

## **ROHINGYA MINORITY IN MYANMAR BETWEEN THE RELIGIOUS PERSECUTION AND THE REALITY OF CONSTITUTIONAL PROTECTION**

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### **ABSTRACT**

*The government's performance in the State of Myanmar raises questions about the reality of its position on what is happening to the range of its citizens who are Muslims Alohengjian, it bear full responsibility for the protection and preservation of their rights. Despite the government's signing of Myanmar on the international agreements and conventions on human rights, despite its stated commitment to the protection of human rights and the promotion of democracy and the rule of law; the government has not taken any real action to protect the Rohingyas and address violence or stop racist policy of ethnic cleansing, which govern the Muslims of Rohingya by Buddhist extremists.*

*We will discuss in this paper what is really happening to the Muslims Alohengjian in Myanmar, especially in the recent wave of persecution and ethnic cleansing against them, and we are exposed to historical backgrounds of these crimes and the role of internal constitutional provisions and the provisions of international conventions on the protection of this vulnerable minority.*

**Key words:** *Rohingya, a minority Muslim ethnic cleansing words, human rights.*

### **I. INTRODUCTION**

Comes the major events leads to forget the people others, especially the winds of change that swept some Arab countries as "Tunisia, Egypt, Yemen, Syria and Libya," then the conflict between the United States and its Western allies against Russia in Ukraine, and most recently an international coalition that the United States-led war on terror representatives in the

organization of the Islamic State (ISIS) in Iraq and Syria, has taken the attention of people around the world, including the Arabs, under Ancaal people major events taking place other events where a lot of vulnerable people lost in other parts of the world, especially of minorities<sup>2</sup>.

For example, no one is talking about the tragedy of the Muslim "Rohingya" in the Arakan state of

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implications and policy options, stiftung wissenschaft and politik German Institute for international and security affairs, february 2012, Berlin.

Myanmar (formerly Burma)<sup>3</sup>, where ethnic cleansing against them by Buddhists extremists process of being supported by the Myanmar government for more than two years<sup>4</sup>.

The Muslim "Rohingya" crisis in Myanmar is not new, but their frequency has escalated due to the killing of an extremist Buddhist groups of ten of the advocates of the Muslim Rohingyas in the month of June in 2012 when they returned from Umrah pilgrimage, where these groups beat preachers ugliest pictures even claimed lives, after he accused unjustly of being behind the killing of a Buddhist girl after raping her<sup>5</sup>. Which led to the outbreak of full-scale war on Alrohengjian in Arakan province by armed Buddhist groups, practicing all acts of murder, torture, burning and demolishing houses Rohingya Muslims.

This incident sparked the Arakan province a reality predominantly Muslim western Myanmar, which has not slowed

days; what is faced by the Muslims of Rohingya in Myanmar repression, killing and displacing and starving spanning more than six decades, the Buddhists tried with all their might to undermine the rights of Muslims Rohingya authority there, starting from regarded as illegal immigrants, and the exercise of economic pressure on them, through their expulsion from government jobs, economically, commercially and surround them, and try to erase the Islamic identity through the demolition of mosques and historical schools of Islamic monuments, and prevent the restoration and to prevent the development of Islamic schools and the lack of certificates issued by authentication, forcing them to change Islamic names, and other forms of oppression, ethnic cleansing and displacement<sup>6</sup>.

It is behind the violence and ethnic cleansing practiced during the past two years against Alrohengjih

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<sup>3</sup> At the time, Myanmar was called Burma. The military regime, the State Law and Order Restoration Council, renamed Burma "Myanmar" in 1989. Banyan, "What's In A Name? Myanmar," *The Economist* (May 21, 2013), <http://www.economist.com/blogs/banyan/2013/05/what-s-name-myanmar>.

<sup>4</sup> Ahmad Fikri, the secrets of Myanmar, Why burn thousands of Muslims there ?, January 18, 2014, news agency Arakan. (ANA).

<sup>5</sup> Fisher Jonah, religious tensions raised by a Buddhist monk anti-Islam in Burma, *BBC Arabic*, August 30, 2013.

<sup>6</sup> Dean Nelson, "Rohingya Campaigners Accuse Burma of Failing to Stop Deaths," *The Telegraph* (Oct. 26, 2012), <http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/9636161/Rohingya-campaignersaccuse-Burma-of-failing-to-stop-deaths.html>.

minority in Myanmar, a group of Buddhist monks radicals grouped under the Movement carrying No. (969), the figure who became alarming and spread terror into the hearts of Muslims oppressed in Myanmar, because it holds the smell of treachery and blood and rape of women and burning neighborhoods<sup>7</sup>, it is the figure that represents the name of the organization, which has been unable to put any country in the list of terrorist organizations in the world, perhaps only one reason that the victims are Muslims!<sup>8</sup>.

