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To cite this article: Harrison Akins (2018) The Two Faces of Democratization in Myanmar: A Case Study of the Rohingya and Burmese Nationalism, *Journal of Muslim Minority Affairs*, 38:2, 229-245, DOI: [10.1080/13602004.2018.1475619](https://doi.org/10.1080/13602004.2018.1475619)

To link to this article: <https://doi.org/10.1080/13602004.2018.1475619>



Published online: 21 May 2018.



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The Two Faces of Democratization in Myanmar: A Case Study of the Rohingya and Burmese Nationalism

HARRISON AKINS

Abstract

The Rohingya have faced discriminatory policies and actions by the Myanmar government since independence in 1948, with many within the state seeing them as foreigners. This paper uses historical process tracing from pre-British colonialism to present day to argue that the persistent persecution of the Rohingya stems from the divergent experiences under British colonialism for the Rohingya and majority Burman population and, as a result of this, Burmese national identity forming around the dominant Burman ethnic group and the Buddhist faith. The government following independence, then, institutionalized this national identity, excluding the Rohingya as a part of the nation and denying their identity, arguing instead that they are “illegal Bengali immigrants”. As shown through this case study, the resiliency of these anti-Rohingya policies and attitudes within the Myanmar government through successive regime changes is a result of national identity being defined as both Burman and Buddhist, which remained constant. It also helps to explain how the political opening provided by the democratization process resulted in a number of anti-Muslim and anti-Rohingya operations by Buddhist monks and other Buddhist nationalists, government policies, and even military operations.

Introduction

As the results of the historic 2015 election in Myanmar were announced, many people across the country were jubilant as the shadows of military rule began to recede after 53 years. Photojournalists from around the world captured the smiling Burmese faces as Nobel Laureate Aung San Suu Kyi’s National League for Democracy (NLD) captured the majority of contested Parliamentary seats. At the same time as the elections were taking place, photojournalists in Myanmar’s Rakhine State on the border with Bangladesh were capturing very different images—a young Rohingya mother with her small children in a refugee camp staring without expression on their faces through the doorway of a tent that is little more than ripped canvas haphazardly tossed over wooden poles; and a young Rohingya boy in a soiled skullcap displaying a jagged scar where his eye used to be, lost in the communal violence with the neighboring Rakhine community.¹

In the years leading up to the 2015 elections and following NLD’s victory, the Myanmar government made strides to open up civic space in Myanmar for citizens and civil society groups to freely participate and engage with one another in the political sphere without fear of criminal repercussions. Accompanying the burgeoning freedom of

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expression and political organizing, however, has been increases in hate speech, protests, and attacks against minorities in Myanmar, especially the Muslim community. The opening of civic space has similarly provided a space for pre-existing prejudices against minorities to grow within society. Myanmar today is a country riven with ethnic and religious divisions with the root of many of these conflicts based in the defining idea of national identity—the only true Myanmar citizen is both Burman and Buddhist.

While other minority groups have experience discrimination and violence in Myanmar, the use of historical process tracing in the case study of the Rohingya and their interaction with both the British colonial and Myanmar governments in particular help to show how national identity became expressed as ethno-religious nationalism among the majority Burman population in opposition to colonial era policies and the ethnic minorities favored by them. The discrimination against the Rohingya in an independent Myanmar is a legacy of this process and the Rohingya's association with British colonialism. The current situation of the Rohingya also demonstrates the resiliency of this nationalism through the vicissitudes of regime changes and the struggle facing the civilian government in wresting control of the reins of power from the military. From a broader perspective, the Rohingya case study underpins the need to look beyond state democratic institutions during the process of democratization and understand the divergent experiences with the changing political system for majority and minority groups. Further, it highlights the importance of examining the institutionalization of the dominant group's identity as the national identity. This institutionalization of identity contributes to the persistent persecution of minority communities by legitimizing the social hierarchy created by political institutions and the use of coercion or violence by the state to reinforce ethnic boundaries.²

This paper will begin by giving a brief history of the Rohingya community. This is followed by a discussion of the rise and fall of Burmese political rule in the region and the changing fortune of minority communities as British colonial rule is introduced. The next section will show how these opposing experiences with the British colonial administration underlie the creation of the Burmese national identity and movement for independence, which further defines the post-1948 interaction with the Rohingya as an ethnic and religious minority and their legal status within the country. The paper will then show how the process of democratization further enflamed the aggressive expressions of ethno-religious nationalism, concluding with a discussion about the current situation for the Rohingya in Myanmar.

The Rohingya of Arakan

The Rohingya are a Sunni Muslim ethnic group residing in the northern region of the Rakhine State, formerly known as the Arakan State, forming the western coast of Myanmar. Rakhine is separated from Bangladesh by the 2-kilometer wide Naaf River and from the rest of the Burmese nation by the Yoma Mountain Range. This geographic isolation played a key role in the development of the region as the independent Kingdom of Arakan for centuries, prior to its defeat by the neighboring Burmese kingdom in 1785. The majority group in the Arakan region was, and continues to be, the Tibeto-Burman ethnic Rakhine. They are Theravada Buddhists and speak an archaic form of Burmese, representative of the historical and cultural affiliation between the two ethnic groups. The Rohingya are primarily concentrated in the northern townships of Buthidaung, Maungdaw, and Rathedaung near the border with Bangladesh.

