

## **Rohingyas: World's Most Persecuted Ethnic Minority**

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### **ABSTRACT**

The Rohingyas are an ethnic group from Myanmar, majority of whom are Muslims by religion. They have been living for centuries in the western coastal state of Rakhine, which is one of the poorest states in Myanmar. Rohingyas have their own language and culture, which are different from the predominantly Buddhist majority. They also claim that they are the descendants of Arab traders and other groups who have been living in the region for generations. Many historians claim that Muslims are living in this region since 12<sup>th</sup> century. However, the authorities in Myanmar have denied them citizenship since 1982, which made them a stateless community. In 2014 census, their names have not been included by claiming that they are the illegal immigrants from Bangladesh. Some scholars believe that the Rohingya issue has its root in the colonial periods. During the British rule (1824-1948), they have encouraged a large number of migrant labourers from the places which are now in India and Bangladesh. During that time Myanmar was a province of British India and such migration was considered internal. When the British left the region the authorities viewed the migration as illegal by claiming that the migration had taken place during the British period and it has no legal validity now. It is on this basis that they refuse citizenship to the majority of Rohingyas. The Rohingya issue is regarded as the world's fastest growing refugee crisis. The plight of hundreds of thousands of Rohingyas from the Rakhine province of Myanmar (Burma) has become a serious crisis not only for the host countries but also for the international communities. The cycle of violence and a number of crackdowns on the Rohingyas since 1970s in Rakhine State have forced hundreds of thousands to flee to neighbouring Bangladesh, Malaysia, India, Thailand and other Southeast Asian countries. Renewed violence in Myanmar, hundreds of thousands of Rohingyas have crossed into neighbouring Bangladesh since August 2017, either on foot or by boat putting immense pressure on the host country, which itself is over-populated and economically very backward. It is reported that most of the time when such crackdowns happen, refugees have come across rape, torture, arson, summary executions by the security forces as well as by far-right Buddhist groups. This paper will seek to understand the reason and the source of Rohingya crisis and will also focus on the present status of the Rohingya refugees living in Bangladesh as well as in India.

**Key Words :** Rohingyas, Ethnic minority, Violence

### **INTRODUCTION**

Since August 2017, hundreds of thousands of Rohingya Muslims, a religious and ethnic minority community in Myanmar, have fled to neighbouring Bangladesh because of persecution. The United Nations officials described that the actions of authorities in Myanmar against the Rohingya Muslims has meted all the requirements to call it an "ethnic cleansing,"

whereby one group removes another ethnic or religious community through violence. The United Nations High Commission for Refugees (UNHCR), the U.N. refugee agency, said in its statement that the Burmese troops have been "killing men, shooting them, slaughtering children, raping women, burning and looting houses, forcing these people to cross the river" into neighbouring Bangladesh which is putting immense pressure on that country, which itself is over-populated and economically

very backward.<sup>1</sup> This paper will discuss why Rohingya Muslims are distinct in predominantly Buddhist majority Myanmar. The main purpose of this paper is to highlight the present situation of the Rohingya refugee's living in India and Bangladesh. There are number of high quality authentic works which are available on this issue, including many national and international NGOs, civil societies, academicians are working on Rohingyas. However, it is very difficult to find any literatures which will present the issue as whole. This paper will give an idea about some historical facts and latest happenings on the issue of Rohingya refugees living in India and Bangladesh.

### Refugees and IDPs:

A refugee and an internally displaced person (IDP) are differentiated by single concept and that is an international border; when a refugee is forced to flee he/she automatically loses the protection of his/her own country because he/she takes refuge in another country. An internally displaced person is a person who has been forcefully uprooted from his traditional habitat and has resettled in another area which, however, is within the border of his own country. Both are displaced, the former across the border of a nation state and the latter within them.<sup>2</sup>

The 1951 Convention and its 1967 Protocol: The primary and universal definition of a refugee that applies to states is contained in Article 1(A)(2) of the 1951 Convention, as amended by its 1967 Protocol, defining a refugee as someone who:

