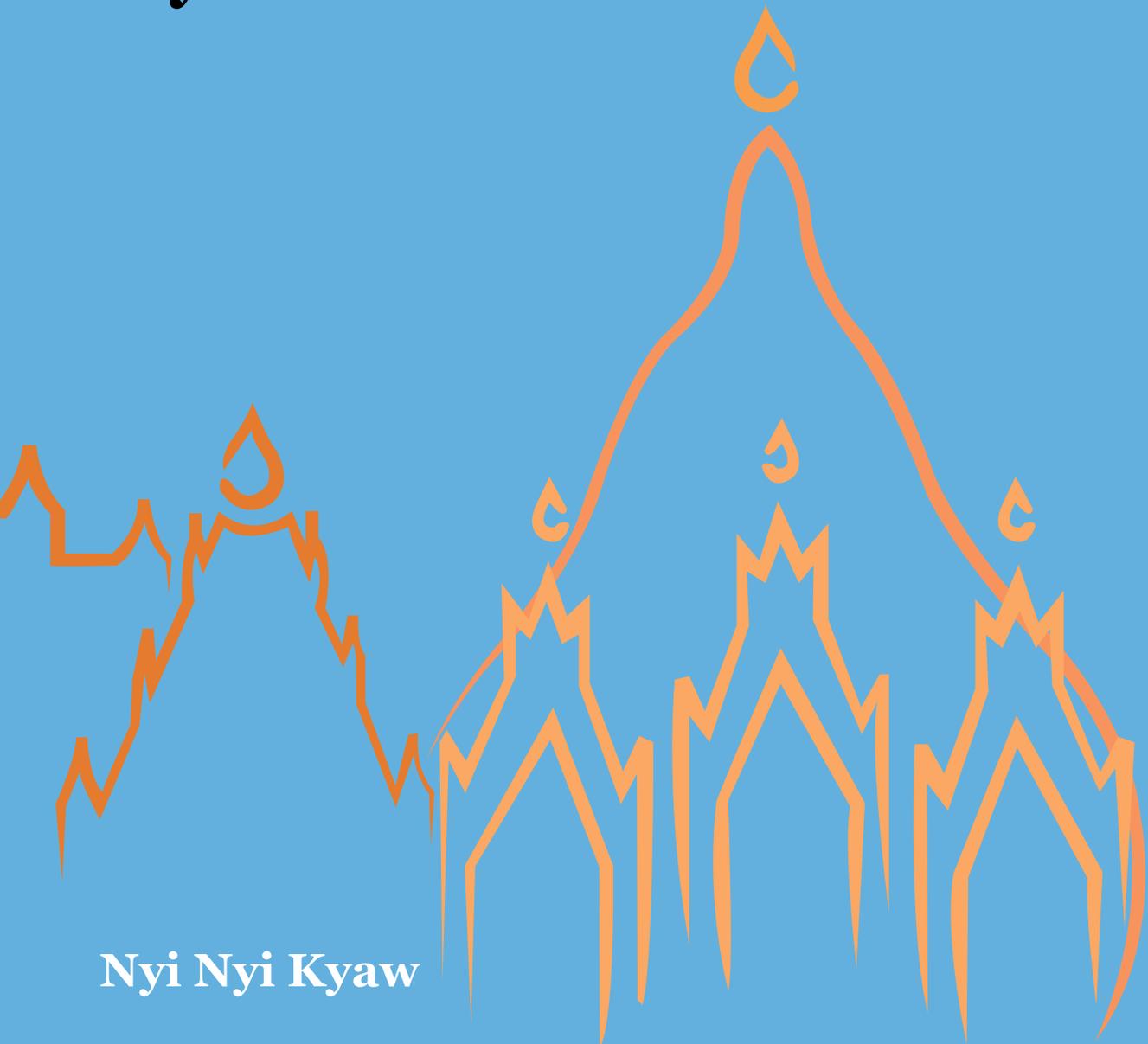


Freedom of Religion, the Role of the State, and Interreligious Relations in Myanmar



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**International Centre for Ethnic Studies
&
Equitas – International Centre for Human Rights Education**

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2, KynseyTerrace,

Colombo 8

Sri Lanka

E-mail: admin@ices.lk

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Nyi Nyi Kyaw

Nyi Nyi Kyaw is a post-doctoral research fellow at the Centre for Asian Legal Studies in the National University of Singapore.

A political scientist by training, he is interested in the socio-legal and political aspects of topics such as law, religion, social movements, citizenship, nationalism, and constitutionalism – all of which are deeply connected to the transition in Myanmar. His work focuses on Myanmar, but he closely follows what is happening in Sri Lanka because of his keen interest in Buddhist nationalism and Muslim identity. His research has been published in the *Review of Faith & International Affairs*, *Journal of Immigrant & Refugee Studies*, and *Social Identities*. Forthcoming articles will appear in edited volumes on Muslim identity, citizenship, Buddhist-Muslim relations, and constitutionalism.

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Introduction

One of the five Theravada Buddhist majority countries in the world, Myanmar, that started undergoing a democratic transition from 2011 onwards, has suffered serious violent and non-violent interreligious conflicts in the past seven years. The conflicts have affected the state of freedom of religion in general and peaceful interreligious coexistence between the Buddhist majority and Muslim minorities across the country in particular. Religion has re-emerged as a potent source of power, identity, and contentious politics in recent years, affecting how religious matters have been dealt with by the state. Hence, this study looks at the state of freedom of religion, the role of the state, Buddhist-Muslim relations, and other aspects and patterns of interreligious co-existence between and among religious communities in Myanmar.

Religion, religious freedom,¹ and interreligious relations in Myanmar are not purely legal matters. Analysis of the existing Myanmar legal corpus relating to religion, religious freedom, and interreligious relations will neither suffice nor paint a complete picture of inter-religious relations and religious freedom or lack thereof in the country. Legal, social, political, ethnic/racial, and religious aspects of those issues should be considered in tandem. This report, therefore, lays out Myanmar's current legal framework relating to religion, followed by a social and political analysis. The report is focused on Buddhist-Muslim relations in recent years and their adverse impact on religious freedom, as they have proven to be most problematic and conflict-prone in recent years. However, to provide a rather comprehensive and nuanced picture of the state of freedom of religion in Myanmar, issues relating to other religious communities, including those that are affiliated with the majority religion, i.e. Buddhism, are also discussed to a certain extent.

This study relies on the constitution, other laws, parliamentary proceedings, international and local human rights reports, academic writings, policy papers, and media reports. Due to its broad focus, it does not follow the usual format of country reports on religious freedom that list rights relating to religious freedom—

¹ Freedom of religion or belief constitutes an important part of international human rights law. This report does not discuss in detail the international legal standards for religious freedom. For a backgrounder on international standards on freedom of religion or belief, see <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx>.

most importantly freedom to adopt, renounce, and change religion, freedom from religious coercion, and freedom to manifest a religion—as well as discrimination and persecution of a person or group of persons regarding those three rights.² Instead, it looks at broader social, political, and cultural aspects of religious freedom and inter-religious relations in Myanmar. Without necessarily viewing what has happened to religious conflicts as inter-communal, i.e. only involving Buddhists and Muslims, the role of the state as the most important player from start to finish—or state responsibility—is highlighted throughout the report.³ It is acknowledged that state responsibility, which is a key principle in international law, often finds itself against state sovereignty, which is another key principle in international law; however, it is accepted that states bear the responsibility to respect, protect, and fulfil human rights including religious freedom.⁴ In terms of coverage, although what happened in colonial Burma took place in the twentieth century and early post-independence years, the report focuses on recent decades from the 1990s onwards and on the contemporary context of Myanmar in transition.

The report consists of six chapters. The first chapter looks at definitions of religion and community provided in the constitution of Myanmar and presents religious demographics of the country. The second discusses constitutional and other legal provisions for freedom of religion and peaceful interreligious relations. The third looks at state practices relating to religious freedom and religious communities as well as inter-communal relations. The fourth traces Buddhist nationalism in colonial Burma and discusses how it has re-emerged at different times and impacted interreligious relations. The fifth analyzes legal and non-legal responses from the state and the civil society to interreligious violence and tensions in contemporary Myanmar. The sixth presents conclusions and recommendations.

2 Ibid. For example, various annual reports by USCIRF; Nyi Nyi Kyaw, 2015, “Myanmar” in David Cohen and Kevin Tan (Eds.). *Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN* (Depok, West Java: Human Rights Resource Center, University of Indonesia), pp. 321-360; Equality Myanmar, 2016, *Situation of Freedom of Religion and Belief in Myanmar* (Yangon: Equality Myanmar).

3 Naomi Roht-Arriaza, “State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law,” *California Law Review* 78 (2) (1990), pp. 449-513.

4 Mark Gibney and Erik Roxström, “What a Pity! Sovereign Immunity, State Responsibility, and the Diminution of Accountability Under International Human Rights Law,” *Journal of Human Rights* 11(4) (2012), pp. 443-459.

Chapter 1

Definitions and Religious Landscape of Myanmar

1.1 Definitions of ‘religion’ and ‘community’

The present constitution of the Republic of the Union of Myanmar (hereafter ‘the 2008 constitution’ or ‘the constitution’) and other existing laws do not define ‘religion’ and ‘community’. However, there is one definition in the previous constitutional corpus. The 1961 Constitution (Third Amendment) Act defines *batha* or *batha-sasana* as Buddhism, Islam, Christianity, Hinduism and Animism. The 2008 constitution uses *Buddha-batha-sasana*, *Islam-batha-sasana*, *Hindu-batha-sasana*, and *Christian-batha-sasana*, and *Nat-ko-kwel-tho-batha*.⁵ Interchangeably, *batha* or *batha-sasana* basically means religion or faith. So, the five terms mean the religion of Buddhism, that of Islam, that of Hinduism, that of Christianity, and that of Animism.

However, the last census conducted in 2014 provided a choice of seven religions—Buddhist, Christian, Islam, Hindu, Animist, Other Religion, and No Religion.⁶ In light of the fact that Buddhism, Islam, Hinduism, Christianity, and Animism are not defined, the inclusion of Animism is interesting. The unofficial English translation of the present constitution provided by the Myanmar government—Myanmar is the official language⁷ and constitutional interpretation must be based on the Myanmar text⁸—uses Animism with a capital letter most probably to give it equal recognition as it does to the other four religions. ‘Sasana’ is not suffixed to *Nat-ko-kwel-tho-batha* as it is to the other four probably because of lack of foundational canons, prescribed and organized practices, and demarcated communities of believers under the banner of the named faith or religion.

Although ‘community’ is not defined, the framing of Buddhism as the religion adhered to by the majority people by the 2008 constitution effectively creates a majority Buddhist community. The constitution states:

5 Constitution of the Republic of the Union of Myanmar (hereafter constitution), ss 361-2.

6 Question 7, 2014 Population and Housing Census: Main Questionnaire, available at <http://myanmar.unfpa.org/publications/census-questionnaire> (accessed 1 June 2017).

7 Constitution, s 540.

8 Constitution, s 452.

The Union recognizes special position of Buddhism as the faith professed by the great majority of the citizens of the Union.⁹

Widespread understanding at both the governmental and societal levels of Buddhism in Myanmar as Theravada has led to characterization of non-Theravada teachings and practices as deviant and punishable—to be seen in detail below. In spite of the lack of identification by the constitution of other religions, i.e. Christianity, Islam, Hinduism, and Animism, or communities affiliated with those religions as minority ones, its construction of Buddhists as the majority community carries an underlying communal connotation implying that non-Buddhists are minorities. Also, the constitution has a section that uses ‘religious communities’¹⁰—to be discussed below—without specifying any particular religious communities, Buddhist or non-Buddhist. Now, we will see demographics of those religious communities.

1.2 Religious landscape of Myanmar

Table 1 shows sizes of Buddhists, Christians, Muslims, Animists, Hindus, people of other faiths, and people of no religion and their growth rates from 1973 through 2014.¹¹ Buddhists have been and remain the majority whereas the proportion of Muslim and Christian populations has slightly increased. At subnational level, as shown in Table 2, Buddhists also constitute absolute majorities in all seven regions, five states, and Nay Pyi Taw. Three facts are worth noting. First, Christians are the absolute majority in Chin State alone whereas they are almost half the Buddhist community in Kayah State. Second, despite popular opinion that the Kachin are predominantly Christian and Kachin State a Christian-dominated state, Buddhists are still an absolute majority.

Thirdly, the percentage of Muslims stated in Table 2 is lower than 4.3 per cent stated in Table 1 because the census did not count ‘Rohingya’¹² Muslims who are

9 Constitution, s 361.

10 Constitution, s 364.

11 The last census was conducted in 2014 and the previous two in 1973 and 1983 respectively with a 33-year gap between the last two.

12 The controversy over the name ‘Rohingya’ has been a heated one in recent years in Myanmar that has effectively blocked any meaningful discussions on the issue. Whereas the international community and the Rohingya themselves insist that they have the right to self-identification, the Myanmar side has been adamant that there is no such name in the history of Myanmar and ‘Bengali’ or ‘Muslims in/from Rakhine State’ ought to be used to refer to the people. ‘Rohingya’ is used throughout this paper for two main reasons: firstly, in respect of their right to self-identification; and secondly, for better recognition.

a-million-strong community. The larger percentage was obtained after the people who were not counted were estimated and included in the calculation. Likewise, the odd percentage of an absolute Buddhist majority in Rakhine State in Table 2 was caused by the non-inclusion of the Rohingya. When their population was counted, Rakhine State would have become the only state/region in Myanmar where Muslims constitute almost half the (Rakhine) Buddhist population.

Table 1: Religious Demography in 1973, 1983, and 2014 Censuses¹³

Religion	Percentage		
	1973	1983	2014
Union	100	100	100
Buddhist	88.8	89.4	87.9
Christian	4.6	4.9	6.2
Muslim	3.9	3.9	4.3
Hindu	0.4	0.5	0.5
Animist	2.2	1.2	0.8
Other Religion	0.1	0.1	0.2
No Religion	less than 0.1	less than 0.1	0.1

¹³ Ministry of Labour, Immigration and Population, The Union Report: Religion: Census Report Volume 2-C (Nay Pyi Taw: Ministry of Labour, Immigration and Population, 2016), p. 5

Table 2: Distribution of Religious Demography across States and Regions¹⁴

State/Region	Bud-dhist	Christian	Muslim	Hindu	Ani-mist	Other Reli-gion	No Re-ligion	Non-count-ed
Union	89.8	6.3	2.3	0.5	0.8	0.2	0.1	1,206,353
Kachin	64.0	33.8	1.6	0.4	0.2	0.0	0.0	46,600
Kayah	49.9	45.8	1.1	0.1	1.9	1.2	0.0	
Kayin	84.5	9.5	4.6	0.6	0.1	0.7	0.0	69,753
Chin	13.0	85.4	0.1	0.0	0.4	1.1	0.0	
Mon	92.6	0.5	5.8	1.0	0.0	0.1	0.0	
Rakhine	96.2	1.8	1.4	0.5	0.1	0.0	0.0	1,090,000
Shan	81.7	9.8	1.0	0.0	6.6	0.5	0.4	
Sagaing	92.2	6.5	1.1	0.1	0.0	0.1	0.0	
Tanin-tharyi	87.5	7.2	5.1	0.2	0.0	0.0	0.0	
Bago	93.5	2.9	1.2	2.0	0.1	0.3	0.0	
Magway	98.8	0.7	0.3	0.1	0.1	0.0	0.0	
Mandalay	95.7	1.1	3.0	0.2	0.0	0.0	0.0	
Yangon	91.0	3.2	4.7	1.0	-	0.1	-	
Ayeyar-wady	92.1	6.3	1.4	0.1	0.0	0.1	0.0	
Nay Pyi Taw	96.8	1.1	2.1	0.0	0.0	0.0	0.0	

¹⁴ Ibid., p. 3.

Chapter 2:

Constitutional and Other Legal Provisions for Freedom of Religion and Peaceful Interreligious Relations

2.1 Constitutional provisions

To guarantee freedom of religion, the constitution states:

Every citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of this Constitution.¹⁵

The constitution also prohibits discrimination based on religion:

The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.¹⁶

Contradictory to the freedom of religion that is recognized in principle as stated above, the constitution also recognizes religions by name and affirms the state's commitment to their protection and assistance:

The Union recognizes special position of Buddhism as the faith professed by the great majority of the citizens of the Union.¹⁷

The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.¹⁸

The Union may assist and protect the religions it recognizes to its utmost.¹⁹

15 Constitution, s 34.

16 Constitution, s 348.

17 Constitution, s 361.

18 Constitution, s 362.

19 Constitution, s 363.

Reading between the lines, the first two sections imply constitutional inequality between Buddhism recognized as *the* special religion professed by the majority and the other four religions. This special position clause has not been explicitly invoked by the government and the Buddhist majority in recent years since the constitution was promulgated in 2008 or came into operation on 31 January 2011. Since Buddhism is considered to be a dominant religion demographically, socially, and politically, its legality seems overlooked or unnecessary. And, due to the way the constitution was drafted and passed at the behest of the previous military regime (State Law and Order Restoration Council (SLORC)/State Peace and Development Council (SPDC)) (1988-2011), there was no public debate—agreement or disagreement—on this special position clause. So, there is no public awareness—yet—of the clause and its potential use in the promotion of the dominant religion and perhaps discriminating against minority religions.

All these three constitutional sections, i.e. Sections 361-3, assert that the state *only* recognizes Buddhism, Islam, Christianity, Hinduism, and Animism as religions and shall *only* protect them. It effectively creates a legal vacuum for other faiths, teachings, and practices that may be unaffiliated with or not strictly aligning themselves with each of the five said religions, as will be seen in the case of Buddhist sects and new, small Christian denominations—as will be seen in detailed discussions below. Importantly, although it guarantees freedom of religion in general, the constitution neither recognizes nor protects freedom from religion that has also been recognized as part of the right to religious freedom.²⁰

However vague they are, these definitions imply that religion in public law and life according to the constitution of Myanmar is more predominantly viewed as *group* or *communal* practices and/or rights rather than *individual* ones to religious freedom. Individual rights to religious freedom is explicitly recognized, protected, and promoted in international law—especially in Art. 18 of the Universal Declaration of Human Rights, Art. 18 of the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As will be seen below in several examples

20 Gidon Sapir and Daniel Statman. "Why Freedom of Religion Does Not Include Freedom from Religion," *Law and Philosophy* 24(5) (2005), pp. 467-508.

of within-religion conflicts and controversies in Myanmar, this prioritization of religious rights as that of groups over that of individuals is prone to contradiction and conflict in practice because “the group can stand in conflict not only with non-members but also with its members and its own dissenting subgroups.”²¹

After general religion-related freedoms are guaranteed, they are concurrently limited by the constitution. Besides the usual conditions of public order, morality, health, and other constitutional provisions mentioned above, the constitution imposes additional limits:

- (a) The freedom of religious right given in Section 34 shall not include any economic, financial, political or other secular activities that may be associated with religious practice.
- (b) The freedom of religious practice so guaranteed shall not debar the Union from enacting law for the purpose of public welfare and reform.²²

All these provisions, conditions, and restrictions are vague. Substantive interpretation, commentary and reviews of these sections have not been requested from or provided by the Constitutional Tribunal of the Union of Myanmar that is empowered to do the task.²³ Among the conditions, ‘economic, financial, political and other secular activities’ associated with the practice of a particular religion sounds especially extensive and restricting. Probably linked with the prohibition of ‘secular’ activities, use/misuse/abuse of religion in politics is expressly prohibited by the constitution:

The abuse of religion for political purposes is forbidden. Moreover, any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this Constitution. A law may be promulgated to punish such activity.²⁴

21 Anat Scolnicov, *The Right to Religious Freedom in International Law: Between Group Rights and Individual Rights* (New York: Routledge, 2011), p. 1.

