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Rohingya and Statelessness

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Declaration

I, Farzana Zaman declare that this thesis is a result of my research work and findings. Sources of information other than my own have been acknowledged and a reference list has been given at the end of the report. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Acknowledgement

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It goes without saying that it has been a difficult time writing this thesis during the pandemic against covid-19. This has only made the concern to protect the most persecuted ethnic minorities in the world.

Any errors are mine alone.

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Chapter 1: Introduction

1.1 Problem statement:

As a multi-ethnic country, Myanmar has been setting a poor standard when it comes to how they regard ethnicities. Among more than 135 ethnicities in Myanmar the Rohingya people are facing the most difficulties (Messner et al., 2019, p. 2). The Rohingya people in Myanmar are one of the most persecuted Muslim ethnic minorities in the world (Bhatia et al., 2018, p. 106; Milton et al., 2017, p. 2). In 1982 Myanmar government passed Citizenship Law and denied Rohingya population as citizens of Myanmar. Because the Rohingya people could not prove that their forefathers settled in Myanmar before 1823. Since then the Rohingya community has been subjected to government-sponsored oppression and persecution through discrimination, detention, and violence (Bhatia et al., 2018, p. 106; Mahmood, Wroe, Fuller, & Leaning, 2017). Myanmar is systematically throwing the Rohingya people out from Myanmar by denying legal identities, birth certificates, restricting movement, and access to medical treatment. The systematic discrimination also includes indiscriminate killings, rapes, and other forms of violence (Bhatia et al., 2018, p. 106). To avoid conflict and persecution the Rohingya people have been fleeing Myanmar to nearby developing countries like Bangladesh, Malaysia, and Thailand (Milton et al., 2017) where they have been living like stateless (Mahmood et al., 2017; Milton et al., 2017, p. 2).

Today, most of the countries in the world are multi-ethnic due to migration. In these multi-ethnic countries, political leaders are confronted with the challenge to cope with the legal status and basic rights of ethnic groups. Not only that political leaders also face the challenge of how to regard socioeconomic structural differences and cultural differences (Ma, 2007, pp. 199-200). A good multi-ethnic country is able to accommodate socioeconomic and cultural differences. As a result, the country achieves cohesiveness of its citizens through internal integration (Ma, 2007, p. 200). Good ethnic relations help to reduce administrative and operational costs of a country, increase the efficiency of social and economic organizations, and strengthen the economic power (Ma, 2007, p. 200). Thus, create a positive environment for political, economical, and cultural development. However, countries like Myanmar do not believe in this practice. Evidence shows that the Rohingya people are facing persecution in Myanmar and living a stateless life.

1.2 Objectives and Research questions:

The main objectives of the thesis are to identify and analyze the key reasons behind the statelessness issue of the Rohingya and analyze the role of the Myanmar government creating the statelessness situation for the Rohingya. To fulfill the main objectives the thesis tries to find the answer of the research questions, *how restrictions of movement and the Citizenship Law 1982 play a vital role in the statelessness of the Rohingya(RQ1) and how Myanmar government is creating the statelessness situation for the Rohingya(RQ2)* To identify the reasons behind the statelessness of the Rohingya community, restriction on movement, the Citizenship Law 1982, and the role of Myanmar government have been analyzed. Although there are some other ethnic conflicts in Myanmar that are equally important, the thesis have chosen to focus on the Rohingya. The study draws on scholarly resources including books and articles from well established authors, official documents of OHCHR, Amnesty International to gain a better understanding of the persecution and to answer the research questions.

The thesis focuses on the Citizenship Law 1982 and restrictions on movement although scholarly resources include some other reasons such as forced labor, unlawful killings, sexual and gender-based violence behind the statelessness situation. The reason behind choosing these two reasons is to understand how important they are when it comes to the statelessness situation and how Myanmar government is creating statelessness situation for the Rohingya by denying citizenship and restricting freedom of movement.

Chapter 2: Background

The background chapter contains three sections: a general and historical perspective of the persecution of the Rohingya people, reasons behind the statelessness issue, and role of the Myanmar government creating the statelessness situation.

2.1 A general and historical perspective of the persecution of the Rohingya people:

Parnini, Oathman and Ghazali in *The Rohingya refugee crisis and Bangladesh-Myanmar relations* state that the persecution of Rohingya started from 1962 when military took the power. The military government denies the Rohingya people as citizens of Myanmar. They also claim that the Rohingya are not indigenous people of Myanmar. In addition, they claim that the Rohingya are migrants from Bangladesh and other South Asian countries (Parnini, Othman, & Ghazali, 2013, p. 136). In addition, they were omitted from the national census (Parnini et al., 2013, p. 136).

The authors identify the fact that before 1962, Rohingya had government-issued identity cards and British-issued ration cards which meant they had Burmese citizenship. On the pretext of checking their cards, government officials took their cards and destroyed the cards (Lintner, 1990; Parnini et al., 2013, p. 136).

In February 1978, the Burmese military government launched a large scale program called 'Operation Dragon King' (Naga-Min). The main objective of that operation was to wipe out Mujahid rebels who had been fighting for an Islamic state in Northern Rakhine state. The operation led to not only mass killing but also expulsion of the Rohingya from Burma where they lived hundreds of years (Parnini et al., 2013, p. 136; Smith, 2002). The operation Naga-Min killed nearly ten thousands of people. Not only that, over 200,000 Rohingya were pushed to Bangladesh (Parnini et al., 2013, p. 136; South, 2013).

Bhatia, Mahmud, Fuller in article *The Rohingya in Cox's Bazar: When The Stateless Seek Refugee*, say that "the Rohingya people of Myanmar are one of the most persecuted minorities of our time". The authors argue that Myanmar government denied citizenship to the Rohingya people by passing the Citizenship Law 1982, since then the Rohingya people are facing government sponsored discrimination, detention, violence, and torture which cause a mass

exodus to neighbor country Bangladesh where they are living a stateless life (Bhatia et al., 2018, p. 106).

Md. Mahbubul Haque in article *Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma*, says that “Many international actors believe that due to this lack of legal status, the Rohingya have become stateless in their ancestors’ land of Burma.”(Haque, 2017b, p. 454).

The United Nations General Assembly in Article 1 of the *Convention relating to the status of stateless persons*, defines a stateless person as someone “who is not considered as a national by any State under the operation of its law”(U. G. Assembly, 1954, pp. 3,6).

This thesis has been emphasizing on the Citizenship Law 1982 and restrictions of movement in order to understand how persecution creates the statelessness issue or how Citizenship law 1982 and restrictions of movement play a vital role in the statelessness of the Rohingya. In addition, how Myanmar government is creating the statelessness issue for the Rohingya can be answered from the analysis.

Md. Mahbubul Haque in article *Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma*, argues that “the Rohingya have experienced difficulties in obtaining citizenship since the enactment of the 1982 Citizenship Law in Burma”. From the beginning of the independence of Burma, present Myanmar, the identity of Rohingya was recognized by the then democratic government of Premier U Nu (1948-1962). In 1962, when military took the power, they imposed humiliating restrictions and harsh treatment on Rohingya. However, the Citizenship Law 1982 institutionalized the Rohingya community’s statelessness. The author argues that despite evidence shows that the Rohingya community is indigenous people of Arakan, present Rakhine, Myanmar government is arbitrarily depriving them from citizenship through Citizenship Law 1982. The government of Myanmar is reluctant to consider the residency history, religion of the Rohingya. Thus, Myanmar citizenship law actually does not comply with the international law. Even the documents related to the Rohingya ancestry prove that Myanmar government enacted Citizenship Law 1982 “ to deny the Rohingya identity”(Haque, 2017b, p. 454).

Evidence shows that Myanmar is systematically conducting an ethnic cleansing. Bhatia, Mahmud, Fuller in article *The Rohingya in Cox's Bazar: When The Stateless Seek Refugee*, argue that The Rohingya community has been forced to flee other countries to escape ethnic cleansing (Bhatia et al., 2018, p. 106). The systematic expulsion includes denied legal identities, birth certificates, and even access to childhood vaccinations. In addition, restriction on movement is another weapon to create pressure on the Rohingya. Through this restriction, Myanmar government confined the Rohingya to move from one place to another place. Even if they need to go to another village for work they need prior authorization from the government or local authority (Bhatia et al., 2018, p. 106). This denial of basic rights causes them to live a life where they have to face extreme poverty which is unacceptable. As an example, we can see that before 1978 mass killing, persecution, poverty rates in Rakhine was nearly twice that of the national average. That means, 43.5% Rakhine's populations live below the poverty line where 25.6% population live below the poverty line in Myanmar (Bhatia et al., 2018, p. 106).

Then 1982 citizenship law rendered the Rohingyas officially stateless. Without documents, Rohingyas were restricted/banned from travelling within and outside Myanmar. Due to restrictions, Rohingyas could not Perform Hajj, the pilgrimage to Mecca which is one of the five pillars of Islam (Parnini et al., 2013, p. 137).

To understand the context of the persecution of the Rohingya, a brief discussion about history of Rohingya in Myanmar is vital. In the following section, this thesis has been discussed a brief history of coexistence of Muslims and Buddhists in Myanmar, the military regime, Operation Dragon King, counterinsurgency movement, citizenship law 1982, violence in 2012 and 2013.

Muslims and Buddhists have been resided in Arakan, Burma for at least a millennium (Southwick, 2014, p. 262). Back in 1784, the Rohingya, originally from the Arakan where the majority was Muslim, were incorporated into the Buddhist society of Burma (Ullah, 2011, p. 143). During 1800s, when Burma was a province of India, British moved population between Burma and East Bengal in order to meet their labor needs (Ahmed, 2009; Ullah, 2011, p. 143). Under British rule, large number of Hindu and Muslim immigrants came to Burma. They worked as laborers, administrators, and merchants. They influence the economy of Burma and that influence fueled nationalism, clashes in Arakan during the Second World War (Southwick, 2014,

p. 262). In 1942, when Japan invaded Burma, many Rohingya were forced to flee into East Bengal(Pittaway, 2008; Ullah, 2011, p. 143). In 1948, when Burma became independent, the independence did not bring anything good for the Rohingya. The tension between government and the Rohingya intensified (Ullah, 2011, p. 143). Since 1962 when military took the power, Rohingya have not been recognized as citizens of Myanmar. In fact, they were omitted from the national census(Parnini et al., 2013, p. 136). The military government claims that the Rohingya are not indigenous people of Myanmar. In addition, they also claim that the Rohingya are migrants from Bangladesh and other South Asian countries(Parnini et al., 2013, p. 136). Before 1962, Rohingya had government-issued identity cards and British-issued ration cards which meant they had Burmese citizenship. On the pretext of checking their cards, government officials took their cards and destroyed the cards(Lintner, 1990; Parnini et al., 2013, p. 136). In February 1978, the Burmese military government launched a large scale program called 'Operation Dragon King'(Naga-Min). The main objective of that operation was to wipe out Mujahid rebels who had been fighting for an Islamic state in Northern Rakhine state. The operation led to not only mass killing but also expulsion of the Rohingya from Burma where they lived hundreds of years(Parnini et al., 2013, p. 136; Smith, 2002). The operation Naga-Min killed nearly ten thousands of people. Not only that, over 200,000 Rohingya were pushed to Bangladesh(Parnini et al., 2013, p. 136; South, 2013).

After the brutal counterinsurgency campaign in 1978 that forced 200,000 Muslims to flee the country, the 1982 Citizenship Law was passed (Burma citizenship law 1982) (Southwick, 2014, p. 263). The Citizenship Law 1982 created three categories of citizens: national, associate and naturalized. The law defines nationals as persons belong to ethnic groups who settled in Burma 'as their permanent home' before 1823. Scholars believe as the Rohingya are not among the 135 officially recognized ethnic groups of Burma under the eight national groups listed in Article 3, Rohingya cannot qualify as nationals. The law defines associate citizens as people who successfully apply for citizenship under a previous law from 1948. The law also defines naturalized citizens as people who entered or resided in the state before 1948 and have not applied for citizenship under the 1948 law. According to 1982 law, "an individual and his children may apply, 'furnishing conclusive evidence,' for naturalized citizenship if he entered or resided in the state before 1948 and if he has not applied for citizenship

under the 1948 law. 4 However, standards for accepting evidence as ‘conclusive’ are unclear. " (Southwick, 2014, p. 263)

For all three categories, for the interest of the country Myanmar can/may revoke citizenship. The Central authority may also revoke associate or naturalized citizenship for a range of specified acts(Southwick, 2014, p. 263).

Some of these specified acts are ‘showing disaffection or disloyalty to the State by any act or speech or otherwise’ or communicating with an organization which is ‘hostile to the State.’(Southwick, 2014, p. 264)6 Under these broad terms, “conceivably a person could lose his citizenship by alleging abuses committed by the state”. In Myanmar the law does not allow dual citizenship(7) and incase associate citizenship has been ceased or revoked one cannot reapply for citizenship.(8) In addition, if an associate or naturalized citizen leaves the country permanently loses citizenship (9). The law does not explains clearly whether one who has fled the country and lived abroad for many years would be eligible for citizenship(Southwick, 2014, p. 264). It is difficult for underprivileged Rohingya community to know the requirements of the law. Some of them have lost their documents during /through displacement. Thus, these people are unable to provide the evidence for associate or naturalized citizenship (12)(Southwick, 2014, p. 264). Moreover, most Rohingya living abroad have no chance to get citizenship in the countries in which they live. Thus, most Rohingya are stateless(Southwick, 2014, p. 264). However, some Rohingya received temporary registration card and permitted to vote ". In addition, the number of Rohingya have acquired citizenship under the 1982 law is unknown(Southwick, 2014, p. 265).

