

Sanctuary Under a Plastic Sheet – The Unresolved Problem of Rohingya Refugees

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Introduction

Nur Bahar, a widowed mother of five children, huddled with over 100 others under a plastic sheet on a boat in driving rain. They were awaiting a half-hour voyage across the turbulent Naaf River to Burma's Kaningchang frontier post, a journey that would end more than four years in refugee camps in the Cox's Bazaar district of southern Bangladesh (The Nation, Bangkok, 4 September, 1996).

Nur is one of tens of thousands of Rohingya people who have been 'repatriated' back to Arakan in Burma (Myanmar)¹ after lengthy periods languishing under the harsh conditions of refugee camp life in Bangladesh. The fact that almost 250,000 Rohingyas have returned to their homeland since their initial exodus in 1991-92 is in itself a sign of success for the Bangladeshi and United Nations (UN) authorities overseeing the repatriation scheme. Unfortunately, there are reasons to doubt the durability of peace in Arakan province which is necessary for the security of Rohingyas living there. There are also questions to be raised regarding the future of refugees remaining in Bangladesh and concerning the manner in which some of their community members have been sent back to Arakan.

It is important to stress that the Rohingyas are just one of several minority groups that have become refugees² from Burma in recent times. Undoubtedly, the case of the Rohingyas (and other Muslims) is significant but it actually represents one of many fragments in the complex history of inter- and intra-ethnic relations in Burma (Smith, 1991; Lintner, 1994). Furthermore, the origins of today's confusing, kaleidoscopic political geography in Burma's extensive borderlands go back beyond the creation of Burma as an independent nation-state. However, there is a strong argument to be made that the 'ethnocratic' political character of the state, particularly of the military regime since 1962, has fanned the fires of inter- and intra-community hatred (see Brown, 1994).³ Whilst the case of the Rohingyas needs to be understood in this broader

historical and political context, an appreciation of some of the special historical, geographical and socio-political circumstances of the Rohingyas and of other communities living in Arakan is also necessary in order to examine the roots of their contemporary problems.

Islamic roots underlying a porous border

Probably the first contact which Arakan had with Islam was through Muslim seamen in the ninth century (Yegar, 1972). However, Muhammad Enamul Huq and Abdul Karim (1935) state that:

Bengali literature in the Court of Arakan, 1600-1700AD narrated that "Islam began to spread to the eastern bank of the Meghna to Arakan since the eighth and ninth centuries AD, long before the establishment of the Muslim kingdom in the frontier region..."

Through maritime contacts in the bustling coastal communities of the commercially significant Bay of Bengal, small but distinctive Muslim settlements began to emerge in Arakan. During the fifteenth century the spread of Islamic influence grew stronger across the Bengal-Arakan frontier region, particularly in Northern Arakan. Indeed, from the fifteenth century until the middle of the eighteenth century the king of Arakan had close diplomatic ties with Bengal and the Arakan Muslims had a cultural affinity with Muslims across the frontier region.

Even though Islam began to exert a potent cultural and political influence on the people of Arakan, the predominance of Buddhism was never shaken (Hall, 1950; Yegar, 1972: 18-24). This was partly because the process of Islamicisation was a gradual historical one without major military conquest and Arakan itself was mostly separated from the rest of Burma by a long range of mountains, the Arakan Yoma, with only two practical passes. Furthermore, none of the Arakan rivers rise in Burma, which greatly reduced the potential for waterborne communication between Arakan and places to the east. Long-distance trade involving Muslim traders focused mostly on the Middle East, Bay of Bengal

and India on the one side and Malaya and Indonesia on the other, but much less on Burmese ports. Another important reason why Islam did not take root throughout large parts of Burma and frontier regions beyond Arakan was the existence of Buddhism as a majority religion since the twelfth century, leaving no religious vacuum for Islam to fill. In contrast to Burma and large parts of mainland Southeast Asia, Hinduism and Buddhism were not the religions of the masses in Malaysia and Indonesia, which meant that more people readily embraced Islam when it came (Yegar, 1972). So when the Burmese conquered Arakan and annexed it in 1785, the Muslims in Arakan found themselves a minority in a predominantly Buddhist environment.

The Muslim community increased slowly through marriage, natural increase, conversions and a growth in the number of visiting traders and adventurers. One result of this process was the formation of a distinct Arakanese Muslim community who called themselves 'Rohingya' (Weekes, 1984: 188). Apparently, the word Rohingya is derived from *Rohang*, the ancient name for Arakan.⁴ Historically, they are a community that has developed from many stocks of people, including Burmese, Arabs, Moors, Persians, Moghuls, Bengalees and others (*Arakan*, July 1996) with the common denominator being their adherence to the Islamic faith. Although they were looked upon as different by the Burmese rulers, Rohingyas were tolerated as they were loyal to the king and politically quiet as a community, thus posing no threat to the Buddhist population.

Many new Muslims arrived in Burma during the 125 years of British rule following the first Anglo-Burmese war. The defeat by the British forced Burma to sign the Treaty of Yandabo in 1826 which resulted in the absorption of Arakan to the west and Tenasserim, Burma's southern coastal strip, into the British Empire. Eventually, Burma became a province of British India, and the porous border between Bengal and Arakan facilitated a variety of cross-border contacts (Harvey, 1925). Over time, numerous Bengali Muslims, some of whom were 'Chittagongs' (Christie, 1996: 164), moved into Northern Arakan and began to merge with the Rohingya community. Over time, the distinction between these ethnic groups became blurred due to the ease of cross-border and inter-community interactions. In fact, the Bengal side of the frontier also had cultural inter-mixing, for "*Arakanese Buddhist settlers in Bengal – known colloquially as 'Maughs' or 'Muggs' – were able .. to gain a significant reputation as cooks throughout British*

India" (Christie, 1996: 164; see also, Yule and Burnell, 1979: 594-5).