The term *Rohingya* is derived from the geographic location of the Rohingya people. The source of this term is not clearly known and there are varying historical accounts, with contemporary political debates clouding much of early origins of the Rohingya. There is evidence that a people referring to the region, and itself, as the Rohingya have resided in the present-day Rakhine State since the late eighteenth century. Francis Buchanan, a Scottish doctor who traveled through the region on a political mission in the 1790s, wrote in a 1799 study of the Burmese languages,

the Mahommedans settled at Arakan, call the country Rovingaw ... I shall now add three dialects, spoken in the Burma empire ... The first is that spoken by the Mohammedans, who have been long settled in Arakan, and who call themselves Roonga, or natives of Arakan.³

The Rise and Fall of the Burmese Court of Ava

The Court of Ava emerged in upper Burma as the new seat of Burmese power in 1364 following the invasion of Kublai Khan and his Mongol armies from the north. By the sixteenth century, the Burmese king Bayinnaung had established the largest empire in Southeast Asian history, stretching from parts of modern-day northeastern India right across to the borders of Cambodia and Vietnam. This was an empire roughly the size of Charlemagne's kingdom, which used the Burmese language as its primary median of communication and was a strong patron of Burmese art and culture as well as Buddhist religious institutions.⁴ Despite a number of military campaigns, however, he was never able to conquer the independent Kingdom of Arakan to the southwest and its well-defended capital, Mrauk-U, before his death in 1581.⁵

The Arakan region was not conquered by the Burmese Court of Ava until 1785. After Prince Badon, known today as Bodawpaya or "The Royal Grandfather King", ascended to the throne of Ava in 1782, his first target was to acquire the strategically located coastal Kingdom of Arakan, then in a state of decline and disarray due to warring factions. One of these factions appealed to Badon to intervene on its behalf. The invading army consisted of 30,000 men and took the capital without any kind of serious losses where they destroyed mosques, libraries and the rich Arakanese cultural institutions. Arakan was then established as a "kingdom held by arms" and divided into four governorships held within Ava's control by a series of garrisons.⁶

In the early nineteenth century as the East India Company was expanding its foothold in northeastern India, tensions had been mounting with the similarly expanding Court of Ava over Burmese influence and control in Assam. The region was placed under a Burmese governor-general in 1821 as a buffer region to British expansion. In 1823, the Burmese then moved to occupy the principality of Cachar to the south, moving 5000 troops in place to invade the region. The British in Calcutta sent their own troops to defend the raja of Cachar and stopped the Burmese advance in a number of bloody encounters.⁷ In January 1824, the British governor-general in the region warned the East India Company's Court of Directors back in London that war would quickly become inevitable "to humble the overweening pride and arrogance of the Burmese monarch".⁸ As the situation escalated in Cachar and along the Arakan border, the British declared war with the Court of Ava on 5 March 1824.

The Burmese Army was quickly overrun and pushed back north by the well-equipped British Expeditionary Force led by General Sir Archibald Campbell. The British decimated the famous teak war ships of the Burmese river fleet with the HMS *Diana* recently

arrived from Calcutta, the first steamer ship ever deployed in war. This fall of their river fleet, as well as a decisive British victory at Paga, forced the Burmese to call for negotiations in early 1826. A peace treaty was signed in the small village of Yandabo, about 45 miles from the Burmese capital, on 24 February 1826. The Yandabo Treaty forced the Court of Ava to cease their interference in Cachar and Assam and ceded control of Arakan, along with Manipur and Tennaserim, to the British. The Burmese were also forced to pay an indemnity of 1 million pounds sterling, or 10 million rupees.⁹

In the second Anglo-Burmese War in 1852, which erupted over commercial disputes in the teak industry, the British extended their control beyond Arakan over all of Lower Burma, establishing their capital at Rangoon.¹⁰ The British conquest of the remainder of Burma was a result of the third Anglo-Burmese War in 1885. The cause of the third war can be partly attributed to political scheming in London by Lord Randolph Churchill, the father of Winston Churchill, as a means of garnering support for the Conservative Party in an upcoming election amidst a ruinous economy and an unpopular Liberal government. He saw the conquest of Burma as a distraction from domestic politics. Burma was also popularly seen as the road to the rich markets of China, in addition to its own resources.¹¹

Churchill chose well as Burma was on Londoners' minds. The South African-Scottish traveler Archibald Colquhoun had just returned from Burma, lectured widely about his experiences, and published a best-selling book called *Burma and the Burmans: Or, the Best Unopened Market in the World*. The book, a small publication of only 58 pages, was a combination of commercial statistics and hyperbolic stories of exotic and unknown Burma. He writes, "where the ladies wear a picturesque but not too ample costume and where a dissolute young monarch spends most of his time in drinking and in murdering his relatives, with their servitors and followers".¹² Colquhoun's writing, however exaggerated, would go on to shape public opinion and prejudice towards the Burmese.¹³ The Court of Ava, at this time, was seeking economic agreements with the French in Indochina. They sought recognition from a European power, but the British did not want to accept the Burmese with their "dissolute young monarch" on equal footing.¹⁴

