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Migration from Bengal to Arakan during British Rule 1826–1948

Derek Tonkin



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Migration from Bengal to Arakan during British Rule 1826–1948

Derek Tonkin *

Migration from India to Burma is no new thing. It has been going on as far back as Burmese history can be traced through its chronicles and legendary lore.¹

The record of Indian migration into Burma during British rule contrasts the purposeful influx of professional, skilled and unskilled workers into urban areas of Burma generally, notably to Rangoon City (Yangon), with the gradual, benign settlement of many tens of thousands of agricultural labourers from Bengal in Arakan (Rakhine State). Thanks to the porous nature of the border, these labourers came of their own volition, though generally encouraged to do so by the British administration. The migratory presence over the centuries of Muslim (and Hindu) communities in Arakan occurred so naturally that it was felt to be almost indigenous, so much so that any British responsibility for the post-war ferment in Arakan is questionable. In any event, the great majority of today's Rohingya can rightly feel that they belong in Myanmar. It seems unlikely that any principle of international law has been breached as a result of the Muslim presence in Arakan, but the former colonial power might well reassess its role critically.

* **Derek Tonkin** was Burma Desk Officer in the UK Foreign Office 1962–66. He was Ambassador to Vietnam 1980–82 and to Thailand and Laos 1986–89. This paper is a response to Morten Bergsmo, *Myanmar, Colonial Aftermath, and Access to International Law*, Torkel Opsahl Academic EPublisher, Brussels, 2019 (<http://www.toaep.org/ops-pdf/9-bergsmo>).

¹ James Baxter, *Report on Indian Immigration*, Superintendent, Government Printing and Stationery, Burma, Rangoon, 1941, foreword (<https://legal-tools.org/doc/cc5cu2>).

1. Introduction

At the 8133rd meeting of the UN Security Council on 12 December 2017, the representative of the Russian Federation, Vassily Nebenzia, observed during the course of the discussion on ‘The Situation in Myanmar’:

In our view, what is needed most of all in order to agree on a settlement of the situation of mass movements of people across the Myanmar-Bangladesh border is goodwill on the part of both States. Unfortunately, it will be impossible to resolve matters if the two of them cannot come to a rapprochement on this age-old problem, whose foundation was laid in the previous century by a colonial administration, with its arbitrary drawing of borders and shifting of populations from one part of its colonial dominions to another. The role of the international community, including the United Nations, should be to assist bilateral efforts to surmount this crisis and its consequences.

2. Setting the Scene: The 1911, 1921 and 1931 Censuses of British Burma

British colonial records, notably annual and decennial censuses, trace in considerable detail the arrival of Indian migrant labour in Burma. These records highlight, however, the marked difference between what happened in Burma generally, and the special situation in Arakan (Rakhine) which has a long history of cross-border migration over the centuries, mainly from Bengal into Burma, but also in the opposite direction.

The British Burma Census report of 1911 noted that:

With the exception of the agricultural immigrants from the district of Chittagong into Arakan, few Indians come to Burma with the intention of embarking in agriculture. The economic demand is not for agricultural but for urban labour, not for the raising of a crop but for its disposal [...]²

The report, however, also noted the presence in Arakan of “a huge indigenious agricultural Mahomedan population”. Still, no attempt was made in the Census to assess the respective numbers of the indigenious

² See C. Morgan Webb, *Census of India, 1911*, vol. IX, Office of the Superintendent, Government Printing, Burma, Rangoon, 1912, part I, p. 76, para. 77 (<https://legal-tools.org/doc/vcj9hs>).

and migrant Muslim communities in Arakan, who were enumerated according to their ‘tribes’, and not according to their dates of arrival.

The Census Report of 1921 broke with previous practice and enumerated Muslims no longer according to tribe, but according to race, distinguishing two main historical Muslim groups in Arakan – indigenous pre-British rule ethnicities designated ‘Indo-Burman’ on the one hand, and British-era migrant ethnicities of Indian origin, notably Chittagonian, on the other. In this context, the Report noted:

Akyab³ is a special case because of its contiguity to India, the ease with which the boundary is crossed, and the special local conditions of a seasonal immigration which leads to the presence on the date of the census of a number of Indians who will return shortly after to India. Actually of the 201,000 Indians shown in Marginal Table 14 for Akyab 78,000 males and 76,000 females were born in the district; the phenomenon is as much an annexation of part of India by Burma as an invasion of Akyab by Indians.⁴

By the time of the Census Report of 1931, we read:

In Akyab District itself 210,990 Indians were enumerated but only about one-tenth of them were enumerated in towns. In parts of Akyab District, Indians are so numerous that they should perhaps be regarded as indigenous.⁵

3. The Historical Background

In his report as Assistant Commissioner for Akyab on the Tax Settlement for the 1867–68 Season, Lieutenant G.A. Strover provided a brief description in October 1868 of the gangs of Chittagong coolies who crossed into Arakan every year for the reaping season. One of his concerns was how they might be encouraged to migrate permanently. This was not to happen until well after the opening of the Suez Canal in 1869 and the subsequent rapid expansion of international trade. It reads:

³ Akyab District at the time included all of Northern Arakan except the Arakan Hill Tracts – today’s Sittwe, Maungdaw and Mrauk-U Districts combined.

⁴ See S.G. Grantham, *Census of India, 1921*, vol. X, Office of the Superintendent, Government Printing, Burma, Rangoon, 1923, part I, p. 220, para. 164 (<https://legal-tools.org/doc/r84t1w>).

⁵ See J.J. Bennison, *Census of India, 1931*, vol. XI, Office of the Superintendent, Government Printing and Stationery, Burma, Rangoon, 1933, part I, p. 51, para. 25 (<https://legal-tools.org/doc/7z9v18>).

52. During the reaping season, and indeed before, coolies from the Chittagong district come over in hundreds, and appear to do most of the real labour of the country in the northern parts, as regards paddy cultivation [...] The Arakanese in many parts do little or nothing themselves as regards manual labour, cheerfully paying the Chittagong coolies a fair rate of wages to gather in their crops rather than go to the trouble of doing it themselves, but even when paying for this work, they, as a rule, make very fair profits on the season's out-turn. As soon as the work is over, the coolies return to their homes, and re-cross our frontier, where they remain until the next season comes round. It is a pity immigration does not assume a more solid form, but there are many circumstances which tend to retard and hold it in check. The Chittagong district which borders the northern frontier contains a very large expanse of country with a considerable area of waste land, vegetation is abundant, and but labour is required to produce the necessaries of life. Being under British rule, with a comparatively light taxation, it would require attractions of a special nature to induce people from those parts to leave their homes and settled down in a strange land. Labour in this district is as scarce a commodity as in other parts of British Burma, and apparently more so. Natives from Chittagong know full well the condition of the country as regards the demand for labour, and fix their own terms, being well aware that there is no competition in the market: all circumstances combined there appears to be little chance of labour becoming more plentiful or cheaper than at present for years to come [...]⁶

As the Commissioner for Arakan, Lt. Col. J.F.J. Stevenson observed in his covering submission to the Chief Commissioner of Burma on 5 January 1869:

Our want of population is well known: there is an abundance of land to repay the toil of cultivators.

The scholar Thibaut d'Hubert at the University of Chicago has referred to the nature of early migration into Burma from and through Ben-

⁶ G.A. Stover, "Letter from Lieutenant G.A. Stover, Assistant Commissioner, Revenue Settlement Department, Akyab, to the Deputy Commissioner, Akyab District", in *Reports on the Revenue Settlement Operations of British Burma, for the Year 1867-68*, vol. I, Office of Superintendent of Government Printing, Calcutta, 1869, p. 81, para. 52 (<https://legal-tools.org/doc/0nw7me>).

gal in his article “Pirates, Poets and Merchants: Bengali Language and Literature in Seventeenth-Century Mrauk-U”. He writes:

Muslims settled in Arakan in waves [...] Besides those ‘willing’ Muslim immigrants, we find slaves taken during the raids of Luso-Arakanese pirates in market-villages of the Delta area⁷ [...] Besides the Bengali Muslims, other groups were present in Mrauk-U who were neither Bengali Turko-Afghans nor converted Bengalis [...] ⁸

One cannot fail to notice the potential for diversity within Arakan’s Muslim society itself. This diversity is confirmed by Alaol⁹ who gave an extensive list of names referring to various kinds of Muslim individuals present in Mrauk-U under the reign of Satuidhammaraja (1645–52):

Various individuals [coming from] various countries, informed about the delights of Rosang (i.e., Mrauk-U), came under the king’s shadow: Arabs, Egyptians, Syrians, Turks, Abyssinians, Ottomans (Ruml), Khorasanis, Uzbeks, Lahoris, Multanis, Hindis, Kashmiris, Deccanis, Sindhis, Assamese (Kamarupi), and Bengalis (Bangadesi). Many sons of Shaykhs and Sayyids, Mughal and Pathan warriors.

