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The Rohingya in Bangladesh: Another Round in the Cycle of Exodus and Repatriation?

*By Su-Ann Oh**

EXECUTIVE SUMMARY

- On 23 November, Myanmar and Bangladesh signed a Memorandum of Understanding (MOU) to repatriate Rohingya (referred to as Bengali in Myanmar) refugees with the intention to set up a joint working group on repatriation in the coming months.

- Myanmar's repatriation concerns relate to the residency status of the refugees and to arresting suspected terrorists who fled to Bangladesh. It has agreed to accept refugees with identity documents issued by past governments. To comply, refugees will have to list names of family members, previous addresses in Myanmar, and birth dates, and sign a statement of voluntary return.

- Bangladesh desires a speedy repatriation of the refugees so that their presence does not have an adverse impact on next year's elections, or consume badly needed resources.

- To break the cycle of exodus and repatriation that has been occurring since the late 1970s, Bangladesh has asked Myanmar to implement the recommendations of the Advisory Commission on Rakhine State.

- Although the two countries are set on repatriation, this may not be the best course of action. The conditions which led the Rohingya to flee are not being addressed and long-term solutions are not in place. This next round of repatriation may just be one of many to come.

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INTRODUCTION

As of 19 November, 621,199 Rohingya, referred to as Bengali in Myanmar, have joined approximately 200,000 other Rohingya in Bangladesh as refugees.[1] This latest exodus began at the end of August, after the insurgent group, the Arakan Rohingya Salvation Army, attacked police posts and the Burmese army conducted countermeasures in northern Rakhine State.

After some initial reluctance to allow the refugees into the country, Bangladesh has since worked to accommodate all of them and to allow international agencies and NGOs to provide emergency aid. Negotiations to repatriate the Rohingya began in September with both countries agreeing to base the process on an agreement made in 1993 when Rohingya refugees were repatriated.[2] At the end of October, a meeting between Myanmar's home affairs minister and his Bangladeshi counterpart was held where both parties agreed to stop the outflow of Rohingya to Bangladesh, to form a joint working group, and to cooperate to repatriate the Rohingya.[3]

However, a week later, Myanmar accused Bangladesh of delaying the repatriation process so as to obtain international aid. This was roundly denied by the Bangladesh government which countered with the accusation that Myanmar had not agreed to the 10 points put forward by its minister at the talks in October, including the full implementation of the recommendations of the Advisory Commission on Rakhine State, chaired by former UN Secretary General Kofi Annan, to ensure that the refugees' return would be permanent.[4]

Nevertheless, on 23 November, both countries signed a Memorandum of Understanding to repatriate the refugees with the agreement to set up a joint working group and to arrange for repatriation in the coming months. In light of these developments, this article examines the divergent concerns of the two governments vis-à-vis repatriation, and argues that the rush to repatriate does not bode well for the Rohingya or for a permanent solution for both countries.

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[1] RRRC and UNHCR. "Fact Sheet – Family Counting". 21 November 2017. https://data2.unhcr.org/en/dataviz/10 (accessed on 21 November 2017).
[2] Radio Free Asia. "Myanmar Blames Bangladesh for Delays in Rohingya Repatriation Process". 1 November 2017. http://www.rfa.org/english/news/myanmar/myanmar-blames-bangladesh-for-delays-in-rohingya-repatriation-process-11012017170737.html (accessed 14 November 2017).
[3] Shoon Naing. "Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation". *Reuters*. 24 October 2017. https://www.reuters.com/article/us-myanmar-rohingya/myanmar-bangladesh-agree-to-cooperate-on-rohingya-refugee-repatriation-idUSKBN1CT29C (accessed 14 November 2017).
[4] Simon Cameron-Moore. "Myanmar blames Bangladesh for delaying accord on repatriating Rohingya". *Reuters*. 1 November 2017. https://www.reuters.com/article/us-myanmar-rohingya/myanmar-blames-bangladesh-for-delaying-accord-on-repatriating-rohingya-idUSKBN1D13K9 (accessed 14 November 2017).

