

Historical Background of Rohingya Crisis between Bangladesh and Myanmar

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Abstract

The Rohingya refugee crisis is a controversial issue, which has imposed Burma-Bangladesh relations in late 1970s. The Rohingya crisis has created a crisis against Rohingya Muslims in Rakhine due to human rights violations of the military junta in Myanmar. Rendered stateless, Rohingya escaped from Bangladesh and other neighboring countries to take shelter. Discussion failed to solve the Rohingya refugee crisis year. This research note proposes the need for intense bilateral and multi-party negotiations, which is a possibility that can be easily available through the democratic process of Myanmar. The report is divided into four sections. The first three address human rights issues through a temporal framework – past, present, and future – designed to approach the issues in a holistic manner. They cover specific human rights concerns for Rohingya in both Myanmar and Bangladesh, beginning with atrocities committed in the context of the crackdown, moving onto protection concerns for refugees in Bangladesh and ongoing rights violations in Myanmar, and finally addressing potential future violations in the context of repatriation and medium- and long-term residency in Bangladesh. The final section discusses the role of ASEAN in working toward a resolution, which also formed a key component of APHR's investigation. The report concludes with recommendations for the Myanmar government, the Bangladeshi government, and ASEAN and member state governments.

Keywords: Rohinhya; Historical background; Persecution; Present Situation; Voluntary Repatriation.

1. Introduction

The historical exclusion and contemporary marginalization of Rohingya, an ethnic Muslim minority group is an age-old dichotomy. The Rohingya asylum seekers and refugees living in Bangladesh under humanitarian grounds coupled with generosity and humanistic magnanimity of the country are in double jeopardy. The wrath of both Myanmar and Bangladesh forced them living in the line of paradox. They are one of the most vulnerable and downtrodden groups in the world as they are relentlessly subjected to flagrant human rights violations for decades. Myanmar forced them to leave the country through a series of heinous persecution, maltreatment and discrimination branding their ancestors as Bangladeshi economic immigrants while Bangladeshi successive governments have refuted the allegation recognizing them as Burmese (people from Myanmar). The tussle of words between these two South Asian states is worsening the situation for refugees resulting dual setback. Bangladesh has allowed the entry of the Rohingya into the country twice but refused their recent effort for valued reasons including security concerns and demographic burden. In comparison to Myanmar, Bangladesh is always far more respectful towards international law, its principles and policies, as per its compassionate attitude and constitutional pledge. It is now hosting around 500,000 documented and undocumented Rohingya refugees and is embittered of the adverse economic, social and environmental consequences now and in the near future. Nevertheless, the outflow of Rohingya people is the aftermath of state patronized persecution of Myanmar and the burden is on Bangladesh.

1.1 Rohingya

Rohingya is an ethnic Muslim group of Arakan a western province of Myanmar. They have been residing in this region for more than thousand years. Their ancestors were from the northwestern China. Their present language is an eastern Indic language of the Indo-European family. It is mutually intelligible with Chittagonian, the language of southeastern Bangladesh and it contains many Arabic and Urdu words, which have come from the ancient traders who have come to this region. The Rohingyas are Muslim in religion. About 50 years ago, Rohingyas once used to dream for an independent separate Arakan. In last 50 years, Burmese governments have been persecuting them successively which compelled lots of Rohingyas to take refuge in neighboring states. According to international law, they became refugees.

1.2 Historical Background of Rohingya

Arakan was a medieval kingdom located at the edge of South Asia became a province of Burma after the Burmese invasion in 1784 and the subsequent annexation of it with Burma. To the people of India and Bangladesh, Arakan became sadly memorable for the tragic massacre of the Moghul prince Shah Suja and his entire family by the Arakanese king Sandathudamma.

It is important to note that Shah Suja before taking shelter in Arakan was the Moghul Governor of Bengal (1639-60) and was being chased by the Moghal General Mir Jumla. Suja was given the assurance of assylum by the Arakanese Mogh king. However, soon after his arrival in Arakan, Suja was robbed and then in 1661 at the order of the king the entire family was massacred. This tragic event triggered anger and frustration both in Arakan among Suja's followers that accompanied him and in the Moghul capital Delhi against the brutal murder of the royal family. Subsequent to the death of Shah Suja, the Moghals led a campaign led by Shah Suja's uncle Shaista Khan who reconquered Chittagong. After the massacre of the Moghul prince and the chain of events of repeated uprising led to internal chaos in Arakan. At the same time, with the mighty Moghul presence in the Bay, Arakan lost its lucrative revenue from piracy and of slave trade. The new circumstances brought an end to the infamous Golden of Arakan that survived through causing human suffering and misery.

In our contemporary period, the event of Suja and the massacre of his family is not the reason why understanding the dynamics of ethnic relations in Arakan and by extensions in Burma becomes so central; it is largely to watchfully understand the roots of racism in Arakan and to recognize the refugee production trends of the region. Indeed, AlamgirSerajuddin expresses rather bluntly the reasons behind the Arakan problem by saying, "The Arakanese [Rakhines] were a daring and turbulent people, a terror at once to themselves and to their neighbor's. They fought among themselves and changed masters at will. Peace at home under a strong ruler signaled danger for neighbours." True, Arakan a kingdom based essentially on slave trade when it had strong leader was a constant threat to its neighbors for its robbers but taking advantage of the internal chaos there led the Burmese occupation of Arakan and the subsequent neglect under the Burmese rule and the continued Burmese annexation of the Arakani territory subsequently turned Arakan into a tiny and backward province of Burma-no doubt it is the price of being disorderly.