One point is striking about this enumeration. Here Alaol does not encompass the whole Muslim community by saying that ‘Musalmans’ are present in Mrauk-U, but gives precise names related to particular places. He does not just name these places in a random order; he starts from the ones farthest afield (Arabia, Egypt, Syria, Central Asia, and Ethiopia), then he gives the nearer ‘Hindustani’ area (Lahore, Multan, Kashmir, Deccan, and Sindh) before finally introducing the regional area with Assam and Bengal.

⁷ The enslavement in the sixteenth and seventeenth centuries of many tens of thousands of Muslims and Hindus brought by force to Mrauk-U was assuredly a violation of modern international law by the Arakanese Kingdom, but is not the subject of this paper.

⁸ See Thomas de Bruijn and Allison Busch (eds.), *Culture and Circulation: Literature in Motion in Early Modern India*, Brill, Leiden/Boston, 2014, pp. 50–51 (<https://legal-tools.org/doc/470u9m>).

⁹ Syed Alaol (1607–73), a prolific, renowned Bengali poet, captured in a remote area of Bengal by Portuguese pirates while on a boat with his father, and brought to Arakan.

Moving into the eighteenth century, a British writer, Major R.E. Roberts of the East India Company, noted in his “Account of Arakan” in 1777 that:

Almost three fourths of the inhabitants of Rekheng [Arakan] are said to be natives of Bengal, or descendants of such, who constantly pray that the English may send a force to deliver them from their slavery, and restore them to their country; in that case they have agreed amongst themselves to assist their deliverers to the utmost of their power.¹⁰

It is scarcely credible that 75% of the inhabitants of Arakan were at that time Bengalis, but it is I think beyond doubt that there was already a substantial and settled Bengali community in Arakan, even if many were killed or forced to leave when the Burmese invaded in 1785. According to Rangoon University Professor Bertie Pearn, who in 1949 joined the UK Foreign Office as Head of South East Asia Research:

By the year 1798, two-thirds of the inhabitants of Arakan were said to have deserted their native land. In one year, 1798, a body of no less than ten thousand entered Chittagong, followed soon after by many more; and while their compatriots who had been longer settled there endeavoured to assist them, they were nevertheless reduced to a condition of the direct poverty, many having nothing to eat but reptiles and leaves.¹¹

In the nineteenth century, after the British annexation of the territory in 1826, Sub-Commissioner Charles Paton published in 1828 a “Historical and Statistical Sketch of Aracan” – the main part of a Secret Report dated 1826 in which he estimated (the same sentence in both reports) the population of Arakan thus:

The population of Aracan and its dependencies, Ramree, Cheduba and Sandoway, does not, at present, exceed a hundred thousand souls, and may be classed as follows: Mugs [Rakhine], six-tenths, Musselmans [Muslims], three-tenths, Burmese, one-tenth: Total 100,000 souls.¹²

¹⁰ Cited in *Aséanie: Sciences humaines en Asie du Sud-Est*, 1999, vol. 3, p. 144 (<https://legal-tools.org/doc/luznxm>). Major Roberts would not seem to have actually visited Arakan himself.

¹¹ B.R. Pearn, “King-Bering”, in *Journal of the Burma Research Society*, 1933, vol. 23, no. 2.

¹² See *Asiatic Researches; or, Transactions of the Society, Instituted in Bengal, for Inquiring into the History and Antiquities, the Arts, Sciences and Literature of Asia*, vol. XVI, Gov-

4. The Paradox of the Indigenous Migrant

This 2:1 ratio of ‘Mugs’ to ‘Musselmans’ (or 7:3 ratio of Buddhists to Muslims) in 1826 – even on the assumption that the figures presented by Paton are little more than rough guesswork – is scarcely different from the ratio of Rakhine to Rohingya in the twenty-first century, and has led many to argue that there was no migration of substance into Arakan as British archives report, and that all that has happened is that many Muslims have simply returned to their ‘ancestral lands’ after their flight from Arakan, notably in 1785 when so many Arakan Muslims (and Buddhists) were deported to Ava after the Burmese invasion, or sought refuge in British-ruled Bengal until it was safe to return home. British records are indeed at times rubbished as unreliable, compiled only for colonialist purposes. The activist Maung Zarni in an article written in 2014 has observed:

The fact that the British census and other official records did not include the category Rohingya says more about the short-comings of British pre-World War II social-science methodologies and political and economic power relations during the British colonial period than they do about the history of Rohingya identity.¹³

Even more pointedly, the Rohingya politician U Kyaw Min has flatly denied in an article critical of my own presentation that Bengalis and Chittagonians recorded in British censuses were permanently settled in Arakan:

So called Bengali or Chittagonians in British census were mostly foreigners. Except business related persons and official staffs most of them were seasonal labourers, who did not bring their spouses. These foreigners were also included in British censuses. Professor Dr Than Tun named them as floating population. Once the working season is over, they returned to their native land. Rohingya has nothing to do with them [...] So called Chittagonian immigrants never

ernment Gazette Press by G.H. Huttmann, Calcutta, 1828, p. 372 (<https://legal-tools.org/doc/eh58ce>).

¹³ See Maung Zarni and Alice Cowley, “The Slow-Burning Genocide of Myanmar’s Rohingya”, in *Pacific Rim Law & Policy Journal*, 2014, vol. 23, no. 3, p. 701 (<https://legal-tools.org/doc/9xe3dk>).

took permanent settlement, only natives who formerly left Arakan came back and settled in their original places.¹⁴

U Kyaw Min would superficially seem to have the backing of British census records for his position. Thus the 1911 Census examines the seasonal migration between Chittagong and Akyab and notes:

Every year, there is a periodic migration of coolies from Chittagong to assist in agricultural operations in Akyab. The amount of migration fluctuates greatly, falling to very small dimensions after a good season and rising considerably after a bad season in Chittagong. Only a comparatively small number remain permanently behind in Akyab, the majority returning to their homes in Chittagong after the reaping of the crops.¹⁵

My response to U Kyaw Min attempted, in a light-hearted vein, to correct the record.¹⁶ The 1921 and 1931 censuses revealed a greater incidence of Chittagonian settlement in Akyab, additional to the admittedly small number of seasonal workers who stayed behind after the rice harvest. A later and more authoritative analysis is Chapter VII of the already mentioned Inquiry was completed in 1940 by the Financial Secretary, James Baxter, into Indian immigration to Burma and published shortly before the Japanese invasion.¹⁷ The report is solely concerned with migrants who came after the British annexation of Arakan, not with indigenous Muslim communities. Chapter VII quotes the 1931 Census, which showed that in Akyab District, some 167,000 Indians (Muslim and Hindu) were born in Burma, against only 44,000 born outside. ‘Born in Burma’ can only mean resident in Burma, for the vast majority.

As a result of the Inquiry, the British Government of Burma negotiated with the British Government of India an agreement on immigration control which never came into effect, mainly because of the Japanese invasion. Nor was it ever likely to: it was widely opposed by political and commercial interests in India, as well as by Mahatma Gandhi:

¹⁴ See “Why not Rohingya an antiquity? [Part 2]: An assessment on Rohingyas’ genuineness”, in *Rohingya Blogger*, 30 April 2014 (available on its web site).

¹⁵ See Webb, 1912, p. 80, see above note 2.

¹⁶ See Derek Tonkin, “The ‘Rohingya’ Identity: Arithmetic of the Absurd”, in *Network Myanmar*, 9 May 2014 (available on its web site).

¹⁷ See above note 1.

