

The Rohingya Muslims: Liminality and Statelessness

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IS 491.2: International Studies Senior Thesis Seminar

May 2020

## Introduction

For decades the Rohingya have been subject to a cycle of genocidal acts, forced relocation, and forced repatriation. Since 1978, the Rohingya have fled to Bangladesh four times, searching for safety, but they are routinely repatriated, sometimes forcibly, back to Myanmar, without any restoration of their rights or change in conditions which caused them to flee. Clearly, this particular use of repatriation has proved ineffective over the decades. I am arguing, using Liisa Malkki's theoretical framework, that the Rohingya are repatriated each time due to the international community putting pressure on Myanmar to restore 'the national order of things' (1995 a). I will go further to explain how this use of 'durable solutions' is flawed, as the Rohingya ultimately remain in a liminal space of statelessness, allowing the cycle of forced migration to continue (Malkki 1995 a).

The international community refers to a conglomeration of different countries, international organizations, and scholars. The country component of the international community can be composed of neighboring and regional countries, as well as countries with similar interests, or world leaders. For the purpose of this essay the international community will refer to countries such as Bangladesh, Malaysia, Pakistan, Thailand, China, Australia, the United Kingdom, and the United States. International organizations refer to aid agencies, as well as regional organizations. These organizations include the United Nations High Commissioner for Refugees (UNHCR), Association of Southeast Asian Nations (ASEAN), Doctors without Borders, Human Rights Watch, Amnesty International, and the Red Cross.

Liisa Malkki's 'national order of things' is the way a country, some countries, or the entire international community thinks things ought to be, with things referring to, in this case, the economy, national security, and politics of nation states (1995 a: 2). Achieving and upholding

this state of normalcy, as Hammond describes it, is prioritized over individuals' human rights and protection of those rights (2004: 213). In the end, 'the national order of things' simply means that the goals of nation states are obtained. Economic and political stability are the main goals of nations when it comes to attaining and maintaining their 'national order of things'.

Liminal space can be defined as being in the state of between two things, whether things means places or categories (Malkki 1995 a: 1). Malkki explains that being in a liminal space means that someone is no longer classified and not yet classified (1995 a: 7). It is when someone is waiting in the between; they are waiting to belong somehow. For the Rohingya, it is their status as stateless which leaves them in a liminal space, as they are no longer citizens of Myanmar and not yet citizens of Myanmar or anywhere else.

The international community, including nation states and international organizations, see refugees stuck in a liminal space outside 'the national order of things'. As a consequence, the international community believes that refugees are a problem needing a solution. An influential player in the international community, the UNHCR, is tasked with the responsibility of coming up with appropriate solutions for these refugee 'problems' (Human Rights Watch 2000). The UNHCR relies upon the three 'durable solutions': voluntary repatriation, local integration, and third country resettlement. Scholars and international organizations alike note that the international community views voluntary repatriation as the most preferred or optimal solution to refugee problems (Goodwin-Gill 2014: 8; Human Rights Watch 2000). This is one reason why repatriation is seen as the best option for the Rohingya. Other reasons for the support of repatriation include specific attitudes and policies Myanmar, Bangladesh, and other involved nation states have towards the Rohingya. Some of these attitudes and policies derive from nation states prioritizing the restoration of 'the national order of things' over human rights. Overall,

these reasons culminate to form a block of international pressure on the country of origin, in this case Myanmar, to allow the refugees to repatriate.

While there is enormous pressure to use one of the three ‘durable solutions’, particularly repatriation, this supposed solution is overall ineffective for the Rohingya. It does not actually address the main issue of statelessness; it simply aims to restore what is seen by the majority of the international community as ‘the national order of things’. Therefore, the Rohingya are left in a liminal space, either in the Bangladesh camps where they feel they do not belong or in Myanmar where they are not treated as citizens. Whether they are repatriated or not, they are left in this liminal space without the root issue of statelessness addressed, demonstrating how repatriation is not the proper solution.

