

Citizenship and Discrimination Issues of Muslims in Myanmar

Graeme Swincer, November 2016

The issue of citizenship for the Rohingyas of Rakhine state in Western Myanmar is well known and well documented. In general this ethnic group, who are almost all Muslims, has been denied citizenship of Myanmar, and has been persecuted and mistreated relentlessly by the government for more than half a century and most aggressively since 1982. Thousands have sought refuge in Bangladesh, Thailand, Malaysia and beyond. However hundreds of thousands of non-Rohingya Muslims, who live mainly in other parts of Myanmar, have also faced great difficulty in relation to both their citizenship and their place in society. At the very least, as a general rule, they have been treated as second class citizens.

A critical issue is the gap between the constitution and the law on the one hand, and implementation on the other, at both local and national level. Related issues include voting rights, links to ethnicity, various other kinds of political and economic discrimination, and protection by the authorities in relation to targeted violence.

Citizenship rights

According to Myanmar's "controversial" 1982 citizenship law, there are three categories of citizens – citizen, associate citizen and naturalized citizen. Muslims have often been placed in the "associate citizen" category or been required to apply for verification of their citizenship.

A recent report "*Myanmar immigration try to shape mainland Muslims as stateless*"¹ shows that Muslims (not just Rohingyas) continue to be vulnerable to denial of full citizenship. The National Islamic Organization of Myanmar urged their community not to readily accept the offer of a National Verification Card ("green card") rather than a National Registration Cards ("pink card") which indicates full citizenship – being implemented "*in some Muslim majority wards and township in recent months*". The Organization says this would "*wipe out their historic existence*". It was reported that Muslim villagers were not interested in taking the offered cards that would not grant them full citizenship, noting they have a sound history of participation in the nation's society. It was also reported that the government also plans to implement this process in other parts of the country. The report states that this systematic plan of discrimination started during the decades of military junta rule; "*Myanmar Muslims have been removed from the country's official ethnic list before denying to hold national registration card that grant full citizenship*". Now, the government is "*trying to shape Muslim community as stateless or foreigners or illegal immigrants by issuing NVC card although Muslims have been playing in major role in country history*".

It had been hoped that the situation would improve for Muslims following the November 2015 election of a new government. However this has not happened, nor is there much optimism among the Muslim population. The defective 2008 constitution ensures that the elected government has no authority to ease escalating persecution against the Muslim minority. "The generals", dominated by Senior General Min Aung Hlaing, with their allocated 25% of the seats and automatic right to key ministries, retain effective determinative power.

A New York Times report "*After Myanmar Election, Few Signs of a Better Life for Muslims*"², explains that a few months before the elections, the military-backed previous government struck hundreds of thousands of Muslims from the voter rolls. To be reinstated, they would have to prove their citizenship, but without using their government-issued ID cards, which the government had cancelled. "*It was only the latest indignity heaped on the country's several million Muslims, who face discrimination and have been subjected to murderous campaigns*

¹ Aung Thiha, 5 September 2016, <http://www.m-mediagroup.com/en/archives/8726>

² Austin Ramzy with Eaint Thiri Thu and Saw Nang, 18 November 2015, http://www.nytimes.com/2015/11/19/world/asia/myanmar-election-rohingya-muslims.html?_r=0

by radical Buddhists.” Clearly the citizenship issue takes in all the Muslims of Myanmar, not just the Rohingyas.

Just as clearly now, the new government is not promising any reforms. For example, the agenda was flagged on 1 April 2016 when the new minister for religious and cultural affairs took office and immediately referred to the Muslim and Hindu communities as “associate citizens”³. Thura Aung Ko, a former general who was the deputy minister of religious affairs in the previous military-backed government, clearly indicated a continuation of the old policies. Wunna Shwe, the Joint General Secretary of the Islamic Religious Affairs Council, said that the council was upset with the minister’s use of the word ‘associate citizens’:

“It’s meant to hurt us and affect the real situation we are in. It is quite painful to hear.”

The Union of Myanmar Islamic Religious Affairs Council released a joint statement raising a formal objection to the remark, calling for an explanation.