My study has led me to the conclusion that it is an unhappy agreement. It is panicky and penal. In the papers I find no reason to warrant any panic nor do I find any warrant for the severe punishment meted out to the Indians resident in Burma [...]¹⁸

Published on 22 July 1941, the text was reportedly only initialled, and never ratified. Even so, a provision about the suspension of all migration by unskilled labour came into immediate effect, causing outrage throughout India, and especially in Bengal whose Government declared that they had at no stage been consulted about or even made aware of the proposals in advance.¹⁹

In an address to visiting Prime Minister U Nu on 25 October 1948, the influential, quasi-political party Jamiat ul-Ulema of North Arakan (the Council of Scholars of North Arakan who included elected politicians like Sultan Ahmed and Abdul Gaffar) denied that there had ever been any substantive migration from the Chittagong region into Arakan at any time:

We are dejected to mention that in this country we have been wrongly taken as part of the race generally known as Chittagonians and as foreigners. We humbly submit that we are not. We have a history of our own distinct from that of Chittagonians. We have a culture of our own. Historically we are a race by ourselves [...] Our spoken dialect is an admixture of Arabic, Persian, Urdu, Arakanese and Beng[a]lis.²⁰

This perspective has become the unshakeable, default mantra of Rohingya ideologues. It is now likely that the majority of Rohingyas hold this perception of their indigeneity to be historically true, despite the sustained statistical evidence from British sources of migration over many decades. We should in the circumstances not be surprised at the current

¹⁸ See Mahatma Gandhi, “Statement to the Press”, in *The Bombay Chronicle*, 25 August 1941; cited in *The Collected Works of Mahatma Gandhi (Electronic Book)*, vol. 81, Publications Division, Government of India, New Delhi, 1999, document 28 (<https://legal-tools.org/doc/16g5wz>).

¹⁹ See *The Indo-Burma Immigration Agreement: A Nation in Revolt*, Indian Overseas Central Association by S. Satyamurti, New Delhi, 1941 for a detailed account of the opposition in India to the Agreement. It was effectively superseded by the Burma Immigration (Emergency Provisions) Act of 1947, which is still in force.

²⁰ See “Address presented by Jamiat ul-Ulema North Arakan: On Behalf of the People of North Arakan to the Hon’ble Prime Minister of the Union of Burma on the Occasion of His Visit to Maungdaw on the 25th October 1948”, pp. 1–2 (<https://legal-tools.org/doc/wb3uz2>).

polarisation between the Rakhine Buddhist and Rohingya Muslim communities, the former claiming that the Rohingyas are illegal migrants from Bengal, and the latter insisting on their historical indigeneity.

The British author Azeem Ibrahim would also seem to be in a state of denial about Chittagonian migration into Arakan during British rule. In his book *The Rohingyas: Inside Myanmar's Genocide*, he acknowledges that there was indeed substantial migration from British-rule India to most regions of Burma before 1937. But as regards Arakan he asserts:

None of this significantly involved the Rohingyas, who mostly carried on working as farmers and fishermen on their own land rather than taking up work in the colonial administration.²¹

This denial of any migration of substance from Bengal to Arakan during British rule is compounded by his anachronistic use of the term 'Rohingya' which only emerged after Burma's independence in 1948. The designation was unknown to the British colonial administration. Indeed, the only historical source of reference to anything resembling 'Rohingya' prior to independence is to be found in an article in the 1799 Calcutta edition of Volume 5 of *Asiatic Researches* on the languages of the Burma Empire by Francis Buchanan resulting from his visit to the Court of Ava as a member of a diplomatic mission in 1795.²² The article has been the subject of intense speculation, but the absence of corroboration from any other independent source obliges us to take the reference only at its face value. We read:

I shall now add three dialects, spoken in the *Burma* empire, but evidently derived from the language of the *Hindu* nation.

The first is spoken by the *Mohammedans*, who have long been settled in *Arakan*, and who call themselves *Roo-inga*, or natives of *Arakan*.²³

²¹ Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Genocide*, C. Hurst & Co., London, 2018, p. 7.

²² See Michael Symes, *An Account of an Embassy to the Kingdom of Ava, Sent by the Governor-General of India, in the Year 1795*, W. Bulmer and Co., London, 1800 (<https://legal-tools.org/doc/jeqk1p>).

²³ See *Asiatic Researches; or, Transactions of the Society, Instituted in Bengal, for Inquiring into the History and Antiquities, the Arts, Sciences and Literature of Asia*, vol. 5, printed verbatim from the Calcutta edition, J. Sewell *et al.*, London, 1799, p. 237 (<https://legal-tools.org/doc/mhff11>) (indentation in the original).

Buchanan's article was widely cross-referenced by other scholars and encyclopaedists during the next 50 years or so, but all without exception gave Buchanan as their sole source. This did not however deter Ibrahim from proclaiming several of these supporting reference works to be independent sources for 'Rooinga' and its variants, despite the specific attribution to Buchanan in every case.²⁴

Ibrahim's point of departure is the 1826 report by Arakan Sub-Commissioner Charles Paton quoted above which he interprets in his book as follows:

Shortly after the British conquest, a survey carried out by Charles Paton indicated the population of the province was around 100,000. As with many British censuses of the colonial period, he focused as much on religion as ethnicity and identified that there were 30,000 Muslims split between three ethnic groups, a large community mainly in the north (the Rohingyas); the Kamans (a group descended from Afghan mercenaries who had served the previous dynasty); and 'a small but long established Muslim community around Moulmen [sic]'.²⁵

It should however be noted that Paton does not refer anywhere in his Report to 'Rohingya', nor even to the Kaman, and the quotation at the end of the sentence is not from Paton but has been taken unattributably and inexplicably from the 1940 Baxter Report on Indian Immigration during British rule, written some 114 years later. For the Baxter Report, in a passing comment on quasi-indigenous Muslim communities in Arakan and Tennerassim we read:

There was an Arakanese Muslim community settled so long in Akyab District²⁶ that it had for all intents and purposes to be regarded as an indigenous race. There were also a few Mohamedan Kamans in Arakan and a small but long estab-

²⁴ A detailed critique by me on this issue as well as highlighting numerous errors of historical fact: Derek Tonkin, "A Detailed Examination of Misinformation in Dr Azeem Ibrahim's Book *The Rohingyas: Inside Myanmar's Hidden Genocide*", in *Network Myanmar*, 1 March 2017 (available on its web site).

²⁵ Ibrahim, 2018, p. 6, see above note 21.

²⁶ Akyab District at the time was today's Sittwe, Mrauk-U and Maungdaw Districts combined.

lished Muslim community around Moulmein²⁷ which could not be regarded as Indian.²⁸

Paton is again mentioned in Ibrahim's book. "Ostensibly working for the British Colonial Office, he was actually working for Britain's secret spy agencies".²⁹ It is true that Charles Paton, assisted by another more erudite and gifted Sub-Commissioner Thomas Robertson and Lieutenants Thomerson and Cammelin of the Royal Engineers, submitted a report graded 'Secret' to the Governor-General Lord Amherst, from which it is apparent that most of the work was completed not by Paton, but by Robertson, Thomerson and Cammelin, including all the interviews with village chiefs, both Muslim and Buddhist. At the time India was administered by the East India Company, not the Colonial Office, and the only reason for grading the report 'Secret' was that it was presented to the Governor-General through Chief Secretary George Swinton, who headed both the 'Secret' and 'Political' Departments. Paton was no more a spy than were Robertson, Thomerson and Cammelin. Paton's 1826 report was declassified only two years later and published as an article in *Asiatic Researches*, with the excision only of personality notes on village chiefs.³⁰

5. The Repopulation after 1826 of 'Almost Depopulated' Arakan

The Indian Minority in Burma published in 1971 and authored by Dr. Nalini Ranjan Chakravarti is a mine of information about the Indian community in Burma and essential reading in this context, with a foreword by the renowned historian Professor Hugh Tinker who lauds Dr. Chakravarti's qualifications to write about this subject.³¹ On Arakan's Muslims, Dr. Chakravarti has this to say:

There is an overwhelming justification for separating the Moslems of Akyab District from other Indians. These Mos-

²⁷ Moulmein, in its modern spelling of 'Mawlamyine', is not in Arakan in Western Burma, but in Tenerassim in Eastern Burma, in its modern versions Tanintharyi. As Sub-Commissioner for Arakan on the Western border, Charles Paton would not have presumed to make any comment about events in Tenerassim on the Eastern border.