22 Constitution, s 360.

23 Constitution, s 46.

24 Constitution, s 364.

Sec 364 is important for two reasons: firstly, it forbids political use/misuse/abuse of religion; and secondly, it prohibits causing or promoting hatred, enmity or discord between religious communities and or sects. Notably, this is the only section that states ‘religious communities’ in the constitution, which has 457 sections. But, the constitution is not the only legal document that provides for peace and harmony between religious communities although it is the ‘Basic Law of all the laws of the Union’.²⁵ Several existing legal documents exist for that purpose as discussed below.

2.2 Other legal provisions

Religious freedom may be realized when a state not only protects freedoms of religions and religious communities but also prevents intra- and inter-religious disharmony and conflict through criminal sanctions. The Penal Code of Myanmar criminalizes written and spoken words, symbols, graphics, sounds, gestures, and acts to protect classes of religions and religious communities from religious insult and outrage. For example, Sections 153 (a), 295 (a), and 298 of the Penal Code (1861) state:

Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of [persons resident in the Union] shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons resident in the Union] by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object

²⁵ Constitution, s 449.

in the sight of that person, shall be punished with imprisonment of either description for a term which may be extended to one year, or with fine or with both.

Another group of provisions from the Penal Code is also important because many, if not most, episodes of interreligious violence that have occurred in Myanmar have resulted in partial or complete destruction of religious buildings, assemblies, and burial places, especially mosques. They are as follows:

295. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class or person with the intention of thereby insulting the religion of any of person or with the knowledge that any class of likely to consider such destruction, damage or defilement as insult to their religion, shall be punished with either description for a term which may extend to two years or with fine, or with both.

295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons dent in the Union] by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

296. Whoever voluntarily causes disturbance to assembly lawfully engaged in the performance of the religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both

297. Whoever, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship. or any place of sepulture, or any place set apart for the performance of funeral

rites or as depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

These sections show that violations of certain freedoms of religious communities are punishable by criminal law and the about-160-year-old Penal Code protects religious freedom to a certain extent, regardless of how and whether they have been *fully* used or enforced to protect religious freedom. Besides these legal aspects and instruments that have often proven to be ineffective in protecting religious freedom, there are important state practices, social norms, and social practices in Myanmar that affect religious freedom and interreligious relations that I turn to below.

Chapter 3:

State Practices Relating to Religious Freedom, and Interreligious Relations

In Myanmar where there has not been a proper, functioning system of the rule of law for decades and the state has reigned supreme,²⁶ state practices are equally—if not more so—important as the legal ones considered above. The state has generally been seen to be ineffective or complicit when religious or religiously expressed violence occurred in recent decades during the military rule under SLORC/SPDC. Also, from 2012 through 2015 when interreligious tensions were extremely high, the three branches of the government—i.e. the executive, the legislature, and the judiciary—proved to be unwilling, ineffective, or inefficient to assert the rights to religious freedom as provided for and protected by law. However, the state remains to be the most important actor in protecting religious freedom and religious communities.

Deeply involved in guaranteeing freedom of religion and interreligious peace and harmony is the role of the state—whether it is the SLORC/SPDC military regime, the pseudo-civilian Union Solidarity and Development Party (USDP) regime led by President Thein Sein (2011-16) or the democratically elected civilian National League for Democracy (NLD) regime led by State Counsellor Aung San Suu Kyi. Hence, this section looks at how the state has acted or practiced relating to religious freedom and inter-communal relations.

3.1 State-Buddhist relations

3.1.1 Military Regime-Buddhist relations (1990s-2000s)

As the majority community, Buddhists have not faced any major hurdles in privately and publicly practicing their religion. Even when the state does not directly fund public Buddhist events and activities, it provides moral and administrative support as was seen in Myanmar under the military in the 1990s and 2000s. This blanket generalization does not apply to two groups whose various human rights, including

26 Nick Cheesman, “Thin Rule of Law or Un-Rule of Law in Myanmar?” *Pacific Affairs* 82 (4) (2009/2010), pp. 597-613.

religious freedom, may be said to have been violated by the military: political monks and non-orthodox Buddhist sects/groups.

Annual reports of the United States Commission on International Religious Freedom (USCIRF) and several other human rights reports have chronicled in detail instances and cases of hundreds of Buddhist monks who participated in public protests and led their own protests against the military regime in 1988, 1990s and 2000s who were disrobed, tortured, imprisoned, not allowed back into their previous monasteries, and forced to leave the country or monastic order.²⁷ Because the military did not repress non-political monks and even lavishly supported several senior, prominent monks,²⁸ it calls into question the practice of documenting such cases as violations of religious freedom per se as it is often done by USCIRF reports.²⁹ Whether these cases are *literally* violations of religious freedom of those anti-military Buddhist monks or repression of political dissidents regardless of their monkhood is difficult to decide. Non-governmental organizations such as the Assistance Association for Political Prisoners (AAPP) based previously in Chiang Mai, Thailand and now in Myanmar and other Myanmar-based human rights groups include such monks in their list of political prisoners implying that their rights to personal integrity, rather than their religious freedom rights, have been violated.

An often-overlooked but directly related case is repression by the government and orthodox Buddhist monks of unorthodox sects, teachings, and practices that Myanmar has had for centuries since the times of Burmese kings.³⁰ However, British colonization (1885-1948) brought about a drastic change in the ways the monastic order in general and so-called deviant sects in particular were regulated. The British largely stayed aloof from actively regulating the order although political sections

27 Assistance Association for Political Prisoners (Burma), *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons* (Maesot, Thailand: Assistance Association for Political Prisoners (Burma), 2004); Bertil Lintner, *The Resistance of the Monks: Buddhism and Activism in Burma* (New York: Human Rights Watch, 2009); Christina Fink, "Burma 2007: The Moment of the Monks," in Adam Roberts and Timothy Garton Ash (eds), *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present* (Oxford: Oxford University Press, 2009).

28 Janette Philp and David Mercer, "Commodification of Buddhism in Contemporary Burma," *Annals of Tourism Research* 26(1) (1999), pp. 21-54.

29 For example, U. S. State Department Commission on International Religious Freedom, *International Religious Freedom Report 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011* (Washington, D.C.: United States Commission on International Religious Freedom).

30 E. Michael Mendelson, *Sangha and State in Burma: A Study of Monastic Sectarianism and Leadership* (Ithaca, N.Y.: Cornell University Press, 1975).

within it against the colonial regime were dealt with as a *political* matter in a harsh manner.³¹ Most of the monks who were neither actively political nor expressly anti-British were just allowed to stay free from the hand of the state so long as they did not commit crimes that were to be dealt with by secular laws. This resulted in a widespread moral decay and lax observance of Sangha rules within the order.³²

The parliamentary democratic government led by U Nu since independence in 1948 tried to regain control of the disorderly Sangha and reintroduce strict rules, but largely in vain.³³ It was only in 1980 the state could regain control when the State Sangha Maha Nayaka Council—commonly known as *Ma Ha Na* after its Myanmar acronym—was formed as the Supreme Sangha administrative, legislative, and judiciary body that promised to work with the government in regulating the Sangha as necessary.³⁴ Although these developments generally led to better monastic organization and discipline, *Ma Ha Na* has purified *Sāsana* as they see fit by declaring those teachings, practices, and groups deviant and consequently illegal whenever the council deems them deviant from Theravada orthodoxy.

As of 2014, there were twenty-one decisions handed down by special tribunals formed by *Ma Ha Na*³⁵ or by the council itself against cases of alleged deviance in terms of teaching/ideology and practice, as can be seen in Table 3. None of those tribunal and council decisions—that were final—found the accused innocent. Consequently, the guilty must stop preaching and distributing those deviant teachings and practising improper conduct. To date, except Moepyar U Nyana—whose case will be discussed in detail below—none of the accused/guilty has disobeyed the decisions of *Ma Ha Na* and its tribunals.

31 Donald Eugene Smith, *Religion and Politics in Burma* (Princeton: Princeton University Press, 1965).

32 Mendelson, Sangha and State; Smith, Religion and Politics.

33 Smith, Religion and Politics.

34 Tin Maung Maung Than, "The "Sangha" and "Sasana" in Socialist Burma," *Sojourn: Journal of Social Issues in Southeast Asia* 3 (1) (1988), pp. 26-61.

35 For details of the formation and workings of the tribunals, see Janaka Ashin and Kate Crosby, "Heresy and Monastic Malpractice in the Buddhist Court Cases (Vinicchaya) of Modern Burma (Myanmar)," *Contemporary Buddhism: An Interdisciplinary Journal* 18(1) (2017), pp. 199-261.

Table 3: List of Deviant Sects and Teachings

No.	Deviant Sect Name	Vinaya Special Tribunal (ST)	Year of Judgment
1	Kyaukthinbaw Vāda	ST 1	1981
2	Luthe Lupyit Uokkatha Vāda, Sama dithi Sutesana Vāda, Shwe Abhidhamma Vāda	ST 2	1981
3	Kyaungpan Tawya Vāda	ST 3	1982
4	Kyaukpon Tawya Vāda	ST 4	1982
5	Teachings of U Nyānasagi	<i>Ma Ha Na's decision</i>	1982
6	Teachings of Sule U Myint Thein's Theravāda	<i>Ma Ha Na's decision</i>	1983
7	U Myat Thein Tun's Vāda	<i>Ma Ha Na's decision</i>	1983
8	U Marlarvara (Yaytashay) Vāda	ST 5	1983
9	Dhammaniti Vāda	ST 6	1983
10	Moenyo (North Okkalapa) Vāda	ST 7	1983
11	Htuntone Lakkyan U Htin's Vāda	ST 8	1985
12	Twante U Punnyasara's Vāda	ST 9	1988
13	Mawlamyine Shwe War Myaing Kyaung Vāda	ST 10	1989
14	Sankalay Vāda	ST 11	1998
15	Moegok Vinissaya	ST 12	2005
16	Bhikkhuni Vāda	ST 13	2005
17	Two Mistakes in Ten-Day Special Course	ST 14	2006
18	Moenyin U Khemeinda & U Vicittasara-bivamsa's Vāda	ST 15	2006
19	Myitkyina U Vicittasarabivamsa's Vāda	ST 16	2009
20	Moepyar Sect Vāda	ST 17	2011
21	Teachings from 'Liberation from 31 Planes of Existence VCD'	ST 18	2014

3.1.2 State-Buddhist relations (2010s)

The contemporary context of state-Buddhist relations is less controversial than before. The only thorny issue—that was actually carried from the 1980s—is the case of *Moepyar U Nyana* (also known as *Shin Nyana* or *Shin Moepyar*)³⁶ who was only released from prison as part of a presidential amnesty given in January 2016.³⁷ His

36 This section heavily draws upon Nyi Nyi Kyaw (forthcoming), "Regulating Buddhism in Myanmar: The Case of Deviant Buddhist Sects," in Jaclyn Neo, Arif Jamal and Daniel Goh (eds.), *Regulating Religion in Asia: Norms, Modes and Challenges* (Cambridge: Cambridge University Press).

37 Kyaw Phone Kyaw, "The Monk in Blue Robes," *Frontier*, April 25, 2016, <https://frontiermyanmar.net/en/the-monk-blue-robos>.

case provides rare but important evidence of the influence of Theravada orthodoxy and purity promoted by *Ma Ha Na* and buttressed by state power. It deviates from a general pattern of peaceful settlement between *Ma Ha Na* and the sects as long as the latter obey the decisions of the tribunals and *Ma Ha Na* to disown their beliefs and practices and discontinue proselytization.

In the 2010s, the case of *Moepyar U Nyana* received attention from the international human rights advocacy community due to *excessive* and *chronic* punishments that have been meted out to the leader of the sect.³⁸ Although the Special Tribunal 17 formed by *Ma Ha Na* only passed judgement on 15 November 2011 that the teachings of the Moepyar Sect are deviant, its leader U Nyana had had a long-running feud with *Ma Ha Na* at least since 1981. U Nyana learned Theravada Buddhism as a monk for years at several prominent teaching monasteries across Myanmar. In the early 1980s, he started claiming that he had reached the stage of *ariya* or holiness by seeing the truth. He even informed the one-year-old *Ma Ha Na* in 1981 of his *ariya*-hood that found it unconvincing. *Ma Ha Na* decided that U Nyana had violated one of the four *Pārājikas*³⁹ by *falsely* claiming that he had supernatural abilities. But, Buddha did not dictate any punishments against such acts. Probably for that reason, *Ma Ha Na* did not do anything against him in the first place.

Dissatisfied and estranged, U Nyana disowned both Theravada Buddhism and monkhood, informed the state and *Ma Ha Na* of his decision, and started donning a blue dress. From 10 February 1983, he established a new *vāda* namely *Piccuppan Kamma Vāda Buddha Batha* which he started preaching. Yet, many of his followers still treated him as a monk. Then, an opportunity came for *Ma Ha Na* to take legal action, with the help of the state, against him who had proven disobedient. Sections 5 and 9 of the newly enacted *Law to Protect Solution of Cases and Conflicts in Accordance with the Rules of the Order* (1983) state that a person must never impersonate as a monk or novice and those in breach of the prohibition may be

38 For example, see Asian Human Rights Commission, “Burma: Religious Elder Sentenced to 20 Years in Jail for Peaceful Practice of Faith.” (March 21, 2012) <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-046-2012>.

39 According to the Vinaya, the four *Pārājikas* are the four most serious offences—sexual-intercourse, murder, major-theft, or falsely claiming supernormal abilities. The highest punishment for violating one or more of them is defeat or ex-communication. Once a monk is ex-communicated due to his violations of any of the *Pārājikas*, he may never be allowed to re-enter the monkhood.

imprisoned for three years. U Nyana was imprisoned under those sections in 1984 and released in 1986. Then, he was arrested again and imprisoned for ten years in 1991 under Section 5 (e) of the *Emergency Provisions Act (1950)*⁴⁰ that criminalizes the alleged spread of false news knowing that it is not true. He was released from prison for the second time in 1998.

U Nyana continued to preach and obtained followers who reportedly numbered a thousand or so. It was in 2010 that he met the same fate. This time he was imprisoned for twenty years in total under Sections 295 and 295 (a) of the Penal Code (two years each), Section 6 of the *Law relating to Forming of Organizations (1988)* (five years), Section 10 of the *Law to Protect Solution of Cases and Conflicts in Accordance with the Rules of the Order* (five years), and Sections 12 and 13 of the *Law Relating to the Sangha Organization (1990)* (three years each). His several attempts for appeal, presidential pardon, and a writ of certiorari from the Supreme Court all failed.⁴¹ He was eventually released from prison in January 2016 by which time he was already seventy-seven years old. U Nyana and his followers found their sect in a new political and social context in Myanmar that is now ruled by a democratically elected government led by State Counsellor Daw Aung San Suu Kyi. So, the sect did not discontinue its activities which again brought *Ma Ha Na's* wrath down on it. *Ma Ha Na* sought to take legal action against U Nyana and his followers and asked the Ministry of Religious Affairs and Culture to act upon its decision. The President's Office accordingly issued an order to governments of states and regions to help the ministry with the task because the sect is largely based in the Mandalay Region, with followers across the country. But as of March 2017, the case had been pending.⁴²

The case of the Moepyar sect tells us two main things. Firstly, *Ma Ha Na* demands complete obedience from the sects. Secondly, despite its peaceful actions

40 The notorious law was frequently used by the military regime in the 1990s and 2000s to uproot and punish dissent. One of the first legal moves taken by the NLD government was repeal of the act by enacting the *Law Repealing the Emergency Provisions Act (2016)*. The act was most notorious among ex-political prisoners, many of whom were arrested and imprisoned under it and became members of parliament after the 2015 November general elections.

41 Shin Nyana (aka) Shin Moepyar v Republic of the Union of Myanmar (2011) MLR (Criminal Case) 126; Melissa Crouch, "The Common Law and the Constitutional Writs: Prospects for Accountability in Myanmar," in Melissa Crouch and Tim Lindsey (eds.), *Law, Society and Transition in Myanmar* (Oxford: Hart, 2014).

42 Aung Kyaw Min, "Moe Pyar' Case Proceedings Delayed," *Myanmar Times*, March 5, 2017, <https://www.mmmtimes.com/national-news/yangon/25344-moe-pyar-case-proceedings-delayed.html>.

against other sects that willingly or unwillingly obeyed its decisions against them, it can be vengeful if one defies the council. Whether the state organs will again impose another prison sentence upon U Nyana and his followers in the new political climate seems uncertain. But the fact that *Ma Ha Na* did not let U Nyana and his sect do what they would have wanted to do and the state acceded to its demand to penalize the sect on behalf of the council strongly suggests that deviance as interpreted by *Ma Ha Na* and its tribunals is still a religious crime in Myanmar and the state will cooperate with the council to punish such crimes.

3.2 State/Buddhist-Muslim relations

3.2.1 Military regime-Muslim relations (1990s-2000s)

State-religious minority relations were generally thorny between the state under SLORC/SPDC and Muslims. Of the total population, Muslims only constitute 4.3 per cent (if Rohingya are included) or 2.3 per cent (if Rohingya are excluded) but they are a diverse community in terms of ethnicity, origin, and citizenship. Although different groups have had different relations with the state in the 1990s and 2000s, it is not wrong to generalize that the state used to treat Muslims as a homogenous group due to their common religious identity by rekindling colonial-era xenophobia.

Xenophobic anti-Muslim sentiments originated in colonial Burma in the early twentieth century. Emerging as a nativist or pro-native response to a great amount of Hindus and Muslims migrating from India to colonial Burma in the late nineteenth century and the first half of the twentieth century, xenophobia then had anti-colonial, racial, anti-(im)migrant, class, demographic, gendered, and religious dimensions. Hundreds of thousands of Indian migrant workers largely took up jobs in the colonial administration and low-skilled sectors, thereby making natives find themselves in the lower strata of colonial Burmese society dominated by the British at the top and Indians in the middle- and low-skilled positions.

These anti-colonial, racial, anti-(im)migrant, class, and demographic dimensions of native resentment against Indian migrants was further fuelled by allegedly prevalent cohabitation and/or intermarriage between Indian men (both

Hindus and Muslims) and Burmese Buddhist women. Because Hindu and Muslim personal laws do not recognize Hindu and Muslim men's intimate relationships with Buddhist women, several Buddhist women found themselves disadvantaged in recognition of marriage, inheritance, and child custody upon divorce. This gendered Indophobia led to feelings of emasculation of Burmese [Buddhist] men and discrimination of Burmese [Buddhist] women. It eventually resulted in a special act—*Buddhist Women's Special Marriage and Succession Act* (1939)—that stipulates that those interracial/interreligious relationships must be considered as legal marriage and succession, inheritance and child custody decided according to the Myanmar customary law.⁴³ The act was replaced in 1954 by the revised *Buddhist Women's Special Marriage and Inheritance Act*. In the meantime, Indophobia of earlier decades that did not distinguish between Hindus and Muslims had gradually become more Islamophobic than it was Indophobic.⁴⁴

Those colonial ultra-nationalist and anti-so-called immigrant⁴⁵ discourses—that were not publicized by the democratic parliamentary government led by the Anti-Fascist People's Freedom League (1948-62)—re-emerged in socialist Burma (1962-88) under the Revolutionary Council (RC)/Burma Socialist Programme Party (BSPP) led by the highly xenophobic Ne Win.⁴⁶ Ne Win would often scapegoat and blame peoples of alien origin such as Chinese and Indians whenever he faced socio-economic and political hardships largely caused by Burma's self-imposed isolation from the international community and economic mismanagement.⁴⁷

Ne Win's xenophobia was inherited by the SLORC officer corps who took power in 1988. This time, most probably due to the closeness to China of the

43 Aye Kyaw, "Religion and Family Law in Burma," in U. Gaertner and J. Lorenz (eds.), *Tradition and modernity in Myanmar: Culture, social life and languages* (Hamburg: Lit., 1994).