Despite its present improvised existence, Arakan continued to make headlines in the international media not for any glorious present but for producing refugees. The people that have been exterminated are no more the Moghs but are the Rohingyas of northern Arakan. They complain that Rakhine hoodlums along with the Burmese military are involved in a war of intimidation against them. Rohingyas have been taking shelter in Southern Chittagong. Burmese Military government and their Mogh collaborators claim that these refugees are "Chittagongnian people" originally from Bangladesh. Contrary to the claim, surprisingly even the more recent, the 1978 Rohingya refugees were found to carry Burmese National Registration cards. But in the 1991-92s there was the fresh eviction of refugees, the latter Rohingyas arrived in Bangladesh without the NRC cards. Rohingya leaders claim that the NRCs were being confiscated before the eviction.

Chris Lewa of Forum Asia says Rohingyas were being discriminated against on the basis of their ethnicity and religion. They have been excluded from the nation-building process in Myanmar and the military regime has implemented policies of exclusion and discrimination against this group aimed at encouraging them to leave the country. These systematic policies have maintained underdevelopment and have been the driving force behind two mass refugee exoduses to Bangladesh, in 1978 and again in 1991/92. The combination of human right violations the Rohingya face — from the denial of legal status to restriction of movement and economic constraints — creates food insecurity and makes life in Northern Rakhine State untenable for many. Chris Lewa adds, “Rohingya children, in particular, are innocent victims suffering from the debilitating consequences of these government policies, which dramatically affect their physical and mental development, and will have long-lasting effects for the future of the Rohingya community.”

It appears that the influx of refugees from Burma is not a new phenomenon. The present research findings show that Burmese invasion of Arakan resulting in the creation of refugees has been a chronic problem in this region. Even before 1978 mass eviction of the Rohingyas, historically there had been large-scale refugee movements to Chittagong of Bangladesh. Because of the historic Burmese invasions of Arakan, in addition to the contemporary Rohingyas exodus, it even led to the rise of Arakani origin population in southern Chittagong and in the Chittagong Hill Tracts of Bangladesh. Among them are the Chakmas (Northern Chittagong Hill Tracts), Rakhines (In Cox’s Bazar), Marma (In Banderbon), Tanchaingas (in the central Chittagong Hill Tracts).

1.3 Burmese Invasions of Arakan

Among the many Burman invasions, there had been three major recorded attacks on Arakan. First was by Anawrahta in 1044 A.D. and the second invasion was by Min KhaungYaza’s invasion in 1406 and the third major invasion was by Budapawa in 1784.

Anawrahta’s Invasion of Arakan (1044)

Anawrahta (1044-77), by killing his own brother claimed the throne of Northern Burma for himself. He made Theravada Buddhism as the dominant political religion of Burma. It was in 1044 A.D. he invaded Arakan. Anawrahta, who also destroyed the Mon kingdom in the South, was known as one of the most violent kings of Burma. Ironically, he also introduced Buddhism in Burma. He gave Buddhism, (originally a nonviolent religion,) a racial and political dimension in Burmese politics.

Anawrahta was known as a “religious fanatic” and his attack of Northern Arakan left some mark in this direction. At this time, the Chandra-Rohingyas (Hindu-Muslim mixed) population of Arakan were concentrated in the north was racially different from the Burmese population. The xenophobic king invaded Arakan as a mission to bring change from an Indianized population into an Asian variety and

helped settle Tabeto-Burman Buddhist population. It was during his time that Chakmas, although racially mongoloid, but speaking a Chandra- Chittagonian language even felt threatened by the xenophobic invasion, left Arakan for Southern Chittagong.

King Min KhaungYaza's Invasion of Arakan (1406)

In 1406 A. D., the Burmese King Min KhaungYaza led the second Burmese invasion. Consequently, Noromi-kala, the king of Arakan along with his large followers took asylum at Gaur, the court of Bengal sultan GaisuddinAzam Shah. This invasion also led to a large-scale influx of people who were the followers of the king to settle in Bengal.

In 1430 A. D., after 24 years of exile in Bengal, Sultan Jalal uddin Khan sent his General "Wali Khan as the head of 20 thousand pathan army" to restore Noromikla to his throne. NoromiKla now takes the name Sulauman Shah and becomes the king. He shifted his Captial to a new palace site in Mrohaung

In 1431, General Wali Khan removes NoromiKla and rules Arakan. General Wali Khan, the first independent Muslim ruler of Arakan. He first introduced Persian as the official language of Arakan. Noromi-kla again escapes to Bengal to seek help from the Sultan of Bengal.

1433 Nadir Shah, the Bengal Sultan sent General Sindhi Khan with 30,000 solders to help restore Noromi -kla as the king. After this event, Arakan becomes a province of Bengal. Wali Khan was killed in the battle and his followers were allowed to settle near Kalander River. In return for the help, the Arakannse king promised to return the twelve feuds of Chittagong, which most likely be the whole of southern Chittagong that was then under Arakanese rule. Arakan began to pay annual taxes and Persian continued to be used as the court language. The consequence of the retaking over of Arakan by Noromi -kla with the help of the Muslim army had the effect of the settlement of a great number of Rohingya Muslim population in Arakan. Budapawa's Invasion of Arakan (1784)

Historians considered the 1784 Burmese invasion of Arakan as a genocide for its ruthlessness massacre of Arakanese population of both Rohingya and Rakhine groups. In the month of December, 1784 Burmese king Budapawa attacked Arakan with 30,000 soldiers and returned with 20,000 people as prisoners, destroyed temples, shrines, mosques, seminaries, and libraries including the Royal library. Muslims serving the Royal palace as ministers were also massacred.

The Burmese king in order to put down the Arakanese Buddhist spirit also took away Mohamuni, the famous Buddhist statue, a symbol of Arakanese pride of independence. The Mohamuni was cast in bronze and colored in gold. It was sent across the mountains of Taungpass. There were hundreds of Moghs and Muslims forced to carry the statue to Burma through the inaccessablemountanious pass which led to the death of hundreds as they were on their way to Burma. The kings advise to his invading commanders that "If one cuts down the 'Kyu' reed, do not let even its stump remain." GaThandi, the king

of Arakan took shelter with his followers in the deep jungles of Chittagong where his decedents still live in Bandarban. They now call themselves as the Marma. Interestingly, among the people Budapawa carried with him were Rohingyas, a British scholar visiting Burma in 1799 met some people who identified themselves as the Rohingyas.