In 1884, a Burmese Mission to Paris and the Quay d'Orsay signed what amounted to little more than a commercial treaty, with no provisions for political recognition of the Burmese Kingdom or diplomatic relations between the two countries. This, however, did not stop the British press from speculating on secret provisions with the French.¹⁵ After establishing that the French would not rally to the Burmese King in case of war, the British used a fine laid upon a Scottish timber company in Rangoon for failure to pay royalties to the Burmese King as a *casus belli*. In response to what the British claimed was an illegitimate fine, steam ships full of troops moved up river and surrounded the King's palace. The Burmese, lacking strong defenses, surrendered to the British with only one real battle, resulting in only one British officer's death but the deaths of hundreds of Burmese.¹⁶ The Burmese received a further insult with one of provisions in the British terms of surrender was that a British resident in the royal capital would have full access to the king without having to submit to "any humiliating ceremony" meaning the removal of shoes indoors.¹⁷

British Colonialism and the Emergence of Burmese Nationalism

After the Court of Ava's surrender to British forces, Burma was absorbed into the administrative structure of British India as a province and their King sent into exile. The Province of Burma was administered directly by the British Raj, particularly south-central Burma inhabited by the Burmese ethnic group. With the full power of India behind

them, Britain was able to completely dismantle the local governmental hierarchy and put into place their own, creating resentment among the Burmese political elite. The character of the British colonial officers also contributed to this resentment. Many of them were known for being largely ignorant of the Burmese language and culture as Burma was regarded as backwater for colonial officers with little effort made in learning local customs.¹⁸ The British rule over Arakan and the other outlying ethnic minority regions of present-day Burma prior to the defeat of the Court of Ava in 1885 helped to ethnically homogenize the core of Upper Burma and inculcated a stronger sense of patriotism and nationalism important for the later independence movement. This also contributed to the “foreign-ness” of these groups from the Burmese perspective.¹⁹

Following the annexation of the entirety of Burma, many of the minority ethnic areas were termed “frontier” or “excluded” areas and were administered separately from the Burmese central plain, largely through policies of indirect rule that preserved traditional political and tribal structures.²⁰ The British also favored the ethnic minorities as soldiers within the British Burma Army, having formed six battalions from the Karen and Kachin Rifles.²¹ Many Burmans saw the British administration as hostile towards Burman culture and the Buddhist religion in public life. There were very few ethnic Burmese allowed to serve in the British Burma Army, despite comprising 75% of Burma’s population.²² In the late nineteenth century, the Chief Commissioner in Burma referred to the recruitment of Burmans into military ranks a “gross waste of money”.²³ Instead, the British favored ethnic minorities in recruitment efforts for the British Burma Army and used ethnic minority soldiers to quell the anti-British and Buddhist-inspired Saya San Rebellion from 1930 to 1932.²⁴ Burman politicians later used this to invoke nationalist sentiment against the British. Many Burmans were similarly excluded from the economic growth of the new British colony. Commerce increasingly relied upon imported Indian labor that came to dominate the Burmese markets. Indians operated most of the mills and other commercial operations.²⁵

The early nationalist movements were largely Burman and expressed through an ethnic nationalist frame in opposition to both the British and ethnic minorities advantaged by British rule. One Burmese nationalist movement formed in 1930 was called *Dobama Asiayone*, or “Our Burma Association”, in opposition to what group members referred to as *thudo-bama*, or “Their Burma” in order to exclude the ethnic minorities. One of their slogans was “Master race we are, we Burmans”.²⁶ One of their pamphlets read:

If there exist *dobamas*, there also exist *thudo-bamas*.
Be aware of them.
Thudo-bamas do not cherish our Buddhism, do not respect it,
They go into the councils,
They try to dominate monks whether directly or indirectly,
They take advantage of the law, accept bribes,
They pretend towards voters as if they are good citizens ...²⁷

Hugh Tinker, a former British administrator in Burma, stated that the Burmese leadership was “insisting that the only true Burmese is a Burman Buddhist”.²⁸

The Government of India and Burma Act of 1935 separated Burma from the administration of India and the control of the Governor General, establishing a separate colony under the control of a central Imperial Government. This act maintained the separate status of the frontier areas, including the Arakan Hill Tract, or old Mayu Division, the northern district of the Arakan State where the Rohingya reside.²⁹ Under this provision,

these areas would maintain their separate status “until such time as their inhabitants signify their desire for some suitable form of amalgamation into Burma proper”.³⁰

Burmese Nationalism in World War II

World War II was the formative event of contemporary Burmese politics, destroying the country’s infrastructure, dividing its ethnic groups, and providing the catalyst for eventual independence. After the Japanese invasion drove out the British in 1942, many ethnic Burmese joined the anti-British Burma Independence Army under General Aung San, which deployed with the Japanese Imperial Army.³¹ The Japanese later disbanded this army and placed its leadership into a puppet government, including Aung San as Minister of Defense. The Japanese Army trained many of the leading independence figures and military leaders who would stage the military *coup d’etat* in 1962. For the military junta, this was also the source of the military hierarchy put into place under General Ne Win, who commanded the Burma National Army under the Japanese-controlled government.³² Aung San and the Burma National Army, after secretly being in touch with the allies, eventually turned against the Japanese in March 1945 and helped the British liberate Burma.³³