An academic article, *“The Dark Side of Liberalization: How Myanmar’s Political and Media Freedoms Are Being Used to Limit Muslim Rights”*⁴, published after the 2015 election, argues: *that enforcement of the four Protection of Race and Religion Laws will disadvantage Myanmar’s already politically marginalized Muslim residents by creating a de facto religious test for full Myanmar citizenship rights.*

The citizenship difficulties faced by Myanmar’s Muslims goes back several decades. For example in 2002 the US Department of State’s Foreign Affairs Manual was quoted as follows⁵:

Many members of Burma’s ethnic minorities who are entitled under the Citizenship Law to be full citizens have no identity cards, especially those who live in areas which were not under government control for long periods. Access to written records, the difficulty of traveling to government-controlled areas for registration, and a general unwillingness of the government to register such people make the process of proving citizenship immensely difficult.

For many years the challenge of obtaining documented citizenship has been extremely difficult for most Myanmar Muslims, in terms of both the costs and the bureaucratic hurdles.

Discrimination

Discrimination is perhaps the kindest word that can be chosen to describe the treatment of Myanmar’s Muslims at the hands of the Buddhist Majority. Outside observers have tended to downplay this reality in spite of the strong evidence of escalating human rights violations.

The situation is summarised by UNSW Law School expert on Myanmar, Dr Melissa Crouch. Her article *“Persecution of Muslims in Myanmar is misunderstood by the West”*⁶ warrants quoting at some length:

Since 2012, the anti-Muslim violence has affected a range of Muslim communities in towns right across Myanmar. The violence has not just affected Muslims who may identify as Rohingya.

Muslim businesses have been targeted. Mosques burnt down, damaged and closed. Homes of Muslim families destroyed. Many Muslims have been injured and some killed. Muslims face discrimination in educational and employment opportunities. This is not new, but has a long history in Myanmar. At times, monks have been clearly implicated in this anti-Muslim violence.

³ “Myanmar religion minister angers Muslims with comments”, Phyo Thiha Cho, *Myanmar Now*, 6 April 2016, <http://www.myanmar-now.org/news/i/?id=e711ade0-75c6-4366-997b-cba8de7835cf>

⁴ Ronan Lee, *Islam and Muslim-Christian Relations*, Volume 27, 2016 - Issue 2, Pages 195-211, <http://www.tandfonline.com/doi/full/10.1080/09596410.2016.1159045?needAccess=true>

⁵ Research results from the Research Directorate, Immigration and Refugee Board, Canada, 2002, <http://www.refworld.org/docid/3f7d4d637.html>

⁶ SMH, 3 December 2015, <http://www.smh.com.au/comment/persecution-of-muslims-in-myanmar-is-misunderstood-by-west-20151201-gld2g0#ixzz41LaPpYGM>

While the international community has seemingly confused all "Muslims" with "Rohingya" in Myanmar, this is not the reality. Most Muslims in Myanmar do not self-identify as Rohingya. The Muslim population is highly diverse, and many identify as "Burmese Muslim".

It is true that Muslims in Rakhine State, some of whom identify as Rohingya, are certainly among the worst off and these communities have faced large-scale displacement and marginalisation. The humanitarian crisis is severe.

Since the precarious transition to democracy, Muslim communities in Myanmar have been the primary targets of persecution. [emphasis added]

The U.S. Department of State's *International Religious Freedom Report for 2015 for Burma*⁷ notes the "rise of anti-Muslim hate speech and tension". The report states that the US embassy regularly highlighted concerns about religious-based tension and anti-Muslim discrimination and called for respect for religious diversity and tolerance. The following quotations provide illustrative detail:

Muslim community representatives reported that in some cases Muslim businesses were unable to procure government contracts without a Buddhist "front" person and were prevented from owning licenses to open airlines and banking businesses. Media and religious sources said local authorities in Irrawaddy Division began to restrict the licensing and butchering of cattle by Muslim slaughterhouses, which negatively affected business operations and the ability of Muslim communities to celebrate Islamic holidays.

Anti-Muslim literature circulated widely in communities throughout the country and included incitement to violence and called for boycotts of Muslim business and other forms of anti-Muslim discrimination. [emphasis added]

Buddhists reportedly prevented Muslims from living in some areas and displayed signboards pronouncing the areas had been "purified" of Muslims. In Karen and Mon States there were anti-Muslim sermons and campaigns to prohibit business dealings between Buddhists and Muslims. In other areas, Buddhists reportedly would not sell or rent property to Muslims.

