due to a series of unforeseen and unforeseeable events. In March 1988 students started to stage demonstrations in Rangoon that spread to the whole country. At the end of July, Ne Win stepped down from his last post as chairman of the ruling party and suggested a referendum on the implementation of a multi-party system. In April, Aung San Suu Kyi, (the daughter of the country's national hero Aung San) who had lived abroad since 1961, came back to Burma to care for her ailing mother and became the leading figure in the public discontent and agitation that resulted in a paralysis of the administration. On September 18 the military staged a coup in order to restore law and order. The military council that took over the government, named State Law and Order Restoration Council (SLORC), declared it would oversee a transition to a civilian government after the holding of elections. The socialist economic system was abolished and a kind of market oriented policy was introduced. The country was opened, but western countries did not take up the offer to engage with the new government.

From then on, an antagonistic picture contrasting good and evil developed in the perception of

³⁵ Besides some Indian authors dealing with the Indians in Burma, there were only two authors who published studies on the Muslims in Burma and Rakhine. The Israeli Moshe Yegar, born 1930, published in 1972 a study on the Muslims in Burma as his M.A. thesis after he had served as a diplomat at the Israeli embassy since 1960. The German Klaus Fleischmann, born 1941, came to Burma in 1968 as a lector for German language and wrote his book on Rakhine after the first mass exodus of Muslims to Bangladesh in 1978.

Burma in the western media and politics, highlighted by the awarding of the Nobel Peace Prize to Aung San Suu Kyi in 1991. She and her followers in Burma represented the ‘good’ side standing for democracy and human rights while on the other side the leadership of the *Tatmadaw*, the armed forces, was deemed an ‘evil dictatorship’³⁶. The antagonistic ‘us vs. them’ paradigm characterising Burmese policies during the fight against colonialism developed into a global Manichean line-drawing, this time between the Burmese military government and the forces fighting for true democracy.

The following subsections discuss some of the manifestations of this new situation. They examine some consequences of how the paradigm of considering Myanmar as a case of transition from military dictatorship towards democracy and respect for human rights affected the cause of the Rohingyas. In particular, it will be shown how space for pragmatic solutions to the long standing conflicts in Rakhine declined due to a number of international practices as well as domestic developments. What happened can be termed a distinct kind of marginalisation of the Rakhine Muslims’ fate due to the dominance of the new agenda focusing on the establishment of ‘genuine democracy’ in Myanmar.

4.1 Cycles of mass migrations of Rakhine Muslims to and from Bangladesh in 1978 and 1992

The compelling metaphor of “the Beast and the Beauty” (Zöllner 2012) that became dominant after 1988 shaped not just the perception of ongoing events in Burma but also influenced accounts of what had happened before. A comparison of the mass exodus of Muslims from Rakhine to Bangladesh in 1978 and 1992, and their repatriation illustrates this.

In late 1977, the Burmese government started a countrywide screening action called *Nagamin* (Dragon King) aimed at “taking actions against foreigners who have filtered into the country illegally” (Fleischmann 1981, 110). After some testing, the operation was conducted in Shan and Kachin States from December 1977 onward. In February 1978, citizens in Akyab (Sittwe), the capital of Rakhine State, were screened, followed by the township of Buthidaung in northern Rakhine where Muslims formed the majority of the population. In Akyab, more than 1,000 people from almost 37,000 people scrutinised were arrested. In Buthidaung, where screening started in March, fewer arrests occurred – 95,000 persons were checked and some 600 arrested (ibid., 110-111), probably due to news about the first actions undertaken in the capital prompting a number of Muslims to flee their homes. A report published in a government newspaper on April 30 read:

³⁶ See, for example, Civilization Fanatics Center (2007). Already, the Nobel Prize speech delivered by a member of the prize rewarding committee accused SLORC for its “brutality” (Nobel Media AB 2014). The anti-junta rhetoric increased over the years. The “good-evil” antagonism got standardised after the alleged attempt to kill Aung San Suu Kyi in May 2003 and the suppression of monks’ demonstrations in September 2007. For details, see Zöllner (2012).

Because of the agitation and incitement by a group of unscrupulous and malicious people and because they were unable to produce registration cards, altogether 19,457 Bengali nationals ran away leaving 3,723 houses behind. (ibid., 111)

Here, a typical way of commenting news on both sides of the conflict comes into sight. “Dark forces” are called upon to explain unfortunate events. This happened on both sides of the media offensives that had commenced after the events of 1988. Human Rights Watch³⁷ in its first reports on the Rohingyas in 1996 not only denounced the then military government as “abusive and intransigent”, but also described the action of 1978 thus: “in Arakan it [the Nagamin operation] degenerated into abusive attacks on Rohingyas by both the army and local Rakhines” (HRW 1996, 3). HRW further noted:

During the period of military rule there was no effort to assimilate the Rohingyas, and access to the Burmese education system was very limited, especially after 1974. While the whole of Arakan state, and indeed all ethnic minority areas, suffered from this neglect by central government, the Rohingyas suffered most. (ibid., 11)

This influential report set the tone for subsequent reporting on the issue by organisations with a focus on promoting human rights and democracy. The characterisation of the Rohingya as the ‘most persecuted people on earth’ took shape.³⁸ Indeed, the exodus of 1978 was seen as the beginning of a systematic “slow-burning genocide” of Myanmar’s Rohingya (Zarni and Cowley 2014), planned by the Burmese state under military domination.

Such wording curtails the considerable complexity of the reasons for the events of 1978 into simply blaming the state under military dominance for what had happened. In this hindsight, recent events are regarded as the culmination of a long-term plan to totally eradicate the Muslim community of Rakhine. This framing leads to a uniform picture of the chain of events that does not mention some of the main causes for the mass exodus and its fatal consequences. A UNHCR officer posted in Bangladesh wrote about the events he witnessed in 1979:

The heavy-handed methods of the police and soldiers carrying out these operations, and their exploitation of the opportunities for extortion inherent in a situation where some people lacked documentary proof of their right to reside in Burma, accompanied by an upsurge in violent clashes between the two communities, created a climate of fear. News or rumours of beatings, abductions, and killing of Muslim men, and of the rape of Muslim women, spread from village to village, and many Muslim families were spurred into flight. (Lindquist 1979)

According to this assessment, the actions of the Burmese authorities together with long standing tensions between the Muslim and the Buddhist communities resulted in news and rumours creating a “climate of fear” that triggered the people to leave their homes in a mass

³⁷ Human Rights Watch works under this name since 1988. Its predecessor Helsinki Watch started in 1978 to monitor the Soviet Union’s compliance with the Helsinki accords. Later the monitoring was extended to other regions of the world.