In 1991 and 1992, the border security force of Myanmar, NaySat Kut-Kwey Ye (NaSaKa) created a violent campaign which caused over 250,000 Rohingya fled to Bangladesh(Southwick, 2014, p. 265). NaSaKa has clear purpose behind the violent campaign. They want to secure the border with Bangladesh. At the same time they also want to put an end to the Rohingya insurgency movement(Southwick, 2014, p. 265).

By 1996, many of the refugees were repatriated; many unregistered refugees are living in Bangladesh, Egypt, Pakistan, Saudi Arabia, Malaysia, Thailand, Indonesia, the United Arab Emirates, and Japan(Southwick, 2014, p. 265).

Military rulers sowed the seeds of hatred between Buddhists and Muslims(Callahan, 2004, p. 137; Parnini et al., 2013). That hatred causes inter-communal violence. In 2010, 150 Rohingyas houses were burned down. In June 2012, communal violence between Rakhine Buddhists and the Rohingyas caused massive fight and Rohingyas were imprisoned. In October 2012, security forces destroyed the Rohingyas' homes. In this situation, Many Rohingyas were forced to migrate to neighboring countries. Some Rohingyas fled to Bangladesh; others fled to Thailand, Malaysia, India, Pakistan and the Middle East(Chimni, 1998; Parnini et al., 2013, p. 137).

Before and after the incidents, Buddhists monks and a Rakhine Nationalist party issued numerous statements demanding removal of the Rohingya and isolation of Muslims(Southwick, 2014, p. 266). In 2012, Myanmar created the Rakhine Investigation Commission to identify the main reasons of communal violence and provide recommendations to prevent violence in future and promotion of peaceful coexistence. However, the Commission was criticized as it was lacking Rohingya representative and referring the Rohingya community as 'Bengalis'. (Southwick, 2014, p. 266).

In March 2013, Myanmar saw another violence episode of Muslims and Buddhists in the central town of Meiktila caused 40 deaths and 12,000 internally displaced. Local police and NaSaKa didn't do much to prevent the violence against Muslims(Southwick, 2014, p. 266).

After the October 2016 violence, the whole picture changed. In order to control the situation after the Rohingya insurgency, Government brought a combined force of military and police. That resulted in at least 100 people killed, hundred houses burned down or destroyed and more than 20,000 people internally displaced. The “clearance operation” started on 25 August 2017 was another chapter of violence when Rohingya were forced to leave Myanmar(Haque, 2017a, 2017b).

Displace Muslim communities now live in camps prone to flooding. They are suffering from malnutrition. Access to safe drinking water and health care is limited. Travel authorization, permission to get married, lack of humanitarian aid, everything is pushing Rohingya community to a difficult situation where there is no chance of sustainable livelihood(Southwick, 2014, p. 267).

Myanmar government persecuting Rohingyas in several ways. Some of them are- confiscation of farm lands, forced displacement of Rohingyas from their homes, demolition and burning of mosques, houses and villages of Muslims, Islamic religious schools, and establishment of new Buddhists settlements on vacated land where Muslims had their establishments(Parnini et al., 2013, p. 137).

2.2 Reasons behind the statelessness issue:

Although the existing literatures discuss all the reasons behind the statelessness issue. The thesis emphasizes on the restrictions of movement and the Citizenship Law 1982.

2.2.1 Restrictions of movement:

The government of Myanmar creates a boundary within a boundary for Rohingyas. That means, there are restrictions from travelling within Arakan to other parts of the country for Rohingyas. Myanmar government requires the Rohingya to obtain travel permit from the chairman of the local Peace and Development Council (PDC) to cross the town and state boundaries. A valid permit allows the Rohingya to travel for up to 45 days. In addition, a copy of permit must be submitted to authorities upon departure and arrival at the destination. If a person from the Rohingya community wants to stay in a different village, then a similar permit must be presented to the headman of the home village and the village visited (Bhatia et al., 2018, p. 106; Ullah, 2011, p. 150). Similarly, if someone from the Rohingya community wants to work outside their village, they need prior authorization from the authority (Bhatia et al., 2018, p. 106)

Anyone violates the rule, are bound to pay a fine up to 200 kyat (US\$29) and detention. In addition, the Rohingya community has been exposed to systematic exploitation by corrupted officials who demand bribe regularly and people are bound or forced to pay that bribe because of their vulnerable situation(Ullah, 2011, p. 150).

Similarly, as the Rohingya people have been denied citizenship in Myanmar, they have been deprived of equal treatment in educational opportunities. In Myanmar, secondary education is available only for citizens. That restriction limits the deprived Rohingya community to access civil services and higher ranks in the career hierarchy(Ullah, 2011, p. 150).

2.2.2 Citizenship law 1982:

The Rohingya community is an ethnic minority living in the northwestern Rakhine (Arakan) state of Myanmar. In 1948, from the beginning of independence of Myanmar, the U Nu government (from 1948 to 1958) recognized the Rohingya as a distinct indigenous ethnic group(Parnini et al., 2013, pp. 135-136). However, in 1962, when the government changed and military rule took the power, the Rohingya community lost their recognition as an ethnic group of Myanmar. (Lintner, 1990; Parnini et al., 2013, pp. 134-136). Military government excluded the Rohingya from the periodic national census. In addition, the military-backed government claimed that Rohingya people were not related to Myanmar. Moreover, they claimed that the Rohingya were migrants from Bangladesh and other South Asian countries(Kipgen, 2012, p. 300; 2013, p. 300; Parnini et al., 2013, p. 136).

Before 1962, the Rohingya were holders of government-issued identity cards and British-issued ration cards which confirmed their Myanmar citizenship. But by the name of checking, these cards were taken from them and then the cards were destroyed(Lintner, 1990; Parnini et al., 2013).

In 1978, the military junta launched 'Operation Dragon King' (Naga-Min)(Kipgen, 2013, p. 300; Parnini et al., 2013, p. 136). The main objective of that operation was to wipe out the people or rebels who had been fighting for an Islamic state in Northern Rakhine state of Myanmar. The operation was conducted to wipe out the Rohingya although they had been living in Myanmar for hundreds of years. The next chapter is filled with blood. Operation Naga-Min led to mass killing and expulsion of Rohingya from Myanmar(Parnini et al., 2013, p. 136; Smith, 2002, p. 18). As a result, nearly tens of thousands of Rohingya were killed. Not only that, More than 200,000 Rohingyas were pushed to left Myanmar(Parnini et al., 2013, p. 136).

In 1982, when Dictator Ne Win's Burma Socialist Program Party (BSPP) passed the Citizenship Law 1982, the Rohingya became officially stateless(Kipgen, 2012, p. 300; 2013, p. 300; Parnini

et al., 2013, p. 134). If we analyze the 1982 Citizenship Law, we can see that 1982 law is based on the principle of Jus sanguinis which abolished the Union Citizenship (Election) Act 1948, and the Union Citizenship Act 1948(Parnini et al., 2013, p. 134; South, 2013, p. 25). Unlike the 1948 Citizenship Act, where there was an importance on how ancestor's obtained citizenship, Ne Win classified citizenship into three categories: full, associate, and naturalized(Kipgen, 2013, p. 300; Parnini et al., 2013, p. 134).

Now, those belong to one of the 135 'national races' are full citizens. They lived in Myanmar prior to 1823. Associate citizens are the citizens who acquired their citizenship through the 1948 Union Citizenship Law(Parnini et al., 2013, p. 134; Uddin, 2012, p. 50). Naturalized citizens are those citizens who meet the following requirements- those who could furnish "conclusive evidence" that they entered and resided before the country's independence on 4 January 1948, "those who could speak one of the national languages of Myanmar well, and those whose children were born in Myanmar. Therefore, naturalized citizens are only those who have lived in Myanmar before independence and have applied for citizenship after 1982" (Kipgen, 2013, p. 300; Parnini et al., 2013, p. 134). Foreigners can become naturalized citizens if they can prove a close ancestral connection to Myanmar(Parnini et al., 2013, p. 134).

International community, Myanmar's pro-democratic and ethnic activists failed to address the continuing statelessness and marginalization of the Rohingyas. Stripped of citizenship creates an environment where the Rohingyas are exposed to persecution in Myanmar(Goodwin-Gill, 2001; Parnini et al., 2013, p. 136). Government-sponsored persecution first starts with ill-treatment like eliminate/exclude an ethnic group from national census(Parnini et al., 2013, pp. 136-137).

2.3 Role of the Myanmar Government creating statelessness situation:

This section of the thesis discusses the role of the Myanmar government creating the statelessness situation in three stages:

2.3.1 Political transition and status of the Rohingya

2.3.2 Exclusion

2.3.3 The Rohingya under the NLD-led democratic regime

2.3.1 Political transition and status of the Rohingya

The political history of before and after independent Myanmar shows that Rohingya Muslims used to dominate Northern Arakan's constituency (present Rakhine State). But the trend changed after 2010 election (Haque, 2017a, p. 24).

Since the British colonial period Rohingya Muslim minority had a strong presence in mainstream politics. Even the parliamentary government (1948-1962) officially declared the Rohingya as one of the indigenous groups of Myanmar (Haque, 2017a, p. 24). In that declaration, the then Prime Minister of the Union of Myanmar, U Nu said

“the people living in Maungdaw and Buthidaung regions are our nationals, brethren. They are called Rohingyas. They are at par in status of nationality with Kachin, Kyah, Karen, Mon, Rakhine and Shan. They are one of the ethnic races of Burma”

In addition, scholars and historians have backed up the fact that the Rohingya community has been playing an important role in Myanmar's political sphere (Haque, 2017a, p. 24).

The former Israeli diplomat Moshe Yegar (1972 and 2002), AFK Jilani (2002), J. A. Berlie (2008) and various documents from international community clearly stated that Rohingya Muslims have been politically active in Arakan State (present Rakhine State). The political history of Myanmar shows that Gani Maracan was the first Muslim legislator elected during the British colonial period in 1936 (Haque, 2017a, p. 24).

In 1951, Burma (Present Myanmar) was able to hold the first general election after the British colonial era and the Rohingya Muslim-led political party Jama'iat-e-Ulema got four seats in Arakan or present Rakhine State (Jilani, 2002). However, in 1956, before the general election, the U Nu government wiped out Burma Muslim Congress and Jama'iat-e-Ulema by claiming that these Rohingya Muslim-led political parties are religious groups (Haque, 2017a, p. 25). Thus created a misconception between Muslim leaders and Anti-Fascist People's Freedom League (AFPFL). The Rakhine based Buddhist leaders took that opportunity and filled the vacuum. After that, Muslim leaders realized that political unity with AFPFL was needed. Several Muslim leaders like Haji Abul Khair, Sultan Ahmed, Abul Bashar, Ezhar Meah and Abdul Gaffar were elected to the Upper House from the AFPFL in

1956 general election. However, Ezhar Meah's candidacy was challenged and the court canceled his candidacy.

In 1957, during the bi-election, Sultan Mahmud defeated U Po Khine, who represented the Rakhine community. Mahmud was inducted into the cabinet of U Nu as Health Minister (Haque, 2017a, p. 25; Jilani, 2002)

After independence, the condition deteriorated in Arakan or Rakhine state (Christie, 1996, p. 169; Haque, 2017b, p. 25). In Rakhine Muslim officials were replaced by Buddhist officials. In addition, Buddhist people tried to settle in Muslim dominated areas in Rakhine which resulted in tension between Muslims and Buddhists that still exist in Myanmar. The Rohingyas demanded autonomy in Arakan (Jilani, 2002). A separate administration would help the Rohingya to improve their living standards and prevent abuses from the Buddhists (Haque, 2017a, p. 25).

As a result of that demand, in 1961, the central government created "Mayu Frontier Administration Area". It was under the Ministry of Defense and controlled from Rangoon before 1964. A special police force was dedicated for this area which was called "Mayu Ray". Local Muslims were recruited for that special police force (Haque, 2017a, p. 25).

The law and order situation was good after the formation of Administration Area. The majority of the people were Rohingya and rests of the groups are Rakhine, Dai Nat, Myo, Khmee (Haque, 2017a, p. 26; Yegar, 2002). May Yu Frontier, dominated by the Rohingya Muslims, was controlled by the central government before 1964. Even the Myanmar Encyclopedia (1964) has details about the Rohingya populated May Yu Frontier Area. Even the political leaders say that, during the post-independent history in Myanmar, it was the only administration, which favored the Rohingya people.

