

The Rohingya: Impediments to Inclusive Citizenship

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MSc Political Economy of Violence, Conflict and Development

This dissertation is submitted in partial fulfilment of the requirements for the degree of MSc in Political Economy of Violence, Conflict and Development of the School of Oriental and African Studies (University of London).

September 16th, 2013

Supervised by Professor Naila Kabeer

Word Count: 9997

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Abstract

Statelessness is one of the most pressing humanitarian issues of the twenty-first century. In this paper I analyse the on-going situation of the stateless Rohingya of Myanmar, specifically in regards to their exclusion from citizenship. I draw from the theory of inclusive citizenship, demonstrating the ways the Rohingya are excluded from having a formal status, participating with the state, and participating in society. I unveil Myanmar's long history of Burman privilege, as well as colonialism-inspired Indophobia which has morphed into Islamophobia, making the ethnically darker Muslim Rohingya an extremely disadvantaged population. I support this argument by demonstrating the aspects of horizontal inequalities faced by the Rohingya. I then look at how their exclusion could breed violent resistance if measures are not taken to include them as citizens of Myanmar and bring some stability to Rakhine State and east Bangladesh. This analysis of the Rohingya's horrific situation is of particular relevance given the recent praise from the international community for Myanmar's democratic reforms.

Acknowledgements

I would like to thank Chris Lewa Director of *The Arakan Project* for being interviewed and Professor Naila Kabeer of *The School of Oriental and African Studies* for her guidance and supervision. Finally I would like to thank Catalina Merchan, Patrick Horton, and Erik Syngle for offering feedback throughout the process.

1. Introduction

While the international community warms up to democratic reforms, the contemporary phenomenon of large-scale displacement in Myanmar¹ has continued unabated. Myanmar, like its neighbouring countries, has long neglected to acknowledge most international conventions relating to refugees and stateless peoples (Adelman, 2008, 4). The Rohingya, in particular, have suffered at the hands of the Burmese military, rendered stateless in their homeland Rakhine State² with the creation of the 1982 Citizenship Law. Aside from their formal exclusion, there are a myriad of less evident ways Rohingya, an ethnic, linguistic and religious minority are marginalized, specifically in relation to ‘Indophobia’, ‘Burman privilege’ and ‘Islamophobia.’ In the following I will focus on Naila Kabeer’s (2005) concept of ‘inclusive citizenship’ understanding citizenship as being more complex than a mere status or civic duty, and instead a notion where constituents are able to engage with the state and each other on a fair playing field.

I will argue that in order to move towards a realization of inclusive citizenship for the Rohingya, exclusion, inequality, and injustice must be addressed. Specifically, to better understand their impediments to inclusive citizenship, Frances Stewart’s (2008) ideas of ‘horizontal inequalities’ are useful since they clarify aspects of inequality, injustice, and exclusion. Finally, Nancy Fraser’s (2009) ideas on justice and Martha Nussbaum’s (2006) ‘capabilities approach’ will help complement Kabeer’s work, as both justice and capabilities are embedded in a citizenship that is inclusive. I will demonstrate in the following that the impediments to inclusive citizenship for the Rohingya are multidimensional and any

¹ Burma’s name changed in 1989 to ‘the Union of Myanmar’. For all examples prior to the name being changed it will be referred to it as ‘Burma’, and all after the name change ‘Myanmar.’

² Arakan State’s name was changed to Rakhine State in 1974. For all examples prior to the name being changed it will be referred to as ‘Arakan’ and after name change as ‘Rakhine.’

comprehensive approach to improve their situation must take notice of this complexity –moving away from simplistic approaches that address only their statelessness focusing solely on standard notions of liberal and republican citizenship³. Recently, the Rohingya’s situation has been described as ‘ethnic cleansing’ and ‘apartheid-like,’ indicating how pressing it is to properly address their situation (Kramer, 2010, 75; Lewa, 2013).

Before continuing it is important to clarify the concept of inclusive citizenship. This notion takes into account the ‘horizontal aspects of citizenship’ – stressing the relationships between citizens and ‘acknowledged communities’, as well as the ‘vertical view of citizenship’ focusing on the interaction between the state and the individual or the ‘imagined community’ (Kabeer, 2005, 23; Kabeer, 2002, 9). It also connects with what Dagnino (2005) calls “citizenship from below” - as it is contextual and closely bound up with demands for justice, recognition, dignity and respect for disempowered groups (Kabeer, 2005, 4). Inclusive citizenship is supported by Fraser’s (2009, 65) ‘democratic-inclusion principle’ which argues that the citizenry should include all those affected by political decisions in a state, and social arrangements should permit all to participate as peers in social life – which she refers to as the ‘principle of parity of participation’ (Fraser, 2009, 60). These ideas are further complemented by Nussbaum’s (2006, 290) ‘capabilities approach’ which features entitlements grounded in justice covering civil, political, economic and social rights. Inclusive citizenship also acknowledges the inter-dependence between ‘negative’ and ‘positive’ freedoms, emphasizing the “importance of positive freedoms for the active practice of citizenship” (Kabeer, 2002, 21). Similar to Nussbaum’s (2006, 1) argument that social justice should be “abstract and responsive to the world,” an inclusive citizenship must also be.

³ For a history of citizenship see Introduction of Kabeer’s (2005) *Inclusive Citizenship: Meanings and Expressions*

To better understand the Rohingya's impediments to inclusive citizenship, I will examine the ways they are formally excluded from citizenship, from participating as citizens in the state, and from fair participation within Burman Buddhist society. This will be further supported with reference to Fraser's (2009, 57) ideas of injustices of recognition, representation and redistribution. Finally, I will analyse their exclusion through what Stewart (2008) calls 'horizontal inequalities' – dimensions of disadvantage which are 'identity-based disadvantages' – where "inequalities cut across economically defined strata and differentiate the ability of different groups and categories within society to access valued resources and opportunities" (Kabeer, 2005a, 3). Stewart (2008, 13) identifies four interconnected aspects of horizontal inequality: political participation, economic employment aspects, social aspects, and cultural status – as well as emphasizing the importance of spatial location, all which are crucial to understanding exactly how the Rohingya are excluded from the citizenry in Myanmar.

2. Historical Context of Arakan and Colonialism

i. The Far Eastern Himalaya

The Far Eastern Himalaya region, includes both western Myanmar and eastern Bangladesh, and is of particular importance to the Rohingya's history. Isolated from the respective central levers of government, the region is still politically and economically controlled by the centre (Hazarika, 1995, 71). Due to a violent history of being ruled by an "endless procession of Tibeto-Burman tribes," the people of this region suffer from xenophobia. Generally under-populated, the region's marginalized inhabitants have received little international attention with their "seemingly eternal violence" being treated as though it was occurring "in a kind of vacuum" (ibid. 71). It is also important to note that the region is abundant in natural resources that have

remained largely unexploited as I will discuss later (Topich & Leitich, 2013, 1; Hazarika, 1995, 69).