44 Renaud Egretreau, "Burmese Indians in Contemporary Burma: Heritage, Influence, and Perceptions since 1988," *Asian Ethnicity* 12(1) (2011), pp. 33–54.

45 I use 'so-called immigrant' here because most, if not all, the alleged colonial-era immigrants who had remained in independent Burma had become citizens in the 1950s and 1960s. So, they were literally citizens by the 1990s.

46 On a side note, in his political biography of Ne Win, Robert H Taylor questions the socialist military dictator Ne Win's widely assumed xenophobia by claiming that the dictator was friendly with foreign countries, travelled across the world, and had a personal Indian cook and valet. See Robert H Taylor, *General Ne Win: A Political Biography* (ISEAS-Yusof Ishak Institute 2015), pp. 366-7.

47 Nyi Nyi Kyaw, "Adulteration of Pure Native Blood by Aliens? Mixed Race Kapya in Colonial and Post-Colonial Myanmar," *Social Identities* (online first), <https://www.tandfonline.com/doi/full/10.1080/13504630.2018.1499223>; Kyaw Yin Hlaing, "Reconsidering the Failure of the Burma Socialist Programme Party Government to Eradicate Internal Economic Impediments," *South East Asia Research* 11 (1) (2003), pp. 5-58.

globally estranged military government and Bamarization⁴⁸-cum-Theravādization of Myanmar citizens of Chinese ancestry many of whom had previously practiced Confucianism, Taoism, or Mahayana Buddhism,⁴⁹ the new nationalist discourse launched by the SLORC/SPDC regime targeted Western powers such as US and UK on the one hand and Muslims on the other hand.⁵⁰ These two-pronged xenophobic and neo-anticolonial narratives became highly effective in creating a new anti-Muslim discourse reconstructed from its predecessor in colonial and socialist Burma.⁵¹ Muslims were portrayed as unwanted residues brought by British colonizers⁵² who initially harmed economic interests but increasingly affected racial, cultural and religious identity of natives due to their size, alien culture, and religion.⁵³

The anti-Muslim discourse was reinforced by the second Rohingya refugee exodus to Bangladesh in the late 1980s and early 1990s whom SLORC portrayed as colonial-era illegal and undocumented immigrants. But they were received back amidst international pressures.⁵⁴ The anti-Muslim discourse reached a climax when the Ministry of Immigration and Population (MIP) was established in June 1995. MIP uses an official motto: *Mye-myo-ywe Lu-myo-ma-pyôk Lu-myo-hma Lu-myo-pyôk-mi* (A Landslide does not Submerge a Race, but Another Race Does!): that prophecies that Buddhism and Buddhists in Myanmar shall vanish if migration of a foreign race, i.e. Muslims, is not controlled.⁵⁵ In the late 1980s through the 2000s, a series of anti-Muslim violence occurred: Taunggyi and Pyay (1988); Mandalay, Yangon, Sagaing, and Kayin (1997); Sittwe (February 2001); Taungoo (May 2001); Pyay (October 2001); and Pegu (October 2001).⁵⁶

48 Bamarization used to be known as Burmanization because the Bamar ethnic majority who are predominantly Buddhist were often called the Burman by the British colonial government and writers. However, I prefer Bamarization to Burmanization because I use Bamar.

49 Nyi Nyi Kyaw, "Adulteration."

50 Ibid.

51 Ibid.

52 Nyi Nyi Kyaw (forthcoming), "The Role of Myth in Anti-Muslim Buddhist Nationalism in Myanmar," in Michael Jerryson and Iselin Frydenlund (eds.), *Buddhist-Muslim Encounters in South and Southeast Asia*.

53 Ibid.

54 Nyi Nyi Kyaw, "Unpacking the Presumed Statelessness of Rohingyas," *Journal of Immigrant and Refugee Studies* 15 (3) (2017), pp. 269-86.

55 Nyi Nyi Kyaw, "The Role of Myth."

56 Images Asia, *Report on the situation for Muslims in Burma* (Bangkok: Images Asia, 1997); Human Rights Watch, *Crackdown on Burmese Muslims* (Washington, D.C.: Human Rights Watch, 2002).

All of them were sparked by rumors and/or alleged actual events of a Muslim man or men's sexual abuse of a Buddhist woman, marriage with a Buddhist woman and her conversion to Islam allegedly by force during marriage, Muslims' blasphemous activities, and quarrels or fights between Muslims and Buddhists. The state's direct involvement or complicity is widely suspected and well documented. All resulted in Muslim properties and mosques attacked, destroyed, and burned. The same causes would ignite another round of interreligious violence in the 2010s.

3.2.2 State/Buddhist-Muslim relations (2010s)

Buddhist-Muslim relations had never been at such a nadir like it was in the post-transition years from 2012 onwards. It originated in rape and murder of a Rakhine Buddhist woman by three Muslim men in Rakhine State in May 2012 that led to a wildfire of communal violence in various parts of Myanmar from 2012 through 2014. In general terms, violence in Rakhine State was more inter-communal due to the demographic size of the Rohingya vis-à-vis that of Rakhine Buddhists—the Rohingya constitute the majority in northern Rakhine State and have sizeable communities in many parts of the state—than it was in other places where Muslims are usually a minority. Hence, several Buddhist religious buildings such as monasteries were also destroyed by Muslims during the violence in 2012.⁵⁷

Smaller, less violent incidents that increasingly targeted Muslim religious buildings continued to happen after the NLD government came to power in April 2016. Table 4 shows the incidents that have happened from 2012 through 2017. Several Muslim religious buildings—mosques and madrasas—were burned, destroyed, or locked. It was in Rakhine State alone that 32 mosques and 22 monasteries were destroyed in 2012.⁵⁸

The wildfire of intercommunal or interreligious violence resulted in the emergence of two potential social and political notions that have affected the legal and cultural personhood of Myanmar's Muslims vis-à-vis the Buddhist majority.⁵⁹

57 Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report of Inquiry Commission on Sectarian Violence in Rakhine State* (Nay Pyi Taw: Inquiry Commission on Sectarian Violence in Rakhine State, 2013).

58 Ibid., p. 21.

59 Nyi Nyi Kyaw, "Alienation, Discrimination, and Securitization: Legal Personhood and Cultural Personhood of Muslims in Myanmar," *The Review of Faith & International Affairs*, 13(4) (2015), pp. 50-9.

The first notion is exclusively concerned with the Rohingya who constitute about half of the Myanmar Muslim community. It is the emergence of an extremely popular construction of the Rohingya as *ko win Bengali* which literally means ‘Bengali(s) who have *illegally* entered.’ During and in the aftermath of the sectarian violence that pitted Rohingya and non-Rohingya Muslims⁶⁰ against Rakhine Buddhists for two major rounds in June and October 2012 and smaller ones in between and afterwards, the notion of *ko win Bengali* became extremely popular. Whereas the racial term ‘Bengali’⁶¹ is still acceptable in some ways—not without controversy for the Rohingya themselves, the Burmese term *ko win* has created a discursively anti-inflammatory image of the Rohingya to an extreme degree.

Despite evidence that the Rohingya did not *ko win* into Myanmar in recent years as accused by the U Thein Sein government on several occasions and by certain Rakhine nationalists, most, if not all, of the present-day Rohingya are citizens even under the highly discriminatory 1982 citizenship law.⁶² From 2012 until now, the daily and weekly private and public newspapers and journals have repeatedly used *ko win Bengali*. The usage seems to have created an image in the minds of the people of Myanmar that the Rohingya are indeed *ko win Bengali* en masse. Repeatedly indoctrinated by the anti-Rohingya discourse by the U Thein Sein administration, Rakhines, and nationalist Buddhist monks, the people of Myanmar now seem to believe everything that was said about the Rohingya by the three aforementioned groups of people. Despite its lack of official use of either *ko win* or *Bengali* or both,⁶³ the present NLD government has not been seen to be able to counter the popular idea that affects legal and social identities of the Rohingya and constructs them as an entirely illegal community probably because it would be deeply unpopular.

60 The non-Rohingya Muslims in Rakhine State include the Kaman, Myedu, and a few other mixed Muslims. The Kaman alone is recognized by the state as one of 135 indigenous races. See, Nyi Nyi Kyaw, “Myanmar’s Other Muslims: The Case of the Kaman,” in Ashley South and Marie Lall (eds.), *Citizenship in Myanmar: Ways of Being In and From Burma* (Singapore: Institute of Southeast Asian Studies, 2018).

61 The term ‘Bengali’ is preferred by most, if not all, of the people and the U Thein Sein administration because they believe the Rohingya are Bengali. But the Rohingya have shown strong animosity to the term and contend that they be called ‘Rohingya’. But the NLD government and Daw Aung San Suu Kyi refrain from using ‘Bengali’ and have offered another term ‘Muslims from Rakhine’.

62 Nyi Nyi Kyaw, “Unpacking.”

63 However, members of the present parliament dominated by NLD representatives use ‘Bengali’.

Sentiments against the Rohingya remain deep-seated and felt not only by the Rohingya themselves but also by other non-Rohingya Muslims. Buddhist nationalist monks affiliated with *Ma Ba Tha* (Organization for Protection of Race and Religion)—it is discussed in detail in Chapter 4—targeted not only the Rohingya but also Islam and the Muslim way of life because the Rohingya are Muslims. As discussed later, the nationwide *Ma Ba Tha* campaign was against all things Muslim although the Rohingya received the worst treatment and disdain for their alleged illegality.

Also, due to their common religion of Islam and understanding of the plight of the Rohingya from their own experiences, non-Rohingya Muslims were either silent or often expressed their sympathies for their co-religionists on social media and often in media interviews. It led to formation of public opinion that non-Rohingya Muslims who showed sympathy with their co-religionists in Rakhine State are disloyal to the state and to the Buddhist majority. In this way, Myanmar’s Muslims as a whole faced aggressive questioning of their identity and loyalty to Myanmar and faced a further decline in the status of their social and cultural citizenship.⁶⁴ A capturing accusation against non-Rohingya Muslims is made by Moe Thu (Mandalay)—a monk writer and commentator popular within the democratic opposition in the period of 2013–2015—for his incisive criticisms against *Ma Ba Tha*:

Concerned with the affairs of Bengalis who invaded and illegally infiltrated [into Myanmar] by bribing [immigration and border officials], Myanmar Muslims do not firmly stand on the side of the state and native Myanmar people. We see their views that covertly and overtly favor their co-religionist Bengalis. Most Myanmar Muslims who are legal citizens espouse not the spirit of citizenship but the spirit of Muslim brotherhood. They are enthusiastic about Bengalis getting citizenship with the name ‘Rohingya’.⁶⁵

A second notion that has affected Buddhist-Muslim relations is that Muslims are guests or lesser citizens. This discourse emerged during and after the violence in

⁶⁴ Nyi Nyi Kyaw, “Alienation.”

⁶⁵ My translation. Moethu (Mandalay), “*Naing-ngan-to-e Kye-zu-thit-sa-ko Saung-thi-pa* [Express Gratitude of the State],” *The Voice Daily*, June 1, 2015, p. 13.

Rakhine State and other parts of Myanmar. Muslims were portrayed as guests and Buddhists as hosts. Sitagu Sayadaw Ashin Nyanissara popularized this discourse in the immediate aftermath of the violence in Meiktila that was sparked by a brawl at a Muslim-owned gold shop between the shopkeepers and their Buddhist customers in the morning of 20 March 2013 but fuelled by the murder of a Buddhist monk by six Muslim men in the afternoon.⁶⁶ He calls Buddhists the host and Muslims the guest because Buddhism arrived in Myanmar earlier than Islam did. He says that Islam has obtained and maintained a foothold in Myanmar because of Buddhists' hospitality. Then, he warns Muslim guests to be good and not to harm the hosts by any means.⁶⁷ The interview was widely shared on social media instantly constructing an image of (Rohingya and non-Rohingya) Muslims as guests many of whom have done wrong to Buddhist hosts. This guest notion is not as bad as *ko win Bengali* because non-Rohingya Muslims are still accepted as citizens. But it has effectively created a "relational social milieu" where Buddhist hosts are "the benefactor" and Muslim guests "the debtor."⁶⁸ It effectively has put the identity of Myanmar's non-Rohingya Muslims in a lesser situation than that of their fellow Buddhist citizens.

Indeed, this notion of Muslims as guests is written into the law. The controversial 1982 Myanmar Citizenship Law has classified Myanmar citizenship into two classes: citizenship by birth automatically obtained *jus sanguinis* by descendants of 135 races or ethnic groups and citizenship obtained as a restricted form of *jus solis* by other citizens whose ancestors have lived in Myanmar since before independence. The Myanmar name used for such citizens before they become *full* citizenship is *eh naing-ngan-tha* or guest citizens.⁶⁹ Asked on the first day of his office on 1 April 2016 by the Voice of America (Burmese Service) about his plans for religious minorities in Myanmar, i.e. Christians, Muslims, and Hindus, Aung Ko, the NLD-appointed minister for religious affairs and culture, used the term 'Islam

66 Jason Szep, "Special Report: Buddhist Monks Incite Muslim Killings in Myanmar," *Reuters*, April 8, 2013, <https://www.reuters.com/article/us-myanmar-violence-specialreport/special-report-buddhist-monks-incite-muslim-killings-in-myanmar-idUSBRE937OAP20130408>.

67 My translation. Interview with Sitagu Sayadaw Dr Ashin Nyanissara, Naw Ko Ko, *The Voice Journal*, March 25-31, 2013, p. D. Sitagu Sayadaw is equally controversial as he is influential. He is influential as a top monastic in Myanmar due to his Buddhist social work and sermons. He became controversial when he became Vice Chair of *Ma Ba Tha*, a position he later rejected and disowned.

68 Nyi Nyi Kyaw, "Alienation", p. 57.

69 *Ibid.*

... predominantly professed by guest or associate citizens'.⁷⁰ Many Muslims who had had high hopes for the improvement of their inferiority with the coming to power of the democratically-elected NLD government expressed their resentment. The All Myanmar Islamic Religious Affairs League, a combined body of five government-recognized Muslim organizations,⁷¹ released a statement on 3 April voicing objection and demanding clarification. Wunna Shwe, joint general secretary of the Islamic Religious Affairs Council—one of the five organizations—said:

The minister meant we are not full Myanmar citizens, and it was an insult to our affection for our country. It's meant to hurt us and affect the real situation we are in. It is quite painful to hear ... We felt we have no choice but to make a comment, as his remark can cause confusion about the status of our citizenship.⁷²

The brand new NLD government found Aung Ko's comments provocative but did not officially state anything against it. It reportedly discussed it with the minister who said he would explain later at a suitable date.⁷³ However, the government has tried to manage communal tensions in many ways. It seems fully aware of the role of the Sangha in both stoking and defusing interreligious tensions. For that reason, State Counsellor Daw Aung San Suu Kyi who is de facto leader of the NLD government visited *Ma Ha Na* on 14 May 2016 and told the senior monks that her government would not discriminate based on race, ethnicity or religion.⁷⁴

However, on 23 June, in Thuye Thamain village in Waw township, Bago Region, a building was being constructed by a Muslim shop-owner as a religious school for Muslims children that had been alleged as a future mosque by his Buddhist

70 My translation. Daw Khin Soe Win, "Pyi-taung-su Wun-gyi Thura U Aung Ko ne Twe-sone-me-myan-chin [Interview with Union Minister Thura U Aung Ko]." *VOA (Burmese)*, April 2, 2016, <http://burmese.voanews.com/a/thura-u-aungko-interview/3266050.html>.

71 They are the Islamic Religious Affairs Council, Jamiat Ulama-El-Islam, All-Myanmar Maulvi League, All-Myanmar Muslim Youth (Religious) Organization and the Myanmar Muslim National Affairs Organization.

72 Phyo Thiha Cho, "Myanmar Religion Minister Angers Muslims with Comments," *Myanmar Now*, April 6, 2016, <http://www.myanmar-now.org/news/i/?id=e711ade0-75c6-4366-997b-cba8de7835cf>.

73 Aung Kyaw Min, "NLD Treads Carefully over Remarks on Citizenship," *Myanmar Times*, April 7, 2016, <http://www.mmtimes.com/index.php/national-news/yangon/19862-nld-treads-carefully-over-remarks-on-citizenship.html>.

74 Myanmar News Agency, "Daw Suu Kyi Speaks on Unity: Virtuous Leaders Serve Public Interests with Genuine Affection: Chairman Bhamo Sayadaw," *Global New Light of Myanmar*, May 25, 2016, p. 1.

neighbours. His neighbours had complained to the authorities whose action was slow. An eventual quarrel between the Muslim man and his Buddhist neighbour resulted in the village mosque, the building, and his shop being destroyed. The man was also attacked.⁷⁵ No action was taken by the authorities. On 1 July, in Lone Khin village in Hpakant township, Kachin State, a Buddhist mob burned down a prayer hall being used by Muslims.⁷⁶ A few perpetrators were arrested this time. The structure was built in 2014, *without* official permission, by a Muslim engineer working in the Uru Creek Bridge construction project and action would be taken against him and other Muslims involved in the construction, according to a statement issued by the Ministry of Religious Affairs and Culture on 3 August.⁷⁷ On 17 April 2017, two madrasas in Tharkayta township, Yangon Region were locked by the authorities at the pressure of nationalist monks and Buddhists again for holding congregational prayers at the schools that are *not* mosques per se.⁷⁸ All these incidents show that Buddhist-Muslim relations remain tense and would result in violence upon Muslim religious buildings and properties if there were a trigger.

75 Zarni Tun, "Mosque Destroyed in Myanmar Village as Tensions Flare Between Muslims and Buddhists," *Radio Free Asia*, June 24, 2016, <https://www.rfa.org/english/news/myanmar/mosque-destroyed-in-myanmar-village-as-tensions-flare-between-muslims-and-buddhists-06242016155224.html>; Lawi Weng, "Muslims Flee Village After Rioting, Perpetrators Remain Free," *Irrawaddy*, June 27, 2016, <https://www.irrawaddy.com/news/burma/muslims-flee-village-rioting-perpetrators-remain-free.html>.

76 Ye Mon, "Mob Burns Down Muslim Prayer Hall in Hpakant," *Myanmar Times*, July 4, 2016, <http://www.mmtimes.com/index.php/national-news/21172-mob-burns-down-muslim-prayer-hall-in-hpakant.html>.

77 Moe Myint, "Govt to Take Action Against Those Behind 'Illegal' Hpakant Mosque," *Irrawaddy*, August 4, 2016, <https://www.irrawaddy.com/news/burma/govt-to-take-action-against-those-behind-illegal-hpakant-mosque.html>.