The Movement (969) and its leader, Buddhist monk extreme Ashin Wirathu primarily responsible for raising speech of hatred and enmity - unjustified - for the Muslims of Rohingya, an ethnic Buddhist religious organization, aimed at stopping the spread of Islam and fight and make Myanmar a kiss of Buddhists in the world, and calls for Buddhism Identity Protection in Buddhist countries<sup>9</sup>.

Although there are more than 135 ethnic groups in the State of Myanmar<sup>10</sup>, but the Movement (969) in its call to

cleanse the Myanmar ethnic cleansing belong to these ethnic advocacy Alrohengjih, which is the only Muslim in Myanmar ethnic, whereupon the religious and nationalist nerve to deploy between the Buddhist majority, and is working to reduce the number of displaced Muslims and Muslim-majority Arakan province, through the use of violence and restrictions on them in every aspect of life, making the "United Nations" minority Alrohengjih considered one of the most persecuted minorities in the world.

This Movement has become the (969) symbol of the Buddhist group seeks to isolate and displacement of Muslims, who make up 15% at least of the population of Myanmar of about 60 million people, half the number of those Muslims living in the predominantly Muslim province of Arakan.

The violence against the Rohingya Muslims in Myanmar found all the justifications that legislate and covered by a lid of religion and holiness, so that Buddhist monks extremists of Movement (969) have played an

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<sup>7</sup> kuok Lynn, promoting peace in Myanmar, CSIS ? Center for strategic and international studies, Washington may 2014, p.13.

<sup>8</sup> Yegar Moshe, The Muslims of Burma A Study of a Minority Group, Sudasien-Institut, Heidelberg university, p 71.

<sup>9</sup> Ibid.

<sup>10</sup> Smith Martin, Ethnic Groups in Burma Development, Democracy and Human Rights, A report by Anti-Slavery International, in collaboration with Annie Allsebrook No 8 in ASI's Human Rights Series.

important role in the sectarian conflicts, when they said to people that violence is permissible<sup>11</sup>. Buddhist monks extremists those with influence in Myanmar has contributed to the exacerbation of tension (old) between the two communities, "Buddhism" and "Muslim" since the outbreak of the final episode of violence between the two groups in mid-2012.

What is the truth of what is happening to Muslims Alrohengjian in Myanmar, especially in the ethnic cleansing against them? And historical backgrounds of these crimes? The role of internal constitutional provisions and the provisions of international conventions on the protection of this vulnerable minority? And why we have not seen any international action against the government of Myanmar to repel the brutal steps in the right of this minority?. This highlights the main questions that the study aims to answer them.

## **II. METHODOLOGY**

For the treatment of the subject in a scientific manner accurate, we relied on the methodology lineup are:

- 1. Analytical Approach:** By analyzing the internal

constitutional provisions and the provisions of international conventions on the protection of minorities across the world.

- 2. Historical method:** It is required by the study to know the backgrounds Alroheengah persecuted minority in Myanmar, you can not figure out ways to protect this minority accurately without exposure to the causes of this oppression, this ethnic and religious liquidation.
- 3. Approach Case Study:** We have chosen Alroheengah minority model, due to the severity of the abuse and persecution suffered by the Muslim minority in Myanmar, because of the terrible silence of the international community about what is happening.

## **III. RESULT AND DISCUSSION**

State "Myanmar" is located in the south-east of the continent of Asia, bordered on the north China, India, and South Bengal and the Gulf of Thailand, on the east by China, Laos, Thailand, and West Bengal, India, Bangladesh Bay, located Arakan province in the south-

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<sup>11</sup> Ibid

west Burma on the Bay of Bengal coast and the border strip with Bangladesh<sup>12</sup>

Land of Myanmar lies between ten circle north of the equator and twenty-eight in the north, with an estimated area of more than 261.000 square miles, with an estimated Arakan province area of nearly 20,000 square miles, and is separated from the rest of the land of Myanmar mountain range natural end is Arakan stretching from the Himalayas<sup>13</sup>.

In the year 1989 the Burmese government officially changed the state name of "Burma" to "Myanmar", the United Nations and recognized the name "Myanmar" five days after the announcement<sup>14</sup>, though, so the renaming is still different where, many countries still recognize the name of the state as "Field" including Australia, Canada, France, the United Kingdom, and the United States of America. Many states as the "Myanmar", including Germany, India also recognizes, Japan,

Russia, and China, as well as the Association of Southeast Asian Nations<sup>15</sup>.

