Agreed repatriation of Rohingya Muslims

By Dr. Nehginpao Kipgen

On Oct. 30, Bangladesh and Myanmar reached an agreement to begin the repatriation of hundreds of thousands of Rohingya Muslims who fled to Bangladesh to escape a Myanmar army crackdown last year.

Following the 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 plan."

Since then, the international community has had a divided opinion on the issue. The United Nations High Commissioner for Refugees (UNHCR) and other rights groups criticize the agreement. The UNHCR spokesman Andrej Mahecic has warned that the conditions in Rakhine State are "not yet conducive for returns" and that "It is critical that returns are not rushed or premature."

On the other hand, the Chinese State Councilor Wang Yi during his meeting with Bangladesh foreign secretary in Beijing on Nov. 9 said China is "happy to see" the two countries reaching the agreement to start repatriation, which he described as important progress toward resolving the Rohingya crisis.

Now the immediate question is whether the refugees will be repatriated by mid-November as per the agreement. And why is the repatriation being rushed through by Bangladesh and Myanmar when the U.N. refugee agency is against the move?

On Oct. 31, an 11-member team from Myanmar led by Myint Thu and another 11-member group from Bangladesh visited Kutupalong, the world's largest refugee camp, and a settlement housing Muslim refugees from Myanmar.

The visit was primarily an attempt to talk to the refugees and address their concerns, and also to inform them, if not convince, about the two governments' plans to begin the repatriation process this month.

During the visit, the Rohingya refugees outlined their conditions for returning to Rakhine State. The refugees demanded the acceptance of Rohingya as an official Myanmar ethnic
group, the restoration of full citizenship rights, and the establishment of an international security mechanism to protect them when they returned.

Other demands included compensation and reparations for lives lost, injuries inflicted, and property confiscated; the release of Rohingyaas arbitrarily imprisoned in Myanmar and the removal of innocent people from the lists of terrorists; the return of original homes and lands to refugees; and the lifting of restrictions on their movement and access to basic services.

At the moment, it is unclear whether the Myanmar government is committed to granting these demands. Even if the civilian government of the National League for Democracy may be willing to accept some of these demands because of international pressure or on humanitarian grounds, it is unlikely that the Myanmar military and the country's nationalists or ultranationalists will support such an idea.

But despite the concerns expressed by the U.N. refugee agency and other human rights groups, the repatriation could go ahead if both Bangladesh and Myanmar choose to do so. In the past, Bangladesh had said that it would not put unnecessary pressure to forcibly repatriate the refugees.

Myanmar has said that it has verified 5,000 Rohingya eligible for repatriation from a list of over 8,000 names which Bangladesh had submitted in February, and that the first group of returnees would consist of 2,000 of those listed.

Now the intriguing question is, why is the repatriation being rushed through by Bangladesh and Myanmar when the U.N. refugee agency is against the move? In this regard, it is quite evident that both countries have come under different pressures.

Myanmar is under greater international scrutiny, especially in the aftermath of the U.N. fact-finding mission report released in September, which called for the investigation and prosecution of Myanmar's military leaders for genocide, crimes against humanity and war crimes.

The U.N. 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 in Rakhine state" and that her government had "contributed to the commission of atrocity crimes" through "their acts and omissions."

Perhaps Myanmar felt the pressure more when judges of the International Criminal Court (ICC) authorized its chief prosecutor, Fatou Bensouda, to investigate the massive displacement of the Rohingya people despite Myanmar not being a member state of the court.
The ICC prosecutor said her investigation would include the deprivation of fundamental
rights, killing, sexual violence, enforced disappearance, destruction and looting. Such an
initiative sends a powerful message to the international community, particularly the
Western democracies, to limit their engagement with Myanmar, including economic and
military relations.

On the other hand, Bangladesh also has 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 feel the pressure from the
voters ahead of elections next month. Hasina would like to send an unambiguous
message to the country's electorates that her government is only providing temporary
refuge to the Rohingya refugees.

Hasina in September 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."

The Hasina government has been frustrated with the Myanmar government. She has
criticized Myanmar for delaying the repatriation process. When the Myanmar
government came forward to take the refugees back, it appears that Bangladesh was
happy to jump on board despite the criticism by the U.N. refugee agency and other
human rights groups.

Given the pathetic situation of the Rohingyas in the Rakhine state and the refugees'
lingering fear and their reluctance to return, it may be premature to begin the
repatriation at this point. Moreover, any dignified repatriation ought to be done with the
involvement of UNHCR and UNDP, which Myanmar signed a memorandum of
understanding with in June this year.

If the repatriation goes ahead as per the agreement, the Myanmar authorities will issue
National Verification Cards to the returnees and put them on the path to obtaining full
citizenship.

But it is unclear whether the Rohingyas will eventually get full citizenship. Even if they
are given the citizenship, it is unclear whether they will be recognized as "Rohingya" or
"Bengali."

While the refugees want to be officially recognized as "Rohingya," it is unclear whether
the Myanmar government will be willing to go far enough to accept such a demand. There
is a possible disagreement on the issue between the civilian government and the military,
which still holds significant political power.
The other question is whether Rohingya or Bengali, whichever they will be officially recognized as, will also be listed as one of the ethnic groups of Myanmar. In order to do this, the 1982 citizenship law needs to be amended, which will be almost impossible without the support of the military, which takes a hard-line approach on the issue.

Dr. Nehginpao Kipgen is associate professor and executive director of the Center for Southeast Asian Studies, Jindal School of International Affairs, O.P. Jindal Global University. He is the author of three books on Myanmar, including "Democratization of Myanmar."