³⁸ An internet search on ‘most persecuted on earth Rohingya’ scores more than 100,000 results; without “on earth”, the number increases to 344,000.

hysteria (Fleischmann 1981, 11).³⁹

The repatriation of the refugees started in 1979 after an agreement between the Burmese and Bangladeshi governments in July. In the intervening period, some 15,000 refugees had died in the camps housing them in Bangladesh. The tensions in Rakhine however continued, resulting in a new exodus in early 1992 more than three years after the military takeover in 1988. Human Right Watch connected the new wave of refugees to the elections of 1990 that had resulted in a landslide victory for Aung San Suu Kyi's party, but not in a transfer of power:

The government needed a scapegoat, a distraction and common enemy to unite a disillusioned and angry populace. They chose the Rohingyas. (HRW 1996, 12)

By way of a contrast, the 1993 report by the US Department of State on human rights in Burma, while very critical about the human rights situation, was worded rather neutrally in describing in the events of 1992. The report stated:

Early in the year, upwards of 270,000 Muslims refugees fled from Arakan State to Bangladesh. The Government has denied allegations of abuse, initially depicting the refugees as illegal aliens fleeing to avoid routine immigration checks. However, on April 28, the Burmese Foreign Minister signed an agreement with his Bangladeshi counterpart for the safe and voluntarily return within 6 months of all those who could prove prior residence in Burma. By year's end only a very small percentage of the refugees had returned to Burma, with others citing continuing fear of persecution unless Burma allowed independent international monitoring of conditions in Arakan State. The Burmese Government steadfastly refused to allow representatives of the U.N. High Commissioner for Refugees or any other international agency to perform such a monitoring role. In addition to the Rohingyas⁴⁰, approximately 70,000 other Burmese have fled to Thailand. [...] In 1992 there were numerous reports which were highly consistent but difficult to verify that Government troops committed abuses against Muslims in Arakan state, including widespread use of forced labor, destruction of mosques and Muslim cemeteries, and large-scale arrests, beatings, and rapes. Some refugees have claimed that the army forcibly uprooted civilian populations to facilitate use of their land by Buddhists from elsewhere in Arakan state. (US Department of State 1992, 528–530)

Such cautious wording, leaving room for the benefit of the doubt, however, did not dominate the mainstream reporting of the events happening. Herein emerges an explanation for the lack of progress in solving the humanitarian crisis of the Muslims living in Rakhine. The ongoing cycles of misery suffered by the affected people is accompanied by cycles of reporting about this misery in an antagonistic perception of the Rohingya conflict. On one side, both within

³⁹ This version is confirmed by a report of the US Embassy after a visit to the border region: “[Local Journalists] said interviews with Muslims failed to support allegations of forceful ejection of Bengalis, but rather tended to confirm that those who fled did so out of fear, not as a result of mistreatment” (Walter 1978). A report from a refugee camp in Bangladesh adds another element to the complex picture: “As evidence that the exodus from Burma was politically inspired, relief officials note that many of the Burmese Moslem leaders who told atrocity stories are now offering substantial bribes to Bangladeshi refugee officials to have their names added to lists for immediate repatriation” (Sterba 1979).

⁴⁰ Interestingly, the name Rohingyas is mentioned only once in the Burma section of the report (and twice in the Bangladesh section).

Myanmar and on the side of concerned foreign observers, the military government - in uniform or a civilian garb - is accused of making use of the inter-ethnic and inter-religious tensions to divert the attention of the country's majority Buddhist population from current problems.⁴¹ On the other hand, the government and its employees stress their goodwill and point to the lack of proper information on the side of the foreign observers.⁴²

The fate of the Rakhine Muslims in 1978 and 1992 in retrospect became embedded in the rhetoric of blaming the Burmese military for all of Myanmar's problem due to its refusal to implement a kind of democracy that met the expectations of foreign critics. This rhetoric was mirrored in efforts by the Myanmar authorities to blame "malicious foreigners" for stirred up untrue stories and to assert that "the Rohingya problem is no more than the problem of unregistered illegal immigrants that is in existence for the past forty years now" (The Working People's Daily 1992). Both accounts, therefore, ignored the complex net of causalities behind the problems and, it is argued here, thus contributed to the sequel of vicious cycles that have plagued Burma even before the recent western interest in the affairs of the country.

One can conclude that the international focus on Burma after the popular uprising in 1988 has not benefitted the Muslim population in northern Rakhine. In a way, the concrete problems of the people who returned twice and those still living in Bangladesh were eclipsed by the exchange of accusations. It was estimated that some 30,000 people registered as Rohingyas continued to live in refugee camps in Bangladesh under the supervision of the UNHCR in Bangladesh and some more 200,000 to 300,000 live unregistered in the country (Refugees International 2011; Goodman 2014).

4.2 Representative democracy and the "dark side of transition"

The new cycle of military rule that began in September 1988 formally ended in March 2011, when the State Peace and Development Council's (SPDC) chairman General Than Shwe handed over power to Thein Sein, ex-general and former Prime Minister under the SPDC. For democracy activists inside and outside Myanmar a new era came in sight one year later when the NLD participated in the April 2012 by-elections, Aung San Suu Kyi won a seat in parliament and almost all other candidates of her party won their seats as well (the NLD had boycotted the elections of 2010).

The hopes pinned on Aung San Suu Kyi and her party after the by-elections of 2010 were fulfilled in the next general elections in 2015. As in 1990 and 2012, the elections resulted in a

⁴¹ The opinion of a retired Muslim professor of international relations in Mandalay might represent general public perception. The military, he is convinced, is both "cunning and wicked" (author's personal communication, February 12, 2016).

⁴² Mentioned by an acting professor of international relations at the most prestigious university in Yangon. During a visit to Zürich to attend a conference on Myanmar, after a talk on the Rohingya issue, she informed the audience about the official standpoint of the government: In Myanmar religious freedom was guaranteed and the existing laws had to be observed for the time being until they were changed. The ongoing transition process should not be endangered by accusations relying on incomplete information (author's personal observation, July 2015).

landslide victory of the NLD. The party won about 80% of the contested seats in all 16 parliaments (two union and 14 regional parliaments). The Union Solidarity and Development Party (USDP) that in the absence of the NLD had won most seats the 2010 elections suffered a crushing defeat. The same applies to most of the ethnic parties with the exception of the Arakan National Party (ANP) that won most seats in Rakhine with a strong nationalist agenda.

However, the Rohingya lobbyists who had earlier supported Aung San Suu Kyi became quickly disappointed after her entering the corridors of power because she absolutely did not speak out on the Rohingya issue even when, shortly after the 2012 by-elections, communal clashes erupted in Rakhine State in May 2012. These clashes resulted in another exodus of Muslims into displaced people's camps (IDP camps) established in Rakhine state as a means to separate the Muslim and Buddhist communities (ICG 2012). Previously, during a visit to Rakhine State in December 2002, Aung San Suu Kyi did not visit the northernmost parts of the state where the majority of Rakhine Muslims live, and neither did she speak about the Rohingya issue.⁴³ As such, Aung San Suu Kyi's commitment to democracy and human rights remained pointedly unconnected to the case of the Rakhine Muslims.