The number of Myanmar's population of about 60 million people, with an estimated percentage of Muslims, with 15% of the total population, half of them in Arakan province - a Muslim - majority<sup>16</sup>, reaching the percentage of Muslims in which more than 70% and the rest are Buddhists Almag (with Indian origin) and other denominations<sup>17</sup>.

### **Islam In Myanmar Between Religious Freedom And The Persecution Of Buddhism**

The assets of Myanmar Muslims returning to several different roots, such as Bengali, Arabs and Moors, Turks, Persians, Mongols and Pathans, and speak a language called (Rohingyas) a mixture of Arabic, Farsi, Urdu and Bengali<sup>18</sup>. Myanmar and the capital city "Rangoon" The official language is the "Burmese". Myanmar and was a part of

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<sup>12</sup> Abdul Majeed Syed Bakar, Muslim minority in Asia, and Australia, the Muslim World League, p. 183.

<sup>13</sup> Ghraib Mohammed, where are myanmar located? What is the story of the burning of the Muslims there and causes ?, Masrawy, July 19, 2012.

<sup>14</sup> Hassan Zkir Mohammed, the history of Muslims in Arakan Burma, Congress Net, 22/3/2013, <http://www.almotamar.net/15707.htm>, It has been viewed on : 10-07-2016.

<sup>15</sup> Ibid.

<sup>16</sup> Rohingya were excluded from the United Nations-supported 2014 national census, so reliable data is not available.

<sup>17</sup> May F. John & Thomas R. Brooke, Deciphering the Demography of Myanmar, Population Reference Bureau (Sept. 2014), <http://www.prb.org/Publications/Articles/2014/myanmar-demography.aspx>.

<sup>18</sup> Head Jonathan, the Muslims displaced and dispersed Myanmar and Arakan state news agency ANA, 5 March 2014.

India that Britain has by announcing a separate British colony in 1937 until independence from the British Crown in 1948<sup>19</sup>.

Islam was introduced to Burma (Myanmar) in the first century through the companion "Waqas Malik bin" may Allah be pleased with him. As historians mention that Islam arrived via (Arakan) during the reign of the Abbasid Caliph "Haroon Rashid," in the eighth century by Arab traders, impressed the people of Myanmar, where they entered morality of Islam, and worked in agriculture in the beginning, and then dominated the trade<sup>20</sup>.

There are signs on the establishment of settlements in Arakan by the Arabs Fifty years after the advent of Islam, the beginning of the year 610. Historians say that the Arab traders who were in close contact with the residents of Arakan in as early as the year 788, as was the Port (Rambe) south of Arakan a household name among Arab travelers by sea in the ancient times.

Historians also states that at the end of the third century, Islam had established in the hearts and minds of people between Africa and Asia, arrived

from the Atlantic coast to Bengal, and the growing number and influence of Muslims in Arakan to the extent that mode (Tramakhalh) - and who chose the later name Islamist is (Suleyman Shah) - in 1430 the foundation stone of the first Islamic state in Arakan, and he ruled for more than 350 years of Islamic rule independently, from 1430 to 1784, ruling nearly 48 king after Suleiman Shah respectively, of the most famous: Ali Khan, Mango Shah, Muhammad Shah, and the Shah Jalal, Hussain Shah and Salim Shah.

It is a fact that cherished by Muslims in Arakan that was required of the kings of Arakan before their term of sentence to obtain a certificate of virtue in the Islamic sciences, and also had them coins include Islamic slogans. And demonstrating the feet and the presence of Muslims in this country are also some historical monuments such as mosques, schools, a mosque (Badr shrine) is very famous in (Okiab) capital of Arakan (and there are a number of mosques that name in coastal areas in India, Bangladesh, Myanmar, Thailand, Malaysia, etc.) and a mosque (Cindy Khan), built in 1430, and the mosque (Court of Moses), built

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<sup>19</sup> Ibid.

<sup>20</sup> Salah Hani, Muslims of Rohingya: The journey to escape from "death" to "death", Arakan News Agency (ANA), 20 February 2014.

in 1258, and the mosque (Wali Khan) which was built in the fifteenth century

In any case, it has over the Islamic presence in Burma (Myanmar) advanced period, Muslims was dominating the business and have a lot of agricultural land and buildings, especially in Myanmar and other major coastal cities, the capital, where they have between (60% to 70% ) of large real estate in the capital, Yangon.