My work aims to fill a hole in the sparse literature on the Rohingya by exploring why they are repatriated, how this repatriation, or more accurately refoulement, is ineffective, and why this cycle of forced migration persists. Malkki’s idea of ‘the national order of things’ will be used to explain why they are always repatriated, while her theory about liminal spaces will demonstrate why repatriation is ineffective and helps to perpetuate the cycle of displacement (1995 a). Within the case studies, I will analyze media and organizational reports, as well as the agreements sparking the Rohingya’s repatriation to prove my thesis. The data from Bangladesh will demonstrate why the Rohingya were refouled, as Bangladesh values the idea of ‘the national order of things’ over the rights of the Rohingya. The international community's perception of the Rohingya reveals how they also prioritize ‘the national order of things’ over their responsibility to protect the Rohingya, causing the forced repatriation of the Rohingya. Finally, these case studies will be analyzed to show how refoulement is ineffective and leads to more forced migration, as the Rohingya remain in the liminal space of statelessness. Overall, this data will

show how the international community pressures Myanmar into repatriating the Rohingya, how their refoulement is ineffective, and how forced repatriation helps to perpetuate the cycle of forced migration. These case studies and their analysis will be laid out in terms of year, addressing the three most recent genocidal atrocities: 1991, 2012, and 2017. I have decided to disclude the first, in 1978, as there is not as much data on this occurrence, compared to the rest.

Before all of that, it is necessary to define a few key terms and look at the Rohingya's background in order to deeply understand their plight. Comprehending who the Rohingya are, how they are continuously persecuted, and what their main issue is will allow for the main argument of this paper to make more sense.

### ***Understanding Statelessness, Refoulement, and Genocide***

Prior to discussing the details, it is essential to understand a few key terms which will be used throughout the paper. It will provide a clearer understanding of the topic and the particular situation of the Rohingya if exact definitions are given.

As the Rohingya are a stateless people, it is necessary to define statelessness. The 1954 Convention Relating to the Status of Stateless Persons defines statelessness as when "a person is not considered a national by any State under the operation of its law" (Convention 1954: Article 1.1). Some scholars view stateless persons as "genuine international outcasts" (Grundy-Warr and Wong 1997: 88; Zolberg et al. 1989: 33). Others simply state that statelessness is the denial of the right to citizenship (Faulkner and Schiffer 2019: 146; Ullah 2011: 149). Although it is not just a denial of one right, as stateless people lack access to other basic rights, making them one of the most vulnerable populations in the world (Faulkner and Schiffer 2019: 146).

The difference between repatriation and refoulement is noteworthy when discussing repatriation of the Rohingya, as commonly their repatriation is forced or involuntary.

Repatriation can be defined as the return of a person to their country of origin, and it is habitually used as a solution for conflicts similar to that of the Rohingya (Long 2012: 369). On the other hand, refoulement is defined as the forcible return of refugees and is prohibited under article 33 of the 1951 Refugee Convention (Convention 1951: Article 33.1). Knowing the difference between the two of these terms is key moving forward.

After the most recent wave of atrocities, scholars are more willing to acknowledge that the Rohingya are indeed experiencing genocide, making it a relevant term to describe (Southwick 2018: 124). Genocide, in this paper, will be defined as deliberate and unlawful infliction of life-threatening conditions on a group, usually an ethnic or religious group, with the intent of bringing about that group's destruction in whole or part (Southwick 2018:124). This can be done through direct violence, and/or policies which would incur the slow death of a population, both of which the Myanmar government has committed (Southwick 2018:124).

### **The Rohingya's Historical Struggles**

This section aims to provide context and an explanation for the seemingly endless struggles of the Rohingya people in Myanmar. In the first part, I will discuss who the Rohingya are as a people, exploring the origins of their ancestors, as well as their primary religion, Islam. The second part will examine the way the Myanmar government and Rakhine Buddhists have utilized the Rohingya's religious, geographic, and ethnic backgrounds throughout history as reasons to subject the Rohingya to repeated persecution, major human rights abuses, and ultimately, genocide. Apprehending the alleged reasons for these illegal acts and what exactly happened during these waves of violence will lay the groundwork for understanding my application of Malkki's theoretical framework to the Rohingya.

