

The Rohingya: A Stateless Population

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The case of the Rohingya, the world's largest stateless population, illustrates the failure of Myanmar and its regional neighbors to take responsibility for the fate of this 'rightless' group. But perhaps more importantly, it also shows that existing international mechanisms to end statelessness are ineffective in addressing the current rise in both de jure and de facto statelessness around the world.



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Population groups can become stateless for a variety of reasons, including inequitable laws (such as marriage laws), transfers of territory between countries, flawed or discriminatory administrative practices, lack of birth registration, and withdrawal of citizenship rights. Most situations of statelessness are the direct consequence of discrimination based on ethnicity, religion or gender. Conservative estimates suggest that between eleven to 15 million people are currently living without a nationality—in legal limbo.

The world's largest stateless population is in Myanmar, where more than one million Rohingya have been refused nationality. Statelessness affects the enjoyment of all the rights which most of us take for granted, for instance the right to vote, of equality and protection under the law, or a child's right to education. Stateless people often live on the margins of society where they are vulnerable to exploitation.

The Rohingya became stateless in 1982 with the introduction of the revised Myanmar Citizenship Law that excluded them from the list of 135 national ethnic groups. Although their families had been living in Rakhine State for generations, they suddenly became "resident foreigners". The 1982 law based citizenship on the principle of *jus sanguinis*; very few Rohingya have a chance of ful-

filling such requirements. In 1989, color-coded citizens scrutiny cards (CRCs) were introduced: pink cards for full citizens, blue for associate citizens, and green for naturalized citizens. The Rohingya were not issued any cards. In 1995, in response to the UNHCR's intensive advocacy efforts to document the Rohingya, the Bur-

mese authorities started issuing them white temporary registration cards (TRCs) pursuant to the 1949 Residents of Burma Registration Act. The TRC, however, does not mention the bearer's place of birth and cannot be used to claim citizenship.

The Rohingya are in a position of what Hannah Arendt called "right-

lessness". Not only Myanmar, but also Bangladesh and India have periodically threatened to evict them. The rise of ethnic or religious "majorities" who claim to constitute the "nation" has resulted in the citizenship laws of the postcolonial states of India, Pakistan, and Sri Lanka, too, moving from *jus soli* to *jus sangui-*

ness are incapable of addressing the current problems of increasing *de facto* statelessness. The major weakness of international protection mechanisms for stateless persons is the non-applicability of international law within the sovereign jurisdiction of states. When stateless groups are forced to leave one state,



The word 'Rohingya' probably derives from Rohang, an ancient name for Myanmar's westernmost province, now officially known as Rakhine State. With an area of more than 36,000 square kilometers, the province is a narrow strip of coastal region that includes coastal plains and swamps as well as steep mountains in the east. Located at the junction of Myanmar, India and Bangladesh, it sits along the border between Asia's Islamic and Buddhist cultures. In pre-dominantly

Buddhist Myanmar, the Muslim population that settled in today's Rakhine State from Bangladesh repeatedly suffered attacks and discrimination, but in 2017, ethnic nationalism and a frenzy of developmental investment resulted in a military campaign aimed at driving out the Rohingya from Myanmar altogether. Denied citizenship in Myanmar since 1982, the one million Rohingya form the largest group of stateless people in the world.

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nis. Ethnic bias, cultural, linguistic and religious prejudices, gender discrimination, and political concerns of the emerging ruling elites shape the policies for granting as well as denying citizenship.

A question of responsibility

The international community's engagement with the problem of statelessness is comparatively recent. In 2014 the UNHCR launched a campaign to end statelessness by 2024. The 1954 UN Convention relating to the Status of Stateless Persons, framed in a European context in the aftermath of World War II, and the 1961 Convention on the Reduction

of Statelessness are incapable of addressing the current problems of increasing *de facto* statelessness. The major weakness of international protection mechanisms for stateless persons is the non-applicability of international law within the sovereign jurisdiction of states. When stateless groups are forced to leave one state, they are faced with other states' immigration laws, policies, and practices, which mostly make no distinctions between stateless persons and other migrants. We have here clearly a question of responsibility, and of responsibilities shirked: the responsibility of both the state that forces displacement and the state that has to give shelter, but also the responsibility of the region, and finally of the institutions in charge of global governance.

Meanwhile, analysts agree that as questions of nationality get increasingly ethnicized and securitized, the phenomenon of statelessness will affect ever larger numbers of people

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