²⁸ See Baxter, 1941, p. 4, see above note 1.

²⁹ Ibrahim, 2018, p. 29, see above note 21.

³⁰ An authoritative account of the Rohingya identity may be found in Jacques Leider, "Rohingya: The History of a Muslim Identity in Myanmar", in *Oxford Research Encyclopedia of Asian History*, Oxford University Press, May 2018.

³¹ See N.R. Chakravarti, *The Indian Minority in Burma: The Rise and Decline of an Immigrant Community*, Oxford University Press, New York, 1971.

lems are a permanently settled agricultural community of Arakan and are really Arakanese [...] Maungdaw Township with 90,000 Indians, Buthidaung Township with 45,000 Indians and Kyauktaw Township with 20,000 are at the border of Chittagong (Bengal, now East Pakistan) and more easily accessible from Chittagong than other parts of Akyab. They are indigenous people, living in those areas for generations and are Arakanese in dress and manner, though Muslim by faith.³²

I have already shown that there were several waves of Muslim penetration into Arakan well before the British arrived. When the British invaded in 1824, they found the former Kingdom seriously depopulated. As Lieutenant General Albert Fytche, who became Chief Commissioner of British Burma, recalled:

It is well known that when Arakan and Tenerassim first came into our possession, in 1826, they were almost depopulated, and were so unproductive, that it was seriously deliberated whether they should not be restored to Burma.³³

It might even be argued that such was the depopulation of Arakan that, for all practical purposes, 1826 should be treated as ‘year zero’ when Arakan as a territory began to experience a virtual repopulation.

The First Anglo-Burmese War, unlike the Second and Third Wars, was no colonial war, but a clash of Empires. The East India Company had no wish to expand, but had to contend with aggressive imperial ambitions from the Burma King into Manipur and Assam, which the British were not prepared to tolerate. From 1826 to 1862, Arakan was administered as part of the Bengal Presidency. It became part of the Indian Province of British Burma after the Second Anglo-Burmese War. A further wave of Muslim migration started only later, as Arakan developed as a major rice exporter. The need for labour was paramount, and in the early years, some 10% of the labouring population of the Chittagong region came across seasonally to harvest the rice and to work in the ports and elsewhere.

Eventually, many Chittagonians took the plunge. Some decided to stay on after the rice harvest, others just crossed the Naaf River into Ara-

³² *Ibid.*, p. 17. This is in my view true of descendants of the pre-1824 settlers in the region of Kyauktaw and neighbouring Mrauk U, but not generally true of British-era Chittagonian migrants who settled in Maungdaw and Buthidaung.

³³ See Albert Fytche, *Burma: Past and Present*, vol. II, C. Kegan Paul & Co., London, 1878, p. 288.

kan in search of a better life. They were encouraged to do so, both by the Governments of the Bengal Presidency and of British Burma who both sought stability among their respective work-forces during harvest time, not least in order to avoid premature harvesting in the northern parts of Arakan before the itinerant harvest gangs moved south.

I have already referred to the 1940 report on Indian immigration to Burma during British rule by the Financial Secretary, James Baxter.³⁴ He noted in Chapter VII, which is entirely devoted to immigration from the Indian Sub-Continent to Arakan during British rule, the preponderance of males over females in Arakan among Indian migrants and their descendants. The main ethnicities of the Indian population in Akyab District are given as follows:

	Male	Female	Total
Chittagonians	104,769	81,558	186,327
Bengalis³⁵	10,998	4,588	15,586
Hindustanis	2,955	632	3,587
Oriyas	3,809	10	3,819

Table 1. Main Indian ethnicities in Akyab in 1940.

The Baxter Report noted that at the time some 86,000 male Indians were ‘born in Burma’ compared with 81,000 females, while 38,000 male Indians were born outside Burma against only 6,000 females. As Muslim families in Arakan were more prolific than Rakhine families, male immigrants were sooner or later generally able to find spouses among local Indian communities, though prospective wives were in short supply in both Muslim and Rakhine communities.

These figures are based on the 1931 Census, which distinguished between the majority ‘Indian’ British-era migrants or descendants on the one hand, and the minority quasi-indigenous ‘Indo-Burman’ descendants on the other, the latter listed mainly as Arakan Muslims (Yakhain-kala), Kaman and Myedu. Indo-Burmans numbered only 56,963 in the 1931 Census. Inter-marriage with the local Rakhine community was historically

³⁴ See Baxter, 1941, see above note 1.

³⁵ Bengali origin outside the Chittagong region.

far greater among Indo-Burman communities than among Indian communities.³⁶

6. British Policy on Migration

British policy on immigration from Bengal to Burma was at the forefront of the 1888 report by Philip Nolan “Emigration from Bengal to Burma and How to Promote it”. The report is primarily concerned with the promotion of the migration of agricultural labourers from impoverished Behar (Bihar) which was then in the Bengal Presidency and is today a State in India. There are however occasional references to Arakan (Aracan) and Chittagong. We read in the Report:

To the Chittagong emigrants the differences between the wages current in their own district, which in this respect is the best in Bengal, and the Burma rates means an appreciable increase in comfort. To the Behari, it is often a matter of life or death [...] In Burma any labourer can in a few years earn sufficient to establish himself as a cultivator, paying only the public revenue, assessed on all alike at a moderate rate, and absolutely free from all danger of disturbance. This a consideration which has great weight for the inhabitants of Chittagong who contribute a large proportion, perhaps a majority of Bengal immigrants [...]³⁷

As an exercise in enlightened colonialism, it is difficult to fault the proposals in this Report. The intention was to develop unpopulated waste lands in various regions of Burma without disruption to or at the expense of indigenous communities.³⁸

The Nolan Report notes that there is an area of some 296,000 acres of waste land in Akyab District fit for cultivation and which only requires clearing and “small bunding”, work which can be carried out by the culti-

³⁶ “Rohingya” was not to make its first appearance until some 20 years later.

³⁷ See Philip Nolan, *Report on Emigration from Bengal to Burma, and How to Promote It*, Bengal Secretariat Press, Calcutta, 1888, paras. 9–10 (<https://legal-tools.org/doc/cn7487>).

³⁸ In the event, not all that many Biharis seem to have made the journey to and to have settled in Burma. The 1931 Decennial Census records only 508 male and 31 female Bihari speakers in the whole of Burma.

vators themselves.³⁹ The report quotes from the *Settlement Report for the 1886–87 Season in the Akyab District*:

The great want in this tract⁴⁰ is population. The land if banded is very productive, and if Bengalis could be induced to squat on it, I have no doubt that in a short time it would assume the same appearance as the Naaf⁴¹ has now. I think that District Officers might well devote attention to getting Bengali settlers here. There are large tracts of land which have passed out of production and large tracts that have never been cultivated that only require banding to make them productive. The present inhabitants would no doubt object to grants on the ground of interference with grazing, prior claim, old possession, [et]c. But any claims of this nature not entered in the settlement registers should be received with caution. Five years' exemption from revenue and second class soil rates on new pottas⁴² would, I think, encourage Bengalis to settle.⁴³

In his covering report, the Chief Secretary noted:

The Chief Commissioner commends to the attention of the Commissioner of Arakan and the Deputy Commissioner of Akyab Mr Adamson's [the Settlement Officer] remarks on the want of communications and the want of population. He is prepared to consider any plan the Commissioner may propose for attracting Bengali immigrants if the privileges accorded by the Revenue Rules are not sufficient.

I have found no trace of any subsequent 'plan' to attract Bengali immigrants. Those who came paid their own travel expenses. In any case most immigrants from Bengal were illiterate and came from the rural areas of Chittagong district adjacent to Arakan. They were well aware from family connexions of the prospects for migration, which were primarily to

³⁹ W.T. Hall, "Note on Waste Lands in Lower Burma Available for Cultivation", in Philip Nolan, *Report on Emigration from Bengal to Burma, and How to Promote It*, Bengal Secretariat Press, Calcutta, 1888, p. 2 (<https://legal-tools.org/doc/cn7487>).

⁴⁰ The tract concerned was the Kaladan Valley.