*“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”*<sup>3</sup>

### A Distinct Ethnic Identity:

The term “ethnicity” is not very old, however, the sense of kinship, solidarity, common culture which are the basis of ethnicity are not new. The sense of ethnic solidarity and ethnic identity has been present in almost all countries in the world, since its inception. The ethnic similarity or common ethnicity has remained the foremost criteria of identification of the individuals. Ethnic community is a group which has different national or cultural traditions from other communities living in a same geographical area. A group of people who have a different ethnic attributes from that of the majority of the people in the place where they live. Ethnic identity describes the relationship that exists between an individual and group with the individual believes he or she has common ancestry based on shared individual characteristics or shared socio cultural experiences or both. Thus, ethnic identification has its presence at individual level, family or may be at group level, it is a combination of behavioural and personal characteristic by which individual is recognizable as a member of a group.

Glazer and Moynihan describe ethnic groups as “all the groups of a society characterized by a distinct sense of distinctiveness, a common culture, and common origins”. This definition emphasizes on three types of attributes which are necessary for ethnic group formation - a sense of distinctiveness, a common culture, and common origin.<sup>4</sup> Here it must be noted that Rohingya Muslims are ethnically different from other non-Rohingyas living in Myanmar. They have their common culture, a sense of solidarity, a sense of belongingness to a particular group which they belong and especially a common origin which made them distinct from others.

### Historical prospective:

Myanmar is a country where most of the population are followers of Buddhism. Religious demographics show more than 75 per cent of the population identify themselves as Buddhists, about eight percent are Christian and the Muslims share is near about four percent. So demographically the country is not homogenous.<sup>5</sup> The

1. Feliz Solomon, *Burma Is Pursuing 'Ethnic Cleansing' of Rohingya Muslims*, U.N. Official Says' Time (Nov 25, 2016, 10.05), <http://time.com/4582157/burma-myanmar-rohingya-bangladesh-arakan-ethnic-cleansing-suu-kyi/>.
2. Bennett Jon, *Forced migration within national borders: the IDP agenda*, 1, 1, For. Mig. Rev., 4 (1998).
3. *The UNHCR emergency handbook*, <https://emergency.unhcr.org/entry/95331/refugee-definition>, (4th ed. 2015).
4. Gopa Sabharwal, *Ethnicity and Class: Social Divisions in an Indian City*, 6 (Oxford University Press, 2006).
5. Anthony Measures, *Who are the Rohingya?*, (Institute for global change, Jun 3, 2015).

term 'Rohingya' is generally used to identify a Muslim community mostly found in Rakhine (Arakan) state in Myanmar (Burma). However, their existence can also be seen in other parts of the country but they are largely concentrated in Rakhine state only. One can also find Rohingya Muslims in refugee camps in Bangladesh, India and other parts of the world. In a Buddhist majority Rakhine state, Rohingya Muslim's share is almost one third which is approximately one million. The authorities in Myanmar are always reluctant to use the term 'Rohingya'; instead, they consider the community as illegal Bengali immigrants, a view rooted in their heritage in East Bengal, now called Bangladesh.<sup>6</sup> The origin of Rohingya community is thought to be of mixed ancestry, tracing its origins both to outsiders (Arabs, Turks, Persians, Moguls and Pathans) and to local Bengali and Rakhine who entered into the place at different point of time. Their language is quite similar to the language of Chittagonian, a regional dialect of Bengali, which is also widely used throughout south-eastern Bangladesh.

When the 'Treaty of Yandabo'<sup>7</sup> was signed, this ended First Anglo-Burmese War (1824-1826), these Rohingya migrants settled down in the Arakan region in Mayu Frontier Area, which is bordering with the present Bangladesh. In the British colonial records these Rohingya communities were identified as "Chittagonians". Arakan was a medieval kingdom located at the edge of South Asia, which became a province of Burma after the Burmese invasion in 1784 and the subsequent annexation of it with Burma. It is an isolated province in the western part of the country across Naaf River bordering with Bangladesh. In 1948, when Myanmar achieved independence from the British rule, violent conflicts broke out among various segments of its more than one hundred ethnic and racial groups.