During the time of the Burmese invasion of Arakan, Chittagong came under the British rule. The British never attempted to rescue the Arakani king to his throne. To escape the brutal attack of the Burmese King both Muslims and Hindus of Arakan fled to safety in Chittagong. Pura Bisungri, a Hindu Rohingya “was an officer of the police station of Ramoo.” He was born in Arakan and fled the country after Burmese invasion in 1784. (5) Harvey says, traditionally Burmese cruelty was such that “to break the spirit of the people, they would drive men, women and children into bamboo enclosures and burn them alive by the hundreds.” This resulted in the depopulation of minority groups such that “there are valleys where even today the people have scarcely recovered their original numbers, and men still speak with a shudder of ‘manarupadrap’ (the oppression of the Burmese).

During the invasion of Arakan, the Burmese king took with him 3,700 Muslims and settled them in Mandalay. Some of them were known to even become the Ministers to the Burmese king. The decedents of the 3,700 Muslims are known as ThumHtaungKhunya (Three thousand seven hundred). For the continued oppression, in Southern Chittagong, a term was coined for Arakan of now Burma as the “MoghurMulluk” meaning the land of lawless people, generally referring to the Burmese oppression of the time. The Arakanese Muslims and Hindus that continued to escape to Chittagong resettle there were called by the Chittagonian Bengalis as the “Rohi”. “During the seven years of their operation, the population of Arakan was reduced by no less than half. During the early months of 1884, a quarter of a million {refugees took shelter} in the English territory of Chittagong.”

The oppression of the Burmese became clear from what refugees had to say at the time: We will never return to the Arakan country; if you choose to slaughter us here we are willing to die; if you drive us away we will go and dwell in the jungles of the great mountains.(8) It was during this time that Rakhines of Bangladesh in the Cox’s Bazar area, Rohingyas in great numbers and some smaller Arakani tribes also took shelter in Chittagong. The most significant rise of non-Bengali settlement in Chittagong took place due to this Burmese genocide that took place in 1784.

1.4 British rule (1826 AD – 1942 AD)

After the Burmese conquest of Arakan, the Burmese king demanded the fugitives be returned. In 1824, a decisive war between the Burmese and the British took place resulting in the British occupation of Arakan. By now due to the merciless massacre, Arakan almost became depopulated. “When the British

occupied Arakan, the country was a scarcely populated area. Formerly high- yield peddy fields of the fertile Kalandan and Lemro river valleys germinated nothing but wild plants for many years.

Mogh Memories of the past and the rise of anti-Rohingya racist jolts and shaking in Arakan.

It was in the Kalandan and Lemro river valleys where Rohingya Muslims were farmers and peasants. There were fewer people to cultivate the land. Rakhines males normally love to enjoy entertainment than do the hardwork. Rohingyas were the hardworking peasants. The British adopted the policy to encourage the ...inhabitants from the adjacent areas to migrate into fertile valleys in Arakan as agriculturists. ... A Superintendent, later an Assistant commissioner of Bengal, was sent in 1828 for the administration of Arakan Division, which was divided into three districts respectively, Akyab, Kyaukpyu, and Sandoway, with an assistant commissioner in each district. After the British conquest, despite the memories of horror, but naturally out of nostalgia, some Rakhines and Rohingya refugees from Chittagong returned to Arakan. Aye Chan, a xenophobic Rakhine writer calls these returnees as the settlements of foreigners in Arakan. He calls them as Influx Viruses. Surprisingly, he remains silent to the Rakhine returnees to Arakanese returning home. He also finds the huge Rakhine (Mogh) and Rohingya settlement in Southern Chittagong due to Budapawa's genocide as normal. He characterizes the slight increase in the Muslim population in Arakan after the British conquest as the settlement by "Chittagonian Bengali Muslims." Aye Chan's claim of these people as being Chittagonians is due to the fact that he didn't take into account the fact that many of the original uprooted people of Arakan returned to Arakan to claim their possessions. Given such a disturbing climate in Arakan after such a destruction by the Burmese king, one wonders, why Chittagonians living in a relatively peaceful region would migrate to Arakan. Naturally, the Muslim migrants were the original Rohingya inhabitants of Arakan returning to their ancestral homes. It is evident from the fact that in the aftermath of the genocide, despite the return of order by the British occupation, but the fear of uncertainty persisted and the returnees driven by nostalgia and even many other Rohingyas preferred to work in Arakan only as "seasonal labourers."

1.5 1930 and 1938 anti-Indian riots

In the meantime, there was 1930 and 1938 anti-Indian riots and Burma for Burmese campaign led by the Monks made Muslims of Arakan felt the threat of their existence in Burma but the British census at this time made things more complicated for the Arakani Rohingyas. The British identified the Rohingyas of Arakan as the Indian Muslims.

1.6 Japanese Rule (1942-1945)

The next large scale migration of Rohingyas to Chittagong took place during World War II. In 1942 Japan occupied Burma and the ultra-nationalist Buddhists jointly massacred the Karens, the Mons and in Arakan the Rohingyas. Feeling the threat of extinction, and certain Rakhines determined to drive out the

Muslims of Arakan, Muslim leaders officially took the already existing name for their suffering community as the Rohingyas. However, Rohingyas were conveniently identified by the Rakhine extremists as being the Chittagonians. During the time of Japanese occupation, the number of Rohingya death in Arakan was staggering to be over 100,000. Rohingyas call the event as the “KarbalaArakan,” the bloodshed in Arakan.