78 Kyaw Phone Kyaw, "A Day of Tension and Drama as Nationalist Protests Flare," *Frontier*, May 3, 2017, <https://www.irrawaddy.com/news/burma/govt-to-take-action-against-those-behind-illegal-hpakant-mosque.html>.
Aung Kyaw Min, "Two Arabic Schools Temporarily Shut Down by Authorities," *Myanmar Times*, May 1, 2017, <https://www.mmtimes.com/national-news/yangon/25796-two-arabic-schools-temporarily-shut-down-by-authorities.html>.

Table 4: List of Anti-Muslim Incidents and their Impact⁷⁹

No.	Date	Place	Immediate Causes	Effect
1	Jun & Oct '12	Several Places in Rakhine State	Rape and murder of a Buddhist woman by three Muslims; Vigilante killing of ten Muslims by Rakhines	Unprecedented communal violence; 200 casualties; displacement of 140,000 people; thousands of houses burned and destroyed
2	Feb '13	Tharkayta, Yangon Region	Alleged construction of a mosque in maintaining an existing madrasa	Madrasa and construction work locked
3	Mar '13	Meiktila, Mandalay Region	Brawl between Muslim shop owner and Buddhist customers; Revenge killing of a Buddhist monk by Muslims	43 casualties; displacement; houses, shops, and buildings destroyed
4	May '13	Okkan, Bago Region	Female Muslim bicyclist's bumping into a Buddhist novice	1 casualty; houses burned; displacement
5	May '13	Lashio, Shan State	Muslim man pouring petrol at a female Buddhist petrol-seller and burning her	1 casualty; houses and mosque burned; displacement
6	Aug '13	Htangone, Sagaing Region	Alleged attempt to rape a Buddhist woman by a Muslim man	Houses and shops burned
7	Sept' 13	Thandwe, Rakhine State	Quarrel over a Buddhist-owned trishaw with a Buddhist flag parked in front of a Muslim shop	7 casualties; houses and shops burned
8	Jul '14	Mandalay, Mandalay Region	Rumour of rape of a Buddhist staff by two Muslim tea shop owner brothers; Rumour	2 casualties; a Muslim cemetery attacked
9	Jun '16	Thayethamain Village, Bago Region	Quarrel between a Muslim man and a female Buddhist neighbour over alleged construction of a mosque	Muslim man's house, an existing mosque and construction work destroyed
10	Jul '16	Hpakant, Kachin State	Alleged illegality of the prayer hall	Prayer hall burned down by Buddhist mob
11	Apr '17	Tharkayta, Yangon Region	Alleged illegality of two madrasas as prayer halls by local Muslims	Madrasas locked

⁷⁹ Government sources and media reports.

3.2.3 Radicalization of Rohingya and violence in Rakhine State

As discussed above, the case of the Rohingya stands out. It is undeniable that non-Rohingya Muslims have often been subject to discrimination that reached the level of persecution on some occasions. But they have never suffered entrenched and chronic discrimination and persecution at the hands of the state at least since the late 1970s like the Rohingya have. The Rohingya issue has been defined by four aspects that mostly overlap with one another: their *alleged* illegal migration as discussed above, *alleged* statelessness, *alleged* legitimacy of their name ‘Rohingya’, and supremacy of *taingyintha*, indigenous citizens, or citizens by birth.

Although there have been a small number of illegal Rohingya migrants in recent decades after independence due to the porous borders between Bangladesh and Myanmar, the Rohingya have not illegally entered Myanmar en masse like it is repeatedly alleged within Myanmar. They *were* citizens of Myanmar until the late 1970s after which they have been *increasingly* and *gradually* ‘denationalized’⁸⁰ by successive governments.⁸¹ Therefore, they are not stateless even under the *Myanmar Citizenship Law* (1982) that admittedly has several discriminatory provisions against people of non-native origin or ancestry.⁸²

The third aspect that has become excessively controversial from 2012 onwards has resulted in a heated stalemate. Whereas Rakhines, the government, and people of Myanmar in general have adamantly asserted that ‘Rohingya’ is a fake and illegitimate ethnonym, the Rohingya themselves and international community have demanded that they be called Rohingya. The Rohingya say that their name was once recognized by the government of Myanmar—a historical fact⁸³—whereas the international community believe that the Rohingya have the right to self-identification according to international human rights principles. However, this naming controversy has effectively occluded any meaningful debates on the Rohingya. The NLD government has avoided the controversy by referring to the Rohingya initially by ‘Muslims from Rakhine State’ and later by just ‘Muslims’ when

80 Hannah Arendt, *The Origins of Totalitarianism* (San Diego, CA: Harcourt, Inc., 1968).

81 Nyi Nyi Kyaw, “Unpacking.”

82 Nyi Nyi Kyaw, “Alienation.”

83 Maung Zarni and Alice Cowley, “The Slow-Burning Genocide of Myanmar’s Rohingya,” *Pacific Rim Law & Policy Journal* 23 (3) (2014), pp. 681-752.

Rakhines objected to the inclusion of ‘Rakhine State.’ Now the controversy is not as serious as before.

Lastly, a very political but potent issue has further compounded the Rohingya problem. It is the political ascendancy of the notion of *taingyintha* or native citizens.⁸⁴ In Rakhine State, Rakhines are *taingyintha* whereas Rohingyas⁸⁵ have not even been recognized as citizens of a lesser rank according to the *Myanmar Citizenship Law*. Amidst this supremacy of the *taingyintha* augmented by the peace process, democratic citizenship and its fundamental principle of legal egalitarianism have been relegated.⁸⁶ Therefore, *even if* the Rohingyas are one day recognized as citizens, they will still find themselves in a position lower than that of Rakhines.

In the aftermath of two rounds of intercommunal violence in Rakhine State in 2012, about 140,000 Muslims, almost all of whom are Rohingyas, became internally displaced.⁸⁷ About 128,420 Muslims remained in IDP camps as of December 2017.⁸⁸ Those IDPs and other non-IDP Muslims living in Rakhine State have been subject to a never-ending process of political, social, and economic discrimination due to their regressive disenfranchisement.⁸⁹ Almost all of the Rohingyas—except a few tens of thousands—no longer have any forms of permanent citizenship or identity documentation.⁹⁰ All of these seem to have caused grievances on the part of the Rohingyas, and hence their radicalization. It eventually resulted in an attack by a new Rohingya armed group namely *Harakah al-Yaqin* (Faith Movement) upon three border guard police posts in Maungdaw and Rathedaung on 9 October 2016 killing nine police officers and getting eight of their own fighters killed in the ambush.⁹¹ It then led to a spiral of violence by the military against the insurgents and vice versa. Innocent civilians were killed and tens of thousands of Rohingyas fled to Bangladesh.⁹²

84 Nick Cheesman, “How in Myanmar “National Races” Came to Surpass Citizenship and Exclude Rohingyas,” *Journal of Contemporary Asia* 47 (3) (2017), pp. 461-83.

85 For these claims of indigeneity and ownership by Rakhines and Rohingyas, see Ardeth Maung Thawngmung, “The Politics of Indigeneity in Myanmar: Competing Narratives in Rakhine State,” *Asian Ethnicity* 17 (4) (2016), pp. 527-47.

86 Nyi Nyi Kyaw, “Alienation.”

87 Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*.

88 ReliefWeb, “Myanmar: IDP Sites in Rakhine State (As of 31 Dec 2017),” January 22, 2018, <https://reliefweb.int/map/myanmar/myanmar-idp-sites-rakhine-state-31-dec-2017>.

89 Nyi Nyi Kyaw, “Unpacking.”

90 Ibid.

91 International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State* (Brussels: International Crisis Group, 2016).

92 Ibid.

Harakah al-Yaqin later changed its name to Arakan Rohingya Salvation Army (ARSA). It is led by a Rohingya man named Ata Ullah born in Pakistan and raised in Saudi Arabia. Since many Rohingya are now spread across the world, especially in Bangladesh and Saudi Arabia, it is plausible that the insurgency has supporters there—financial and/or non-financial. Ata Ullah highlights their grievances against how the Myanmar government had treated them⁹³ but there was a tendency to portray the insurgency as Islamist or fundamentalist terrorism funded by overseas sources.⁹⁴ These new events have added another layer to the already-complicated issue—called a ‘game changer’ by the International Crisis Group.⁹⁵ It was expected to significantly affect how the Rohingya issue is going to be solved by Myanmar and how Rohingya and non-Rohingya Muslims in Rakhine State and elsewhere in the country are treated by the state.

As expected, ARSA militants launched another series of deadly attacks upon police outposts in northern Rakhine on 25 August 2017 killing twelve members of the Myanmar security forces and getting their own fifty-nine ARSA members killed in the fighting.⁹⁶ On the same day, ARSA was declared a terrorist group by the Myanmar government.⁹⁷ It was followed by a heavy-handed clearance operation by the Myanmar military against ARSA that led to deaths of several thousand Rohingya and an unprecedented exodus of some 700,000-800,000 Rohingya to neighbouring Bangladesh in the weeks and months to come. As of May 2018, there were about 905,000 refugees in Bangladesh according to the United Nations Office of the Coordination of Humanitarian Affairs.⁹⁸

To describe what has been happening in northern Rakhine, the international community now often uses loaded legal terms such as genocide and ethnic cleansing

93 Antoni Slodkowski, “Exclusive – Rohingya Rebel Leader Challenges Myanmar’s Suu Kyi, Vows to Fight On,” *Reuters* April 1, 2017, <https://uk.reuters.com/article/uk-exclusive-uk-myanmar-rohingya-intervi-idUKKBN1722GX>.

94 International Crisis Group, *Myanmar*.

95 *Ibid.*

96 Wa Lone and Shoon Naing, “At least 71 killed in Myanmar as Rohingya Insurgents Stage Major Attack,” *Reuters*, August 25, 2017, <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B507K>.

97 “The Republic of the Union of Myanmar Anti-Terrorism Central Committee Order 1/2017 (25 August 2017), “Arakan Rohingya Salvation Army (ARSA) Declared as Terrorist Group,” *New Light of Myanmar*, August 28, 2017, pp. 1, 7.

98 United Nations Office of the Coordination of Humanitarian Affairs, “Rohingya Refugee Crisis,” <https://www.unocha.org/rohingya-refugee-crisis>.

that Myanmar has totally denied since the beginning.⁹⁹ Whereas the Myanmar side initially claimed that it was a justified response to a terrorist attack, it later acceded to the international demands that the refugees be received back.¹⁰⁰ Yet, as of mid-2018, the refugee repatriation has not started and the ongoing humanitarian crisis between Myanmar and Bangladesh has not been solved. All these complex dynamics that add to the Rohingya problem are extremely difficult to tackle. Whether it will lead to more radicalization of certain sections of the Rohingya is yet to know.

3.3 State-Christian Relations

3.3.1 Military Regime-Christian relations (1990s-2000s)

Christianization of several racial or ethnic minorities in Myanmar such as the Kachin, Kayah, Kayin, and Chin—four of eight major indigenous ethnic groups—is usually traced to the nineteenth and twentieth centuries before and/or during the British colonial period that reinforced missionary activities and proselytization.¹⁰¹ Christian missionary activities were neither easy nor unregulated in pre-colonial Burma.¹⁰² The Kachin, Kayah, Kayin, and Chin had previously and predominantly practised animism, shamanism, and folk or traditional belief systems. The view of Christianity as a religion with alien roots whereas Buddhism is believed to be an indigenous religion is often widespread.¹⁰³ However, Christians—unlike Muslims—are both politically and socially accepted as natives or *taingyintha* of Myanmar because most Christians are ethnically Kachin, Kayah, Kayin or Chin.¹⁰⁴ Christianity has become an essential part of their ethnic identity.¹⁰⁵ Therefore, state-Christian relations may be better viewed from an ethnic perspective than from a religious one. In general, the extent of religious freedom of a particular Christian community seems inextricably

99 Oliver Holmes, “Myanmar Tells UN: ‘There is No Ethnic Cleansing and No Genocide’ of Rohingya,” *The Guardian*, September 29, 2017, <https://www.theguardian.com/world/2017/sep/29/myanmar-un-ethnic-cleansing-genocide-rohingya>.

100 Agency, “Myanmar Willing to Take Back All Rohingya Refugees, Top Official,” *The Independent*, June 2, 2018, <https://www.independent.co.uk/news/world/asia/myanmar-rohingya-refugees-muslims-bangladesh-burma-thaung-tun-a8380546.html>.

101 Go Lam Pau, *A Chay Pia Myanmar Karityan Thamaing* [Basic History of Christianity in Myanmar] (Yangon: Phileo Mission, 2014); Samuel Ngun Ling, *Communicating Christ in Myanmar: Issues, Interactions and Perspectives*. 3rd edition (Yangon: Association for Theological Education in Myanmar, 2014).

102 Ibid.

103 Bruce Matthews, “Religious Minorities in Myanmar—Hints of the shadow,” *Contemporary South Asia* 4(3) (1995), pp. 287-308.

104 Cheesman. 2017. “How in Myanmar?”

105 Samuel Ngun Ling, *Communicating Christ*; Lian H. Sakhong, *In Search of Chin Identity: A Study in Religion, Politics and. Ethnic Identity in Burma* (Copenhagen: NIAS Press, 2003).

intertwined with their race and/or ethnicity, geographical location, and relative position on the continuum of state-minority relations.

State-Christian minority relations in the 1990s and 2000s were problematic against a backdrop of militarization of Myanmar as a whole under SLORC/SPDC. Christian minorities' indigeneity or *taingyintha*hood did not always protect them from state repression. The most discriminated and persecuted Christians in terms of religious freedom were ethnic Chins. Several crosses or Christian religious symbols usually planted on hilltops or sacred sites by ethnic Chin were destroyed by regional authorities in the 1990s and 2000s.¹⁰⁶ But such outright repression of the Christian faith by the state was not reported in other ethnic-minority areas due to the existence of different state-minority relations in ethnic minority states in Myanmar depending on the relative strength of the respective minority to challenge the central government and the relative interest of the latter to deal with the minority.¹⁰⁷ There are four highly plausible reasons to explain the anomaly of the Chin: the Chin are the only predominantly Christian ethnic minority in Myanmar; Chin State is isolated and mountainous far from the centre; consequent neglect of Chin State by the central government often resulted in starvation;¹⁰⁸ and the Chin had no active sizeable rebellion.¹⁰⁹ The third factor seems most important because other significant Christian minorities such as the Kachin or Kayin have launched significantly larger and longer ethnic rebellions to protect their respective peoples and Christianity to a certain extent.¹¹⁰

The SLORC/SPDC regime also installed a well-funded Buddhist missionary project under the Department for the Promotion and Propagation of Sāsana

106 Chin Human Rights Organization, *Threats to Our Existence: Persecution of Ethnic Chin Christians in Burma* (Chin Human Rights Organization 2012); Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide against Chin Christians in Burma* (Chin Human Rights Organization 2004).

107 Mary Callahan, *Political Authority in Burma's Ethnic Minority States: Devolution, Occupation and Coexistence* (Singapore: Institute of Southeast Asian Studies; Washington, D.C.: East-West Center Washington, 2007); Christina Fink, "Militarization in Burma's Ethnic States: Causes and Consequences," *Contemporary Politics* 14 (4) (2008), pp. 447-62.

108 Chin Human Rights Organization, *Threats to Our Existence*.

109 The Chin National Front (CNF) was only founded in the aftermath of the 1988 people's revolution against BSPP. But, its rank-and-file remained small through the 1990s and 2000s. See <http://mmpeacemonitor.org/stakeholders/stakeholders-overview/158-cnf>.

110 Karen/Kayin National Union (KNU) and Kachin Independence Organization (KIO) were formed in 1947 and 1961 respectively. See, <http://mmpeacemonitor.org/stakeholders/stakeholders-overview/161-knu> and <http://mmpeace-monitor.org/stakeholders/stakeholders-overview/155-kio>.

established in 1991 that runs Buddhist missionary centres in the hill regions including Chin State. Those missionary centres have also been cooperating with the schools established by the Ministry for Progress of Border Areas and National Races and Development Affairs established in 1992 that reportedly converted Chin Christian students.¹¹¹ A historical account by the Department for the Promotion and Propagation of Sāsana on Buddhist missions in the hill regions where most Christians and Animists live highlight colonial-era Christian missions in those regions whereas Buddhist missions were weak then. The history also documents several independent and state-organized Buddhist missionary associations and organizations established in colonial and post-colonial Myanmar that are now all organized under the Department for the Promotion and Propagation of Sāsana.¹¹²

3.3.2 State/Buddhist-Christian relations (2010s)

In general, Buddhist-Christian relations have generally been good and cordial in Myanmar's history. However, there are several instances in the past decades in which Christians' rights to religious freedom have been violated and Christians persecuted by the state. But, it is not wrong to say that Buddhist-Christian relations have been significantly better than Buddhist-Muslim relations. Also, Buddhist-Christian relations have become better in recent years because of the peace process in which ethnic groups, many of whom are predominantly or partly Christians, have been involved as main interlocutors.

However, a noteworthy instance in which Christians' religious freedom was challenged and/or violated is Myaing Gyi Ngu Sayadaw U Thuzana's stupa-building spree in Kayin State on the grounds of Baptist and Anglican churches in 2015 and 2016.¹¹³ The ethnic Kayin patron or spiritual leader of the Democratic Kayin Buddhist Army (DKBA) that broke away from the Kayin National Union in 1994, Myaing Gyi Ngu Sayadaw is effectively free from the control of the central government and *Ma*

111 Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution*.

112 Department for the Promotion and Propagation of Sāsana, *Taung-tan Tha-tha-na-pyu Tha-maing* [History of Mission in the Hills] (Yangon: Department for the Promotion and Propagation of Sāsana, 2005).

113 Myaing Gyi Ngu Sayadaw also built a stupa *near* a mosque on 25 April 2016, unlike in the cases of churches where he built stupas *within* their compounds. See Mizzima, "Buddhist Monk Builds Another Pagoda on Contested Land," May 5, 2016, <http://www.mizzima.com/news-domestic/buddhist-monk-builds-another-pagoda-contested-land>.

Ha Na.¹¹⁴ He had been building Mon-style Buddhist stupas in the area for many years but without much controversy. On 21 August 2015 Buddhists instructed by Myaing Gyi Ngu Sayadaw started building a stupa *within* the compounds of a Baptist church in Mi Zine village, Hpa-an township in Kayin State.¹¹⁵ Despite the then minister for religious affairs Soe Win's promise to Christian leaders that he would ask the monk to stop, it was in vain because the monk refused to comply.¹¹⁶

The monk and his followers built a Buddhist statue and planted a Buddhist flag within the compounds of the St. Mark Anglican church in Kondawgyi village, Hlaingbwe township in Kayin State on 23 April 2016 and a stupa on 1 May.¹¹⁷ Again, despite condemnations by non-Kayin Buddhist monks and NLD-appointed religious affairs minister Aung Ko's attempt to resolve the issue, it was in vain.¹¹⁸ Helpless and desirous of peace, the Anglican bishop donated the land in which the newly-erected stupa exists and Aung Ko personally visited the church to offer his apologies.¹¹⁹ Since then, Myaing Gyi Ngu Sayadaw stopped his stupa building projects on controversial lands.