Within this region lies Rakhine State— identified by Topich and Leitich (2013, 6) as “the most volatile region in all of Myanmar.” The Rakhine people (formally called Arakanese), have historically been in conflict with the Burmans, dating back to the 11th century when the Burmans first conquered Arakan (Minahan, 1996, 31). The animosity continues today as one popular Burman proverb states: “If you meet an Arakanese and a poisonous snake, first kill the Arakanese” (Minahan, 1996, 32). Whereas the Rakhine are recognised by Myanmar as an official ethnic group, the Rohingya of Rakhine State are an ethno-religious and linguistic minority that is not. Similar to the rest of the Arakan the Rohingyas were conquered and incorporated into the majority Buddhist Kingdom of Burma in 1794. Stories circulated at the time of Burmans rounding up Rohingya, and burning them alive or using them as slaves (Ahmed, 2012). The Rohingya reflect their geographic reality, an ethnic mix of Bengali, Persian, Moghul, Turk and Pathan, as well as having a “culture and language which is absolutely unique to the region” (Alam, 2011, 1). They practice Islam, which was first established by Arab and Persian traders and clerics, arriving not long after the emergence of Islam itself (van Hear, 1998, 94). The name Rohingya is a derivative of *Rohang/Roshang*⁴ an earlier name for Arakan, and the earliest use of the actual word ‘Rohingya’ dates back to 1799 (Charney, 2005, 15 cited in Alam, 2011, 3). Evidently, it is widely agreed outside of Myanmar that the Rohingya people have long been in Arakan, pre-dating its incorporation into the Burmese sovereign territory in the 18th century (Staples, 2012, 139). As discussed by Lewa (2008, 41), more debatable is the claim

⁴ Italics are used for all terms written in languages other than English

that Rohingya have a history in Arakan dating back to the 7th century when Arab Muslim traders first settled there.

ii. The Colonial Experience

Myanmar's colonial history is of particular importance when trying to understand the current situation of the Rohingya. Following a series of invasions in the 1800s the British colonized Burma and administered it as a province of India. During this time, populations were moved between East Bengal and Burma to suit labour needs (Egreteau, 2011, 35). In 1886 the British divided Burma, removing traditional leaders and placing central control in Rangoon, while leaving the peripheral 'frontier areas' like Arakan under the control of traditional leaders (Walton, 2013, 7). They then began excluding Burmans from the armed forces, and by 1925 they had discharged all Burmans adopting a policy of recruiting only ethnic Chins, Kachins and Karens (Seth, 2002 cited in Walton, 2013, 8). This, along with the success of colonial missionaries at converting large numbers of ethnic minorities, put the Burmans at a disadvantage

Officially de-colonized in 1948, the colonial era is still perceived by Burman society as the 'original trauma' and has deeply influenced the cohesiveness of contemporary Myanmar (Egreteau, 2011, 34). Ethnicity in pre-colonial Burma had a fluidity, which disappeared due to 'divide and rule' colonial tactics which gave ethnic categories increasing political, social and economic significance (Lieberman 1978, 457). Upon leaving, the British made what Walton (2013, 9) describes as a "half-hearted attempt" to ensure representation of non-Burmans by requiring that independent Burma hold a conference for determining the "political desire of all ethnic groups." However, only three minority groups were included. In addition to this,

Burmese nationalism developed in opposition to colonial rule, as non-Burmans came to be viewed as “privileged servants of the British,” and non-Burmans came to see conflict with the central government in ethnic terms (Walton, 2013, 8; 2; 4). Many of Burma’s post-independence leaders started out in nationalist groups like *Dobama Asiayone* (We the Burmese Association), with strong anti-west, anti-Indian and racially exclusive conceptions of a Burmese nation (Egreteau, 2011, 39).

iii. Decades of Uncertainty and Violence

In the last 50 years, there have been four main exoduses of Rohingyas from Rakhine State. In 1977 the military attempted to remove those they deemed foreigners through the violent Operation *Naga Min* (Dragon King) which Amnesty International labelled as an “ethnic cleansing” (Blitz, 2011, 59). This process led to more than 200,000 Rohingya fleeing to Bangladesh, which the Burmese government claimed as proof that the Rohingyas did not belong in Burma (Pittaway, 2008, 87). Then in 1991 after claiming Arakanese Nationalists were preparing to separate, the military launched an offensive called Operation *Pyi Thaya* (Clean and Beautiful Nation), and once unable to locate these nationalists, they turned on the Rohingyas, causing another exodus of 260,000 (Ahmed, 2012; Minahan, 1996, 33; MSF, 2013, 48). Since then there have been sporadic episodes of violence, and beginning in 2006 a new exodus of thousands of ‘boat people’ from Bangladesh and Myanmar to Malaysia began (Loescher & Milner, 2008, 315). In June 2012 violence hit unprecedented levels as riots were sparked by the supposed rape of a Buddhist girl by three Muslim men, which was followed by the lynching of 10 Muslims by 300 Buddhists (Topich & Leitich, 2013, 152). The ‘Rakhine State Riots’ resulted in approximately 150,000 Rohingya displaced, widespread destruction in Rakhine State, and ‘Muslim free areas,’ through the creation of urban ghettos for Rohingya (Brinham, 2012).

Regardless of this recent history of mass migrations, one million Rohingya remain in Myanmar today (HRW, 2013, 265).

For Nussbaum (2006, 291), being able to ‘live life to its end’ is a central human capability – however many Rohingya face deadly violence in many different forms, from torture, arbitrary executions, to sexual violence (Chaudhury, 2005, 216). According to Basu (2009, 327) the state is using rape as an instrument to push the Rohingya out of Myanmar. During interviews by UNHCR (2007), Rohingya men said they felt helpless, acknowledging that they would face false accusations and imprisonment if they tried to stop the rapes (Pittaway, 2008, 88). Following these rapes, Rohingya women are often forced into marriage, especially if they become pregnant (Pittaway, 2008, 92). The Burmese junta treats the Rohingya population as if they were insurgent forces, subjecting them to the *Pya Ley Pya* (‘four cuts’ policy), aimed at crippling the civilian support base, limiting access to: food, recruits, finances and intelligence (Loescher and Milner, 2008, 321; Chaudhury, 2005, 218). Currently only 29,000 Rohingya are recognised as refugees by the UNHCR in Bangladesh, while around 300,000 are living there unrecognised (Blitz, 2011, 59; Brinham, 2012). Violence reportedly has increased as conditions in the camps deteriorate. As noted by relief workers, mobs of locals frequently attack the refugees (Shahrad, 2009, 30). The camps are a ‘Phase 1 - highly dangerous’ posting for UN staff, who are only allowed there during the day, leaving the refugees without protection for 16 hours each day (Pittaway, 2008, 89). In 30 years in the field, Pittaway said she has never been to a camp where the fear was so “palpable and pervasive and where malnutrition and poverty was so rife” (Pittaway, 2008, 83). Adelman (2008, 7) says the camps may even be more insecure than if they were to return home, and when asked one Rohingya woman described it as “worse than hell” (UNHCR, 2007b cited in Pittaway, 2008, 89). While it is dangerous inside the camps, leaving them can be such a risk that

one woman with a sick disabled daughter was pressured by her husband to stay and let the child die (Pittaway, 2008, 92). According to Lewa (2013) a lot of the harm being done in the camps is by members of their own community, specifically *Majhees* (village leaders). When authorities want forced labourers they go to the village headman who picks which Rohingyas will work. According to Pittaway (2008, 90) a crime ring controls the camps, where the leaders are involved in organised trafficking, ration scams, bribe collection, and dictating almost every aspect of the Rohingyas' lives. Those inside the camps are especially afraid of 'false accusations' – a common occurrence where they are falsely accused for a petty crime, taken to jail and held indefinitely. The jail in Cox's Bazar has a maximum capacity of 800 but according to UNHCR (2007) it was holding 3,600 (Pittaway, 2008, 90). The preceding evidence supports Stewart's (2008, 12) argument that governments dominated by one particular identity group are more prone to state violence, as the Rohingyas face violence at the hands of the Burman controlled military.