### **The Issue of Citizenship:**

The most important legal problem has arisen for the Rohingyas in the year 1982, when Burmese government has passed a law to determine the citizenship of as many as eight ethnic groups. But surprisingly Rohingya Muslims' names were not included. Since its independence Rohingya were enjoying equal opportunities in all aspects

of life. But that one law has changed the status of citizenship for this ethnic minority. In the 2014 census conducted after almost 30 years, the government has included only the names of those who classified themselves as Bengali Muslims and excluded those who wanted to identify themselves as Rohingya. Ever since they lost their citizenship they lost all civil, political and economic rights and become a subject of persecution and other atrocities.

### **The role of a Nobel Laureate:**

Aung San Suu Kyi, a politician and a democratic leader of Myanmar, won the Nobel Prize for Peace in 1991 for her constant non-violent struggle for democratic change against the Military Junta in Myanmar. In 2016 she was appointed State Counsellor, a position equivalent to a Prime Minister.

However, on the Rohingya crisis she has come under severe scrutiny by the international community which alleged that she is failing to stop the massacre of innocent Rohingya Muslims. They also blamed her that she is not doing enough to protect the Rohingya, who have been stateless for more than three decades. Many other Nobel laureates - including Pakistani activist for female education Malala Yousafzai, the Dalai Lama and South Africa's anti-apartheid campaigner Archbishop Desmond Tutu, appealed her to take steps to halt the violence against the Rohingya Community. After a group of US Senators who threatened to bring a legislation to sanction Myanmar military for their violent operation against Rohingya Muslims and mounting international pressure, she finally visited few violence hit places in Rakhine state on November 3, 2017. She was accompanied by a number of military and police personnel to meet the remaining Rohingya residents.

One of the government spokesmen said she was on the trip to "show there is stability in the region". The government of Myanmar and the National League for Democracy (NLD) never acknowledged the violent ethnic conflict in Rakhine state despite the conflict has uprooted and forced more than 600,000 Rohingya Muslims to leave their homes and cross over to Bangladesh. The Myanmar government has done nothing

6. Elaine Chan, *Rohingya PEOPLE* (Encyclopaedia Britannica, 9.30), <https://www.britannica.com/topic/Rohingya>.

7. The Treaty of Yandabo, formally ended the First Anglo-Burmese War. The British victory had been achieved the win mainly because India's superior resources had made possible a sustained campaign running through two rainy seasons, (Feb., 1826).

to address the Rohingya issue which has become one of the most serious humanitarian crises. 'Al Jazeera' a Qatar based news channel has claimed that the democratic leader Aung San Suu Kyi has visited two villages in Rakhine's Maungdaw district - one of the worst affected places by the anti-Rohingya violence and "She apparently took questions from some Rohingya villagers and her advice to them was: 'When you encounter a problem you have to let the government know?'. One of the Rohingya rights activists Chris Lewa, who stated that on her way to the Rohingya villages Aung San Suu Kyi stopped her car at one point to speak to locals. "She only said three things to the people - they should live peacefully, the government is there to help them, and they should not quarrel among each other".<sup>8</sup>

### **Kofi Annan-led Commission:**

On August 23, 2016, after mounting international pressure and criticism Myanmar State Counselor Aung San Suu Kyi finally established the nine-member Advisory Commission on Rakhine State to "consider humanitarian and development issues, access to basic services, the assurance of basic rights, and the security of the people of Rakhine." The committee has nine member including six Myanmar nationals and three international commissioners. The former Secretary General on the United Nations Mr. Kofi Annan was given the responsibility to lead the committee. After the formation of the committee the government has assured that it will implement the Commission's recommendations.<sup>9</sup>

On 24<sup>th</sup> August 2017, the committee released its final report and recommends to:

1. Take concrete steps to end enforced segregation of Rakhine Buddhists and Rohingya Muslims.
2. Ensure full and unfettered humanitarian access throughout the state.
3. Tackle Rohingya statelessness and "revisit" the 1982 Citizenship Law.
4. Hold perpetrators of human rights violations

accountable.