When the first population census of Burma was taken in August 1872, British Burma consisted of three provinces of Arakan, Pegu and Tenasserim. Muslims were categorised either as 'Burman Muslims' or 'Indian Muslims'. Two-thirds of the total number of Muslims recorded in the territories of British Burma at that time, some 64,000 people, lived in Arakan (Yegar, 1982: 102). The census of 1891 included most of the recognised territory of Burma today. It recorded Muslims under the categories used for the broader India census. So Muslim people were divided as Shaykhs (204,846), Sayyids (3,405), Moghuls (5,053) and Pathans (15,689), as well as other groups including Arakanis, Panthays, Shan Muslims, Turks, Arabs and Choulis. According to Yegar (1982), many Arakan Muslims were 'Zerbadees', offspring of intermarriage between Indian Muslim men and Burman Buddhist women, but under the British the term was also applied to 'Burman Muslims' who had resided in the country since the days of rule by Burman kings. It seems that most of these people were registered as Shaykhs in the census. By 1921 there were over 500,000 Muslims recorded out of a population of just over 13 million (Grantham, 1921). Almost one-quarter of these people were registered as 'Burman Muslims', including Zerbadees, Arakan Muslims, Arakan Kamans, Panthays, Malays, and a few persons who described themselves as Burman by race but Muslims by creed (Yegar, 1982). Muslims of Indian origin came from several different provinces, including Bengal, Chittagong, Hindustan, Orissa, Punjab, Tamils (Choulis) and Telegus from Madras.

By the time of the 1931 census of Burma, 'Indian Muslims' formed the great majority of Muslims in Burma, particularly in urban centres and there was a significant increase in the numbers of 'Burman-born Indian Muslims'. However, it should also be noted that of the one million plus 'Indians' recorded in Burma, 65% were Hindus and 39% were Muslims (Yegar, 1982: 103). There was a geographical concentration of Muslims in Arakan, which accounted for 41% of the total Muslim population of Burma at that time. One of the interesting issues raised by such census data well before Burma's independence from colonial rule is the fact that Indian immigration had inflated the number of Muslims and that intermarriage had already blurred sharp distinctions between 'Indian' and 'Burman' Muslims. Without detailed population surveys and local knowledge any subsequent efforts to base Burmese citizenship within Arakan on distinctions

between who is and who is not of 'Burman' origin would be extremely suspect, if not completely erroneous.

Inter- and intra-communal tensions under British rule

As noted above, Indian migration into Burma increased sharply during British colonial control. Economic development helped to transform the economy of Burma into a supply source of raw materials for the colonial power. Indian migrants provided both cheap coolie labour and people to fill new commercial posts in the export sectors. The colonial masters tended to perceive Indians as being more adaptable and reliable than local Burmans. Furthermore, Burma's subordinate position under *Pax Britannica* and ethnic 'divide and rule' policies enabled many Indians to obtain jobs in the civil service resulting in a large proportion of Indians moving into the main towns.⁵

The Indian Muslims who entered Burma became active in the development of communal activities and organisations, such as the building of new mosques, *madrasahs*, Muslim schools and social welfare institutions. However, it would be wrong to argue that there were no cultural or religious differences between Indian and local Muslims. For instance, as Yegar (1982: 108-9) notes;

*The Indians viewed with particular horror the spread among the Burman Muslims of such Buddhist superstitions as the belief in spirits (nats) and various rites connected with their worship. All of these tended to disqualify the Burmans as real Muslim believers in the eyes of the Indians, who conducted various religious activities among the Burman Muslims designed to make them better Muslims. But such activities tended to come up against resistance on the part of the Burman Muslims, who resented the claim of leadership that this implied.*⁶

Political tensions between Muslims of recent Indian origin and more settled Burman Muslims arose during the rise of Burman nationalism in the 1920s and 1930s, and during the period before and after the partition of India. This showed itself in one short-lived organisation which did not include a single Indian Muslim named *No-Kyar-Ye* (meaning 'The Renaissance') founded in 1937, which sought to assert the identification of Burman Muslims with the Burman nation of which they felt they were a part except for their religion. Japan's invasion saw an end to the group's activities and helped to show

many Burman Muslims that the majority population tended to view all Muslims as foreigners and not just the immigrants from India (Yegar, 1982: 109). However, the unhindered Indian settlement in Arakan, Tenasserim and Lower Burma, developed into one of the Burman nationalist issues against continuing British rule. Inter-communal clashes occurred in Lower Burma during the depression years of the 1930s, culminating in 1938 in riots specifically directed against the Indian Muslim community (Yegar, 1972: 29-31).

The Japanese invasion of Burma in 1942 further aggravated inter-communal tensions between Burmans and other ethnic groups, including the Muslims. In the Japanese-controlled Buddhist majority regions, the Muslims were persecuted and many fled to the relative safety of the British-controlled Muslim zone in Arakan, others across the frontier into Bengal. At the same time, Muslims drove out Buddhists from their strongholds in northern Arakan. Many Rohingyas fled into Bengal, whilst land-hungry 'Chittagongs' moved into northern Arakan (Kirby, 1965: 275-6). During these years Arakan suffered as a result of its frontier status between opposing wartime enemies and became more isolated from contact with the rest of Burma; "a fact that was to have serious long-term consequences for the region" (Christie, 1996: 165). The British wartime policy of creating and arming local militias meant that rule by lawless warlords and a state of virtual anarchy existed within Arakan (Christie, 1996: 167).

De Facto Political Divisions in Arakan

In the pre- and post-independence period, Arakan was split into rival Muslim and Buddhist factions and Arakanese Muslim leaders were becoming aware of the growing likelihood that they would find themselves in a newly independent state under Buddhist Burman domination in which Muslims would be marginalised and persecuted. Thus, when India moved towards her own independence from British rule between 1945 and 1947 and Jinnah Ali and his Muslim League politically agitated for a separate Muslim Pakistan state, many Arakanese Muslims shared interest in having a separate political identity.⁷ Irredentist aspirations were rife and the Muslims, especially the 'Chittagongs', were keen to be part of the new Pakistan state, reunited with the larger Muslim community and residing in *dar al-Islam*.⁸ This was to prove a futile political goal, although it did help to spark off the so-called *Mujahid* movement, which plotted to take the old Mayu Division out of Arakan and into the newly created Muslim state of East Pakistan. Elsewhere in

Arakan, the Rakhine guerrillas of the Arakan People's Liberation Party (APLA), one of several Arakan organisations to emerge before and after Burma's independence, helped to add to the *de facto* political chaos which characterised the early years of Burma's independence, vividly described by Martin Smith (1991: 119) as "an extraordinary mosaic of insurgent colours."