3. Statelessness and Horizontal Inequalities

i. Statelessness

While nation-building, Myanmar has made the distinction between citizen and foreigner fundamental. However, by creating this legitimacy it has opened "vast domains of invisibility" (Wong & Tan, 2012, 89; Kalir, Sur & van Schendel, 2012, 17). The Rohingya lack a nationality or 'status,' in accordance with the liberal notions of citizenship, as they are *de facto*⁵ and 'collectively stateless' (Kabeer, 2002, 1; Adelman, 2008, 8; Chaudhury, 2005, 223). According to van Hear (1998, 96), under the constitution at the time of independence, the Rohingya had a "good claim" to citizenship, yet today they are considered 'resident foreigners', even though

⁵ De Facto/ De Jure distinction aims to differentiate between 'the deprivation of a nationality previously held [...and] failure to acquire a given nationality for lack of determining the most effective link' (Batchelor 1998, 179 cited in Staples, 2012,159)

their families have been there for generations (Banerjee, 2010, 124). As identified by Stewart (2008, 26) the distribution of citizenship is often highly politicised, reinforcing hierarchies of power, which is clearly the case for the Rohingya. In 1982, the Citizenship Law was introduced by General Ne Win's military regime – based on his nationalistic worry that rich foreigners were gaining political power (Lewa, 2013). Following the principle of *jus sanguinis* or 'right of blood,' the law identifies three categories of citizens; full, associate and naturalized (Staples 2012, 149; Kramer, 2010, 52). According to Amnesty International (2004) , the 1982 Citizenship Law legalised exclusion, creating two categories of people, full citizens of Burma, including most ethnic groups, and then 'associate' citizens, such as South Asian and Chinese minorities (Blitz, 2011, 59). The Rohingya, however were disqualified from any of the preceding groups as they could not 'prove' their lineage as associates before 1948. In 1989 authorities introduced a colour-coded 'Citizens Scrutiny Card', with different colours for each category of citizens, and while at first the Rohingya did not receive any card, in 1995 due to the UNHCR's advocacy efforts, they were issued white 'Temporary Registration Cards' (Lewa, 2009, 11-12). These cards, however, did not even mention their place of birth and were not useful.

The only way the Rohingya are regularly documented is in an oppressive and limiting manner – through the use of 'family books'. These are old books, often falling apart, that show a given person's family ties to that particular village. This is often the only documentation they have to validate their status as 'refugees' in camps, and receive basic necessities (Pittaway, 2008, 91). During both major exoduses in 1978 and 1991, many refugee camps were established along the Bangladeshi border, and both times the Bangladeshi government was clear that they would not accept the Rohingya as citizens, nor allow them to stay as refugees (UNHCR 2007b cited in Pittaway, 2008, 87). Also, some recognised refugees have received 'protection letters' or 'letters

of concern' from the UNHCR in the past, but these are often not recognised by the authorities (Buscher, Lester and Coelho, 2005, 35 in Staples, 2012, 9). As stated by Arendt (1973, 292) non-national guarantees of status are weak compared to citizenship (Staples, 2012, 164). Finally, the situation was worsened when the UNHCR appeared to concede to Myanmar's argument, terming them 'residents' in a Memorandum of Understanding with the government in 1993 (van Hear, 1998, 100).

ii. Political Horizontal Inequalities

Nussbaum (2006, 76) identifies 'control over one's environment' as a central human capability, since a dignified life should allow one to participate effectively in political choices that govern one's life. As explained by Fraser (2009, 60) groups like the Rohingya are impeded from 'full participation' by rules that deny them equal voice in public deliberations and democratic decision-making. In camps the *Majhees* do not permit them any role in administering and governing themselves (Loescher & Milner, 2008, 320). The government of Myanmar uses deprivation of citizenship as a "key strategy to justify arbitrary treatment and discriminatory policies," where even the most mundane activities have been turned into illegal acts (Staples, 2012, 149; 140). The Rohingya's lack of status puts them at risk of indefinite detention, in a revolving door of informal deportations, or what they describe as feeling like being "caught between two tigers" (Staples, 2012, 148 ; Pittaway, 2008, 95). What Fraser (2000, 114) calls 'parity-impeding values' are institutionalized – and misrecognition is justified and codified in formal law as we see with the Citizenship Law of 1982. While in other cases misrecognition occurs via government policies and professional practice – as demonstrated by many additional restrictions (i.e. marriage, family size, employment) placed on the Rohingya. This connects with

Arendt's (1973, 296) argument that since they are "outside the state, they have 'no rights to rights'" (Staples, 2012, 165).

Ethnic and national identities have been effectively merged in Myanmar, with words like Burmese, Burman and Buddhist often being used interchangeably. Myanmar as described by Brown (1994, 36-37) is an 'ethnocratic state,' and General Ne Win, head of state from 1962 to 1981, believed that one's 'Burmeseness' is something that Burman people are naturally endowed with (Walton, 2013, 11; 13). According to Fredrickson (2002, 69-70), "where nationality is ethnic, and if ethnicity is thought to derive from the blood or the genes, those of the wrong ancestry can never be accepted as sons and daughters of the nation" (Walton, 2013, 21; 14). These horizontal inequalities fit with what Folbre (1994) calls 'given groups' – appearing almost unchangeable and primordial in nature, creating "ascribed relationships of family, kinship and community" (Kabeer, 2005a, 5-6; Kabeer & Kalir, 2009, 325). In an official message to fellow heads of mission, the Burmese Consulate General in Hong Kong said, "in reality, Rohingya are neither 'Myanmar People', nor Myanmar's ethnic group... their complexion is 'dark brown'... They are as ugly as ogres" (Ferrie, 2010, 127 cited in Staples, 2012, 149).

The Rohingya in Rakhine are exceptionally disadvantaged as "they are a minority in an already ethnic minority state" (Lewa, 2013). The Rohingya have become prime examples of non-members, a powerless minority, with no chance to participate unless on adverse terms, and there is little incentive for political parties to listen to their concerns (Fraser, 2009, 62; Kabeer, 2006, 12). As stated by De Genova (2002, 42) labelling them 'illegal'; is as much about including them under conditions of vulnerability as it is about excluding them altogether (Donnan, 2012, 236). According to Human Rights Watch (2013, 265) the Burmese media regularly publicizes anti-Rohingya pieces to fuel hate and they have become regular scapegoats

for politicians and citizens in both East Bangladesh, Rakhine State and Myanmar at large. Government officials, often blame Rohingya without providing any evidence, for destroying Buddhist temples, harassing Buddhist women, as well as blaming them for any increases in the prices of goods, decline in wages, and environmental pressures (HRW, 2013, 256; Loescher and Milner, 2008, 314). The military advances their own goals by conflating non-Burman ethnicity with disloyalty to the nation using ethnicity instrumentally (Stewart, 2008, 8). In both Myanmar and Bangladesh the Rohingya have been used during elections as ‘vote banks’ and given voters cards in order to secure extra votes (Lewa, 2013). Regardless of their statelessness they have voted in Myanmar—as the central government likes to play the Rakhine and Rohingya against each other—needing the Rohingya vote in order to secure control over the Rakhine State. As well, in 2008 the Bangladeshi authorities found 14 million fake votes, many of which were from the Rohingya (Lewa, 2013).