### 5. End restrictions on freedom of movement.

The report further said that, "While Myanmar has every right to defend its own territory; a highly militarised response is unlikely to bring peace to the area." The report also mentioned that that if the basic human rights of the Rohingyas were not respected "the population remain politically and economically marginalised - northern Rakhine State may provide fertile ground for radicalisation, as local communities may become increasingly vulnerable to recruitment by extremists".<sup>10</sup>

Human rights groups and other international actors welcomed the report and stated that the recommendations dictated the same suggestions to Myanmar authorities which they had long argued for. Matthew Smith, from Fortify Rights said that "These apartheid-like restrictions drive communities apart rather than together, eroding security and heightening the risk of mass killing."<sup>11</sup>

Human Rights Watch (HRW) has reacted by saying that "Myanmar needs to throw its full weight behind these recommendations, and especially not blink in dealing with the harder stuff." Amnesty International's James Gomez, the director of Southeast Asia and the Pacific, said, "without concrete action by the authorities to address long-standing grievances and redress decades of violations, people in the region will continue to be trapped in a cycle of deprivation and abuse". He further added that "They must urgently lift restrictions on movement, allow full access for humanitarian workers and media, and review and amend the country's discriminatory citizenship laws."<sup>12</sup> However after the release of the report, Myanmar government has denied any wrongdoings and rejected the findings of the report and refused to acknowledge any type of human rights violation by its forces or any other groups in Rakhine state.

### **Present Crisis:**

The present 'massacre' of Rohingya Muslims has

8. Oliver Holmes, *Aung San Suu Kyi makes first visit to site of anti-Rohingya violence*, The Grd, Nov 2, 2017.

9. Myanmar: Implement Recommendations of Kofi Annan-led Commission, Fortify Rights, (Aug 24, 2017, 9.45), <https://reliefweb.int/report/myanmar/myanmar-implement-recommendations-kofi-annan-led-commission>.

10. Commission urges Myanmar to end Rohingya restrictions, (Aug 24, 2017), <http://www.aljazeera.com/news/2017/08/commission-urges-myanmar-rohingya-restrictions-170824083520877.html>.

11. Ibid

12. Ibid

taken the shape of international humanitarian crisis. The international community came out with sharp criticism against the Burmese authorities and asked for immediate halt on Burmese military campaign against the group. The recent violent crackdown by the Burmese military against Rohingya Muslims was the result of an attack on August 25 by the Arakan Rohingya Salvation Army (ARSA), so called Rohingya Muslim militant group on security outposts. More than half a million Rohingya have fled to neighbouring Bangladesh to escape the atrocities done by the Burmese military. They are arriving in an area called Cox's Bazaar which is already exhausted with Rohingya refugees who crossed over during the time of earlier violence. Rohingya refugees claim that they fled after Burmese military along with local Buddhist mobs attacked their villages and killed civilians mercilessly. According to the United Nations, the military action against Rohingyas, which displaced thousands, is a "textbook example of ethnic cleansing".<sup>13</sup> However Myanmar authorities denied their involvement in killing of civilians and claims that they are targeting the militants only.

*Medecins Sans Frontieres* (MSF) also known in English as Doctors Without Borders, a Switzerland based international humanitarian non-governmental organization, has claimed that approximately 7,000 Rohingya Muslims including 730 children, many of whom were infants, were killed within a month between August 25 and September 25.<sup>14</sup> Amnesty International, a London-based non-governmental organization which focuses on human rights issues worldwide, says it is clearly evident that Myanmar militaries were involved in raping and abusing Rohingya women and girls. The authorities in Myanmar have claimed that they have completed the military operation against the so called militants on September 5, 2017. However, independent sources has claimed that the violence is still going on which was verified by the BBC

correspondents.<sup>15</sup>

Human Rights Watch (HRW), a New York based international non-governmental organization that conducts research and advocacy on human rights, has come out with few disturbing satellite images which show that between August 25 and September 14, more than 62 villages in northern Rakhine State were targeted by arson attacks and the pogrom is still going on.<sup>16</sup>

#### **Latest development:**

On November 23, 2017, in Nay Pyi Taw, Myanmar, authorities from Myanmar and Bangladesh have signed an agreement for the repatriation of Rohingya refugees who are taking shelter in Bangladesh. The two sides have informed that they are working on the details and still it is not clear how and when the process will start. However, it is reported that Myanmar is ready to accept 1,500 Rohingya each week. The government of Bangladesh has confirmed that it is aiming to return all the Rohingya refugees within a specific time frame which might be two years. There are almost 740,000 Rohingya who took refuge in Bangladesh during the years 2016 and 2017.