In 1942 when the British withdrew from Arakan, the Japanese immediately took over control of Arakan. The Arakanese xenophobic hoodlums began to incite people with the slogan, “our brothers came, and your brothers left you.” The hoodlums began to attack the Muslim villages in southern Arakan and the Rohingya Muslims fled to the North where they took vengeance on the Rakhines in Buthidaung and Maungdaw townships Ashraf Alam provides a list of 294 villages destroyed in the pogroms of 1942: (a) Myebon in Kyaukprou District 30 villages; (b) Minbya in Akyab District 27 villages; (c) Pauktaw in Akyab District 25 villages; (d) Myohaung in Akyab District 58 villages; (e) Kyauktaw in Akyab District 78 villages; (f) Ponnagyun in Akyab District 5 villages; (g) Rathedaung in Akyab District 16 villages; and (h) Buthidaung in Akyab District 55 villages. (14) In 1950, a memorandum by the public of Maungdaw demanded the protection of fundamental rights and demanded an unconditional repatriation of Rohingyas from Chittagong. Yoger claims that during this time the Arakani Muslim migration to Chittagong was at 20,000.

There was no action taken by the British to bring the Rohingya refugees back to Arakan. But due to this event, the Rakhine-Rohingya relations deteriorated further. Aye Chan says: “It is certain that hundreds of Muslim inhabitants of southern Arakan fled north.. At the same time Chan from his chauvinistic beliefs contradicted himself by saying that Rohingyas in Butheding, Maungdaw etc. areas in the north bordering Bangladesh are migrants from Chittagong. In this Chan seems to have failed to keep consistency in his arguments.

1.7 Rohingya Refugees in Chittagong during U Nu’s period (1948-1962)

In 1948, Burma became independent from British rule. Rohingyas again began to be protection less. Aung San became Burma’s democracy leader. He was trying to bring ethnic harmony through dialogue with ethnic minorities but the entire team of democracy leaders including Aung San was assassinated by powerful quarters who sought to control Burma by force. 1958 Rohingyarefugges took shelter in East Pakistan; the number of refugees identified as being 10,000. In 1959, Burma agreed with East Pakistan governor ZakirHossain to take back Rohingya refugees who had taken shelter in Chittagong in 1958. When questioned, “Why refugees were pouring into Pakistan from Burma, the Governor replied that the government of Burma had nothing to do with it. Actually the Moghs of Arakanwere creating the trouble.” In 1960 The Daily Guardian, Rangoon, 27 October 1960 reports that Burmese “Supreme Court quashes expulsion orders against Arakanese Muslims.”It is true, the disturbances were not entirely foreign

inspired. Pumped up in prejudice by the leading Pongyi activist, U Ottama, from 1930's Arakan became anti-Rohingya and anti-Muslim.

1.8 Rohingya Refugees during Military rule (1962-92)

In 1962, General Ne Win took over power and confiscated most Indian and Chinese owned businesses in Rangoon and began his Burmanization policy which advocated that "Burma is for Burmans," referring that Burma is for racially Mongoloid and religiously Buddhist people. Ne Win first began a policy of "divide and rule" in Arakan between the Mogh and the Rohingyas. His government identified the Rohingyas as "Indian Bengalis" from Chittagong migrated to Burma during the British period beginning from 1826. As mentioned warlier, in 1978 an officially recorded 207,172 Rohingyas took shelter in Chittagong. UNHCR and Amnesty International investigation found out that Rohingyas were carrying Burmese National Registration cards. I have personally visited the refugee camps in Ukhiya of southern Chittagong. The area was as if a sea of refugee camps. When asked people if they had any documents proving their citizenship, little children ran to their parents to fetch the documents. I have seen NRC certificates with Burmese seal testifying their Burmese nationality.

This revelation by international agencies, forced the Burmese government to accept the Rohingyas back to Arakan. In 1982 the military rulers passed the Citizenship Act in which it made a provision that Burmese people' ancestors who came to settle in Burma before 1826 will be considered as 'foreigners'.

2. Historical Background of Rohingyas Crisis between Bangladesh and Myanmar

The crisis of 1978 began when the Burmese government undertook a major campaign against the Rakhine opposition groups, particularly the Arakan Communist Party, the Arakan Independence Organization and the Arakan National Liberation Front, as well as the Rohingya guerrillas, and then referred to as the mujahidin. This was followed by a major military operation in Arakan called "King Dragon". People in small villages were uprooted and concentrated in fenced stockades. The result was that we had over 200,000 of the so-called Rohingyas in our hands, and we had no way to settle them in our already overpopulated lands.

The tide would turn again a decade later in 1991, and we were back to square one. We would again have an influx of over 250,000 Rohingyas crowding our borders along Cox's Bazar-Teknaf corridor citing the same complaints of forced labour, land confiscation, religious intolerance, rape, and other forms of persecution by the Myanmar military regime. They were accommodated in 17 camps and gradually sent back to Myanmar. The difference between the crisis of 1991 and the one 10 years before was that we were able to solve our 1978 problem tactfully within a year, but we are still struggling with the subsequent adversity even to this day. About a residual group of 21,000 refugees continues to remain in two camps in Bangladesh without any immediate prospect of a durable solution. Rohingyas crossing over

into Bangladesh have become a regular phenomenon. Official records show they pushed back at least 200 Rohingyas every month from January to May this year. According to the locals of Teknaf, incidents of Rohingya entering Teknaf increase during three different times a year: January-February, October-November and before the holy month of Ramadan.