Neighbouring countries, specifically Thailand and Malaysia have been equally unwelcoming, without domestic legal systems to deal with refugees (Loescher & Milner, 327). In Thailand the government has expressed that the Rohingya pose a greater threat than other migrants because they are Muslim (Pittaway, 2008, 98; Kalnin, 2011, 21). Internationally the Rohingya have been ignored, living in a ‘media shadow’ – at least until 2009, when the issue of ‘boat people’ pushed out to sea by Thai authorities gained some international attention (Hazarika, 1995, 71; Lewa, 2013). The international media has chosen instead to focus on the persecution of Burman pro-democracy activists (Walton, 2013, 20). Meanwhile, the pro-democracy movement, led by the National League for Democracy (NLD) have been particularly apathetic towards the Rohingya, speaking about them in “subtly dismissive ways,” and failing to address the disparities in sacrifice and suffering experienced by non-Burmans (HRW, 2013, 10;

Walton, 2013, 16). Aung San Suu Kyi says she does not want to take sides, but Lewa (2013) emphasises how she really does not want to lose the Buddhist vote. Suu Kyi, like other pro-democracy leaders, remains blind to the Burman privilege, celebrating new democratic opportunities which are only available to Burmans (Walton, 2013, 16; 1).

iii. Cultural Horizontal Inequalities

Culture plays a central role in framing economic, political and social horizontal inequalities since it is culture that binds groups together. The Rohingya, like other marginalised groups, are impeded by institutionalised hierarchies of cultural value, or ‘cultural status inequalities’ that deny them the ‘standing’ in society, socially subordinated, through long-standing customs and practices and prevented from participating as a peer in social life (Kabeer, 2006, 2; Fraser, 2009, 60; Fraser, 2000, 113). The majority of Burmans, on the other hand, are privileged politically, economically and socially (Walton, 2013, 6). This fits with Kabeer’s (2002, 31) argument that citizenship rights are often based more on socially embedded norms, values and practices of the ‘acknowledged’ community. This denial of respect and recognition is one of the most potent levers of power available to dominant groups (Kabeer, 2002, 25).

The Rohingya are not only culturally devalued by the Burmans, but also by the recognised yet marginalised Rakhine. If caught helping Rohingya, the Rakhine often receive threats, as Rakhine rickshaw drivers who choose to take people into the Muslim areas are often publically beaten upon return (Lewa, 2013). Identity politics, as seen in Rakhine State, puts pressure on individual members to conform and be loyal to a given group culture (Fraser, 2000, 112). According to one Rakhine interviewed by Head (2013), “it’s not possible to live with them, and we don’t want to”, and a spokesman from the Rakhine Nationalities Development Party said

“even if the government wants Rohingyas to move back to their former homes... the people won’t allow it.” Stereotypes about Rohingya having rude behaviour, too many wives and too many children, and how they are trying to destroy the peaceful Buddhist Rakhine culture are commonly used amongst the Rakhine (Egreteau, 2011, 51). Rakhine academics have called the Rohingya “influx viruses in Arakan” and “illegal foreign Bengalis” (Alam, 2011, 5). It is not only the Rakhine that have showed animosity towards the Rohingya as even the ethnic Chin people have asked Lewa (2013) why she is working with ‘illegal migrants’ like the Rohingya.

Egreteau (2011) describes Burmese society as historically ‘Indophobic’ – an important factor relating to the way Rohingya are perceived since their complexion is darker than the Burmans. This xenophobia developed from the late 19th century, as Burmans felt unfairly deprived by the economic, cultural and political domination of ethnic minority ‘sub-colonizers’, mixed with the fact that migrant Hindu and Muslim Indian populations showed a lack of inclination to integrate, compared to the Chinese (Egreteau, 2011, 48; 36). These feelings were openly illustrated in day-to-day language and behaviour, like cartoons of the fat ‘*chettiar*’⁶ landowner lazily exploiting poorer Burman peasants (Egreteau, 2011, 36). There were also repeated anti-Indian riots peaking during the anti-colonial ‘*Saya San* Rebellion’ of 1930-31 (Egreteau, 2011, 36). When colonial rule ended, Burman leaders, keen to control the periphery, enacted legal structures of exclusion referred to as ‘Burmanising’ which implemented restrictive anti-Indian immigration legislation and enforced a new border control regime to separate the ‘indigenous’ from ‘aliens’ (Chaudhury, 2005, 215; Egreteau, 2011, 39; Rai & Reeves, 2009, 83). ‘Burmanisation’, which has been euphemistically explained as government attempts to create a more inclusive national Myanmar culture, has consisted “merely of nationalized Burman cultural

⁶ The chettiars were a distinctive Vaishya cast of Southern Tamil Nadu (Egreteau, 2011,36)

elements” (Walton, 2013, 11). The adoption of Burmanisation as an official agenda has clearly excluded others like the Rohingya.

In 1962 when the State Law and Order Restoration Council (SLORC) took power, they dismantled Rohingya social and political organizations expelling hundreds of thousands under General Ne Win’s “Burmese Way to Socialism” (Pittaway, 2008, 87; Blitz, 2011, 59). Three quarters of the 300,000 that fled from 1962-1965 were ‘Indian.’ In Myanmar ethnicity is often perceived as something inborn, unchangeable and determinant of one’s nature – fitting what would be called a ‘primordial view’ (Walton, 2013, 4). This is evidenced by one colonial administrator’s observation of how Burmans were “behaving towards their frontier colleagues like a ‘master race’ insisting that the only true Burmese is a Burman” (Brown, 1994, 46 cited in Walton, 2013, 9). The Indian community has long been referred to as *Kala* – a word that took on a hostile meaning, and today is used almost exclusively for Burmese Indian Muslims (EgretEAU, 2011, 51). Still today, Indians are being presented in a belittled way in popular Burmese shows and according to one librarian “the bad guy is always an Indian!” (EgretEAU, 2011, 48). In effect, with the Rohingya, which are considered ‘Indian’ or ‘Bengali’ in a Burmese context, the politics of cultural identification is obscured - serving as a vehicle for misrecognition (Fraser, 2000, 114).

In 1938 there were renewed anti-Indian riots but according to EgretEAU (2011, 36), this time there were clear anti-Muslim overtones. ‘Indophobia’ has seemingly morphed into ‘Islamophobia’, as most of the Burmese Indians who are resisting Burmanisation are Muslim (EgretEAU, 2011, 50). In 1948, as Burma was getting its independence, a group of Muslims in Arakan demanded their own independence, which Loescher and Milner (2008, 310) believe created the foundations for the current anti-Muslim perceptions and distrust. This hatred has

