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Populism and a New Age of International Fragility

Seeking Policy Innovations 40 Years After the Brandt Report



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7. Ethnic Marginalization and Statelessness of Rohingyas: Policy Conundrums for Repatriation

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Abstract: Persecution of the Rohingyas in Myanmar by military and Buddhist radical groups has been recorded on several occasions in the Rakhine state. The Rohingyas became a stateless group through their collective loss of citizenship in 1982, and violence gradually worsened in the 1980s, 2001, and 2012. Ultimately, nearly one million people fled to Bangladesh in August 2017. Numerous initiatives and subsequent policy stances have yet to resolve the crisis and ensure peaceful repatriation. Hence, this study reveals the hindrances to this goal and way forward for achieving it, with reference to the Brandt Commission propositions.

Introduction

The Rakhine state of Myanmar has been known historically as the crossroads between Muslim and Buddhist populations in Southeast Asia. Rakhine is one of the poorest states located on the west coast of Myanmar (Mohajan, 2018). The atmosphere of the Rakhine state has been a classic example of tensions between the center and periphery, and has included intercommunal and inter-religious conflict between Buddhists and Muslims (ICG, 2014). However, the ethno-religious conflict has been a common phenomenon in this province since the independence of Myanmar in 1948. Both Rakhine Buddhists

and Rohingya Muslims hold a strong sense of nativity in the state, which has been understood and presented in different ways by politicians, organizations, academic, and local people (Niti, 2020). The government of Myanmar has always favored the Rakhine Buddhists, while the Rohingyas were systematically marginalized and excluded.

Bangladesh has been the main destination of Rohingyas as a result of growing atrocities from the 1980s to 2017 when all of the Rohingyas were finally forced to leave their homes. Bangladesh first witnessed the inflow of Rohingya people from Myanmar in 1978 when their government initiated a nationwide operation to tackle the illegal immigrants. The operation forced around 200,000 Rohingya to take shelter in neighboring Bangladesh though most of the refugees returned to Myanmar under pressure from the government of Bangladesh (ICG, 2014). Following that, another wave of Rohingya people came to Bangladesh in 1992 as a consequence of continued oppression and persecution by the Myanmar military (ICG, 2019). After the second wave, most of the Rohingya refugees left to return to Myanmar, though some stayed in Bangladesh. The governments of Bangladesh and Myanmar have tried to come to repatriation agreements with several shrewd efforts since 1991. However, these attempts have failed until now.

Furthermore, several attempts were undertaken by international organizations, such as the Organisation of Islamic Countries (OIC) and the United Nations High Commissioner for Refugees (UNHCR), while some other regional organizations, such as the Association of South-East Asian Nations (ASEAN), remained silent. Rohingyas are skeptical of the Myanmar government's assurance to provide safety and basic civil rights, which lead to

the failure of repatriation attempts in November 2018 and August 2019.

The Rohingya crisis in Myanmar is the result of ethnic conflict stemming from consistent deprivation of rights and power domination of the elites. However, the current crisis is also an economic crisis, as the apparatus of the state is controlling possession of the resource. This element of the crisis is related to the agenda of the Brandt Report, as poverty has been profound in that part of Myanmar for quite a long time. The Brandt Commission has been working since 1977 to explore future global development needs arising from economic and social disparities with the Independent Commission on International Development Issues (ICIDI)(Geography, 2020). Inclusive development focusing on health, housing, and education have been absent in Rakhine State, especially for the Rohingya people. These features of the crisis stand against the spirit of the Brandt Report that aims to achieve a peaceful world by reducing the wealth gap between the Global South and North.

At present, approximately one million Rohingyas are residing in dire conditions in camp settlements in Bangladesh. Among them, only 50,000 have secured refugee status after arriving in the early 1990s, while those who have recently migrated are designated as forcibly displaced Myanmar Nationals (Niti, 2020). This study attempts to understand and analyze the factors for peaceful repatriation and potential solutions from the current stagnation in the Rohingya crisis. Additionally, it aims to analyze particular actions and positions of the most relevant state and non-state actors to connect some elements from the Brandt Report as a tool for seeking durable decisions, especially the recommendations on Tasks of Global South, harmonizing

population growth and resources, promoting disarmament and development, as well as managing international organizations.

The Historical Context of Rohingya Marginalisation to Statelessness

The Rohingyas have been stripped of their right to citizenship of Myanmar since 1982. However, The Citizenship Law of 1948 acknowledges that the residents or settlers before the independence of the country must be given the right as a citizen (Khan, 2018 and Tran, 2015). Nevertheless, the "*nagamin operations*" in 1978 represented the cleansing attempts to purge illegitimate migrants and non-citizens (Cheesman, 2017). This was the initial period for restricting civic and political rights of Rohingyas, as well as to officially rendering them stateless (Khan, 2018). Consequently, the Rohingya community has lost its basic human rights to education, healthcare, and voting through this process.