### **Violations Against The Rohingya By "969 Movement "**

The reading of history suggests that the suffering of the Muslims of Rohingya in Myanmar began in 1784, when it occupied the Arakan province by the Buddhist King (Bodabaa) who annexation of the territory to Burma (now Myanmar), fearing the spread of Islam in the region, and continued Buddhist Burmese in the persecution of Rohingya Muslims and displacement<sup>21</sup>.

In 1824, Britain occupied the Myanmar (Burma), and annexed to the Government of British colonial India. In 1937, Britain made Arakan independent colony for the British colonial

government of India like the rest of its colonies in the then Empire, named after the British government of Burma<sup>22</sup>.

Muslims in Arakan resisted British occupation of their country violently, making Britain she fears, began a campaign to get rid of the influence of the Muslim, Buddhist reneged to incite against Muslims and provided them with support and arms to arise among them enmity and fade unity<sup>23</sup>.

And it epitomized the plot in several aspects, including:

1. expelling Muslims from their jobs and bring Buddhist place.
2. confiscation of their property and distributed to the Buddhists.
3. involvement of Muslims, especially their leaders in prison or exile outside their home countries.
4. Close institutes and schools of Islamic courts and detonated.
5. incite Buddhists to kill about 30 thousand Muslims in 1938 after they broke away from the British Field Management India.

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<sup>21</sup> Bahar Abid, Racism to Rohingya in Burma, AYE CHAN'S "ENCLAVE" WITH "INFLUX VIRUSES" REVISITED, released on 27 december 2012.

<sup>22</sup> Chan Aye, The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma

(Myanmar), SOAS Bulletin of Burma Research, Vol. 3, No. 2, Autumn 2005, canda University of International Studies, p.403.

<sup>23</sup> Ibid.

6. gruesome massacre of Muslims in Arakan in 1942. In World War II, when the coalition forces were defeated on the land of Arakan at the hands of the Japanese, leaving behind a weapon often took the Buddhists Almag that weapon, and instead to use it against the Japanese used it to make a brutal massacre against Muslims in 1942, lives claimed more than 100 thousand Muslims, mostly women and the elderly and children, and displaced hundreds of thousands outside the home, and the severity of cruelty and horror still Aroheenjeon - especially the elderly - remember the tragedies yet<sup>24</sup>.

In 1947, before the independence of Myanmar (Burma), a general conference in the city, "Peng Long" to prepare for the independence of the contract, it has been called all classes and ethnic groups except the Muslim Rohingyas to keep

them away from the course of events and determine their destiny<sup>25</sup>.

In 1947, the names of voters were registered for the first general election, a new Legislative Council elections in Myanmar (Burma), Arakan Muslims were prevented from voting on the pretext that they are citizens of suspects<sup>26</sup>.

On January 4, 1948 Myanmar won the Field of Independence, and the British colonized the annexation of the Muslim Arakan province officially to Myanmar under the agreement has between Britain and Myanmar, to give the Myanmar government the right to self-determination for the Rohingya after ten years, which was not given until today<sup>27</sup>.

The suffering of the Muslims of Arakan continued after the end of World War II and for Myanmar (Burma) gained independence in 1948, where Arakan remained part of the Union of Myanmar, and since then the Muslims of Rohingya subjected to processes persecution, killing and displacement of mass

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<sup>24</sup> Leider Jacques P., "Arakan Studies: Challenges and Contested Issues, mapping a field of historical and Cultural research, (an unpublished paper) "in *Forgotten Kingdom of Arakan From Dhanyawadi to 1962*, 2005, p.15.

<sup>25</sup> Charney Michael, "Buddhism in Araka: Theories of Historiography of the Religious Basis of Ethnonyms," 2005, p. 53.

<sup>26</sup> Blum Franziska, *In Their Own Voice "Democracy" as Perceived in Burma/Myanmar 1921 – 2010*, Passau university, p. 39.

<sup>27</sup> *Ibid*, 41.



systematic, organized and subsidized by the state, embodied these violations and crimes in the:

1962: the army overthrew led by General "T-One" Buddhism property system, and the foundations of the system in the grip of a hardline army generals, was dominated by the Communists to power in Myanmar, Myanmar was currently a socialist state, was announced that Islam is the first enemy. It was one of the first decisions the confiscation of more than 90% of the territory of Muslims and their property. Currency withdrawn from circulation to the detriment of traders Muslims often, as has been the imposition of Buddhist culture, was deprived Alrohengji to acquire national citizenship of the people, and have been deprived of education, employment, travel, and imposed on them unemployment and isolation in the woods, and left them practicing living ways primitive, without give them official documents to prove their affiliation to Myanmar, and did not

let them go, and with them acted as if they were the class of pariah groups.