The ethnic minorities, on the other hand, remained loyal to the British during the Japanese occupation. A number of ethnic groups waged guerilla warfare against the Burmese and Japanese or served with the Allies, primarily the Karen, Karenni, Kachins, and Chins who had served in the British Burma Army. The Rohingya also sided with the British and supported the underground V force, a reconnaissance and intelligence-gathering organization established by the British during the Burma Campaign.³⁴ Both the Japanese and Burma Independence Armies attacked the Rohingya, due to their allegiance to the British. As Martin Smith points out, “With the British continuing to recruit ethnic Kachin, Karen, and Chin battalions while the Japanese-trained Burma National Army remained predominately Burman, the war had been fought along largely racial lines”.³⁵ The only ethnic minority that sided with the Japanese was the Buddhist Rakhine ethnic group in Arakan, with its historic and linguistic ties to the Burmese. The Rakhine’s anti-British sentiment was so strong that Rakhine guerillas in central Arakan attacked British military forces after the war had ended.³⁶

After driving the Japanese from the region, the British established an autonomous civilian administration in northern Arakan. The British appointed Muslim leaders to fill administrative posts, which were used to retaliate against Japanese collaborators who assisted with massacres during the war.³⁷ With the Rohingya and Rakhine on opposing sides during the war, there were a number of clashes between them both during and after the war. Such local clashes were common and widespread among many areas of Burma as the war became an opportunity for ethnic oppression and the settling of old scores on the local level, particularly against minority groups. Saw Tha Din, a leader of the Karen insurrection, stated the post-war sentiments of many of the ethnic minorities when he said,

How could anyone expect the Karen people to trust the Burmans after what happened during the war—the murder and slaughter of so many Karen people and the robbing of so many Karen villages? After all this, how could anyone seriously expect us to trust any Burman government in Rangoon?³⁸

In July 1947, a number of Rohingya leaders met with Muhammad Ali Jinnah of the All-India Muslim League in Dhaka, just on the eve of the founding of Pakistan, to discuss the

incorporation of the Rohingya people and northern Arakan into East Pakistan. Jinnah, however, did not want to take on the burden of hostility between newly founded Pakistan and Burma and assured General Aung San that he supported integration of the Rohingya into an independent Burma. Any hope of re-addressing the issue of the Rohingya joining Pakistan died a year later with the death of Jinnah.³⁹

Burmese Independence

At 4:20 AM on 4 January 1948, the British formally handed over power to an independent Burma. Aung San, considered to be the father of Burmese independence and the father of Aung San Suu Kyi, the present State Counselor of Myanmar, played a key role in shaping the Aung San–Atlee Agreement in London providing for Burmese Independence. He was leader of the Anti-Fascist People's Freedom League (AFPFL) that won elections in April 1947. As an avid young Burmese nationalist (he was only 36 years old at the time), he believed strongly in national unity and a single, dominant political party.⁴⁰ The 11-member Executive Council, the interim government appointed by the British, consisted not only of ethnic Burmans but also Mahn Ba Khang, a leader of the Karen ethnic group; Sao Hsam Htun, a Shan chief; and Adul Razak, a Muslim leader from Mandalay.⁴¹ This was a short-lived prospect for the participation of the ethnic minorities in the Burmese government. Aung San and six of his council members were assassinated on 19 July 1947 by a group working under U Saw, a former Burmese Prime Minister under the British and a political rival of Aung San. U Saw was tried and hanged by a Burmese court on 8 May 1948.⁴²

The first Prime Minister, U Nu, pursued Buddhist nationalism as a means of creating national stability. He saw this as a reversal of British colonial policy that separated religion from politics, given the historical association between the Burmese monarchy and the Buddhist religion. In 1961, U Nu established Buddhism as the state religion. He also opposed special minority rights, seeing this as a move to undermine national unity. He stated in 1951,

In my frank opinion, the term "Minority Rights" is a clever invention of the Imperialists to enable them to divide-and-rule over us for as long as they please. With this spectre they have succeeded in dividing us further and further apart ... So long as we allow this spectre of Minority Rights to continue in our midst, so long shall our efforts to achieve Unity and national solidarity be of no avail.⁴³

Under the new Burmese government, the Rohingya were driven from their civil service positions and all other official positions, including police and village headmen positions, in Arakan and replaced with Buddhist administrators of the AFPFL. The Rohingya were also unable to serve in the military with limitations placed on their movement in north Arakan.⁴⁴ The newly empowered Rakhine forced many Rohingya off their land, which they had seized under their short-lived power, and allowed the Buddhist refugees to return to re-build their homes destroyed in the war.

The Mujahid Rebellion

The Mujahid Rebellion of the Rohingya was formed in 1947 with the popular singer Jafar Husayn Kawal as its leader, who served in this role until his assassination in October 1950. The original purpose of this rebellion was for the absorption of the old Mayu Div-

ision in northern Arakan into the newly created state of East Pakistan. In September 1948, the Mujahid laid out five new demands: (1) declare the Akyab district to be an autonomous Free Muslim State under the sovereignty of Burma, (2) recognize Urdu as the language of the state, (3) establish independent schools whose language of instruction would be Urdu, (4) release prisoners, (5) grant legal status to the Mujahid movement.⁴⁵ The government ignored these demands. By 1949, the Mujahid had occupied north Arakan with the Burmese government only in control of Akyab/Sittwe. A series of military operations conducted between 1951 and 1954 undermined the Mujahid Rebellion's control of the region. The rebellion's numbers decreased from between 2000 and 5000 rebels in 1952 to just 300 in 1953.⁴⁶

A number of moderate Rohingya leaders called for the leaders of the rebellion to give up their fight, claiming that the majority of the Rohingya were actually victims of the rebellion. These moderate leaders also came out against the rebellion on the grounds that it stood against the principles of Islam and there was no justification for jihad. Some Rohingya leaders even appealed to the Burmese government in 1948, 1950, and 1951 to provide them arms to fight the rebellion. The sluggish response by the government required many of the Rohingya to provide aid to the rebels against their will. The Mujahid was largely defeated in mid-1954 with the military's Operation Monsoon to beat back a Muslim counter-offensive and capture the Mujahid strongholds. A number of the rebellion's leaders were killed.

