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The Rohingya Crisis: The Centrality of Identity and Citizenship

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Abstract

The article examines the recent developments of Rohingya refugee crisis, especially in the aftermath of August 2017 violence which led to the exodus of hundreds of thousands of people across the border to Bangladesh. It analyzes the three-stage-plan proposed by China and the repatriation agreement between Myanmar and Bangladesh and argues that ethnic identity and citizenship issues are fundamental to the Rohingya conundrum. Without addressing these core issues, which thus far have been paid little or no serious consideration, there is a danger of recurrence of violence. While the Myanmar authorities are ready to address some of the immediate concerns, such as providing accommodation and food, evidences suggest that the government does not have the political will, at least at the moment, to address the core issues of ethnic identity and citizenship, as well as the related security concerns.

Keywords: Myanmar; Rohingya; refugee; ethnicity; citizenship; violence; security concerns

Introduction

Identity is necessary for a state to officially recognize its people and for the international community to address issues concerning the people. There are instances where people self-identify or may like to be identified in a certain way but are coerced to accept an identity which they may find difficult to accept and or compromise with. And it is possible that there are situations where identity problem or contestation leads to tensions between groups of people or with the state. Joane Nagel in his work *Constructing Ethnicity: Creating and Recreating Ethnic Identity and Culture* discusses how ethnic identity is created and recreated by individuals and groups of individuals, and argues that ethnic identity is “the result of a dialectical process involving internal and external opinions and processes, as well as the individual’s self-identification and outsiders’ ethnic designations-i.e. what you think your ethnicity is, versus what they think your ethnicity is”.¹

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Discussion on Identity and Citizenship

In this article, I borrow Donald L. Horowitz's definition of ethnicity as an umbrella concept that "easily embraces groups differentiated by color, language, and religion; it covers 'tribes,' 'races,' 'nationalities,' and castes".² In normal circumstances, the construct of ethnic identity may be peaceful. But under certain situations, the making of identity(s) can be problematic and even lead to violence. According to Klandermans, radicalization of identity is a consequence of the state's failure to accommodate the demands of the frustrated and marginalized groups. The state politicizes the group's collective identity instead of accepting their demands. Under such circumstances, the group attempts but fails to influence the state, which then leads to a situation where the group's identity is threatened by the majority group(s) or by the authorities.³

And often times, citizenship is considered juxtaposed to identity. But it is important to understand that although citizenship itself implies identity it is not about any identity. Citizenship is a "distinctly political identity, one which stipulates the conditions of membership in and exclusion from a political community".⁴ In other words, citizenship is not merely a category but also a membership or exclusion to the political community of a state. Being a citizen is not just about holding a birth certificate or passport issued by the state but there are also rights, benefits, duties and other responsibilities. Citizenship gives people an identity which allows them to enjoy the maximum benefits and privileges from the state, as well as obligation to certain duties and responsibilities. The recognition of one's identity by the state usually is a prerequisite for availing the full benefits of citizenship. On the other hand, contestation of identity can become a basis for conflicts between different ethnic groups and or for the state to use repressive measures against certain ethnic group(s).

The Rohingya crisis has been lingering on for several decades but the objective of this article is not to dwell into the historical aspect but rather examines the recent developments, particularly since the aftermath of the August 2017 violence which has led to the exodus of hundreds of thousands of people⁵ across the border to Bangladesh. It analyzes the plans to repatriate the refugees from Bangladesh to Myanmar and argues that ethnic identity and citizenship issues need to be addressed, which I consider fundamental to the Rohingya conundrum. In particular, the article examines the three-stage-plan proposed by China and the repatriation agreement reached between Myanmar and Bangladesh and argues that while the ultimate solution lies in Myanmar, there is lack of political will, at least at the moment, from the Myanmar government to address the core issues.