On top of that, many indications point to the conclusion that the riots of 2012 were furthered by the promotion of democracy. A report on the riots stated:

[L]ocal dynamics demonstrate the violence was not spontaneous and suggest that it has taken place not in defiance of reforms but because of them. The transition has opened up unprecedented space to organise that has been denied for decades, including for long-suppressed nationalist causes. [...] Access to the internet has only aided the spread of these ideas. (ibid., 2)

This new space for free expression was used by monks, women's groups and youth organisations in Rakhine and later in other parts of the country to agitate against Muslims in an aggressive and violent manner. The 2012 communal riots in Rakhine were followed by anti-Muslim violence elsewhere, starting in April 2013 in central Myanmar and spreading to other parts of the country. Aung San Suu Kyi refrained from taking sides and was harshly criticised for her silence by western human rights and democracy activists. One reason commentators offered for her non-committal attitude was that any support for Muslim communities would lead to a loss of public support in view of the forthcoming 2015 elections. Lending credence to this view, President Thein Sein's popularity surged after he had proposed to resettle the affected people in other countries (Gecker 2012). The Rohingya issue thus became a crucial issue in the run-up to the 2015 elections. Suu Kyi herself argued that she had been a politician from the beginning of her entry into politics in 1988 and not a "human rights defender" (Democratic Voice of Burma 2013).

⁴³ The party speaker referred in an interview given on December 17 referred to "Muslim extremists" and the need to show the National Registration Cards all the time at various checkpoints. At the same time, Senior General Than Shwe, head of the military junta, visited Bangladesh; see Burmanet News (2002a). During the trip, there was a report about the arrest of some Rohingyas who allegedly had raped some Rakhine women (Burmanet News 2002b).

In a way, the ‘wind of change’ blowing in Myanmar opened the Pandora’s Box of unresolved political issues that had been papered over by authoritarian governments since 1962.⁴⁴ The long standing aversion of a great number of Buddhists against Muslims that can be traced back to the colonial period was revived and exploded again as a democratic expression of people’s opinions and sentiments.

More examples illustrate this “dark side of transition” (ICG 2013). One of the leaders of the anti-Muslim agitation is the prominent Buddhist monk Wirathu who became internationally prominent when Time Magazine ran a cover story calling him “The Face of Buddhist Terror” (Beech 2013). Under the rule of the SPDC, Wirathu was sentenced to 25 years in prison in 2003 after religious clashes because of his anti-government speeches⁴⁵ and released in 2012 together with many political prisoners. To try him again would have undermined the attempts of the government to convince the Buddhist majority of its sincerity to respect the will of the people.

A look at the representation of Muslims in the parliament of Burma/Myanmar reveals another aspect of the problem. Muslim participation in elections in northern Rakhine is documented since 1936 after the province of Burma was separated from India the year before.⁴⁶ The election results and the curricula vitae of the people’s representatives show that there were always relations between the Burmese governments and representatives of the Muslims of northern Rakhine. Furthermore, the limited data on the Muslim representatives shows they comprised a small elite group. Most of them had studied in Rangoon and contributed to the impression created by the official state ideology that religion was no important factor in Burmese politics then. This ideology goes back to Aung San, the founding father of Burma. He strongly advocated a secular state in which religion and politics were strictly separated (Zöllner 2008b). An almost identically worded provision in all three constitutions of the country can be regarded as paying respect to this legacy.⁴⁷ Aung San’s premature death on July 19, 1947 however prevented the national hero from converting his ideas into political practice. As a consequence, the acknowledgement of the separation of state and religion is only symbolically observed. One occasion of such observation with regards to Muslims is the annual celebration of Martyrs’ Day remembering the assassination of Aung San and the men who died together with him. One of them was U Razak, a Muslim from Mandalay, who served in Aung San’s

⁴⁴ This phenomenon happens quite often. In recent history, the events in the Muslim world from Afghanistan to Libya disprove the western assumption that democracy can easily replace authoritarian rule; see Zöllner (2014).

⁴⁵ For a report on the events of 2003, see Burma Today News (2003).

⁴⁶ Elections for a Legislative Council were held since 1921. The results are however not documented.

⁴⁷ Article 20(4) of the Constitution of 1947 drafted by Aung San reads: “The abuse of religion for political purposes is forbidden; and any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this Constitution and may be made punishable by law (The Constitution of the Union of Burma 1947); Article 22 of the Constitution of 2008 reads: “The abuse of religion for political purposes is forbidden; and any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects which is contrary to the State Constitution. A law may be adopted to punish such actions” (source: www.ibiblio.org/obl/docs4/Proc2006-10-13.html, assessed 10.3.2016).

provisional cabinet as Minister for Education and National Planning. Every year, members of his family as well as relatives of a Muslim bodyguard killed attend the public ceremony in honour of the leaders that gave their lives for an independent and united country in which race and religion do not play a prominent role. U Razak himself, like Aung San, was a secularist and therefore, also a role model who was admired, but whose example was followed by only few people (Zöllner 2010).

Under Aung San's successor, U Nu, a traditional Buddhist, Buddhism was heavily promoted culminating in making it the country's state religion in 1961. This measure, which was seen by many as a threat to the unity of the country, was cited as a reason by the military for the coup d'état of 1962. Under Ne Win's "Burmese Way to Socialism" state policy reverted to the ideas promoted by Aung San. In all parliaments in the multi-party and one-party systems, Muslims served as MPs.

However, after the mass exodus of 1978 and the implementation of the new citizenship law, no more Muslim parliamentarians are mentioned in the available records of parliamentarians. The biographies available indicate that some parliamentarians who had represented the constituencies in northern Rakhine also fled in 1978 and did not return. This can be regarded as the beginning of a Rohingya diaspora.

For the 1990 elections, a new party to represent Rakhine Muslims was formed in November 1988 named National Democracy Party for Human Rights (NDPHR) with a great number of patrons and central committee members. The titles behind their names as well as the biographies of the four MPs elected in the two predominantly Muslim constituencies in northern Rakhine show that most of them had got a university degree in Burma/Myanmar and many had been government servants. Like most other parties, the NDPRH was dissolved after it became clear that the parliament would never be convened.⁴⁸

For the 2010 elections, two new parties were formed to represent the interests of the Muslims of northern Rakhine: the National Democratic Party for Development (NDPD)⁴⁹ and the National Development and Peace Party (NDPP). From the 33 candidates that could be regarded as representing Rohingya interests, only two won a seat in the Rakhine State parliament.⁵⁰ Four seats of the two union parliaments were taken by Rakhine Muslims fielded by the USDP, the party established by the military before the elections.⁵¹ As the minutes of the parliament show, these MPs were quite outspoken in advocating the interests of their electorate in parliament

⁴⁸ The party is now active again in Myanmar.

⁴⁹ For the policy statement of the NDPD broadcasted and published by the government press in October 2010, see www.networkmyanmar.org/images/stories/PDF5/910newsn.pdf (accessed 7.10.2015).

⁵⁰ NDPD won two more seats in the elections for the state parliament. The candidates were however disqualified later and the seats were given to the runners up of the USDP (ICG 2014, 19).

⁵¹ One of the Muslim USDP parliamentarians, Shwe Maung, filed his application as a candidate for the 2015 election as an independent. Together with a number of other applicants, his application was first rejected on the grounds that his parents had not been citizens of the country. After some protests, 11 applicants – among them Shwe Maung – were reinstated as candidates.

sessions.⁵² They asked questions about the restrictions imposed on many Rakhine Muslims which were answered by the concerned ministers. No laws were passed however that alleviated the plight of the people.