With the promulgation of Citizenship Law in 1982, the government of Myanmar has denied the recognition of the Rohingyas as a tribe like the 135 other tribes that exist in the country. The term "Rohingya" as the name of the Muslim tribal community in Rakhine state is not recognized by the government of Myanmar or its constitution. The 1982 Citizenship Law of Myanmar has recognized three different types of citizenship: full citizenship, associate citizenship, and naturalized citizenship. The government of Myanmar has granted full citizenship to those people who belong to the 135 recognized tribes and whose ancestors have been living in Myanmar since 1823, before the British invasion of Rakhine state. On the other hand, associate citizenship is given to people

who have applied for citizenship under the 1948 law, while naturalized citizenship is bestowed up those who have entered and resided in Myanmar since before independence (Simbulan, 2013).

The government of Myanmar has deprived the t people of all three categories of citizenship, including barring them from the naturalized citizenship process (Simbulan, 2013). Moreover, the government formally defines them as illicit Bengali settlers from bordering Bangladesh (Kipgen, 2013).

The current state counselor of Myanmar, Aung San Suu Kyi, has repeatedly denied that any military operation has been carried out against Rohingyas, except for a few attempts to arrest Muslim fundamentalists. This oppression against Rohingyas can be compared to the case of the Kurds in Iraq, where this ethnic group has had a historic connection to the land but has gradually lost their occupancy of that land (Garrie, 2017). Numerous studies and literature confirm that the Rakhine state was previously known as Arakan since the 8th century, with its citizens being referred to as Rohingya. However, based on the similarity of language with the Chattogram region of Bangladesh, the government of Myanmar identifies them as Bengali migrants.

However, Rohingya Muslim minorities are facing hostility due to the resurgence of Buddhist nationalism following the end of military rule. The common perception of Rohingya people is that they are foreign to Myanmar, fleeing from the neighboring country Bangladesh, which has fostered a systematic denial of citizenship to the Rohingyas. In recent times, this prejudiced perception is fueled by the sudden rise of populism around the world and resurgent nationalism within Myanmar, which is supported by the state. Furthermore, the notion of ethnic and

racial purity has been a dominant part of this newfound nationalism in Myanmar. Accordingly, there is the notion that foreigners or ethnic minorities need to be eradicated to uphold the spirit of the pure Burmese nation-state.

The response, Policy Stance, and Hindrances from State Parties

Due to increased tensions in the region following the 2015 Rohingya refugee crisis, some majority Muslim countries, such as Malaysia and Indonesia, began to take a stronger stance on the protection of the Rohingya Muslims. However, Indonesia maintained that the Rohingya crisis is a regional problem, and it still followed the non-intervention principle, emphasizing that it would pursue its policy of 'constructive engagement' rather than overtly put pressure on Myanmar.

Additionally, Malaysia was also vocal about the issue, but like Thailand, they also refused to take responsibility for all the Rohingyas who attempted to enter the country through waterways (Khairi, 2016). The Malaysian government has repeatedly emphasized that the plight of the Rohingya Muslims is a regional concern and has called for ASEAN to coordinate humanitarian aid and investigate alleged atrocities committed against them. At Malaysia's request, Aung San Suu Kyi called a special informal meeting with ASEAN foreign ministers in Yangon in December 2016 to discuss international concerns over the situation. Suu Kyi said that Myanmar would provide regular updates on the crisis to fellow ASEAN members and possibly work with them to coordinate aid efforts.

The government of Myanmar still does not recognize Rohingyas as early occupants of the state, despite centuries of

settlement in the Arakan region. However, although Myanmar and Bangladesh authorized a bilateral repatriation agreement in November 2017, this was not implemented due to the absence of legal protection provisions through citizenship (Lwin, 2019). Similarly, in 2018 United Nations Development Programme (UNDP) and UNHCR signed an agreement with the government of Myanmar to support the safe return and rebuild the lives of the Rohingyas, which has also been unsuccessful (Lwin, 2019).

Several countries have strongly criticized the failure of the government of Myanmar to remedy the protracted Rohingya crisis. China proposed major attempts to mediate the crisis without international interference as the largest investor in both Bangladesh and Myanmar (Niti, 2020).

Aung San Suu Kyi was initially considered to represent a promising hope for the Rohingyas, but she has failed to condemn the atrocities. Recently, Gambia filed a charge of genocide against Myanmar at the International Court of Justice (ICJ). Myanmar strongly denied that its action could be regarded as ethnic cleansing, genocide, or crimes against humanity. Instead, Suu Kyi classifies those actions as anti-terror missions, while simultaneously imposing restrictions on visits to the Rakhine state by humanitarian aid workers and journalists. The Buddhist extremists who are mainly responsible for spreading hate speech among their followers often propose to resettle Rohingyas in a third country. There have been no business or economic sanctions imposed on Myanmar from any powerful country. This clearly demonstrates not only how openly the government of Myanmar practices this discrimination, but also how there was no viable attempt from the other side of "Brandt Line," also known as

"Global North," to meaningfully address this issue. Moreover, only a few European countries truly supported Gambia's concern about this issue.