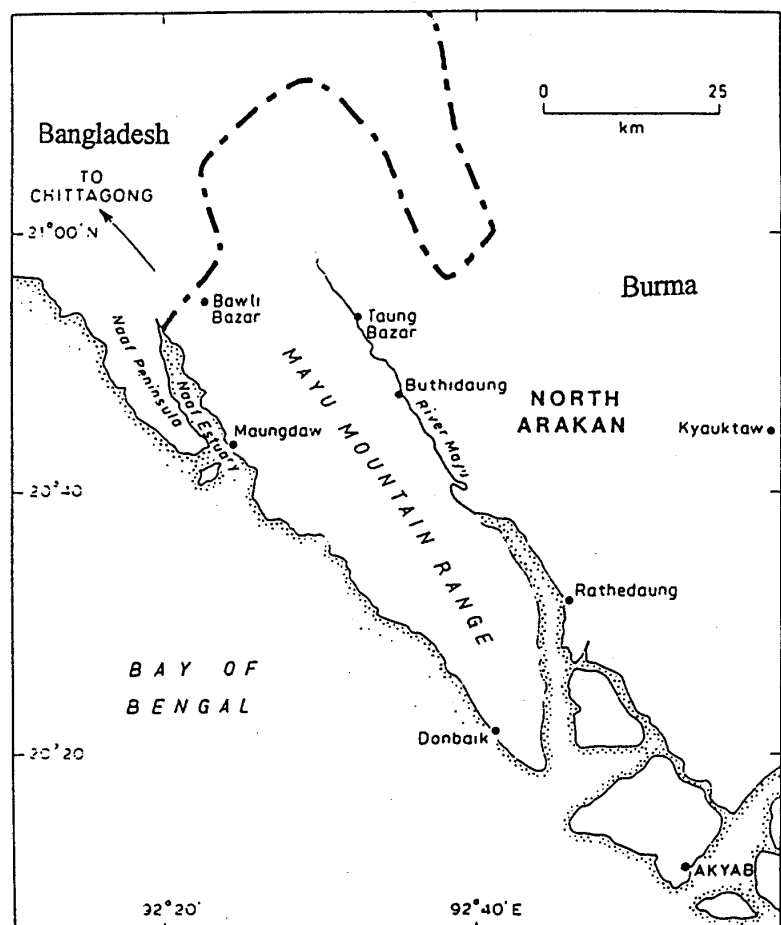
The *Mujahid* Revolt mostly affected the districts of Maungdaw, Butidaung and part of the district of Rathedaung in northern Arakan close to the present-day border with Bangladesh (Figure 1). Other areas were effectively controlled by non-Muslim Arakani forces, or by politically motivated forces such as the Communist Party of Burma (CPB) which occasionally forged alliances with separatist guerrilla forces against the Burmese Army. Whilst the *Mujahidin* became a strong outfit inside Arakan, they did not get unequivocal support from the Rohingya community and they received hardly any support from Burma's Muslims outside Arakan. Nevertheless, arms, materials and manpower were smuggled across the East Pakistan frontier in the absence of official Pakistani support for the *Mujahid* cause (Yegar, 1982; Christie, 1996). 1951-54 saw a series of government offensives against the Muslim rebels, which seriously weakened their rebellion. Thereafter, rebel actions were largely confined to cross-border smuggling operations – rice to Pakistan and arms and illegal immigrants into Arakan – and acts of sabotage (Yegar, 1982: 126). Such activities served to confuse the issue of identity for many Rohingyas, who have often been regarded as refugees on the other (East Pakistan and later Bangladesh) side of the border and rather derogatorily as *kala* (foreigner) on the Burmese side.

One result of the *Mujahid* Revolt was to make the Muslim population of Arakan more "autonomy conscious", although there were complications to this as a result of the crude *de facto* division of Arakan into Muslim-dominated and Buddhist-dominated areas. In the areas under most Muslim rebel influence there was clear opposition to the creation of a State of Arakan within the Union of Burma. The Muslims of Maungdaw, Butidaung and the Muslim majority areas of Rathedaung wanted greater

local autonomy, not subordination to Buddhist officials in a more autonomous Arakan state machinery, whereas the Muslims in the Buddhist-majority areas of Arakan were more conscious of the dangers of detaching Muslim-dominated districts from the rest of Arakan, which could erode their distinct minority status *vis-à-vis* the Buddhist Rakhines still further. Rather than separation, they demanded political guarantees for the protection of their religious, cultural, educational and economic rights as citizens of Burma (Yegar, 1982: 127). Rohingyas are still engaged in a struggle for recognition as a people and to preserve their rights within Burma.

In May 1961, the so-called Mayu Frontier Administration covering the districts of Maungdaw, Butidaung and the western part of Rathedaung was created. It was a military administrative area, not an area of local autonomy, but it meant that the Muslims in these areas would not fall under the Arakan authorities. In early 1962, the drafted bill for Arakan statehood did not include the Mayu Frontier (*Vanguard*, 8 January 1962). Nevertheless,

Figure 1: North Arakan and Bangladesh – The Frontier Region



Source: Christie (1996)

following the military *coup d'etat* of March 1962, the new military regime of General Ne Win scrapped the plans for a separate Arakanese state, but the Mayu military region remained (Yegar, 1982: 128). As Christie (1996: 170) wryly observed:

In a curious way, the old war-time ideal of a 'Muslim National Area' separate from the rest of Buddhist-dominated Arakan had been realised, but only in the highly unpropitious circumstances of permanent military rule.

Tatmadaw Operations in Arakan and the Refugee Crises

During the 1960s the Muslim rebels continued to operate along the Naaf River and maintain cross-border operations. In 1963 the *Mujahid* movement was reformed under a new name, the Rohingya Independence (later Patriotic) Front (Smith, 1991: 219). Sometimes there existed a rough alliance between the Muslim rebel groups and the Rakhine insurgencies, the Communist Party of Arakan (CPA), and the Arakan National Liberation Party (ANLP), but mostly mutual suspicion prevented long-lasting collusion between different rebel organisations. Perhaps the one source of unanimity between the Rohingyas and their Rakhine cousins was in their conviction that the woeful economic neglect of Arakan was deliberate on the part of the central government, whose primary concern in Arakan seemed to be counter-insurgency operations. After over 40 years of independence, Smith (1991: 244-5) observed "*absolutely no tangible development in Arakan at all.*"

The drive to bolster the regimes' security has informed many actions by the predominantly Burman military governments and *Tatmadaw* (Burmese Army) in the borderlands of Burma (Grundy-Warr and Rajah, 1997). Since the outbreak of the *Mujahid* Revolt, the authorities in Rangoon have tended to blame insurgency in northern Arakan on 'Chittagongs' acting in possible collusion with friendly Pakistani or Bangladeshi authorities (Christie, 1996:170). Unfortunately, this perception has made life extremely difficult for Rohingyas, who have often been treated as if they are illegal immigrants and outlaws. Consequently, periodic *Tatmadaw* operations have been launched in Arakan to evict "*illegal infiltrators*" back across the Naaf River. In the process, many Rohingyas have had their homes destroyed, faced forcible resettlement, and thousands have been caught up in the military sweeps and evicted to a foreign land, such as in 1975 when 3,500 Arakan Muslims were sent against their will to Bangladesh (Yegar, 1982: 128).