All in all, representation of the Rakhine Muslims in the parliaments of Burma/Myanmar until 2015 was more or less just a formal matter. The parliamentarians belonged to a small elite group of educated people who had to cooperate more with the other Burmese elites than pursue the interests of their electorate. This is not surprising since western style democratic practices in which parties are at least formally organised bottom-up and not depend on a more or less gifted and charismatic leaders have not yet taken roots in Myanmar, as well as other neighbouring countries.

The formal democratic practices had an important side effect however. Muslim voters in Rakhine who did not possess full citizenship rights were issued so called “white cards” which gave them the right to vote in the 2010 elections. These Temporary Registration Cards (TRCs) could be recalled any time. This happened in early 2015. On February 2, the parliament passed a law allowing white card holders to vote in a national referendum on a change of the constitution later that year. Some 700,000 to 850,000 Muslims in Rakhine were supposed to hold such cards. The law – opposed by Aung San Suu Kyi’s NLD – unleashed a storm of protests from Buddhist Rakhine politicians and other groups, including monks,⁵³ whose opposition slogan was showing the “red card” to an “inefficient White Card Government” (Hume 2015). According to the President’s order, all white cards had to be returned by May 31. On June 1, a process of issuing green-blue coloured citizenship cards according to the rules of the 1982 law began, but without great response from Muslims in Rakhine (Toe Lwin 2015).

These events clearly show that the Rakhine Muslims are used as a plaything of Burmese/Myanmar politics under the conditions of a formal democracy – be it multi- or one-party. This became obvious once more in the run-up to the 2015 elections. The country’s Union Election Commission disqualified several Muslim applicants for candidacy ahead of the polls, questioning whether their parents were born in Myanmar. Finally, of the 6,074 approved candidates, 5,130 were Buddhist, 903 Christian and just 28, or 0.5%, Muslims (Holmes 2015). Furthermore, a Muslim party that had contested the 1990 election without great success was revived. The United National Congress was purported to follow the political footsteps of U Razak. The headquarters are located in Mandalay, the martyr’s home town. However, it has no connection to the Muslims in Rakhine and did not field candidates there.

Both the major parties that competed in the election nationwide including Aung San Suu Kyi’s NLD did not field any Muslim candidate. Consequently, there is no Muslim member of parliament in all the parliaments of present Myanmar. A former Muslim member of the NLD

⁵² See Arakan (2009, 3-5).

⁵³ For a number of media reports on this issue see McFarland (2015).

said party members had organised a religiously motivated protest against him in the town of Myaung Mya, where he oversaw the party's election committee. He said he raised his concerns in many letters to Aung San Suu Kyi but received no response. "It was discrimination", he said. "This so-called democratic party. I was very disappointed" (Ramzi 2015). He ran on the ticket of a small, predominantly Muslim party, with a simple goal: giving Muslims a voice in Parliament. He was trounced by the NLD candidate in a district that is 40 percent Muslim receiving only 1 percent of the votes against 80 percent of the Buddhist NLD candidate. According to analysts, most Muslim voters in the country voted for the NLD like many members of other ethnic groups.

The exception to this rule happened in Rakhine⁵⁴ where the ANP won the majority of seats. This was accompanied by a side effect, the return of the Arakan Army (AA) to this state. The AA, fighting for self-determination of the majority Buddhist Rakhine people, was founded in 2009. Its fighters, estimated at around 1,500 were trained by the Kachin Independence Army (KIA), the Christian armed wing of the Kachin Independence Organisation (KIO). The KIO is supported by a wide range of civil society organisations and church-related groups that officially promote peace and harmony.

The AA was involved in fighting with government troops in Shan State as well. At the end of 2015, the AA – which is not acknowledged by the government and thus not included in efforts towards a nationwide ceasefire agreement – started to attack the regular army in Rakhine State. In May 2014, at a meeting of Buddhist Rakhines, it was proposed that the units of the AA could form the basis of a new Arakan National Defense Army defending the Buddhists against the alleged threats posed by the Muslims in the areas in which they form the majority. The leader of the army is the father-in-law of the newly elected speaker of the Rakhine parliament.

These new developments highlight once more the eminent role and the many facets of the 'Buddhist card' in the whole conflict around the Rohingya issue.

4.3 The 'big Buddhist problem'

In October 2014, the prominent monk and anti-Muslim activist Wirathu visited Sri Lanka to forge links with ultra-nationalist Buddhist monks there.⁵⁵ The visit underlines how Buddhist anti-Muslim agitation in Myanmar is not unique but a common feature of countries in which Theravada Buddhist is regarded as the national religion. In Thailand, Cambodia and Laos, national identity is linked to Buddhism in a variety of modes. All these countries provide many

⁵⁴ Another exception happened in parts of the ethnically diverse Shan State where a number of parties - including the USDP - were successful in the elections for the State parliament; see MIMU (2015). A parliamentarian from the USDP was elected speaker of the house.

⁵⁵ After Wirathu had been referred to as "The Face of Buddhist Terror" after the anti-Muslim riots in central Myanmar, the then President Thein Sein criticised the report on his website. In Sri Lanka, the issue of the magazine was banned. See, for example Associated Press (2014).

examples that democracy and the orthodox version of Buddhism are a potent mix. While the case of Sri Lanka has received attention for some time,⁵⁶ the case of Myanmar has been concealed due to the dominant international focus on the country's deficits in democracy and human rights.

The so-called 'Saffron Revolution' of 2007 is a case in point. The peaceful protests of the monks against the military regime that was called "evil, sadistic and pitiless" (Zöllner 2009, vol. 2, 45, 48) were regarded correctly internationally as a protest against the government.⁵⁷ The assessment however that the members of the Buddhist order, the *sangha*, could be seen as agents of democratic reform, was misleading. Theravada Buddhism and western style democracy did not and do not match well. This is illustrated by the fact that the first activities of a great number of 'political' monks happened in the 1920s when Buddhist monks actively supported the boycott of the first elections under a scheme that was conceived by the British colonial rulers. The monks also rejected religious services to Burmese Buddhists serving in the administration of the colonial regime. However, this was regarded by the British as a violation of fundamental human rights. In 1990 - after the elections that did not result in a transfer of power - and again in 2007, the monks used the same means of boycott, albeit in 2007 only symbolically.

The misunderstanding of the protests of 2007 is in great part because only a few specialists have academically dealt with the relation of Buddhism and politics.⁵⁸ Political scientists have not paid much attention to those studies. The work of Samuel Huntington (1996) on the "clash of civilisations" and Francis Fukuyama's (1995) study on the cultural foundations of economies around the world did not mention the relatively small cultural sphere of the five Theravada Buddhist countries. In Sri Lanka, as in Myanmar, the members of the Buddhist clergy are respected as moral authorities. All too often, public discourses overlook what this respect rests on. It is the assumed purity of the monk as a 'Son of the Buddha' who represents the otherworldly sphere of the Buddha's pure teachings. As a consequence, any statement of a Theravada Buddhist monk is regarded as an individual expression, but concurrently as absolutely authoritative as only members of the *sangha* have the right to interpret the *dhamma*, the teaching of the Buddha. The *dhamma*, however is as indivisible as the Buddha and the *sangha*. It cannot be compromised and is therefore not "democratic" in a way that different interpretations can be decided by taking a vote. As a consequence, other monks do not rush to contest views expressed by their colleagues unless they break any monastic rule. These principles lead to important consequences. First, no laypeople are competent to meddle in the interpretation of the scriptures that are regarded as the word of the Buddha.⁵⁹ Second, it

⁵⁶ See, for example, Tambiah (1992),

⁵⁷ On the events of 2007, see Zöllner (2009) and Aung Thwin (2013).