The response, Policy Stance, and Hindrances from International Organizations

ASEAN could certainly play a critical role in this issue. However, ASEAN's response to the crisis has been far from sufficient. As one of the core regional organizations, ASEAN could take on a leading role in resolving this crisis. ASEAN and its member countries have a moral obligation to take necessary measures that go beyond humanitarian assistance. However, it has shown reluctance in its response, instead of focusing on very formal diplomatic processes.

There have been numerous critiques from state and non-state actors, as well as academics, for ASEAN's non-intervention principle, which restricts it from interfering in any member state internal matter until that state desires. This is depicted as being the main source of the organization's weakness in taking the lead in unraveling the crisis. On the other hand, ASEAN's policy on Myanmar is usually depicted as one of 'constructive engagement.' This policy implies that ASEAN takes a positive attitude towards military-dominated countries, such as Myanmar, which is obviously practicing discrimination, according to the Brandt Report.

This also goes against ASEAN's commitment to protecting vulnerable people, as declared in its charter and declaration of human rights. Unfortunately, at the diplomatic level, it lacks the confidence to address this crisis. The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant

Workers only focuses on overseas employment seekers and does not mention refugees or asylum seekers. Currently, human rights groups from the region are pressuring ASEAN to undertake a stronger stance on the safe and secure return of the Rohingyas, along with pursuing legal actions against the military and Buddhist extremists suspected of genocide and crimes against humanity.

Unlike ASEAN, the OIC was consistently concerned about rising tensions and asked the government of Myanmar to undertake robust actions (Jati, 2017 and OIC, 2015). In this regard, a high-level ministerial summit took place in 2013, where the OIC' Contact Group on the Rohingya Muslim Minority' urged to its member states to engage in certain responses to stop the crisis, referring to particular diplomatic and humanitarian stances, including coordination with UNHCR for repatriation initiatives (Jati, 2017). Despite restrictions from the government of Myanmar, OIC managed to send representatives to the Rakhine state on several occasions to obtain a clear picture of the atrocities (Radio Free Asia, 2013). Finally, OIC's focal persons for this issue managed to establish a sustained partnership with other global actors, including UN agencies.

Since the beginning of the crisis in the 1990s, UNHCR has been trying to provide humanitarian assistance and facilitate the repatriation process. So far, deploying the Kofi Anan Commission was an admirable deed by the United Nations. This commission crafted very limited, but broadly effective, recommendations, including poverty alleviation and livelihood generation for both conflicting communities, ensuring uncompromised human rights of the Rohingyas, review and amending of Myanmar's citizenship law, and an enhanced

cultural integration programming. However, the Myanmar government never agreed to follow these recommendations (Hincks, 2017 and BBC, 2017). Moreover, due to slow approaches from UNHCR, renewed tensions have grown and escalated (Khan, 2018). The first repatriation agreement was signed in 1992, targeting secured and willing return with dignity. Only a few thousand were repatriated before the influx of nearly 800,000 Rohingyas in 2017. To facilitate the process of repatriation, no country has imposed any business or economic sanctions on Myanmar to encourage bringing the Rohingyas back.

These major global and regional organizations have largely failed to negotiate with concerned state and non-state actors to formulate policies, agreements, and codes of conduct for addressing this issue in a widely accepted way manner. Though many praised recommendations made by the Kofi Anan Commission, the government of Myanmar has repeatedly refused to implement them.

Concluding Remarks And Way Forward

The peaceful and voluntary repatriation of the Rohingyas may take a long time, as no potential solutions are being visibly undertaken, and Myanmar still appears unsafe for them. Since past attempts of repatriation were unsuccessful, the rights of citizenship and recognition of the ethnic Rohingyas must be ensured before implementing any forthcoming agreement.

Taking this stance, the government of Bangladesh may shed light on the necessity of basic human and civic rights, as well as the burden being created to continue providing humanitarian assistance. China should take the lead to assist Myanmar in

preparation of accepting demands from Rohingyas for safe and voluntary repatriation. All potentially interested entities, including ASEAN and UN, should extend their hand to ensure education, medical treatment, and income-generating activities for a peaceful reintegration process.

The humanitarian concerns of this crisis need to be handled through appropriate diplomatic decisions, leading towards a long-term sustainable solution. Any forceful repatriation attempt may destroy the possibility of peacefully return in the foreseeable future. Therefore, international and regional organizations should reevaluate the situation and require a constructive and concrete mandate to ensure repatriation rights for the Rohingyas at the earliest possible time.

Despite these many challenges, the aforementioned state and non-state actors should follow the Brandt Commission's perspectives in order to explore long-term and sustainable solutions. For example, the disarmament of both Buddhist and Rohingya extremist groups, transparent actions from state parties, and the fair access of multinational, regional, and global non-state actors to the Rakhine state might bring some noteworthy progress for the peaceful repatriation of the Rohingyas.

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