been reproduced through a ‘racialization’ process based on stereotypes, and perceptions of threat. Their ‘cultural incapacity’ is created from an early age, as Buddhists and Muslims are separated in school (Parekh, 2002 cited in Phillips, 2006; Lewa, 2013). According to Egreteau (2011, 50) Burmanisation has included a ‘de-Islamization’ process with mosques being burnt down and replaced with pagodas. After 2008’s Cyclone Nargis, destroyed Mosques were rebuilt in Burman styles (Steinberg, 2010, 109; Walton, 2013, 12). According to Brown (1994, 49) the government has also been carrying out religious missions seeking conversions (Walton, 2013, 11). There is an overarching idea that “to be Burman is to be Buddhist,” Burma is Buddhist, and Islam is a “National security threat” (Walton, 2013, 7; Singh, 2007, 42). Farrelly (2012) argues that Buddhists in the region are consistently Islamophobic (Wade, 2012). On the other hand, for the Rohingya, their main point of identity has come to be ‘being Muslim’ (Lewa, 2013). As emphasized by Kabeer (2005a, 5) a ‘given’ identity which is stigmatized by society, may come to be embraced by members of that group over time, and transformed into a source of pride (Kabeer, 2005a, 5). Before the ‘Rohingya’ would have called themselves ‘Arakanese Muslims,’ however through this experience of exclusion, they started identifying as Rohingya (Lewa, 2013). Since the violence in 2012, encouraged by an influential group of nationalist monks led by U Wirathu, Buddhist signs reading ‘969’⁷, which are specifically ‘anti-Muslim,’ are being posted in Buddhist shops in an attempt to shun Muslim customers (Lewa, 2013; Beech, 2013). It is also important to note that a previously unaffected yet recognised Muslim minority in South Rakhine State, the ethnic Kama, have started to be persecuted as well, forced to live in Sittwe’s only Muslim ghetto left in the centre (Lewa, 2013). However, Hindus, who look like the Rohingya, carry tags around their neck to say they are Hindu and they are allowed to work in the town.

⁷ ‘969’ is innocuous, referring to attributes of the Buddha, his teachings and the monkhood (Marshall, 2013)

iv. Economic Horizontal Inequalities

Aside from political and cultural horizontal inequality, another important aspect identified by Stewart (2008) is economic employment aspects. Economic development in Myanmar is a main grievance from most ethnic minority groups (Kramer, 2010, 68). As stated by Kabeer (2002, 3) “struggles for inclusion within the circle of citizenship are consequently struggles over access to resources.” As an example of distributive injustice, minority regions on the periphery have been used for resource extraction which is sold abroad while the money stays in the State’s capital (Kramer, 2010, 70; Fraser, 2000, 115). According to van Hear (1998, 101), it was poorer vulnerable sections of the Rohingya community that have faced expulsion – which fits with Kabeer and Kabir’s (2009, 350) argument that economic location is an important factor regarding “social relationships with state officials, market actors and civil society organizations.” Fraser (2000, 116) emphasizes how participation is impeded when people lack the necessary resources to interact with others as peers – which is exactly what the military’s ‘four cuts’ strategy has done. It aimed at denying Rohingya access to land, food, shelter and security, clearly limiting their ability to subsist (Pittaway, 2008, 87). According to Alam (2011, 7), the military regime controls the economy through a monopoly system where Burman businesses favoured and licensed in exchange for bribes in the most lucrative and strategic areas of the economy (Egreteau, 2011, 45).

The Rohingya suffer from what Kabeer (2006, 9) explains as a cultural assignment “to the worst paid and most demeaning jobs in the occupational hierarchy.” After the violence in 2012, the Rohingya have been prevented from leaving their villages, camps and ghettos, making

finding employment nearly impossible. Lewa (2013) says the situation is worse than apartheid in South Africa, as in that context black and white people lived separately, but black people could still work in town, whereas today the “Rakhine would rather do without Rohingyas doing the dirty jobs for them.” If a Rohingya is lucky enough to get a job teaching at a government school, they are paid in rice paddy under a ‘food-for-work’ programme since they cannot hold an ‘official post’ (Lewa, 2009, 12). Most of the labour the Rohingyas do is forced – as the civilian population is treated as an unlimited pool of unpaid labourers for building military bases and creating ‘model villages’ for Buddhist settlers (Chaudhury, 2005, 227). According to Chaudhury, by 2005 there were around 40 of such model villages of about 100 houses each in the region. In one village in northern Rakhine State nearly all of the men and boys perform an average of 10 days per month of forced labour – and when the ILO visited in 2004 they found forced brick baking, shrimp farm maintenance, and wood-cutting – which were all producing commercial benefits for the military (Chaudhury, 2005, 11). Those living as protracted refugees in Bangladesh are denied mobility to seek employment in an already deeply divided society (Adelman, 2008, 7). According to Wood (2000, 228; 2002), inequality is deep-rooted where patronage networks matter most and the state is not available for all (Kabeer & Kabir, 2009, 328; Kabeer, 2002, 19). Also, the refugee camps in Bangladesh are located in already poor and overpopulated areas, so the Rohingyas are seen as competing over resources and jobs (Staples, 2012, 146; Loescher & Milner, 2008, 314). In this context the Rohingyas are forced to bind themselves into what Smith (1997) calls ‘highly asymmetrical patron-client relationships’ in order to subsist (Kabeer & Kabir, 2009, 326). In the camps, Rohingya girls as young as nine can be seen doing sex work and according to the ILO Commission of Inquiry children as young as 10 carry materials for the military (Pittaway, 2008, 95; Chaudhury, 2005, 221). Within this

injustice, there are elites who benefit from the exploitation, like traffickers, landlords or employers – some even being Rohingya, like the *Majhees*.

v. *Social Horizontal Inequalities*

As demonstrated in the preceding, the Rohingya are facing political, economic and cultural inequalities. In addition the Rohingya are denied the central human capability of ‘affiliation,’ - being able to socially interact with others (Nussbaum, 2006, 291). According to Urry (2007) mobility is an integral part of social life rather than its exception, and Nussbaum (2006, 291) identifies ‘bodily integrity’ and the ability to move freely and securely from place to place as another central human capability (Kalir et al. 2012, 11). The government’s restrictions on their movement have not only affected their employment opportunities, but also their cultural, political and social existence (HRW, 2013, 267). The Rohingya have had their access to health facilities, educational opportunities, as well as their most basic relationships controlled by the state (Lewa, 2009, 12). The sole Muslim neighbourhood left in Sittwe is completely sealed off with checkpoints and if a Rohingya wants to leave their village, they have to apply for a permit. If given a permit, they are never allowed to travel beyond north Rakhine State, and if they overstay in another village they risk having their names removed from ‘family lists’ or imprisonment (Head, 2013; Staples, 2012, 140; Lewa, 2009, 12). Furthermore, if they travel to Bangladesh they are banned from re-entry. One boat occupied by Rohingya returning from Bangladesh, landed on the Burmese coast and each person was given a seven year jail sentence (Lewa, 2008, 41). In 1991, the military introduced a new border development programme where thousands of villages were relocated by force for urban development and ‘rural counter-insurgency sweeps’ causing 30 per cent of the population of north Rakhine to flee (Chaudhury, 2005, 216; 218). If they failed to leave their expropriated property they could be shot on sight

(Chaudhury, 2005, 225). To make their restrictions more visual, Burmese authorities began constructing a concrete and barbed-wire fence along the border with Bangladesh to prevent Rohingya from returning (Ferrie, 2010, 127 cited in Staples, 2012, 141).

After fleeing violence in Myanmar, the Rohingya have suffered from forced repatriation and refoulement⁸ (Lewa, 2013). While being repatriated they are often subjected to torture, with one woman describing her month in custody as being raped and having her baby thrown to the floor (UNHCR, 2007b cited in Pittaway, 2008, 89). As explained by Lambrecht (1995), many refugees do not wish to return to Myanmar because they know they will be going back to conditions of brutality, confiscated land and lack of citizenship (Pittaway, 2008, 87). UNHCR has been heavily criticized by organisations like Human Rights Watch for its ‘harm minimization strategy,’ where they claimed Rohingya had ‘volunteered’ for repatriation, with over 90 per cent willing to return, but it was later suspected that they were deliberately misinformed about their legal rights, never knowing repatriation was ‘voluntary’ (MSF, 2012, 48; Staples, 2012, 145). In a follow up study, Médecins Sans Frontières showed that a mere 9 per cent had actually been willing to return, and UNHCR acknowledged that it may have placed too much emphasis on early return (MSF, 2013, 48; Staples, 2012, 141-142). In addition, according to Sciortino (2009), Thailand has also been forcibly repatriating Rohingyas, specifically ‘boat people,’ a refoulement that heightened in 2006, when thousands of Rohingya were beaten by the Thai authorities and pushed back out to sea (Staples, 2012, 147; Piller, 2011, 148).