⁵⁸ Some seminal works are by Sarkisyanz (1965) and Tambiah (1977).

⁵⁹ This is rather different in the Mahayana tradition of Buddhism that originated from a lay movement some centuries after the Buddha's death.

cannot be expected that monks will openly discuss differences in their reading of the Buddha's teaching because that would endanger the essential unity of the *sangha*. Any kind of interreligious dialogue as recommended and undertaken in Myanmar these days that include monks therefore is subject to very tight limits.⁶⁰ This whole phenomenon can be dubbed the 'big Buddhist problem'⁶¹ that permeates in Theravada Buddhist societies.

As illustrated before by the case of the monk Wirathu, the importance of controversial readings of the holy texts – with regard to matters like the Buddhist attitudes towards Muslims in Myanmar's – depends not on the outcome of more or less rational debates but on the amount of public support extended to an individual monk or a group of monks. Such a group is the 'Association for the Protection of Race and Religion', known as *Ma Ba Tha* after the Burmese acronym of the name. The organisation of which Wirathu is a member in October 2015 held a large meeting at an indoor stadium in Yangon celebrating the passage of four bills through parliament that placed wide-ranging bureaucratic restrictions on family planning. Though the bills made no explicit mention of Islam, the monks, as well as their lay supporters, had made no attempt to hide the intended target was "to stop Muslims having multiple wives, large families and marrying Buddhist women; to halt what a leading monk has called the Islamic 'invasion' of Myanmar" (Fisher 2015).

The only option to make an end to such activities that might be regarded as racist would be through a complicated procedure in which the Supreme Sangha Council and the government cooperate. Only the council can declare the teaching and the behaviour of monks contrary to the Buddha's teaching. Only the government can legally execute such a verdict because according to the *sangha* rules, the order is bound to refrain from all repressive measures and therefore cannot expel a member of the order who is not willing to leave voluntarily. In the old days of the Burmese kings, the royal rulers acted in that way to purify the *sangha* from time to time. The conditions of democratic procedures make such authoritative means almost impossible. In 2007, the 'Saffron Revolution' was ended after the Supreme Sangha Council had issued statements "prohibiting monks from participating in secular affairs" (Zöllner 2009, vol. 2, 50-53), and thus authorised the secular authorities to step in.

Of course, there are monks who have displayed an attitude of tolerance towards Muslims as well. In May 2013, one of them protected Muslims during the riots that broke out in the central Burmese city of Meiktila (Zaw 2015). Such actions however must be regarded as initiatives of individual members of the Sangha acting on their own views. The Buddhist *sangha* comprises a great diversity of members with particular standpoints on societal issues and is just formally

⁶⁰ To give two examples: At a conference on religious pluralism held at the Myanmar Institute of Theology (MIT) in August 2015, a monk teaching at the Yangon International Buddhist University refused to enter into any discussion about the Rohingya issue. The head of the MIT's department promoting dialogue among the religions of Myanmar never met with monks representing different opinions about the Buddhist attitudes towards Muslims at the same occasion but just separately.

⁶¹ Coined by the author.

united under a council of elders under a law that was enacted in 1980.⁶² The societal influence of monks however depends on their lay followers who support them materially and politically. In 2007, the people supported the protests against the regime, and after 2012, monks expressed the anti-Muslim attitude of most Buddhists citizens in Myanmar.

4.4 Recent measures to curb the growth of the Muslim population

In May 2013, it was reported that Aung San Suu Kyi, in a rare comment on the Rohingya issue, had condemned the “two-child policy” in Rakhine implemented in order to “enforce monogamy and not to have more than two children” (Myanmar Times 2013). A comment of the country’s Immigration Minister on the order made clear that the measure was aimed at the Muslim population: The regulation was “good for Bengali women”, he was quoted, because “the Bengali women living in the Rakhine State have a lot of children. In some areas, one family has 10 or 12 children. It’s not good for child nutrition. It’s not very easy for schooling. It is not very easy to take care of the children” (Szep and Marshall 2013).

The policy criticised by Aung San Suu Kyi as a “discrimination” and “not in line with human rights either” (BBC 2013) goes back to the establishment of a border force called *NaSaKa* in 1992 as the central agency administering the townships populated by a Muslim majority.⁶³ The order was put on hold for some time after the clashes of 2012 but reinforced later in some districts. Other controversial issues are four bills proposed by *Ma Ba Tha* that were passed by the parliament and signed by the President.⁶⁴

All these measures address the prevalent fear of Myanmar Buddhists that the rapid growth of the Muslim population might lead to dramatic demographic changes endangering the dominating role of the Buddhist majority in Myanmar. Such anxieties are not confined to the Buddhist monks who became prominent for their anti-Muslim propaganda and the not so well educated Buddhist population but by members of the Burmese middle class as well (Macgregor 2013).

Such concerns illustrate that the Myanmar lawmakers – including the NLD – try to accommodate the country’s majority Buddhist population as a means of securing public support. The criticism of the laws by human rights activists and the overall cautious reactions of the NLD and its leader show the conflict between the desire to gain popular support in view of forthcoming elections and the need to comply with international norms.

⁶² The Burmese Sangha was reorganised in 1980 under the supervision of the state authorities. See Bechert (1988).

⁶³ The force was dissolved in July 2013 by an order of President Thein Sein.

⁶⁴ The four bills are: The ‘Religious Conversion Bill’ that was drafted end of May 2014. In December 2014, the President submitted three more bills to be discussed in parliament, the ‘Buddhist Women’s Special Marriage Bill’, the ‘Population Control Healthcare Bill’ and the ‘Monogamy Bill’.

4.5 Summary

From 1988 onwards, the global perception of the politics of Burma/Myanmar has been dominated by the 'democracy-motif' impersonated by Aung San Suu Kyi. As long as she was not able to practically engage in politics, she was regarded as an icon of democracy as well as human rights. The criticism of her cautious statements on the Rohingya issue illustrates the ambiguity of this perception. All issues related to Myanmar politics were highly loaded with a fundamental relevance that reduced the chances of pragmatic solutions by way of piecemeal social engineering as advocated by Karl Popper as a democratic alternative to utopian engineering as practised by the leaders of totalitarian systems.