The Refugees

The Arakan Rohingya Salvation Army (ARSA), previously known as *Harakah al-Yaqin* or Faith Movement in English, launched coordinated attacks on 30 police posts and an army base in Rakhine state on 25 August 2017 using man-made bombs and small weapons that resulted in the deaths of one soldier, one immigration officer, 10 policemen and 59 insurgents. The attacks were similar to the previous attacks carried out by ARSA in October of 2016, but with greater magnitude and intensity. The Myanmar military launched "clearance operations" in response to the October 2016 attacks which resulted in some 87,000 Rohingya to flee to Bangladesh where they joined many others who had fled in the past several decades. In August 2017 attacks, around one thousand militants took part and the attacks were spread out across Maungdaw and Buthidaung townships in over 25 places in Rakhine state. The leader of ARSA, Ata Ullah, said the group was waging a legitimate defense against the repressive Myanmar army which he accused of committing

human rights violations. The leader claimed that hundreds of Rohingya youths have joined his organization to defend the Rohingya people and fight against the Myanmar security forces. The attacks took place just hours after the former UN Secretary General Kofi Annan-led commission submitted its comprehensive recommendations to the Myanmar government on long-term solution to the violence in Rakhine state. The United Nations while condemning the ARSA attacks called for all parties to refrain from violence. The United States condemned the militant group's attacks and also called upon the Myanmar security forces to refrain from using indiscriminate force in retaliation.⁶

As a result of the Myanmar military's clearance operations in the aftermath of August 2017 ARSA attacks, an estimate of over 700,000 Rohingyas have fled to neighboring Bangladesh. The question is why such large number of people had to flee their homes? Although the obvious reason was the ARSA attacks and the Myanmar security forces' overwhelming response to the attacks, there are several other issues which have contributed to the mass exodus. The Myanmar government refuses to grant citizenship to Rohingya because it is not among the officially recognized 135 "national races" of the country. The government's position is that the Rohingyas are interlopers, implying that they are "Bengalis" who illegally immigrated from neighboring Bangladesh. But the problem is that Bangladesh does not recognize them as their own citizens, which automatically makes them stateless. According to Myanmar's 1982 citizenship law, there are three categories of citizenship: citizen, associate citizen, and naturalized citizen. Citizens are descendants of residents who lived in Burma⁷ prior to 1823 or were born to parents who were both citizens. Associate citizens are those who acquired citizenship through the 1948 Union Citizenship Act. Naturalized citizens are people who lived in Burma before 4 January 1948 and applied for citizenship after 1982.⁸

The 1982 citizenship law, introduced twenty years after the 1962 military coup, stripped the Rohingya of citizenship. Even after the introduction of the 1982 citizenship law, the Rohingyas had been able to register as temporary residents with identification cards known as the white cards, which the military junta issued to many Muslims—Rohingya as well as non-Rohingya—in the 1990s. Though holding of the white card was not a full proof of citizenship, it provided recognition for temporary stay. During the United Nations-backed census in 2014, which was the first in 30 years, the Muslim minority were initially permitted to identify themselves as Rohingya. But after the Buddhist nationalists threatened to boycott the census, the government changed its policy and said they could only register themselves as Bengali. Again in 2015, the Buddhist nationalists protested President Thein Sein government's plan to allow temporary identity card holders to participate in the constitutional referendum. Due to heavy pressure, the government canceled the temporary identity cards in February 2015, which effectively revoked their right to vote. During the 2008 constitutional referendum and the 2010 general elections, temporary or white card holders were allowed to vote, which gave electoral advantage to the military-backed Union Solidarity and Development Party (USDP). But in the 2015 general election, which was considered largely free and fair by the international community, no Muslim candidate was nominated by political parties, including the National League for Democracy (NLD). The reason was that no political party would like to be seen as supporting the Muslim rights at a time when there was anti-Muslim sentiment across the country.⁹

Moreover, the Myanmar government has pursued institutionalized discrimination against the Rohingya through several restrictions, including marriage, family planning, employment, education, religious choice and freedom of movement. For example, Rohingyas should seek permission to marry, which may require them to bribe the local authorities

and provide photographs of the bride without headscarf and the groom with a clean-shaven face, which are against the practices of the Muslim faith. The Rohingyas are also required to get permission from the authorities to move out of their homes or to travel outside their townships. The Rohingya couples in the northern towns of Maungdaw and Buthidaung are required to follow two-child policy. Moreover, since Rakhine is the least developed state in the country, there is widespread poverty, poor infrastructure, and lack of employment opportunities which make the Rakhine Buddhists and Rohingya Muslims often compete for available resources. Religious differences coupled with competition for resources have created tensions and at times erupted into violence between the two communities.¹⁰