On 1 May 1961, the Burmese government placed northern Arakan under direct control of the military with the establishment of the Mayu Frontier Administration, with the intention of forcing the remainder of the Mujahid Rebellion to surrender and to prevent further uprisings to occur. After the military coup in 1962, the army maintained this administrative structure of control over the Rohingya. The last of the Mujahid rebels, numbering roughly 300 individuals, surrendered in July 1961.⁴⁷

The Military Coup d'Etat of 1962

On 2 March 1962, General Ne Win,⁴⁸ supreme commander of the Burmese armed forces led a *coup d'etat* against the civilian government. The Coup can be seen as emerging out of the military caretaker government from 1958 to 1960, where Ne Win served as interim Prime Minister after the AFPFL split into two factions and the U Nu barely survived a vote of no confidence. He handed power back to the civilian government after U Nu was restored as Prime Minister after the 1960 elections, only to lead a coup two years later. Under U Nu from 1960 to 1962, the central administration was seen by the military to be weak and corrupt in both fighting economic stagnation and stemming the tide of rebellion among ethnic minorities as they pushed for greater regional autonomy.⁴⁹

Under the junta and the "Burmese Way to Socialism" plan of Ne Win, the government dismantled the parliament and judiciary, replaced the old Burmese Civil Service with military officers, and outlawed all political parties besides the Burmese Socialist Programme Party (BSPP) comprised solely of military officials,⁵⁰ and nationalizing the economy. All political and economic power rested in the hands of the military. Between 1962 and 1974, the military's 17-member Revolutionary Council ruled the country. Ne Win was at the top of the pyramid in the military hierarchy sitting in an official capacity in the government from 1962 to 1981 and chairing the BSPP until his resignation in 1988. He was the central figure for the loyalty of all the army officers, being responsible for every single promotion.

Ne Win's experiences as a young man are, in many ways, emblematic of an entire generation of Burmese. He was born in 1910 or 1911 into the newly established middle class under British rule as a *kabya* or person of mixed descent, as his ethnicity was Sino-Burmese. He entered University College, Rangoon in 1929 with the intention of becoming a doctor. After two years, he failed his intermediate exams and dropped out. In need of work just as the Great Depression was hitting Burma, he started a small coal selling business, knowing the coal industry could be profitable.

He was soon forced out of business by his competitors who were all Indians, an influential moment for the man who would eventually take control of the Burmese economy and attempt to force out all perceived foreigners from the country as a threat to Burmese unity. After this failure, knowing he could not lift the immigrants' grip on the retail market, he merely drifted about before taking a job as a postal clerk and falling in with Aung San and other young leftists and Marxists beginning to engage in political activity. When World War II broke out, he had no attachments or practical skills and joined with the army, training under the Japanese. He quickly rose in the ranks of the Burmese military, finding himself well suited to the discipline and militarism of the Imperial Army.⁵¹

The Burmese Constitution of 1974 and State Protection Law of 1975

In the early 1970s, Ne Win, then serving as Prime Minister, decided that he wanted to regularize the government with a constitution. He pushed for a unitary state with centralized power, only nominally different from the rule of the Revolutionary Council, seeing federalism as the first step towards secession. The referendum for the new constitution passed in 1974 with very little support from the ethnic minorities. Under the new constitution, the now named Socialist Republic of the Union of Burma re-instated a unicameral legislature (*Pyithu Hluttaw*), although opposition against the BSPP was not allowed, and the judiciary, with the judges under the control of the legislature. It also established the Arakan State, as opposed to the division, and recognized the Buddhist Rakhine as the indigenous inhabitants.⁵² The Constitution also downgraded the status of the Rohingya by not recognizing them as indigenous and laid out the 135 "recognized" National ethnic groups. This took away their voting rights. Prior to this, local officials merely refused to give them citizenship cards in order to vote.

The State Protection Law was passed in 1975 and represents another step in the military government's façade of legality and legitimacy. Article 7 is the key component of the law that gives the Burmese government *carte blanche* to deny civil rights to its citizens. It reads,

The [military] Cabinet is authorized to pass an order, as may be necessary, restricting any fundamental right of any person suspected of having committed or believed to be about to commit, any act which endangers the sovereignty and security of the state or public peace and tranquility.⁵³

The Law provides for, but does not require, a regular review, every sixty days, of any restriction, arrest, detention, or denial of rights. The original Burmese version of the Law speaks of the "right of review from the center to the center".⁵⁴ The Rohingya, as the periphery, therefore had no legal or political means within the state to appeal or call into question their treatment, as it was the exclusive legal right of the center to review or critique their own actions.