A 'utopian' understanding of 'democracy versus an evil totalitarian military regime' heavily influences the retrospective assessment of the fate of the Rakhine Muslims. Blaming 'Ne Win's dictatorship' and the military junta that brought about the present constitution masks the complexity involved in the issue. The discussion on the citizenship law of 1982 is a case in point. Instead of discussing ways to amend the law under which an unknown number of Muslims in Myanmar have been legalised already it is widely regarded as an instrument to a kind of 'ethnic disenfranchisement' in Rakhine. Moreover, the need of any new government to obtain public support has contributed to tolerating almost unrestricted anti-Muslim propaganda by nationalist Buddhist monks.

Furthermore, the introduction of at least outwardly democratic procedures in Myanmar have finally resulted in ending even a just formal democratic representation of the Rakhine Muslims until the elections of 2015. It is highly ironic that the election victory of the 'democracy icon' Aung San Kyi coincided with the disappearance of any Muslim member of any parliament in Myanmar. Furthermore, the Rakhine nationalists were strengthened through the elections and the threat of a resumption of armed conflict against the Muslims is imminent. Hopes that the promotion of democracy would benefit the Muslims in Rakhine clearly did not materialise. To the contrary, democratic procedures have further contributed to their political marginalisation. Any attempt to solve the still existing humanitarian crisis therefore has to look for other options than the solutions along established models of conflict resolution.

5 Conclusion: Ways Out?

The previous sections have shown that the different aspects of the Rohingya issue are closely connected and hotly disputed both nationally and internationally leaving no space for discourses that might be regarded as the beginning of a way to some inclusive solution. Furthermore, there are no individuals or institutions inside or outside Myanmar – including the UN, humanitarian agencies or religious bodies – accepted as either internal or external peacemakers.

As a consequence any consideration of relieving the plight of the people who feel caught between hostile forces should start with by admitting that no roadmap can be conceived that guarantees a happy ending. Moreover, there seems to exist a tendency that any concrete measures undertaken by stakeholders both inside and outside Myanmar tend to prolong the ‘cycles of misery’ characterising the fate of most of the Rakhine Muslims since decades if not centuries. A report by Collaborative for Development Action (CDA) – issued after a field visit to Myanmar in February 2014 to assess the humanitarian situation in the Rakhine and Kachin States – states:

The experience in Myanmar suggests that international humanitarian actors should consider more conflict-sensitive approaches to their work. This may include performing more thorough context analyses to ensure that they fully understand the dynamics, stakeholders, and interests that may affect their operations and principles. Humanitarian actors should consider changing not only their approach to partnerships, but also their operating procedures and in some cases their principles to match the context in which they are operating. International humanitarian organizations may need to modify their internal structures (such as staffing, reporting, and funding structures) and traditional modes of operating to incorporate the strengths of emerging or non-traditional actors in order to play the most effective role they can (which in some cases may be more of a facilitative and brokering role rather than an implementing one). (Cechvala, Brown, and Goddard 2015)

The report stresses that the lack of “more thorough context analyses” are due to neglect of the protracted nature of the conflict. The lack can be partly attributed to the lack of national as well as international interest in Myanmar and its many long standing problems. The protraction of the conflict had simply not been noticed in the academic world compared to other similar problems as in Palestine, Cyprus and many other countries.⁶⁵

As a result, the insights gained from the case studies on protracted conflicts were not taken into consideration when dealing with the Rohingya issue. This includes a remarkable thesis put forward by Lake and Rothchild, according to whose analysis, protracted

⁶⁵ Neither Edward Azar who developed a theory of protracted conflicts nor his successors dealt with the long-standing civil war in Burma/Myanmar. Where this issue is dealt with, the Rohingya issue is not included. On the other hand, according to articles dealing with the protracted refugee situation in Bangladesh, the situation in Burma is only addressed marginally.

ethnic conflict is most often caused by collective fears of the future. As groups begin to fear for their safety, dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence. As information failures, problems of credible commitment, and the security dilemma take hold, groups become apprehensive, the state weakens, and conflict becomes more likely. Ethnic activists and political entrepreneurs, operating within groups, build upon these fears and polarise society. Political memories and emotions also magnify these anxieties, driving groups further apart. Together these between-group and within-group strategic interactions produce a toxic brew that can explode into murderous violence. (Lake and Rothchild 1996, 41)

As a consequence, a context-sensitive analysis of the Buddhist-Muslim conflict in Rakhine and the consequences drawn from such analysis should concentrate on the fears of loss of collective identity and measures of alleviating such fears. This study provides some material that could be useful for such an approach. The following paragraphs outline some of the tasks that might be helpful to find ways out of conflict. All of them can be expected to have to be undertaken for a very long time as a result of the hardening of conflict and antagonisms over the long period of time since its origins in the colonial period.

Before some conclusions on the containment of the conflict in Rakhine and its various environments are drawn, a short outline will be provided of the interventions that dealt with the communal conflicts in Rakhine and their consequences.

5.1 Overview on Measures Taken

Before the popular uprising of 1988 and the beginning of the 'democracy movement', UN agencies were the only international agents engaged in humanitarian aid in the self-isolated country. Médecins Sans Frontières (MSF) was the first International Non-Government Organisation (INGO) that started to work in Myanmar in 1992. From the beginning, Rakhine was one of the focal areas of MSF's activities. Like many other INGOs and NGOs coming later, MSF concentrated on basic healthcare, reproductive care, emergency referrals, and tuberculosis and HIV care. The organisation treated over 1.2 million malaria patients in the state since 2004. The medical services provided included the districts in northern Rakhine where the Muslim community forms the majority of the population. In February 2014, the organisation had to terminate its activities in the whole of Myanmar following communal clashes in Rakhine. The work was resumed some months later.⁶⁶

After the devastations caused by cyclone Nargis in May 2008 (that did not hit Rakhine), the number of Myanmar NGOs rose sharply causing a great variety of new actors and connections between foreign donors, the UN and other supranational agencies, INGOs and local organisations. The Asian Development Bank in a 2015 report estimated the number of informal

⁶⁶ See MSF (2015). For a blog about the work in Maungdaw, see Sornum (2014). In 2014, many offices of international agencies including UN branches in Rakhine were attacked by Buddhist nationalists (RFA 2014).

Community Based Organisation in the country, including many religious organisations, at 240,000 and quoted a report putting the number of local NGOs at up to 10,000 (ADB 2015).

The number of agencies involved in Rakhine affairs directly or indirectly increased considerably after the communal riots of 2012 mainly due to the new needs arising as a consequence of the establishment of IDP camps for Muslims and - to a very much lesser extent - Rakhine Buddhists. Accordingly, there is an unclear number of actors with a wide variety of backgrounds pursuing different and often uncoordinated, as well as antagonistic interests, on different but closely interrelated levels of political, economic and humanitarian agendas. This confusing net of actors, interests and challenges matches the complexity of the issue and makes it difficult to find a suitable starting point to address the protracted conflict. Furthermore, reports about the activities on the ground focusing on reconciliation are not openly published. This can be explained by the extreme politicisation of everything related to the tensions between the Buddhist and the Muslim communities in Rakhine, as stressed by representatives of agencies working in the area.⁶⁷ The number of reports about the situation and lists of tasks that need to be performed exceeds the information about steps taken practically undertaken to ease the existing tensions. The reports about the crisis published both by state agencies, NGOs and other organisations are full of recommendations of actions to be undertaken by a variety of actors.⁶⁸ A great number of such recommendations have been at least partly put into practice in a more or less coordinated way, the overall climate of mistrust and fear has not changed however. The recent developments after October 2016 (see section 6) clearly show that a new cycle of violence can happen any time and cause a back-to-square-one effect.