China's Three-Stage Plan

As hundreds of thousands of Rohingyas fled to neighboring Bangladesh, there were calls from many within the international community for a solution to the refugee crisis. Partly because of her close ties with Bangladesh and also because of its economic interest in Myanmar, the Chinese government on 20 November 2017 offered a three-stage plan to address the Rohingya crisis. After having met authorities from Bangladesh and Myanmar, Chinese Foreign Minister Wang Yi proposed the three-stage plan as diplomats from 51 countries, mostly from Asia and Europe, gathered in Myanmar's capital Naypyitaw. The first phase was to effect a ceasefire on the ground for people to stop fleeing, to restore peace, order and stability. The second phase was for Myanmar and Bangladesh governments to find a mutually acceptable condition for the Rohingya refugees to return. And the third and final phase was to work toward a long-term solution for poverty elevation, that is, to improve the socio-economic conditions of Rakhine state and its people.¹¹

Of the three phases, the first one has largely been achieved although people have continued to flee in 2018. Overall, the situation on the ground has significantly improved since the break out of major violence in August 2017. Though there still is a simmering tension between the Rakhine Buddhists and the Rohingya Muslims, and the latter's mistrust of Myanmar security forces and the civilian authorities, the scale of violence and tension has subsided significantly. But the situation was far short of achieving peace and stability in the region as more than 100 Rohingyas crossed into Bangladesh from Myanmar in January and many more were waiting to cross. The new arrivals said they fled because of military operations in their village of Sein Yin Pyin in Rakhine state. They said young men were being rounded up and dead bodies were discovered in a pond and a forest. They reportedly fled out of hunger, after hiding in their homes for days, unable to go to work in the fields and forests that provided their livelihood. The reported incidents suggested that military operations still continued and people, especially the Rohingyas, were unable to live in peace. The Myanmar military, which controls home, defense, and border affairs ministries, had claimed earlier that the clearance operations had stopped in October of 2017 but maintained that the military was still trying to take control of the area.¹² Situation on the ground suggests that there remain certain difficulties to achieve the first phase of the plan.

The second-stage plan was for Myanmar and Bangladesh to find a mutually acceptable condition for the Rohingya refugees to return to Myanmar. In fact, Myanmar and Bangladesh had started working on this issue weeks before China made its proposal public. At a meeting in Myanmar's capital Naypyitaw on 24 October 2017, attended by Myanmar's home affairs minister lieutenant general Kyaw Swe and his Bangladeshi counterpart Asaduzzaman Khan, the two countries reached two agreements covering security and border cooperation. They agreed to end the mass exodus of the Rohingyas to Bangladesh, and to

work together for the return of the refugees honorably and in secure conditions at the earliest possible. The two countries also agreed to set up border liaison offices, hold regular meetings for the security forces, and cooperate on combating drug trafficking across the border and set up mechanisms for direct communication.¹³

Again, on 16 January 2018, the two countries agreed that repatriation would begin on January 23. Accordingly, Myanmar agreed to accept up to 300 refugees a day which would then make 1500 a week, and the whole repatriation process would be completed within two years. The agreement did not include people who fled to Bangladesh prior to October 2016, under previous crackdowns and communal violence. The plan is that Bangladesh would provide an advance list of prospective returnees with forms attesting to their residency in Myanmar. Myanmar would then verify and send back the approved list to the Bangladesh authorities. The two countries agreed that Bangladesh would establish five transit camps close to the border between the two countries, from which Myanmar would initially receive returnees in two reception centers and a temporary camp near Maungdaw township in Rakhine state. Some returnees would cross over by land and others via a river along the border. The Myanmar government said the transit camp it built would provide accommodation to 30,000 people temporarily before they would be allowed to return to their place of origin or somewhere close to their place of origin.¹⁴

