

Comments on Remarks by Secretary of State Anthony J Blinken at the Holocaust Memorial Museum in Washington on 21 March 2022

Derek Tonkin - 26 April 2022

All text in red below contains a hyperlink to relevant documents.

During his [remarks on 21 March 2022](#) formally determining that the Myanmar military were responsible for genocide, Secretary Blinken said:

“The museum’s exhibit that I toured shows us the long path to genocide in Burma, how Rohingya, who had been an integral part of Burma’s society for generations, saw their rights, saw their citizenship methodically stripped away.”

My comment: Arakan Muslims have certainly been an integral part of Burma’s society for generations. But they were classified in British Censuses under various ethnicities, and divided into [two groups designated “Indian” and “Indo-Burman”](#). “Rohingya” is a political construction dating from around 1960, coalescing all Indian and Indo-Burman designations except the Kaman. It was until recently used only by the Arakan Muslim community, and was not generally known inside Burma until the 1990s.

“In 1962, when the military staged its first coup, it canceled all Rohingya-language programming on the state-run broadcasting service.”

My comment: This is misleading. It was General Ne Win himself who established the Frontier Areas Administration (FAA) during his “caretaker” administration 1958-60. One of his FAA acts was to establish the Mayu Frontier District encompassing Maungdaw, Buthidaung and part of Rathedaung townships. The District was set up on 1 June 1960. For this initiative Ne Win was praised by the President of the United Rohingya Organisation of the District: “This single act of service to the Rohingyas by General Ne Win is uppermost in the mind of every Rohingya and will be remembered for generations” - National Library of Australia MSS Collection Gordon Luce MS6574 letter dated 3 May 1963 (over one year after General Ne Win’s coup of 2 March 1962).

The FAA authorised broadcasts in some local languages, including a short programme in Rohingya 2-3 times weekly, 10 minutes only, on short waves 49 m and medium waves 314 m, starting on 15 March 1961. [The FAA was terminated at the end of September 1965](#)¹. Specialist radio programmes (Pa-O, Lahu, Rohingya etc.) in FAA Districts however continued for another month when they all closed on the same day, 30 October 1965.

¹ I was the addressee of this report as Burma Desk Officer in the Foreign Office 1962-1966.

“In 1978, when the military used a nationwide campaign to register so-called foreigners as a pretext to terrorize Rohingya, forcing more than 200,000 to flee to Bangladesh.”

My comment: This is not a fair statement. Operation Naga Min (“Dragon King”) was designed to check the registration of citizens in frontier areas and to take action against illegal residents, by prosecuting them and if necessary deporting them. Action was completed elsewhere in Burma without trouble.

In Arakan (Rakhine) action was conducted in Sittwe town according to plan, but an alarmingly high number of illegal residents was reported - 2.8% of all those checked. This caused consternation further north where the incidence of illegal residence was thought to be much higher, so that when the inspection teams reached Buthidaung, they had to contend with physical opposition. The Army were called in to restore order, which they did in their particularly brutal fashion, to the extent that local inhabitants started to flee to Bangladesh en masse. The same happened in Maungdaw.

Details of these events have been well recorded in contemporary accounts, notably in US, UK and other diplomatic and UN archives. These may be [inspected at this link](#) . US diplomatic cables in particular stress that there was little evidence that Arakan Muslims has been forced to flee, but did so in terror, that elsewhere in Arakan Muslim villages were functioning normally, and that Bangladeshi claims of ill-treatment were felt to be much exaggerated. No reports provide evidence to support the allegation that Operation Naga Min was used “as a pretext to terrorize Rohingya”.

It should be noted that in reporting these events, diplomatic missions and UN agencies in both Bangladesh and Burma [did not use the term “Rohingya”](#) but only “Arakan Muslims” (UK, UN) or “Chittagonians” (US). ²

[In his Despatch of 3 July 1979](#) reporting the eventual repatriation, British Ambassador Charles Booth commented:

“The most interesting question is why Ne Win, always suspicious of foreigners, decided that the refugees should be allowed to return. The bad press Burma got at the worst of the exodus may have had a part in this though I suspect only marginally. (Foreign criticism did not deter the Burmese from expelling the Indian community in large numbers in 1963 and 1964 or from harassing the Chinese community in 1967.) He must have been impressed by the way the Bangladesh Government restrained troublemakers in the Islamic world (especially Libya) from