5.2 Outlook

On this background, it will be necessary to continue helping the affected Muslim population both remaining in Rakhine and having fled to Bangladesh to survive by providing assistance to guarantee the three basic needs of food, clothing and shelter that on a level as high as circumstances permit. It cannot be expected that the central points of securing a life free from violence and the threat of being displaced cannot be realised in the foreseeable future. Furthermore, freedom of movement for the majority of Rohingyas who live in different kinds of restricted areas cannot be expected to be achieved. Consequently, the outlook for fundamental change of the access to health care services and education are bleak. It could be regarded as a big success if some projects could be established enabling children to get access to some form of education as a prerequisite to life a live not depending totally on charity. The main emphasis

⁶⁷ Author's personal communication in Yangon, February 2016.

⁶⁸ After the communal clashes, the government established a fact finding committee that published a lengthy report (Burma Library 2013); the Center for Diversity and National Harmony, an offspring of the state controlled Myanmar Peace Centre in 2015 issued a lengthy report as well; see CDNH (2015).

for some long-term changes must concentrate on reshaping the perception of the conflict worldwide that up to now is characterised by a fundamental lack of information about the ‘real’ history of the conflict even within agencies like foreign offices.

The above quoted recommendation for a more thorough context analysis to be conducted by humanitarian agencies therefore applies to the political actors involved as well. All stakeholders are focussing their activities of directly solving easing the conflict without thoroughly reflecting on the do-not-harm principle. To put it bluntly: The vicious circle of violence in Rakhine is accompanied by a vicious circle of ignorance on the side of the actors trying to disrupt the former. Therefore, the following considerations is based on the idea that the necessary steps to contain the conflict and help the affected people directly, ‘indirect’ approaches must be undertaken to achieve a deepening of the understanding of the conflict on the side of affected population as well as those trying to resolve it.

Such a method of addressing the controversial issues indirectly could be helpful for the crucial task of trust building. The long saga of the attempts to conclude a ceasefire agreement between the government and the armed groups of ethnic rebels illustrates that that direct approach of working out agreements even between members of the accepted indigenous races of Myanmar often fails because the long-time task of trust building and the establishment of short time schedules do not match.⁶⁹ The following paragraphs point to some issues discussed above that could be addressed this way as a complement to direct initiatives to contain the conflict.

5.2.1. The name issue

One topic to be addressed is a substitute for the terms Rohingya or Bengali. It can be regarded as an advantage that this question cannot be solved by direct consultations with the Rakhine and Myanmar government because there is no officially recognised counterpart representing the Rakhine Muslims. Therefore, there are many options to invite concerned people both inside and outside Myanmar to discuss the issue and present recommendations by way of open discussions.⁷⁰ The main aim of such discussions would be to create some understanding among concerned people of different ethnic and religious backgrounds about why the stakeholders insist on the names Rohingya and Bengali respectively. Such a debate most likely would lead to discussing related fundamental issues like the reasons for the reference to the year 1823 in the first citizenship law of Burma and the mutual distrust of the Muslim and Buddhist communities in Rakhine and the whole of Burma.

With regard to the grassroots level, such option of talking about the issue at stake might be regarded as far from reality. For the people on the ground, theatre performances and soap-opera like films could be produced that address the controversial topic of identity in a non-

⁶⁹ This is illustrated by the unsuccessful attempts to conclude a nationwide ceasefire agreement; see Kipgen (2017).

⁷⁰ According to information of Leider (2014), some ‘behind the scene’ discussions are going on about this issue already.

partisan manner digestible for Muslims and Buddhists alike.⁷¹

5.2.2. Looking at histories

Part of the confrontation between the pro- and anti-Rohingya factions is a ‘war of historians’ on both sides. Rohingyas try to prove that their forefathers lived in Rakhine for centuries and even ruled the country; their Rakhine opponents stress the Buddhist character of the Rakhine kingdoms. Both versions are very often repeated like dogmatic truths by advocates of both sides.⁷² Such ‘truths’ are transmitted from generation to generation together with memories of misdeeds of the respective ‘other’. Such traditions contribute to the likelihood that the vicious cycle of violence between Muslims and Buddhists will continue. Another aspect of the problem concerns the limited knowledge of the international agents dealing with the conflict. Very few specialists with an intimate knowledge of the causes and consequences of communal and religious tensions in Myanmar exist both in the country and outside. Here as well, disputed facts like the alleged existence of full citizenship rights under the premiership of Nu are regarded as historical truths.

Disseminating more knowledge both within Rakhine and Myanmar as well as abroad and discussing different versions of what has happened could be helpful for bridging the wide gap existing in the perception of the problem. Within Rakhine, the proposal of the committee investigating into the violence of 2012, 2016 and 2017 to form ‘truth commissions’ could be modified by trying to find ways of depicting the history of the conflict in a way acceptable by both sides. It would be a great step forward if such endeavours would result in agreements to disagree. One could further consider forming ‘historical truth commissions’ looking at ways of compensation for past events. On the interpersonal level, mixed groups could try to look at crucial events of facts clashes by stepping in others’ shoes. An American educationalist has tried such a method in refugee camps in Thailand.⁷³ Here as elsewhere the mode of discussions and exchanges of views and emotions as means of trust-building would be more important than the results achieved.

With regard to the people dealing with Rohingya issue outside Myanmar, workshops are urgently needed that are attended by intellectuals and political leaders representing the wide spectrum of opinions on the historical roots of the problem. Given the highly antagonistic and emotionalised atmosphere surrounding the issue,⁷⁴ small workshops concentrating on single topics are advisable.

⁷¹ Theatrical performances indirectly addressing intercommunal tensions are already successfully staged.

⁷² See, for example, CBRO (n.d.) for the pro-Rohingya faction and Maung Saw (2012) for a Rakhine view.

⁷³ For details of such an approach, see Metro (2006; 2014).

⁷⁴ A conference in Oslo in May 2015 was dominated by Rohingya lobbyists. The conference tried to foreground the thesis of the planned genocide of the Rohingyas. This thesis was presented by academics and emotionally supported by the statements of Nobel Prize Laureates through video messages; see www.burma.no/noop/page.php?p=Artikler/6564.html (accessed 10.10.2015) It was a one-sided event that tried to put all blame for the plight of the Rohingyas on the Myanmar government.

