

Special Remarks

# Dilemma of Myanmar's Rohingya Muslims

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The purpose of this article is to discuss the dilemma of Myanmar's stateless Rohingyas. This is not a new issue. The problem has been there since long and it has now exploded with full force.



## What is actually the problem?

Over 1.5 million Rohingya Muslims living in Myanmar have a long history of exclusion, repression, discrimination and persecution. The United Nations has described them as one of the most persecuted minorities in the world. Stripped off their identity and nationality, they are denied fundamental social, political and economic rights. They have been forced to flee the country to seek refuge somewhere and those left behind are living a confined life in miserable conditions. The issue has many aspects. While some of them require immediate attention, others need action in the intermediate term and some over the

long term.

As media has described, more than 100 thousand Rohingyas have been forced to flee their homes. They are not being accepted by any country. Myanmar maintains they are Bengalis while Bangladesh says they are Myanmar's citizens, and no other country is willing to own them either. So their position is that they are stateless. When they venture out on rickety ships or boats in order to find refuge somewhere, other countries also refuse to accept them. It is only due to pressure from the international community that Indonesia and Malaysia have agreed temporarily to accommodate some of them, with the proviso that arrangements will be made after one year to settle them somewhere else. Where should they go? The Myanmar Government's decision to deny citizenship to the Rohingyas was taken arbitrarily in 1982 without any basis. These people have been living there since generations. How come one day Myanmar can just say that they are not its citizens.

But before we proceed further, let us see what has been the reaction of the world?

## United Nations

UN General Assembly (UNGA) has been considering the Rohingyas issue for some time and it had also appointed a Human Rights Special Envoy to oversee the situation, not specifically of Rohingyas, but the overall human rights situation in Myanmar. UNGA has very clearly stated that what is happening in Myanmar is not acceptable and that the Rohingyas should be given Myanmar's nationality. Thus morally the case of Rohingyas has been vindicated. But as we know UN General Assembly doesn't have the power to enforce its decisions; they are just recommendatory. The forum where action could have been taken is the UN Security Council (UNSC) which has the power to enforce its decision. But here the situation is not very encouraging. It was only on 28th May of this year that for the first time UNSC was briefed over the situation. What happened in the UNSC? It just

listened but took no action. In fact two member states, in a guarded way, opposed any action on the part of the UNSC. Russia maintained that this was an internal matter of Myanmar and therefore UNSC should not discuss it. More or less similar cautious position was taken by China, though they voiced their concern about the situation and wanted it to be stabilized. But as earlier stated, UNSC did not take any action. Big powers have their own interests which they want to guard. They want to have good relations with the Myanmar following its transition from the military to the democratic rule. They are glossing over all actions of the Myanmar Government.



## Organization of Islamic Cooperation



If we talk about the Organization of Islamic Cooperation (OIC), there is the same pathetic story. It has not played decisive role in any issue now being confronted by the Islamic World, whether in Syria, Iraq, Afghanistan or Libya. And the same is true here. The Islamic countries are so much involved in infighting that OIC is not able to take a united stand. Of course, OIC has appointed a Special Envoy for Rohingyas and sent a fact-finding mission there.

But so far as taking some decisive action is concerned, nothing has been done. Only the Islamic Solidarity Fund has allocated US \$ 200,000 to meet the humanitarian crisis there. As far as Pakistan's reaction is concerned, it has expressed its just concern about the sorry plight of the Rohingyas and has urged the Myanmar government to take necessary steps to bring stability in that area.

### Crisis of statelessness of Rohingyas

Meanwhile, catastrophe of huge proportion is unfolding there, while the world remains unconcerned. Big powers in particular are reluctant to take any action viz-a-viz the Myanmar government. Even Nobel laureate Aung San Suu Kyi, apparently for electoral considerations, is mum. Other Nobel Laureates, who met recently in Norway, have criticized her and they didn't even invite her to that meeting. They affirmed that what is happening in Myanmar is unacceptable and that some urgent action is needed to remedy the situation. . I think the Rohingyas' cause is just



and legal. The world community has to take some action to induce, if not force, a change of mind of the Myanmar Government so that its abominable Citizenship Act of 1982 is amended in a way that such huge population who has been living in Myanmar for ages can be accommodated and given their national status. Their birth right of citizenship cannot be snatched away from them through an executive order.

### Human Rights Perspective

What is happening with the Rohingyas is in complete violation of international laws. It is against the Universal Declaration of Human Rights. It is against several universal conventions on Human Rights like the one relating to the Rights of Child. Under this latter Convention, every child wherever he is born has the right to have its nationality. Here the situation is different. The children born in Myanmar to the Rohingyas don't have any nationality. This is in utter violation of the Convention on the rights of children. Then there is another important UN Convention called the 'Right to Protect' which prescribes that if a country is unable to protect its own citizens, the international community is under obligations to intervene in the matter. The plea of Domestic Jurisdiction in such a situation is of no avail. Keeping the above stated conventions and laws in view, Myanmar is flagrantly violating humanitarian laws while dealing with Rohingyas. Silence of the international community on this situation is not understandable. It is unacceptable.

### Responsibility of Myanmar Government



The Myanmar authorities claim that are not party to the ongoing violence against the Rohingyas. Really? The President of Myanmar is on record having said that the only solution of this problem is to expel all Rohingyas from Myanmar. They cannot escape responsibility given their stated policy, bent of mind and intentions. No doubt it will be an uphill task to mobilize enough pressure on the Myanmar government to change its position on its nationality law of 1982. But it is easy to rescind or amend it

if they have the political will to do so. The 1982 citizenship act was not passed by the parliament. Rather It was enacted through an executive order and thus it can be annulled through an executive order, that is as I said, if there is political will on the part of the leadership of the Myanmar.

### How to deal with the crisis?

The important question is that what should be done? In my view, first and foremost the humanitarian aspect should be addressed i.e. to look after the urgent humanitarian needs of the hapless people, both who have been forced to flee and those who remained behind in Myanmar. Those who remain in Myanmar, their condition is no better; they are confined to ghettos and camps. They are facing similar situation as under the erstwhile universally discredited Apartheid system in South Africa. Second, there is an urgent need to generate international public pressure to influence the policies of the Myanmar government. They should improve the socio-economic conditions of the Rohingya community. At the moment the Rohingyas are marginalized politically, economically and socially. They are denied basic facilities like health and education. But the basic remedy is that Rohingyas should be granted the nationality of Myanmar. Once they are accepted as nationals of Myanmar, from that other rights will naturally flow. So far unfortunately, the Myanmar government remains adamant. It continues to maintain that the Rohingyas are Bangladeshi nationals. Therefore, the basic solution is that the Rohingyas should be accepted as nationals of Myanmar, sooner rather than later.

*The above remarks were given by Ambassador Khalid Mahmood on the occasion of Round Table Discussion on “**The Dilemma of Myanmar's Stateless Rohingyas**” organized by MUSLIM Institute on 02 June, 2015 at National Library of Pakistan, Islamabad.*