⁴¹ The Naaf Valley tract included Maungdaw and Buthidaung.

⁴² The meaning of 'potta' has not been found in any work of reference, but presumably means 'settled land'.

⁴³ See *Report on the Settlement Operations in the Akyab District: Season 1886-87*, Superintendent, Government Printing, Burma, Rangoon, 1888, p. 35 (<https://legal-tools.org/doc/1o4bkb>).

settle on and acquire permanently tenancy of their own land. In Arakan there were hardly any British-owned estates or plantations requiring labour. The tax exemptions offered were the same for any new settlers, whether from Bengal, other districts of Burma or as far away as China. As Lt. Col. J.F.J. Stevenson, Commissioner for Arakan, noted as early as 1869 and so some 17 years before the rest of Burma came under British rule, in remarks typically prejudiced for the time:

I may advert here to a measure which I took the liberty of advocating in my letter No. 36, dated 11 December last [1868], respecting the introduction of Chinese cultivators. This is not the place for discussing schemes. But I will say that if we could bring in cultivators of this race, we should be independent of Chittagonians, our only immigrants at present. The country would be improved as much by Chinamen as by any race of Bengalees, and the Burmese or Arakanese race would not deteriorate as it undoubtedly does by admixture with a low type Aryan type of people. And my remarks upon the Chinese race are equally applicable to the Shan people, who only require a little more encouragement to come in numbers from the Burman Shan States.⁴⁴

7. Migration to Arakan during British Rule

In his article, Morten Bergsmo poses the intriguing question:

Could Myanmar argue that the transfer of civilians into Burma prior to World War II – a process that has contributed significantly to the demographic makeup of, for example, Rakhine State – was a violation of international law?

I have some sympathy with this argument. It could be true of Burma as a whole. But as regards Arakan itself, the situation is less clear-cut. The British directly recruited few people in India for jobs in Arakan itself in the way that they organised or assisted the transfer of police (46%), military (41%), posts and telegraph (32%), Western medical practitioners (58%), subordinate public administration (about 30%), railway workers (nearly 70%), sea and river transport workers (about 51%) for work in

⁴⁴ J.F.J. Stevenson, “Reports on the Revenue Settlement Operations of British Burma, for the Year 1867-68: Arakan Division”, in *Reports on the Revenue Settlement Operations of British Burma, for the Year 1867-68*, vol. I, Office of Superintendent of Government Printing, Calcutta, 1869, p. 29, para. 71 (<https://legal-tools.org/doc/0nw7me>).

Burma generally.⁴⁵ Even the Chettiyar moneylenders who played such a dominant and controversial role in financing the rice industry in the Irrawaddy Delta played only second-fiddle to local financiers in Arakan. The agricultural labourers who settled in Arakan under British rule came primarily of their own volition. Yet encouragement to emigrate might in the circumstances which prevailed be held to be tantamount to irresistible inducement. Let us look at some migration statistics.

The first peace-time census in Arakan, for the capitation tax in 1829, assessed the population of Arakan at 121,288 by which time many of those, both Muslims and Buddhists, who had sought refuge in Bengal during Burman rule, had returned home. By 1832 the population had risen to 195,107 and by 1842 to 246,766. The Rev. G.S. Comstock (1847) recorded that the 1842 Annual Census estimated the population at the time at some 257,000:

Of these about 167,000 were Mugs, 40,000 are Burmese, 20,000 are Mussulmans, 5,000 are Bengalese, 3,000 are Toungmroos, 2,000 are Kemees, 1,250 are Karens and the remainder are of various races, in smaller numbers and sundry other ethnic groups.

This would indicate, by 1842, an 8:1 ratio of Buddhists (Rakhine and Burmese) to Muslims in Arakan as a whole, not the 7:3 ratio of Charles Paton in 1826 noted above.

The population of Arakan trebled during the first 25 years of British rule from 100,000 or so to more than 350,000 (352,348 recorded in the 1852 Annual Census). I have already mentioned the reminiscences published in 1878 by the former Chief Commissioner of Burma, Lt. Gen. Albert Fytche. In *Burma: Past and Present*, he noted:

This vast increase was due to immigration from provinces under Burmese government, and notably from Pegu [...] The desertion of their own sovereign and country by these masses, and their voluntarily placing themselves under an alien rule, coupled with the vast increase of prosperity in every shape of the portion of Burma which has become British, must, therefore, at least as far as British Burma is concerned, unequivocally convince the blindest admirer of native rule and institutions of the superiority of British over Native Rule;

⁴⁵ Percentages of total Indian penetration in particular sectors are taken from Chakravarti, 1971, para. 13, see above note 31.

and that no portion of our great Eastern Empire is more important, with a great future before it, than our possessions in Burma.⁴⁶

These migrants were Buddhist, not Muslim. Their arrival was voluntary. This process however was later reversed in Akyab District when the migration of Muslims from Bengal started in earnest after the opening of the Suez Canal in 1869, which saw the expansion of the rice trade throughout Burma and the development of Akyab Town (Sittwe) as a major international port. By the time of the first full census of 1872, the population of Arakan as a whole had reached 484,673. Buddhists at 364,023 (Rakhine and Burmese) still exceeded Muslims at 64,313 (Yakhain-kala pre-1824 settlers,⁴⁷ Chittagonians, Bengalis, Kaman, Myedu, Zerbaidis⁴⁸ etc.) by a ratio of nearly 6 to 1. However, in Akyab District 185,266 Buddhists were counted against 58,263 Muslims, a ratio of nearly 3 to 1. From then on, the ratio of Buddhists to Muslims in Akyab District showed a steady decline as migration from Bengal into the District gradually increased. By the time of the 1931 Census there were still more Buddhists (448,288) in Akyab District than Muslims (244,398). But the ratio had fallen to just under 2 to 1.⁴⁹

British encouragement of Muslim settlement had certain repercussions. The pressures on the local Rakhine came however from two sources: Burmans ('Yanbyè' or Ramree islanders) already settled in Sandoway and Kyaukpyu moving into Akyab or arriving from adjacent Pegu Division, and Chittagonians migrating from Bengal into the north. As Robert Smart observed in his 1917 "Gazetteer on Akyab District":

That the Arakanese are steadily being pushed out of Arakan by the steady wave of Chittagonian immigration from the west is only too well known. The reason why they cannot

⁴⁶ Albert Fytche, *Burma: Past and Present*, vol. I, C. Kegan Paul & Co., London, 1878, p. 256.

⁴⁷ Buchanan records that the Yakhain-kala or 'Rakhine strangers' called themselves 'Rooringa' or 'Natives of Arakan'. The word has survived until today as 'Rohingya', passing through many variations and being ascribed to a range of Arakan Muslim ethnicities over the years.

⁴⁸ For an explanation of this term, see C.C. Lewis, *Census of India, 1901*, vol. XII, Office of the Superintendent of Government Printing, Burma, Rangoon, 1902, pp. 110–11 (<https://legal-tools.org/doc/umfjnv>).

⁴⁹ Starting with the 1921 Census, the British administration enumerated Muslims in Arakan as either 'Indo-Burman' or 'Indian'. The two groups were subdivided into separate ethnic identities, none of them 'Rohingya'.

withstand this pressure is that they are extravagant and hire more labour than is necessary rather than do a fair share of the work themselves [...] the Arakanese not having been accustomed to hard manual labour for generations cannot and will not do it now. It has been brought home to him that if he will not do it himself he must give way to the thrifty and hard-working Chittagonian and his only reply is to move on. He has lived better and worked less than the despicable ‘kula’ and he does not mean to alter his ways now. The pressure from the Kyaukpyu and Sandoway districts must not be forgotten, and between the Chittagonian and the Yanbyè the Arakanese proper are not likely to survive⁵⁰ long.⁵¹

The Gazetteer, which in its final chapter presents demographic sketches of every township and sub-division of Akyab District, makes clear the extent of immigration from Bengal and the contrast between the old Indo-Burman and the new Indian settlers:

Long residence in this enervating climate and the example set by the people among whom they have resided for generations have had the effect of rendering these people [pre-1824 Muslim settlers] almost as indolent and extravagant as the Arakanese themselves. They have so got out of the habit of doing hard manual labour that they are now absolutely dependent on the Chittagonian coolies to help them over the most arduous of their agricultural operations, ploughing, reaping and earthwork.