5.2.3. Bringing democracy to the grassroots

The connection of the Rohingya issue with Myanmar's transition to democracy has caused more damage than benefit for the affected population. The concentration on how to achieve democracy has in no way changed the top-down structures of Myanmar politics both on the side of the government and the opposition. As most other people in Myanmar the Rohingya depend on their traditional leaders and the advocates of their case most of whom don't live in Rakhine or even abroad for many years already. The Muslim communities in Rakhine that were isolated for a long time have to change. This is only possible if the people at the grassroots level are strengthened. Only if their understanding of what is going on is included in the process of trust building, ways out of the dependency of alleged supporters and the creation of alleged enemies can come into sight. A multi-dimensional education process not restricted to knowledge transfer is necessary to break the vicious circle of communal mistrust and to enable the people to speak and act for themselves and not just rely on the leaders who without any democratic legitimization claim to represent their interests. Such endeavour has to concentrate on the people living in Maungdaw and Buthidaung townships where the majority of the Rakhine Muslims live. On the side of the Rakhine Buddhists the structures of village administration should be strengthened in order to counter the tendency to identify 'democracy' only with the elections happening every five years.

5.2.4. Taking religion seriously

The numerous interfaith activities happening in Myanmar these days (CSS 2015) must be just regarded as well-intended activities that do not address the problem of the many ways in which religion and politics in general and the striving for democracy are connected in Myanmar in all segments of Myanmar society regardless of the faith professed. Most of such attempts, particularly those supported by the government, must be regarded as activities of window dressing. Given the racist undertone of the Muslim-Buddhist relationship since colonial times, it is quite clear that rational approaches are not sufficient to bridge the differences between Buddhist majority and Muslim minorities. On both sides fears of an intended destruction of the own religion cum ethnicity exist. Direct encounters between members of the religious communities are the most effective way to ease such fears. Here again, indirect approaches should be taken in which the 'religious issue' is not the focus of what is dealt with.

It is quite sure that among the many new organisations in Myanmar that have mushroomed since the winds of change started to blow in Myanmar after 2010 many of such encounters between members of different faiths have already happened. In most of these encounters, religion was not on the agenda but a variety of tasks with regard to secular capacity building. Such meetings can be called 'unintentional interreligious encounters'. The effects of such meetings on the problem of religious divide could and should be evaluated in order to design

new programmes – again particularly focusing on the impact on the young generation.

The main aim must be to promote critical thinking enabling people to make up their own mind about what they are told by their religious leaders on all sides. This, of course is a very sensitive task and difficult to be appreciated by westerners who tend to believe that religion should be just a private matter. In this and some other respects, the western view on the Rohingya conflict might have to be changed. The advent of secularism as a fundament of societal order has not arrived in Myanmar yet and maybe will not take roots there for a long time to come.

As a consequence, the flip side of the ‘big Buddhist problem’ discussed previously is the big Muslim Problem. The long standing Buddhist-Muslim tensions in Rakhine have contributed to the emergence of an extremely conservative Islam in northern Rakhine that exists in many Muslim communities around the world as a result of the failed attempts to solve the crises.⁷⁵

Such observations connect the Rohingya issue to what is happening in the Near and Middle East for some years now, an uninterrupted outbreak of violence between different fundamentalist ethnic-religious groups more fuelled than calmed by what can be called a ‘democracy fetishism’ of Western countries. Such comparisons both underline the need for a modest approach to the chances of solving the protracted conflict in Rakhine and remind the parties involved that the origins of collective fear and the violence stemming from such fear in Myanmar has been contained until now relatively better than in other regions of the world.

⁷⁵ It should be added that the majority of Christians in Myanmar follow more or less fundamentalist doctrines. The same applies to some of the rather fundamental human rights activists outside Myanmar.

6 Epilogue

On October 9, 2016, a group of several hundred men attacked three posts of the Myanmar Border Guard Police (BGP) in Maungdaw and Rathedaung townships resulting in the deaths of nine policemen and eight attackers and the theft of guns and ammunition. The Myanmar military responded by deploying more troops in the region. The attackers are reported to belong to a recently formed group named Arakan Rohingya Salvation Army (ARSA) allegedly supported by Rohingya supporters in Pakistan and Saudi Arabia. As a consequence of the new outbreak of violence, some 70,000 Rohingyas crossed the border to Bangladesh and about 20,000 Rakhine Muslims and Buddhists became internally displaced.

The scenario unfolding after these events can be described as another round of claims and counter claims that has been typical in the long history of the conflict. There were again allegations of severe abuses from the side of the Myanmar army, which were again denied by the Myanmar government and the army. As a consequence, the tendencies of easing the conflict before the events have been widely invalidated. Feelings of mistrust and insecurity on all sides have increased (Aron and Gilmore 2017). This applies as well to media reports worldwide about what happened almost unilaterally focusing on the lack of readiness of the Myanmar government to take proper action.

In September 2016, shortly before the attacks of the Muslim group, a 'Rakhine Advisory Commission' was established on the request of Aung San Suu Kyi as a joint venture of the Myanmar government and the Kofi Annan Foundation. The commission consisted of six Myanmar citizens and three foreigners and was headed by the former UN Secretary General Kofi Annan. Its final report was released on August 24, 2017.

One day later, the Arakan Rohingya Salvation Army (ARSA), which had taken responsibility for the previous attacks in October 2016, made new onslaughts on a number of Myanmar police stations in the border region. Myanmar security forces retaliated, with 'disproportional force', as claimed by Rohingya supporters. As a consequence of the fighting, another mass exodus to Bangladesh happened, accompanied by claims and counterclaims of atrocities committed by both sides. More than 600,000 people were said to have fled Myanmar by early November 2017, which is more than half of the Muslim population living in Rakhine before the fighting started.

The mass exodus was followed by harsh criticism of the Myanmar government, alleging that deliberate acts of ethnic cleansing were taking place. Aung San Suu Kyi was accused for not speaking out against the violence. On September 19, she addressed a gathering of international and national officials in Naypyidaw, defending the actions of her government, ensuring to punish any wrongdoer on the Myanmar side and who had committed crimes, and promising to take back the refugees if they could prove that they had lived on Myanmar soil

before.⁷⁶ She noted that the repatriation process should follow the agreement between the governments of Myanmar and Bangladesh conducted in 1993 after the last mass exodus. The speech given in English was televised in Myanmar and watched on huge screens in Yangon and other cities. On these occasions, supporters showed placards with the slogan “We stand with you” that in some cases even included the military. On the other side, her speech was criticised abroad. Amnesty International called it “a mix of untruths and victim blaming”.⁷⁷ These disparate reactions show that the ‘us vs. them’ antagonism characterising Burma’s/Myanmar’s politics since the colonial period has reached a new international dimension. The prospects of solving the crisis and easing the misery of the affected Rakhine Muslims have been reduced to close to zero for the time being. The ‘blame game’ of who is responsible for the misfortune of the Rakhine Muslims most likely intensifies and prolongs their suffering.⁷⁸

⁷⁶ For her speech, see www.youtube.com/watch?v=rcksU4G4Nzw (accessed 14.11.2017).

⁷⁷ See edition.cnn.com/2017/09/18/asia/aung-san-su-ki-speech-rohingya/index.html (accessed 14.11.2017).

⁷⁸ See, for example, Leider (2016). For recent analyses on the crisis, see www.atimes.com/article/truth-behind-myanmars-rohingya-insurgency and thewire.in/182611/frictions-rakhine-state-less-islamophobia-rohingya-phobia (accessed 24.11.2017).

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