Recently, Myanmar's western state of Arakan (Rakhine) is again burning. In Mrauk-U, the former capital of the independent kingdom of Arakan, hundreds of young Rakhine Buddhist men were on the march: packed on the backs of pickups, on motorcycles, on trishaws, tuk-tuks and bicycles, but mostly on foot. They carried spears, swords, cleavers, bamboo staves, slingshots, crossbows and the occasional petrol bomb. Their target: the unarmed Rohingya Muslims. As the Economist (Nov 3, 2012) of the UK noted, one Buddhist terrorist tugged at an imaginary beard and made a grisly throat-cutting gesture. It is feared that in the last week of October, at least 5,000 Rohingya homes were burned to ashes. Satellite imagery shows the utter destruction of a Muslim quarter of the coastal town of Kyaukphyu, from where oil-and-gas pipelines are to cross Myanmar to China. In this latest genocidal campaign, the Muslim villages and localities in townships are cordoned off and fire bombed. This trend alarms us about further push-in of Rohingyas in our country.

Rohingya issue is not, however, a new phenomenon for Bangladesh. The first wave of Rohingya refugees fleeing from Arakan to the area of Cox's Bazar occurred in 1784 when the Burmese King Bodawpaya invaded and annexed Arakan to the then Kingdom of Ava in central Burma. Apart from the inflow of refugees in 1942, two major influxes of Rohingya people took place in Bangladesh in 1978 and during the warring period from 1991 to 1992 to escape the Myanmar governed backed systematic genocidal and ethnic cleansing programme. Now around 0.5 million documented and undocumented Rohingya people are living in Cox's Bazaar, Bandarban and its adjacent areas under the generosity of Bangladesh for over 30 years. Most notably, during 1991 and 1992, more than 270,000 Rohingya refugees crossed the border from Burma into Bangladesh. However, the most detestable part of it is their characteristic evil habit of bringing along with them their experiences of horrible violence in the repulsive form of forced labour, rape, executions and torture. As a persecuted group of refugees from Myanmar who shares a similar Muslim identity, Bangladesh initially welcomed them with open arms as fellow Muslims. There was no domestic law in Bangladesh to regulate the administration of refugee affairs or to guarantee refugee rights. UNHCR's legal status in the country was based solely on a Memorandum of Understanding that was concluded in 1993 and which was originally intended to remain valid for a year, with a second year's extension if required. Initially Bangladeshi Government welcomed the UNHCR, the Red Cross and various other international agencies to assist the refugees.

2.1. Causes of Persecution of Rohingyas in Myanmar

The United Nations refers to Rohingyas as one of the most persecuted minorities in the world, and probably among the most forgotten ones. The roots of the pattern of discrimination they have long faced are ethnic and religious, as they represent a minority that primarily resides in Rakhine State (western Myanmar).

The story of their persecution dates back even before the establishment of the Republic of the Union of Myanmar, precisely during Second World War. During the war the Rohingyas declared their loyalty to the British, while the remaining part of the population, the Arakanese (Arakan is the former name of Rakhine State), decided to side with the Japanese. Even after the establishment of Myanmar in 1948, this Muslim minority had to face a constant anti-Rohingya campaign characterized by denial of their rights and discrimination. The anti-Rohingya events culminated in violent episodes carried out by the military junta in 1978 and again in 1991, which drove 200,000 and 250,000 Rohingyas, respectively, out of the country to Bangladesh, where they immediately found protection. In addition to the violence against Rohingyas in subsequent years—including the destruction of mosques and schools in Rakhine State—discrimination against them was institutionalized politically with the enactment of the 1982 Citizenship Law. The new law denied them Burmese citizenship making them stateless. Myanmar's government does not recognize Rohingyas among the national races (as it does for Barman or Arakanese) even if there is evidence proving they were born in the country, and thus refers to them as “Bengali,” illegal immigrants.

By virtue of being deemed stateless, or even worse, regarded as illegal migrants, Rohingyas have no standing to protest against discrimination before national authorities. Their situation is further compromised by the fact that none of the surrounding states are signatories to the 1951 U.N. Refugee Convention, or its 1967 Protocol; nor has a regional refugee protection framework yet been developed. The Rohingya community has suffered the abridgement of fundamental rights, such as freedom of movement, religion, employment, and access to education—a situation made worse by additional measures taken against ethnic identity that limit their rights to get married or even to have children. Consequently, over the years Myanmar, and especially the Rakhine State, has registered an increase in the number of people fleeing the country, mainly towards safer neighboring States.

Although this data refers to all Myanmar refugees, and therefore includes those escaping other forms of persecution, what is interesting here is the escalation of the exodus occurring in 1978 and 1992-1993, during discriminatory measures undertaken by Burmese authorities against Rohingyas. The data also shows, beginning in 2005, a sharp rise in the number of stateless people and Internally Displaced Persons (IDPs)—undoubtedly including some Rohingyas. It is also important to note that the persecution of Rohingyas has fueled widespread tension among local ethnic groups, as confirmed by several episodes of violence caused by Rohingyas. This is demonstrated in 2012 when a young Arakanese woman was raped

and killed by three Rohingyas giving rise to fights and several deaths in a number of villages. Fighting ensued; including Arakanese and Buddhist monks, as well as the national army, which instead of securing the region, watched or even joined the Arakanese mobs. Inevitably, thousands of individuals were forced to flee, crossing borders illegally, through the Naf River or alternative maritime routes, in order to reach safer states, such as Bangladesh, Thailand, Malaysia, and—more recently—Indonesia.

Therefore, the 2015 exodus, during which thousands of Rohingyas fled the country on hazardous journeys by boat, is just a consequence of the escalation of discrimination and violence occurring in the Rakhine region.

2.2. Where Are They Escaping?

Since 1978, Bangladesh has represented the first destination of Rohingya asylum seekers, considering the proximity, the common religion, and—most importantly—because Bangladeshi authorities initially recognized the humanitarian needs of these undocumented Myanmar migrants. According to U.N.H.C.R., about 32,000 registered Rohingyas currently live in two government-run camps, near Cox’s Bazar, in Kutupalong and Nayapara, while it is estimated that an additional 200,000 unregistered Rohingya refugees live nearby in unofficial camps. Although it might seem a relief that this contingent of asylum seekers settled in a safer country, life in these camps is dire, as many of them live without enough food, and have very limited access to education and work opportunities.

