

**“THE ROHINGYA CONFLICT” IN POLITICS**

**Khushnudbek Rakhimjonov**

**Recent graduated student of Law**

**International law and Comparative legislation faculty,  
Tashkent State University.**

**Exchange student in the Faculty of Law of Comenius University  
in Bratislava, Slovakia.**

**[rakhimjonov0216@gmail.com](mailto:rakhimjonov0216@gmail.com)**

**Abstract.**

This paper describes political occurs till 2016 in Myanmar against the Rohingya people with different situations such as statelessness, lack of human security, and genocide which is the violence of International law and Human Rights. The first part of the paper generally shows about the history of the conflict, including the reasons of the crisis and conditions depend on colonial legacy and independence with historical proceedings. The last on focus on the contemporary politics about this and the dangerous effects of the conflict with supporting diagrams, illustrating various figures related to evidential facts. Additionally, there are data about political dimensions with ethnic, religious factors and geopolitical considerations regarding the Rohingya Muslims crisis which is absolutely intertwined with politics.

**Introduction.**

Because the arms of Burma coup in 1962, The UN Secretary warned of a deepening humanitarian crisis of the Rohingya people of Myanmar that have lacked human security. The complex emergency consisting of a situation of disrupted livelihood and threat to life caused by warfare and civil disturbance were occurred in the Rohingya people’s life. By assessments of health and human security, it is provided insight into the needs of vulnerable populations. Summarizing the sophisticated history and the violence in human rights experienced by the Rohingya Muslims is our purpose in the paper. In November of 2014, The UN launched a global campaign to deal with the 10 years’ statelessness. As the Rohingya people account for one in seven the stateless around the World, the resolution of the Rohingya crisis will be required for this effort.

### History of the conflict.

Myanmar where is the southeast Asian nation includes Rakhine state that is borderland with Bangladesh and the Bay of Bengal to the west the Rakhine and Rakhingya are the hugest populations here. Insights about if the Rohingya people are native to Burma is contested mostly. But there is a claim to support The Rohingya with a 1799 report by F.Buchanan who is Scottish scientist spent over 10 years in the place. According to the Buchanan documentation, Arakan was well-known as “Rovingaw” among “Mohammedans that settled in Arakan and they called themselves the natives of Arakan under name of *Rooinga*. Now, Global organizations: The UN, European Parliament, humanitarian agencies including Human Rights Watch, Physicians for Human Rights, and The US Congress recognize and use the term for the Rohingya.

However, Myanmar supporting that Buchanan used to document the names of laborers coming from Bengal to visit Burma disputed the narrative. They also claim that after the 1826 onset of British Colonial rule in Burma, and the highest growth of cost in rice because of opening of the Suez Canal, the colonial power open new opportunities for so-called migrants from Bengal to work in agricultural lands of Arakan’s unoccupied parts. Nowadays, the Authority in Myanmar doesn’t recognize the term Rohingya, belonging to the community as Bengalis. They reasserted it refusal to discuss the Rohingya plight at an international Conference if the nomenclature Rohingya was used. The UN evaluate the situation of Myanmar to be violated the international law obligations to allow minorities the right to self-identify on basis of their ethnic, religious characteristics.



### *Colonial Legacy and Independence.*

British colonial government conducted the first census of Burma in 1931 the statisticians had classified the population into indigenous races and 135 sub-races, which the Rakhingya were issued for national independence of Burma in 1948, the erosion of political rights started. For instance, their rights under a new constitution with the 1971 constitution Rakhine people were officially included

<sup>1</sup> Figure 1: Rakhina State in Myanmar(green color)

included as the eight so-called major race of Burma, and the name of of Arakan as changed into the Rakhine State. This situation created the the situation to solidify their rights and ignore their coexistence with with Rohingya ones. Due to military operations to purge Burma of so-called illegal foreigners, more than 200,000 Rohingya fled to Bangladesh. Unfortunately, most Rohingya accounting for one out of each 4 inhabitants of Arakan were classified as illegal foreigners after the Military authority, in 1982, enacted the Citizenship Law about placing on so-called non-major races the onerous requirement of demonstrating evidence of ancestral residency in Myanmar 160 years earlier. Additionally, the name of the state was changed from Burma into Myanmar