International community and human rights groups have raised serious concerns about the deal which may result forceful repatriation of these refugees. It is important to mention here that in the year 1992 there was an agreement signed between Bangladesh and Myanmar in which Myanmar agreed to accept hundreds of thousands of Rohingyas who fled to Bangladesh at that time, but the agreement was totally failed to get materialised.

On November 17, 2017 Justin Rowlatt, the BBC's South Asia correspondent, said that the earlier repatriation of the Rohingya to Myanmar faced enormous hurdles. He further mentioned that, "According to the World Food Programme (WFP), there are at least 1, 40,000 Rohingya

13. Stephanie Nebehay & Simon Lewis, *U.N. brands Myanmar violence a "textbook" example of ethnic cleansing*, Reuters, (Sept 11, 2017, 1.21), <https://in.reuters.com/article/myanmar-rohingya/u-n-brands-myanmar-violence-a-textbook-example-of-ethnic-cleansing-idINKCN1BMOQ7>.

14. *MSF: More than 6,700 Rohingya killed in Myanmar*, A.J. NEWS, (Dec, 14 2017), <http://www.aljazeera.com/news/2017/12/msf-6700-rohingya-killed-myanmar-171214070925193.html>.

15. *Myanmar: Fresh evidence of ongoing ethnic cleansing as military starves, abducts and robs Rohingya*, Amnesty. Int. (Feb., 7, 2018, 5.31), <https://www.amnesty.org/en/latest/news/2018/02/myanmar-fresh-evidence-of-ongoing-ethnic-cleansing-as-military-starves-abducts-robs-rohingya/>.

16. *Burma: Military Torches Homes Near Border*, H.R.W. (Sept., 15, 2017, 12.00), <https://www.hrw.org/news/2017/09/15/burma-military-torches-homes-near-border>.

in camps that were set up in Myanmar in 2012. These camps have been described as concentration camps from where people aren't allowed to get out and camps in where the WFP and other aid organisation have been denied access from July 15 this year. Now the model for return that Myanmar is pressing for is based around very similar camps funded by the UN. And you have got to ask what commitment the world community would need to get from Myanmar before it would allow what happened in 2012 to happen all over again."

In the present agreement, the conditions put forward by Myanmar are unclear and most of the Rohingyas are terrified by the prospect of being forcefully pushed back to Myanmar and being persecuted again in the hands of Myanmar authorities. The UNHCR has cleared its stand on the issue and hoped that any agreement would "respect the right of refugees to return to Myanmar in a safe, voluntary, dignified and sustainable way... As the UN agency mandated to assist, protect and seek solutions for refugees, we stand ready to assist in the process to ensure that returns take place in line with international standards."

Amnesty International has raised serious doubts on the deal and stated that "while a system of apartheid remains," and "hoped those who do not want to go home are not forced to do so". On the timing of the deal one of the Amnesty spokespersons said that "It is completely premature to be talking about returns when hundreds of Rohingya continue to flee persecution and arrive in Bangladesh on an almost daily basis." On the role of the UN it's said "We're also concerned that the UN... have been completely sidelined from this process. This does not bode well for ensuring a really robust voluntary repatriation agreement that meets international standards."

### **Massacre of Rohingya Hindus:**

On the killing of 28 Hindu villagers whose remains were found in a mass grave, Myanmar military has stated that they found 20 women and 8 men's body which were dumped in northern Rakhine state. Local authorities have blamed the militant Arakan Rohingya Salvation Army (ARSA) for this massacre. However, the claim has not

been verified independently as the government had not allowed any journalists or independent observers to travel in Rakhine state for security reasons.<sup>17</sup>

It is important to mention here that according to the officials from Bangladesh, there are more than 500 Hindu Rohingyas who crossed over to Bangladesh along with Rohingya Muslims and are living in the refugee camps. Rohingya Hindus claim that at least 86 of their community members have lost their lives during the violence which started on August 25. Rana Dasgupta, the President of Bangladesh Hindu-Buddhist-Christian Unity Council, has confirmed that "According to the Hindu refugees, unidentified masked people in black attires attacked their homes killing 86 people on August 27 and 28 at different places in Myanmar's Mangdu district," he further added that "The attack on Myanmar Hindus should be investigated to bring the perpetrators to justice." According to the Myanmar census report, Hindus constitute 0.5% of the country's population while Muslims constitute about 4.3%.<sup>18</sup>