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MYANMAR'S CONCERNS: ENSURING THAT THOSE WHO RETURN ARE MYANMAR RESIDENTS, AND APPREHENDING SUSPECTED TERRORISTS

Myanmar's concerns revolve around only accepting Rohingya whom it deems to be long-term residents - thus keeping out migrants - and arresting suspected terrorists. To ensure the former, Aung San Suu Kyi was reported to have laid down four 'strict' conditions for the repatriation of the Rohingya in an international conference in Yangon in mid-November. Namely, the Rohingya would only be allowed to return if they 1) could provide documentary proof of long-term residence in Myanmar, such as those relating to school registration, medical treatment and work, 2) wanted to return voluntarily to Rakhine, 3) could prove that they had relatives on the Myanmar side of the border and 4) in the case of children, could provide evidence their parents were permanent residents of Myanmar.[5] However, in the most recent agreement, Myanmar announced that it would accept people with identity documents issued by past governments, and the refugees would have to list names of family members, previous addresses in Myanmar, birth dates and sign a statement of voluntary return.[6]

Many of the Rohingya refugees will not be able to meet the criterion for identity documents. First, in the chaos of flight, the likelihood that they were able to or had the foresight to take these documents with them is low. Second, these left-behind documents may now be no more than ash given the reports of burnt Rohingya villages.[7] Third, the Rohingya have been systematically stripped of citizenship documentation in the past few decades. Up until the 1980s, most people in Myanmar did not have citizenship cards, but were given National Registration Cards (NRCs) after they were registered under the Residents of Burma Registration Act (1949) and Residents of Burma Registration Rules (1951). In 1989, when the Myanmar army regime began replacing NRCs with colour-coded citizenship scrutiny cards that corresponded with the different classes of citizens established by the 1982 Citizenship Law, the Rohingya were left out even though they held NRCs. From 1995 onwards, instead of replacing Rohingya's NRCs with the colour-coded citizenship scrutiny cards, the government issued them with temporary identity cards, known as White Cards.[8]

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[5] Bdnews24. "Suu Kyi promises to facilitate repatriation of Rohingyas from Bangladesh: Report". 14 November 2017. https://bdnews24.com/bangladesh/2017/11/14/suu-kyi-promises-to-facilitate-repatriation-of-rohingyas-from-bangladesh-report (accessed on 16 November 2017).

[6] Oliver Holmes. "Myanmar Signs Pact with Bangladesh over Rohingya Repatriation." *The Guardian*. 23 November 2017. https://www.theguardian.com/world/2017/nov/23/myanmar-signs-pact-with-bangladesh-over-rohingya-repatriation (accessed 24 November 2017).

[7] BBC. "BBC reporter in Rakhine: 'A Muslim village was burning'". 7 September 2017. http://www.bbc.com/news/world-asia-41189564; Human Rights Watch. "Burma: Satellite Images Show Massive Fire Destruction: 700 Buildings Destroyed in Single Muslim Village in Rakhine State". 2 September 2017. https://www.hrw.org/news/2017/09/02/burma-satellite-images-show-massive-fire-destruction (both accessed on 16 November 2017).

[8] Nyi Nyi Kyaw. "Unpacking the Presumed Statelessness of Rohingyas". *Journal of Immigrant & Refugee Studies*, 15(3), 2017: 269-286.

A related point was brought up by Myanmar in mid-November. The Myanmar government and Senior General Min Aung Hlaing, Commander-in-Chief of the Myanmar Armed Forces questioned the accuracy of the number of refugees reported.[9] Previous Myanmar governments have long contended that Bangladeshi migrants sneaked into Myanmar by posing as refugees during the repatriation campaign conducted in the late 1970s. In 1977, the Burmese Socialist Programme Party government launched a nationwide campaign to identify immigrants, which led to massive numbers of Rohingya fleeing to Bangladesh. During the repatriation process, there was a dispute over the number of refugees: Myanmar insisted that only 156,630 had fled while Bangladesh claimed that 189,733 had arrived.[10] The Myanmar authorities are convinced that the difference of 30,000 people was made up of Bangladeshi migrants masquerading as refugees.