Just a day before the repatriation began, Bangladesh announced a postponement citing the reason being the process of compiling and verifying the list of people was not complete. The decision came at a time when many refugees in the camp protested about the impending move because of lack of guarantee for their security, which included granting of citizenship and the group's recognition as one of Myanmar's official ethnic minorities. The refugees were also asking that their homes, mosques and schools that were burned down or destroyed during the military operations be rebuilt. The Bangladesh authorities admitted the difficulty of sending back the refugees because part of the bilateral agreement between the two countries was that repatriation would have to be voluntary. Even the United Nations High Commissioner for Refugees (UNHCR) said the timing was premature and more time was needed to make any repatriation process viable and sustainable, which should address issues such as citizenship, the right to freedom of movement, access to services, and livelihoods.¹⁵ In order for the third phase to be viable, it requires the successful implementation of both the first and second phases.

While the two governments were working out the details for repatriation, the Associated Press reported that it had confirmed the existence of more than five previously unreported mass graves in Buthidaung township's Gu Dar Pyin village in Rakhine state through interviews of survivors in refugee camps supported by time-stamped cellphone videos. The report further suggested that the Myanmar military with the help of the Rakhine Buddhists was engaged in systematic slaughter of the Rohingya Muslims. The report, citing survivors accounts, said Myanmar troops used shovels to dig pits and acid to burn away faces and hands so that bodies could not be recognized. The Myanmar government refuted such claim saying that as soon as the report came out the Rakhine state government was ordered to form a commission and investigate the claims. The government said the commission comprised of the Buthidaung township administrator, a police officer, a legal officer, a doctor and an immigration officer went to the village but found no evidence of mass graves. Zaw Htay, director-general of the office of Myanmar's de facto leader Aung San Suu Kyi, said the commission found a police file detailing an incident on 27 August 2017 in which the ARSA militants came to the village, killed some people, and then set houses on fire. The security forces killed 19 terrorists and buried them in the village.¹⁶

The Question of Ethnic Identity and Citizenship

While the Chinese plan offered some important suggestions, it failed to address what I find the fundamental issues of the Rohingya crisis—ethnic identity and citizenship, and the related security concerns. After the authorities of Bangladesh and Myanmar reached an agreement on the final details of repatriation which was to begin on 23 January 2018, the Rohingya leaders in refugee camp, who said they represented 40 villages from Rakhine state, laid down a list of demands which they want the Myanmar government to take up for the refugees to return. The fundamental demand was that the Myanmar government publicly announce that it will recognize the Rohingya as one of the country's ethnic groups and grant them citizenship. The refugees demanded that the lands they once occupied be returned to them, and their homes, schools and mosques that were either burnt down or destroyed during the military operations be rebuilt. The refugees wanted the military personnel who were responsible for alleged killing, looting and rape be brought to justice, and the “innocent Rohingya” who were arrested by the military during the clearance operations be released. In addition, the refugees demanded that the government stops listing the Rohingya names with photographs as “terrorists” in state media and government Facebook pages.¹⁷

The inherent problem is what Joane Nagel refers to as “... what you think your ethnicity is, versus what they think your ethnicity is.”¹⁸ My argument is that the root cause of the Rohingya refugee crisis is issues of ethnic identity and citizenship. This argument is supported by the fact that the same people have been identified or called by different names. For example, the Myanmar authorities—both civilian and military—and the overwhelming population of the country say they are Bengalis, implying that they are illegal immigrants from neighboring Bangladesh. But that is not what the people in question self-identify themselves. In May 2016, speaking for the first time, since taking office, on the violence in Rakhine state, State Counselor Aung San Suu Kyi said she did not support the use of either of the terms “Rohingya” or “Bengali” which have political implications that are not acceptable by many. Suu Kyi, after meeting with US Secretary of State John Kerry in Naypyitaw on 22 May 2016, said the use of the terms hinder her government's efforts to find a peaceful solution to the conflict in Rakhine. She also said the use of the terms “Bengali” and “Rohingya” had created greater divisions between the two communities.¹⁹ Aung San Suu Kyi-led NLD government's Ministry of Information in its letter dated 16 June 2016 instructed official news outlets operating in the country to describe the Rohingya as “Muslim community in Rakhine state” which the government said it had also submitted to the United Nations. The Arakan National Party, a political party that claimed to represent the interests of the Rakhine people in Rakhine state, issued a statement rejecting the government's policy and said it will continue to use “Bengali” to refer to the Muslims of Rakhine state.²⁰ Similarly, the Muslims protested the new terminology and said they cannot accept any name other than Rohingya.²¹