### **Contemporary politics.**

A new constitution was promulgated by the military government in 2008, and general elections were conducted in 2010 as relations with the Global civilization. Following the rape and killing of a Buddhist woman by three Rohingya men in June 2012, violence broke out between the Rohingya and the Rakhine people living in Rakhine State. A few days later, seven Muslims were beaten to death by hundreds of Rakhine people who had surrounded a bus conveying them. After that, there was an increase in violence, which prompted the government to dispatch troops. But these officials subsequently joined the Rakhine in their pillage and murder of Rohingya. In October 2012, there was a second wave of violence that included planned demolition of Rohingya neighborhoods. International observers noted what appeared to be a failure on the part of the authorities to act appropriately to defend the human rights of Muslims, showing collusion in violence. Days before anti-Muslim riots broke out in those same cities in early 2013, Buddhist monks affiliated with the 969 Movement gave anti-Muslim lectures in a number of those towns. Buddhist locals were asked to boycott Muslim-owned companies and, in a show of support, to put 969 logos on their buildings, cars, and other properties. The Dalai Lama condemned the attacks on Muslims in Myanmar carried out by Buddhist monks, stating that it is "unthinkable" to kill someone in the name of their faith. Over 140000 Rohingya were forced to flee to camps for internally displaced people (IDPs). Since then, the military has turned these camps into detention facilities, limiting the movement of Rohingya people. To exit the camps, licenses are needed in line with the 1940 Foreigners Act, which frequently calls for paying a bribe. In addition, the government detained Rohingya for an undetermined amount of time in makeshift camps-effectively de facto detention centers—

when they refused to identify as Bengali. An additional 36000 Rohingya found themselves residing in areas around by antagonistic neighbors who prohibited aid organizations from entering. An October 2013 government development plan for Rakhine State expressed concern about so-called "Bengalis whose population is increasing" through "ways which are not suitable with cultural norms of human beings," which is indicative of the Myanmar government's attitude toward the Rohingya victims of the violence that occurred in 2012–2013. As a result, in early 2015, the Myanmar Parliament introduced a variety of laws pertaining to race and religion protection that expanded the anti-Rohingya policies of Rakhine to the entire country. These laws included restrictions on the number of children, frequency of births, and interfaith marriages or conversions.

#### Enumeration

##### **Within Myanmar**

There are more over 1.2 million Rohingya as of 2014. within Myanmar, accounting for about 2% of the country's 51.4 million inhabitants as well as over one-third of Rakhine State's population. Data collection regarding the Rohingya population is challenging due to the Myanmar government's refusal to acknowledge the Rohingya people as a separate and genuine minority. The Rohingya population was left out of Myanmar's first population census in thirty years, which was performed in April 2014. The country gave the following explanation: "In Rakhine State, members of some communities were not counted because they were not allowed to self-identify as Rohingya." On the basis of updated village maps, this census did, however, estimate a so-called nonenumerated population of 1.09 million in Rakhine State. One hundred and forty thousand more internally displaced Rohingya who are residing in camps after escaping the violence in 2012–13 are not included in the non-enumerated methodology.

##### **Outside Myanmar**

Over 300,000 Rohingya are not residents of Myanmar. Many Rohingya have fled to Bangladesh, Malaysia, India, Thailand, and Indonesia, where they are being hosted. None of these countries has ratified the 1951 Convention on the Status of Refugees. Because three out of every four Rohingya living outside of Myanmar do not have UN refugee status protection, they are more susceptible to maltreatment at the hands of the state. According to UN estimates, 10 million people are stateless worldwide; therefore, the 1.5 million Rohingya in southeast Asia make up more than one in every seven stateless persons. After a 1992 refoulement agreement, Bangladesh, which is home to the majority of Rohingya asylum claimants, stopped granting

Rohingya refugee status with Myanmar. The act of sending a refugee "back to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" is known as refoulement. Over 235,000 Rohingya in Bangladesh were repatriated to Myanmar between 1992 and 2005, with a significant percentage being done so without their will.

Still, over a quarter of a million Rohingya live in Bangladesh as a result of this incident. There are just two designated camps for refugees that are able to house 31000 Rohingya are eligible to receive relief from the UN High Commissioner for Refugees (UNHCR) and the World Food Program. Ninety percent of the Rohingya population in Bangladesh reside in unauthorized camps, where they are inaccessible to aid.