² In June 1951 Arakan Muslims, while demanding an end to “genocide”, issued [a Charter of Constitutional Demands](#). In October 1960, Arakan Muslims issued a more [comprehensive policy document](#) seeking constitutional safeguards. Neither document refers to “Rohingya” or any similar word. In 1951 the term had not yet been invented and in 1960 it was still in competition with other R-designations.

creating trouble for him. He likes and respects President Ziaur Rahman. Above all, he must have wanted to avoid the possibility of a running sore on yet another of his frontiers, his armed strength already being extended in containing insurgency in the North and East. Whatever the motive the Hintha Project shows the man as imaginative and magnanimous, adjectives seldom if ever applied to him during the decades of his rule. It also shows at a time when refugees are the major concern of South-East Asia and beyond that two neighbour states can cooperate in a manner which is an example to the rest of the region.”

Those who can read German will find an authoritative and detailed contemporary account of the 1978 exodus in Klaus Fleischmann’s “Arakan: Konfliktregion zwischen Birma und Bangladesh” published in 1981, notably [Pages 110 to 152](#).

The repatriation of refugees who had fled was widely regarded as a success story. Indeed so successful that more people are alleged in a Burmese official report to have been repatriated than actually left - [see paragraph 2.7.4 at this link](#). The probability is that at least 10,000 refugees who had no evidence of previous legal residence in Arakan decided to remain in Bangladesh. Most of these were very probably illegal post-independence migrants from Bangladesh.

“In 1991, when soldiers carried out killings, rapes, massive destruction of Rohingya communities as part of the military’s so-called ‘Clean and Beautiful Nation’, driving an additional 250,000 Rohingya to Bangladesh.”

My comment: The exodus in 1991-92 was [far more serious](#) than the flight in 1978. I would however note that the exodus was preceded by [incursions by armed Rohingya organisations](#). The account [at this link](#) seems credible. The impetus for these events might be traced psychologically to the expulsion of Buddhists from Northern Arakan in 1942. The evidence of ethnic cleansing and serious human rights abuses during 1991 and 1992 is both substantial and credible.

“The path is a familiar one, mirroring in so many ways the path to the Holocaust and other genocides.”

“We see it in the segregation of Rohingya into internally displaced persons camps in Rakhine State, the requirement that all Rohingya households register with the government.”

My comment: The British started the system of annual household registration in 1829. It has continued ever since. The local revenue officer assessed each family’s “capitation tax” and at the same time the village headman did a rough count of family numbers.³ The first count in 1829 assessed the total population of Arakan at only 121,288. Household registrations after independence have provided

³ See [“Account of Arakan” by Lt. Phayre](#) , then Senior Asssistant Commissioner Arakan, later Sir Arthur Purves Phayre first Commissioner of British Burma, in the Journal of the Asiatic Society 1841, Pages 694

acceptable and important evidence of legal residence, especially in the context of repatriation in 1978.

“We see it in Burma’s 1982 citizenship law, which effectively excluded Rohingya from citizenship and denied them full political rights, echoing the 1935 Nuremberg Laws that stripped Jews of their German citizenship.”

My comment: These allegations are serious. They are frequently made by activists, but rarely by scholars and officials who hold a different view.

Thant Myint-U, the grandson of UN Secretary-General U Thant, and one of Burma’s leading historians, observes in his book “The Hidden History of Burma”:

“In 1982, a new citizenship law was enacted. There is a common perception that the Rohingya were stripped of their citizenship by this law. That’s not true. Under the previous law, enacted in 1948, more or less anyone who was living in Burma at the time could register to become a citizen. **Under the new law**, taing-yintha ⁴ native were automatically citizens, and others, for example Indian migrants, who had become citizens under the older, more liberal law were still citizens ⁵. Complicating the picture, though, were **many undocumented people** who were not considered native, like most Muslims in Arakan. If they or their ancestors had arrived in British times (the “Chittagonians”), they could become naturalized as “guest” citizens. Their descendants by the third generation would be considered full citizens. Thus, by today, seventy years and three generations after independence citizenship should be equal for everyone except actual and recent illegal immigrants. But that’s all in theory. Practice was and is different, and discriminatory.”

In the same vein, Nick Cheesman, the Australian scholar and author of many works on human rights in Burma, has noted ([article at this link](#)):

“In fact, Myanmar’s citizenship law contains no reference to the 135 ethnic groups that today make up the country’s official ‘national races’. Nor does it include any specific sections to deny Rohingya citizenship. The law does privilege people belonging to certain loosely defined racial categories over others - that is to say, people classed as ostensibly being among the original, pre-colonial inhabitants of the country. But the present-day statelessness of Muslims in the west of Myanmar is essentially a result of de facto, rather than de jure, measures.”