3.4 State-Hindu relations

Compared to Indian Muslims, Indian Hindus—almost all Hindus in Myanmar are of Indian heritage—are generally and anecdotally accepted to be more assimilative or acculturative into the majority Buddhist culture for which the eclectic nature of Hinduism seems helpful. However, assimilation and/or acculturation may be

114 Naw Noreen, "Myaing Gyi Ngu Sayadaw-ka Sangha Maha Nayaka-ye Auk-hma-ma-shi-lo Kaing-twe-ma-ya-bu [Myaing Gyi Ngu Sayadaw is Free from Ma Ha Na Control]," *Democratic Voice of Burma*, May 4, 2015, <http://burmese.dvb.no/archives/148270>.

115 Ye Mon, "Minister Promises Christians Removal of Dream-Inspired Stupa," *Myanmar Times*, September 8, 2015, <http://www.mmtimes.com/index.php/national-news/16360-minister-promises-christians-removal-of-dream-inspired-stupa.html>.

116 Ye Mon, "Sayadaw Refuses to Halt Pagoda Construction," *Myanmar Times*, September 17, 2015, <http://www.mm-times.com/index.php/national-news/16516-sayadaw-refuses-to-halt-stupa-construction.html>.

117 Mizzima, "Buddhist Monk Builds Another Pagoda on Contested Land," May 5, 2016, <http://www.mizzima.com/news-domestic/buddhist-monk-builds-another-pagoda-contested-land>;

Tin Aung Khine, Khet Mar and Wai Mar Tun, "Myanmar Buddhist Monk Erects Another Pagoda on Disputed Land," *Radio Free Asia*, May 4, 2016, <https://www.rfa.org/english/news/myanmar/myanmar-buddhist-monk-erects-another-pagoda-on-disputed-land-05042016154223.html>.

118 San San Tin, Tin Aung Khine and Zarni Tun, "Myanmar Religious Officials Decry Buddhist Monk's Pagoda-Building Spree," *Radio Free Asia*, May 11, 2016, <https://www.rfa.org/english/news/myanmar/myanmar-religious-officials-decry-buddhist-monks-pagoda-building-spree-05112016155932.html>.

119 Lawi Weng, "Religion Minister Seeks to Mollify Christians and Buddhists in Karen," *Irrawaddy*, May 10, 2016, <http://www.irrawaddy.com/burma/religion-minister-seeks-to-mollify-christians-and-buddhists-in-karen.html>.

neither complete nor optimal¹²⁰ though some view it as somewhat reasonable.¹²¹ Both communities suffered a traumatic fleeing experience in the early 1960s due to extensive nationalization and instant loss of their assets after the RC came into power.¹²² It is not wrong to say that Hindu religious practices have enjoyed freedom in Buddhist Myanmar, although no significant research has been done on the topic. Outright religious discrimination and persecution meted out towards Hindus is almost non-existent. That said, the colonial stigma that many, if not most, Indian Hindus migrated to Burma in the nineteenth and twentieth centuries remains, and the Myanmar Citizenship Law also categorizes Hindus as people of alien or mixed ancestry whose citizenship status is not on par with that of native citizens who belong to one or more of the 135 groups.¹²³ Several Hindu temples are seen in cities and towns across Myanmar without little or no barriers placed to the enjoyment of Hindu religious worship. News of attacks upon those temples has not been reported in the past several decades.

However, it is not all rosy. Hindus have become gradually Bamarized—with or without their will—at least since the 1930s—a process that sped up in the socialist era and was later added religious flavour by the military regime in 1988-2011. All these dynamics seem to have encouraged Hindus to claim that they are Buddhists. Most, if not all, of city-dwelling Hindus have been seen to frequent Buddhist monasteries and pagodas although many of them still visit Hindu temples as well.¹²⁴ Likewise, many Buddhists often frequent Hindu temples.¹²⁵ This ‘dual’—i.e. Hindu and Buddhist—religiosity displayed by Hindus might have been a crucial factor

120 Khin Maung Kyi, “Indians in Burma: Problems of an Alien Subculture in a Highly Integrated Society,” in K. S. Sandhu and A. Mani (eds.), *Indian Communities in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 1993).

121 Dagmar Hellmann-Rajanayagam, “Indians in Myanmar/Burma, Assimilation and Integration” in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Hoboken, NJ.: Wiley-Blackwell, 2013); Thet Lwin, “Indians in Myanmar,” in K. Kesavapany, A. Mani, and P. Ramasamy (eds.), *Rising India and Indian Communities in East Asia* (Singapore : ISEAS Publishing, 2008).

122 Robert A. Holmes, “Burmese Domestic Policy: The Politics of Burmanization,” *Asian Survey* 7(3) (1967), pp. 188-97; Josef Silverstein, “Burma: Ne Win’s Revolution Considered,” *Asian Survey*, 6(2) (1966), pp. 95-102; Nalini R. Chakravarti, *The Indian Minority in Burma: The Rise and Decline of an Immigrant Community* (London: Institute of Race Relations, 1971); Renaud Egreteau, “The Idealization of a Lost Paradise: Narratives of Nostalgia and Traumatic Return Migration among Indian Repatriates from Burma since the 1960s,” *The Journal of Burma Studies* 18 (1) (2014), pp. 137-80; Renaud Egreteau, “India’s Vanishing “Burma Colonies”: Repatriation, Urban Citizenship, and (De)Mobilization of Indian Returnees from Burma (Myanmar) since the 1960s,” *Moussons* 22 (2013), pp. 11-34.

123 Nyi Nyi Kyaw, “Alienation”; Egreteau, “Burmese Indians”; Robert H. Taylor, “The Legal Status of Indians in Contemporary Burma,” in K. S. Sandhu and A. Mani (eds.), *Indian Communities in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 1993).

124 Based on the author’s observation.

125 Based on the author’s observation.

behind the lack of animosity shown by the state and Buddhist majority towards the religious minority although there is admittedly no research done on Hindu religious identity and practice in contemporary Myanmar. Another plausible reason is their small numbers that only constitutes 0.5 per cent of the total population.

The same pattern of lack of notable violations of religious freedom of Hindus has remained the same into the 2010s. However, due to common Indian racial ancestry, Hindus and Muslims are often thought of as the same. Due to their similar skin colour and facial appearance, Hindus and Buddhists of South Asian ancestry were often targeted during the communal violence in 2012-14 and made to be concerned about their safety.¹²⁶ However, this does not constitute violations of their religious freedom.

3.5 State/Buddhist-Animist relations

There is no general story and identifiable pattern in the relations between the state and majority Buddhists on the one hand and animists on the other hand. Rather, the relations have remained unchanged for a long time at least since colonial times. That said, the Myanmar state has sought to actively convert animists to Buddhism through various missionary activities since 1991 via the Department for the Promotion and Propagation of Sāsana, although the exact extent of their success is not known.¹²⁷

Animism, like the other four state-recognized religions, has never been legally defined in the context of Myanmar. However, from anthropological work done on practices and rituals that could be identified as animist and from participant observation in Myanmar,¹²⁸ there may be two different versions of practices that could be defined as Animism. The first type relates to a sizeable community of Buddhists who believe in and practice a mix of Buddhism, *nat* (spirit) worship,¹²⁹ *weikza* (supernatural) cult,¹³⁰ and/or other spiritual and supernatural beliefs and

126 Thein Wei Lwin, "Persecution of Muslims in Arakan State Traps Buddhist Minority in Limbo," *Irrawaddy*, July 7, 2014, <https://www.irrawaddy.com/news/burma/persecution-muslims-arakan-state-traps-buddhist-minority-limbo.html>.

127 Ministry of Religious Affairs and Culture, "Department for the Promotion and Propagation of Sasana," http://www.mora.gov.mm/mora_sasana1.aspx; Department for the Promotion and Propagation of Sāsana, *Taung-tan*.

128 By observation, it is here meant the author's own personal observation growing up in Myanmar.

129 Melford E. Spiro, *Burmese Supernaturalism: A Study in the Explanation and Reduction of Suffering* (Englewood Cliffs, N.J., Prentice-Hall, 1967).

130 Bénédicte Brac de la Perrière, Guillaume Rozenberg, and Alicia Turner, eds., *Champions of Buddhism: Weikza Cults in Contemporary Burma* (Singapore: National University of Singapore Press, 2014).

practices.¹³¹ Thousands of Buddhists across Myanmar worship the spirits or *nats* known as the Thirty-Seven Spirits and such practices are usually accepted and/or tolerated by the general public and government as well. Events at which *nats* are worshipped are held across Myanmar without any official, popular, or monastic hindrance. Those who worship various *nats* are also considered as Buddhists on par with other Buddhists who do not practice spirit worship although several orthodox Buddhist monks have often expressed disdain or rejected *nat* worship as un-Buddhist. However, neither monks nor lay Buddhists have ever taken up the issue to the state or *Ma Ha Na*. Nor has *Ma Ha Na* officially expressed any anti-*nat* opinion.

The second type is concerned with folk religious practices associated with several indigenous races such as the Kayin and Chin which might have been referred to as ‘Animism’ by drafters of the first constitution in 1947. Those practices also seem well accepted by the government and people. In ethnic minority areas, generally three religions are practised—Buddhism, Christianity, and Animism. More often than not, those seemingly exclusive practices under Buddhism, Christianity, or Animism are amalgamated versions of two or more of the three religions. This amalgamation itself might be a probable reason behind the favourable treatment towards animists compared to *pure* Christians who do not practice animism in any form.

Generally, animist beliefs and practices have not been discriminated against or their followers persecuted although there has been a long-term state-led project to convert the second type to Buddhism. There are four probable reasons behind this. Firstly, those indigenous communities that practice Animism are usually concentrated in distant regions out of reach from the centre, thereby effectively making it difficult for the state to regulate, discriminate, or persecute them. Secondly, the communities are relatively small so they do not have the potential for spreading their faith and practices to other parts of the country. Thirdly, the communities are usually less educated and involved in the public arena so they are not viewed as an active part of the citizenry that needs to be regulated. Last but not least, the

131 For example, Bénédicte Brac de la Perrière, “Possession and Rebirth in Burma (Myanmar),” *Contemporary Buddhism: An Interdisciplinary Journal* 16(1) (2015) pp. 61-74; Tamara C. Ho, “Transgender, Transgression, and Translation: A Cartography of *Nat Kadaws*: Notes on Gender and Sexuality within the Spirit Cult of Burma,” *Discourse* 31(3) (2009), pp. 273-317; Spiro, *Burmese Supernaturalism*.

government of Myanmar has been actively involved in Buddhist missionary activities in those faraway hill regions so it is not wise for them to express disdain towards or persecute animists.

3.6 State-other religions relations

As stated above, Myanmar only has five religions recognized by name by the constitution. Only those citizens who claim to belong to Buddhism, Islam, Christianity, Hinduism or Animism may have their religion named and written on their citizenship scrutiny cards. Therefore, other religions have been effectively put into a grey zone in which they find themselves lacking both recognition and protection by the state. But the state practice in this regard is ambiguous; how communities belonging to other religions were treated by the state in terms of recognition used to be largely unknown. This situation has changed with the existence of a parliament since 2011 where its members who represent townships in which such communities exist may raise questions to the government about those religions other than the five.

In an Amyotha Hluttaw (Upper House) meeting held on 29 May 2017, U Htein Win, who represents Constituency 4 of Ayeyarwaddy Region, asked about a religious community concentrated in his region.¹³² The question was about whether the government has a plan to allow the one-hundred-thousand-strong community to use the name of their religion—*Metta Brahmaso-batha* as they call it themselves. The hybrid religion of *Metta Brahmaso-batha* was established in 1866 by a Kayin man by the name of Bo Paiksan by eclectically combining beliefs and practices from Buddhism, Christianity, and Kayin traditions. Its headquarters is based in Taungoo in Bago Region and has 30,000, 30,000, 18,000, 10,000, and 5,000 Kayin believers in Yangon Region, Kayin State, Bago Region, Ayeyarwady Region, and Kayah State respectively, totalling around 100,000, according to U Htein Win's presentation at the Upper House. The Kayin in Myanmar are predominantly Buddhist with a sizeable Christian community. But the Kayin also have several traditional beliefs and practices which could be called Animism. So, this religious eclecticism by Bo Paiksan in the nineteenth century is understandable. But it is also noteworthy that *Metta Brahmaso* is a well-known Buddhist term or concept. *Brahmaso* means four

132 Amyotha Hluttaw Proceedings, Retrieved from www.amyotha.hluttaw.mm.

sublime states of mind including *metta* (loving kindness), *karuna* (compassion), *mudita* (sympathetic joy), and *upekkha* (equanimity).

But U Thein Swe, cabinet minister for labour, immigration and population, answered that the government may only allow the name of five recognized religions to be stated on citizenship scrutiny cards according to Sections 361 and 362 of the constitution.¹³³ Therefore, all other religions are written as ‘Other’ on the cards. But whether that alone constitutes religious discrimination or violation of religious freedom is questionable. There is no evidence of the state actively preventing groups professing religions such as *Metta Brahmaso-batha* from practising their religion.

Another interesting case involves a contemporary Kayin folk religion being established by a Kayin millennial leader namely *Pho Ta Khit*. He has built his own village, namely *Kayin Amyotha Ywa* (Kayin National Village), more than thirty miles from Pa-An, which is the capital of Kayin State. His village is said to have around 900 villagers who worship *Pho Ta Khit* both as a spiritual leader and as an administrative leader. Eclectically combining Buddhism, Kayin folk practices, and millennialism, *Pho Ta Khit*’s beliefs, teachings, and practices are thought to be deviant from Buddhism by the Ministry of Religious Affairs and Culture, and other Kayin people.¹³⁴ But interestingly, the plot of land on which *Kayin Amyotha Ywa* was built was given to *Pho Ta Khit* by the government then. And the administrative arm of the state has never been able to reach his village. *Pho Ta Khit* did not even allow the census team to enter his village and conduct the census in 2014. In short, although *Pho Ta Khit* and his religion have been described in a condescending tone by the local media and online netizens, the state and the Ministry of Religious Affairs and Culture have not done anything about it. The millennial leader and his village are effectively off the radar of the state.

133 Ibid.

134 Than Htike Oo, “*Khit-haung-hma Kyan-ke-te Pho Ta Khit (tho-ma-hote) Kayin Amyotha Ywa-ka-lay* [Pho Ta Khit’s Backward Village (or) Kayin National Village],” *Irrawaddy*, April 28, 2013, <https://burma.irrawaddy.com/article/2013/04/28/38428.html>; Aung Thit Lwin, “*Pho Ta Khit-ywa-hma Pya-kwek-san-mya* [Spectacular Stunts from Pho Ta Khit’s Village],” *7Day News Journal* 14 (43), December 30, 2015, <http://7daydaily.com/story/54363>; “*Pho Ta Khit-e Mwe-ne A-kan-a-na* [Pho Ta Khit’s Birthday Event],” *7 Day Daily*, December 21, 2015, <http://7daydaily.com/story/53723>.

There are three probable reasons behind neglect of *Pho Ta Khit* and his folk religion by the state. Firstly, since *Pho Ta Khit* is Kayin by ethnicity and his practices are mixed with Kayin folk religion, the government, the Ministry of Religious Affairs and Culture, and *Ma Ha Na* might not want to create a controversy by declaring him and his village as deviant. Secondly, proportionality seems relevant because *Pho Ta Khit's* assumed deviancy confined to a single village with less than a thousand villagers and a few hundred more elsewhere near his village has not reached an unmanageable stage. Thirdly, because *Pho Ta Khit* himself is no Buddhist monk, his followers do not include Buddhist monks, and his teachings do not directly draw upon Buddhist texts, *Ma Ha Na* may not see his case as falling within the purview of the committee.

Chapter 4:

Buddhist Nationalism and its Impact

Theravada Buddhism has been the religion of the rulers and people for a millennium *at least* since the eleventh century¹³⁵ during the reign of King Anawrahta (1044-77) in Pagan (now spelled Bagan) who converted to Buddhism.¹³⁶ Hence, it naturally possesses significant symbolic, cultural, and social capital. It provides Buddhists with meaning and power that may be used in their personal liberation and in their social and political struggles. Buddhism has been remarkably invoked three times as a potent social and political force: during the British colonization (1885-1948);¹³⁷ the parliamentary period (1948-62);¹³⁸ and post-transition Myanmar (2011-).

4.1 Historical context

As one of the *trinity* of Buddhism—Lord Buddha himself, Dhamma or his teachings, and Sangha or monastic order—Buddhist monks have always been seen at the helm of any serious Buddhist nationalist movements due to their moral authority.¹³⁹ They have tended to form monks-only movements or monks-lay-mixed ones depending on the context.¹⁴⁰ The general pattern is that the monastic order and laity have usually worked together for a common Buddhist cause. Subdued by the Christian British,

135 Prapod Assavavirulhakarn questions this widely assumed date and offers a much earlier date of the fourth century for the origins of Buddhism in Southeast Asia. See Prapod Assavavirulhakarn, *The Ascendancy of Theravāda Buddhism in Southeast Asia* (Chiang Mai, Thailand: Silkworm Books, 2010).

136 Ba Han, "The Emergence of the Burmese Nation," *Journal of Burma Research Society* 48 (2) (1965), pp. 25-38; Than Tun, "History of Buddhism in Burma: A.D. 1000-1300," *Journal of Burma Research Society* 62 (2) (1959), pp. 1-266; Win Than Tun, *Myanmar Buddhism of the Pagan Period (AD 1000-1300)* (PhD thesis, National University of Singapore, 2002).

137 The British invaded and colonized Burma in stages by waging three wars with the Burmese in 1824-26, 1852, and 1885 after which Arakan (now Rakhine), Lower Burma, and Upper Burma were acceded to the British by the Burmese. But the year 1885 is usually taken as the culmination or start of British colonization because the Burmese king was overthrown then. At the end of the previous two wars, the kingdom was not *fully* colonized yet although the British took Arakan and Lower Burma. See, Robert H Taylor, *The State in Myanmar* (2nd ed., Singapore: National University of Singapore Press, 2009).

138 The parliamentary democracy period from 1948 to 1962 was mostly ruled by the Anti-Fascist People's Freedom League (AFPFL) government headed by U Nu except the two-year interregnum from 1958 to 1960 when the military was asked to rule Burma as a caretaker government amidst political chaos. From 1960 to 1962, U Nu's government again ruled Burma until it was removed from power by the military coup launched by General Ne Win in March 1962. See, Taylor, *The State in Myanmar*.

139 Smith, *Religion and Politics*; Hiroko Kawanami, "Charisma, Power(s), and the Arahant Ideal in Burmese-Myanmar Buddhism," *Asian Ethnology* 68(2) (2009), pp. 211-37.

140 U Maung Maung. *From Sangha to Laity: Nationalist Movements of Burma, 1920-1940* (New Delhi: Manohar, 1980); Smith, *Religion and Politics*; E. Michael Mendelson, *Sangha and State in Burma: A Study of Monastic Sectarianism and Leadership* (Ithaca, N.Y.: Cornell University Press, 1975).