One of the biggest operations to clear out supposed illegal immigrants was code-named *Nagamin* (Dragon King) in 1978, which was responsible for an exodus of over 222,000 Muslim refugees from northern Arakan into the area between Teknaf, and Cox's Bazaar in Bangladesh (Elahi, 1987: 231) (see Figure 2). The Rohingyas were subjected to Army harassment, arrests, rapes and arbitrary violence (Elahi, 1987; Smith, 1991: 309). Burma's military authorities justified the *Tatmadaw* actions by claiming that it was necessary to determine the nationality of Arakan's Muslims as a prelude to a forthcoming national census. They also argued that thousands of illegal immigrants had entered Burma as a result of the 1971 East Pakistan war and subsequent creation of Bangladesh (Yegar, 1982: 129). In other words, the *Tatmadaw* was simply trying to carry out its patriotic duty by returning people who should not be in Burma. Different observers have argued that there are more sinister "*ethnic cleansing*" (Coll, 1992; Christie, 1996: 171) or "*de-Muslimisation*" (Yegar, 1982: 129) dimensions to the *Tatmadaw* operations in Arakan. Faced with international condemnation, particularly from Muslim nations, the Rangoon authorities blamed the reported atrocities in Arakan on "*armed bands of Bengalis*", "*wild Muslim extremists*", and "*rampaging Bengali mobs*" ransacking indigenous Buddhist villages (Smith, 1992: 241 citing *Forward*, August 1978).

In 1979, some US\$7 million of UN High Commission for Refugees (UNHCR) assistance was made available to the Burmese government to rehabilitate the returning refugees of Arakan province (Azam, 1983), and negotiations between Bangladesh and Burma resulted in the eventual repatriation of some 187,250 refugees to Arakan by 29 December 1979 (Abrar, 1996). Some of those who returned home found that their houses and land had been taken over by Buddhist settlers (*Far Eastern Economic Review*, 29 August, 1991: 26). Heavy-handed tactics by the Bangladeshi authorities were also used to force many refugees to return. For instance, the Bangladeshi government decided to hold back food for the refugees in order to induce them to return to their homeland. As a result the death rate for Rohingyas living in the camps reached a staggering 33 per 10,000 persons per week, with 10,000 refugees dying between May and December 1978 (Asia Watch, May 1992). Many refugees did not return and escaped or avoided the camps, whilst thousands of others eventually became exiles in Muslim countries as far away as Pakistan and Egypt, becoming "*Asia's 'new Palestinians'*" (Smith, 1991: 241).

Citizens or “Illegal Immigrants”?

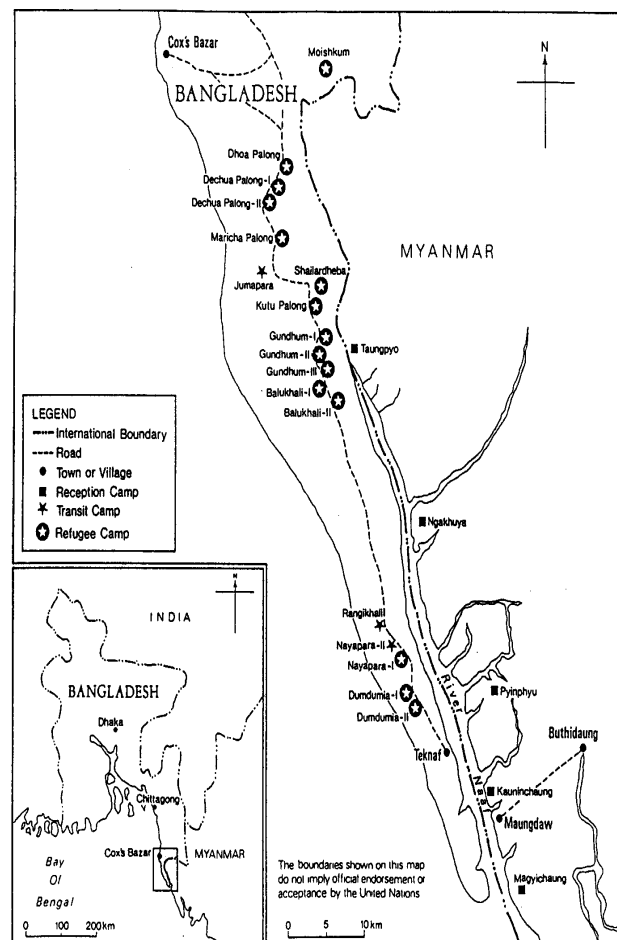
In 1982 a new citizenship law was drafted by the Burmese authorities which effectively created two classes of citizens. First, there were members of Burmese indigenous ethnic groups, and second, there were “associate” or “naturalised” citizens, mostly referring to people of Bengali/Pakistani origin and Chinese settlers (Elahi, 1987). In order to qualify for associate citizenship, a person’s ancestor must have applied and been acknowledged as an associate citizen before 1982 under the Union Citizenship Act (Lambrecht, 1995: 14). This worked against the Rohingyas because Arakan’s relative isolation and inadequate state infrastructure probably meant that their ancestors were unlikely to be registered. Rohingyas could qualify for naturalised citizenship if they were born in Burma and their parents resided in the state before 1948; or if one of the parents was recognised as a naturalised citizen. The 1982 Citizenship Act also set forth criteria which discriminated against the Rohingyas. Besides being of good character and sound mind, applicants had to be fluent in a national language (Lambrecht, 1995: 14). The citizenship laws clearly favoured ethnic Burmans rather than residents of ethnic minority areas living in outlying or border regions where cross-border population movements have been frequent (Asia Watch, May 1992). Finally, a person could have his citizenship revoked if found:

committing an act likely to endanger the sovereignty and security of the state ...or giving rise to the belief that he is about to commit such an act; ...strong disaffection or disloyalty to the state by any act/speech or otherwise;...committing an offence involving moral turpitude for which he has been sentenced to imprisonment for a minimum fine of one thousand kyats (Lambrecht, 1995: 13).