Other reporters and analysts have provided additional detail. The Indonesian Consortium for Religious Studies Yogyakarta, Indonesia have published a substantial study which includes information on "Recent Buddhist-Muslim Conflicts in Myanmar"⁸. This study notes that:

June 2012 witnessed the first and most widespread violence, riot and clashes between Rakhine Buddhists and Muslims, largely said to be Rohingya Muslims, and left 200 dead and thousands displaced. . . .

*(More) violence broke out again in October of that year and **non-Rohingya Muslims were also targeted by the Buddhist mobs.*** [emphasis added]

In March 2013, an argument in a gold shop in Meiktila in central Myanmar led to violence between Buddhists and Muslims which left more than 40 people dead and the entire neighborhood razed. This was followed by another incident in August 2013 in which rioters burnt Muslim-owned houses and shops in the central of Kanbalu after the police refused to hand over a Muslim man accused of raping a Buddhist woman. . . . in June 2014, two people were killed . . . in Mandalay, Myanmar's second city, following a rumor that spread on social media that a Buddhist woman had been raped by her Muslim employers. It was found out that the accusation of that woman was not true and she was paid to do so.

The article declares that there have been other conflicts between the Buddhist and Muslim communities all over Myanmar since 2012. Many people observed that these conflicts and violent incidents were often

followed by hate speeches against Islam and Muslims in some Buddhist monks' sermons, social media, pamphlets and stickers distributed by the Association of the Protection of Race and Religion, known as Ma Ba Tha in Burmese. . . . an anti-muslim campaign led by Buddhist extremist call for boycotts on Muslim shops and encourages attacks on muslim communities, . . . eviction of

⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁸ *Ulama, State, And Politics In Myanmar*, Naw Lily Kadoe and Fatimah Husein, Indonesian Consortium for Religious Studies Yogyakarta, Indonesia, 2015, www.aljariah.or.id/index.php/AJIS/article/download/391/243

*Muslim from Myanmar. A recent opinion poll of Myanmar people placed inter-communal conflict as the second-biggest problem facing the country today, behind unemployment.*⁹

The study of the Indonesian Consortium for Religious Studies also noted that:

Various sources from incidents of inter-communal conflict since 2012 demonstrate failures by local officials and security forces in responding to threats to property and life equally, and in some cases direct involvement in violence against Muslims.

The 2015/2016 “Amnesty Report Myanmar”¹⁰ also emphasised the failure of authorities to address rising religious intolerance and incitement to discrimination and violence against Muslims, allowing hardline Buddhist nationalist groups to grow in power and influence.

Similarly, in July 2016, the UN special rapporteur on human rights, Yanghee Lee, was scathing in her criticism and urged the country’s leaders to denounce acts of religious violence against minority Muslims¹¹. At the end of a 12-day trip to Myanmar, she said religious tensions remain pervasive across Myanmar, citing the building of Buddhist stupas in close proximity to churches and mosques in Kayin State, and a recent mob attack resulting in the destruction of properties including a mosque and a Muslim cemetery in Bago Region. Ms Lee criticised the government’s decision not to take action against individuals involved in the mob attack in Bago Region on 23 June 2016. She added:

“The continuing restrictions on the freedom of movement of the Rohingya and Kaman communities cannot be justified on any grounds of security or maintaining stability.”

First hand reports that add confirmation to this analysis are listed below, beginning with the most recent.

- “*‘No Muslims allowed’: how nationalism is rising in Aung San Suu Kyi’s Myanmar*”¹²
(Examples of anti-Muslim discrimination and violence met with government inaction in the post-election period: “Concerns grow that Buddhist extremism may flourish unless the country’s new democratic leaders counter discrimination against minorities”.)
- “*After Myanmar Election, Few Signs of a Better Life for Muslims*”¹³
(Documentation of the exclusion of Muslims from political representation)
- “*Muslims with citizenship barred from Myanmar election, living in poverty*”¹⁴
(2,000 Kamans, Myanmar citizens forced to live in a small refugee camp on an island since suffering anti-Muslim violence in 2012, and yet to recover their former lives; fearful of leaving even if the government was to lift travel restrictions)
- “*What is happening against Muslims in Burma?*”¹⁵
(Description and analysis of the violence in Mandalay in July 2014: documenting “growing fear and consternation amongst the country’s Muslim communities”, the complicity of the authorities, lack of police protection, incitement to “eliminate all Muslims of the country”, failure of the government to effectively condemn or intervene; plus summary of the plight of the Rohingyas)

⁹ Ibid.