The other main issue that the Myanmar government has asked the Bangladesh government to cooperate on is the handing over of terrorist suspects involved in the attacks in Rakhine State. In this matter, both governments have been able to come to an understanding.[11]

BANGLADESH'S CONCERNS: DOMESTIC POLITICS AND STOPPING THE INFLUX OF REFUGEES PERMANENTLY

Faced with an election next year, and the possibility that the refugees will affect its political conflict with inhabitants of the Chittagongian hill tracts, Bangladesh wants them to be repatriated as soon as possible. Nevertheless, it is aware that stopping the cycle of exodus and repatriation are necessary as well, and for this reason, it has asked that Myanmar fully implement the recommendations of the Advisory Commission on Rakhine State. Having borne the responsibility for sheltering Rohingya refugees since the late 1970s, Bangladesh feels that it is justified in seeking a holistic long-term solution.

Aung San Suu Kyi had already agreed to the recommendations in late August. Nevertheless, their implementation will take time and some of the outcomes will take years to manifest. In mid-September, the Committee for the Implementation of Recommendations on Rakhine State was appointed to oversee issues such as inter-communal relations, security, economic development, closing down the internment camps and working towards granting citizenship to those eligible in accordance with the 1982 Citizenship Law, among others.[12]

Moreover, in order to implement some of these recommendations, the National League for Democracy (NLD) government will need the cooperation of the military which controls the

[9] Eleven. "Military chief can't accept numbers presented by Bangladesh". 16 November 2017. http://www.elevenmyanmar.com/politics/12442 (accessed on 16 November 2017).
[10] Burmese sources cited in Nyi Nyi Kyaw, *Unpacking the Presumed*, 2017.
[11] Htet Naing Zaw. *BGB Urges Myanmar*, 2017.
[12] DVB. "President appoints body to implement Annan Commission recommendations". 13 September 2017. http://www.dvb.no/news/burmas-president-appoints-committee-to-implement-annan-commission-recommendations/77382 (accessed on 16 November 2017).

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three most important ministries relating to security – home affairs, defence and border affairs – and that of the Rakhine populace.[13]

ROHINGYA CONCERNS: IS REPATRIATION THE APPROPRIATE RESPONSE?

Repatriation appears to be a foregone conclusion for the leaders of the two countries. However, repatriation at this point seems precipitous for the Rohingya as the conditions for return are non-existent. First, the reasons for the refugees fleeing in the first place have not been addressed. Second, the "principle of voluntariness is the cornerstone of international protection with respect to the return of refugees", according to international law on refugees and UNHCR best practice.[14] Anecdotal evidence shows that many Rohingya are only willing to return if they feel it is safe enough to do so. However, judging from the repatriation campaigns carried out in the 1970s and 1990s, they may not have a real choice in this matter. The first group of Rohingya refugees sought sanctuary in Bangladesh in 1978. Almost immediately, the Bangladeshi government engaged the Burmese government in discussions on repatriation.[15] At first, very few refugees chose to be repatriated but this number rose when the Bangladeshi government allowed camp conditions to decline and food rations to be reduced so that the refugees would not be so "comfortable" as to be tempted to stay in Bangladesh. As a result, the refugees were repatriated, with more than 12,000 – mostly children – starving to death in the process.[16]

The second influx of Rohingya refugees occurred in 1991 as a result of the Burmese regime's militarization campaign across the country. Approximately 260,000 fled religious persecution, forced relocation and labour, extrajudicial executions, killing, rape and incarceration.[17] Once again, Myanmar and Bangladesh signed a memorandum of understanding and planned for repatriation even while refugees were still crossing into Bangladesh. The first round of repatriation (1992-1993), conducted without the full participation of the UNHCR, was roundly criticized by international human rights organizations as forced repatriation. Serious abuses, such as beatings and the denial of food rations by camp authorities to force the refugees to go back to Myanmar were