Under such circumstances, even the second-class citizenship was often out of reach for persons in the Rohingya community. Rohingyas were issued white identity cards instead of red ones issued to citizens of Burma. Having a white identity card was an official declaration that the Rohingyas were “foreign residents” within the country. As such, Rohingyas have been prohibited from participating in elective government or from joining the Army and restricted from certain economic activities (Elahi, 1987: 232).⁹ They were vulnerable to charges of illegal immigration and have been

subjected to further human rights abuses by the *Tatmadaw*. Writing about the repressive policies against the Arakanese Muslims in the 1980s, Elahi (1987: 232) correctly predicted further refugee crises as a direct result of a perpetuation of “a persecution syndrome” afflicting the Rohingya community.

Figure 2: Refugee Camps on the Bangladesh-Burma Boundary



Source: Medecin Sans Frontières (1994)

Military Build-up and the Rohingya Exodus

Following the military crackdown on the 1988 pro-democracy movement and the formation of the State Law and Order Restoration Council (SLORC), the military regime sought to secure large contested zones in the border regions of Burma, including the Mayu Frontier of Arakan. Between 1989 and 1991 there was a build-up of *Tatmadaw* battalions in Arakan, but particularly along the border with Bangladesh. This was partly in order to fight the small bands of fighters in the Arakan Rohingya Islamic Front (ARIF) and the more militant Rohingya Solidarity Organisation (RSO).¹⁰ However, it also appears that SLORC wanted to

change the facts on the ground in northern Arakan as it did in other parts of Burma, such as along the long border with Thailand, by resettling, removing and intimidating ethnic minorities or villagers suspected as having connections with rebel groups. During this period there were reports of entire communities being forced to leave their settlements to make way for military projects.

Thousands of civilians, from boys as young as ten to elderly men, were allegedly forcibly conscripted as unpaid labour for the construction and maintenance of new roads (Practical Management Report for UNHCR, December 1993). There are several reports providing Rohingya testimonies of forced labour and other abuses.¹¹ By August 1991 there were around 10,000 Burmese troops in Mawdaung and Buthidaung, including contingents from *Lone Htein*, a paramilitary security force that earned notoriety for its brutal handling of pro-democracy supporters in 1988. New helicopter landing pads, armoured vehicles and check-points were in evidence. At the same time there are reports of the deliberate confiscation of Muslim lands in some areas and of the resettlement of Buddhist Rakhines in the mostly Muslim north of Arakan (Kamaluddin, 1992; Amnesty International, October 1992).

Asia Watch has documented accounts of torture, rape and ill-treatment of Muslims in interviews conducted in the refugee camps in Bangladesh in March 1992 (Asia Watch, 7 May 1992: 12-16). These reports compliment those of the UN Special Rapporteur on Myanmar who found that the neglect of porters, including a failure to provide medical treatment for injuries sustained as a result of torture or for illnesses contracted during the course of portering and forced labour, resulted in many deaths (United Nations, 17 February 1993, E/CN.4/1993/37: 21). There is also evidence of deliberate killing of Muslims by the *Tatmadaw*. Refugees interviewed by Amnesty International cited over one hundred cases of deliberate killing of Muslims living in Buthidaung and Maungdaw townships. The organisation found that:

those deliberately killed included porters and labourers who were too weak to continue their work, individuals who refused or were unable to obey the army, suspected insurgents and victims of rape by the military, and Muslims fleeing to Bangladesh. Some were killed in their homes or villages; still others were prisoners at the time of their deaths. (Amnesty International, May 1992: 20-21).

One refugee described to Amnesty International the routine threats and intimidation meted out to Rohingyas. Such allegations appear to support the claim that human rights violations against Muslims in Arakan were part of a deliberate ploy to force them into leaving the country:

When we were beaten at different times we were often told that we should leave and that we weren't wanted in Burma. They said that we would be killed if we tried to go back. (Amnesty International, May 1992: 21).

The *Tatmadaw's* coercive measures in northern Arakan helped to create a mass exodus involving approximately 250,000 Rohingyas who moved into Bangladesh in 1991-92 (see Figure 2). Included in this refugee movement were also a small number of Hindus and Buddhist Rakhines.

Difficulties for Dhaka

Before many of the refugees had crossed the border the Dhaka authorities realised that problems were on the way. The Pakistanis had viewed with considerable alarm the militarisation of the mutual border area on the Burmese side, and reports had filtered across the border of the repressive actions being taken against the Muslim community (Kamaluddin, 1992). In the past, Rangoon has accused both East Pakistan and Bangladesh of harbouring insurgent groups such as the ARIF and RSO on their territory and to a certain extent this has been true, although not necessarily with official blessing (*Asiaweek*, 17 January, 1992). Whilst support for Burma's Muslim rebels may not come directly from the government, Bangladesh's right-wing party, *Jamaat-i-Islam*, has been known to finance the Rohingya Solidarity Organisation. Bangladeshi soldiers have also been known to turn a blind eye to the smuggling of weapons to the guerrilla bases in Arakan (*Asiaweek*, 21 February, 1992). Nevertheless, it is important to recognise that East Pakistan/Bangladesh has had its own complicated history and problems of assimilating very large numbers of refugees after the partition of India (Haque, 1987), and Bangladesh's socio-economic development is bedevilled by the persistent problems associated with huge population pressure on existing resources. Thus, Bangladesh may sympathise with oppressed Muslims in Arakan but the government is unlikely to want to precipitate a situation whereby Muslims from a neighbouring country seek asylum in Bangladesh.

In November 1991, the then Foreign Minister of Bangladesh, Mustafizur Rahman met with SLORC officials in Burma to discuss the problems. Only

one month after his visit, official cross-border relations turned sour after *Tatmadaw* troops attacked Bangladeshi border posts while supposedly giving hot-pursuit to Rohingya rebels (Kamaluddin, 1992). As a result of this incident, both states began militarising the borderlands even more than before in anticipation of further clashes. According to the Bangladesh border troops, the Burmese brought in an extra 10,000 troops armed with Chinese and East European 105mm field guns aimed towards Bangladesh (*The Star*, 18 February, 1992). It is little wonder that Dhaka viewed the crisis in Arakan as a potential threat to peace and security. For a while the Bangladesh government hoped that Beijing would intervene to resolve the issue. As Burma's major international trading partner and source of military hardware, China is clearly a big power with influence over SLORC, but Beijing preferred not become involved (Kamaluddin, 1992). Meanwhile, Dhaka's efforts at quiet bilateral diplomacy ended in stalemate (*The Economist*, 21 March 1992). So after some delay Dhaka turned to the international community, particularly to the United Nations, for assistance.