Rohingya language used to air by the Burma Broadcasting Services twice a week till 24 October 1965. This evidence shows that Rohingya language broadcasts stopped when military took power in 1960s. The policy to oppress and exclude the Rohingya started after General Ne Win took the power (Haque, 2017a, p. 26; Min, 2012, p. 7)

Although there was political difference, the Rohingya Muslims had representation in parliament under the Ne Win socialist regime. Many Rohingya representatives were in Arakan State Council under the Burma Socialist Program Party (BSPP)(Haque, 2017a, p. 26; Jilani, 2002). Later the military government, known as State Law and Order Restoration Council (SLORC), replaced the role of BSPP. In 1990, the military government conducted general elections, the first multi-party elections after 1960, after which Myanmar had been ruled by military dictators. During this election, although associate and naturalized citizens were permitted to vote but not allowed to contest(Haque, 2017a, p. 26).

The Rohingyas were allowed to vote in the 2008 referendum. In 2010, although two Rohingya candidates won the election, the Union Election Commission invalidated their candidacies. As a result, the military backed USDP candidates, the runners up, became MPs. From 2010 to 2015, these parliamentarians, from Rohingya Muslim community, played an active role in the House of Representatives. As they were outspoken, they asked questions about the freedom of movement of Muslims in the Rakhine State in the Parliament(Haque, 2017a, p. 27).

In 2015, when the National League for Democracy won the general elections, it ended 50 years of military rule. That victory did not bring anything good for Muslim community. A Myanmar based Muslim Leader, Aye Lwin argues differently about the situation

2.3.2 Exclusions:

The Rohingya community has been systematically excluded from the state framework of Myanmar(Haque, 2017a, p. 28). Since independence, the Rohingya community was in conflict. The conflict became prominent after 1962 when General Ne Win took power. After that the state had taken policies to exclude them from the state framework. But in 1982, when the Citizenship Law came into force, the Rohingya became stateless. However, from 1948 to 1962, the Rohingya had recognition from the state under Anti-Facist People's Freedom League government(Haque, 2017a, p. 28).

But after military took power, the Tatmadaw government claims that most Arakan Muslims are illegal. They conducted several operations against the Rohingya. The military government branded the Rohingya as foreigners and made them stateless. However, historical documents

show that the Rohingya people are indigenous people of Arakan, today's Rakhine state. In 1972, General Ne Win's government made a list of national ethnicities. Government treated the Rohingya as "Chittagongian-Rakhine". From that a new narrative created about the Rohingya and that was the Rohingya people were from Bangladesh(Haque, 2017a)

General Ne Win had a long-term plan to exclude the Rohingya from the state framework. His government changed Arakan and named it the Rakhine state. Since then the Rohingya were separated from Arakan, deprived of their identity under their motherland(Haque, 2017a).

In 1978, military government conducted Operation Nagamin, in order to identify illegal Bangladeshi settlers. Due to this operation, thousands of Rohingya became refugees in Bangladesh. Within a year, the Rohingya people were repatriated to Myanmar. Then Ne Win's government passed the Citizenship Law 1982 and it made the Rohingya people de jure stateless in the home of their ancestors(Haque, 2017a).

In 2008, a constitutional referendum was conducted in Myanmar in order to achieve democracy(Haque, 2017a, p. 28). In 2010, the military backed party, the Union Solidarity and Development Party USDP, was formed by Prime Minister Thein Sein which was approved by the Union Election Commission(Haque, 2017a, p. 29).

Rohingya-led Union National Development Party scrutinized the election, NLD and some other parties boycotted it. The United Nations and other international community expressed concerns about that election.

However, the military backed TheinSein led the USDP formed quasi-democratic government in Myanmar. Not only that, TheinSein was praised for his reform policy.

In order to establish democracy, the new government came up with various policy. They released over 500 political prisoners. But at the same time, severe human rights abuses against the ethnic minorities happened under the new government. In addition, after the 2012 Buddhist-Muslim communal riots, Buddhist campaign against Islam, Muslim became daily news. Even International community was critical about Myanmar government as the government was unable to protect the Rohingya minority in Rakhine state. In 12 June 2012,

President TheinSein expressed his thought or opinion in a meeting with the UN High Commissioner for Refugees Antonio Guterres ‘

“the solution to this problem is that they can be settled in refugee camps managed by UNHCR, and UNHCR provides for them. If there are countries that would accept them, they could be sent there” (Haque, 2017a, p. 29)

In addition, he also declared,

“We will take care of our own ethnic nationalities, but Rohingyas who came to Burma [Myanmar] illegally are not of our ethnic nationalities and we cannot accept them here”(Haque, 2017a, p. 29)

Buddhist monks, ultra-nationalist groups, supported TheinSein’s proposals about Rohingya. Not only that, in 2015, USDP government conducted a systematic plan to exclude Rohingya from the electoral process in 2015(Haque, 2017b, p. 29). As a result, Rohingya were excluded from the UN sponsored national census in march 2014(Haque, 2017a, pp. 29-30).

2.3.3 The Rohingya under the NLD-led democratic regime

In 2016, NLD formed the government after a decade-long military rule. Aung San SuuKyi became de facto head of the government although the key institutions of Myanmar remain under the control of the army. The situation of the Rohingya Muslim minority has become worse under the regime of democracy. This part has been discussed in two parts. In the first part, NLD leader Aung San SuuKyi’s response towards the persecution of Rohingya was not encouraging even international community was under that impression. On the second part, military backed USDP government enacted four ‘protection of race and religion’ laws championed by MaBTha(Haque, 2017a, p. 30).

After the communal riot, Aung San SuuKyi visited the Rakhine state but did not visit the northern part of Rakhine state where Rohingya Muslims live. This leads to disappointment among Rohingya community. Because Rohingya community supported Aung San SuuKyi but she did not speak out on the issue of 2012 communal riots. Not only that, senior NLD member Win Htein dismissed questions on Rohingya as “stupid” and said “Why do you only ask this question? We have 1, 000 problems in our country”. Many researcher emphasizes on the fact that NLD government had been weak on addressing the Rohingya issue(Haque, 2017a, p. 31)

Aung San SuuKyi was not comfortable in discussing the Rohingya issue in media. In fact, SuuKyi lost her cool with Mishal Husain, BBC's journalist, when she was asked about violence on Muslim in Myanmar. Afterwards, she said angrily, "no one told me I was going to be interviewed by a Muslim" (The Daily Mail, 2016). She has regretted the violence in Rakhine state but has refused to defend the judgments of organizations such as Human Rights(Haque, 2017a, p. 31)

After a decade-long military rule, when the NLD won the election, the Rohingya community hoped for improvements, equal opportunities. But the reality was different. It had gotten worse than before(Haque, 2017a, p. 32).

Aung San SuuKyi instructed the diplomats not to use the term 'Rohingya'. Minister for religion under NLD government stated that Muslims and Hindus are 'associate citizens' in Myanmar. The citizenship verification based on controversial 1982 Citizenship Law actually deliberately exclude the Rohingya people from Myanmar and the Rohingya community was worried about that.

The NLD government tried to establish peaceful co-existence among the people of Myanmar(Haque, 2017a, p. 32). They organized the Union Peace Conference 21 Century. No Muslims or Rohingya representatives were invited in that conference. Although leaders from two Rohingya-led party were present in the inauguration but they were not allowed in the working session. Regarding this situation, Ashley South, Myanmar-related expert, criticized that the conference was not inclusive without Rohingya participation(Haque, 2017a, p. 32).

Aung San SuuKyi has been under pressure from international community including her fellow Nobel laureates, for not taking actions, for not speaking out for the Rohingya community. Later, NLD government created a nine member Advisory Commission chaired by former U. N. Secretary General Kofi Annan to find the solutions for the Rakhine State(Haque, 2017a, p. 32).

The formation of the Commission created hope in the Rohingya society. They saw the hope to end the conflict and clashes in Rakhine State (Haque, 2017a, p. 33). However, Rakhine Buddhists nationalists protested and rejected the commission(Haque, 2017a, p. 33).

The vice chairman of Arakan National Party, Aye Nu Sein stated that the new commission was not necessary, since the former President Thein Sein created a Rakhine affairs investigating commission. She also said that by creating a new commission headed by a former U.N. Secretary General made the issue international rather than domestic issue. Some political parties met at the USDP headquarters in Yangon and signed a joint statement against the new commission. The spokesperson of USDP, Khin Ye Said

“The whole nation condemns it. So do the political parties. People demonstrated. However, the commission is still operating. We don’t denounce the establishment of the commission but we are pointing to the public concerns. We receive letters from the public saying they are worried. The government has responsibility for their concerns. Our statement is urging the government not to neglect the public concerns” (Haque, 2017a, p. 33)

After the October 2016 violence, the whole picture changed. In order to control the situation after the Rohingya insurgency, Government brought a combined force of military and police. That resulted in at least 100 people killed, hundred houses burned down or destroyed and more than 20,000 people internally displaced. The military has prevented media, aid to enter that area.

Their motives behind the human tragedies are:

- a. To discourage the Kofi Annan Commission to find out the human rights situation in Rakhine state
- b. Keep the northern Arakan under military control by creating false alarm of security or so-called terrorism
- c. To divide Rohingya and Rakhine, two sister communities.
- d. To distract people so that they do not talk about the ongoing war of Kachin State.

In Myanmar, democracy could not flourish due to long history of military regime. Even three major ministries are now controlled by the military (Haque, 2017a, p. 34).

In Myanmar society, open minded progressive forces exist but ultra nationalist groups are much stronger. Thus the ultra nationalist can hinder the peace process. In addition, NLD has dilemma in handling the Rohingya crisis(Haque, 2017a, p. 34).

After the attack, Aung Sang SuuKyi flew to India and then Japan. Neither the President of Myanmar HtinKyaw, nor the State Counselor Aung Sang SuuKyi visited the Rakhine State. There was no message to the nation. The Physicians for the Human Right report stated that, “there are really two governments in Myanmar: the civil government and the military government” (Haque, 2017a, p. 34).

Some Buddhists ultranationalist groups portray that Islam is an existential threat to Myanmar. In addition, they try to create a link between Muslims in Myanmar and international terrorist groups. That gives a new platform to military regime to establish their control over the government in the name of national integrity. Moreover, NLD government does not have control over border areas of Rakhine state. According to the constitution of Myanmar, the ministry of border and defense is under military control. It does not accountable to the civilian government.

This discussion concludes that some Rohingya were hopeful about the Kofi Annan new commission, some angered Rohingya tried to destabilize the Rakhine state in the name of protest, and military backed political forces and ultra nationalist forces provoked violence against the Muslims(Haque, 2017a, p. 35).

Chapter 3: Theoretical framework/Literature review

This chapter includes a discussion about theory, realism, oppression and persecution, restrictions on freedom of movement, Citizenship Law 1982, and statelessness.

Lynn P. Nygaard has explained theoretical framework in *Writing Your Master's Thesis-From A to Zen* as “the specific collection of conceptual lenses you put together for the particular purpose of answering your research question”(Nygaard, 2017, p. 124). This section portrays some reason why theory is important to build a thesis, why this thesis uses realism to answer the research questions.

In international relations, scholars try to understand the world society as a whole. In order to do that scholars theorize. This applies to everything in IR, such as causes of war, human rights violations, statelessness, etc (Light & Groom, 2016, p. 7) There is a misconception about theory and that is theory is opposed to reality. But in real world ‘theory’ and ‘reality’ cannot be separated. If we clarify the relationship between ‘theory’ and ‘reality’, it will be easier to understand. A fact is chosen from a bigger menu of available facts because that fact fits a concept, the concept fits a theory and the theory fits an underlying view of the world. The theoretical statement describes anything that happens in the world society. Thus, theory and reality go hand in hand in IR (Light & Groom, 2016, p. 7).

Before applying theory, we also need to understand what theory consists of, how the theory works in general. The theory is basically a combination of analysis and synthesis. Analysis means to separate the strands. Synthesis means combining the pieces as a whole in such a way so that it makes sense (Light & Groom, 2016, p. 8). This paper will analyze how restrictions of movement and Citizenship Law 1982 play a vital role in the statelessness of the Rohingya, how the Myanmar government creating the statelessness situation for the Rohingya, and what are the measures to solve the statelessness issue by using realist theory and synthesize all the pieces and make them as a whole so that the reason behind statelessness becomes clearer. To analyze this thesis, theory is going to provide a framework to develop the paper.

To find the answer of the broad and overwhelming research questions, this thesis tries to follow the conceptual approach of realism. This helps to situate it in the discipline of international relations.

Jack Donnelly in his book *Realism and International Relations* states that realism is not just a theory which is defined by an explicit set of assumptions and propositions but also a general orientation: “a philosophical disposition”(Gilpin, 1986, p. 304; Keohane, 1986); an “attitude of mind” with “a quite distinctive and recognizable flavor”(Garnett, 1984, p. 110); and “a ‘big tent’, with room for a number of different theories”(Elman, 1996, p. 26). In his opinion, realism is an approach to international relations that has developed gradually over the work of a series of analysts who have established themselves within, and thus delimited, a unique but still diverse way or tradition of analysis(Donnelly, 2000, p. 6).

Kenneth N. Waltz in his book *Theory of International Politics*, states that the action taken by state provides a good understanding of what is the state’s interest. States takes policies according to necessities. They calculate the necessities according to their interests. Thus, states try to take the best policy to get success because success is what that preserve and strengthen the state(Waltz, 1979, p. 117).