In 1967, the communist government in Myanmar issued a decision to withdraw the citizenship of thousands of Muslims Arakan State, and, about (28) thousand Muslims to the border with neighboring Bangladesh<sup>28</sup>.

In 1974, the Myanmar government expels more than 200 Muslim family in Arakan to a remote island, in addition to the withdrawal of nationality from about (300) thousand Muslims and drive them out of state<sup>29</sup>.

1978 has a "Najamin" destructive military, which killed more than 10 thousands of Muslim Rohingya, offering more than 500 thousand Muslims Rohingyas evicted from their homes and deportation to Bangladesh borders, which led to the deaths of about 40 thousand of them in temporary shelters exile, mostly children and the elderly<sup>30</sup>.

In 1982 the Marxist government in Myanmar has issued a law to deprive the Muslim Rohingyas of citizenship and nationality rights Myanmar (Burmese)

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<sup>28</sup> Biver Emilie, Religious nationalism: Myanmar and the role of Buddhism in anti-Muslim narratives, An analysis of Myanmar's ethnic conflicts through the lens of Buddhist nationalism, Master of Science in Global Studies, Department of Political Science, Lund University, 2014, p. 16.

<sup>29</sup> Ibid, 17.

<sup>30</sup> Human Rights Watch, All You Can Do is Pray, see above note 20, p. 142; Human Rights Watch, Crackdown on Burmese Muslims, see above note 55, p. 11.

and considered them since that date immigrant Bangladeshis<sup>31</sup>.

In 1988, the evacuation of about 150 thousand Muslims from their homes in Arakan, in order to build villages and homes of Buddhists in the context of attempts to change the composition of the state's Demographic.

1991 was the expulsion of more than half a million Muslims in reprisal for their vote in favor of the opposition in the parliamentary elections held that year were canceled outcome, as the government withdraw the citizenship of hundreds of thousands of Muslims<sup>32</sup>.

In 2001, the beginning of the Organization of the wave of violence and murder against Muslims in all the cities of Myanmar, on the background of the events of September 11 in the United States, was seized Buddhists with the

support of the army on a lot of property and Muslim lands<sup>33</sup>.

The conditions of Muslims Alrohengjian did not change after the elections in Myanmar in November 2010, where the violations, ethnic cleansing and displacement of Muslims from Arakan continued, according to observers estimate for the suffering of Muslims in Myanmar, these practices have succeeded in the displacement of approximately (3) to (4) million Muslims even now, it resulted in hundreds of thousands of deaths<sup>34</sup>.

### **Constitutional Protection For Minorities And The Exclusion Of Rohingya**

Since the declaration of independence or Myanmar (Burma) in 1948, the Constitution did not recognize

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<sup>31</sup> U.N. Human Rights Council, U.N. Special Rapporteur on Burma, Tomas Ojea Quintana, Progress Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, U.N. Doc No. A/HRC/13/48, paras. 87, 88 (Mar. 10, 2010),

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-48.pdf>; Irish Centre, Crimes Against Humanity, see above note 17, p. 26; Fortify Rights, Interview #82, Penang, Malaysia (Sept. 2014); Fortify Rights, Interview #95, Sittwe, Rakhine State, Myanmar (Mar. 2015); Fortify Rights, Interview #98, Sittwe, Rakhine State, Myanmar (Mar. 2015).

<sup>32</sup> Human Rights Watch, Burma: The Rohingya Muslims, see above note 18, p. 9.

<sup>33</sup> Buncome Andrew, "Homeless and Helpless: The Rohingya Muslims of the Rakhine State," *The Independent* (Dec. 5, 2012),

<http://www.independent.co.uk/news/world/asia/homeless-and-helpless-the-rohingya-muslims-of-rakhine-state-8386822.html>.

<sup>34</sup> The non-governmental organization Physicians for Human Rights reported that Bangladeshi security forces beat and forcibly expelled Rohingya refugees in 2010. The government also blocked humanitarian aid to the 30,000 refugees in the Kutupalong refugee camp in Bangladesh and arrested any refugees who left the camp to seek food, effectively trapping them in the camps to die of starvation or illness. Physicians for Human Rights, Stateless and Starving: Persecuted Rohingya Flee Burma and Starve in Bangladesh, pp. 9-11 (Mar. 2010), [https://s3.amazonaws.com/PHR\\_Reports/stateless-and-starving.pdf](https://s3.amazonaws.com/PHR_Reports/stateless-and-starving.pdf).

the Muslims under the pretext that their ancestors were not indigenous people of the country<sup>35</sup>. And since then has not been treated as citizens, where it was to prevent the people of the Rohingyas from employment in government or completing their university education<sup>36</sup>, and the military rulers who seized power in 1962, conducting ethnic cleansing against the Rohingya, were expelled to the State of Bangladesh at different intervals ranging from 150 .000 and a half million people<sup>37</sup>.