Forcible or Voluntary Repatriation?

Between September 1992 and the end of 1993 virtually all repatriations of Rohingya refugees were forceful ones. During this period the UNHCR was not present in Arakan and it had no agreement with SLORC to provide assistance to returnees. Repatriations had begun under a bilateral agreement between the government of Bangladesh and SLORC. Human Rights Watch Asia (September 1996) in a document entitled '*Ending a Cycle of Exodus*' is critical of the authorities concerned for failing to prevent serious abuses in the refugee camps, including beatings of refugees by security guards, and the denial of food rations by camp officials, which as in 1978, represent coercive measures aimed at pushing refugees into returning to Arakan. Indeed, as many as 50,000 refugees returned back across the border involuntarily and without the UNHCR being able to trace their whereabouts.

After UNHCR protests about the nature of repatriation and ill-treatment of refugees in camps, the organisation managed to sign agreements with the Bangladeshi authorities and with SLORC in May and November 1993 respectively, giving the UNHCR a role in repatriation on both sides of the border. The UNHCR's Memorandum of Understanding (MOU) with the Burmese authorities gave the organisation access to returnees, allowed them to be issued with appropriate identification

papers and enjoy freedom of movement (IMA News Agency, 8 November 1993; Associated Press, 5 November 1993). With UN observers stationed in Arakan a new program of mass repatriation started in early 1994 with a stated aim of completing repatriation within one year. However, in doing this the UNHCR gave up the right to interview each refugee individually to ensure that he or she was returning of their own free will.¹²

A survey conducted by the UNHCR revealed that only 27% of the refugees wanted to return, which explained why repatriation was slower than the organisation had hoped. However, following a cyclone which left over 7,000 refugees without shelter, a new survey was conducted and found that 97% of refugees were willing to return (*Burma Issues*, July 1997: 3). Several NGOs in Bangladesh were concerned that many of the Rohingyas did not fully understand the implications of registering for repatriation, and that many people may not have realised that they could say no to repatriation and apply for asylum.¹³ As an account in *Burma Issues* (July 1997: 3) observes:

The UNHCR's Handbook on Voluntary Repatriation states that repatriation is not voluntary "when host countries deprive refugees of any real freedom of choice." By not informing refugees of alternatives to returning home, the UNHCR appeared to ignore their own handbook.

UNHCR actions have undoubtedly improved the efficiency of repatriation and they have also enabled UN officials to monitor the situation in the camps and on the ground in Arakan. However, the UNHCR has not been able to eliminate abuses against refugees and returnees.¹⁴ The total number of returnees is estimated to be around 230,000 persons, although approximately 21,500 refugees remaining inside two large camps. The embarrassing issue for the UNHCR is that in 1996 and 1997 there has been a small but significant influx of new refugees, including people who had undergone earlier repatriation (*Burma Issues*, July 1997: 3; Nurul Islam, 1997; *The Asian Age*, 4 August, 1997). For instance, the Rohingya Solidarity Organisation claims that 14,000 new refugees have crossed into Bangladesh since June this year, whilst the UNHCR put the figure at 7,000 and claim that many are mostly "*economic migrants*" and the Bangladeshi authorities have stated "*several thousand*" new refugees (*The Asian Age*, 4 August 1997). Meanwhile the UNHCR has reportedly moved from annual funding for the refugee operation in Bangladesh to operations

funded on a month by month basis (*The Asian Age*, 19 August 1997).

The deadline for returning most of the remaining refugees passed on 15 August 1997, leaving thousands of refugees in Bangladesh with an uncertain future. The UNHCR has suggested that Bangladesh should try to absorb the refugees but there is official resistance to this idea. Several thousand refugees have escaped the camp system. As early as November 1993, Golam Murtaza, Bangladesh's repatriation and relief commissioner, stated that as many as 30,000 Muslim refugees had fled the camps in the period 1991-93, either mingling with the local population or migrating to third countries in order to avoid repatriation to Arakan (Reuter, 11 November 1993). Cox's Bazaar residents have apparently complained that Rohingyas are competing with local people for scarce jobs as crews in the local fishing industry. Elsewhere, the influx of large numbers of people from Arakan has produced greater pressure on local natural resources, particularly firewood (Aris Ahmed, 1996). Many Rohingyas have made temporary homes out of bamboo and plastic sheets in the forested and hilly areas (Qadir, 1997).

The controversy regarding the forced or voluntary nature of repatriation refuses to die down. In July this year the repatriation process came to a halt after refugees in the two remaining camps resisted repatriation, which led to skirmishes with Bangladeshi security guards on 20 July (Nizam Ahmed, 1997). At a Nayapura refugee camp some 12,000 refugees refused food rations provided by the authorities in July as a form of protest against "forcible repatriation." Apparently this was in reaction to earlier incidents in which women and children were allegedly hit with batons and forced into boats by Bangladeshi officials prior to making the Naaf River crossing into Arakan (*Ibid.*). Such reports have produced further calls from NGOs for repatriation policies to be redefined or reassessed (Asia Watch, September 1996; *Burma Issues*, July 1997).

Security, Sovereignty and Refugees

there are situations in which ethno-national claims to represent particular people and territory cannot and should not be ignored. In particular, when states experience severe and prolonged intercommunal conflict, the usual assumption that a state constitutes an indivisible legal entity whose voice is expressed in international affairs by the incumbent government becomes untenable. In

such cases, each of the contending substate communities should be given a voice in international decision-making concerning the future of the state. (Wippman, 1995: 588-9)

An understanding of what is taking place at the borders – to borderland people and minority groups, to displaced people and cross-border migrants – is a necessary aspect of a broader conceptualisation of state-societal conflicts, ethnic politics and the internationalisation of such conflicts (Grundy-Warr and Rajah, 1997). Any reassessment of refugee problems should address the fact that our definitions of minority groups, international migrants, and refugees are based on our concepts of nation-statehood and territorial sovereignty. As we have noted in this paper, repatriation negotiations are conducted with state bodies and as such legitimise states and inter-stateness but do not get to the roots of the refugee problems. Yet it is obvious that whilst states still "constitute paramount membership communities" they are not always able to provide the people who live in their territories "protection against violence" nor are they always able to provide "conditions that enable them to survive materially" (Zolberg, Suhrke and Aguayo, 1989: 33).