¹⁰ <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>

¹¹ *Rights rep seeks action on religious issues*, Lun Min Mang, The Myanmar Times, 4 July 2016, <https://www.pressreader.com/myanmar/the-myanmar-times/20160704/281487865667027>

¹² Poppy McPherson, Additional reporting by Cape Diamond and Aung Naing Soe, 25 May 2016, <https://www.theguardian.com/world/2016/may/23/no-muslims-allowed-how-nationalism-is-rising-in-aung-san-suu-kyis-myanmar>

¹³ Austin Ramzy, 18 November 2015, http://www.nytimes.com/2015/11/19/world/asia/myanmar-election-rohingya-muslims.html?_r=0. A version of this article appears in print on November 19, 2015, on page A8 of the New York edition with the headline: New Leaders in Myanmar Unlikely to Improve the Lives of Muslims.

¹⁴ Jack Board, 1 November 2015, <http://www.channelnewsasia.com/news/asiapacific/muslims-with-citizenship/2231176.html>

¹⁵ Fayas Ahmed, Kaladan News, 22 July 2014, <http://www.kaladanpress.org/index.php/feature-mainmenu-28/365-2014/4602-what-is-happening-against-muslims-in-burma.html>

- “Being Burmese”: Anti-Muslim Violence and Burma’s Modern-Day Frontiers¹⁶

This extensive June 2014 article documents and analyses the rise of Buddhist extremism, based on first hand experiences which are described in detail.

[In April 2013] I visited Meikhtila and found block after block of homes destroyed, and thousands of people, both Buddhist and Muslim, driven into camps. Over the subsequent six months, spates of deadly attacks happened in other parts of the country, and appeared to follow a pattern — trigger events causing mobs to arrive quickly in trucks and torching neighborhoods, and longtime residents often commenting that mobs were formed of “outsiders.” The similarities in method of attack has raised the question of whether a higher organizing force is orchestrating the violence, a theory given added weight by the fact that some of the locations, like Hpakant in Kachin State, had tiny Muslim populations with no history of tensions with their Buddhist neighbors. Moreover, video footage emerged of police standing by and watching as the violence raged in Meikhtila — a sight mirrored elsewhere in 2013. Either the spread of interreligious animosities has been so rapid and overwhelming that communities that for decades had coexisted harmoniously are suddenly erupting in fits of rage, or a dark hand is deliberately instigating the unrest. . . .

But the underlying prejudice is not particular to western Burma — instead, as attacks on Muslims elsewhere signal, the conflict is being increasingly drawn along religious lines, and with that demarcation, the potential for its containment recedes greatly. . . .

But the great irony in Burma today is that forces across the entire political spectrum, from those who suffered immeasurably in the fight for democracy, to those architects of that suffering, are working to ensure that conversation [about religious and ethnic harmony] doesn’t happen.

Conclusion

There can be little doubt that the Muslims of Myanmar, numbering perhaps 4% of the population have endured many years of trouble. Their struggles and suffering seem to be increasing in spite of the political movement towards democratic rule and international pressure. The plight of the Rohingyas has become quite well known, but hundreds of thousands of non-Rohingya Muslims, who live mainly in other parts of Myanmar, have also faced great difficulty in relation to both their citizenship and their place in society. At the very least, as a general rule, they have been treated as second class citizens. The escalation of discrimination and violence and the lack of progress on citizenship security has caused many of these people to flee the country and seek safety elsewhere.

¹⁶ Francis Wade, June 15, 2014, <https://lareviewofbooks.org/article/burmese-anti-muslim-violence-burmas-modern-day-frontiers/#!>. Wade is a journalist and analyst based in Thailand, and consultant with the International State Crime Initiative.