Benjamin Frankel in his edited book *Roots of Realism* says that in the international system which is a brutal arena, states seek power. States not only want to increase power, but also calculate states’ interest in terms of power. In order to do so, states take instrumentally rational policies to maximize power. In addition, states are always worried about security. To enhance security states act vigilantly. They act in an environment or create an environment to achieve success or security or power(Benjamin, 1996, pp. xiv–xviii; FRANKEL, 1996).

John J. Mearsheimer in *The False Promise of International Institutions* states that the international system is anarchic. As this thesis is not focusing on anarchy, other assumptions of Mearsheimer have been followed. The scholar says that states possess some offensive military capabilities which give them the ability to harm or destroy others. Even if they do not have military capability or weapon they still have the population to harm others. In order to survive

and save interests, states use their capability and states are instrumentally rational(Mearsheimer, 1994, pp. 9-10).

The following section covers some concepts that are important to answer the research questions.

3.1 Oppression and Persecution:

This study aims to analyze how the Myanmar government is systematically oppressing and persecuting the Rohingya community. Abul Hasnat Milton (2017) argues that the Rohingya people are the most persecuted minorities in the world (Milton et al., 2017, p. 2). He also argues that the Rohingya people are facing discrimination and violence and are fleeing to neighboring countries to avoid persecution (Milton et al., 2017, p. 2). In addition to this literature, Abhishek Bhatia (2018) also argues that the Rohingya people are one of the most persecuted minorities of our time (Bhatia et al., 2018, p. 106). He argues that the Rohingya community has been subjected to discrimination and expulsion in Myanmar (Bhatia et al., 2018, p. 106; Milton et al., 2017). The Myanmar government has been systematically oppressing and persecuting the Rohingya population both mentally and physically to leave Myanmar. In order to live and avoid persecution the Rohingya people are leaving their Motherland. By analyzing restrictions of movement and the Citizenship Law 1982 of Myanmar this study emphasizes on the systematic discrimination clearly.

3.2 Restrictions on freedom of movement:

The Rohingya people are not allowed to move freely in their own country. The Myanmar government is creating these restrictions to create pressure on the Rohingya community. Messner, Woods, Petty and some other researchers in *Qualitative evidence of crimes against humanity: the August 2017 attacks on the Rohingya in northern Rakhine State, Myanmar* argue that after passing the citizenship law in 1982, Myanmar restricted the access of the Rohingya to certain sectors like education, health care. They also restricted the free movement of the Rohingya within the country, even when in need of medical treatment. Myanmar imposed complex regulations on the Rohingya so that they cannot move freely (Messner et al., 2019, pp. 2-4).

Bhatia, Mahmud, Fuller and some other researchers in article *The Rohingya in Cox's Bazar: When the Stateless Seek Refuge* state that “the Rohingya people of Myanmar have been subject to human rights violations through government sponsored discrimination and violence”(Bhatia et al., 2018, p. 105). This article also covers how Myanmar government denied citizenship to the Rohingya community and after that this community has been suffering from government-sponsored discrimination, detention, violence. To save their lives, The Rohingya people are fleeing to neighboring countries. (Bhatia et al., 2018, pp. 105-106) ,

Bhatia, Mahmud, Fuller and some other researchers in article *The Rohingya in Cox's Bazar: When the Stateless Seek Refuge* also state that irrefutable evidence shows that Myanmar government is conducting an ethnic cleansing. To avoid indiscriminate killings, rapes, and burning of Rohingya homes, the Rohingya people are crossing the Myanmar border. The government of Myanmar denied legal identities, birth certificates, childhood vaccinations. In addition, restrictions on movement is another form of discrimination which causing a long-term effect on the Rohingya community. Due to the restriction on movement, the Rohingya people need prior authorization. It is cumbersome to get the permission to move. This poorly affects the economy of Rakhine State. The result is 43.5% of Rakhine population live below the poverty line when the 25.6% people from Myanmar live below the poverty line (Bhatia et al., 2018, p. 106).

3.3 Citizenship Law 1982:

Passing the Citizenship Law in 1982 was officially the first step to systematically oppress the Rohingya. Syed S. Mahmood, Emily Wroe, Arlan Fuller, and Jennifer Leaning in *The Rohingya people of Myanmar: health, human rights, and identity* argue that Myanmar took away the citizenship of the Rohingya by passing the Citizenship Law in 1982. They argue that the Rohingya had to lose their citizenship because they could not prove that their forefathers settled in Myanmar before 1823 (Mahmood et al., 2017, p. 1841). In addition to the previous literature, Milton, Rahman, Hussain and other scholars in *Trapped in Statelessness: Rohingya Refugees in Bangladesh* argue that by passing the Citizenship Law 1982, Myanmar denied citizenship to the

Rohingya. Myanmar government does not consider them as a national race. In fact, Myanmar identifies the Rohingya as Bengali or illegal immigrant. Thus, the Citizenship Law was intentionally passed to systematically oppress and persecuted the Rohingya (Milton et al., 2017, p. 2).

The Citizenship Law 1982 passed by Myanmar government also indicates that the Rohingya are considered as resident foreigners, not citizens. Thus, in every way, the Rohingya were stripped of citizenship after passing the Citizenship Law 1982. This act of systematic persecution and oppression results in statelessness.

Parnini, Othman and Ghazali in article *The Rohingya Refugee Crisis and Bangladesh-Myanmar Relations argue* that after the independence of Myanmar, the U Nu government (from 1948 to 1958) recognized the Rohingya community as a distinct indigenous ethnic group of Myanmar. However, after military took the power, they questioned the citizenship of the Rohingya people and after a while they passed the Citizenship Law 1982 and rendered the Rohingya community stateless. According to this law, there are three classes of citizens: full, associate, and naturalized(Parnini et al., 2013, p. 134).

This article covers something different than other articles. It adds when the Rohingya community is facing persecution and statelessness in Myanmar, another ethnic group called Kaman are a recognized Muslim minority with citizenship in Rakhine State. In addition, it points out that Rohingya people bear similarities with South Asians. (Parnini et al., 2013, p. 135). However, it also discusses how military-backed “Operation Dragon King”, hatred worsen the situation for the Rohingya. The communal violence in 2012 adds more to that sufferings and makes them leave Myanmar(Parnini et al., 2013, pp. 136-137)

3.4 Statelessness:

The Rohingya people have become stateless after passing the Citizenship Law in 1982. Milton, Rahman, Hussain and other scholars in *Trapped in Statelessness: Rohingya Refugees in Bangladesh* argues that in 1982, when Myanmar passed the citizenship Law, the Rohingya lost

their identity as citizens of Myanmar. In addition, they have been subjected to discrimination and violence since then. The Rohingya lost property or land in the hand of local authorities without compensation. That's how the Rohingya people became homeless before becoming stateless. In addition, the Myanmar government also violates human rights by denying the Rohingya access to education, health care, employment, freedom of movement, religion, and limited rights to get married and have children (Milton et al., 2017, p. 2; Nielsen, Jahan, & Canteli, 2012). The persistent and systematic discrimination and persecution caused the Rohingya fleeing to neighboring countries where they reside as stateless refugees (Milton et al., 2017, p. 2).

In addition to Milton, Syed S. Mahmood, Emily Wroe, Arlan Fuller, and Jennifer Leaning in *The Rohingya people of Myanmar: health, human rights, and identity* argue that the Rohingya have become stateless because they could not prove that their forefathers settled in Myanmar before 1823 (Mahmood et al., 2017, p. 1841). These documents emphasize how persecution and oppression result in statelessness.

Chapter 4: Methodology

4.1 Research design:

This study uses the Rohingya and statelessness as a single case study to analyze how the Myanmar government is oppressing and persecuting the Rohingya community and pushing them toward statelessness from the perspective of realist theory. In order to analyze how statelessness occurs from oppression and persecution of the Rohingya community, a case study design has been applied. Although case study can be done by both qualitative and quantitative research (Bryman, 2012, p. 68). For this thesis, qualitative research has been applied. In order to understand why case study and qualitative research have been chosen for this paper, a brief explanation of both research approaches is needed.

A case study is basically associated with an intensive examination of the settings. The settings can be a single community or a single event (Bryman, 2012, p. 67). In addition to intensive analysis of the settings, case study design concerned with the complexity of a case or the settings. In order to analyze a case or settings intensively, a case study clarifies the entire settings and find the nature of the settings or the case in question (Bryman, 2012, pp. 66,69; Stake, 1995). According to scholars, the case is an object of interest of its own and researchers aim to explain it (Bryman, 2012, p. 69). In fact, the unique feature of a case study is researchers concerned to explain the unique features of the case which is known as the idiographic approach (Bryman, 2012, p. 69).

As the paper is about the Rohingya community, a Muslim ethnic minority of Myanmar, a case study design would be appropriate to intensively identify and analyze the key reasons behind the statelessness issue of the Rohingya, analyze the role of the Myanmar government in creating the statelessness situation for the Rohingya.

In a simple way, qualitative research is a research strategy that usually emphasizes words rather than numbers when it comes to collecting and analyzing data (Bryman, 2012, pp. 66,380; Stake, 1995). In qualitative research, after analyzing data we get a theory. That means the theory is an outcome of an investigation in qualitative research. However, some scholars have argued that

this is not the case. The theory is not always the only outcome of qualitative research (Bryman, 2012, p. 384; Silverman, 1993, p. 24). However, qualitative research is an approach in which theory and categorization develop from the collection and analysis of data (Bryman, 2012, p. 384). Thus, instead of relying on statistics, a qualitative research strategy would be helpful to emphasize the theoretical aspect of the Rohingya and the statelessness issue (Bryman, 2012, pp. 36,66). In addition, using a qualitative research approach would be helpful to create categories and use theory to support the thesis. That is why qualitative research strategy is appropriate for this thesis.

Some scholars argue that the Rohingya are facing the statelessness issue because of their religion and some argue that Myanmar has a long history of treating ethnic minorities in a bad way. Studies show that the Rohingya are facing oppression and persecution in Myanmar. In order to avoid oppression and persecution, they are fleeing Myanmar to neighbor countries and have become stateless. Thus the topic “the Rohingya and statelessness” is relevant to the wider issue.

Through study objective, the thesis identify and analyze the key reasons behind the statelessness issues of the Rohingya by answering the RQ1” how restrictions of movement and citizenship law 1982 play a vital role in the statelessness of the Rohingya? In this, the hypothesis will be a tool to answer the RQ1. By the second objective, the thesis analyze the role of the Myanmar government in creating the statelessness situation for the Rohingya by answering the RQ2 “how Myanmar government is creating the statelessness situation for the RohingyaThe thesis emphasizes the state and the group level of analysis where Myanmar is the state and the Rohingya is the group. Here Myanmar is using offensive capabilities to oppress and persecute the Rohingya community. The oppression and persecution result in statelessness. To analyze the reason behind statelessness issues of the Rohingya, what is the role of Myanmar government behind the statelessness issue, the case study design has been used. The case study emphasizes analysis and for this study, analysis is the key part to answer RQs.

4.2 Data collection and analysis methods:

For sampling the thesis have been used the generic purposive sampling or generic inductive qualitative model. Generic inductive qualitative model is basically an open ended approach or

model to analyze qualitative data. This model emphasizes the generation of concepts and theories but does not follow the iterative style of grounded theory (Bryman, 2012, p. 422; Hood, 2007, p. 152). Generic inductive qualitative model conducted sampling purposively but not necessarily to generate theory and theoretical categories. This approach is also called generic purposive sampling (Bryman, 2012, p. 422). When it comes to selection of cases or contexts in generic purposive sampling approach, researchers establish criteria concerning the cases that are needed to address the research questions. Then they identify appropriate cases, and then sample from those selected cases (Bryman, 2012, p. 422). In this case, the thesis has some categories and according to these categories documents or data have been collected so that the data can support the thesis.

For this thesis, several sources have been selected to collect data. One of them is organizations like OHCHR, Amnesty International, etc. An organization is basically a heterogeneous group of sources of data. Organizations produce many documents that can be analyzed and used in qualitative research. Some of these documents are in the public domain, press releases materials in printed form, and on the World Wide Web (Bryman, 2012, p. 550). For the thesis, documents of sessions, articles, and reports of organizations such as the OHCHR, Amnesty International have been used. In addition, scientific articles, books have been used to collect data. Most importantly, for this thesis secondary data have been used.

Collected data need to be analyzed. Data analysis means reducing data so that the reduced data can make sense. That means from a large number of data, researchers process the data and reduce it so that the reduced data make sense (Bryman, 2012, p. 13). However, if not analyze, researchers interpret the data (Bryman, 2012, p. 556). To interpret data, this thesis has been followed a qualitative content analysis approach or specifically an ethnographic content analysis approach.

The Qualitative content analysis searches underlying themes in the documents being analyzed (Aitkin, 1998; Beharrell, 1993; Bryman, 2012, p. 557; Giulianotti, 1997). Although the process through which themes are extracted are not clearly specified, the extracted themes are generally illustrated for convenience (Bryman, 2012, p. 557).

Ethnographic content analysis follows a recursive movement among conceptualization, data collection, analysis, and interpretation. ECA not only develops categorizations, but also creates a possibility for refinement of those categories. In addition, ECA emphasizes the context within which documents are generated (Altheide, 2004; Bryman, 2012, p. 559).

This thesis has been used qualitative content analysis and ethnographic content analysis to interpret the document, create categories, data collection. These are good fit for the thesis as these approaches have helped to identify underlying themes, create categories, collect data, analyze, and interpret.