Operation Naga Min

The military-backed Burmese government began its ethnic cleansing operations in the late 1970s. These operations had the purpose of purging “foreign” elements within the state and the remnants of colonial oppression. The Rohingya, erroneously labeled as illegal Bengali immigrants who infiltrated the country under British colonial rule, were a primary target of these operations. The French anthropologist J.A. Berlie observed, “A Muslim leader in Yangon recognized that speaking a language other than Burmese made Burmans think of local Muslims as foreigners”.⁵⁵

Operation Naga Min, or Operation King Dragon, the first push by the Burmese military, began in May of 1977 with the purpose of scrutinizing each individual within the state and identifying them as either a citizen or an alleged “illegal immigrant” and take action accordingly. The symbol of the King Dragon is an important aspect of Burmese mythology and theology. Naga, a mythological dragon, is originally an Indian motif and figures prominently in the legends of the Buddha. A *Nagayon*, or “sheltered by dragon”, Temple in Burma is closely tied with the idea of the dragon as protector. The temples all carry a carving of this dragon, resembling a hooded cobra, protecting a Buddha image with its hood. Identification became the first step in this large-scale ethnic cleansing operation of the military “protecting” the sanctity of Buddhism from the “foreign outliers” who posed a “threat”.

Initially the reach of Naga Min was in the city of Rangoon and the ethnic regions of the Chin and Kachin. By February 1978, Naga Min had reached the Rohingya in Arakan. Arbitrary arrests, desecration of mosques, destruction of villages, and confiscation of lands were the primary instruments of the military in pushing the Rohingya out of the country. In the wake of this violence, nearly a quarter of a million Rohingya fled to neighboring Bangladesh in a period of only three months.

The Bangladesh set up makeshift camps for the refugees and appealed to the United Nations for aid and assistance. The United Nations High Commissioner for Refugees (UNHCR) instituted a relief program and set up 13 official refugee camps. Shortly thereafter, an agreement was signed between Bangladesh and Burma in July 1978, which the UNHCR was not party to, allowing for the repatriation of 200,000 of the refugees back to Arakan. By the end of 1979, roughly 180,000 Rohingya returned to Arakan, despite refugee protests that produced clashes with the Bengali officials resulting in hundreds of deaths. Other contributing factors to the Rohingya’s return to Burma were deteriorating conditions in the refugee camps, the arrest of a number of the Rohingya community leaders, and a reduction in food rations for the refugees.⁵⁶

1982 *Citizenship Law*

Following the repatriation of many of the Rohingya, the 1982 Citizenship Law represents the next step in the measures of the Burmese government to disenfranchise the Rohingya, particularly in establishing a new boundary of legal inclusion and exclusion. While the State Protection Law gave the government the legal authorization to deny rights of citizens, the Citizenship Law negated the existence of these rights in the peripheral ethnic groups of the state, with an eye to the Rohingya. A new definition of citizenship was passed into law in Burma in 1982 rooted in the principle of *jus sanguinis*, establishing three classes of citizenship: full, associate, and naturalized citizens. Full citizenship is confined to those ethnic groups who are recognized as having resided in the territory of Burma since 1823 or earlier, a clear reference to the period of British colonialism that

began in 1824. It also granted power to the government to “decide whether any ethnic group is national or not”.⁵⁷ Associate citizenship is granted to those individuals who qualified under the Union Citizenship Act of 1948 and whose application was still pending when the new law came into force. Naturalized citizenship can only be granted if the individual is able to provide “conclusive evidence”, as interpreted by the government, of their residence prior to 1948. In the eyes of the government, however, the Rohingya, who were seen as illegal Bengali immigrants, did not fall into any of these categories. In 1989, the Burmese government issued color-coded Citizens Scrutiny Cards (CSC) under the auspices of the 1982 Citizenship Law: pink cards for full citizens, blue for associate citizens, and green for naturalized citizens. The Rohingya were not issued cards.

Without citizenship rights, the government implemented severe travel restrictions for the Rohingya as well as into north Arakan, a restriction made easier due to the geographic features of Arakan. They were unable to travel to Sittwe, the Arakanese capital, and travel to Bangladesh is illegal as they are not issued passports due to their lack of citizenship. Even visiting a neighboring village required a government permit. In 1994, the Burmese government stopped issuing Rohingya children birth certificates. In the late 1990s, Burma began requiring the Muslim population alone to be granted official permission from local authorities to marry, although legislation was never passed institutionalizing this practice. This permission is largely obtained through bribes and can take several years to procure, out of the reach of people living in such poverty. Cohabitation and sexual contact outside wedlock are both offenses subject to arrest. Many women who became pregnant “illegally” have died after resorting to illegal abortions conducted under the most unsanitary conditions, and many babies have died when their mothers fled to Bangladesh to have the child and then abandon them. In 2005, this practice was relaxed although the couple is only granted permission under the stipulation that they have no more than two children. Education and health care were also severely restricted. The travel restrictions severely limited their ability to obtain medicine or treatment from under-funded local hospitals and travel to Sittwe to access their health facilities is denied. Furthermore, as non-citizens, their children are not permitted to attend state-run secondary schools. The illiteracy rate among the Rohingya was estimated to be as high as 80%.⁵⁸

SLORC and Operation Pyi Thaya

The State Law and Order Restoration Council (SLORC) was established after the 1988 student uprising which propelled Aung San Suu Kyi into Burmese politics who, by happenstance was visiting her ill mother in Rangoon. This was a transfer of power back to the military, a sort of self-approved coup, as the SLORC was composed of 19 military officers and wielded total control for the purposes of returning stability to the country, dissolving the nominally civilian government. The SLORC was responsible for re-naming the country from Burma to Myanmar, which is derived merely from the written or literary version of the word for the Burmese ethnicity. Similarly, they renamed Arakan State to Rakhine State, after the Rakhine ethnic group.