Since 1879 immigration has taken place on a much larger scale and the descendants of the slaves are resident, for the most part, in the Kyauktaw and Myohaung [Mrauk U] townships. Maungdaw township has been overrun by Chittagonian immigrants. Buthidaung is not far behind and new arrivals will be found in almost every part of the district. The later settlers, who have not been sapped of their vitality, not only do their own labour but it is not uncommon to find them hurrying on their own operations to enable such as can be spared to proceed elsewhere to add to their earnings by working as agricultural labourers, boatmen or mill coolies.⁵²

⁵⁰ But survive they did, and prosper.

⁵¹ See R.B. Smart, *Burma Gazetteer: Akyab District*, vol. A, Superintendent, Government Printing, Burma, Rangoon, 1917, pp. 88–89 (<https://legal-tools.org/doc/0odxg0>).

⁵² *Ibid.*, p. 90.

8. Muslim-Buddhist Communal Relations

What is perhaps remarkable is that these pressures on the Rakhine to move on did not lead to serious communal violence. There are reports of only isolated disputes among and between Chittagonians and Arakanese, mostly over land and rent, normal in almost any community. The Arakanese found that, for the prices Chittagonians were prepared to pay to buy land from them, they could purchase twice as much land further inland across the Arakan Yoma mountains among their own people.

Yet there is no doubt where British sympathies lay. Few colonial officials had a good word to say about the Rakhine. Bengali migrants were industrious; they paid their rent on time; they did not drink or gamble like the feckless and indolent Rakhine; they worked hard and prospered; their villages were generally better kept; they showed commercial enterprise. Such prejudices, impossible to conceal, may well have given rise to resentment among the Rakhine.

Yet in this context, the comments in 1957 of the Rakhine politician U Kyaw Min (not to be confused with the current Rohingya politician of the same name mentioned above) are worthy of note. U Kyaw Min was one of only eight British-educated Burmese, four of them Rakhine, formally recruited into the prestigious Indian Civil Service and authorized to use the initials 'I.C.S.' after their names. In a political tract on "The Arakan State", he noted:

The problem of the Arakanese was the Chittagonian problem, not the Burmese. The Chittagonians, however, came to Arakan as servants and labourers and as such they were wanted in Arakan. They never were really a serious problem for they kept their place as servants and labourers and in the mofussil, where they came as peasants, there was enough room for them because of the lack of Arakanese farmers. The relations were always cordial. The first clash between them was with the advent of the Japanese in early 1942. But that is a story apart.⁵³

This 'story apart' has been expertly analysed by Jacques Leider in "Conflict and Mass Violence in Arakan". He is rightly cautious in attributing responsibility. He notes:

⁵³ See U Kyaw Min, *The Arakan State*, Pye Daw Tha Press, Kyaukmyaung, p. 2 (<https://legal-tools.org/doc/oy113e>).

The terrible confrontation of 1942 had in fact tragic consequences for both communities. The inglorious events have never been a source of contentment or pride for any of the two parties. Actors on both sides of the social and religious divide have to share the responsibility for criminal behavior. Still, there is regrettably little reliable or detailed information on what triggered the violence in Minbya or Myebon, what happened thereafter and in which exact circumstances a wave of revenge killing occurred.⁵⁴

There is a reference by both Jacques Leider and Morten Bergsmo to the ‘divide and rule’ policy of the British alleged by the Jamiat ul-Ulema in 1948 which had supposedly:

[C]reated [...] a large measure of misunderstanding and distrust between our people and our Arakanese brethren (a policy) [...] [which] culminated in the massacre of 1942 of our people residing in various parts of Akyab District.⁵⁵

I regard this ‘divide and rule’ shibboleth as little more than political opportunism designed to appeal to Prime Minister U Nu and to secure greater political representation in Parliament at the time. The allegation is not supported by any evidence and makes no reference to the dispossession and murder of Arakanese by Muslims in the northern part of the District, by way of retaliation. It is unlikely that U Nu was persuaded by this line of argument.

For most Buddhist Rakhine, the migration during British rule of many thousands of Bengali coolies and farmers was generally not unwelcome. The Rakhine were more than content to engage the labour of transient or permanent Bengali migrants during the rice harvest and as port workers at Akyab. I have already referred to the forced migration of Bengalis in the seventeenth and eighteenth centuries.⁵⁶ It is not unreasonable to suppose that, if Britain had not imposed its rule on Burma, the Rakhine themselves would have encouraged the Bengali influx into Arakan for

⁵⁴ Jacques P. Leider, “Conflict and Mass Violence in Arakan (Rakine State): The 1942 Events and Political Identity Formation”, in Ashley South and Marie Lall (eds.), *Citizenship in Myanmar: Ways of Being in and from Burma*, ISEAS Publishing, Singapore, 2017.

⁵⁵ “Address presented by Jamiat ul-Ulema North Arakan: On Behalf of the People of North Arakan to the Hon’ble Prime Minister of the Union of Burma on the Occasion of His Visit to Maungdaw on the 25th October 1948”, p. 2, see above note 20.

⁵⁶ See above note 7 about the capture enslavement of many thousands of Bengali Muslims and Hindus during the Mrauk-U dynasty.

precisely the same reasons as the British. Bengal was historically a source of labour and population for Arakan, forced or voluntary.

The nature of the Bengali presence in Arakan was well captured in the 1913–17 Revenue Settlement Report:

The contrast between the native [Bengali] and Arakanese villages is very marked and can be seen even on the kwin map. The former are regularly laid out and every house has its fenced-in compound covering about half an acre and containing mango, jack and bamboos. Around the village are small plots of miscellaneous cultivation on which chillies and tobacco are grown as well as brinjals, maize and sometimes sugarcane. The compounds are kept free from weeds and are well swept. The houses are built in Indian style on a raised mud floor and are thatched with paddy straw in place of dhani. Though smaller on average than the houses of the Arakanese they are far from being mere hovels and their neat compounds give them an air of great comfort and prosperity. The people are well fed, well dressed and well housed, and there are nowhere any signs of any approach to poverty.

The Arakanese villages on the other hand are irregular collections of mat and thatch cottages without compounds and frequently without shade. The villages are always untidy and towards the end of the hot weather dhani roofs in the last stages of disrepair give them a very poverty-stricken appearance. Wooden houses are rare, and a tin roof is almost unknown.⁵⁷

The view that the present Rohingya crisis might be another colonial legacy has nonetheless come under scrutiny. Mohammad Shahabuddin, writing recently in the *Asian Journal of International Law*, observes guardedly:

The continuation of colonial boundaries in the politico-legal imagination of post-colonial statehood is an established norm of international law. Although some international lawyers challenge this general application of the *uti possidetis* [literally “as you possess”] principle as a legally binding rule of international law, they nonetheless accept the pragmatic need for this principle, i.e. to maintain peace and stability. Ironically, as the example of the Rohingya crisis reveals,

⁵⁷ Extract from para. 13 of the Report by R.B. Smart on the Revision Settlement Operations in the Akyab District Season 1913–17.

what seemed to be a solution at the time of decolonization turned out to be a recipe for humanitarian catastrophe [...] international law often fails to offer any adequate protection to vulnerable groups in society due to its normative reliance on individualism as well as weak enforcement mechanisms. The Rohingya crisis in Myanmar provides a perfect illustration of these arguments, serving as a powerful reminder of the deep, enduring crisis of post-colonial statehood and its problematic engagement with international law.⁵⁸

Writing in the Indian online magazine *The Wire*, Tathagata Dutta has argued that the Second World War and British wartime policies ruptured Arakan's social fabric, though conceding that the troubles began when Arakanese Muslims "were massacred by rogue elements" within Aung San's Burma Independence Army and local Rakhine militants. He writes:

The conduct of the British colonial administration, particularly in the closing days of the last Arakan Campaign in August 1944, continues to be a chequered one. Burmese independence in 1948 brought forth the deep divisions created in this period into the open. The Arakanese Muslims, for the first time facing direct Burmese rule once again, revolted and formed militant groups dubbed as 'mujahid bands'. They used arms and ammunition left behind by the British to take on the Burmese Army while the rest of Burma too flared up along ethnic lines. The British legacy today in Myanmar is perhaps the longest-running civil war in the world and a humanitarian crisis of gigantic proportions.⁵⁹

Both Mohammad Shahabuddin and Tathagata Dutta describe Arakan Muslims historically as 'Rohingyas', though the use of this designation is surely an anachronism. The term⁶⁰ was, as I have already noted, unknown to the British who, like most Western countries, first used the

⁵⁸ See Mohammad Shahabuddin, "Post-colonial Boundaries, International Law, and the Making of the Rohingya Crisis in Myanmar", in *Asian Journal of International Law*, 2019, vol. 9, no. 2, p. 358.