Burmese Buddhists suffered colonization not only of their territory and kingdom but also of their culture and faith. Therefore, the earliest anti-colonial movement originated in hundreds of Buddhist associations that sprang up to promote Burmese Buddhist morals and culture that did not take an explicitly political goal yet.¹⁴¹

Politicization of Buddhism only gradually began after the Young Men's Buddhist Association (YMBA) was founded in 1906, later transforming itself into the openly nationalist General Association of Buddhist/Burmese Associations in 1920.¹⁴² Various Sangha organizations—most prominent was General Council of Sangha Sammeggi (GCSS) also established in 1920—were also formed separately, which later joined those lay organizations' demands for autonomy/independence from the British. GCSS monks established thousands of *wunthanu athin* (Patriotic or Nationalist Associations) comprised of both monks and lay people. Such monastic-lay alliances were influential in the 1920s and early 1930s.¹⁴³ The downfall of nationalist monastic influence was witnessed together with the downfall of elitist, traditional, and religiously-motivated nationalists caused by factionalism. From the 1930s onwards, they were gradually replaced by more secular-minded and university-educated student leaders and nationalists such as Aung San and Nu.¹⁴⁴

Voluminous Indian migration into colonial Burma had created anti-Indian sentiments.¹⁴⁵ The sentiments reached a climax in the 1930s when Burmese nationalists wanted to separate Burma from British India (Burma was ruled as a province of British India until 1937). There were no dedicated anti-Indian, anti-Indian Hindu, or anti-Indian Muslim movements, but the anti-Indian discourse was promoted by nationalist politicians to differing degrees, often joined by monastic associations. Simmering anti-Indian sentiments resulted in two bouts of intercommunal violence in 1930 and 1938. Apart from the immediate causes, the underlying cause was found to be the huge Indian/South Asian migration that reached its apex in the 1930s.¹⁴⁶

141 Alicia Turner, *Saving Buddhism: The Impermanence of Religion in Colonial Burma* (Honolulu: University of Hawaii Press, 2014).

142 Juliane Schober, *Modern Buddhist Conjunctures in Myanmar: Cultural Narratives, Colonial Legacies and Civil Society* (Honolulu: University of Hawaii Press, 2010).

143 U Maung Maung. *From Sangha to Laity*.

144 U Maung Maung. *From Sangha to Laity*; Smith, *Religion and Politics*.

145 Usha Mahajani, *The Role of Indian Minorities in Burma and Malaya* (Bombay: Vora & Co., 1960); Chie Ikeya, *Refiguring Women, Colonialism, and Modernity in Burma* (Honolulu: University of Hawaii Press, 2011); Chakravarti, *The Indian Minority*.

146 Mahajani, *The Role of Indian*; Chakravarti, *The Indian Minority*.

Competition of migrants in the colonial bureaucracy and other sectors was highly resented by indigenous communities that had played an important role in the anti-Indian/anti-South Asian/anti-Muslim trajectory of Burmese nationalism at colonial times.¹⁴⁷ Especially contested was the issue of mixed interracial/interreligious marriages between native Burmese (Buddhist) women and Indian migrants.¹⁴⁸ But all of these became less serious from the late 1930s amidst the decline of the influence of Buddhist monks and hardcore anti-Indian nationalist politicians such as U Saw.¹⁴⁹ Secular nationalists became busy with the most pressing issue of independence from the British. Burma was separated from India in 1937, so urgency and political expediency became irrelevant.

Independence was obtained in 1948. Buddhism again came to the fore in the 1950s when Prime Minister U Nu promoted Buddhist piety not for repressing religious minorities' rights but for peace and development. Buddhist promotion reached a climax in the late 1950s when he launched a nationwide campaign to make the faith the state religion. Eventually, Buddhism was made State Religion in 1961 through a controversial constitutional amendment that alienated religious minorities such as Christians and Muslims.¹⁵⁰ Via another controversial constitutional amendment to satisfy the minorities, U Nu sought to guarantee religious minorities' freedom that again made several Buddhist monks unhappy.¹⁵¹

After General Ne Win and the Revolutionary Council (RC) that he chaired staged a military coup on 2 March 1962, they declared a secular stance and undid religious policies and activities by U Nu.¹⁵² As a self-proclaimed socialist and nativist, Ne Win was keen on reducing economic and financial powers of businesses and political participation of people of alien heritage such as Indians and Chinese in the public sector. He nationalized private businesses many of which were owned by

147 Mahajani, *The Role of Indian*; Chakravarti, *The Indian Minority*.

148 Rajashree Mazumder, "I do not envy you': Mixed marriages and immigration debates in the 1920s and 1930s Rangoon, Burma," *The Indian Economic and Social History Review* 51(4) (2014): 497-527; Tin Tin Htun, "Mixed Marriage in Colonial Burma: National Identity and Nationhood at Risk," in Kristin Celello and Hanan Kholoussy (eds.), *Domestic Tensions, National Anxieties: Global Perspectives on Marriage, Crisis, and Nation* (New York: Oxford University Press, 2016).

149 U Maung Maung, *Burmese Nationalist Movements, 1940-48* (New ed. Edinburgh: Kiscadale Publications, 1989).

150 Smith, *Religion and Politics*.

151 Ibid.

152 Ibid.

Chinese and Indians and laid barriers for people of alien and mixed ancestry in their attempts to enter the public sector.¹⁵³ The RC ruled by decree from 1962 through 1974 when the second constitution—known as the Constitution of the Socialist Republic of Burma (1974)—created a one-party social state under the Burma Socialist Programme Party (BSPP) established by the RC in July 1962. In general, as a secular socialist military dictator Ne Win treated Indians—and Chinese as well—more as ex-foreigners with undue political and economic power and dubious loyalty to Burma than as non-Buddhists.¹⁵⁴ Hence, religious minority rights were largely free from state intervention or outright repression until the 1990s after another military coup was staged on 18 September 1988, with the military ruling Myanmar until 2011.

This time the junta known as the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC)—composed of several confidantes of Ne Win who had stepped down from power when the BSPP government faced popular protests—faced an international community completely different from that their predecessor did during the Cold War. The coup and repression of the protestors and dissidents coincided with the fall of the Berlin Wall in 1989. The international community that used to be largely unaware of the plight of minorities suddenly became interested in it and extensively used the language of human rights and democracy.¹⁵⁵

Militarization of and repression in ethnic minority areas resulted in the military facing accusations of violating religious freedom, among other human rights. Militarization of the northern Rakhine State where the Rohingya are concentrated and repression of the minority also reinforced an emerging discourse that it was tantamount to religious persecution.¹⁵⁶ Adding to this discourse is repression of Buddhist monks who participated in pro-democracy, anti-military protests and activities in 1988 and afterwards—many of whom were never allowed back into the

153 Chakravarti, *The Indian Minority in Burma*.

154 Nyi Nyi Kyaw, "Adulteration of Pure."

155 Sheila Nair, "Human Rights and Postcoloniality: Representing Burma," in Geeta Chowdhry and Sheila Nair, eds., *Power, Postcolonialism and International Relations: Reading Race, Gender and Class* (London: Routledge, 2002); Lisa Brooten, "Human Rights Discourse and the Development of Democracy in a Multiethnic State," *Asian Journal of Communication* 14(2) (2014), pp. 174-91.

156 Asia Watch, *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan* (New York: Asia Watch, 1992).

monastic order.¹⁵⁷ As much as those dissident monks were repressed, throughout the 1990s and the 2000s, the SLORC/SPDC lavishly supported the senior Sangha and organized public donations.¹⁵⁸ It shows that the state—whether it is democratically elected, military authoritarian, or mixed—is willing to support and accommodate the Sangha insofar as the order does not challenge its rule. This pattern of state-Sangha relations was seen in the post-transition years that started from 2011.

4.2 Contemporary context

Political and social freedoms enjoyed by the people of Myanmar from 2011 onwards did not leave out the Buddhist monastic order or Sangha, especially its more politically and socially active sections. Unprecedented communal violence happened in Rakhine State and other parts of Myanmar in 2012, 2013, and 2014 and pitted Rakhine and non-Rakhine Buddhists against Rohingya and non-Rohingya Muslims. While this was considered to be anti-Muslim in the eyes of the international community due to Muslims' numerical minority-hood except in the northern Rakhine State, it was anti-Buddhist in the eyes of many local Buddhists due to allegations of Muslims' own activities catalyzing conflicts.¹⁵⁹ Accusing Muslims as aggressors and constructing Buddhists as victims, the symbolic 969 buy-Buddhist campaign emerged in October 2012 and the mobilizational *Ma Ba Tha* (Organization for Protection of Race and Religion) in June 2013.

Using a colourful 969 emblem—which represents the nine qualities of the Buddha, six qualities of the Dhamma and nine qualities of the Sangha—a new five-monk association known as *Tha-tha-na Pālaka Gaavācaka Sangha Apwè* (Defenders of Sāsana and Religious Teachers Network) in Mawlamyine formed the 969 movement. Despite the ubiquitous emblem in 2012 and 2013 which basically encourages its users to buy Buddhist by portraying Muslim shopkeepers as those with an ulterior motive to make themselves richer, 969 did not become an institutionalized movement and was later subsumed under *Ma Ba Tha*.¹⁶⁰ Monks-led *Ma Ba Tha's*

157 Bruce Matthews, "Buddhism under a Military Regime: The Iron Heel in Burma," *Asian Survey* 33(4) (1993), pp. 408-23.

158 Philp and Mercer, "Commodification of Buddhism."

159 Matthew J Walton and Susan Hayward, *Contesting Buddhist Narratives: Democratization, Nationalism and Communal Violence in Myanmar* (Honolulu: East-West Center, 2014).

160 Nyi Nyi Kyaw, "Islamophobia in Buddhist Myanmar: The 969 Movement and Anti-Muslim Violence," in Melissa Crouch (ed.), *Islam and the State in Myanmar: Muslim-Buddhist Relations and the Politics of Belonging* (Delhi: Oxford University Press, 2016).

influence reached its apex in 2013, 2014 and 2015 and its predominantly anti-Islam/Muslim discourse became widespread. *Ma Ba Tha* had monastic leadership but both monks and lay Buddhists sat on its central executive committee. Also, *Ma Ba Tha*, composed of both monks and lay Buddhists effectively to evade restrictions placed upon monks to form monks-only networks without prior approval by *Ma Ha Na*,¹⁶¹ worked in close cooperation with like-minded groups such as the lay-only *Myanmar National Network* and the monk-only *Patriotic Myanmar Monks Union*.

Written and spoken pronouncements made by 969 and *Ma Ba Tha* provided four main reasons to justify their anti-Islam/Muslim views and activities. Firstly, Muslims only buy from Muslim-owned shops with a plot to increase the wealth of their community, with wealthier Muslim men financially luring Buddhist women from low socio-economic backgrounds and converting them to Islam through intermarriage. Secondly, they contend that Muslim men are polygamous, tend to marry Buddhist women and convert their Buddhist wives to Islam and become fecund, all of which signal a demographic swamping of Buddhist Myanmar by Muslims in the future. Thirdly, they argue that Buddhist women suffer from violations of their human rights because they have had to convert to the religions of their non-Buddhist husbands in order to legalize the matrimony and enjoy their rights. Fourthly, they claim that four race-protection bills, especially the interfaith marriage bill, are an urgently-needed defensive response to the customary laws of the other three religions of Hinduism, Islam, and Christianity, which do not approve matrimony between Buddhist women and non-Buddhist men.¹⁶²

Ma Ba Tha's narrative was regional, global, and historical as it was local and contemporary. They selectively drew on what was happening in the broader Muslim world in terms of extremism, fundamentalism, and Jihadism. Strong historical claims that once Buddhist territories such as Indonesia and Afghanistan have been thoroughly Islamized by force were also made by *Ma Ba Tha* preachers and campaigners. Likewise, many Buddhists who encounter on a daily basis Muslims who are perceived to be getting more Islamized in terms of dress, food habits, social practices, and the like—partially encouraged by the conspicuous Tablighi Jamaat

¹⁶¹ Ibid.

¹⁶² Ibid.; Nyi Nyi Kyaw, "Alienation."

movement¹⁶³—found this assumed or presumed Muslim piety as strong evidence of Muslim conspiracy to Islamize Buddhist Myanmar.¹⁶⁴ Actually, these Buddhist views of Muslim lifestyle as excessively pious and thus socially inflexible are not new. Those common flashpoints of misunderstanding were identified in a rare survey—most probably the only one of its kind then—conducted in 2003 on 500 Buddhists in seven cities in Myanmar. The survey shows that the same misunderstandings of Islam and Muslims were deep and widespread.¹⁶⁵

By invoking all this, *Ma Ba Tha* launched a nationwide legal campaign by using a multi-million signature campaign, weekly and bi-weekly journals, pamphlets, statements, books, protests by monks and laypeople, sermons by monks, talks by laypeople, conferences, public consultative workshops, press conferences, photography shows, pictures, songs, life story telling sessions, movies, and social media. Through this unprecedented monks-led movement, they did three things: urge Buddhists not to buy from Muslim shops; demand four laws for the protection of Buddhism; and attack democrats led by Daw Aung San Suu Kyi and her NLD party who did not support them. Designed as a complete package for protection of Buddhism from alleged Islamization, the four bills—the *Healthcare Law Relating to Adjustment of Population Growth*, *Law Relating to Religious Conversion*, *Special Law relating to Marriage of Myanmar Buddhist Women*, and *Law Relating to Practice of Monogamy*—eventually became law in 2015 on 19 May, 26 August, 26 August, and 31 August respectively.¹⁶⁶ President U Thein Sein and the parliament dominated by the USDP apparently acceded to *Ma Ba Tha* and its followers. In the months and weeks preceding the general elections held on 8 November, *Ma Ba Tha* launched a widespread discourse against Daw Aung San Suu Kyi and her party accusing them as pro-Muslim.¹⁶⁷ It proved the assumption that *Ma Ba Tha* was

163 Inquiry Commission on Sectarian Violence in Rakhine State, *Final Report*.

164 Matt Schissler, Matthew J Walton, and Phyu Phyu Thi, *Threat and Virtuous Defence: Listening to Narratives of Religious Conflict in Six Myanmar Cities*, M.MAS Working Paper 1:1 (St Antony's College, Oxford University, July 2015).

165 Kyaw Yin Hlaing, "A Plural Society Revisited: The Misapprehension of Muslim Burmese by Buddhist Burmese," in *Nation Building in Myanmar* (pp. 133–64) (2nd ed., Yangon: Myanmar Peace Center, 2014).

166 Ronan Lee, "The Dark Side of Liberalization: How Myanmar's Political and Media Freedoms Are Being Used to Limit Muslim Rights," *Islam and Christian-Muslim Relations* 27(2) (2016), pp. 195-211; Iselin Frydenlund, "The Birth of Buddhist Politics of Religious Freedom in Myanmar," *Journal of Religious and Political Practice* 4 (1) (2018), pp. 107-121; Iselin Frydenlund, "Religious Liberty for Whom? The Buddhist Politics of Religious Freedom during Myanmar's Transition to Democracy," *Nordic Journal of Human Rights* 35(1) (2017), pp. 55-73; Melissa Crouch, "Promiscuity, Polygyny, and the Power of Revenge: The Past and Future of Burmese Buddhist Law in Myanmar" *Asian Journal of Law and Society* 3(1) (2016), pp. 85-104.

167 Salai Thant Zin and Zarni Mann, "Ma Ba Tha: NLD is the Party of 'Islamists,'" *Irrawaddy*, September 21, 2015, <https://www.irrawaddy.com/election/news/ma-ba-tha-nld-is-the-party-of-islamists>.

President Thein Sein's overt/covert cohorts and USDP's by extension. However, this accusation of the NLD as pro-Muslim has apparently made the party—and the ruling USDP as well—decide not to field a single Muslim candidate for the general elections held in November 2015.¹⁶⁸

Apparently to make peace with *Ma Ba Tha* and encourage it to stop, the cabinet minister for religious affairs and culture¹⁶⁹ Aung Ko visited the organization's chair Ywama Sayadaw at his monastery in Yangon on 4 April 2016.¹⁷⁰ But, Aung Ko criticized it soon and gave a stern warning in July.¹⁷¹ Pyo Min Thein—NLD-appointed Chief Minister of Yangon Region—also stated that *Ma Ba Tha* is unnecessary leading to a protest against him by supporters of *Ma Ba Tha* and its like-minded groups.¹⁷² Apparently encouraged by changing political context and Aung Ko, *Ma Ha Na* announced on 12 July that *Ma Ba Tha* was not a legally formed monastic association.¹⁷³ *Ma Ba Tha* did not give up and even planned to hold a sizeable fourth anniversary conference in late May 2017. It almost forced *Ma Ha Na*—again apparently at the request of the government—to issue an order¹⁷⁴ on 23 May that bans the name *Ma Ba Tha* itself and all activities performed under its umbrella.¹⁷⁵

Ma Ba Tha accordingly obeyed the order by stopping the use of its name but rebranded itself as *Buddha Dhamma Parahita Foundation*. Aung Ko criticized it and said that the order was an explicit one to terminate both the form and function

168 Hanna Hindstrom, "NLD Blocked Muslim Candidates to Appease Ma Ba Tha: Party Member," *Irrawaddy*, August 31, 2015, <https://www.irrawaddy.com/election/news/nld-blocked-muslim-candidates-to-appease-ma-ba-tha-party-member>.

169 The two ministries of religious affairs and of culture were combined into a single ministry when the NLD came to power.

170 Ministry of Religious Affairs and Culture Statement, April 5, 2016, <http://www.mora.gov.mm/newsview.ASPX-?nid=143>.

171 Aung Kyaw Min, "Minister Rebukes Ma Ba Tha," *Myanmar Times*, July 15, 2016, <https://www.mmtimes.com/national-news/21399-minister-rebukes-ma-ba-tha.html>.

172 Ye Mon, "Nationalists Protest against Yangon Chief Minister," *Myanmar Times*, July 7, 2016, <https://www.mmtimes.com/national-news/yangon/21242-nationalists-protest-against-yangon-chief-minister.html>.

173 Kyaw Phyoo Than and San Yamin Aung, "State-Backed Monks' Council Decries Ma Ba Tha as 'Unlawful'" *Irrawaddy*, July 13, 2016, <https://www.irrawaddy.com/news/burma/state-backed-monks-council-decries-ma-ba-tha-as-unlawful.html>.

174 A question arises over whether *Ma Ha Na* has legal authority to ban *Ma Ba Tha* that was formed in the first place as a religious association composed of both monks and lay Buddhists. Freedom of association in general and that of religious association are given in the constitution (s 354.c) and the *Law Relating to Registration of Associations* (2014) (s 19.a) respectively. See Nyi Nyi Kyaw, "A Blow to Buddhist Nationalism in Myanmar?" *East Asia Forum*, May 27, 2017, <http://www.eastasiaforum.org/2017/05/27/a-blow-to-buddhist-nationalism-in-myanmar>.