With the military back in total control, the SLORC began to displace the Rohingya population, settling Buddhists in their place, and re-settling the Rohingya in “strategic villages” near military bases. Operation Pyi Thaya (Prosperous Country or Clean and Beautiful Country) was launched in July 1991 as part of their effort to restore order but with the same purpose as Operation Naga Min, to expel the Rohingya from the Arakan State. The Burmese government implemented the “Four Cuts” strategy as part

of this operation: the denial of land, food, shelter, and security for ethnic minorities.⁵⁹ Roughly 250,000 Rohingya again fled across the Naaf River into Bangladesh. In February 1992, U Ohn Gyaw, the Minister of Foreign Affairs, declared in a press release,

In actual fact, although there are 135 national races in Myanmar today, the so-called Rohingya people are not one of them. Historically, there has never been a “Rohingya” race in Myanmar ... Since the first Anglo-Myanmar War in 1824, people of Muslim faith from the adjacent country illegally entered Myanmar Naig-Ngan, particularly Rakhine State. Being illegal immigrants they do not hold immigration papers like other nationals of the country.⁶⁰

The Nay-Sat Kut-kwey Ye (NaSaKa), a border security force, was established in 1992 in the North Arakan region. This organization, specific to the Rohingya area, consists of members of the police, military intelligence, the internal security or riot police (Lon Htein), customs officials, and the Immigration and Manpower Department. The NaSaKa was the primary perpetrator of human rights abuses against the Rohingya people. Under the NaSaKa, the Rohingya were subjected to forced labor for the purpose of building model villages, known as NaTaLa. Beginning in 1990, 40 villages were constructed with over 10,000 Buddhist settlers residing in them. The model villages impact the Rohingya population in two ways: (1) they require the expulsion of Rohingya off their land and the reallocation of it to Buddhist settlers and (2) the construction of the villages requires the widespread forced labor from the very same Rohingya people forced off their own land. The Rohingya are also forced to labor on a number of other infrastructure projects, maintenance of government and military buildings, in agricultural projects, and serve as sentries for camps, villages or on roads, etc.⁶¹ Amid criticisms of corruption and abusive behavior, the NaSaKa was disbanded in 2013 by then President Thein Sein.

The ethnic basis and strength of this prejudice of the Burmese government against the Rohingya is clearly seen in the remarks made by the Burmese Consul General to Hong Kong, Ye Myint Aung to reporters. After the media attention of the Rohingya “boat people” in 2009, the Consul General sent an official letter, in early December 2009, to media and heads of foreign missions in Hong Kong describing the Rohingya people as “ugly as ogres” and that “In reality, Rohingya are neither (Burmese) people nor Myanmar’s ethnic group”. He went on to contrast the “dark brown” Rohingya complexion with the “fair and soft” skin of the Burmese people, which he added were “good looking as well”. He further explained:

My complexion is a typical genuine one of a Myanmar gentleman and you will accept that how handsome your colleague Mr. Ye is. It is quite different from what you have seen and read in the papers. They are as ugly as ogres.⁶²

The Democratization of Myanmar and Resiliency of Burmese Nationalism

Beginning in November 2010, the historically closed Myanmar government began to open up to domestic political reforms and relations with the Western governments after the military handed over power to a military-backed civilian government following elections. During this month, the government also released Aung San Suu Kyi from house arrest. President Thein Sein was sworn in as the new civilian president in March 2011. Following this transition, the government began freeing political prisoners, allowing peaceful political demonstrations, permitting the NLD to register as a political party, and holding generally free and fair parliamentary elections in 2012.

This political opening, however, also provided an opportunity for expressions of Burmese and Buddhist nationalism that underlay much of the historical discrimination against the Rohingya and other minorities. Without measures to address the prejudice of minority groups, open democracies can be reflections of the social hierarchies producing such prejudice.⁶³ Many of the protests and demonstrations against the Rohingya, as well as Muslims, were linked to the Buddhist 969 movement, whose spiritual leader is a Buddhist monk named U Wirathu. This group saw the presence of any Muslims within Myanmar as a threat to national identity, especially one based on the Buddhist faith. In a 2013 interview, U Wirathu stated about Muslims, “When you leave a seed from a tree to grow in a pagoda, it seems so small at first. But you know you must cut it out before it grows and destroys the building”.⁶⁴ He later said in a TIME magazine interview, “[Muslims] are breeding so fast, and they are stealing our women, raping them ... They would like to occupy our country, but I won’t let them. We must keep Myanmar Buddhist”. U Wirathu’s supporters included the Burmese President Thein Sein, who referred to the monk as a “son of Lord Buddha”.⁶⁵ The 969 Movement has encouraged local people to boycott trade with Muslims and shop only at Buddhist-owned stores that display the number 969 as proof of their loyalty.