So inherited "(969) Movement" extremist Buddhist this bloody and long history of the practice of murder, persecution and exclusion and expulsion beyond the borders of the Muslims of Rohingya, was no surprise that the spread of violence and ethnic cleansing against the Muslims of Rohingya since mid-2012 until today, especially if there is every justification that legislate and covered by a lid holiness.

The establishment of the (969) Movement in 1999, by a group of

Buddhist monks extremists, led by the monk extreme "Kyaw Lwin," comes as an extension of the role of monks in Myanmar who have a long history of interfering in politics, as the culmination of the history of the State of Myanmar's record of persecution and massacres comes hideous Muslim minority<sup>38</sup>.

Who reads the history of the relationship between the Buddhist majority and the minority of the Muslims of Rohingya in Myanmar, is not surprised by the presence of an extremist religious organization - nationalism as an " Movement (969)" lead the persecution, murder and mass displacement, systematic and organization-backed by the state against the Muslims of Rohingya operations.

In this regard, "Michael Grayson<sup>39</sup> says: "Monks Buddhists in Myanmar may not begin the violence, but they rode the wave and began to incite more violence. "

Originated Movement (969) in 1999 by a group of Buddhist monks

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<sup>35</sup> Constitution of the Union of Burma, Chapter II, para. 11(i) (1947)

<sup>36</sup> Ibid.

<sup>37</sup> Szep Jason & Andrew R.C. Marshall, "Special Report- Witnesses Tell of Organized Killings of Myanmar Muslims," Reuters (Nov. 12, 2012), <http://in.reuters.com/article/2012/11/12/myanma-r-fighting-muslims-rakhine-idINDEE8AB00I20121112>.

<sup>38</sup> Crisis Group interviews, shop owners and taxi drivers displaying 969 stickers, Yangon and Mandalay, throughout 2013.

<sup>39</sup> A professor of religious studies, and co-editor of the study, entitled "Buddhist wars," a study released in 2010 looking at the violent side of Buddhism in Southeast Asia, and how they used the Buddhist organizations there are religious images and fiery speeches.

extremists headed monk extreme "Kyaw Lwin," and designed the logo Asin Sdama in the city "Mulamaan", located about 300 kilometers southeast of Yangon in Shan area, a multicultural city and customs and mores<sup>40</sup>.

The Monks Movement (969) who organize courses to teach Buddhist for children, and little by little movement began seeking to put its plans subversive against Islam and Muslims, and took provoke religious fervor among the Buddhists under the pretext of the need to Buddhist identity protection, induce fear of the spread of Islam in Myanmar, it became Movement ( 969) a symbol of the fight against Islam and Muslims.

In 2001 the monk extreme Ashin Wirathu abbot Masoeyein joined to an (969) Movement in Mandalay, a town about 300 kilometers north-east of Sittwe (Okiab) the capital of Arakan State, who described himself as "Bin Laden Burmese", the magazine published "Time," the US on its cover a picture of him under the title "the face of Buddhist terrorism," said the Buddhist

monk known hostility to Muslims in his country, noting that the monk, "Ashin Wirathu" had described Muslims as "epidemic threatens Myanmar"<sup>41</sup>

In remarks for "Ashin Wirathu" leader of the (969) Movement at the end of February, he expressed concern that Myanmar is headed in the day a Muslim man, where there is not in the Constitution prevents a Muslim who holds the citizenship of Myanmar's running for president.

The remarks came in the context of the objection, "Ashin Wirathu" on the candidacy of opposition leader "Aung San Suu Kyi," Chairperson of the National League for Democracy in the next presidential elections, where he said: "I'm afraid of foreign influence in the affairs of the country from the Muslims or the Chinese in case the amendment to Article 59 of the Constitution, which prevents opposition leader Aung San Suu Kyi from running for the presidency. "

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<sup>40</sup> Schissler, M. (2014), Echo chambers in Myanmar: Social media and the ideological justifications for mass violence. Paper for the Australian National University Department of Political & Social Change Research Colloquium, "Communal Conflict in Myanmar: Characteristics, Causes, Consequences," 17- 18 March 2014, Yangon, Myanmar.