Although Bangladesh has proven to be open to this minority, it is clear that it is not, or maybe cannot be, totally committed to finding a durable solution to this issue. After all, Bangladesh ranks among the poorest and most populated country in the region. This leads to national authorities being more focused on internal questions (in particular with reference to a possible labor market unbalance, as Rohingyas would accept unskilled jobs at lower wages). Furthermore, Bangladeshi politicians have always regarded Rohingyas acceptance and settlement as temporary. Paradoxically, Bangladesh itself has considered this Myanmar minority as illegal migrants, denying them the possibility to obtain citizenship.

Moreover, following the spring 2015 migration emergency, Bangladesh has turned away new migrants, and has declared on several occasions the intention to start a repatriation program. Luckily, this plan was not accomplished; however, it gave rise to a “ping-pong” strategy with the other destination countries, Malaysia, Thailand, and Indonesia that evidently shows their reluctance to take any international responsibility.

All of these countries have recently experienced a consistent flow of migrants. Malaysia not only represents an Islamic country, but thanks to U.N.H.C.R., Rohingyas can be granted refugee status there. Thailand, especially Ranong province, is easy to reach by boat; some migrants have been able to settle there, and even to gain citizenship. In addition, a portion of these migrants consider their initial point of

arrival as a temporary base, from which to reach another destination; some Rohingyas have attempted to cross to Indonesia, and from there Australia, a signatory to the Geneva Convention. What the media described during May and June 2015 is just the tip of the iceberg with long-lasting humanitarian crisis, which, worst of all—apart from the numbers of refugees, the human trafficking, and the deaths—has an absence of any international attention. Instead, regional actors inevitably are more involved in refugee protection.

At the same time, rejection of migrants and projects for refugees' assisted return are not the proper answer now, since their lives are still at risk. In fact, a top official in Aun San Suu Kyi's administration has said that addressing Rohingya tension is not a top priority of the nation.

2.3. Present Situation of Rohingya Refugee in Bangladesh

Refugees International estimates that 29,000 Rohingya live in official refugee camps in Bangladesh, while another 200,000 are in unofficial camps, where they are categorically denied legal protections and humanitarian assistance. The majority of them live near Cox's Bazar, a city located on Bangladesh's southeastern coast. Although the United Nations High Commissioner for Refugees (UNHCR) has expressed its willingness to help the Bangladesh government cover the costs of additional services and registering refugees, Bangladesh refuses to act. The UNHCR and other international NGOs have offered numerous proposals for ways to improve the situation, but the government continues to drag its feet.

The cost factor is simply not enough to explain this puzzle. Indeed, in 1971 when 10 million refugees poured into India from East Pakistan, an extremely impoverished country managed to provide basic services with little or no international assistance. Not only could Bangladesh receive far more international assistance, but also the total Rohingya population in Myanmar does not amount to more than 2 million.

Despite close cultural and religious affinity, the Bangladesh government has been reluctant to take responsibility for the Rohingya issue. New arrivals are turned away, and Rohingyas are blamed for drug-related and violent crimes in Cox's Bazaar; their movement and access to basic services were further restricted in 2012, following attacks on Buddhist communities in southeastern Bangladesh. Indeed, despite this continuing influx of refugees Bangladesh has not come up with a comprehensive refugee policy.

In 2010, Bangladesh announced that it was working on a national refugee policy, and until it was agreed upon, no new refugees could be registered at the country's two official refugee camps. Nor, for that matter, could NGOs or the UNHCR offer any additional services. However, it took until 2014 for the government to announce its national strategy for Myanmar refugees and undocumented nationals. The policy included five key elements: listing unregistered refugees, providing temporary basic humanitarian

relief, strengthening border management, diplomatic engagement with the government of Myanmar, and increasing national level coordination. Although the statement acknowledged the need for basic humanitarian relief, it fell far short of demands for building a system that allowed refugees any opportunities for self-reliance.

More recently, the government has come up with more callous plans to deal with the refugee influx. In May of this year, for example, *The Guardian* reported that Prime Minister Sheikh Hasina had announced plans to relocate the refugee camps from their current location near Cox's Bazar to an island in the Bay of Bengal. The move appears to be motivated by plans to boost the number of tourists visiting Cox's Bazar's famous beaches.

Besides governmental inefficacy, Bangladesh has highly strained relationship with Myanmar also accounts for the situation of the Rohingya. Continuing differences over border security and insurgencies in regions abutting their borders loom large. Despite ongoing negotiations for a nationwide ceasefire, various insurgent groups are still fighting the Myanmar government. The movement of stateless Rohingya complicates an already insecure border, plagued by drug trafficking and insurgency groups.

The border between these two countries is a major transit zone for methamphetamines from Myanmar. For example, in June 2015, a member of the Border Guard Bangladesh was abducted by the Myanmar Border Guard Police and held for about 10 days before his unconditional release. Neither side offered much in the way of explanation of the incident; many people in Dhaka were convinced that the abduction was probably tied to the involvement of the two border forces in the drug trade from Myanmar to Bangladesh. Methamphetamine addiction is on the rise in Dhaka, even as millions of pills, locally known as yaba, are confiscated annually at the border.

Insurgent groups have also taken advantage of the chaos surrounding the border area. In late August, the Bangladesh military organized a series of operations into the border areas to oust members of the Arakan Army, one of Myanmar's ethnic armed organizations, which had been operating in the region illegally while hiding from Myanmar government forces. Rohingya insurgents have also sought refuge in Bangladesh, as have Bangladesh's own insurgent groups from the Chittagong Hill Tracts.