Race and Religion Laws

This movement towards hardline Buddhist nationalism resulted in actual policy outcomes from the government as they mobilized public support. In 2015, the parliament, influenced by the Buddhist monk-led Committee for the Protection of Nationality and Religion (Ma Ba Tha), passed four race and religion laws. These laws require individuals to procure government permission to convert to another religion, regulates the marriage of Buddhist women to men of a different faith, requires a 36 month gap between births for women, and grants power to the government to interfere with family issues, such as extramarital relations. Human rights groups have criticized these laws as targeting minority groups, especially Muslims and the Rohingya.⁶⁶

This targeting of the Muslims by Buddhist monks associated with this Buddhist nationalist movements contributed to the March 2013 riots in Meiktila in central Myanmar that burnt more than 1300 homes in Muslim neighborhoods and killed 43 people. This period also increased violence against the Rohingya at the hands of the neighboring Buddhist Rakhine. During the June 2012 riots in Rakhine State, the official death toll was 192 with Rohingya human rights groups claim that there were over 1000 killed. Mobs of Rakhine burned entire villages to the ground with over 140,000 Rohingya forcibly displaced without any aid or assistance. A Human Rights Watch report called the incident state-supported “ethnic cleansing”, writing that the government security forces “assisted the killings by disarming the Rohingya of their sticks and other rudimentary weapons they carried to defend themselves”.⁶⁷ President Thein Sein reiterated the following month that, in the eyes of the government, the Rohingya were not citizens of Myanmar but illegal Bengali immigrants, a legacy of British colonialism, and it was the desire of the Myanmar government to hand over the entire Rohingya ethnic group to the UNHCR in order to settle them in a different country. Buddhist monks in Mandalay protested against the Rohingya and in support of the President’s proposal.

The Election of Aung San Suu Kyi

While the 2015 election of Aung San Suu Kyi’s NLD ushered in a change in political regime, it did little to alter the basis of national identity—Burmese and Buddhist nation-

alism. Aung San Suu Kyi and her party is largely representative of the Burmese ethnicity and Burmese center. She is the daughter of Aung San, the martyred father of Burmese independence, and a former employee of U Thant during his tenure as UN General Secretary in the 1960s. Many of the other top leaders within the NLD consist of former Burmese generals from within the junta. The new government also faced an immediate challenge from the continued influence of the military. The transition to democracy remains unfinished, as the military is still a present political force in the Myanmar government. Twenty-five percent of parliamentary seats are still reserved for military officers, effectively blocking any constitutional reform, as constitutional changes require a supermajority of 75%. Under the 2008 Constitution still in effect, the military still controls the Defense, Home Affairs, and Border Affairs Ministries.

Due to these factors, there has been little change in the government's position in relation to the Rohingya, relying on the same logic and military actions. There is a growing fear that the continued presence of Muslims within Myanmar weakens the national identity and the ability for the nation to serve as "defender of the Buddhist faith". Following an attack on a border police post in October 2016, the government dispatched troops to the Rohingya areas of Rakhine State for a security lockdown over the region, in which they (the troops) were accused of human rights abuses and indiscriminate violence against civilians. By late 2017, over 600,000 Rohingya fled the country in the wake of these military operations. However, Aung San Suu Kyi is reflective of many within the country who view the Rohingya as the perpetrators of the violence. In response to international criticism of military operations against the Rohingya, she argued that "terrorists" were to be blamed for "a huge iceberg of misinformation" related to the on-going violence, without mentioning the Rohingya by name.⁶⁸ The commander in chief of Myanmar's armed forces, General Min Aung Hlaing, who is overseeing the military operations in Rakhine, described the military operations as a response to the "attempt of extremist Bengalis in Rakhine State to build a stronghold".⁶⁹ The editor in chief of a hardline Buddhist nationalist paper argued that,

We're not oppressing Muslims, and we recognize their existence. But we don't want Muslims to swallow our country ... They will not finish with attacking just Rakhine. They will also invade Chin State or Irrawaddy region. Then this country will be a Muslim country. It is such a shame for us that the land we inherited from our former generations will be lost in our time.⁷⁰

Conclusion

The current discriminatory policies and actions of the Myanmar government against the Rohingya are a legacy of the divergent experiences under British colonial administration for the majority and minority populations. This led to the subsequent development of the Burmese national identity based in the dominant Burman ethnic group and Buddhist religion. Given the Rohingya's association with British colonialism and the process by which inclusion into the independent state of Myanmar was defined, the Rohingya have long been viewed as outsiders within the state, with the government viewing them as "illegal Bengali immigrants", despite evidence to the contrary.

By understanding this as the underlying source for the persecution of the Rohingya, it provides an explanation for the persistence of this perspective within the government through varying regime changes. This is particularly true for the democratization process as an open democracy can become a reflection of the pre-existing prejudices of

the dominant group within society and continue the political institutions that define social hierarchies. For any policy proposals or other efforts to remedy the discriminatory policies of the Myanmar government against the Rohingya, it is, therefore, necessary to first understand the underlying drivers of these policies and how they have been resilient to the vicissitudes of political change over the past half century.

Acknowledgements

The author would like to thank the support and guidance provided by Ambassador Akbar Ahmed, Dr Wakar Uddin, Frankie Martin, and Dr Marina Kozak during the research and writing of this paper.

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