⁴ [See an account of taing-yintha at this link.](#)

⁵ Section 6 of the 1982 Law reads: “A person who is a citizen on the date this Law comes into force is a citizen. Action however shall be taken under Section 18 for infringement of the provisions of that Section”. Section 18 refers to the acquisition of citizenship by false representations.

and again ([article at this link](#)):*

"The process of rendering stateless hundreds of thousands hitherto identified or self-identifying as Rohingya but now officially designated 'Bengali' was not de jure but de facto. It was not achieved by complying with the terms of the Citizenship Law per se, even though the law's contents were in their general intentions inimical to the interests of this population, but through their deliberate breach and selective application."

Nyi Nyi Kyaw has [likewise pointed out](#):

"It is a fact that they [Rohingya] were once citizens of Myanmar until the First Exodus occurred in 1978.....In this article I argue that the root cause of the chronic statelessness of the Rohingya lies more in the intentional failure to implement the law to citizenize or naturalize the Rohingya. I, therefore, highlight the fact that successive governments have intentionally left out the Rohingya from becoming citizens even under the discriminatory law."

In a reflective analysis of the 1982 Law, Peggy Brett and [Kyaw Yin Hlaing have commented](#):

"Discussions of the situation of the Muslims in northern Rakhine who identify as Rohingya often highlight the key role that the Citizenship Law has played in their marginalization. Such observations have led to the accusation that the intent of the citizenship law was discriminatory and even genocidal. The forgoing sections have attempted to suggest some alternative ways of thinking about the purposes of the Citizenship Law, in particular the ways that it fits into nation-building narratives and engages discussions of (real and perceived) colonial wrongs. It is not necessary to assume that the law had a sinister purpose in order to acknowledge its unfortunate effects, including the institutionalization of discrimination, the creation and perpetuation of statelessness, and facilitating the rise of ethnic nationalism."

Finally, Acting Head of Mission Roger Leeland [reported to London on 25 November 1982](#) that:

"The new Law is blatantly discriminatory on racial grounds. If the new procedures that are being prepared turn out to be as rigorous as we suspect they will be, then the Law may in practice be even more discriminatory than its text pretends.

"On the other hand it would be possible to argue that the new Law is a generous and far-sighted instrument to resolve over a period of time an awkward legacy of the colonial era."

In assessing the implications of the [1982 Citizenship Law](#) and the 1983 Regulations, two issues are important. First, to appreciate the need for the law, and second, to understand what the intention was. The first is covered in the [page on Citizenship](#) in the website which I edit: the principal impetus to the law was essentially practical and administrative, not ideological. The second is fully apparent from [General Ne Win's speech of 8 October 1982](#) in which he made it crystal clear ([see Annex B of my OPED at this link](#)) that his discriminatory legislation was only transitional and that the third generation of associate and naturalized citizens would become full citizens, regardless of their ethnicity. In other words, the creation of different classes of citizenship, though discriminatory against the Rohingya, was only a temporary measure. If the legislation had been put into effect immediately (in 1982) by today, 2022, most Rohingya would already have full citizenship. But it didn't happen, because of the corruption, intolerance and obstructiveness of Rakhine officials, aided and abetted by central government. Yet outside Rakhine State, by and large Rohingya were able to exchange their old IDs for new IDs as "Burmese Muslims".

To compare the Myanmar 1982 Citizenship Law with the 1935 Nuremberg Race Laws has no serious justification. The Nuremberg Laws specifically mention people of Jewish parentage and descent by name, whereas the Myanmar Law lists only the eight main ethnic groups already given in the 1948 legislation. The only difference between the 1948 and 1982 laws in this respect is that a definitive list of individual ethnicities was never issued in the case of the 1948 law, no doubt because it was not thought necessary. Under the 1948 law, those who could trace their ancestry back to before 1823 or who were third generation born in Burma were automatically citizens, by statutory right. These citizens and their descendants automatically continued their citizenship according to the 1982 Law. That most of them were unable to exchange their old IDs for new ones was not the fault of the Law, but of failure to implement the Law. It is this failure, and not the Law itself, which Secretary Blinken and the exhibition might reasonably adduce as a step on the path to genocide.

Conclusions

In this brief commentary on an extract from Secretary Blinken's remarks, I have shown, quoting reliable sources, that several events adduced as paving the way for genocide in Burma are either unconvincing as evidence or misconstrued..