2.4. Voluntary Repatriation: Not a Viable Option

Though Myanmar government does not accept Rohingyas as citizen, the Rohingya people living in Bangladesh regard Arakan/Northern Rakhine state as their natural place of residence. Even a young Rohingya people born and grew up in Bangladesh wants to go back to Myanmar if provided safety and dignity. After the exodus in 1991-92, repatriations had begun in September 1992 under a bilateral agreement between the government of Bangladesh and Myanmar. Initial repatriation of the refugees was not voluntary in nature. Both the governments and UNHCR were involved in involuntary repatriation,

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which amounts to refoulement. Between September 1992 and the end of 1993; virtually all repatriations of Rohingya refugees were forceful ones. During this period, the UNHCR was not present in Arakan and it had no agreement with Myanmar to assist returnees. Human Rights Watch Asia (September, 1996) in a document entitled 'Ending a Cycle of Exodus' is critical of the authorities concerned for failing to prevent serious abuses in the refugee camps, including beatings of refugees by security guards, and the denial of food rations by camp officials that apparently point out coercive measures aimed at pushing refugees into returning to Arakan. Indeed, as many as 50,000 refugees returned across the border involuntarily and without the UNHCR being able to trace their whereabouts. Later in July 1994, UNHCR activated promotion sessions and mass registration for repatriation. The organization declared December 1995 as the deadline to return remaining 190, 000 refugees. It should be noted that the organization violated its mandate in many cases in order to promote quick repatriation. 'Aggression reached a height in mid-July 1997, when 350 refugees – mostly women and children –were rounded up overnight at gunpoint and deported. This set off a 14-month long strike in Nayapara by the refugees, involving some militant elements, in which the refugees took over the camps and boycotted humanitarian services'. After that the repatriation process became slower and the last repatriation happened in 2005.

Currently, UNHCR has acknowledged that return is not a viable option for the Rohingya refugees. Reports by Amnesty International (2004) and stories of persecution of Rohingyas in Burma present credible evidence that refugees who are forcibly returned to Burma will find their life and freedom threatened. However, under pressure from both the Bangladeshi and the Burmese governments, UNHCR is still exploring the possibility of future repatriation. Many refugees do not understand the political positioning of UNHCR and see their continued consideration of repatriation as an act of betrayal. Eruption of renewed violence against Rohingyas in Myanmar since June 2012 created another wave of displacement of Rohingyas. In the current situation and in the near future there is little light of hope for the voluntary return of Rohingya people to Myanmar.

2.5. Local Integration: Unspoken Reality

'Local integration' is a legal, economic and political process by which refugees progressively become members of the host society (UNHCR, 2001). The government of Bangladesh continues to reject local integration as a durable solution for the Rohingya refugees, leaving UNHCR with very limited options. Bangladesh is not well placed to cope with this protracted refugee situation. The country is confronted with extreme poverty and high rates of population growth, and is increasingly affected by natural disasters and climate change. The refugees are to be found primarily in remote and impoverished areas of Bangladesh which have not benefited from the modest economic growth that has recently taken place in some other parts of the country. From the government's perspective, there has been a lack of concerted international action to address the circumstances that forced the Rohingya to leave Myanmar and which

now obstruct their repatriation. Bangladesh also considers there has been inadequate international understanding and support with respect to the refugee impact on host communities. The presence and general tolerance of such large numbers of Rohingya in Bangladesh derives in part from the social, ethnic, linguistic and religious characteristics that they share with the host community, particularly their common adherence to Islam. Even so, political and public opinion in Bangladesh is generally not well disposed towards the refugees. In spite of opposition from the government and local host community, it is a fact that many Rohingyas are being integrated in Bangladeshi society. This is happening in mainly two ways; illegally collecting Bangladeshi nationality documents and inter-marriage with local Bangladeshis. Employment is also a major process of integration. As many Rohingyas are involved in informal jobs, they gradually become economically self-reliant. Many unregistered Rohingyas are seen living in the slums of Cox's Bazar along with the poor Bangladeshi families. They work in and around Cox's Bazar in mainly manual jobs including as rickshaw puller, day laborer, fishermen, and domestic workers and in dry fish processing.

2.6. Resettlement: Too little to count

Resettlement opportunity was not available for Rohingya refugees in Bangladesh until 2006. The government of Bangladesh refused permission for refugee travel and countries offering programmes of resettlement showed no active interest in accepting this caseload. At first, in 2007, only 23 Rohingya refugees departed for Canada. Later, New Zealand, UK, Australia, USA, Ireland, Norway and Sweden came forward to accept some Rohingya people as refugee. Sadly, the selection criteria of those countries resettling refugees from Bangladesh would appear to focus on those most likely to integrate easily into the host communities, rather than those in greatest need. There are concerns about the more intensive on-arrival needs and the poor integration of refugees from protracted refugee situations and the potential cost to the host communities. The poor health status, low levels of education and trauma experienced by this population make it unlikely that they will easily fit into 'integration' criteria. It is also feared that the international backlash against groups suspected of being fundamentalist Muslims would prevent some countries from even considering this caseload for resettlement. In November 2010, Bangladesh government suspended resettlement operation. According to government, it would act as a pull factor for the new waves of refugees from Myanmar.

Other governments in the region are reluctant to become involved in the debate around the Rohingya refugees. They are afraid of secondary movement to their territory and do not wish to accept any additional refugee caseload. There has also been reluctance from regional powers to criticize the human rights record of the Myanmar regime, as they do not wish to jeopardize trade with this resource rich country. Rohingya refugees do, however, flee to other countries, including India, Gulf States, Japan, Pakistan, Saudi Arabia, Thailand and the United Arab Emirates. This movement is often facilitated by

criminal gangs who charge exorbitant fees, leaving the refugees vulnerable to abuse and exploitation. Many states deny admission to the Rohingyas and some have engaged in systematic refoulement to avoid creating pull factors to their countries. Though the secondary movement of Rohingyas through irregular channels is not supported by any state, the refugees themselves increasingly prefer this way after having lost all hope in legal solutions.