Nussbaum (2006, 291) identifies ‘bodily health’ as a central human capability, which is clearly being denied for the Rohingya. According to the Minorities at Risk Project, Rohingya

⁸ The principle of non-refoulement enshrined in the Refugee Convention, stipulated that refugees could not be sent back to countries where they could be persecuted (Adelman, 2008, 6).

today face demographic stresses such as deteriorating health conditions and declining caloric intake (Staples, 2012, 140). In both Bangladesh and Myanmar the governments have restricted humanitarian aid in the form of food, shelter, and medical care (HRW, 2013, 265). Even though Myanmar has a net surplus of rice, the Rohingya face food insecurity, with 60 per cent suffering from malnutrition (Alam, 2011, 8). In Bangladesh, food aid is often withheld by the authorities (Blitz, 2011, 59). The World Food Program has complained that over 90 per cent of the food aid they tried to deliver has not made it to the Rohingya (Alam, 2001, 8). Women in the camps can only afford to feed their children not themselves, with conditions described as “the worst in the world” (UNHCR, 2007b, cited in Pittaway, 2008, 93; 84). Also, according to MSF (2007), there is a lack of clean drinking water, the sewers are open, and diseases like Tuberculosis are common (Pittaway, 2008, 92). UNHCR’s representative in Bangladesh says the government does not want to provide standards in the camps that would make the refugees want to stay (Larkin, 2007, 38).

Another central human capability identified by Nussbaum (2006, 291) are ‘senses and thought,’ as one should be given an adequate education, and be free to express oneself. According to Brandon (1998, 238), minority states like Rakhine have the smallest spending on education and illiteracy rates among the Rohingya is estimated to be at 80 per cent, whereas average rates in Myanmar are 10 per cent (Walton, 2013, 15; Lewa, 2009, 13; Topich & Leitich, 2013, 10). This disparity fits with Kabeer’s (2005a, 26) findings of how socially excluded groups account for “a disproportionate share of educational shortfalls.” There is no university in the north of Rakhine State and Rohingyas are prevented from going to Sittwe where there is a University (Lewa, 2013). In Bangladesh, for those in the recognised camps, the education available is deficient, and any attempts by older children to run private classes have been

forbidden (Pittaway, 2008, 94). The Rohingya are denied another central human capability - 'practical reason,' being able to form a conception of good and engage in a critical reflection about the planning of one's life (Nussbaum, 2006, 291). Steinberg (2001, 55) notes that educational institutions designated for "development of national groups" are in effect designed to "educate minority youth in Burman ways" with curriculum taught almost exclusively in the Burmese language (Walton, 2013, 11; 10). According to Piller (2011, 149), language is a 'tool of abuse' as the Rohingya cannot communicate, and therefore rendered invisible. Their oppression is rarely transmitted in a language that is widely understood. The military has restricted publishing in non-Burman languages, and what they do permit tends to be superficial, sanitized and re-written to Burmanise history (Callahan, 2003, 164; Walton, 2013, 15).

These social inequalities continue to have a huge impact on family life. Forced relocation, as emphasised by Smith (2004, 43) breaks down networks of 'voluntary exchange and mutual support' (Staples, 2012, 6). In the camps domestic violence is reportedly high (Pittaway, 2008, 92). Rohingya must receive official permission to marry, a requirement that since the late 1990s has applied exclusively to Muslims, and in 2013 it is being reinforced with a penalty of 10 years in prison if not followed (Fink, 2010, 92; Lewa, 2009, 12, Lewa, 2013). The authorities have also tried to limit Rohingya to two children, arguing that Muslims have a higher birth rate, even using progressive rhetoric like how this would "benefit the 'Bengali' women" (Head, 2013; Kashyap, 2013). Also, Rohingya who become pregnant without permission resort to backstreet abortions or going to giving birth in Bangladesh and leaving the baby there (Lewa, 2009, 12). Another central human capability is 'play' – being able to laugh and enjoy life, but in the camps the children have been banned from playing organized games (Nussbaum, 2006, 291; Pittaway, 2008, 93).

4. Resistance and the Future

i. Spatial Horizontal Inequalities and Transnational Islamic Space

What Hazarika (1995, 79) calls ‘strategic compulsions’ drive rulers of nation states to seek control over the periphery, which is supported by Kabeer’s argument that there is a key spatial element to social exclusion (Kabeer, 2005a, 3). Spatially the Rohingya live in the periphery in “extensive grey areas... [straddling] various systems of authority,” and are constantly being relocated (Kalir et al., 2012, 16). This fits with Van de Walle and Gunewardena (2001) finding that spatial disadvantage interacts with ethnicity in shaping poverty outcomes – finding that minorities were more likely to be found in less productive areas, where there is poor terrain, infrastructure and accessibility to markets is lower (Kabeer, 2006, 5). Luckily, for the Rohingya there exists a ‘transnational Islamic space’ - as a zone of migration governed by the practices of illiberal states and shared Muslim hospitality (Bowen, 2004; Wong & Tan, 2012, 75). Those who moved to Pakistan as part of the initial exodus in the 1970s were “really fortunate”, being integrated into an existing multi-ethnic Islamic state (Wong & Tan, 2012, 82). According to Nyi Nyi Kyaw (2008, 3) there are some 350,000 Rohingya living in Pakistan (Wong & Tan, 2012, 81). Similarly, Saudi Arabia, where the Rohingya first started migrating to in the 1950s to visit Mecca, has started providing work permits to Rohingya after the violence in 2012 and there are currently 350,000 to 600,000 residing there. Additionally, according to Lewa (2013) Malaysia is still the ASEAN country that provides a “minimum of protection” and many Rohingya are now looking to the Organization of the Islamic Conference (OIC) for help, as they have recently been outspoken on the issue.

ii. Exclusion Breeds Resistance

After the attacks of September 11th, 2001, South East Asia was portrayed in the American media as a “monolithic second front” in the ‘war on terror’ (Ramakrishna & Tan, 2003, 14). Myanmar promptly signed the ASEAN Joint Declaration of Cooperation to Combat International Terrorism in 2002, which allowed them to frame their ethnic cleansing initiatives against the Rohingya as an ‘anti-terrorist campaign’ (Chaudhury, 2005, 225). Lewa (2013) emphasises how the Rakhine as well do use the ‘war on terror’ discourse against the Rohingya. A lack of citizenship, according to Margalit (1996) may be experienced as a humiliation, which can fuel conflict (Stewart, 2008, 34). This humiliation is obviously compounded by the overwhelming evidence of horizontal inequalities discussed previously. The Rohingya have come to suffer from misrecognition, when identified by Burmans and Rakhine as terrorists and criminals. The longevity of this divisive dichotomy between Burmese (that belong) and Rohingya (that do not), has acquired a strong social significance, and according to Stewart (2008, 7), such a situation is likely to form the basis of ‘identity conflicts’ (Stewart, 2008, 20). A claim for recognition of difference, and confronting a persistence of social exclusion is something both Fraser and Kabeer recognize as potential drivers of conflict (Fraser, 2000, 107; Kabeer, 2000, 94).