[13] Nehginpao Kipgen. "Commentary: Aung San Suu Kyi's political realities and the murky path to peace in Rakhine". Channel News Asia. 12 September 2017. http://www.channelnewsasia.com/news/asiapacific/commentary-aung-san-suu-kyi-s-political-realities-and-the-murky-9208384 (accessed 16 November 2017).
[14] UNHCR. *Handbook. Voluntary Repatriation: International Protection*. Geneva: United Nations High Commissioner For Refugees, 1996. http://www.unhcr.org/uk/3bfe68d32.pdf (accessed on 16 November 2017).
[15] Nyi Nyi Kyaw, *Unpacking the Presumed*, 2017.
[16] Alan Lindquist. "Report on the 1978-1979 Bangladesh Refugee Relief Operation". *UNHCR*. June 1979. http://www.ibiblio.org/obl/docs/LINDQUIST_REPORT.htm (accessed on 20 November 2017).
[17] Amnesty International. *Union of Myanmar (Burma): Human rights violations against Muslims in the Rakhine (Arakan) State*. 1992.

reported.[18] The worrying thing is that this is the agreement on which the current MOU is based.

The second repatriation effort in the 1990s took place after the UNHCR had established itself in Rakhine State in 1994. Although the UNHCR was criticized by the international community for its conduct during this exercise, by 1997, approximately 230,000 refugees had been repatriated.[19] Repatriation was eventually suspended in 2005 when Myanmar did not extend the deadline for repatriation. Although resumption was planned for 2009, this was delayed until 2014 during which arrangements were made to repatriate more than 2,000 Rohingya refugees who had been identified in 2005 but who had refused to be repatriated.[20] Thus, despite the fact that Rohingya refugees were fleeing to Bangladesh in 2012 after intercommunal violence erupted between Muslims and Buddhists, and in 2016 after an insurgent attack on border guard posts and subsequent Burmese army countermeasures, the Bangladesh government was still carrying out the repatriation of refugees.

Besides the crucial issue of voluntary repatriation, there remain questions relating to the refugees' citizenship status, reconciliation with their Rakhine neighbours, their freedom of movement and access to livelihoods and government services, support to rebuild their lives and importantly, UN oversight of the process.

CONCLUSION

Almost every time that the Rohingya fled to Bangladesh, the Bangladeshi government began repatriation negotiations with Myanmar immediately. However, this time Bangladesh is well aware that more needs to be done on the part of Myanmar to break this cycle of exodus and repatriation for good. For this reason, the Bangladesh government is asking the Myanmar government to implement the recommendations of the Advisory Commission of Rakhine State. Myanmar is in the process of doing this, but the fruits of this endeavour will only manifest in the long term. Meanwhile, the NLD government has to figure out how to work with the military and the Buddhist Rakhine to bring peace to a deeply divided Rakhine State.

In summary, Bangladesh's reasons for the immediate repatriation of the Rohingya serve its own interests more than those of the refugees. The conditions which led to their flight have not yet been addressed, and even issues as innocuous as infrastructure rebuilding have not been undertaken. More importantly, Bangladesh has a history of forcibly repatriating Rohingya refugees which does not bode well for the fate of the refugees. Unless lasting

[18] Human Rights Watch. "The Rohingya Muslims: Ending a Cycle of Exodus?" *Human Rights Watch Publications*, 8(9), (C) September 1996. https://www.hrw.org/legacy/summaries/s.burma969.html (accessed 16 November 2017).
[19] Human Rights Watch. *The Rohingya Muslims*, 1996.
[20] Tim Mclaughlin and Ei Ei Toe Lwin. "Government rejects repatriation reports". *The Myanmar Times*. 6 September 2014. https://www.mmtimes.com/national-news/11561-govt-rejects-rohingya-repatriation-reports.html (accessed 16 November 2017).

solutions are created by both countries, this next round of repatriation will just be one of many more to come.

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