Chapter 5: Findings and Analysis

Findings:

In this section two Fact-Finding Missions on Myanmar reports from 2018 and 2019 have been chosen to analyze. The first report is from 2018 and the second report is from 2019.

2018

The Human Rights Council established The Independent International Fact-Finding Mission on Myanmar in its resolution 34/22. Although the report is detailed in manner, published on 2018, for the thesis, some parts have been chosen to analyze and answer the research questions. The following section analyzes the systematic oppression and persecution of the Rohingya people from two perspectives. First, denial of legal status and identity. This part covers how Myanmar government is denying the Rohingya people from citizenship. In order to understand and analyze, the citizenship status of the Rohingya, historical context, current citizenship regime, and citizenship verification process have been discussed. Second, denial of the right to freedom of movement. Here, overview and legal framework, requirement for a temporary travel permit to travel between townships, specific restrictions within northern Rakhine and harassment at checkpoints, specific restrictions in central Rakhine have been discussed and analyzed.

Systematic oppression and persecution of the Rohingya:

Systematic oppression and persecution is the thing that the Rohingya community is facing every day, from birth to death. Myanmar has been taking and implementing policies and practices over decades to marginalize the Rohingya. This mission covered the long term process of ‘othering’ of Rohingya people(Myanmar, 2018, p. 111; UNHRC, 2018, p. 111).

The vital element of the systematic oppression is the lack of legal status of the Rohingya. When this is combined with restrictions of movement, and other human rights violations, the life of Rohingya people get extremely vulnerable(Myanmar, 2018, p. 111; UNHRC, 2018, p. 111). The following discussion is about how Myanmar government is persecuting the Rohingya community.

Denial of legal status and identity:

The Myanmar government objects to use the name 'Rohingya'. They do not consider the Rohingya people as "national races". In addition, they claim that Rohingya people do not belong in Myanmar. Moreover, they use 'Bengali', 'illegal immigrants' from Bangladesh to humiliate the Rohingya. Myanmar has been formulating laws and policies regulating citizenship and legal status to exclude the Rohingya. They have been applying these laws and policies in arbitrary and discriminatory ways. As a result, the Rohingya population has become de facto stateless, without proof of legal status or identity (Myanmar, 2018, p. 112; UNHRC, 2018, p. 112)

Denial of citizenship:

By denying citizenship, states deny legal status and identity. The right to have a national identity is the "right to have right" (Brandvoll, 2014; DeGooyer, Hunt, Maxwell, & Moyn, 2018; Kesby, 2012; Molnár, 2014; UNHRC, 2018). The realization of human rights is recognized and protected by a series of international legal instruments (Myanmar, 2018, p. 114; UNHRC, 2018). The requirements or standards to decide who their nationals are not absolute. However, States must comply with human rights obligations under international legal instruments when it comes to grant and loss of nationality (de Groot, 2013; Myanmar, 2018; UNHRC, 2018, p. 114).

The right to a nationality means the rights of individuals to obtain, change, and keep a nationality. The arbitrary deprivation of nationality is specifically prohibited in International human rights law. In order not to be arbitrary, denial of citizenship must be in conformity with domestic and international law, in particular the principle of proportionality. States have the obligation to ensure that people get their right to nationality without discrimination. Deprivation of nationality results in statelessness is basically arbitrary in nature "unless it serves a legitimate purpose and is proportional"(Myanmar, 2018, p. 114; UNHRC, 2018, p. 114).

In order to understand the systematic oppression and persecution of the Rohingya by denying them citizenship, we need to analyze the historical context of the citizenship status

of the Rohingya, current citizenship regime which is 1982 Citizenship Law, and citizenship verification process.

Historical context:

In order to understand the current citizenship status of the Rohingya, we need to understand the historical context. The 1947 Constitution and the 1948 Union Citizenship Act of the newly independent Myanmar provided a relatively inclusive citizenship framework for its citizens where Myanmar opens its door for everyone who is residing in it. In addition to citizenship based on ethnicity, the Union Citizenship Act section 4(2) provided that “any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union”.

Furthermore, section 7 of the Union Citizenship Act provided that a person could apply for citizenship if they were 18 years, resided in the Myanmar for at least 5 continuous years, and intended to reside in Myanmar. According to section 7, most of the long-term residents of Myanmar filled the criteria, regardless of whether or not they belonged to one of the indigenous races of Myanmar (Myanmar, 2018; UNHRC, 2018, pp. 114-115).

Thus most Muslims who lived in Rakhine State were included in that law. In addition to the Union Act, Myanmar authorities accepted Rohingya population as an “indigenous group”. Former President Sao Shwe Thaik referred to the Rohingya as an indigenous group of Myanmar and former Prime Minister U Nu called the Rohingya by name in a 1954 radio program and addressed them as “our nationals, our brethren”(Haque, 2017b).

At the end of 1960, 18 million people were registered under National Registration Card (NRC), claimed by the Government (Kyaw, 2017, p. 276). Temporary Registration Cards (TRCs) also known as “white cards”, were issued in case of loss, damage or pending application for the NRC. Although NRC or TRC were not meant to be citizenship certificates, in reality they served as such. (Myanmar, 2018, p. 115; UNHRC, 2018).

When military took the power, at the beginning of General Ne Win’s regime, the legal framework of citizenship remained the same. Even the 1974 Constitution did not change the definition of “citizen” significantly. However, a narrative that said most Muslims in Rakhine

State were illegal Bengali immigrants started in the context of an increasing emphasis on the “national race” and the need to expel the illegal Bengali(Cheesman, 2017; Myanmar, 2018; UNHRC, 2018, p. 115).

In 1978, the Tatmadaw and immigration officials implemented a nationwide project called “Operation Dragon King” and claimed that through that operation they registered all nationals and aliens or illegal immigrants. Although the Tatmadaw claimed that some Rohingya left Myanmar because they were illegal and they wanted to escape the scrutiny, but the reality was different. More than 200,000 Rohingya flee to Bangladesh due to extensive violence. Not only that, the number of illegal immigrants found in that operation was quite low (Cheesman, 2017; Myanmar, 2018, p. 115; UNHRC, 2018, p. 115).

General Ne Win’s government argued that civilian government poorly administered the citizenship law and his government initiated to review the citizenship law in that context. On 8 October 1982, in a meeting held in the Central Meeting Hall, President House, General Ne Win acknowledged that people had lived in Myanmar for long and his government was “not in a position to drive away all those people who had come at different times for different reasons from different lands”. However, he added that “leniency on humanitarian grounds cannot be such as to endanger ourselves”. In addition, there should be a system which based on “three classes of citizens”, where full citizenship reserved for “pure-blooded nationals”. The two other classes were for people who “cannot be trusted fully” and who would therefore not receive “full citizenship and full rights”. From his statement it was clear that the review of citizenship law was exclusionary in nature (Myanmar, 2018; UNHRC, 2018, pp. 115-116)

Current citizenship regime:

The 1982 Citizenship Law created a significant change and exclusive ethnic concept of citizenship. Combined with the 1983 Procedures, the 1982 law created a new legal framework of citizenship with three distinct categories of citizens:

1. Full citizenship:

According to 1982 law, full citizenship is mainly reserved for “national ethnic groups such as the Kachin, Kayah, Karen (Kayin), Chin, Burman (Bamar), Mon, Arakan (Rakhine) or Shan and ethnic groups who settled in Myanmar before 1823”. In addition the law states that “the Council of State may decide whether any ethnic group is national or not”. Then these initial 8 groups were broken down in 135 sub-groups. This list of sub-groups do not include the Rohingya, Chinese, Indian, or Nepali descent. According to 1982 law full citizens are those with parents hold a category of citizenship, includes at least one full citizenship; third generation offspring of citizens in the two other categories of citizenship; and people who were citizens when the law entered into force. Moreover, full citizens receive a Citizenship Scrutiny Card (UNHRC, 2018).

2. Associate citizenship:

Associate citizenship is for people who have applied for citizenship under the 1948 Citizenship Law was pending when the 1982 Citizenship Law passed. In this category a central body is tasked to process the applications and applicants receive an Associate Citizenship Scrutiny Card (UNHRC, 2018).

3. Naturalized citizenship:

Persons who provide “conclusive evidence” of entry and residence of Myanmar before 1948 and of the birth of their children in Myanmar may be granted naturalized. Under certain circumstances by marriage or descent, persons may be granted this citizenship. In addition, applicants must be at least 18 years, have good command on one of the national languages, and have sound mind and good character. Just like others, naturalized citizens also get Naturalized Citizenship Scrutiny Card (UNHRC, 2018).

Although the legal framework seems discriminatory in intent, the Rohingya population are not excluded from the citizenship. First of all, according to Constitution and the law,

whoever was a citizen at its entry into force would remain a citizen. Secondly, as it is a matter of dispute that Rohingya are a 'national race', they are automatically entitled to full citizenship on this ground. Many Rohingya would have at least qualified for "associate" or "naturalized" citizenship. According to 1982 law "their third generation would have been full citizens by now". Lastly, the 1982 law also explicitly authorizes the State to award any of the three categories of citizenship on any person "in the interests of the State"(UNHRC, 2018, p. 116)

However, the Law has been implemented in an arbitrary and discriminatory Manner by the State (Cheesman, 2017, p. 12). After State Law and Restoration Order Council took power in 1988, the authorities enforced the law. In a citizenship scrutiny exercise, the authority asked to submit the National Registration Card (NRC) and replaced by a Citizenship Scrutiny Card (CSC). However, when Rohingya people turned in their NRCs, they were refused to get a CSC, although they were eligible to get citizenship. This discriminatory and arbitrary action was facilitated under the Citizenship Law 1982 which allows broad discretion in decision making. The Rohingya people did not receive NRCs. Instead they received Temporary Registration Cards (or 'white cards')(Cheesman, 2017, p. 12; Kyaw, 2017, p. 278) These 'white cards' became the de facto identification documentation for the Rohingya(Kyaw, 2017, pp. 279-280; UNHRC, 2018, p. 117).

Citizenship verification process

In 2011, the Government of Myanmar introduced a 'citizenship process' for members of the 135 listed ethnic groups but the Rohingya were not eligible for that and subjected to a different 'citizenship verification process which was lengthy'. In 2014, another pilot citizenship verification started where the Rohingya were identified as 'Bengali' when registering. On the face of protests, the program was suspended and ended in December 2014, issued less than 100 Citizenship Scrutiny Cards by August 2015. Some Rohingya granted citizenship in this process were allowed to vote in the 2015. On 11 February 2015, when President Thein Sein announced that the white cards would expire on 31 March 2015 and ordered to return these cards by 31 May 2015, the Rohingya population was pushed further

into legal uncertainty. By the deadline, only around 67 per cent of white cards were surrendered of which 80 per cent in the Rakhine State(Myanmar, 2018; UNHRC, 2018, pp. 117-118).

After the invalidation of white cards, a new Identity Card for National Verification (ICNVs) was introduced to ‘scrutinize whether the applicant meets the eligibility to become a citizen of Myanmar’. This identification card was valid for 2 years with unclear rights of the cardholder. In addition, on the application form the Rohingya people were registered as ‘Bengali’. Moreover, acceptance of this card was not voluntary. The Rohingya population was under pressure to register and accept this card(UNHRC, 2018)

In 2016 , NLD government restarted the ‘citizenship verification process’ and persuade the Rohingya community to accept the rebranded National Verification Cards (NVCs)(Commission, 2017). However, due to scepticism and limited understanding that process was hampered. On 8 February, the Government appointed a Steering Committee to speed up the process of issuing NVCs. Still,the rights of the holders of NVCs are not clear(Myanmar, 2018, p. 119; UNHRC, 2018, p. 119). Although the State Counsellor Office stated that NVCs holders could travel anywhere in the country, some specific additional provisions included for Rakhine State. These provisions caused the restrictions of movement (Myanmar, 2018, p. 119; UNHRC, 2018, p. 119).

Denial of the right to freedom of movement:

Denial of the right to freedom of movement can be discussed in several stages. In stage one, overview and legal framework where we have a discussion about people’s right to move from legal perspective. In the second stage, requirement for a temporary travel permit to travel between townships. Third stage is specific restrictions within northern Rakhine and harassment at checkpoints and the fourth stage is specific restrictions in central Rakhine. Through several stages Myanmar government is denying the right to freedom of movement of Rohingya community.