A low level Rohingya rebellion has existed for decades, going back to the North Arakan Muslim League in 1946 (Hazarika, 1995, 78; Singh, 2007, 42). In Bangladesh, the camps have supposedly been used as recruitment grounds for larger Islamic militant organizations like *Harakat-ul-Jihad-al Islam* (HuJiB) which also made connections to local groups like the Rohingya Solidarity Organization (RSO) (Riaz & Bastian, 2010, 153). Arrested militants have

described the relationship between organizations as important and reciprocal (Riaz & Bastian, 2010, 158). Reportedly boats manned by Rohingya have been intercepted in Thailand, carrying weapons to Cox's Bazaar (Riaz & Bastian, 2010, 157). Still, the militant side of the Rohingya has suffered from factionalism and disunity. Lewa (2013) argues that the Rohingya have not had an active armed group for quite a long time, and allegations of them linking up with *Al Qaeda* "should not be taken very seriously" (Singh, 2007, 42). However, many analysts are afraid that if conditions continue as they are now this could lead to serious conflict. Recently a group of Muslims in Indonesia attempted to blow up the Burmese embassy and there is ample international Islamic funding for the Rohingya cause with organizations based in Pakistan already voicing their support (Lewa, 2013). As emphasized by Larkin (2007, 36), without access to formal education, youth are turning towards local madrassas⁹, and faced with repression more extreme groups offer a way out (Singh, 2007, 42). As emphasized by Kabeer and Kabir (2009, 327), one recognises their own injustice often through the interaction with others who share their 'oppressed status.' One Rohingya interviewed by Larkin (2007, 36) described their people as being like "orchids... not able to grow any roots in the ground" so the only way they can stay alive is to cling to others." As emphasized by Stewart (2008, 25), when political routes for addressing inequalities are blocked violence is often employed, "driven to achieve on the streets what they cannot attain through parliament" (Stewart, 2008, 19). According to Stewart (2008, 12) large-scale violence is most likely when there are serious grievances at the mass level, due to consistent horizontal inequalities, especially if they are widening. The continuation of a large-scale protracted refugee situation in Bangladesh is a clear impediment to peace (Swain, Amer & Öjendal, 2008, 105).

⁹ These are Islamic seminaries that teach mostly Islamic subjects

iii. *A Way Forward*

As stated by Human Rights Watch Asia (1996): “the refugee problem will not be solved unless the Rohingya are recognised as citizens by the Burmese government and granted the rights they are currently denied” (van Hear, 1998, 1000). Regaining citizenship ends isolation and empowers people, collectively and personally removing the ‘unfreedoms’ that place them at risk from want and fear while offering “some very real and important material and non-material benefits at both the community and individual levels” (Blitz & Lynch, 2011, 203; 10). A ‘politics of recognition’ must be employed, aimed at overcoming subordination through the establishment of the Rohingyas as a full member of society, capable of participating on par with Burmans (Fraser, 2009). UNHCR (2010c, 52) has advocated that the central role of states is recognition, as a cornerstone of their protection strategy are encouraging activities that lead to increased government ownership of refugee protection (Staples, 2012, 174). In a joint statement by the UNHCR Special Rapporteurs 2007, it was said that the 1982 Citizenship Law must be amended or repealed to ensure it complies with Burma’s international human rights obligations, including Article 7 of the Convention on the Rights of the Child and Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Lewa, 2009, 13). Ultimately, time-honoured ways of doing things are just as powerful as the law (Kalir et. al, 2012, 13). According to Blitz and Lynch (2011, 198) “the ending of direct discrimination on the basis of nationality does not undo structural effects or other modes of discrimination” – what they call “layers of discrimination” which “dilute [the] potency of citizenship by reinforcing discriminatory structures” (Blitz & Lynch, 2011, 198). In the case of Urdu speakers in Bangladesh, they were able to confirm their citizenship through courts, but they found removing

the final political, social, economic and administrative obstacles to the implementation of their groups' rights as citizens hard (Blitz and Lynch, 2011, 198). It is important to recognise that the security of rights is an affirmative task, while having citizenship rights on a piece of paper is not enough (Nussbaum, 2006, 287).

According to La Torre (1998, 10) a 'society-centred' approach to citizenship for Myanmar should focus less on the relationship between the individual and the state and more on the "promotion of a rich autonomous participation to social life" from below (Kabeer, 2002, 2). Constructing more inclusive forms of citizenship in Myanmar will have no "quick-fix policy recommendations", requiring a "politics of everyday life with the forces of structural transformation" (Kabeer, 2002, 31). It will require "a project for new sociability, more egalitarian framework for social relations at all levels, new rules for living together in society... recognition of the other as subject bearer of valid rights and legitimate interests (Kabeer, 2005, 22). For the Rohingya to be able to truly act as citizens it will require the belief that they 'can act,' a sense of agency that can only exist if fostered (Lister, 1997; Kabeer, 2002, 32). A life without one of the ten central human capabilities mentioned in the preceding is a life "not worthy of human dignity" according to Nussbaum (2006, 78).

Overcoming injustice will require the dismantling of 'institutionalized obstacles' that are preventing the Rohingya from participating as full partners with others in social interaction (Fraser, 2009, 60). Opportunities will not 'really' be equal unless societies have neutralized the inequitable effects of social background and in Myanmar currently "everything is based on race" (Phillips, 2006, 2; Lewa, 2013). As emphasized by Fraser (2000, 115) "jurified forms require legal change, policy-entrenched forms require policy change, associational forms require associational change," but in every case the goal is to convert to "institutionalized value

patterns” that enable and foster parity of participation. Only by encompassing recognition, redistribution and representation can the Rohingya have social justice - and thereby inclusive citizenship.

One of the central concerns for the reduction of statelessness is the degree race or ethnicity is prioritized over civic criteria, in the design of exclusive nationality and citizenship laws and the 1982 Citizenship law based on *jus sanguinis* makes the incorporation of the Rohingya difficult (Blitz & Lynch, 2011, 7). It is the permeability of ethnicity that points to a way forward (Walton, 2013, 21). According to Charney (2006, 138) Burman identity has a history of being more inclusive – where inclusion was more based on political commitments than cultural markers (Walton, 2013, 7). If ‘Burmanness’ can be seen as similar to ‘Whiteness’ this can encourage Burmans to reflect on their privilege and acknowledge the suffering of the ‘other’ Rohingya (Walton, 2013, 3). Because the rights of citizens of every ethnicity have been restricted to some degree, it has been difficult for Burmans to “acknowledge the differential experiences of suffering” (Walton, 2013, 3). It is the Burmans who must have a key role in dismantling the structures of Burman privilege (Walton, 2013, 3). The goal should be a society where a diversity of associational forms exist in which ‘chosen’ forms of affiliation predominate over ascribed ones (Kabeer, 2002, 35).