Another inherent problem is the question of citizenship. According to 1982 citizenship law, there are eight major ethnic groups—Bamar, Chin, Kachin, Kayin, Kayah, Mon, Rakhine and Shan—which are further divided into 135 sub-groups. Since Rohingya is not included in this official list, the people don't have the right to citizenship. However, history suggests that many of the Rohingyas have lived in the country for generations. During the British time, Burma was ruled as part of British India and movement of people across the border was not restricted. In fact, the British administrators needed the Rohingyas for labor or cultivation. Many Bengalis from the former East Pakistan (now Bangladesh) had also migrated to the Arakan (now Rakhine) areas due to its fertile soils.

Even until today, people's movement is still possible since there is no physical wall that separates the two countries. So, it is not right to put the blame entirely on the Rohingya for the migration and immigration from Bangladesh to Burma or Myanmar. Since Burma's independence, the Rohingyas have been subjected to systematic and institutionalized discrimination from the authorities at different periods of time. The latest example was the denial of the existence of Rohingya in Myanmar when Union Minister for Labour, Immigration and Population, U Thein Swe, said in the national parliament on 5 February 2018 that Rohingya was never mentioned in any of the censuses conducted in 1911, 1921 and 1931, prior to independence, and in the censuses collected after independence in 1953-1954, 1973 and 1983.²²

Repatriation Challenges

After pressure from the international community, Myanmar and Bangladesh reached an agreement on 23 November 2017 for the return of Rohingya refugees amid concerns that the Myanmar military could obstruct the move. The pact signed between the two countries said that a joint working group would be set up and the repatriation of refugees would start in two months. The agreement was possible after a meeting between Myanmar civilian leader Aung San Suu Kyi and Bangladesh Foreign Minister Abul Hassan Mahmood Ali in Naypyitaw. The Myanmar military commander-in-chief Senior General Min Aung Hlaing at the time said the return of Rohingyas should be acceptable for both the local Rakhine people whom he referred to as the "real Myanmar citizens" and the Rohingya whom he referred to as "Bengalis" and that the returnees would be "scrutinized and re-accepted under the 1982 Citizenship Law and the 1992 Myanmar-Bangladesh bilateral agreement".²³

Then officials from the two governments met again on 15 January 2018 to discuss how to implement the repatriation deal they agreed two months ago. It was still unclear when the actual repatriation would begin and how many refugees would return. The Myanmar government spokesman Zaw Htay said a group of 500 Hindus had already agreed to be repatriated alongside 500 Muslims, as the first batch of returnees. On the other hand, the Bangladesh officials said that they would begin sharing a list of 100,000 Rohingya refugees to the Myanmar authorities for repatriation. A Bangladesh's top foreign ministry official, Shahidul Haque, said that refugees without the necessary documents would be asked to identify streets, villages and other landmarks near their former homes as proof of their right to return. The Myanmar authorities would then vet the names against their records of residence before the massive displacement began in August 2017 attacks, as well as against the lists of suspected terrorists. The Permanent Secretary at Myanmar's Ministry of Labour, Immigration and Population, Myint Kyaing, said Myanmar would be ready to begin processing at least 150 people a day through each of the two "repatriation and assessment camps" by January 23.²⁴ There were many who were skeptical about the actual repatriation. Among them were the UN Secretary-General Antonio Guterres and the UN High Commissioner for Refugees. Guterres, who emphasized the need for the involvement of the UN refugee agency, said, "A huge effort of reconciliation is needed to allow it to take place properly," and "The worst would be to move these people from camps in Bangladesh to camps in Myanmar, keeping an artificial situation for a long time and not allowing for them to regain their normal lives".²⁵