I will not dwell on the historical errors and distortions in areas not mentioned by Secretary Blinken. My OPEDs of (a) [24 March 2022](#), (b) [29 March 2022](#) and (c) [6 April 2022](#) contain the detail. Attention must also be drawn to important omissions in the exhibition's historical narrative in the online presentation.⁶ These include:

- (i) The failure to mention the traumatic Burmese invasion of Arakan in 1784 which led to the serious depopulation of Arakan;
- (ii) the fact that some 80% of today's Rohingya are descendants of [British-era \(1824-1948\) migrants](#) from the Chittagong region of Bengal;

⁶ I have not visited the Museum and so do not know whether these omissions in the online version have in any way been remedied in the actual exhibition.

- (iii) the **ethnic cleansing of Muslims** by Buddhists in early 1942 which led to retaliation against Buddhists by Muslims a few weeks later;
- (iv) the lack of reference to the **separatist Mujahid rebellion in Arakan** which lasted from 1948 to 1961;
- (v) the importance of former **President Thein Sein's discussion on 11 July 2012** with the then UN High Commissioner for Refugees António Guterres, the current UN Secretary-General, confirming the legality of British-era migration from Bengal and the entitlement of descendants to full citizenship.⁷
- (vi) the absence of any presentation of **the rich, colourful and diverse kaleidoscope** of known and recorded Muslim ethnicities whose coalescence after independence in 1948 has created today's **Rohingya identity**.

It is of course for the Board of Trustees of the Holocaust Memorial Museum to decide what action, if any, to take in the light of the alternative narrative to historical events presented in this article and its attachments. It remains important that those responsible for atrocities in Rakhine State during the last five years in Rakhine State should be brought to account through national and international courts. In this context, Secretary Blinken's determination of "genocide" has more than sufficient domestic political justification based on the events of August 2017 alone, regardless of any perceived path to genocide.

In my view, the special exhibition on "Burma's Path to Genocide" in the Holocaust Museum does a disservice to the Museum and to its supporters all over the world. The exhibition oozes denialism: the cherry-picking of issues, however irrelevant, to fit into a pre-determined "genocide" template, the exclusion of vital information, the distortion of historical events, the anachronistic use of the term "Rohingya" even before its first historical appearance around 1960 and the presentation of "facts" which are simply not true. The graphic content of the exhibition is an eloquent testimony to Rohingya suffering and to their search for justice. The illustrative text however is in most areas inaccurate and tendentious. I understand that Rohingya Muslim "experts" and human rights organisations were closely involved as consultants to the exhibition, but it seems most unlikely that the advice of any independent Rakhine Buddhist scholar was also sought.

The Board of Trustees might now wish to consider seeking the advice of respected independent scholars⁸ with a view at least to recasting the narrative of the five Chapters of the online exhibition. The Simon-Skjoldt Center for the Prevention of Genocide could play an invaluable role if they could succeed in securing a common historical narrative of the Rohingya acceptable both to activists and scholars. We might

⁷ See **my OPED at this link** for an account of the sorry saga which misled the UN Fact-Finding Mission to misrepresent Thein Sein's conversation with Guterres. The Mission based its account on a record whose contents they have declined to reveal publicly, while ignoring the official record of the conversation sent to them well in advance of the publication of their **Final Report dated 17 September 2018**.

⁸ Such as **David Steinberg** (political history), **Thant Myint-U** (history), **Kyaw Yin Hlaing** (reconciliation), **Jacques Leider** (history), **Andrew Selth** (military affairs), **Melissa Crouch** (Muslim affairs), **Richard Horsey** (International Crisis Group), **Nick Cheesman** (human rights and citizenship).

in the meantime recall the wise words of William Pace, the founding convener of the Coalition for the International Criminal Court, who stated in one particular case that "human rights and organizations are lousy criminal investigators".⁹

Any revision of the collages in the special exhibition however should not be done in haste. It should be delayed at least until 2023 so that as many people as possible can visit the exhibition. Representatives from the International Court of Justice which is handling the Gambia genocide case should in particular be invited to visit so that they can observe at first hand how the Rohingya historical reality can be distorted and manipulated.

I need hardly add that the impact of the exhibition is likely to be divisive within Myanmar society and will not assist efforts to promote reconciliation between Buddhist and Muslim communities, especially in Rakhine State. The projection of what most non-Muslims in Myanmar regard as a fanciful narrative can only have negative results.

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⁹ *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment Pursuant to Article 74 of the Statute, 14 March 2012, ICC-P01/04-01/06-2842, para. 131