### **Rohingya Refugees in India:**

India has no legal or institutional framework to protect the refugees or of internally displaced people. According to the constitution, a person living in India can be either a citizen or a foreigner defined under the Foreigners Act, 1946. India is not a signatory member of the 1951 UN Refugee Convention or the 1967 Protocol. According to the UNHCR India, the number of Rohingya refugees is 16,000 only, who are having the UNHCR issued refugee card; however, the government estimation is of about 40,000.

In the absence of a comprehensive refugee law the successive governments have dealt with refugee issue on case by case basis. For example, in the case of Tibetan refugees government has issued both Registration Certificates and the Identity Certificates. On the issue of Sri Lankan Tamils refugees, the government has allowed them to stay in India with all the required facilities. Further, in the case of Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, who have come from Afghanistan, Bangladesh and Pakistan because of persecution, were allowed to stay in India

17. *Mass Hindu grave found in Myanmar's Rakhine state*, BBC News, (25 Sept 25, 2017, 8.30), <http://www.bbc.com/news/world-asia-41384457>.

18. *Hindus From Myanmar Join Muslim Rohingyas in Seeking Refuge in Bangladesh*, (The Wire, Sept 5, 2017), <https://thewire.in/173972/hindus-myanmar-muslim-rohingyas-refuge-bangladesh/>.

on Long Term Visas (LTV).<sup>19</sup>

On the other hand, in the case of Rohingya refugees, the government of India has filed an affidavit in the Supreme Court and stated that Rohingya Muslims are threat to the security of the country and they should be pushed back or should be deported to their country of origin. Ever since the present government has come to power, it has become clear that it's not going to host any refugees. Government has further claimed that they have the intelligence inputs which clearly indicate that Rohingya refugees are having links with extremist groups which may ignite sectarian violence. In its affidavit, the government has further said that there are number of Rohingyas living in Jammu, Delhi, Hyderabad and Mewat who has close links with anti-national elements and are also indulged in making fake Indian identity cards/documents. If government allowed further stay, Rohingyas in India may create further disturbance in north-eastern states which are already very fragile in nature. Government also fears that allowing Rohingyas in India may become a serious threat for the Buddhist citizens.<sup>20</sup> The government has urged the Supreme Court that it is a policy decision of the government and judiciary must not interfere in it.

On August 8, 2017, the Home Ministry sent a notice to all states asking them to identify and start the process of deporting Rohingyas. "Illegal migrants are more vulnerable for getting recruited by terrorist organisations. Infiltration from Rakhine State of Myanmar (where Rohingyas are based) into Indian Territory specially in the recent years besides being burden on the limited resources of the country also aggravates the security challenges posed to the country," the notice said. On September 11, Home Minister Rajnath Singh stated that the Rohingya Muslims are "illegal migrants" and the government is not ruling out a "possible security threat".

However, the ground report does not corroborate the government's claim. NDTV, a leading private news channel, has come out with some important facts which

claimed that they did not find any type of evidence which even indicates that refugees is having any links with terrorists activities. On January 20, 2017, Jammu and Kashmir Chief Minister Mehbooba Mufti told the Assembly that "no Rohingya in Jammu and Kashmir has been found involved in militancy related incidents. No instance of radicalizing (of) these foreigners has been reported so far". She further stated that, "17 FIRs have been registered against Rohingyas for various offences, including those relating to illegal border crossing." However, among these 17 FIRs, two are registered against Bangladeshis and one is against a Pakistani. Out of 743 Rohingya refugees living in Jammu, only five have FIRs against themselves, which shows a negligible crime rate of only 0.24 per cent. Other than Jammu, Rohingya refugees are also largely concentrated in Delhi, Rajasthan and Haryana. NDTV has clarified that it has done a multi-city investigation in all these Rohingya camps, but failed to get any evidence to prove the government's claim.<sup>21</sup>

NDTV talked with a number of Rohingya refugees living in different camps, most of whom have said that the "Police comes here, CID also comes to check and IB also comes. They enquire about where we live our identity cards against our name. They verify all this. They come whenever the need arises. They check who is living here without card or without permission and even arrest them." Without having any concrete evidence, it is not clear how the authorities have assumed that Rohingya refugees had any links with terror groups.