Subsequently on 16 February 2018, Bangladesh handed over a list of 8032 people belonging to 1673 Rohingya families for verification by Myanmar authorities during

their ministerial-level meeting in Dhaka. After the meeting, the Bangladesh Home Minister Asaduzzaman Khan Kamal said, lower-level officials of the two countries were set to meet in Myanmar on February 20 to discuss the procedures for sending back another 6500 refugees who were stranded in a no-man's land between Bandarban, a district in Southeastern Bangladesh, and the Myanmar border.²⁶ But almost a month later on March 14, the Permanent Secretary of Myanmar's Ministry of Foreign Affairs, Myint Thu, said officials had checked documents handed over by Bangladesh in February relating to 8032 refugees but could verify only 374 of them. Myanmar said it was unable to confirm whether the rest of the refugees had lived in the country because some documents did not include fingerprints and photographs. Moreover, the Myanmar authorities said, they had found three terrorists among the list Bangladesh was preparing for repatriation. On the other hand, Bangladesh officials who were doubtful about Myanmar's willingness to take back the refugees questioned how more than 300 refugees were verified if the documents were in the wrong format.²⁷

According to the bilateral agreement between Myanmar and Bangladesh, Myanmar had agreed to accept up to 1500 Rohingya each week in an attempt to bring back over 740,000 people who fled to Bangladesh following the October 2016 violence. Part of the bilateral agreement was that the repatriation would be on voluntary basis. However, most of the refugees were reluctant to return even if they were eligible under the 1992 repatriation pact the two countries signed, that is, individuals need to prove that they were residents in Myanmar. The plan was that once the refugees, provided that they are eligible, go back to Myanmar, they will be issued national verification cards which will allow them to apply for citizenship. At this point, there is no guarantee that all returnees will automatically be entitled to citizenship. One worrying point, which the international community largely ignores or fails to understand is the simmering tension between the local Rakhine Buddhists and the Rohingya Muslims. This is one important reason why the Myanmar military commander-in-chief Senior General Min Aung Hlaing said on 15 November 2017 during his meeting with US Secretary of State Rex Tillerson in Naypyitaw that the Muslims will be welcomed back only if the local Rakhine Buddhist population is willing to accept them.²⁸ Because of these lingering concerns, the refugees have demanded that the Myanmar government makes a public statement that it will recognize Rohingya as one of the country's ethnic groups and grant them citizenship. But the problem is that such assurances are not forthcoming from the Myanmar authorities—either civilian or military.

Since many of the Rohingya refugees are unwilling to return without assurances from the Myanmar government, there is a danger of radicalization as Klandermans suggests. Radicalization is possible before and after repatriation under different circumstances. Non-refoulment or forced repatriation, shortage of food and water due to lack or a cut in foreign funding and assistance, non-availability of employment opportunities, restriction of free movement, and a threat or enticement from ARSA militants are some possible grounds for radicalization while the refugees are in Bangladesh. After their return to Myanmar, radicalization can still happen for different reasons, such as the non-recognition of their Rohingya ethnic identity, the authorities' reluctance to grant them citizenship, real or perceived threats from the local Rakhine Buddhists or the Myanmar security forces, restriction of free movement, absence of educational opportunities, and a threat or enticement from ARSA militants. Though religion is not the reason behind the ongoing refugee crisis, there is a danger or possibility that some extremist elements such as terrorist organizations may attempt to use it for recruitment.