Overview and legal framework:

The Universal Declaration of Human Rights, article 13 guarantees the right to freedom of movement (U. G. Assembly, 1948; U. N. G. Assembly, 1949). This right also gives people to

move within a territory. This right is fundamental condition for the free development of a person(CIVIL & RIGHTS, 1999). According to International Human Rights Law, a person who is a citizen of a State, restrictions on freedom of movement or anything that hinders a person to enjoy the civil right, may be imposed. However, if national security, public order, public health or morals or the rights and freedom of others are under jeopardy, only then exception can be accepted.(CIVIL & RIGHTS, 1999). In the absence of exceptions, even non-citizens should have the right to freedom of movement. In addition, the principle of non-discrimination also applies to the practice of the right to freedom of movement. Moreover, States cannot justify for the denial of other human rights, including freedom of movement of a stateless person who is faced arbitrary deprivation of nationality(Myanmar, 2018, p. 122; UNHRC, 2018, p. 122)

The Rohingya community of the Rakhine State faces strict restrictions on their right to freedom of movement. The severe restrictions on freedom of movement do not even fall within the permissible limitations. The restrictions curtailed their ability to move between villages in the same township, between townships and other Rakhine State. Thus, this is adversely affecting their everyday life.(Myanmar, 2018, p. 122; UNHRC, 2018, p. 122)

The restrictions are imposed through a complicated system of written or verbal instructions. In addition, “security rules, physical barriers, abusive practices, and self-imposed restrictions based on fear” are also part of the restrictions. The authority implements everything arbitrarily. It depends on local officials as well. Even when it is permissible to move, bribe and harassment are present. Moreover, the detailed legal basis of restrictions is not clear. The Advisory Commission on Rakhine State provides a summary of the situation regarding restrictions on freedom of movement in the following way:

“Freedom of movement is one of the most important issues hindering progress towards inter-communal harmony, economic growth and human development in Rakhine State. Movement restrictions have a wide range of detrimental effects including reduced access to education, health and services, strengthened communal segregation, and reduced economic interaction. The Government’s rationale for maintaining the status quo is largely related to fears of destabilization, especially as the Rakhine community is expected to protest greater movement of Muslims within the state. Yet, if carefully done,

easing restrictions on freedom of movement could have far-reaching positive social and economic benefits.”(Myanmar, 2018, p. 122; UNHRC, 2018, p. 122)

Requirement for a temporary travel permit to travel between townships:

In June 1997, the Rakhine State Immigration and National Registration Department declared that all Bengali races (Rohingya) wishing to travel between townships in Rakhine state need to have a temporary travel permit which is called “Form 4”. This rule also applies to “foreigners and persons who are doubted as foreigners”. Travellers must report to the authorities about arrival and departure. The “Form 4” is only valid for a given time. The traveller must submit the “Form 4” to the issuing officer after finishing the approved journey. However, the Kaman, Muslims citizens of Myanmar have also been required to travel with a Form 4 although they do not belong to any of the above categories which indicates a broader application to “Muslims”(Myanmar, 2018, p. 122; UNHRC, 2018, p. 122).

Violations of rules and regulations:

According to section 188 of the Penal Code, violation of the 1997 instruction is punishable. It comes with imprisonment of up to 6 months, or up to 2 years under the 1949 Residents of Myanmar Registration Act. In 2011, the General Administration Department of the Maungdaw Township issued Order 1/2011 repeating that Rohingya residing in Maungdaw have to obtain a Form 4 to travel between townships. The order refers to “some Bengalis” of the requirement to obtain Form 4 and emphasizes that violation of rules and regulations would cause serious consequences according to existing laws and section 188. However, the process for getting a “Form 4” is lengthy. It may take from few days to weeks or months. In order to get the permit the applicant needs to obtain a letter of recommendation from the village administrator. Then the applicant travel to the township immigration officer (LaWaKa) to submit an application(Myanmar, 2018, p. 123; UNHRC, 2018, p. 123).

According to credible reports, before 2012 violence, Form 4 used to be valid for 30 days but after 2012 violence, Myanmar government temporarily suspended the issuance of Form 4

for the Rohingya in Maungdaw, Buthidaung and Rathedaung. Although later on it was resumed, since 2012, Rohingya residing in Rathedaung Township have not been able to access the LaWaKa office in centre of Rathedaung town. Thus, they have not been able to apply for a Form 4 and travel legally. Moreover, the authority requires a long list of documents to submit when applying for Form 4 includes a village departure certificate, copy of household list and an identity document. In 2017, the local authorities informed community leaders of northern Rakhine State that only the National Verification Card (NVC) holders would be able to travel between townships (Myanmar, 2018, p. 123; UNHRC, 2018, p. 123).

Specific restrictions within northern Rakhine and harassment at checkpoints:

In addition to restrictions on travel between townships, the Rohingya in Rakhine state also need permission to travel from one village to another village. In order to get a permission which is called “village departure certificate”, the Rohingya people pay fee which depends on the duration of stay outside the village. Again, the legal basis for the requirements is unclear. However, the discrimination is clear (Myanmar, 2018, p. 123; UNHRC, 2018, p. 123).

In northern Rakhine state, security checkpoints play a vital role when it comes to restrictions on freedom of movement. Before 2012, these checkpoints were operated by the Border Area Immigration Control Headquarters (NaSaKa). Since 2013, they are operated by the Border Guard Police (BGP), the Myanmar Police Force, and the Tatmadaw. These checkpoints questions, search vehicles, and harass the Rohingya people, not the ethnic Rakhine. Moreover, the Rohingya people have been forced to pay a fee even if they have required documents. But if they do not have it then they have to face arrest and prosecution under Penal Code, section 188 or the 1949 Residents of Myanmar Registration Act (Myanmar, 2018, p. 124; UNHRC, 2018, p. 124).

Specific restrictions in central Rakhine:

In central Rakhine, after 2012 violence, government increased the restrictions on movement of the Rohingya and Kaman people. This applies to both displaced and non-displaced

populations. When they try to move in central Rakhine and try to cross the locally accepted boundary, they face penalty. The restrictions are so strict that the Rohingya and Kaman have been restricted to enter in some villages of central Rakhine. The United Nations Special Rapporteur on this situation says that this policy of segregation will result in mistrust, prejudice, and misunderstanding. A policy of integration rather than separation and segregation should be developed (Myanmar, 2018; UNHRC, 2018).

The Mission concludes that although the citizenship rights and status of the Rohingya people are debated in Myanmar, most Rohingya are residents of Myanmar. As citizens, they are entitled to enjoy freedom of movement. Their lack of citizenship due to arbitrary deprivation of their nationality cannot be the reason to deny them other human rights. Without any legal basis Myanmar government is imposing the restrictions on the Rohingya for a long period of time. Therefore, the arbitrary restrictions violate the right to freedom of movement of the Rohingya people (UNHRC, 2018, p. 128).

2019

The Independent International Fact-Finding Mission on Myanmar published a report in September 2019 which provides an update on conflict-related and other human rights and abuses in Myanmar since the Mission's last report to the Human Rights Council in September 2018.

The situation of the Rohingya:

The “clearance operation” was successful because it removed all traces of the Rohingya community from the Rakhine State. Approximately 600,000 Rohingya remain in the Rakhine state, of which 126,000 are in internally displaced camps. The remaining non-displaced population is spread across 10 townships. The government is still denying legal status to the Rohingya people and continuing persecution. The “clearance operation” started on 25 August 2017 and caused the exodus of 743,000 Rohingya to neighbouring countries. The Government of Myanmar is still persecuting the remaining Rohingya people by denying citizenship and restricting movement (UNHRC, 2019, pp. 17-18).

5.1 Citizenship:

The Mission found that the lack of legal status and identity is the keystone of the oppressive system targeting the Rohingya community. The denial of citizenship has a deep impact on the Rohingya as they have been denied to access other fundamental rights. In addition, formulating and implementing a law that requires being a part of the “national races” to get the citizenship of Myanmar is profoundly discriminatory in nature against the Rohingya people. According to section 347 of the 2008 Constitution of Myanmar, the Government provides equal rights and legal protection to any person or citizen. However, in reality the right to access education, healthcare, and job opportunities are linked to citizenship. In addition, Constitutional provisions link land ownership with citizenship which gives a logical reason to believe that the Rohingya people can be legally dispossessed of their lands if they do not have citizenship (UNHRC, 2019, p. 18).

The Citizenship Law 1982 provides three categories of citizenship: full citizen, associate citizen and naturalized citizen. Only people belong to one of the 135 “national races” recognized in Myanmar’s constitution, are eligible for full citizenship. The law makes Myanmar a race-based State where full rights are reserved for people belong to the “national races”. As the Rohingya people do not belong to the “national races”, they are automatically disqualified from full citizenship. However, individual from the Rohingya community may qualify for associate or naturalized citizenship if they can prove the ancestral links to Myanmar since 1824 or “a link that predates the establishment of the State in 1948”. In Myanmar, 25 percent of the population lacks official documents; among them many have lost their documents during displacements. Thus, the Rohingya people are not able to meet the requirements and claim any of these categories of citizenship (UNHRC, 2019, p. 19)

Some Rohingya have been able to obtain naturalised citizenship. According to Section 44 of the 1982 Citizenship Law, in order to qualify for naturalised citizenship applicants are required to be over 18 years, speak one of the ethnic languages, have sound mind and good character. However, naturalized citizens may not be able to hold a political position or form a political party unlike full citizens. In addition, naturalized citizenship may be revoked on various grounds (UNHRC, 2019, p. 19).

For instance, a UNHCR assessment of a group of 2,000 Rohingya, who received their citizenship documents in a pilot project that began in 2014. The group of Rohingya people found no changes in overall situation, and the restrictions on freedom of movement still persist. In addition, they still have the problem to access the basic services such as education, healthcare and livelihoods (UNHRC, 2019, p. 20).

In 2017, the Rakhine Advisory Commission proposed the Government of Myanmar to review the Citizenship Law 1982, acknowledge the arbitrary deprivation of nationality of the Rohingya community and restore their citizenship. They also recommended the Myanmar authority to consult the Rohingya community and adopt a fast administrative process to support the process of issuing citizenship to the Rohingya community(Commission, 2017, pp. 26-28). As far as the Mission concerned, the Government of Myanmar has not been taken any steps to review the Citizenship Law 1982. Instead, they have been forced the Rohingya people to accept the National Verification Cards (NVCs) which explicitly recognize the cardholders as non-citizens. Without improvising the Citizenship Law, trying to force another citizenship verification process is further entrenching long-standing arbitrary discrimination against the Rohingya people (UNHRC, 2019, p. 20).

5.1.1 National Verification Cards:

The Government of Myanmar defends that National Verification Card process is a way to assess, verify and grant citizenship to the Rohingya people. This verification process is applicable to all Rohingya people. The NVC recognizes the holders as “Bengali”. That implies the Rohingya people are illegal immigrants from Bangladesh and not citizens of Myanmar. The Government is creating pressure to accept the NVCs by claiming it will help the Rohingya to get citizenship and enjoy other rights. However, the people holding the cards have not been able to get everything the NVCs guarantee. After August 2017 “clearance operations” to suppress the Rohingya community, now the Government is trying to force the NVCs on the Rohingya people. For instance, “the authorities have linked everything to the NVC”. In order to do business, visit relatives in prison, people have to have NVCs. This way the Government is forcing people to hold NVCs(UNHRC, 2019, p. 21). The enforcement has gone so far that the Rohingya people cannot even access life saving and life-supporting goods and services. It is like a punishment for refusing to accept

the NVCs. The Rohingya people also believe that “clearance operation” in 2017 was the result of refusing the NVCs. The civil society actors claim that the enforcement of the NVC is basically a tool to commit genocide. The way Myanmar is using NVCs makes it unbelievable that the NVCs could be a pathway for Myanmar to respect the human rights of the Rohingya people; it is also hard to believe that the Rohingya should trust the NVCs (UNHRC, 2019, pp. 20-21).

5.1.2 The facilities the NVCs provide according to the Government of Myanmar:

The Government claims that NVC is the only path way to citizenship for the Rohingya people. Several times government offices declare the situation of NVC process and how many Rohingya people are registered through NVCs. For instance, on 31 May 2019, the Government claimed that 67,699 individuals received NVCs. On 7 March 2019, U Shein Win, the deputy director-general of the National Registration and Citizenship Department of the Ministry of Labor, Population and Immigration, claimed that 14,000 NVCs had been issued in Rakhine State, where half of the NVCs holders applying for the citizenship. He also informed that most of the successful applicants received naturalized citizenship and associate citizenship cards. Some people who were able to submit complete family records received full citizenship. However, U Shein Win did not give a number of people who received citizenship through NVC process (UNHRC, 2019, p. 21).

The Government officials claim that the NVC allows the Rohingya to apply for the citizenship in accordance with the Citizenship Law 1982. Some senior Government officials claim “anyone who holds a NVC can apply for citizenship and can become a citizen within five months”. However, the Mission received credible information which says that some applications for citizenship have remained unanswered for a long time. In addition, few successful applicants received only naturalized citizenship rather than full citizenship. The Mission pointed out another issue where the Myanmar government claimed that the NVC would be extended to other ethnic groups apart from the Rohingya community. The Mission did not find any proof of that claim (UNHRC, 2019, p. 21).

The Government of Myanmar claims that in addition to citizenship, the NVC also provides the holders some other rights such as the ability to travel in accordance with local laws,

orders, and instructions. For instance, the Ministry of Labour, Immigration and Population state in informal brochure that “the holders of NVCs in Rakhine State have the right to travel within Rakhine in accordance with the local orders and directives of the Rakhine State Government”. Thus, NVC holders enjoy freedom of movement. According to Dr. Win Myat Aye, Union Minister for Social Welfare, Relief and Resettlement, NVCs can be used as an official fishing license. This way it helps the Rohingya people to procure food, clothing, and shelter. Thus, travel, fishing rights, social and economic activities, all are covered by NVCs (UNHRC, 2019, pp. 22-23).