175 Irrawaddy, "State Buddhist Authority Bans Nationalist Organization's Name, Signboards," *Irrawaddy*, May 23, 2017, <https://www.irrawaddy.com/news/burma/state-buddhist-authority-bans-nationalist-organizations-name-signboards.html>.

of the movement, regardless of how it calls itself.¹⁷⁶ Before the order was issued, *Ma Ba Tha* had already formed a lay-only group called *Dhamma Wuntha Rakkita Apwe* (Rightful Patriots Association) by renaming a lay-only *Ma Ba Tha* branch that had been in existence since 2014. Several *Dhamma Wuntha Rakkita Apwe* members announced that they would establish a political party, namely *135 Races-Loving Party United Party* and register it.¹⁷⁷ *Ma Ba Tha*'s subnational chapters in Mandalay Region and Kayin State responded that they would continue to use the name and had applied to the Ministry of Home Affairs to allow them to do so.¹⁷⁸

Bi-weeklies and weeklies that had been issued by *Ma Ba Tha* and were full of anti-Islam/Muslim and anti-Christianity/Christian materials stopped. However, the aggressively anti-Islam/Muslim and anti-Christianity/Christian ideology that *Ma Ba Tha* propagated in the past four years remain. Religion was misused by *Ma Ba Tha* in the years and months preceding the November 2015 general elections despite constitutional prohibitions against it.¹⁷⁹ Those largely anti-Muslim discourses and activities that had not generally targeted Christianity and Christians changed its course after Henry Van Thio, an ethnic Chin Christian, was appointed as Vice President by the NLD. *Myanmar National Network* and *Patriotic Myanmar Monks Union* protested on 2 April 2016 against the appointment on religious grounds.¹⁸⁰

The NLD government also took action via *Ma Ha Na* against Ashin Wirathu—arguably, the most controversial and prominent spokesperson of *Ma Ba Tha*—after the monk praised on social media the suspects who were involved in the assassination on 29 January 2017 of Ko Ni—a prominent Muslim constitutional lawyer and advisor

176 Aung Kyaw Min, "New name of Ma Ba Tha is Bid to Deceive Ma Ha Na: Minister," *Myanmar Times*, July 7, 2017, <http://www.mmmtimes.com/index.php/national-news/yangon/26710-new-name-of-ma-ba-tha-is-bid-to-deceive-ma-ha-na-minister.html>.

177 Mratt Kyaw Thu, "Ma Ba Tha to rebrand, form political party," *Frontier*, May 29, 2017, <https://frontiermyanmar.net/en/ma-ba-tha-to-rebrand-form-political-party>.

178 Htun Htun, "Karen State Ma Ba Tha Chapter Keeps Name Despite State Sangha Ban," *Irrawaddy*, June 12, 2017, <https://www.irrawaddy.com/news/burma/karen-state-ma-ba-tha-chapter-keeps-name-despite-state-sangha-ban.html>; Zarni Mann, "Mandalay Ma Ba Tha to Defy Govt Ban," *Irrawaddy*, July 11, 2017, <https://www.irrawaddy.com/news/mandalay-ma-ba-tha-defy-govt-ban.html>.

179 Salai Thant Zin and Zarni Mann, "Ma Ba Tha"; Lawi Weng, "Support Incumbents, Ma Ba Tha Leader Tells Monks," *Irrawaddy*, June 23, 2015, <http://www.irrawaddy.org/election/news/support-incumbents-ma-ba-tha-leader-tells-monks>.

180 Aung Kyaw Min, "Nationalists Rally against Both Vice Presidents," *Myanmar Times*, April 5, 2016, <https://www.mmmtimes.com/national-news/19820-nationalists-rally-against-both-vice-presidents.html>.

to the NLD.¹⁸¹ *Ma Ha Na* banned the monk from preaching for one year.¹⁸² Ashin Wirathu defied the order by sitting silently on a plinth at public Buddhist sermons while recordings of his previously-delivered speeches were played in the background or another monk preached on his behalf.¹⁸³ *Ma Ha Na* chair Bhamo Sayadaw expressly warned that Ashin Wirathu might face imprisonment.¹⁸⁴ The government failed to take any further action although it initially said that it would sue the monk.¹⁸⁵ All these actions against *Ma Ba Tha* and Ashin Wirathu led to protests in May calling for Aung Ko's apology and resignation without much effect.¹⁸⁶ On 2 August, nationalist monks and people camped at the foot of the Shwedagon pagoda in Yangon and within the compound of the Maha Muni pagoda in Mandalay—two holiest Buddhist sites in Myanmar—and protested against the NLD government. Aung Ko's ministry responded on 3 August defending the NLD government as pro-Buddhist, questioned the real intentions of about 35 monks protesting in Mandalay and Yangon, and highlighted possible hidden hands behind.¹⁸⁷ The protest in Mandalay was dispersed by force by the government, eleven monks and two women detained on 11 August, and the Yangon protest was suspended by the monks themselves afterwards.¹⁸⁸

Whether the discourse and activities by *Ma Ba Tha* and its like-minded groups against Islam and Muslims constituted violations and/or persecution of the latter's religious freedom has been a recurring question in the past four years or so. Accused as accomplices in anti-Muslim violence, *Ma Ba Tha* denied on several occasions any direct or indirect role.¹⁸⁹ However, *Ma Ba Tha's* colleagues

181 Irrawaddy, "U Wirathu Takes to Social Media to Thank Suspects in U Ko Ni's Murder," March 1, 2017, <https://www.irrawaddy.com/news/u-wirathu-takes-to-social-media-to-thank-suspects-in-u-ko-nis-murder.html>.

182 Htun Htun, "Govt Bans U Wirathu from Preaching Sermons," *Irrawaddy*, March 11, 2017, <https://www.irrawaddy.com/news/burma/govt-bans-u-wirathu-preaching-sermons.html>.

183 Zarni Mann, "Despite Ban, U Wirathu Vows to Continue 'Silent Sermons' *Irrawaddy*, March 21, 2017, <https://www.irrawaddy.com/news/burma/despite-ban-u-wirathu-vows-continue-silent-sermons.html>.

184 Salai Thant Zin, "Bhamo Sayadaw: U Wirathu Could Be Imprisoned," *Irrawaddy*, March 28, 2017, <https://www.irrawaddy.com/news/burma/bhamo-sayadaw-u-wirathu-could-be-imprisoned.html>.

185 Salai Thant Zin and Zarni Mann, "Irrawaddy Govt Plans Lawsuit Against U Wirathu's Silent Protest," *Irrawaddy*, March 13, 2017, <https://www.irrawaddy.com/news/burma/irrawaddy-govt-plans-lawsuit-against-u-wirathus-silent-protest.html>; Ministry of Religious Affairs and Culture Statement, March 11, 2017, <http://www.mora.gov.mm/newsview.ASPX?nid=242>.

186 Nyan Hlaing Lynn, "Nationalists Demand Religion Minister Resign, Promise More Protests," *Frontier Myanmar*, May 22, 2017, <https://frontiermyanmar.net/en/nationalists-demand-religion-minister-resign-promise-more-protests>.

187 Ministry of Religious Affairs and Culture Statement, August 3, 2017, <http://www.mora.gov.mm/newsview.ASPX?nid=273>.

188 Frontier Myanmar, "Mandalay Demonstration Broken-up, Protest at Shwedagon Suspended," August 7, 2017, <https://frontiermyanmar.net/en/mandalay-demonstration-broken-up-protest-at-shwedagon-suspended>.

189 For example, Kyaw Phyo Tha, "Ma Ba Tha Denies Involvement in Recent Anti-Muslim Violence," *Irrawaddy*, May 12, 2017, <https://www.irrawaddy.com/news/burma/ma-ba-tha-denies-involvement-recent-anti-muslim-violence.html>.

and supporters such as *Myanmar National Network* and *Patriotic Myanmar Monks Union* vilified Islam and discriminated Muslims on several occasions. They invaded Muslim religious buildings and private homes, often resulting in violations of Muslims' religious freedom. Their actions included: a campaign against mostly Muslim-owned butchers;¹⁹⁰ protesting the use of the ethnonym 'Rohingya' by the US Embassy;¹⁹¹ protesting against a ship from Malaysia bringing aid for the Rohingya;¹⁹² forcefully removing Muslim vendors from Buddhist environments such as pagoda festivals;¹⁹³ inspecting a Buddhist-owned vendor at the Shwedagon Pagoda because of its Muslim supplier;¹⁹⁴ disrupting Muslim religious events held to commemorate Prophet Day;¹⁹⁵ inspecting mosques, madrasas, and homes;¹⁹⁶ and the forced shutting down of madrasas and mosques for their alleged illegality.¹⁹⁷

So, the accelerating anti-Muslim trend seems to have slowed down from 2016 onwards after the NLD government came to power, especially after *Ma Ba Tha* was banned. Its sequel *Buddha Dhamma Parahita Foundation* continues to exist but is largely defunct. Also, the increasingly heavy-handed approach taken by the NLD government against so-called nationalist monks in 2016 and 2017 seems to have stopped the spread of the movement. Yet, the NLD government has often proven ineffective and inefficient in dealing with certain types of violations of religious freedom of minority Christians and Muslims for two main reasons. In the case of Muslims, alleged illegality of Muslim religious buildings such as mosques, prayer places, and madrasas in a country where Muslims have found it almost impossible to renovate their buildings, let alone build new ones, has emerged as a political and

190 Swe Win, "Ma-Ba-Tha Take Aim at Halal Businesses," *Myanmar Now*, September 18, 2015, <http://www.dvb.no/news/ma-ba-tha-take-aim-at-halal-businesses/57441>.

191 Aung Kyaw Min, "Nationalists Rally against US Embassy's Use of Term 'Rohingya,'" *Myanmar Times*, April 29, 2016, <https://www.mmtimes.com/national-news/yangon/20031-nationalists-rally-against-us-embassy-s-use-of-term-rohingya.html>.

192 Simon Lewis and Aye Win Myint, "Aid Ship to Help Rohingyas Arrives in Myanmar, Greeted by Protest," *Reuters*, February 9, 2017, <https://www.reuters.com/article/us-myanmar-rohingya-malaysia-idUSKBN15O1H>.

193 Nick Baker, "Peace Activists Call On Authorities to Intervene over Shwedagon Incidents," *Myanmar Times*, April 27, 2016, <https://www.mmtimes.com/national-news/yangon/19976-peace-activists-call-on-authorities-to-intervene-over-shwedagon-incidents.html>.

194 Irrawaddy, "'Patriotic Monks Union' Interrogates Shwedagon Vendor Over Origin of Goods," July 22, 2016, <https://www.irrawaddy.com/news/burma/patriotic-monks-union-interrogates-shwedagon-vendor-over-origin-of-goods.html>.

195 Lawi Weng, "Buddhist Nationalists Disrupt Muslim Ceremony in Downtown Rangoon," *Irrawaddy*, January 9, 2017, <https://www.irrawaddy.com/news/burma/buddhist-nationalists-disrupt-muslim-ceremony-downtown-rangoon.html>.

196 Shoon Naing, "Police Fire Warning Shots to Stop Clashes," *Myanmar Times*, May 11, 2017, <https://www.mmtimes.com/national-news/yangon/25927-police-fire-warning-shots-to-stop-clashes.html>.

197 Kyaw Phone Kyaw, "A Day of Tension."

legal challenge to the government and to the Muslim minority as well. In the case of Christians, the reach of the power of the state remains limited in places such as Kayin State where local ethnic armed groups, militias, and politically connected monks reign. If those groups discriminate or persecute Christians for any reasons, it will be very difficult—if not impossible—for the government to protect Christians' rights to religious freedom.

Chapter 5

Legal and Non-Legal Responses to Interreligious Tensions in the Contemporary Context

Rampant interreligious tensions and violence from 2012 through 2015 accompanied prevalent hate speech online. It was often a two-way traffic in which both Muslims and Buddhists abused and used strong language against each other.¹⁹⁸ But, messages were predominantly and visibly anti-Islam and -Muslim because Buddhists constitute an absolute numerical majority. Offline, Muslims were more vulnerable to verbal and written vilification because of ubiquity across Myanmar of mildly anti-Muslim 969 stickers and of more vehement *Ma Ba Tha*'s sermons and publications. Delivered in different channels and in different modes, all these offline and online messages scapegoat Muslims and Islam as *the* grave enemy of Buddhists and Buddhism.¹⁹⁹ Ironically, it coincided with the opening up of Myanmar from 2011 onwards²⁰⁰ and liberalization of the media that was extremely censored and repressed in previous decades.²⁰¹

198 PEN Myanmar, *Hate Speech: A Study of Print, Movies, Songs and Social Media in Myanmar* (Yangon: PEN Myanmar, 2015).

199 For example, Nyi Nyi Kyaw, "Islamophobia in Buddhist Myanmar"; Min Zin, "Anti-Muslim Violence in Burma: Why Now?" *Social Research* 82 (2) (2015), pp. 375-397; Gerry van Klinken and Su Mon Thazin Aung, "The Contentious Politics of Anti-Muslim Scapegoating in Myanmar," *Journal of Contemporary Asia* 47 (3) (2017), pp. 353-375; Gerard McCarthy and Jacqueline Menager, "Gendered Rumours and the Muslim Scapegoat in Myanmar's Transition," *Journal of Contemporary Asia* 47 (3) (2017), pp. 396-412; Walton and Hayward, *Contesting Buddhist Narratives*.

200 Nick Cheesman, Monique Skidmore, and Trevor Wilson (eds.), *Myanmar's Transition: Openings, Obstacles, and Opportunities* (Singapore: Institute of Southeast Asian Studies, 2012); Mikael Gravers (ed.), *Burma/Myanmar: Where Now?* (Copenhagen: NIAS Press, 2014); and Nick Cheesman, Nicholas Farrelly, and Trevor Wilson, (eds.), *Debating Democratization in Myanmar* (Singapore: Institute of Southeast Asian Studies, 2014); David Steinberg (ed.), *Myanmar: The Dynamics of an Evolving Polity* (Boulder, CO: Lynne Rienner, 2014); Nick Cheesman and Nicholas Farrelly (eds.), *Conflict in Myanmar: War, Politics, Religion* (Singapore: Institute of Southeast Asian Studies, 2016).

201 Martin Smith, *Censorship Prevails: Political Deadlock and Economic Transition in Burma* (London: Article 19, 1995); Jennifer Leehey, *Open Secrets, Hidden Meanings: Censorship, Esoteric Power, and Contested Authority in Urban Burma in the 1990s* (PhD dissertation, University of Washington, 2010); Monique Skidmore, *Karaoke Fascism: Burma and the Politics of Fear* (Philadelphia: University of Pennsylvania Press, 2004).

Bertil Lintner, "Access to Information: The Case of Burma." In Bertil Lintner and Sheila S. Coronel (eds.), *The Right to Know: Access to Information in Southeast Asia* (Quezon City, PI: Philippine Center for Investigative Journalism Publication, 2001).

5.1 Liberalization of media and telecommunications

Starting from 2011 onwards, the U Thein Sein government—for which he deserves credit—liberalized media and expression. The Press Scrutiny and Registration Division (PSRD) formed in April 2005—whose predecessor was the Press Scrutiny Board (PSB)—under the Ministry of Information liberalized its censorship policies from check-and-publish (meaning publications need check and approval by the PSB before publishing) to publish-then-check (meaning publications only need to be submitted to the PSB after publishing) in five stages from June 2011 to August 2012.²⁰²

Notably, all these liberalizations for a freer media were made as part of the government policy to release the press from censorship and restriction imposed by rules, orders, directives, and memoranda issued under the *1962 Printers and Publishers Registration Law* because a new law to replace it was not ready yet. By August 2012 the new government had revoked 38 out of 52 directives and 20 out of 26 memoranda relating to censorship. The remaining directives and memoranda were said to be concerned with registration and classification matters.²⁰³ On 20 August 2012, the 48-years-and-2-weeks-old censorship regime first installed on 6 August 1964 became defunct and restrictions on 30,000 internet sites had also been lifted.²⁰⁴

Several legal reform initiatives relating to the print media—most importantly the *News Media Law* (2014) and *Printing and Publishing Enterprise Law* (2014)²⁰⁵—were enacted. Amidst all these reforms, old and new private media outlets were increasingly provided freedom to express and licences to issue weeklies and dailies as well.²⁰⁶ A golden age seemed to have arrived because Myanmar media that had

202 Myanmar News Agency, “All publications exempted from being scrutinized in advance by Press Security and Registration Division,” *The New Light of Myanmar*, August 21, 2012, p. 7.

203 Ibid.

204 British Broadcasting Corporation, “Burma Abolishes Media Censorship,” August 20, 2012, <https://www.bbc.com/news/world-asia-19315806>.

205 The *Printing and Publishing Enterprise Law* (2014) repealed the *Press (Emergency Powers) Act* (1931) and *1962 Printers and Publishers Registration Law*.

206 Before liberalization, some private-owned media such as Eleven Media Group (*Weekly Eleven*), Myanmar Consolidated Media Co. Ltd. (*Myanmar Times*), Myanmar Partners Think Tank Group (*Voice*), and Info Matrix Co. Ltd. (*7Day News*) were licensed in the 2000s to issue weeklies but they did not enjoy free expression. The first private dailies came out in April 2013, many of which did not survive intense competition in the Myanmar market that has a sizable population of around 51 million but a very low newspaper-reading audience, compounded by market monopoly by the state newspapers and social media popularity.

been almost frozen under censorship and dictatorship began to thaw—acclaimed ‘Burmese Media Spring’²⁰⁷ in 2013 by Reporters Sans Frontières (Reporters Without Borders).²⁰⁸

Liberalization of the telecommunications sector followed.²⁰⁹ The people of Myanmar whose majority had not owned mobile phones nor used the internet were introduced to the internet mainly through social media. Facebook with instant Burmese materials on it became the main or only place for Myanmar’s internet newbies. They were exposed to thousands of anti-Muslim and anti-Islam messages and narratives—many allegedly produced by fake accounts. News stories published on Facebook by newspaper and journal outlets first liked, shared, or commented upon by readers were instantly seen by their friends and followers who followed suit. Also, Facebook users produced ‘news’ by writing on their own walls by reporting and commenting on events—genuine, constructed, imagined, or fake. These created an instant Facebook-sphere where news about Rohingya and other Muslims and their alleged insults to Buddhists and Buddhism would go viral literally in minutes, if not in seconds.

Free, unbridled speech that was previously a faraway dream became a reality but it became contentious, hateful, inflammatory, fiery, extreme, or dangerous. Yet, several social media users apparently believed what they saw, read, and heard on Facebook especially when such messages were delivered by someone they knew or popular *Ma Ba Tha* monks such as Ashin Wirathu.²¹⁰ Freedom of the press and expression online and offline—venerated as an inherent quality of democratically enlightened and active civic life or culture²¹¹ and viewed as an optimal solution to

207 The ‘Spring’—a term copied from accounts of what happened in North Africa and the Middle East from 2010 onwards—was often used to characterize Myanmar’s changes as it provided a ready analogy for describing the reforms in Myanmar. Since Myanmar is a tropical country with most of the people depending on agriculture, a better term, at least for the people of the country, would be ‘Monsoon’.

208 Benjamin Ismail, *Burmese Media Spring* (Paris, France: Reporters Without Borders, 2012).

209 Andrea Calderaro, *Digitalizing Myanmar: Connectivity Developments in Political Transitions* (Internet Policy Observatory, 2014), Retrieved from <http://repository.upenn.edu/internetpolicyobservatory/6>.

210 Rainer Einzenberger, “If It’s on the Internet It Must Be right”: An Interview on the Use of Internet and Social Media in Myanmar with Myanmar ICT for Development Organisation,” *ASEAS – Austrian Journal of South-East Asian Studies*, 9(2) (2016), pp. 301-310.

211 Peter Dahlgren, “The Internet and the Democratization of Civic Culture,” *Political Communication* 17(4) ((2000), pp. 335-340.

once-closed Myanmar society and citizenry²¹²—not only improved cohesive civic citizenry but also created social and communal divisions.²¹³ Accusations of the assumed role of social media and rampancy of interreligious hate messages led to two types of discourses and measures: legal and non-legal, discussed below.