<sup>41</sup> McDonald Mark, "As Violence Continues, Rohingya Find Few Defenders in Myanmar," New York Times (Oct. 31, 2012), <http://rendezvous.blogs.nytimes.com/2012/10/31/as-violence-continues-rohingya-find-few-defenders-in-myanmar>.

### **Rohingyas And Human Rights**

Myanmar had not conducted a census in 30 years, has jointly with the United Nations Population Fund (UNFPA) to conduct a census in the months of March and April 2014, and was expected to give a more accurate indication of the population of Rohingya Muslims<sup>42</sup>. Despite the warnings of international institutions, as a group of international crises, and Human Rights Watch, the questionnaire included a controversial clause in particular, include a question on ethnicity uses the list back to 1982, comprises 135 ethnic groups do not include the "Rohingya"<sup>43</sup>

Report an international observer described the census in Rohingya areas as a "fiasco," explaining that the Rohingya "They were very excited to participate in the census, but were prevented from doing so by the field teams and officials of the Ministry of the population.

In September 2014, the Burmese government announced a non-final results of the census, but said that the

special race data will not be published until 2015, arguing that the publication of such data could increase sectarian tensions<sup>44</sup>.

It is worth mentioning that in the period following the First World War, created several new countries including religious minorities and nationalism for many, which is reflected in the international treaties which included clauses clearly provides for the protection of minorities, and the League of Nations, which was formed in 1919, an organization with the right to investigate any complaints submitted to it about the irregularities and violations of minorities through its Trusteeship Council, the General Assembly of the League of Nations in 1933 and issued a decision in which hopes of the non-signatory States on the protection of minorities subject to the rules of justice in its treatment of minorities under their sovereignty system.

At December 18, 1992 the United Nations issued a declaration on "the rights of persons belonging to national or

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<sup>42</sup> United Nations Population Fund Myanmar, UNFPA and Ministry of Immigration and Population Launch 2014 Population and Housing Census Project, December 2012.

<sup>43</sup> Saito Ayako, Myanmar: Observations of the First Census in 31 Years, Institute of Asian Cultures, Sophia University :

<http://peacebuilding.asia/1679/> It was looking on : 02/07/2016.

<sup>44</sup> Albert Eleanor, The Rohingya Migrant Crisis, Council on Foreign Relations (June 17, 2015), <http://www.cfr.org/burmamyanmar/rohingya-migrant-crisis/p36651>.

ethnic, religious or linguistic minorities", as adopted declaration on all international conventions on human rights and civil and political rights and the prevention of crimes of genocide and to prevent all forms of discrimination against women and children, and felt United Nations that "the promotion and protection of the rights of persons belonging to national or ethnic, religious or linguistic, contribute to political and social stability of States in which they live."

Article I of the Declaration of the Rights of persons belonging to national or ethnic, religious or linguistic minorities<sup>45</sup> that "States, each in its territory, protect the existence and identity of minorities cultural, religious, linguistic, and encourage conditions for the promotion of that identity. And that the appropriate legislative measures countries adopt to achieve those goals. "

Among the major international human rights instruments that have been adopted in the United Nations and for which she received an important position in international law, the Universal Declaration of Human Rights in 1948, the Covenant on Civil and Political

Rights in 1966 and the International Covenant on social, cultural and economic rights in 1966 and the International Covenant, The three documents together formed the so-called "list of international rights.

Is the United Nations Declaration on "the rights of indigenous peoples" in September 2007, of the most important international documents, which recognizes the fundamental collective rights of indigenous peoples, and cultural ones, linguistic, religious and other, more widely and more inclusive of all the instruments of international human rights law.

This confirms the declaration of indigenous peoples the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms recognized in the Charter of the United Nations and the Universal Declaration of Human Rights and international human rights law. Although indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination in the exercise of their rights, and in particular discrimination

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<sup>45</sup> Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 47/135, Resolution

adopted by the General Assembly, 18 December 1992.

based on their indigenous origin or identity.

The Rohingya Muslims, as a people live on authentic historical land hundreds of years ago, is still subjected to serious violations of the rights of individuals and the community level, especially after the rise in religious tensions in Myanmar by Buddhist monks and Movement (969 extremist). Despite the political reforms that began in Myanmar and the release of "Aung San Suu Kyi," the human rights defender and winner of the Nobel Peace Prize, and the holding of democratic elections in 2011 after decades of military rule, thousands of Rohingyas killed has been also been the displacement of hundreds of thousands of their areas in Arakan state<sup>46</sup>.