2.7. Bangladesh's legal obligation towards the Rohingyas

Bangladesh is not a signatory of the 1951 Convention and the 1967 Protocol. However, it is party to a number of international human rights instruments, the four Geneva Conventions of 1949 and International Conventions. Bangladesh is bound to offer protection to the refugees by Article 5 of the Universal Declaration of Human Rights (UDHR), Article 2 of the International Covenant on Civil and Political Rights (ICCPR), Article 22 of the Convention of the Rights of the Child (CRC); Articles 2, 3 (this is paralleled to non-refoulement of the 1951 Convention) and 6 of the Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, Article 44 and 45 of the fourth Geneva Conventions. Most importantly, Bangladesh's Constitution in its Preamble pledges to protect fundamental human rights of all. Therefore, Bangladesh has obligation to protect those Rohingyas who are already living in Bangladesh. But there several issues that needs to be dealt with when it comes to non refoulement. The principle of non-refoulement is the customary international law but there are exceptions as well. Moreover, the Rohingyas who are crossing the border in recent times are boat refugees, and in reality, State practice is different regarding this issue. The theory and practice of the principle of non-refoulement is not the same, particularly in the case of boat refugee. Further, in practice, State sovereignty, State policy, and national security always get privilege over customary international law. While the principle of non-refoulement is basic, it is recognized that there may be certain legitimate exceptions to the principle. Article 33 (2) of the 1951 Convention provides that the benefit of the non-refoulement principle may not be claimed by a refugee. According to the Article-33(2) refugees can exceptionally be returned on two grounds: (i) in case of threat to the national security of the host country; and (ii) in case their proven criminal nature and record constitute a danger to the community.

Bangladesh being an over populated country cannot have the luxury to invite a large number of refugees into our country. According to UNHCR there are more than 203,000 Rohingyas living in the two camps and outside the camp as well. Only 30000 of them are assisted by UNHCR. The rest has to serve their selves. These people are creating an extra pressure on the local economy and job market. Moreover, there are several cases where the Rohingyas are accused of illegal and criminal activities in those areas. Therefore, an influx of even more refugees will create an extra pressure on the country and Bangladesh has every right to stop the influx.

At the present circumstances we notice, Rohingya refugees are fleeing into territory of Bangladesh by boat. In this scenario, arrival of asylum seekers by boat puts at issue not only the interpretation of non-refoulement, but also the extent of freedom of navigation and coastal State's right to control its territories. Therefore, it rather the obligation of Myanmar who have created the Rohingya problem to solve it as soon as possible, the international community should also influence the junta government of Myanmar to stop ethnic cleansing against the Rohingyas of Arakan.

2.8. Possible ways to solve the issue of the Rohingya refugees

It may be borne in mind that refugee issues have impact on social and economic costs and require pragmatic approach. In dealing with the crisis, the paper focuses on three aspects for the existing Rohingyas:

- a) Making a proper framework and laws for the management of the refugees in Bangladesh.
- b) Confining the refugees in designated camps and keeping them under strict security to prevent their melting away into the neighboring villages;
- c) Ensuring food, shelter and medicine in the camps enough for survival; and
- d) Arranging the repatriation of the refugees with the Myanmar authorities without internationalizing the issue.

However, these are not easy tasks. Many of these efforts have not achieved the desired level of success.

Repatriation is not the only solution for recent trends. It is the problem of Myanmar that they have created, a situation where a section of their people has to flee across the border for saving their life. Bangladesh has so far done very little in my opinion. Bangladesh should go either for a bilateral diplomatic approach or for an international approach. Diplomatically, why can we not talk to our friends who are very influential, to impress upon the Myanmar government to solve the problem once for all? Otherwise, this will recur. If again any influx happens due to persecution in Rakhine state then a serious moral question will arise for Bangladesh and the government will have to take a position under the glare of the world media. The Foreign Ministry might consider holding a consultation with the people who have dealt with Myanmar as well as Rohingya issue.

It seems that Myanmar has acknowledged the persecution of its stateless Rohingya Muslim minority and is considering giving citizenship to thousands of members of the group as a first step to finding a solution to the conflict with local Rakhine Buddhists.

There are very tangible and viable steps that Bangladesh can pursue to alleviate the dire plight of the Rohingyas.

First, the UNHCR and international NGOs working with refugees need to pressure Dhaka to produce a comprehensive refugee strategy that can realistically address the Rohingya issue. Dhaka needs to come to grips with the sad but ineluctable fact that Naypyidaw will not take steps to improve the lot of Rohingya in Myanmar and the Rohingya refugee crisis is unlikely to stop anytime soon.

Second, Bangladesh Border Guards should be instructed to allow Rohingya refugees into the country for immediate registration, unless there is sufficient evidence that the asylum seekers are either drug traffickers or insurgents. Denying Rohingya legal entry only incentivizes illegal entry and cooperation with insurgency groups and drug traffickers. Indeed, accepting more refugees that are official should be integrated into Dhaka's border security, anti-narcotics, and anti-terrorist legislation.

3. Conclusion

Refugees face multi-pronged psychosocial and human security threats. Four major dimensions of security have been identified in this study— politico-military, economic, social and environmental. While primary responsibility for refugee security rests with the host government, it has been repeatedly stressed that the problem of security should be an issue for which a multiplicity of actors share responsibility—refugees themselves, local populations, country of origin, host country, donor states, regional organizations, the UNHCR its operational partners. For a resolution of the problems faced by the stateless Rohingya refugees, a multi-faceted approach is required. In fact, it is important to materialize a collaborative effort between the government and civil society to contain the social and economic impact of protracted refugee situation. The international community needs to approach the stateless cum refugee issue in the context of broader development agenda and international law. The commitment of all stakeholders, including the government, humanitarian agencies, local communities and donors, is required. Cooperative and combined effort can assist in alleviating problems and assist refugees to participate to the fullest extent possible in their life in Bangladesh and following their return in Myanmar.

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