The Rohingya refugee crises have political and historical roots relating to the evolution of nation-statehood in Burma and in neighbouring Bangladesh. As Clive Christie (1996) has shown in his insightful history of Southeast Asia from "the losers' point of view", the Rohingyas represent one of the so-called "counter-identities" vis-à-vis the dominant "state-centred" national identities of dominant ruling groups. Furthermore, it is the drive for state-centred security that lies at the heart of the Rohingyas' current dilemma. The on-going problems of the Rohingyas are compounded by the fact that as a 'minority' people in Burma they have been excluded from full or even second-class citizenship rights. Yet even a brief knowledge of the history and political geography of Arakan illustrates the fact that Muslims have lived there for many generations and that cross-border contact and migration is a traditional aspect of life for these 'frontier' people.

Nevertheless, the military regime of Rangoon has viewed external contacts and immigration as a destabilising and security threatening issue, and it has tended to paint the Rohingyas as a population of "illegal infiltrators", "foreigners" and potential or actual insurgents. Since the introduction of the 1982 Citizenship Act many Rohingyas have faced discrimination and dislocation as a result of

deliberate *Tatmadaw* actions. Without a thorough amendment of Burma's citizenship laws there seems to be little hope of lasting peace and security for the Muslims of Arakan, or indeed for their Rakhine cousins who have also been affected by recent *Tatmadaw* violence.

Our analysis suggests that the issue of repatriation requires considerable care and attention to the refugees' motives for moving and their legitimate fears of violence in their places of origin. Zolberg, Suhrke and Aguayo (1989: 33) have stated that:

As people forced to move abroad in order to survive, either because their own state is the cause of their predicament or because it is unable to meet these basic requirements, such people are genuine international outcasts, stateless, in the deep meaning of the term...

It is a fact that the *statelessness* of the Rohingyas can not be resolved by repatriation if they are not granted full citizenship rights by their own central government. Furthermore, the *non-refoulement* provision of the 1951 Refugee Convention provides that legitimate refugees must be given safe asylum and not be forcibly repatriated as long as they are in danger in their country of origin. It seems fair to argue that the majority of the people who have fled from Arakan into Bangladesh in recent times did so from well-founded fears of violence. Whilst the scale of violence against Rohingyas may have currently subsided, for reasons outlined above, the Muslims are not adequately protected by national laws and they remain vulnerable to harassment, intimidation and various form of abuse perpetrated by the *Tatmadaw*. Evidence from concerned NGOs and also from the UNHCR reveals that Rohingyas have not been fully protected as legitimate refugees. There has often been a lack of adequate monitoring inside the camps and of returnees back to Arakan, and it is clear that forcible repatriation has sometimes taken place.¹⁵ Frequently the refugees are not given adequate information about their asylum rights by the appropriate authorities in the host state (Asia Watch, 1996; Burma Lawyer's Council, 1997).

In mid-1997 Rohingya refugees are still entering Bangladesh, although in much smaller numbers than the mass exodus of 1978 or 1992, and the Bangladeshi border guards are preventing others from entering. This strongly suggests that political and economic conditions in Arakan are little improved for the Rohingyas. Human Rights Watch Asia has argued that if the UNHCR finds it cannot guarantee protection of the rights of returnees then

the organisation should not assist in preventing potential authentic refugees from seeking asylum in Bangladesh or in a third country. In the context of Burma, which has experienced protracted social conflict and has numerous unresolved state-minority tensions, the arbitrary distinction between "political" and "economic" migrants as a way of deciding who is or isn't a *genuine* refugee is virtually meaningless. This is particularly so for Rohingyas who come from one of the most neglected peripheries of Burma.

It is hoped that the recent incorporation of Myanmar (Burma) into the Association of Southeast Asian Nations (ASEAN) will bring about new initiatives that pressure SLORC into negotiations with the democratic and ethnic minority movements of Burma. In the case of the Rohingyas, it should be stressed that two of the key members of ASEAN – Malaysia and Indonesia – are Muslim majority countries. ASEAN's admission of Myanmar into its fold without political preconditions and in spite of protests from Western governments does not necessarily imply that the ASEAN members do not want to see SLORC making some visible concessions. As Alan Smith (1997: 19) puts it:

ASEAN and the region are going to be engaged with Burma and the SLORC. The challenge is to devise ways to utilise engagement opportunities which will emerge through Burma's emerging integration with the region...A regional initiative might be mobilised to legitimise the demand by the ethnic nationalities that cease-fires should be accompanied by an appropriate process of addressing the underlying political grievances and economic needs of the ethnic areas.

The fact of ASEAN membership will alter the nature of international dialogue with SLORC and means that to a greater extent than before ASEAN will need to be sensitive to the internationalisation of the new member-state's political and ethnic conflicts, including the unresolved refugee crises involving Rohingyas, Karens, Karennis, Shans, Mons, Burmans, and others.

Fundamental human rights, dignity and genuine human fears of violence are often blurred when refugees are treated as pawns in both intra- and inter-state security and sovereignty affairs. All too often the basic underlying causes of refugee situations are conveniently ignored or pushed aside. It is worth reiterating a quote from Mrs Sadako

Ogato, United Nations High Commissioner for Refugees on 4 January 1996:

*I believe large-scale repatriation can succeed only if there is a concerted and comprehensive effort to create proper conditions of return – politically as well as economically. A multidimensional concept of peace must include not only freedom from war but also from want. Without that, people may come home, but for how long, and at what cost to the peace process itself?*¹⁶

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Notes

¹ Due to the historical nature of most of this paper we have kept to the names 'Burma' and 'Rangoon' rather than the official (since 1989) transliterations 'Myanmar' and 'Yangon'.

² In this paper we have adopted a definition of refugees that was developed by Zolberg, Suhrke and Aguayo (1989) in their aptly titled book *Escape From Violence*. As they put it: "We...define refugees as persons whose presence abroad is attributable to a well-founded fear of violence, as might be established by impartial experts with adequate information" (p.33). They define three sociological sub-types of refugees – activists, targets and victims, but go on to point out that whatever the group they all may have a fear of immediate violence or be caught up in actual conflict, therefore they all have "an equally valid claim to protection from the international community" (p.269).