The Rohengjian to authentic as a people living on the land of his fathers rights endorsed by the international community in his announcement No. 295/61 for the year 2007 on the rights of indigenous peoples<sup>47</sup>, are:

1. Equality with all other peoples, and delivery at the same time the right of all peoples to be different and to consider themselves different and to be respected as such.
2. Confirmation that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial differences or religious, ethnic or cultural, are doctrines, policies and practices of racial legally invalid, morally condemnable and socially unjust.
3. Concern to indigenous peoples have suffered from historic injustices, the result of colonization and dispossession of their lands, territories and resources, and thus prevented particularly from exercising their right to development according to their needs and interests.
4. Respect and promote the rights of indigenous peoples, derived from

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<sup>46</sup> UNHCR has stated that more than 130,000 Rohingya departed the Myanmar-Bangladesh border area from January 2012 to 2014, and 31,000 in the first half of 2015. See U.N. High Commissioner for Refugees Regional Office for Southeast Asia, *Irregular Maritime Movements in Southeast Asia—2014* (April 2015),

<http://storybuilder.jumpstart.ge/en/unhcr-imm>; U.N. High Commissioner for Refugees, *Mixed Maritime Movements* (April - June 2015), <http://www.unhcr.org/53f1c5fc9.pdf>.

<sup>47</sup> United Nations Declaration on the Rights of Indigenous Peoples General Assembly resolution 61/295, New York, 13 September 2007.

their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources.

5. Welcoming the indigenous peoples are organizing themselves in order to improve their positions on the political, economic, social and cultural levels, in order to put an end to all forms of discrimination and oppression wherever they occur.
6. Noted that the rights enshrined in the treaties and agreements between States and indigenous peoples are causes, in some cases, concerns and interests of international and establish an international responsibilities and take an international dimension.
7. Recognize that the Charter of the United Nations Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the International Covenant, as well as the Declaration and Programme of Action of Vienna, emphasizes the fundamental importance of the right of all peoples to self-determination, by virtue of which

they freely determine their political status and freely pursue their development economic, social and cultural rights.

8. Recognizing that the situation of indigenous peoples vary from one region to another and from one country to another, and it should take into account national and regional characteristics and the different historical and cultural background of the importance, to formally announce the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be seeking to achieved in a spirit of partnership and mutual respect.

These are some of the principles of the United Nations Declaration on the rights of peoples purebred, and undoubtedly some of the countries that signed it forced, will be looking for multiple ways for violating the intent to deprive any of the original peoples of the countries of their rights legislated by the international community, and this is what we see happening in Myanmar towards Muslims Rohingyas are deprived of the most basic human rights.



#### **IV. CONCLUSION AND SUGGESTION**

Although sixty-six years after the issuance of "Universal Declaration of Human Rights" in 1948, the human remains in different parts of the world to offer sacrifices in order that this declaration enters into force in actual fact, because it is important enriched by the human values.

As noted, the Universal Declaration of Human Rights confirmed the concept of protection of individuals and peoples, groups and minority rights through the international legal system, in order not to have this individual and the group that defends the rights of the exercise of injustice and ethnic cleansing.

The protection of the Rohingya Muslims in Myanmar is a global moral responsibility in the custody of the United Nations, the Union of European countries, and all the major countries and those that have signed the Universal Declaration of Human Rights. Also, to protect these people, who have suffered through history to the present day to exterminate systematically, by terrorist groups and government agencies collaborating with it, is a legal commitment to human rights and

implementation of international conventions and treaties. Therefore on these bodies to assume their legal and moral responsibilities, so as to work effectively with all signed it in order to preserve what remains of its credibility.

We call the United Nations bodies and the Human Rights Council, and all human rights forums and civic institutions in the world in order to:

1. pressure the Myanmar government to stop the genocide, murder, deportation, arrests against Rohingya Muslims in a authentic ethnic ingredients immediately.
2. pressure to give the Rohingyas the right to management of the province of Arakan, serve as a safe haven for them, in accordance with the content of the United Nations Declaration on the Rights of Indigenous Peoples, especially in the third and fourth articles, which recognizes the right of indigenous peoples to self-determination.
3. Support for the civil and political human rights and media and relief organizations Muslims in Rohingya in Myanmar, in order

to ensure their continued presence, and activate their participation in political life in their homeland, and the reconstruction of the regions affected, and extended to all forms of assistance and material and political support.

4. arrested the perpetrators of genocide, crimes against Rohingya Muslims, from the government, groups or individuals responsible, and refer them to the International Criminal Court in order to prevent the recurrence of such practices against the peoples in other parts of the world.

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