Kofi Annan's Commission

The Kofi Annan's Commission was a nine-member state advisory commission on Rakhine state formed by the Myanmar government on 24 August 2016. The commission, chaired by Annan, had six Myanmar and three international members. It was an attempt by Aung San Suu Kyi-led NLD government to find a sustainable solution to the simmering conflicts in Rakhine state. The commission's 63-page final report was submitted to the government on 23 August 2017, which was an outcome of over 150 consultations and meetings held by the advisory commission after having traveled extensively throughout Rakhine state with meetings held in Yangon and Naypyitaw, Indonesia, Thailand, Bangladesh, and Geneva. The final report addresses in depth a broad range of structural issues that are impediments to the peace and prosperity of Rakhine state.

Several recommendations specifically focus on citizenship verification, rights and equality before the law, documentation, the situation of the internally displaced and freedom of movement, which affect the Muslim population disproportionately. The commission also proposed a ministerial-level appointment to coordinate the effective implementation of the commission's recommendations.²⁹ The government established a 10-Member Advisory Board for the Committee for Implementation of the Recommendations on Rakhine State³⁰ to advise on enacting the findings of the Kofi Annan commission's recommendations. However, the credibility of the board was affected when one of the board members, Bill Richardson, resigned on 24 January 2018 citing that "... this advisory board is a whitewash" and would not like to be part of "a cheerleading squad for the government".³¹

Some Recent Developments

Though there was initial bilateral deal in November 2017 and the subsequent agreement in January 2018 to complete a voluntary repatriation of the refugees in two years, no repatriation happened until April 2018 when Myanmar claimed that it had repatriated five members of a Rohingya family. In a statement released on 14 April 2018, Myanmar claimed that the first batch of refugees from Bangladesh voluntarily returned to one of its reception centers in Rakhine state. But both Bangladesh and the UN refugee agency denied Myanmar's claim. Bangladeshi government's Refugee Relief and Repatriation Commissioner, Abul Kalam, said a family of five who were in the Konarpara area in no man's land between the two countries had reentered Myanmar territory and had been taken to the reception center set up by Myanmar. The UNHCR in a statement said that the agency was neither consulted nor involved, and had no knowledge about the repatriation. The refugee agency called on Myanmar to ensure that any returns are voluntary, safe and dignified, and that they should be reintegrated into the community.³² And on 1 May 2018, representatives of the UN Security Council visited Rakhine state and called on Myanmar to involve the UN agencies in a probe of allegations that the military carried out killings, torture, rape, and arson on Rohingyas during the crackdown.³³

While there was increasing pressure on Myanmar to take back the refugees, no refugees voluntarily came forward to return. During the Shangri-La Dialogue, a regional security conference, held on 2 June 2018 in Singapore, Myanmar's National Security Adviser Thaung Tun said, "If you can send back 700,000 on a voluntary basis, we are willing to receive them." He also reiterated the official position of Myanmar government that there was no question of "ethnic cleansing" which the United Nations and aid agencies described the crackdown on the Rohingya as "a textbook example of ethnic cleansing".

There was also talk of the possibility of triggering the use of Responsibility to Protect framework under the United Nations.³⁴ Then in a significant development, Myanmar signed Memorandum of Understanding (MoU) with two UN agencies—UN Development Programme and UNHCR—on 6 June 2018 which would help with the voluntary return and reintegration of displaced refugees, assess conditions in Rakhine state for those who are considering returns, and support programs that benefit all communities in Rakhine state. The MoU did not set a timeframe on the refugees' return, which it said would be decided voluntarily by the refugees' themselves.³⁵

Again, on October 30, Bangladesh and Myanmar reached an agreement to begin the repatriation of hundreds of thousands of Rohingya Muslims. Following a bilateral meeting in Dhaka, Bangladesh Foreign Secretary Shahidul Haque said, "We are looking forward to start the repatriation by mid-November," which the permanent secretary of Myanmar's Ministry of Foreign Affairs, Myint Thu, called a "very concrete result on the commencement of the repatriation". But the UNHCR spokesman Andrej Mahecic said the conditions in Rakhine state were "not yet conducive for returns" and "it is critical that returns are not rushed or premature".³⁶ While four trucks and three busses were stationed at Unchiprang camp in Cox's Bazar on November 15 morning, not one refugee was willing to board them. Most refugees on a list of those approved to return have gone into hiding. More than 2000 Rohingya refugees were in the approved list from Myanmar for repatriation, without their consent. The plan was to send back in batches of 150 per day beginning November 15. Then Bangladesh's refugee relief and rehabilitation commissioner, Mohammad Abul Kalam, said his team had completed the necessary preparations to facilitate the repatriation but had been forced to accept that the refugees "are not willing to go back now" and Bangladesh was "totally committed to the principle of non-refoulment and voluntary repatriation." Abul Kalam added that "We will not force anyone to go back to Myanmar against his or her will" but authorities would continue to try to "motivate" refugees to return.³⁷