5.1.3 Rights conferred on NVC holders in practice:

Although the Myanmar government claims that NVC holders can enjoy several rights. The Mission finds that the above statement from the Government do not reflect in practice. First, the NVCs do not grant citizenship automatically or generate an automatic assessment of the application. A person, who holds a NVC may apply for citizenship, will need to undergo a citizenship assessment process in accordance with the Citizenship Law 1982. The NVC states this explicitly “the holder of the card is a person who needs to apply for citizenship in accordance with the Myanmar citizenship law”. But there was an exception. In 2014, a group of 2,000 Rohingya received citizenship form in the pilot verification exercise. But after that, there was no exception. Second, the NVC do not give the holders the right to move freely. NVC holders and non NVC holders have been facing the similar harassment at security checkpoints by the Tatmadaw and Border Guard Police (BGP) officials which is affecting their freedom of movement. Some fishermen in Sittwe, Myanmar report that even though they hold NVC they are not allowed to go for fishing for more than two days a week (UNHRC, 2019, pp. 24-25).

5.1.4 Harassment, intimidation and coercion:

The Mission found that the Rohingya were forced to accept the National Verification Cards through threats, administrative pressure, and acts of violence. Border Guard Police and Immigration officers consistently used threats and pressure on the Rohingya community to accept NVCs. A false narrative was created to humiliate this ethnic minority that they did not belong to Myanmar, they were Bengali, illegal immigrants from Bangladesh. In addition to these false narratives, threat to burnt down the village and killed them were also there against the Rohingya community. They were told to either accept the NVC or leave the country. The Government took extreme measures to make the Rohingya community to accept the NVCs. Some of these extreme measures include- in order to enjoy freedom of movement a person has to have NVC, at the checkpoints NVCs are mandatory. In the context of security checkpoints and NVCs, an interviewee stated to the mission

“My brother and I used to work as drivers in Maungdaw Town. Following the August 2017 violence, authorities began checking NVC when traveling from one location to another. Prior to the violence, only driving licence was required for driving. Without NVC I was unable to travel a long distance and could only move within my hamlet. The lack of job, shortage of food and movement restrictions without NVC, forced me to leave my village” (UNHRC, 2019, pp. 25-26).

5.1.5 Attitudes towards the NVCs:

The Mission states that the Rohingya community does not trust the Government’s sincerity when it comes to NVCs and the claims that NVCs are a pathway to citizenship. The reason of their distrust is the history of cancellation or replacement of previous cards with new cards. For the Rohingya people, NVCs have been a tool of oppression that destroyed their fundamental freedoms, including the right to have an identity, as the NVCs do not accept or allow them to identify themselves as “Rohingya”. The Rohingya community have shared their concerns over the NVC and they have pointed that the main reason to leave Myanmar. The NVC application form gives no option than to identify as “Bengali”. To resolve this issue, the Government remove references to religion and ethnicity from the updated NVC form. However, the NVC form still includes the specifications. Moreover, the authority

complete the NVC form and they record “Bengali” under ethnicity (UNHRC, 2019, pp. 26-27).

The Rohingya people have the understanding that the NVC process is way to force the Rohingya people to identify them as foreigners. For instance, The NVC application form requires applicants to provide information on ethnicity, nationality, date of entry into Myanmar and place, all of which indicates they came from elsewhere and the NVC implies that the cardholder needs to apply for citizenship. That’s, how a false narrative emerges. The language of the NVC indicates that the cardholder is not a citizen (UNHRC, 2019, p. 28)

Overall, the Rohingya people believe that NVCs do not provide a clear pathway to citizenship. Their ancestors were nationals of Myanmar; they were part of the democratic system, they held positions in political parties and they were also part of the government. That history gives them the right to believe that they are worthy of full citizenship and equal treatment. Statements by government officials show that the “clearance operations” beginning on 25 August 2017 were not aimed at crushing the ARSA, it was meant to the Rohingya who collectively refused to accept NVCs. Evidence shows that these statements were made at village meetings, in front of a large audience. After meeting the clearance operation started. For instance, on 22 August 2017, in a meeting held in the village of Chut Pyin in northern Rathedaung Township, a Tatmadaw commander from the 33rd Light Infantry Division (LID) told the audience that

“We came from Yangon, from LID 33. You don’t belong to this country. As you are here, we gave you place to stay. You have to live here as how we want, we decide. You have to follow our order. We came from Kachin and Shan. We killed many people. We came here directly from there. We will kill you as well. You have to receive the NVC. We will burn your village and turn into ashes” (UNHRC, 2019, pp. 30-31).

Few days later, the 33rd LID attacked the villages in the Chut Pyin tract after villagers rejected the NVCs. On the same day another meeting held in front of an old mosque in Min Gyi (Tu Lar Tu Li) village in northern Maungdaw Township. Someone from the government spoke at the meeting. When villagers refused to accept the NVCs, he said “If you don’t receive it, you will suffer, you will be destroyed.” After that meeting the Tatmadaw attacked the village.

In March 2018, Senior General Aung Hlaing stated that “Rohingya do not have any characteristics or culture in common with the ethnicities of Myanmar”. He also stated that

“the current conflict has been fuelled because the Bengalis demanded citizenship”. From these statements and incidents it can be said that the attack on the Rohingya people was carried out with genocidal intent. The authority wants to persecute an ethnic minority. (UNHRC, 2019, p. 31).

5.2 Restrictions:

The Mission documented that the Myanmar government practices restrictions on movement through harassment, vehicle searches, interrogation, extortion, bribes, and physical abuse at security checkpoints. The authority has increased the number of security checkpoints. Lack of NVCs, other travel documents led to arrests, detention, and harassment. The Rohingya people cannot enjoy freedom of movement when they want to travel. In addition, the number of Rohingya arrivals from Rakhine State to Bangladesh dramatically drop since March 2019. The Mission found that the drop in arrivals has been partly due to the increase in movement restrictions. Some recent movement restrictions are due to the conflict between Tatmadaw and the Arakan Army (AA)(UNHRC, 2019, p. 48).

5.2.1 Current restrictions on the Rohingya community’s freedom of movement:

Myanmar government restricts the freedom of movement of the Rohingya people through local orders, verbal instructions, security checkpoints, soldiers, and patrols. The combination of the above actually confined people to their villages. The Mission found evidence that shows verbal restrictions, threats, restricting movement of Rohingya even between villages. In case of inter-township travel, the Rohingya people have to obtain authorization which is known as “Form 4”. Although the Rohingya people are not “foreigners” or “Bengali”, they cannot enjoy freedom of movement in their land. Acquiring travel documents are time consuming, expensive. Travel without proper documentation brings problems such as arrest and prosecution under section 188 of the Penal Code or the 1949 Residents of Myanmar Registration Act. The latter carries up to six months imprisonment if unable to show the NVC. In case of disobeying a public servant’s order, section 188 of the Penal Code and the Residents Registration Act provide detention sentences of one month to two years. For

instance, the Mission received information that a big number of the female prisoners in Buthidaung Prison were serving jail because they violated the Government's movement restrictions. Increased number of checkpoints and presence of soldiers along the roads and waterways across Rakhine State made it clear that the Rohingya community has not been able to enjoy freedom of movement. At checkpoints the Rohingya people have to show village departure, NVCs. In addition to this checking, the Rohingya have been facing harassments, extortion, mistreatment, mocking, and insults by security forces, even when they have travel authorization. Moreover, at checkpoints, authorities forced women to remove veils and then male officers searched their bodies and sexually harass them (UNHRC, 2019, pp. 49-50).

5.2.2. Consequences of the restrictions of movement:

Restrictions on movement have had severe adverse effects on the lives of the Rohingya community. It prevents them to access livelihood activities, such as fishing, collecting wood, bamboo for fire, cultivating land, accessing life-saving health services, education, and food. Thus, the Rohingya community needs humanitarian assistance to survive.

Lack of freedom of movement significantly hampers the access to education in Rakhine State. Rakhine State already has one of the lowest primary and secondary enrolment rates in Myanmar. In addition, the State also has the lowest adult literacy rates among others. In some areas schools are closed. Where schools are open, children cannot travel, sometimes school administration does not allow children from the Rohingya community to enrol. Movement restriction also made an impossible environment where children from displaced Rohingya families can access education. For instance, only 892 Muslim students were enrolled in two high schools in Rakhine State in 2018 (UNHRC, 2019, p. 51).

Movement restrictions also have a detrimental impact on the health of the Rohingya community. People are unable to access life-saving treatment in northern Rakhine State. That causes them to depend on traditional healers or self-medicate. Pregnant women cannot access hospital facilities. That causes deliver babies with traditional birth attendees, in unsafe, unhygienic places. It increases the risk of death and unregistered birth. Newborns are

at risk of being excluded from household list and being stateless. Moreover, maternal mortality rate is high in Rohingya community (UNHRC, 2019, p. 52).

Fear of attack by other ethnic Rakhine people is another reason that makes the Rohingya community to restrict their own movement. The history of violence shows that in 2012, 2016 and 2017, local ethnic Rakhine people were there against the Rohingya. Myanmar government did not hold the perpetrators accountable. Thus, the Rohingya community is still living in a fear of attack (UNHRC, 2019, p. 52)

The Mission concludes on reasonable ground that Myanmar government is disproportionately putting restrictions on the movement of the Rohingya people that is causing scarcity of livelihood, food. The Rohingya people cannot access education, healthcare. In addition, the movement restrictions imposed disproportionate penalties. In 2019, the Government further tighten the restrictions by claiming that it was a necessary response to the conflict between Tatmadaw and the Arakan Army (AA). In 12 April 2019, the local order was to stop “the flow of rice and food supplies, medicines and medical supplies, required for the insurgents’ long-term livelihood”. However, the Mission found evidence that the imposition of restrictions is not directly connected with the conflict between Tatmadaw and the Arakan Army. Because the Government have been using this restrictions before the conflict intensified in January 2019. Additionally, the Arakan Army relies on the ethnic Rakhine communities for food. These discriminative restrictions, deprivations, and denials are part of the Government’s continued persecution of the Rohingya community (UNHRC, 2019, pp. 56-57)

Analysis:

RQ1: How restrictions of movement and the Citizenship Law 1982 play a vital role in the statelessness of the Rohingya?

RQ2: How Myanmar government is creating the statelessness situation for the Rohingya?

This section discusses the findings and theory, and answers research questions.

The Independent International Fact-Finding Mission on Myanmar in its 2018 report states that Myanmar Government is creating and implementing policies and practices over decades to marginalize the Rohingya community. The Rohingya community is facing systematic oppression and persecution in Myanmar. The Government conducts the systematic oppression and persecution by denying legal status and identity to the Rohingya. The Government formulates and implements laws and policies regulating citizenship to exclude the Rohingya community. In addition, they apply laws and policies in arbitrary and discriminatory way to persecute the Rohingya population. Lack of legal status resulted in no citizenship. Without citizenship the Rohingya community has become de facto stateless (UNHRC, 2018, pp. 111-112).

From the historical context of the citizenship status of the Rohingya it is clear that the 1947 Constitution and the 1948 Union Citizenship Act was inclusive in nature and the above laws include everyone residing in Myanmar when it comes to force. The authorities accepted the Rohingya population as an “indigenous group”. When the military took power, a narrative started which stated Muslims in Rakhine State were illegal Bengali immigrants. The narrative started in the context of an increasing emphasis on the “national race”. In 1978, the Tatmadaw and immigration officials implemented “Operation Dragon King” and claimed that through the operation they registered all nationals and illegal immigrants. In reality, more than 200,000 Rohingya people flee to neighbor country Bangladesh due to excessive violence. After that General Ne Win’s government introduced Citizenship Law 1982 which was exclusionary in nature. The Citizenship Law 1982 provides three categories of citizenship- full citizenship, associate citizenship and naturalized citizenship. The Government is using this law in an arbitrary and discriminatory way to exclude the Rohingya community. The oppression did not stop there. After 1988, in a citizenship scrutiny exercise, the authority asked to submit the National Registration Card (NRC) and replaced by a Citizenship Scrutiny Card (CSC). However, when the Rohingya people turned in their NRCs, they did not get CSCs, although they were

eligible to get citizenship. Instead they get Temporary Registration Cards and this card became their de facto identification documentation. Another pilot citizenship verification process started in 2014 where the Rohingya people were registered as “Bengali”. Moreover, the rights of the NVCs holder are not specified by authority. However, the State Counselor Office states that NVC holders can travel anywhere in the country includes some provisions for Rakhine State. These provisions are basically the restrictions of movement (UNHRC, 2018, pp. 114-119).

The Rohingya community of the Rakhine State is facing restrictions on freedom of movement. The severe restrictions do not fall within permissible limitations and curtail the ability to move between villages in the same township, between townships in Rakhine State. The restrictions are imposed through a complicated system of written and verbal instructions. The restrictions include security rules, checkpoints, and abusive practices. In addition, the authority implements the rules arbitrarily. Local officials play a vital role in this matter. Even when the Rohingya people have travel documents, they have to face harassment and bribe. Moreover, the legal basis of the restrictions is not specified by the authority (UNHRC, 2018, p. 122).

The Independent International Fact-Finding Mission on Myanmar published another detailed report on 2019. The following part is the highlighted part from the detailed report.