5.2 Legal discourses and measures

The legal approach to prevent interreligious conflict and hate speech originated in the rule of law discourse that became popular in Myanmar in transition. Having chronically suffered lack of the rule of law, lack of democratic legal development, and use by authoritarian regimes of law as a repressive tool, democrats and civil society groups resorted to advocating for law as an ultimate solution to solve the myriad problems they face. Whereas law (and order) as unjustly made and enforced by successive military authoritarian regimes²¹⁴ is largely viewed as repressive and undesirable, law that is properly made and enforced is concurrently deemed desirable.²¹⁵ Hate speech was no exception in this increasingly legalistic narrative advocating the rule of law. The rule of law discourse emerged as an ideal response to the series of interreligious violent conflicts and consequent hate speech, most prominently promoted by Daw Aung San Suu Kyi who was then a member of the Pyithu Hluttaw (lower house) and chair of its Rule of Law and Tranquility Committee.²¹⁶

Legal advocacy for a hate speech act never materialized during the U Thein Sein administration despite the president's repeated promises that he would not allow hate speech. To a parliamentary question raised on 25 June 2013 about the possibility of having a law to prevent hate speech between racial and religious communities that is prohibited by Section 364 of the constitution, then Deputy

212 Mridul Chowdhury, *The Role of the Internet in Burma's Saffron Revolution* (Internet & Democracy Case Study Series, Cambridge, MA: Berkman Center Research Publication, 2008); Jaspreet Sandhu, "A Burmese Case Study: Far from Inherent – Democracy and the Internet," *The McMaster Journal of Communication* 7 (1) (2011), pp. 91-107.

213 Rajiv George Aricat and Rich Ling, "Civic Engagement in Myanmar: The Promise and Threat of Mobile Communication and the Internet," in Ran Wei (ed.), *Mobile Media, Political Participation, and Civic Activism in Asia: Private Chat to Public Communication* (Dordrecht: Springer Nature, 2016).

214 Nick Cheesman, *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (Cambridge: Cambridge University Press, 2015); Nick Cheesman, "Thin Rule of Law or Un-Rule of Law in Myanmar?" *Pacific Affairs* 82(4) (2009), pp. 597-613.

215 Nick Cheesman, "That Signifier of Desire, the Rule of Law," *Social Research: An International Quarterly* 82(2) (2015), pp. 267-290; Elliott Prasse-Freeman, "Conceptions of Justice and the Rule of Law." In *Myanmar: The Dynamics of an Evolving Polity*, edited by David Steinberg, 89-114 (Boulder, CO: Lynne Rienner, 2014); Nick Cheesman, "What Does the Rule of Law Have to Do with Democratization (in Myanmar)?" *South East Asia Research* 22 (2) (2014), pp. 213-232.

216 Prasse-Freeman, "Conceptions of Justice."

Minister for Home Affairs and Chief of Myanmar Police Force Brig-Gen Kyaw Kyaw Tun admitted that hate speech was one of the major contributing factors to interreligious violence. But he said his ministry had been using several sections from the Penal Code, Code of Criminal Procedure (Sections 127-9, 133, 143-4, and 196), Riot Control Handbook, Police Manual, and *Law Relating to the Right of Peaceful Assembly and Peaceful Procession* to deal with the issue and another law specifically for hate speech would create confusion among different government staff and agencies and ordinary people as well.²¹⁷ It is of course wrong to state that U Thein Sein did nothing about the violence. They were often too quick in charging those who ‘sparked’ violent episodes or became involved later in several instances²¹⁸ and often too slow in charging others in other instances.²¹⁹

When it came to power, the NLD continued implementing its legal project to counter hate speech. The late U Ko Ni had reportedly submitted a draft bill to the parliament in 2013 in the aftermath of the Meiktila violence that was never considered.²²⁰ Unlike its predecessor, the NLD government acted in a more serious manner against hate speech. In May 2016, Aung Ko met interfaith groups in Mandalay and Yangon and encouraged them to draft a hate speech and interfaith harmony bill.²²¹ The Interfaith Dialogue Group comprising leaders of different religions finished a draft in August and sent it to Aung Ko’s ministry and Attorney-General’s office.²²² Aung Ko also requested *Ma Ha Na* in July to rein in hate speech.²²³ Then, Aung Ko’s ministry and Attorney-General’s Office worked to revise and finalize it.²²⁴ It was followed by a review by the ministries of foreign affairs and information—the former ministry is headed by State Counsellor Daw Aung San Suu Kyi who also

217 Proceedings of the Pyithu Hluttaw, <http://www.pyithuhluttaw.gov.mm/>.

218 For example, Kyaw Pyo Tha, “Burma Imprisons Two Muslim Women for Sparking Okkan Unrest,” *Irrawaddy*, June 18, 2013, <https://www.irrawaddy.com/news/burma/burma-imprisons-two-muslim-women-for-sparking-okkan-unrest.html>;

219 For example, Aye Nai, “Burma Arrests Six Buddhists for Role in Muslim Massacre,” *Democratic Voice of Burma*, July 18, 2013, <http://www.dvb.no/news/politics-news/burma-arrests-six-buddhists-for-role-in-muslim-massacre/30012>.

220 Democratic Voice of Burma, “Interview: Hate Speech Law ‘Can Be Done Pretty Soon,’” July 22, 2016, <http://www.dvb.no/news/interview-hate-speech-law-can-done-pretty-soon/68459>.

221 Ei Ei Toe Lwin, “NLD Considers Religious Harmony Law,” *Myanmar Times*, May 20, 2016, <http://www.mmmtimes.com/index.php/national-news/yangon/20397-nld-considers-religious-harmony-law.html>.

222 Hein Ko Soe, “Hitting Back Against Hate Speech,” *Frontier*, September 26, 2016, <http://frontiermyanmar.net/en/hitting-back-against-hate-speech>.

223 Democratic Voice of Burma, “Religious Affairs Minister Urges Measures to Rein in Hate,” July 15, 2016, <http://www.dvb.no/news/religious-minister-urges-measures-rein-hate/68293>

224 Ye Mon, “Hate Speech Law in the 2017 Pipeline,” *Myanmar Times*, December 15, 2016, <http://www.mmmtimes.com/index.php/national-news/24220-hate-speech-law-in-the-2017-pipeline.html>.

sought inputs from international experts. The bill was expected to be submitted to the parliament in late 2017.²²⁵ Yet, as of mid-2018, the bill seems to have been shelved by the NLD government and the parliament that its representatives dominate most probably because key hate mongers led by *Ma Ba Tha* and its associates have either become silent or inactive after a crackdown.

In addition to these legal discourses and demands, the civil society also became involved and employed non-legal discourses and measures to help tackle hate speech and ameliorate interreligious tensions that were becoming an obstacle to Myanmar's ongoing democratization, which is discussed below.

5.3 Non-legal discourses and measures

Amidst slow legal and social responses from the U Thein Sein administration to interreligious violence, the Myanmar civil society—that was generally both anti-USDP and pro-NLD—launched several initiatives. The active civil society then included, but was not limited to, women's rights groups, human rights groups, youth groups, and religious groups. They expressly resented slowness of the government and clamoured for stronger legal and governmental action. Then, they initiated four societal responses, often in cooperation with the international community: challenging *Ma Ba Tha*; anti-hate speech campaigns; interfaith peace and harmony dialogues and events; and hate speech watch projects.

The broader human rights and women's rights network directly challenged *Ma Ba Tha* and its campaign for four race-protection laws by counter-arguing that the special Buddhist women's marriage law would limit women's rights to freely choose their life partners,²²⁶ and questioned the timing of the campaign amid the transition.²²⁷ Those groups were consequently called traitors and threatened by

225 Pe Htet Htet Khin, "Daw Aung San Suu Kyi Alters Draft of Hate Speech Law," *Irrawaddy*, April 3, 2017, <https://www.irrawaddy.com/news/burma/daw-aung-san-suu-kyi-alters-draft-hate-speech-law.html>.

226 Naw Noreen, "Women of Burma Speak Out Against Interfaith Marriage Act," *Democratic Voice of Burma*, May 6, 2014, <https://www.dvb.no/news/women-of-burma-speakout-against-interfaith-marriage-act-burma-myanmar/40401>.

227 Lawi Weng, "Rights Groups Say Interfaith Marriage Bill is An Unnecessary Distraction," *Irrawaddy*, May 6, 2014, <http://www.irrawaddy.org/burma/rights-groupssay-interfaith-marriage-bill-unnecessary-distraction.html>.

nationalists.²²⁸ Yet, a large number of Buddhist women convinced by *Ma Ba Tha*'s narrative strongly supported and worked with *Ma Ba Tha*²²⁹ whose socio-economic assistance programs such as microfinance and humanitarian assistance were apparently helpful for poor people across the country.²³⁰

Secondly, the best-known anti-hate speech civil society campaign known as *Panzagar* (Flower Speech) was launched on 4 April 2014 by the ex-political prisoner, blogger, and writer Nay Phone Latt and Myanmar ICT for Development Organization (MIDO) that he founded. *Panzagar* initially distributed pamphlets against hate speech.²³¹ It also kept a Facebook page where it launched stickers on 17 February 2015 that could be shared and liked by Myanmar users.

Thirdly, interfaith peace and harmony dialogues, literary talks, and events have increasingly been held since 2013.²³² The NLD government has continued to encourage those interfaith dialogues, several of which have been attended by Aung Ko.²³³ Strong and extensive international cooperation has been seen in this effort. Several international organizations and groups that focus on religion and peace in general such as Religions for Peace,²³⁴ International Panel of Parliamentarians for Freedom of Religion or Belief,²³⁵ and the Institute for Global Engagement²³⁶ have worked with Myanmar-based organizations such as the International Theravada Buddhist Missionary University, Sitagu International Buddhist Academy, and Interfaith Dialogue Group.

228 Yen Saning, "Activists Face Violent Threats After Opposing Interfaith Marriage Bill," *Irrawaddy*, June 4, 2014, <https://www.irrawaddy.com/news/burma/activists-face-violent-threats-opposing-interfaith-marriage-bill.html>.

229 Matthew Walton, Melyn McKay, and Daw Khin Mar Mar Kyi, "Women and Myanmar's 'Religious Protection Laws,'" *Review of Faith & International Affairs* 13(4) (2015), pp. 36-49; Isabel Marler and Macarena Aguilar, "What's Attracting Women to Myanmar's Buddhist Nationalist Movement?" *OpenDemocracy*, January 30, 2018, <https://www.opendemocracy.net/5050/isabel-marler-macarena-aguilar/women-myanmar-buddhist-nationalist-movement>.

230 International Crisis Group, *Buddhism and State Power in Myanmar* (Brussels: International Crisis Group, 2017).

231 San Yamin Aung, "Hate Speech Pours Poison Into the Heart," *Irrawaddy*, April 9, 2014, <https://www.irrawaddy.com/in-person/interview/hate-speech-pours-poison-heart.html>.

232 Saw Hlaing Bwa, "Why Interfaith Dialogue is Essential for Myanmar's Future," *The Review of Faith & International Affairs* 13 (4) (2015), pp. 71-78.

233 Ei Ei Toe Lwin, "NLD Considers Religious Harmony Law," *Myanmar Times*, May 20, 2016, <http://www.mmtimes.com/index.php/national-news/yangon/20397-nld-considers-religious-harmony-law.html>.

234 Religions for Peace (Myanmar), <http://mm.rfp.org>.

235 International Panel of Parliamentarians for Freedom of Religion or Belief, "About IPPFoRB," <http://ippforb.com/about/>.

236 Institute for Global Engagement, "Myanmar," <https://globalengage.org/relational-diplomacy/countries/myanmar>.

Fourthly, several hate speech watch and monitoring projects have also been launched. The project (<http://dangerousspeech.org/myanmar/>) has worked with other like-minded groups in Myanmar—especially MIDO and its anti-hate speech campaigns—to watch the extent of danger in hate speech. Likewise, several internationally-funded traditional and/or social media watch or monitoring projects—for example, the Center for Diversity and National Harmony’s Early Warning and Early Response Program that watches online hate and conducts research on interfaith harmony or lack thereof across Myanmar²³⁷ and the Institute for War & Peace Reporting’s media monitoring programme which trains experienced journalists to monitor media outlets²³⁸—have been implemented.

As of 2018, all these initiatives by the Myanmar civil society seem to have stopped or become inactive with the NLD in power. The NLD government promoted and held interfaith prayer events in several cities including Yangon and Mandalay in October 2017—apparently to respond to the mounting international criticism against the NLD government in relation to the security operations conducted by the military against the attacks by ARSA in August 2017 and to show Myanmar’s interreligious harmony.²³⁹ The high-profile events were held by the government claiming to unite the people of Myanmar and attended by government officials, representatives of religions including Buddhist monks and nuns, and people.²⁴⁰ However, The NLD had to issue an apology and abandoned the original plan to hold those events across Myanmar due to a controversy over a seating arrangement at an event held in Sintgaing in Mandalay Region on 24 October where Christian and Muslim representatives were seated on the stage while Buddhist novices were in the audience.²⁴¹ Smaller, independent initiatives by interfaith groups remain and events are occasionally held. As of mid-2018, all these societal initiatives encouraged by the local NLD government and by the international community have stopped or become inactive due to the decline of influence of Buddhist nationalist groups.

237 Center for Diversity and National Harmony, “Publication,” <http://www.cdnh.org/category/publication/>.

238 Institute for War and Peace Reporting, “Myanmar,” <https://iwpr.net/global/myanmar>.

239 Zarni Mann, “Thousands Gather for Interfaith Rallies,” *Irrawaddy*, October 11, 2017, <https://www.irrawaddy.com/news/burma/thousands-gather-interfaith-rallies.html>.

240 Naw Betty Han, “Interfaith Celebrations Aim to Unite Myanmar, NLD Says,” *Myanmar Times*, October 18, 2017, <https://www.mmmtimes.com/news/interfaith-celebrations-aim-unite-myanmar-nld-says.html>.

241 Ye Mon, “NLD probing controversy over Mandalay interfaith event’s seating,” *Democratic Voice of Burma*, October 30, 2017, <http://www.dvb.no/news/nld-probing-controversy-mandalay-interfaith-events-seating-arrangements/78120>.

While they strongly dealt with *Ma Ba Tha* and its supporters, the NLD that is apparently aware of the continued influence of Buddhist identity and politics in Myanmar has also sought the support of *Ma Ha Na* and the Sangha. For example, the Yangon Region Government organized annual New Year's Buddhist dhamma sermons from 1 to 5 January 2017 and again from 1 to 3 January 2018. Prominent Buddhist monks preached at the high-profile events attended by some two-hundred-and-fifty-thousand lay devotees in 2018.²⁴² Also, a huge consecration of the Shwedagon Pagoda and communal offering ceremony attended by 18,000 monks and 5,000 nuns was held on 1 January 2018.²⁴³ All these state-led or -organized Buddhist activities show that Buddhism remains a potent social and political force of which the state needs to be aware.

242 Zaw Gyi, "New Year Dhamma Donation Ceremony continues in Yangon," *Global New Light of Myanmar*, January 4, 2018, p. 2.

243 Aung Kyaw Min, "Shwedagon New Year's Event Draws 18,000 Monks," *Myanmar Times*, January 2, 2018, <https://www.mmmtimes.com/news/shwedagon-new-years-event-draws-18000-monks.html>; Su Myat Mon, "Nuns Complain of Being Ignored at Shwedagon Offerings Ceremony," *Frontier Myanmar*, January 26, 2018, <https://frontiermyanmar.net/en/nuns-complain-of-being-ignored-at-shwedagon-offerings-ceremony>.

Chapter 6:

Conclusions and Recommendations

6.1 Conclusions

This report has presented the state of religious freedom, the role of the state, and interreligious relations in Myanmar not only as a legal issue/problem but also as a political, social, cultural, ethnic, and religious one. Generally, the Muslim minority—especially the Rohingya—has met the worst discrimination and persecution. But, there is a great diversity within the so-called Muslim minority itself that has been affected by different forms of state-minority relations. Whereas the Rohingya has met outright, blatant discrimination and persecution, other Muslims have suffered milder forms of discrimination.

The report has also shown a variety of state-society relations between the state and the Buddhist majority on the one hand and Christian minorities across Myanmar on the other. Christians in general suffered discrimination, negligence, and occasional persecution amidst militarization but most, if not all, Christians living in Myanmar have seen their lives improved with time and political circumstance. However, they continue to face a few challenges, especially when the state cannot extend its authority to places such as Kayin State where ethnic armed groups, militias, and politically connected Buddhist monks reign.

The report has also discussed the difficult relations between the state and orthodox Buddhist Sangha and smaller, non-orthodox (Buddhist) sects such as Moe Pyar. Since the majority of Buddhists are allied with the orthodox Theravada Buddhist school, those smaller, non-orthodox teachings, practices, and groups have been discriminated against and outlawed by the state in cooperation with *Ma Ha Na*. This trend of state-Sangha relations is expected to continue whenever such non-orthodoxy arises and impact religious freedom of smaller faiths that break away from or innovate the major religion of Theravada Buddhism.

Special attention has been paid to the emergence of Buddhist nationalism led by *Ma Ba Tha*, its actions and impact on Muslims, law, and politics as well. The previous U Thein Sein government failed to check the growth of anti-Muslim-cum-anti-opposition Buddhist nationalism led by senior, influential monks such as Ywama Sayadaw. Partly because *Ma Ba Tha* has been against the opposition and partly because of the desire to achieve peace and interfaith harmony, the NLD tried its best to control *Ma Ba Tha* and eventually ban it. But anti-Muslim and Buddhist supremacist ideology of *Ma Ba Tha* may take time to vanish. How the NLD government will further deal with it is yet to see. Overall, the NLD government has had a good record of preventing large interreligious violent riots that were seen during the previous administration. However, the issue of the Rohingya and its continued impact on Myanmar's democratization in general and on Buddhist-Muslim relations in particular may still pose problems for the NLD and Daw Aung San Suu Kyi to keep them in check.

6.2 Recommendations

For the Government of Myanmar

- A clearer line between monks and politics be drawn and enforced;
- Preparations be made for the potential use of religion in politics by various groups in the 2020 general elections;
- *Ma Ha Na* and senior monks be further encouraged, empowered, and supported to control political and intolerant sections within the Sangha;
- Civic identity shared by all citizens regardless of religious affiliation be promoted;
- Interfaith harmony be promoted;
- Stronger, swifter action be taken against vestiges of intolerant ideologies;
- Religious minority candidates be fielded in the 2020 general elections.

For the International Community

- Deep interrelation between religion, politics, and identity in the context of Myanmar in transition be recognized;
- The role of the government in dealing with intolerant groups be appreciated and encouraged;
- Support for the civil society initiatives be continued and timely response from them be encouraged;
- Experiences and good practices of dealing with matters relating to religion and politics from other countries be shared;
- Preparations be made for the potential use of religion in politics by various groups in the 2020 general elections.

Freedom of Religion, the Role of the State, and Interreligious Relations in Myanmar

Nyi Nyi Kyaw

This study examines the state of religious freedom and interreligious relations in Myanmar. It looks at the role of the state as a major actor in influencing religious relations in that country and the impact of state policy and practice on different religious denominations.

This study analyses existing legal material on religion, religious freedom, and interreligious relations and discusses the social, political, and ethnic dimensions of the constitutional and legal regime. He discusses the rise in religious tensions and examines the impact of technology and the internet on inter-religious relations.

Nyi Nyi Kyaw is a post-doctoral research fellow at the Centre for Asian Legal Studies in the National University of Singapore.



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