#### **Human rights in the state of Rakhine**

Myanmar has a gross domestic output per capita of US\$1240, making it a low-middle income nation. Rakhine State, which has long endured neglect and underdevelopment, is among the poorest states in Myanmar. In Rakhine, about half of the population lives in poverty, compared to 25% across the country. As a result, Rakhine State's non-Rohingya citizens also lack basic amenities and services. The Rohingya's economic deprivation has made their human rights violations even worse. This is because depriving someone of economic and social goods due to a state's deliberate omission is a violation of human rights, and when combined with the Rohingya's explicit civil and political oppression in Myanmar, it also violates their right to dignity.

#### **Restriction on freedom of movement in Myanmar**

When the UN visited Rakhine State in July 2014, it "found the situation deplorable" for the Rohingya people, who are subject to harsh legal restrictions, such as being unable to leave their village or work without prior permission (which entails prohibitive fees of up to US\$1167). Rohingya people are required to report to authorities as soon as they reach their destination, even with authorization. According to UN findings, Rohingya who defy limitations in Myanmar face years in prison, enforced labor and displacement, torture, disappearances, and sexual assault. Because of their widespread dread of moving without permission, Rohingya who live in tropical storm-prone areas frequently find it too dangerous to move. As a result, even in an emergency, Rohingya confront significant barriers in accessing healthcare facilities. When they do go to government facilities, the personnel discriminates against them and they are unable to pay for medical care. The UN and the US Congress have both stated that the Rohingya

people's legal restrictions on their freedom of movement negatively impact their ability to obtain essential rights such as food, water, sanitation, and education. The Rohingya people in Bangladesh are not allowed to work outside of the camps and are not allowed to leave the camps without government permits. In Southeast Asia, Rohingya individuals who manage to leave their camps and pass through government checkpoints go to work as daily wage laborers, typically earning less than \$2 per day. The minimum wage in this region is between \$2 and \$8 per day.

According to a report by the Myanmar Government, there is only one doctor per 158,000 people in the combined Maungdaw and Butheetaung townships in the northern region of Rakhine State, which is predominantly Rohingya-populated. In contrast, the Sittwe region of Rakhine State, which is not Rohingya-predominate, has one physician per 681 people. In Myanmar, the Rohingya population has limited access to primary health care. The primary providers of this care have been humanitarian organizations like Médecins Sans Frontières. Access to food, healthcare, and education was further hampered by the violence of 2012–13, as humanitarian organizations were unable to reach IDP or prison camps or Rohingya villages bordered by hostile neighbors. Due to attacks and harassment on medical professionals by Buddhist monks who accused them of giving Rohingya preferential treatment, humanitarian assistance organizations were forced to scale back their operations in March 2014. A significant gap in healthcare was left for the Rohingya population who relied on Médecins Sans Frontières as their only source of care. Prior to February 2014, the organization operated six primary care clinics, three HIV/AIDS clinics, and clinics for malaria in Rakhine State. It took Médecins Sans Frontières nine months to be suspended before they were permitted to return to Rakhine State.

#### **Dangerous maritime crossings and human trafficking**

The Rohingya are now dependent on human traffickers to undertake risky and weeks-long maritime crossings in small, shoddy-built boats under perilous conditions to seek shelter in Malaysia, Thailand, Indonesia, or across land in India due to persecution in Myanmar, precarious living conditions, and the threat of refoulement in Bangladesh. There were 1,59000 maritime departures from the Myanmar–Bangladesh border between January 2012 and April 2015. At least 1100 persons lost their lives during these marine journeys between 2014 and mid-2015 due to malnourishment, dehydration, beatings by crew members, or the sinking of entire boats. This amount translates to two Rohingya men, women, and children dying at these crossings every day. The United Nations estimates that hundreds more people have perished in

smuggling camps in southeast Asia or have been sold into slavery by human traffickers if their families are unable to pay unexpected fees or ransom, which can amount to as much as US\$1800–2100 or more than the gross domestic product of Myanmar as a whole. Apart from forced begging and sex trafficking, Rohingya are sold to Thailand's commercial fishing industry. Between 1800 and 2800 Rohingya were detained by Thailand in 2014 after being stopped while attempting to enter Malaysia. Because the UNHCR has granted Rohingya people refugee status and is actively working to provide them work permits, their experience in Malaysia has been comparatively better.