³ David Brown uses the term "ethnocratic state" "to signify the situation where the state acts as the agency of the dominant ethnic community in terms of its ideologies, its policies and its resource distribution...Burma is not an 'ideal-type' ethnocratic state. Each of its constitutions have enshrined the right of ethnic minorities to practise their cultures; the five stars clustered around the larger star in the Burmese flag symbolise 'unity in diversity' rather than assimilation; and Buddhism has never been explicitly and consistently employed as a state ideology to promote Burman

culture." Brown then goes on to argue that the development of an ethnocratic state tendency necessitates an examination of the development of Burman nationalism, particularly in the period of British rule following the removal of Burman authority structures. In the post-colonial period, state-ethnic minority tensions have been aggravated by several 'Burmanisation' policies, and since military rule, by the forcible nature of state penetration into peripheral communities and territories. Refer to: Brown, D. (1994) 'The ethnocratic state and ethnic separatism in Burma' in *The State and Ethnic Politics in Southeast Asia*, London: Routledge, Ch.2.

⁴ Similarly, the name given to the Buddhist people of Arakan, the 'Rakhine', is also derived from the ancient name of the state.

⁵ By 1931, Indian immigration had inflated the Indian population of Burma to an extent where Indians threatened the employment prospects of Burmans across skill sectors. Indians had become the dominant community in Rangoon under the British.

⁶ Yegar (1982) points to other intra-communal tensions amongst the Muslim population as a result of the influx of Indian Muslims. For example, Burman Muslims spoke Burmese but many Indian Muslims spoke Urdu or other Indian languages, which meant that there was disagreements over the language of instruction in Muslim schools. There were differences in customs and in dress. Indian women tended to veil their faces purdah-fashion, which was practically unknown amongst Burman Muslims. Indians could marry more than one wife, whereas most Burmans practised monogamy. Burman Muslims interacted more easily with their Buddhist neighbours than did the recent Indian migrants. Furthermore, the Burmans had adopted a number of the customs from their Buddhist environment which were anathema to the Indian Muslims, such as the habit of consulting astrologists to help make important decisions, various rituals at birth, betrothals, weddings and other family celebrations.

⁷ In May 1946, a number of Muslim Arakanis appealed to Ali Jinnah to incorporate Arakan into a future Pakistan. The North Arakan Muslim League was established in Akyab. However, its support base was mostly the 'Chittagongs' in Arakan. Pakistan came into existence as a separate political territory in August 1947, but Arakan was to remain as an integral part of neighbouring Burma.

⁸ *Dar al-Islam* refers to 'House/Abode of Islam' or Islamic territory where Islamic rule exists.

⁹ The vulnerable and uncertain position of the Rohingyas is reinforced by a statement by the then Minister of Immigration and Manpower for Myanmar, Lt. Gen. Mya Thinn, who pointed out that due to the Rohingya's lack of citizenship, their "status situation does not permit them to travel in the country. They are also not allowed to serve in the State positions and are barred from attending higher education institutions." Quoted in a report by the UN Special Rapporteur to Burma in early 1996 (*Burma Issues*, July 1997).

¹⁰ Neither the ARIF nor the RSO are estimated to have great financial or military strength, and it is extremely difficult to know how many followers these rebel groups have. One report in the *Far Eastern Economic Review* (29 August 1991: 28) stated that the ARIF had 200 fighters and the RSO about 600 fighters using mostly out-dated weapons. It may be concluded from this that the *Tatmadaw* was not especially threatened by these groups in the early 1990s. Other lightly armed but active groups include the Rohingya Popular Front (RPF), the Rohingya Liberation Army (RLA), and *Harkate Jihadul Islam*.

¹¹ For example, refugees interviewed by Amnesty International (May 1992) described carrying out a variety of tasks for the military, such as carrying heavy loads of food, bricks or ammunition; working on road construction projects digging trenches or moving earth; constructing and maintaining military camps; or acting as servants for troops in army camps. They also reported being forced to build new villages for the Buddhist Rakhine settlers whom the *Tatmadaw* moved into the area. Reports of forced labour of Muslims from Arakan continued to be reported by newly arrived refugees in Bangladesh during May and June 1992 who fled after they were forced to give up their possessions or had been conscripted into labour projects (Information Bulletin No.2 on Bangladesh, UNHCR Public Information Section, 11 June 1992: 2). See also, Practical Management Report to the UNHCR, December 1993.

¹² For an insightful critique of the UNHCR's repatriation strategy refer to reports by Human Rights Watch Asia. One report dated September 1996 examines the extent to which the refugees have been able to make fully informed decisions about their return, based on knowledge of their right to request continued asylum and objective information about conditions in their home territory. It also looks at various elements of the reintegration program, such as the consequences of the UNHCR having as its implementing agency or government partner an ostensibly civilian agency that in some parts of Arakan is under the direct command of the military. Finally, the report documents a pattern of continuing discrimination and other abuses against the Muslim people of Arakan, from denial of citizenship, forced portering, and forced relocation of villagers.

¹³ This was confirmed in a survey of refugees conducted by Medecins sans Frontieres-Holland, *Awareness Survey: Rohingya Refugee Camps, Cox's Bazaar District, Bangladesh*, 15 March, 1995.

¹⁴ For instance, in a preliminary report to the UN General Assembly concerning his visit to Myanmar (Burma) in November 1993, the UN Special Rapporteur on Myanmar stressed that their remain "*many serious restrictions and grave violations of human rights and fundamental freedoms.*"

Human Rights Watch Asia has continued to report a number of these in connection with the Rohingya situation.

¹⁵ Indeed, at the time of writing (September 1997) there are still news reports of Rohingyas in one of the

refugee camps refusing food from the camp authorities in protest against forcible repatriation.

For instance, *Reuters* (18/9/97) 'Refugees, police clash at Bangladesh camp' reported that rival groups of refugees were fighting in Nayapura camp. One group apparently wanting to prevent the other group from accepting food rations in a protest against forcible repatriation. Security has subsequently been tightened at the camp which has a population of approximately 12,000 Rohingya refugees.

¹⁶ Cited in *Burma Issues*, July 1997: 2.

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