The Myanmar Government sponsored “clearance operation” is successful as it removes all traces of the Rohingya population from Rakhine State. Approximately 600,000 remain in the Rakhine state, of which 126,000 are in internally displaced camps and the remaining non-displaced population is spread across 10 townships. The “clearance operation” started on 25 August 2017 and caused the exodus of 743,000 Rohingya to neighboring countries. The Government of Myanmar is still persecuting the remaining people from the Rohingya community by denying citizenship and restricting movement (UNHRC, 2019, pp. 17-18).

The Myanmar government is still denying the citizenship to the Rohingya community by implementing Citizenship Law 1982 in an arbitrary and discriminatory way. The Mission recommends the Government to review the Citizenship Law 1982, acknowledge the arbitrary deprivation of nationality of the Rohingya people and restore their citizenship. However, the Myanmar government has not taken any steps to review the Law. Instead, they are forcing the Rohingya people to accept the National Verification Cards (NVCs) which identifies the

Rohingya as non-citizens. Authorities are trying to tie everything with the acceptance of NVCs. For instance, in order to do business, visit relatives in prison, fishing, collecting woods and bamboos for fire, the Rohingya people have to hold NVCs. The pressure from the Government is increasing day by day. The enforcement to accept the NVCs has gone so far that the Rohingya people cannot access life-saving and life-supporting goods and services. Evidence shows that the “clearance operation” was not meant to attack ARSA, it was meant to attack the Rohingya community as they refused to accept the NVCs (UNHRC, 2019, pp. 19-21).

The Government claims that NVCs holders can apply for the citizenship under the Citizenship Law 1982. However, the Mission has found information which says that some applications for citizenship have remained unanswered. In addition, few applicants get naturalized citizenship rather than full citizenship. The mission pointed another important issue that the Government claimed that the NVC would be extended to other ethnic groups apart from the Rohingya population. The Mission did not find any proof of that claim. The Government also claims that NVCs provide some rights to its holders such as the ability to travel in accordance with local laws, orders and instructions. Another thing that is worth mentioning is , the Rohingya are facing threats, administrative pressure and act of violence to accept NVCs. False narrative has been created to humiliate this ethnic minority group which says that the Rohingya people are not part of Myanmar, they are illegal immigrants. In addition to the false narrative, threat of killing was there for them. (UNHRC, 2019, pp. 22-26).

The Mission has enough evidence to claim that the Rohingya people do not trust the Myanmar Government and their claim that the NVCs are the only pathway to get citizenship. Because the National Verification Cards do not identify the Rohingya people as citizens of Myanmar. It identifies them as “Bengali”. In addition, the language of NVCs clearly says that the Rohingya people are outsiders or others not “national races”. However, the ancestors of the Rohingya people were part of the democratic process, part of the political party. Thus, the Rohingya are not foreigners. They are citizens of Myanmar (UNHRC, 2019, pp. 26-31).

The Mission claims that the Government of Myanmar is imposing restrictions on movement through harassment, vehicle searches, interrogation, extortion, bribes and physical abuse at security checkpoints. They are increasing checkpoints. The Rohingya people are required to have travel documents such as Form 4. Even when they have travel documents, sometimes they have

to face harassment; they have to pay extra fees (bribe). In case they cannot show documents, they have to face arrest, prosecution (UNHRC, 2019, pp. 49-50).

Restrictions of movement have a severe adverse effect on the lives of the Rohingya people. First, the Rohingya people are unable to access healthcare services in northern Rakhine State. Second, they cannot access education. In addition, they cannot access livelihood opportunities. Moreover, restriction from the Government is not the only restriction that is causing the problem. The fear of attack from member of other ethnic groups of Rakhine State is another reason that makes the Rohingya people to restrict their own movement. The movement restrictions impose disproportionate penalties. In 2019, the authority tightens the restrictions by claiming that it was necessary response to the conflict between Tatmadaw and the Arakan Army. They are restricting the supply of food, medicine, and medical supplies. However, the Mission claims that the Government has been using these restrictions before this conflict. Thus, the restrictions are not related to the conflict. It is a tool to persecute an ethnic minority group, the Rohingya (UNHRC, 2019, pp. 51-57).

Kenneth N. Waltz in his book *Theory of International Politics* argues that State has a good understanding when it comes to its interest. State takes policies to fit the interests. Thus, state always try to take the best policies to get success because success is what strengthen the State (Waltz, 1979, p. 117).

Regarding state and interest, Benjamin Frankel in his edited book *Roots of Realism* says that in the international system which is a brutal arena, states seek power. States always want to increase power and they calculate states' interest in terms of power. In order to increase power, states take instrumentally rational policies. In addition, states are always worried about security. To strengthen security states act carefully. They create an environment to achieve success or security or power (Benjamin, 1996, pp. xiv–xviii; FRANKEL, 1996).

The background, theoretical framework and findings suggest that Myanmar is the state which wants to increase the power by oppressing and persecuting Muslim ethnic minority which Myanmar perceives as a threat. Myanmar is continuously trying to oppress and persecute the Rohingya people in several ways. One of these ways is, Myanmar is passing and implementing a law to establish that the Rohingya population are not citizens of Myanmar. In addition, the

Myanmar government identifies the Rohingya people as Bengali or illegal immigrants (Milton et al., 2017, p. 2). Another way is, Myanmar restricting their freedom of movement which adversely affect their lives. By doing so Myanmar is creating discrimination, promoting violence against the Rohingya. That is how the state is oppressing and persecuting a group and increasing state power.

Evidence shows that Myanmar is systematically conducting an ethnic cleansing. Bhatia, Mahmud, Fuller in article *The Rohingya in Cox's Bazar: When The Stateless Seek Refugee*, argue that Myanmar is systematically oppressing and persecuting an ethnic minority The Rohingya community has been forced to flee other countries to escape ethnic cleansing. The systematic expulsion includes denied legal identities, birth certificates, and even access to childhood vaccinations. In addition, restriction on movement is another weapon to create pressure on the Rohingya. Through this restriction, Myanmar government confined the Rohingya to move from one place to another place. Even if they need to go to another village for work they need prior authorization from the government or local authority. This denial of basic rights causes them to live a life where they have to face extreme poverty which is unacceptable. As an example, we can see that before 1978 mass killing, persecution, poverty rates in Rakhine was nearly twice that of the national average. That means, 43.5% Rakhine's populations live below the poverty line where 25.6% population live below the poverty line in Myanmar (Bhatia et al., 2018, p. 106).

The background also suggests that in February 1978, the military government of Myanmar launched a large scale program called 'Operation Dragon King'(Naga-Min). The main objective of that operation was to wipe out Mujahid rebels who had been fighting for an Islamic state in Northern Rakhine state. The operation led to not only mass killing but also expulsion of the Rohingya from Myanmar where they lived hundreds of years(Parnini et al., 2013, p. 136; Smith, 2002). The operation Naga-Min killed nearly ten thousands of people. Not only that, over 200,000 Rohigya were pushed to Bangladesh(Parnini et al., 2013, p. 136; South, 2013). The Myanmar government takes that policy to get rid of an ethnic minority, the Rohingya community. That operation dragon king was successful indeed.

John J. Mearsheimer in *The False Promise of International Institutions* states that the international system is anarchic. The scholar also says that states possess some offensive military capabilities. These capabilities give them the ability to harm or destroy others. He also adds even if they do not have military capability or weapon they still have the population to harm others. In order to survive and save interests, states use their capability and states are instrumentally rational (Mearsheimer, 1994, pp. 9-10).

Myanmar is using its military and other capabilities to destroy an ethnic minority group, the Rohingya. They are violating human rights by attacking them violently and pushing them in a situation where the Rohingya are fleeing Myanmar to save their lives. They are fleeing Myanmar to other countries where they have been living as stateless (Mahmood et al., 2017, p. 1841; Milton et al., 2017, p. 2). From findings and background, it can be said that Myanmar has a long history when it comes to the military government. Military power controls everything in Myanmar. The military backed Tatmadaw is also dominating the country. Recent political situation also shows that the military holds all the power. The Government of Myanmar has some offensive military capabilities. History shows us 1978, 2012, 2016, 2017 and many more years. In these years, Myanmar has seen violence where military power played a vital role. They are creating false narratives, implementing policies and laws to exclude the Rohingya community; they are using the laws in arbitrary and discriminatory manner to persecute the Rohingya. They are denying legal status to the Rohingya and pushing them to leave Myanmar by treating them violently. The military power also restricting the freedom of movement of the Rohingya people and affecting their lives. Thus, Myanmar is using its military capabilities or power to harm the Rohingya population. As Myanmar perceive the Rohingya as threat. By harming and persecuting, Myanmar is saving its interest. In addition, Myanmar is claiming that the Rohingya people are not citizens of Myanmar. They are illegal immigrants. By creating the false narrative, Myanmar is trying to justify its acts of persecution. This assumption of realist theory supports analyzing the role of the Myanmar government in creating a stateless situation for the Rohingya people.

From the above discussion, it is clear that the Citizenship Law 1982 and restrictions on freedom of movement play a vital role in the statelessness of the Rohingya community and the Myanmar

government is creating the statelessness situation for the Rohingya population by denying the legal status to the Rohingya and restricting their movement.

Limitations of the study:

1. It was extremely difficult to follow the research design method when it comes to data collection and analysis.
2. It was also difficult to find related scholarly resource as the thesis only emphasized on two reasons namely Citizenship Law 1982 and restrictions on movement. Most of the resources focused on other reasons behind persecution and statelessness such as forced labor, violence, etc.
3. Rely only on theoretical part, texts from books and articles made the research process a bit monotonous. In addition, a qualitative analysis part would be a positive addition. When writing about something so serious, a field work is important to see the same thing through different lenses which is missing here.
4. The texts from OHCHR were detailed in manner. It took a long time to analyze the texts and use.

Chapter 6: Conclusion:

The Rohingya people are facing persecution in Myanmar, a multi-ethnic country which has 135 ethnic groups, and fleeing to other countries where the Rohingya people are living as stateless. As we have discussed before, the main objectives of the thesis are to identify and analyze the key reasons behind the statelessness issue of the Rohingya and analyze the role of the Myanmar government creating the statelessness situation for the Rohingya. To fulfill the main objectives the thesis tries to find the answer of the research questions, *how restrictions of movement and the Citizenship Law 1982 play a vital role in the statelessness of the Rohingya (RQ1) and how Myanmar government is creating the statelessness situation for the Rohingya (RQ2)*. To identify the reasons behind the statelessness of the Rohingya community, restriction on movement, the Citizenship Law 1982, and the role of Myanmar government have been analyzed.

The Myanmar government is systematically oppressing and persecuting the Rohingya people. The Government is implementing policies and laws to systematically exclude the Rohingya. In addition, they are using the policies and laws in arbitrary and discriminatory way. The Government is using the Citizenship Law 1982 to deny citizenship to the Rohingya people. In addition, the Government is also using the Citizenship Verification Cards to scrutinize their citizenship status which identifies the Rohingya as “Bengali”. The process of verification shows that the Rohingya are outsiders, others or illegal immigrants who came to Myanmar. Another keystone of the persecution is restrictions of movement. The Government is imposing restrictions on freedom of movement. The restrictions include written and verbal instruction, threats, administrative pressure, harassment, bribe, and penalties. In addition, authority requires NVCs, travel documents known as “Form 4” which is difficult to acquire. The Rohingya people have to go through all of the above when they travel which affect their lives adversely.

In addition to the Citizenship Law and restrictions on freedom of movement, the Government is using violence. In 1978, the government sponsored “Operation Dragon King” or “NaGa-Min” pushed more than 200,000 Rohingya to leave Myanmar. Violence in October 2016 and “Clearance Operation” started on 25 August 2017 caused a large number of the Rohingya people leave their motherland Myanmar. In other countries the Rohingya people are living as stateless.

The thesis found that the Government of Myanmar is denying citizenship to the Rohingya and imposing restrictions on freedom of movement. Lack of citizenship is pushing the Rohingya to face discrimination and violence in Myanmar. Thus, the Rohingya are forced to leave Myanmar. On the other hand, restrictions on freedom of movement are making a difficult situation for the Rohingya where they can no longer access education, healthcare, work, and food. Therefore, they are leaving Myanmar and living as stateless in other countries.

Myanmar has other ethnic minorities. They have other issues like conflict. Those issues are also important. But when it comes to the thesis, it focuses on the Rohingya, statelessness issue. Scholarly resource indicate that there are some other reasons such as forced labor, unlawful killings, sexual and gender-based violence, and arbitrary deprivation of liberty and enforced disappearance behind the statelessness issue (UNHRC, 2018, pp. 32-64), but the thesis focuses on the Citizenship Law 1982 and restrictions on freedom of movement, although it is covered in many articles with other reasons. But this thesis emphasized on only these two reasons and tried to find how important these reasons are when it comes to the statelessness issue.

In order to solve the statelessness issue, oppression and persecution of Rohingya have to stop immediately. This is possible through several means, but among them, an initiative of the international system, i.e., international organizations and community is the most important one. International organizations like the United Nations or OHCHR including International Financial organizations like the IMF or World Bank can make Myanmar stop the oppression and persecution. In addition to the involvement of the international system, freedom of movement of Rohingya and improvisation of Citizenship Law 1982 is also crucial to stop the ongoing oppression and persecution and to achieve an ideal situation for Rohingya community.

Chapter 7: Reference

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