Despite the number of fatalities, data available indicates that during the first four months of 2015, the number of Rohingya escaping by sea had more than doubled in comparison to the same period the year before. This spike, which border police immediately put an end to, may be a sign of things getting worse for the Rohingya population. Due to authorities in Thailand, Indonesia, Bangladesh, and Malaysia refusing to allow them entry, up to 8,000 Rohingya were left trapped in drifting boats in May 2015. Since then, several countries have consented to accept the Rohingya, under the condition that they be relocated to other UN members within a year. It is unknown how many Rohingya actually made the landings. In response, Myanmar stepped up measures to prevent the Rohingya from leaving, but did not offer any relief for their predicament.

### **Health status**

Vital register or census data pertaining to the Rohingya is conspicuously lacking, indicating a lack of attention on the part of the State. Furthermore, State intervention, including the lengthy intervals between sets of observations- is the reason behind the sporadic and incomplete character of humanitarian organizations', like MSF's, efforts to provide for the people in Myanmar. As a result, gathering a comprehensive picture of the health of the Rohingya people anywhere, including in Myanmar, is exceedingly challenging, if not impossible. Nevertheless, in order to provide a comprehensive picture of the health conditions of the Rohingya people in Myanmar and the surrounding host countries, we have gathered pertinent data from various observers and medical professionals.

### **Children and Infants**

Complex emergencies are those in which military and political actions cause a vulnerable community's death rate to rise significantly above that of the general population. In Myanmar, there are significant barriers to nutrition and health for Rohingya newborns and children.

Compared to 77 per 1000 livebirths in the non-Rohingya-predominant Sittwe region of Rakhine State, the mortality rate for children under five years old in the Rohingya-predominant northern region of the state is 224 per 1000 livebirths in Butheetaung township and 135 per 1000 livebirths in Maungdaw township. The situation that Rohingya children and newborns face outside of Myanmar is equally worrisome. In Malaysia, of the Rohingya refugees, 18% compared to all of Malaysia, the low birthweight of neonates from the Rohingya community was more than 60% higher. Compared to Rohingya in Myanmar and other countries in Southeast Asia, Malaysian Rohingya have better access to healthcare; yet, 12% of Rohingya children have never received an immunization, which is twice as high as the national average. In Malaysia, the prevalence of asthma and diarrhea among Rohingya children is significant, and fewer than half of them got physician-guided care for a fever or the flu within the preceding 30 days. Despite providing for an average of almost four children, four out of every five households make ends meet on less than \$1.50 each day. The nutritional condition of Rohingya children in Malaysia is likely better than that of Rohingya children in other host countries as they are allowed homes and refugee status.

### **Malnutrition**

Babies born into Rohingya households are already born underweight and get inadequate nutrition from birth. Acute malnutrition is the cause of stunting, or low weight for height, which is a powerful indicator of death in children under five. The northern portion of Rakhine State, where the Rohingya community predominates, has an acute malnutrition prevalence of 24.5-26.5%, significantly higher than the 15% incidence of children malnutrition at which the World Health Organization deems the entire population to be critical (i.e., in danger) and in need of food help. The rate of global acute malnutrition in Rohingya regions is also greater than the 14% recorded in Rakhine State's non-Rohingya majority Sittwe district. Every week, more than 1200 children who fit the criteria for severe or moderate malnourishment visit Médecins Sans Frontières clinics in Rakhine State during the hunger gap—the time during the wet season when food inventories diminish. Aid organizations enroll up to 40 hungry youngsters in feeding programs every three weeks. The United Nations has documented over 200 cases of beri-beri among all Rohingya who have arrived in Malaysia since 2014. This further supports the dire situation of malnutrition. Thirty percent of the 77,000 Rohingya children in Rakhine State under the age of five who were tested by the UN in 2013 required vitamin supplements. Nearly 20% of Rohingya youngsters in Bangladesh suffer from wasting; this number has only somewhat



decreased since 1992, when wasting was reported in 40% of newly arrived Rohingya kids. 60% of Rohingya child refugees in Bangladesh suffer from stunting, or low height for age, which is a result of chronic malnutrition. This incidence is 50% greater than that of the general Bangladeshi population, which also has high rates of **malnutrition**.