⁵⁹ See Tathagata Dutta, "The Rohingya Crisis Is Another Colonial Legacy", in *The Wire*, 16 September 2019 (available on its web site).

⁶⁰ Francis Buchanan was surgeon and scientist to a diplomatic mission to the Court of Ava in 1795 where he met one or more persons deported from Arakan in 1785 who told him they were 'Rooinga' or 'Natives of Arakan'. Its etymology suggests that it means no more than 'Arakaner' and can be applied in Bangla-related languages to anyone resident in Arakan, whatever their ethnicity, on a par with 'New Zealander' or 'Londoner'.

designation in official correspondence only in 1991 to identify Arakan's Muslim population at the time of armed insurgency into Rakhine State by the Arakan Rohingya Islamic Front (ARIF) and the Rohingya Solidarity Organisation (RSO). These insurgent attacks led to the second large-scale exodus of Arakan Muslims into Bangladesh after the 1978 exodus in the wake of Operation Naga Min, designed to uncover illegal immigrants into Myanmar's border provinces.

I doubt though that today's Rohingya see Britain's wartime policies as responsible for their present plight. The British might perhaps have taken into greater account promises possibly made by British commanding officers in the heat of battle to Arakan Muslims to grant a measure of autonomy on independence, but there is nothing in British official archives to suggest that this possibility was at any time considered in London, either formally or informally. Far greater attention was given to the aspirations of the Karen who enjoyed a much strong political lobby in London, but they too failed to achieve their objective of achieving autonomy within or independence from the new Union of Burma.

It is also relevant that the Inquiry into the anti-Muslim riots which rocked Rangoon and several other cities in Burma in July 1938 reported only a very few minor incidents in the Sandoway (Thandwe) District of Arakan Division, and none at all in Akyab District itself.⁶¹ The Final Report of the Riot Inquiry Committee noted:

The scale of Indian immigration into Burma in the past and the comparative experience, ability, industry and thrift, and the relative success of the Indian financier and immigrant have, under present political influences, tended to obscure in the mind of the Burman the benefits his country has received, and will yet receive, from the Indians in the country and to create a real apprehension lest it may be continued so as to interfere with the prospects of the Burman himself in his own country. These apprehensions have been assisted to some extent by the complete breakdown in Burma, if not the complete abandonment, in the past of the policy of creating a self-supporting population of peasant proprietors of land,

⁶¹ See *Final Report of the Riot Inquiry Committee*, Superintendent, Government Printing and Stationery, Burma, Rangoon, 1939 (<https://legal-tools.org/doc/fg84bk>).

helped by legislation and free from the unsettling influences of artificial and fluctuating economic conditions.⁶²

9. Concluding Observations

I must leave it to experts better qualified in international law to decide whether British policies and actions in encouraging migration into Arakan were a violation of this law on any count. I personally doubt this. Criticism has been made of the British failure to respect the traditional ruler in Burma as we did in practically every other territory colonized and how we thereby eliminated the Burmese sovereign's position as head of the Buddhist religion. There were also the less than diplomatic British decisions to govern Burma until 1937 as a province of India and not as a colony direct from London and to introduce opium as a revenue earner. Though these issues were not particularly relevant to Arakan, they would have had some proportionate effect. Chittagonians abstained from opium, but were happy to make a commercial profit selling it to their Rakhine neighbours.

Even so, and despite the indisputable historical record of the migration of their ancestors to Arakan mostly during British rule, today's Rohingyas, whom the British recorded in a kaleidoscope of ethno-linguistic designations other than Rohingya, can rightfully say that they were not brought to Arakan, but that they belong there.

To quote the Press Statement of former President U Thein Sein after talks with the present UN Secretary-General, António Guterres, on 11 July 2012, when the latter visited Myanmar as UN High Commissioner for Refugees:

The President said that Bengalis came to Myanmar because the British colonialists invited them in prior to 1948, when Myanmar gained independence from Britain, to work in the agricultural sector. Some Bengalis settled here because it was convenient for them to do so, and according to Myanmar law, the third generation of those who arrived before 1948 can be granted Myanmar citizenship. He added that, if we look at the situation in Rakhine State, some people are the younger generation of Bengalis who arrived before 1948, but some are illegal immigrants claiming to be Rohingyas and this threatens the stability of the State. The Government has been looking seriously for a solution to this problem. The

⁶² See *ibid.*, p. 289 (<https://legal-tools.org/doc/53ecy0>).

country will take responsibility for its native people, but it cannot accept illegal immigrant Rohingya in any way.⁶³

U Thein Sein's reference to 'native people' might almost include Bengalis permanently settled in Rakhine State during British rule, but not post-1948 illegal entrants, whom the former President defined as 'Rohingya', adding yet another variant to the meaning of this designation, but possibly explaining why Daw Aung San Suu Kyi reportedly described Rohingya as 'Bangladeshi' (or more likely Bengali, as Bangladeshi is a nationality, not an ethnicity) when she met former Prime Minister David Cameron in the UK in 2013.⁶⁴

By way of contrast, though, Senior General Min Aung Hlaing, the Commander-in-Chief of the Tatmadaw, told US Ambassador Scott Marciel in October 2017 that Britain was responsible for the presence of so many Bengalis in Rakhine State:

The Bengalis were not taken into the country by Myanmar, but by the colonialists. They are not the natives [...] The native place of Bengalis is really Bengal.⁶⁵

Though politically powerful in Myanmar, the Commander-in-Chief does not represent the Myanmar Government. State Counsellor Daw Aung San Suu Kyi, however, does, and she has been careful to avoid use of the term 'Bengali' or to allege that the Rohingya are 'illegal immigrants'.

The descendants of the many tens of thousands of Muslims and Hindus captured by Luso-Arakanese pirates and brought as slaves to Arakan in the sixteenth and seventeenth centuries might well ask what the British had to do with the compulsory resettlement of their ancestors. The Burman majority in Myanmar though might argue as well that it was not them, but the Arakanese who were responsible.

It is relevant in the context of citizenship to note what Deputy Head of Mission at the British Embassy in Rangoon, Roger Freeland, observed

⁶³ See Unofficial Translation: Statement published on 12 July 2012 by the President's Office following a meeting on 11 July 2012 with the UN High Commissioner for Refugees António Guterres (<https://legal-tools.org/doc/gejgk3>).

⁶⁴ See Prasun Sonwalkar, "Rohingyas are Bangladeshis, Suu Kyi told David Cameron", in *Hindustan Times*, 19 September 2019 (available on its web site).

⁶⁵ See Robert Birsell and Wa Lone, "Myanmar Army Chief Says Rohingya Muslims 'Not Natives', Numbers Fleeing Exaggerated", in *Reuters*, 12 October 2017 (available on its web site).

when reporting in a letter to the Foreign and Commonwealth Office in November 1982 on the promulgation of the 1982 Citizenship Law:⁶⁶

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.⁶⁷

This recognition of the British responsibility for the movement over the years of so many migrants from Bengal and beyond into Arakan is welcome, though as Ambassador Charles Booth commented in a letter to the Foreign and Commonwealth Office in May 1982 on the draft of the law when it appeared for public consultation in April 1982:⁶⁸

The new bill reflects little credit on the legislators and ultimately on the regime as a whole, and I see it as another move in Burma's policy of keeping itself "pure" of foreign involvement. Its immediate concern, I assume, is with illegal Bengali immigration into Arakan.⁶⁹

Mr. Nebenzia might wish to know that there was no need to transfer any agricultural labourers to Arakan; they were either there already, or simply walked across the border, or took a ferry across the Naaf River into Arakan, because their labour was needed; the border between Bengal and Arakan at the Naaf River was not created by the British, though they formally delineated it; it was established in 1666 for all practical purposes after the Mughal capture of Chittagong and the retreat of Arakan forces to the East Bank of the Naaf river and south of particular Arakan mountain ridges.