The intriguing question is why was the repatriation rushed through by Bangladesh and Myanmar when the UN refugee agency was against the move? It was quite evident that both countries were under different pressures. Myanmar was under greater international scrutiny, especially in the aftermath of the UN fact-finding mission report in August 2018 which called for the investigation and prosecution of Myanmar's military leaders for genocide, crimes against humanity and war crimes. The UN report also concluded that the 1991 Nobel peace laureate and the country's civilian leader Aung San Suu Kyi "has not used her de facto position as Head of Government, nor her moral authority, to stem or prevent the unfolding events, or seek alternative avenues to meet a responsibility to protect the civilian population".³⁸ Perhaps Myanmar felt the pressure more following the International Criminal Court's decision to begin a preliminary investigation on the massive displacement of Rohingya which led to the deprivation of basic human rights, killing, sexual violence, enforced disappearance, destruction and looting.³⁹

On the other hand, Bangladesh also had its own pressure. Bangladesh is a relatively small country with limited resources of their own to accommodate another million or more so people. Prime Minister Sheikh Hasina and her ruling Awami League Party perhaps felt the pressure from the voters ahead of elections in December 2018. Hasina would like to send an unambiguous message to the country's electorate that her government was only providing temporary refuge to the Rohingya refugees. Hasina in September 2018 said, "I already have 160 million people in my country" and therefore "I can't take any other burden. I can't take it. My country cannot bear".⁴⁰ The Hasina government was frustrated with the Myanmar government. She had criticized Myanmar of

delaying the repatriation process. When the Myanmar government was coming forth to take the refugees back, it appeared that Bangladesh was happy to jump on board despite the criticism by the UN refugee agency and other human rights groups.⁴¹

Conclusion

In this article, I examine the Rohingya refugee crisis in the aftermath of August 2017 violence which led to the exodus of hundreds of thousands of people across the border to Bangladesh. In doing so, I analyze the three-stage-plan proposed by China and the repatriation agreement between Myanmar and Bangladesh, as well as the challenges of repatriation, the Kofi Annan commission's recommendations, and some recent developments. Drawing upon the initiatives taken thus far, I argue that ethnic identity and citizenship issues are fundamental to the Rohingya conundrum. And without addressing these core issues, which thus far have been paid little or no serious consideration, there is a danger of recurrence of violence. The full implementation of Kofi Annan commission's recommendations, which among others addresses citizenship issue, offers possible long-term solution.

While the Myanmar authorities are considering to address some of the immediate concerns, such as providing accommodation and food, evidences suggest that the government does not have the political will, at least at the moment, to address the core issues such as ethnic identity and citizenship, as well as the related security concerns. It is uncertain as to how long the Bangladesh government is considering to provide accommodation to the refugees in case they are unwilling to return to Myanmar. There is also uncertainty as to what may happen to the refugees if and when international assistance and media attention die down. Another lingering concern is that in the event of the Rohingya militants launching another round of attacks on Myanmar security forces, there is a possibility that the whole plan of repatriation could be disrupted, or becomes unsustainable. If radicalization of the Rohingya population leads to the rise of terrorism or terrorist activities, the refugee crisis could see wider implications throughout the region. Myanmar refuses to recognize their ethnic identity and or grant them citizenship, but for the Rohingyas, the name with which they identify themselves become more significant as it is now inherently tied to their ethnic and political identity as Purvis and Hunt suggest, even more so after many have died with the name.

NOTES

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