This has been evidenced in a wide-ranging empirical study by Blitz and Lynch (2009) that showed how stateless groups have had their exclusion mitigated by improved recognition (Staples, 2012, 170). According to Isin and Wood (1999, 156-7) what oppressed groups often want is ‘simply recognition’ (Kabeer, 2005, 11). Fraser emphasizes the need to avoid ‘reifying group identities’ - which is the tendency with identity politics and avoiding the essentialization of current group configurations, and foreclosing historical change – which could promote

“separatism, conformism and intolerance” (Fraser, 2000, 119). In the case of Rohingya there is a fear of recognition – after living in the shadowy world of non-existence and socio-political invisibility, the possibility of heightened visibility and detection can be scary given the increased possibility for penalties and harm (Donnan, 2012, 325). The Rohingyas still hesitate to trust UNHCR for their role played in the 1992/93 repatriations, yet according to Shukla and Mailman (2006, 1) they do acknowledge that the only protection they had against the military have been international humanitarian agencies (Staples, 2012, 151). An inclusive and participatory approach is critical if programmes for the Rohingya are to work (Hazarika, 1995, 83; Walton, 2013, 22; Kalir et al., 2012, 12). Refugees interviewed by Pittaway (2008, 85) spoke of the value of being consulted and having a voice. As stated by Lewa (2013) the government needs to start a three party dialogue with the Rohingya and the Rakhine. For the Rohingya, effective measures must exist that will make them truly capable of political exercise (Nussbaum, 2006, 287). In 2010 Myanmar did have, although heavily flawed, their first ‘democratic’ elections in two decades (Topich & Leitich, 2013, 9). Still, as emphasized by Smith (2010, 214) it is an important psychological event as people from all groups voted. The Rohingya have been portrayed as a homogenous group through identity politics, yet as emphasized by Lewa (2013) they are anything but, as Rohingya in rural areas tend to be very conservative, while in Sittwe less conservative and in Rangoon even less so. In the case of Islamic militancy, Lewa (2013) emphasizes the need for moderate voices to not stay silent, but by expanding the boundaries of citizenship, the Rohingya’s capacity for collective action can be increased (Kabeer, 2002, 32). As stated by Kramer (2010, 80), if ethnic minority grievances and aspirations are not addressed, any sort of “sustainable peace and democracy are unlikely to be achieved.”

Overall, the international response to displacement of the Rohingya in Myanmar has been limited and uncoordinated (Chaudhury, 2005, 232). The endlessness of the situation weakens the willingness of donor states to provide assistance (Adelman, 2008, 7). UNHCR has acknowledged its past repatriation mistakes and has shifted to preventing refoulement, plans to abolish the corrupt *Majhee* system, and is focusing on capacity-building for the refugees (UNHCR, 2010, 65; Pittaway, 2008, 100). In 2008 the UN's Independent Expert on Minorities devoted an entire section of her annual report to the arbitrary denial and deprivation of citizenship, and in 2012 the UN Special Rapporteur on Myanmar expressed clear concerns about the situation in Rakhine (Blitz & Lynch, 2011, 11). The international machinery for enactment and enforcement of universal rules is more developed than ever before, yet this has not resolved the crisis of statelessness (Staples, 2012, 10). The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness were created to ensure that governments did not withdraw or withhold the benefits of citizenship from those with a genuine claim to that state, but for the Rohingya they have been a failure (Adelman, 2008, 4). The military continues to focus on 'managing' conflicts rather than solving them, and after the violence in 2012 President Thein Sein said the 'only solution' for the Rohingya was to send them to third countries or contain them in UNHCR camps (Kramer, 2010, 177; Brinham, 2012).

In Myanmar, past Western sanctions, trade restrictions and investment limitations failed miserably, hurting peasants more than the regime. In 2012, foreign governments expressed "unprecedented optimism about Burma's political changes, despite the evidence of on-going human rights abuses" (HRW, 2013, 267). The ILO and the EU suspended all of their sanctions in 2013, while the United States eased theirs' and appointed their first ambassador to Myanmar in 22 years (Lewa, 2013; HRW, 2013, 267). There were also high profile visits by David

Cameron, Ban Ki-Moon and when speaking at Rangoon University, Barack Obama did mention the abuses against the Rohingya. Still there seems to be little political will for the Rohingya (HRW, 2013, 267; Staples, 2012, 151). The international community evidently perceives the democratic cause to be more important than ethnic minority issues, but as emphasized by Walton (2013, 2) it is essential that domestic and international actors focus on ethnic issues (Kramer, 2010, 69). It must be recognised that building peace and building democracy are two distinct challenges, even if they may go together in the long term (Pedersen, 2008, 64).

The situation of the Rohingya needs to be seen in the wider political context. In 1996, Human Rights Watch suggested the Burma's full membership in ASEAN should be conditional on its implementation of human rights, but this was met with little commitment from the region (Staples, 2012, 152). There has long been an on-going confrontation between Myanmar and Bangladesh, and when the UN Security Council resolution in 2007 called for Myanmar to cease attacks on minorities, it was vetoed by China and Russia (Hazarika, 1995, 78; Loescher & Milner, 2008, 324). China and India both see Myanmar as a point of competition – trying to keep friendly relations and access to Myanmar's natural resources open (Loescher and Milner, 2008, 324). According to Human Rights Watch (2013, 267) gas dollars will increase markedly when a pipeline from Rakhine State to Yunnan China becomes operational in 2013. As best stated by Hazarika (1995, 69) “the bounty that was bypassed by the colonial rulers is eyed lustfully by today's market forces”. The human rights abuses suffered by the Rohingya that the international community's greed is leading them to ignore, may end up backfiring, as large scale violence in Rakhine can be a threat to the economic well-being of the State, and Myanmar at large (Singh, 2007 in Ramakrishna & Tan, 2003, 18).

There have been some signs of hope as in 2006 a small number of Rohingya were permanently resettled in Canada, New Zealand and the UK, and recently Bangladesh has started permitting some improvements to camp conditions (Pittaway, 2008, 97; Loescher & Milner, 2008, 318). Since the violence in 2012, there has been an increase in the international coverage and Sittwe remains accessible to journalists. The people in the Far Eastern Himalaya region have a history that spans more than a thousand years, and according to Hazarika (1995, 85) “they more than anyone else would like to see the creation of a new and revitalized region.” With the recognition of Rohingya as Myanmar citizens, only then will Myanmar be truly heading towards democracy, and legitimate in all of the eyes of its entire people (Ahmed, 2012). Hanna Arendt considered refugees and stateless people a litmus test for the notion of human rights, and at the moment it would be fair to say that the notion of human rights is an abstract idea, with little material results for the Rohingya (Adelman, 2008, 4).

5. Conclusion

Many other ethnic minorities have suffered at the hands of Myanmar’s oppressive military regime, but for the Rohingya “their very existence is threatened” (Ahmed, 2012). As demonstrated in the preceding, the Rohingya are a severely marginalized group, existing on the margins of major power interests – at a time when the powerful are welcoming Myanmar to the international stage. In analysing the situation of the Rohingya through Kabeer’s notion of ‘inclusive citizenship’ one can grasp not just how far the Rohingya are from being citizens, but also from having justice, equality, capabilities, and inclusion. The Rohingya like many other groups today, need redistribution, recognition and representation – and deserve a ‘status’ that allows them to participate with the state and their society. According to all credible evidence, a ‘safe return’ has never been established for the Rohingya which must be viewed as unacceptable

by the international community (Pittaway, 2008, 96). If an acceptable level of peace will ever exist in Myanmar, I have argued that the Rohingya must be included. One of the most worrying lessons what may emerge from the situation of the Rohingya is regarding the risk of containment, as exclusion breeds resistance, and this ‘elephant in the room’ may still become a ‘tiger’ (Staples, 2012, 153).

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