

A specious argument concerning the right to citizenship of many Rohingyas

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In his latest diatribe against the Myanmar Government and the United Nations, the leading light in the newly formed Free Rohingya Coalition Maung Zarni would convince us that Daw Aung San Suu Kyi is trying to pull the wool over the eyes of the UN. So well she might, and it does not surprise me in the least. His latest article, published in several Middle East journals, also includes a number of points which are uncomfortably close to the truth. But some are not.

On at least one important issue Maung Zarni is less than convincing. This is his reference to “the easily accessible official documentations that offer irrefutable evidence in support of Rohingyas’ claim that they belong in Myanmar as an integral ethnic minority who enjoyed full and equal citizenship even in the early years of the military rule in the 1960’s and the early 1970’s.” The supposed “irrefutable evidence” is controversial. It includes a handful of isolated, unconnected statements made for domestic political reasons by such luminaries as U Nu, who became Prime Minister on independence in 1948, and Brigadier (later Brigadier-General) Aung Gyi. The evidence has been collated and carefully analysed, among others naturally by Maung Zarni himself, but the documentation presented is sparse and far from conclusive. Anything that was said or written about the “Rohingya” by State sources during the 1950s, 1960s and 1970s was at the time or later contradicted by those in even higher authority. What Aung Gyi said as Vice-Chief of Defence Staff in July 1961 when accepting the surrender of the Mujahid insurgents was certainly not supported by the Chief of Defence Staff General Ne Win who also ousted U Nu in a military coup in March 1962.

But even if it is suggested that the evidence is persuasive, it cannot claim to be “irrefutable” when the designation “Rohingya” is not to be found anywhere in Myanmar law. For example, “Rohingya” is not listed or mentioned at all, let alone as an ethnic minority, in any legislative act or regulations concerning the 1953-54, 1973 or 1983 nation-wide censuses. It is not to be found in either the 1947 or 1974 Constitutions. It does not appear in any legislation regulating issues of citizenship, immigration, labour, education, culture or any other area where you would have expected it to appear. In other words, “Rohingya” is conspicuous only by its total absence from those basic legal and constitutional documents which characterise any State.

This does not however in any way undermine the historical rights of the great majority of Arakan Muslims to be full citizens of Myanmar. As I have pointed out in Chapter 8 of the recently published compendium on “Citizenship in Myanmar” by Ashley South and Marie Lall, Muslims in Arakan and elsewhere in Myanmar were eligible for full citizenship. They either had to belong to an indigenous ethnic group, which in the case of the 1973 Census included no fewer than six Muslim ethnicities, or were qualified under the 1947 Constitution and the two 1948 Citizenship Acts to make application for citizenship or naturalization. The 1947 and 1948 documentation unfortunately provided no detailed list of indigenous ethnic groups. The fact that most Arakan Muslims did not acquire documented proof of citizenship either under the 1948 Acts or the 1982 Citizenship Law was due to the chicanery and incompetence of the local and central authorities, not to the provisions of the law itself, despite certain discriminatory aspects of the 1982 legislation.

The Free Rohingya Coalition need to acknowledge the truth of this historical legal reality if they are to provide more than flawed propaganda support to this embattled and persecuted community.

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