However, it is not easy to deport the Rohingyas to their place of origin as they are stateless. For example, there are about 11 Rohingya Muslims who are in different jails in Manipur since long, and Government of India is failing to deport them as they are not citizens of Myanmar. They have been detained and jailed because they have entered in India without having any legal documents. Jail authorities in Manipur showed their inability to deport these illegal immigrants as it requires the involvement of both Union Home Ministry and the Myanmar authorities

19. Prabhash K Dutta, *What is Rohingya crisis and why India needs to have a concrete refugee policy and a law*, Ind Today, (Sept 18, 2017, 3.20), <https://www.indiatoday.in/india/story/what-is-rohingya-crisis-india-narendra-modi-refugee-policy-law-1047162-2017-09-18>.

20. Ashok Bagriya, *Rohingya refugee crisis: Top 5 reasons why Indian govt wants to deport them*, H.Times., (Sep 18, 2017).

21. Sreenivasan Jain, Sonal Matharu, Amitoj Singh, Harsha Kumari Singh, Parimal Kumar, *Rohingyas A Terror Threat? NDTV Finds Little Evidence Of Government Claim*, NDTV, (Sept 16, 2017), <https://www.ndtv.com/india-news/rohingyas-a-terror-threat-ndtv-finds-little-evidence-of-government-claim-1751114>.

as the latter is refusing to acknowledge these people as their legal citizens.<sup>22</sup> The principle of non-refoulement – or not sending back refugees to a place where they face danger — is considered part of customary international law, and therefore binding on all states irrespective of whether they have signed the Refugee Convention or not. In addition, India is a signatory member of different major international human rights instruments such as International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Convention on the Rights of the Child (CRC).

Amnesty International and UNHCR; have urged the government of India to reconsider its decision on humanitarian ground. However, Government of India made it clear that it would not compromise with the security concerns of the country. On the other hand, to control the damage the government has extended help to Rohingyas who took refuge in Bangladesh by providing a number of amenities. The Government has also asked the authorities in Myanmar to stop the atrocities against the Rohingyas.

#### **Conclusion:**

In conclusion, it can be said that the Rohingyas are the world's most persecuted minority and recent violence and atrocities have added to their misery. They are living their lives in makeshift camps far away from their place of origin without having enough basic amenities. The government of Bangladesh as well as the international

communities are failing to contain the flow of refugees from Myanmar because of continuous violence and atrocities which Myanmar is denying. The horror of sexual violence against the women has reminded the Bosnian War in which rape was used as a weapon of war. According to the Human Rights Watch, “Most of these refugees has seen their One of the military's most feared weapons is mass sexual violence, with untold numbers of women and girls brutally gang raped by government soldiers.”<sup>23</sup> The uncertain future and multiple displacements has made these refugees more vulnerable and they are losing all hopes for any future in which they can live peacefully and enjoy equal rights within Myanmar. International community's including UN agencies, countries, and civil societies are failing to make any impact on Myanmar government to change its policy towards Rohingya Muslims.

The biggest obstacle to a peaceful solution of Rohingya is the denial of Myanmar government's denial of citizenship, access to education, health, and right to vote, as almost all other issues are closely linked with the citizenship. At present international community including India should try to pressurise Myanmar government to fulfil its promise to implement the recommendation made by the Kofi Annan-led Advisory commissions. By doing this it can pave the way for peaceful repatriation of Rohingya refugees to their place of origin, not only from the Bangladesh and India, but from the whole world, wherever they are living as refugees.

22. Armstrong Chanambam and Zeet Nawaz Thouba, *Rohingya Muslims in India: How will India deport 40,000 'illegal' refugees to Myanmar when it can't even deport 11?*, Firstpost, (Sept 19, 2017).

23. Salma Abdelaziz, *It would be good if I too died: Rape as weapon of war against Rohingya*, CNN, (Nov 17, 2017), <https://edition.cnn.com/2017/11/17/asia/myanmar-rohingya-rape/index.html>.