#### **Actions needed**

Myanmar's treatment of the Rohingya people has improved over time thanks to the efforts of innumerable monitors and interlocutors from the international community and humanitarian organizations. Currently extensively documented. All significant articles of international human rights legislation, including the rights to life, home, and freedom of movement, have been flagrantly violated by the documented abuses of human rights. The vast majority of these accords have been signed or approved by other governments, however the Myanmar government is an exception; It must, nevertheless, abide by their terms due to international customary law. For many years, Myanmar's attitude to foreign criticism has been one of defiance, disdain, and apathy. It has benefited from foreign help of billions of dollars and is currently seeing the easing of sanctions that have shown to be ineffectual. The international community's consequent hesitation has allowed the Myanmar government to keep persecuting the Rohingya people. The possibility that the Myanmar government's treatment of the Rohingya people may be considered genocide is something that needs more consideration. Myanmar has not joined the International Criminal Court or signed or approved the Rome Statute, which addresses horrific crimes such as war crimes, crimes against humanity, and genocide. It added qualifiers to the 1948 Genocide Convention's clauses on jurisdiction and the need to intervene when it ratified the convention in 1956. The violent persecution of the Rohingya people by the government over the years may have been motivated by the intention to create "deliberately inflicting group conditions of life calculated to bring about its physical destruction in whole or in part," according to Article II (c) of the Genocide Convention, which lists a number of acts that independently constitute acts of genocide. Establishing the government's "intent" under the convoluted legal jargon of the Convention would be challenging due to the regime's strict controls over access to information of all types.

However, the international legal community is starting to view recurring patterns of mass persecution and death of designated and stigmatized groups as a stand-in for implied purpose. One might argue that the Myanmar government's role in limiting the reproductive rights of the Rohingya people and their high rates of sickness and death qualifies them as victims of ethnic

cleansing, which is also considered an atrocity under the Rome Statute, or as genocide. We support requests that the UN form a commission to investigate the state of human rights in Myanmar's Rakhine State.

Aung San Suu Kyi's party was admitted to the Myanmar Parliament in March 2016 following a resounding victory in the November 2015 elections. Despite 25% of seats being set aside for unelected military appointments, her party became the largest party in parliament with 60% of seats in the upper house and 50% in the lower house. Her political task is to fortify Myanmar's shaky democratic institutions while collaborating with Buddhist nationalists and the military. Interestingly, voters appear to have rejected Buddhist nationalist parties who spearheaded the violence against the Rohingya community. However, her adviser and senior party official stated that "we have other priorities" and reiterated the military's demand that the Rohingya population be "returned" to Bangladesh when questioned about the Rohingya people a few days after her party's victory. This opinion appears to be supported by Aung San Suu Kyi's own inaction over the plight of Rohingya, her hesitation to refer to them as such, and her choice to not run any Muslim candidates in the elections. When she met with the US Ambassador to Myanmar in May 2016, she was the recently appointed functional leader of the government of Myanmar, and she asked him not to refer to the people as Rohingya. It is now her responsibility to resolve this issue, even if her party did not cause it. Her government formed a committee on the state of Rakhine in August 2016, led by fellow Nobel laureate Kofi Annan. The group's mandate makes no mention of the Rohingya and does not include any commissioners who are Rohingya.

To stop the violations of the rights of the Rohingya, the government must revoke the laws protecting race and religion in Myanmar. The state of Rakhine, comprising its IDP and detention camps ought to be made accessible to media and foreign humanitarian organizations. All religious minorities residing in Myanmar must be provided with protection upon the release of the Rohingya from these camps and their right to return to their homes and places of business. There is an immediate need for laws that forbid hate crimes and hate speech directed at religious minorities. The UN General Assembly passed a resolution on December 29, 2014, requesting that the Myanmar government restore the Rohingya minority "equal access to full citizenship." We concur that the discriminatory 1982 law should be repealed in order to grant citizenship and the freedom from statelessness to all people of Myanmar.

**References:**

1. Myanmar. Population and Housing Census of Myanmar, 2014 (Vol I).  
Nay Pyi Taw: Government of Myanmar, 2014.
2. Human Rights Watch. Burma: new violence in Arakan State. Oct 25,  
2012. New York, NY: Human Rights Watch, 2012
3. Simpson I. Dalai Lama Decries Buddhist Attacks On Muslims In  
Myanmar. Huffington Post. United States.

