

Religious apartheid in Myanmar

The Myanmar government could find itself in breach of international law over plans to offer minority Rohingya Muslims citizenship if they volunteer to change their ethnic denomination.



By Jonathan Bogais

Myanmar has notified the United Nations that it is finalising a plan that could offer minority

Rohingya Muslims citizenship if they volunteer to change their ethnic denomination from Rohingya to Bengali, and acknowledge Bangladeshi origin.

The plan would give members of the Rohingya minority a very limited choice: accept ethnic reclassification and the prospect of citizenship, or be detained indefinitely.



In his address to the UN General Assembly on 29 September, Myanmar's Foreign Minister, Wunna Maung Lwin (pictured), announced: 'An action plan is

being finalised and will soon be launched.' He also asked the UN to provide much-needed development assistance. 'We are working for peace, stability, harmony and development of all people in Rakhine state,' he said.

It was the first public reference to the controversial plan, drafted by the government, largely in secret.

The Rakhine State Action Plan outlines projects including rebuilding homes for displaced people, improving health care and education, and promoting reconciliation. More controversially, however, the plan contains a section on a process to determine whether Rohingyas are or could become citizens, a condition to qualify for possible government

support. First, Rohingyas would be required to register their identities as Bengalis, a term most reject because it implies they are illegal immigrants from Bangladesh.

There was a long history of movement between the Middle East and the Far East by Muslim traders before the advent of colonialism culminated in geopolitical division of the region to the detriment of the current Muslim population. Part IV of the draft plan outlines steps for citizenship assessment of the Rohingyas, using as its guide the discriminatory 1982 Citizenship Law, which has been used to deny Rohingya citizenship for decades.

The plan includes a nationality verification process that started in August with the 2014 Census, the first in three decades. The authorities intend to register all 'Bengalis' by March 2015. The recorded population will then be divided into three categories: 'those previously recorded [or] registered; those not recorded previously but willing to go through the assessment process according to Myanmar existing laws; and those who reject definition in the existing laws'. Any Rohingya refusing the label 'Bengali' would be placed in the third category and denied the right to be considered for citizenship. For people in the first two categories, the determination of eligibility for citizenship will take place between January 2015 and October 2016.

According to the plan, the authorities will construct temporary camps in required numbers for those Rohingyas who fail to meet the criteria for citizenship, those without adequate documents and those who refuse to be registered, sequestering them in what amounts to arbitrary, indefinite detention. Many Rohingyas lost all their belongings, including documents, during the recent sectarian violence following which over 140 000 were displaced and their villages burnt to the ground.

The government will also ask the UN High Commission for Refugees agency for help to resettle in other countries those who fail to obtain citizenship, although this is unlikely to happen because the Rohingyas involved would not be 'recognised refugees who have fled persecution and conflict across international borders'. That raises the strong possibility that Rohingyas could be forced from their villages and detained in camps indefinitely.

Myanmar's representative to the UN, Ambassador Tim Kyaw, also voiced concern over the use of the term 'Rohingya' by the UN, stating that its usage would heighten tensions in Rakhine state. 'Use of the word by the United Nations will draw strong resentment from the people of Myanmar, making the government's effort more difficult in addressing this issue,' he said.

In response, the UN General Assembly's Human Rights Committee approved a resolution urging Myanmar to allow its persecuted Rohingya minority 'access to full citizenship on an equal basis' and to scrap its controversial identity plan. The resolution expresses 'serious concern by the UN' over the plight of the Muslim minority in Rakhine state.

This is the latest in a series of measures taken by the Myanmar authorities to address the 'Bengali problem'.

Myanmar's president, Thein Sein, signed into law an amendment to Burma's Political Parties Registration Law this week, removing the right of temporary citizenship cardholders to form political parties or serve as their members. The change to the law appears targeted at the Rohingya Muslim minority, many of whom hold the so-called white cards that grant them status as temporary citizens.

Members of Myanmar's parliament agreed unanimously to a proposal submitted by National League for Democracy representative Daw Khin San Hlaing to cut reference to white

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card holders from the bill. White cards were first issued in 1993 under the State Law and Order Restoration Council. Of the 850 000 people who hold these cards, about 750 000 are Rohingyas. White card holders were entitled to vote in both the 2010 general election and 2012 by-elections but appear likely to be stripped of voting rights for next year's election.

Other laws to protect the country's national race and religion are currently under consideration in Myanmar which, if enacted, would include the introduction of unspecified methods to enforce family-planning measures to limit the number of children Muslim women may have to no more than two.

Unfortunately, the leader of the opposition party National League for Democracy, Daw Aung San Suu Kyi, has been reluctant to speak on the plight of the Rohingyas. Her assertion instead that 'the core of the crisis with the Bengalis lies with Bangladesh's failure to control its border with Myanmar to stop migration', is seen by nationalist Buddhists as de facto support for their campaigns of discrimination and violence.

Both the government and the opposition have yet to produce a vision for the policies and legislation necessary to address this humanitarian crisis within their own borders. Perhaps the task appears too difficult to broach in view of the apparent bipartisanship on the Rohingya issue and the acceptance that for many Myanmar Buddhists,

violence is necessitated by the perceived existential threat that Muslims pose.

What is often forgotten in the discourse about Myanmar's discriminatory policies towards those Muslim people whose plight dates from the days of British colonialism is that these policies contradict Article 362 of its own constitution relating to religious rights: *'The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution'*. It also contradicts international conventions to which it is a party.

This differentiation of citizens according to their religion is reminiscent of apartheid's classification of citizens by race, except that where the racist regime in South Africa at least maintained the pretence of 'separate but equal,' the Myanmar authorities—and the opposition—do not even do that. The predominant outlook in Myanmar favours exclusion and is characterised by the insistence on applying criteria that breach a number of international norms and conventions.

The term 'Myanmar religious apartheid' is an appropriate term to use to describe the racial violence and segregation that is enshrined at all levels of Myanmar institutions and state practices. The ideologies that produce and sustain this apartheid system fall under many labels and '-isms': racism, colonialism, religious fundamentalism, ethnonationalism, extremism and neoliberalism.

Without the advent of a peacebuilding process, the nature of Myanmar's religious apartheid will become starkly evident in ways increasingly difficult for the Myanmar government and opposition to defend and for the international community to ignore.

International law creates both rights and duties for states, and when a

state consistently disregards its duties, it cannot expect the rest of the international community to respect its rights. Recent visits, however, by Present Obama and a number of political leaders eager to compete for a share of Myanmar's large potential markets, abundant natural resources and, most of all, geostrategic position are doing little to make Myanmar accountable for its actions in segregating and marginalising over 1.2 million Muslim people within its own borders.

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