⁶⁶ See Burma Citizenship Law, 15 October 1982, Pyithu Hluttaw Law No 4 of 1982 (<https://legal-tools.org/doc/d3e586>).

⁶⁷ See J.R. Leeland, "Burmese Citizenship Law", 25 November 1982, paras. 4–5 (<https://legal-tools.org/doc/40czet>).

⁶⁸ See "Suggestions Sought in Connection with the Burma Citizenship Draft Law", in *The Guardian Supplement*, 21 April 1982 (<https://legal-tools.org/doc/y3eyxk>).

⁶⁹ See C.L. Booth, "Burmese Citizenship Draft Law", 12 May 1982, para. 8 (<https://legal-tools.org/doc/9o9mpo>).

Union Minister U Kyaw Tint Swe observed on 28 September 2019 in his address to the UN General Assembly during the general debate at the 74th session:

The British census of 1872 reported 58,255 Muslims in Akyab District (modern Sittwe). By 1911, the Muslim population had increased to 178,647. The waves of migration were primarily due to the requirement of cheap labour from British India to work in the paddy fields. Immigrants from Bengal, mainly from the Chittagong region, ‘moved en masse into western townships of Arakan’.⁷⁰ As in other colonized territories across the world, our local population had no say whatsoever with regard to the seismic demographic transformation of their lands. Nevertheless, Myanmar accepts it as part of the chequered legacy for which we assumed responsibility when we won our independence in 1948. It was only in 1949, with the adoption of the fourth Geneva Convention, that international law expressly prohibited the transfer of civilians into occupied territories. But there was no recognition of the troublesome consequences of such operations.

Myanmar’s view expressed above was confirmed in a letter dated 16 October 2019 to the UN Secretary-General as a document for the UN General Assembly. Ambassador U Hau Do Suan wrote:

The issue of Rakhine State is one of the colonial legacies. Myanmar was a British colony for over one hundred years. During this period, the colonial power transferred hundreds of thousands of civilians mostly from British India (Chittagong region of present-day Bangladesh) to then Burma (Rakhine State) to propel the rapidly expanding rice production and export. In 1927 alone, there were more than 480,000 such transfers⁷¹ into occupied colonial Burma. The British

⁷⁰ The quotation appears to have been taken from Thant Myint-U, *The River of Lost Footsteps: Histories of Burma*, Farrar, Straus and Giroux, New York, 2006, p. 185: “Muslim families from Chittagong, once the port of the Mrauk-U kings, moved en masse into the Western townships of Arakan, and in the rest of the province Bengalis, both Hindus and Muslims, arrived as doctors, clerks, schoolteachers and lawyers, forming an essential part of the new urban class”. We might well ask what happened to these other Bengalis who settled down in other parts of the Province of British Burma. Most assuredly, they did not become ‘Rohingyas’, yet their descendants were of the same stock.

⁷¹ This number very probably reflects the total of arrivals in Burma during 1927, the highest recorded year, but departures were also substantial. The Baxter Report 1940 notes 428,300 arrivals through ports in Burma, and 361,200 departures, a net inflow of 67,100 in 1927

census of 1872 reported 58,255 Muslims in Akyab District (modern Sittwe).⁷² By 1911, the Muslim population had increased to 178,647. The waves of migration were primarily due to the requirement of cheap labour from British India to work in the paddy fields in Rakhine State.⁷³ It was obvious that immigrants from Bengal, mainly from the Chittagong region had regularly moved en masse into western townships of Arakan during the British colonial period.⁷⁴

For the record and in confirmation of the figures presented by the representatives of Myanmar in the United Nations, the following table is taken from R.B. Smart's *Gazetteer of Akyab District 1917* based on the decennial censuses of 1872, 1901 and 1911:⁷⁵

Races	1872	1901	1911
Hindu	2,655	14,455	14,454
Mahomedan	58,255	154,887	178,647
Burmese	4,632	35,751	92,185
Arakanese	171,612	239,649	209,432

through the ports. Few arrivals would have been visitors, but migrants would have been seasonal, short-term, longer-term and permanent. Departures would reflect many migrants returning home, often to be replaced by other family members, especially true of Chettiars.

⁷² See above note 3. Akyab District comprised present-day Sittwe, Mrauk-U and Maungdaw Districts combined.

⁷³ Though itinerant gangs of coolies were needed to harvest the rice crops, the main aim of the British-encouraged migration was to attract permanent settlers to reclaim and then farm waste and abandoned land.

⁷⁴ See Letter Dated 16 October 2019 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General, UN Doc. A/74/505, 18 October 2019 (<https://legal-tools.org/doc/bl4y3d>).

⁷⁵ At p. 86. I cannot reconcile the low figure for 'Burmese' (i.e. Burmans) in 1872 with the estimates by Paton (1826) of 10,000 and by Comstock (1842) of 40,000 unless we suppose that after one or two generations Burmese Buddhist settlers became so integrated with the Arakanese that they regarded themselves as no longer Burmese. For the same reason, the recorded decline in the number of Arakanese from 1901 to 1911 possibly reflects the increasing use of the Burmese language over Arakanese. There are also minor discrepancies between Smart's figures and the census reports e.g. 'Mahomedans' at 58,255 appears as 58,263 in the 1872 Census: "Appendix I: Report on the General Census of 1872 Taken in the Arakan Division", in *Report on the Census of British Burma Taken in August 1872*, Government Press, Rangoon, 1875, para. 27 (<https://legal-tools.org/doc/91gtbw>).

Migration from Bengal to Arakan During British Rule 1826–1948

Shan	334	80	59
Hill Tribes ⁷⁶	38,577	35,489	34,020
Others	606	1,355	1,146
Total	276,671	481,666	529,943

Table 2: Racial composition reported by R.B. Smart.

It has already been noted that the paddy fields of Arakan were not British colonial estates, but were historically occupied mostly by the local Buddhist Rakhine population. Whether there was any deliberate ‘transfer’ of the Bengali population to settle permanently in Arakan or whether they came mainly of their own volition, whatever may have happened in the rest of the Province of British Burma, is the subject of this paper. My conclusion is that there is no persuasive evidence that the British colonial authorities actually arranged the transfer of Bengali migrants to Burma in any significant numbers; or, for that matter, of Burmese migrants from outside Arakan who would have been able to move so much more freely after the whole of Burma came under British control in 1886.

Even so, I would acknowledge that the British cannot deny the legacy of their historical presence in Arakan and Burma, and this should not be airbrushed out of the picture when the crisis in Rakhine is under discussion internationally. British responsibility did not disappear on Burma’s independence on 4 January 1948.

⁷⁶ Chin, Taungtha, Khami, and Daignet.

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Migration from Bengal to Arakan during British Rule 1826–1948

Derek Tonkin

The movement of population from Bengal into Arakan (Rakhine) from the latter part of the nineteenth century was carefully charted in British censuses at the time. The nature of the migration, however, was different from the movement generally of Indians from the subcontinent into Burma (Myanmar) where there was a need for professional, skilled and unskilled workers.

When the British arrived in 1826, they found the territory of Arakan depopulated from the effects of the Burmese invasion of 1785. The early years of British rule saw not only the return of many thousands of refugees, but also the migration of Burmese from what remained of the Burma Empire. New migrants from Bengal started to arrive in numbers during the last quarter of the nineteenth century and this gathered pace after the rump of the Burma Empire fell in 1886.

British policy on migration into Arakan was characterised by its informality. An 1888 report on “Migration from Bengal to Burma and How to Promote It” sought to establish Indian agricultural communities in Burma, but was not a success. Bengalis from the adjacent Chittagong region migrated naturally into Arakan, where there was an abundance of waste land suitable for cultivation.

Though the arrival of so many migrants changed the demographic balance in Arakan, the newcomers were generally tolerated by the local Buddhist community, long accustomed to the Muslim presence. There was no deliberate transfer of population. But the Japanese invasion of 1941 marked the onset of serious friction between Muslim and Buddhist communities. The British were to blame in the sense that the Chittagonian migration happened on their watch. The British role merits critical reassessment.

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