### ***Who are the Rohingya?***

The Rohingya are a Muslim minority group, ethnically more similar to Bangladeshi Muslims than the rest of Myanmar's majority Buddhist population (Haque 2017: 461). They originate from the northern part of the Rakhine state, also known as Arakan, located in the Western part of Myanmar. There is a dispute about when the Rohingya first migrated to this region, but scholars generally agree that they were part of the community before British rule began in 1824 (Faulkner and Schiffer 2019: 149; Haque 2017: 461; Mohanjan 2018: 37; Southwick 2018: 119; Ullah 2011: 143). The earliest documentation of the Rohingya in Arakan is the 8th century (Mohanjan 2018: 37). Conversely, others simply generalize, stating that "in the 19th century... Buddhists and Muslims had coexisted for centuries" (Pedersen 2018: 17). This statement does not specify whether the Rohingya migrated to Arakan before or after British rule, promoting a harmful ambiguity.

Among other reasons, the lack of clarity around the origins of the Rohingya has led to the belief that the Rohingya were Bengali migrants who traveled to the Rakhine state during British colonial rule in search of work (Haque 2017: 462). This belief led to the revocation of the Rohingya's status as one of the nation's indigenous ethnicities through the 1982 Citizenship Law (Haque 2017: 454). As a result, the Rohingya were rendered stateless and have been subject to persecution and human rights abuses on a daily basis (Haque 2017: 454; Pedersen 2018: 17). Without citizenship, the Rohingya are not allowed to vote, and there are severe restrictions on their travel and movement (Pedersen 2018: 17). Religious discrimination is widespread, with a limit on the number of Muslim child births and marriages (Southwick 2019: 120). As Southwick argues, this policy itself is a form of genocide (2019: 121). Furthermore, the government

ensorship of the press, ensures that the Rohingya will continue to be ostracized by the majority Buddhist population in Myanmar (Brooten 2013: 681)

In order to see how the Rohingya live both in Myanmar and Bangladeshi refugee camps, it is pertinent to know that the aforementioned basic human rights violations happen every day and that there are policies that permit these actions. Since the Rohingya are so vulnerable to human rights violations, it is also easier for the military to justify their so-called ‘clearance operations’ which I will touch on in the following section (Weissbrodt and Collins 2006: 264). Each aspect, such as their debated origins, status as religious and ethnic minorities, and lack of citizenship will help demonstrate how the progression was made from daily discrimination to full-blown genocide.

### ***A History of Violence Against the Rohingya***

The year 1784 marked the annexation of the Muslim Kingdom of Arakan into the Buddhist kingdom of Burma (Ullah 2011: 143). A period of violence occurred, resulting in the deaths of over 200,000 Muslims (Medecins Sans Frontieres 2002: 9). Those who survived were forced to build Buddhist temples without compensation. In 1796, the majority of Arakanese Muslims fled to what is known as today’s Cox’s Bazar region in Bangladesh after a failed attempt to overthrow Burman rule. While not well known, this marks the first of many mass exoduses of Muslim refugees, including the Rohingya, from the Arakan region.

Following multiple invasions, the British eventually gained power over Burma in 1824 (Ullah 2011: 143). While the British moved work forces from Burma to East Bengal, the region of Arakan was not conquered by the British until 1885 (Medecins Sans Frontieres 2002: 9; Ullah 2011: 143). Many of the Muslims who traveled to Arakan during this time arrived in great numbers and were more conservative in their religion and culture (Pedersen 2018: 17). The



Buddhists who lived in the area, or Rakhine Buddhists, perceived the new Muslim population as a threat to their livelihood and homeland. The groups who oppose the Rohingya today believe that this is when they first moved to the Arakan state, viewing them as illegal immigrants looking for work, not indigenous people (Haque 2017: 462). It is during this time, after British rule began and before World War II, that there was a period of relative peace between the Rakhine Buddhists and the Rohingya, despite growing animosity (Medecins Sans Frontieres 2002: 9).

In 1942, during the Second War when the Japanese were invading British colonies, the British left Burma (Ullah 2011: 143). Without a third party in power, the tension between Rakhine Buddhists and Rohingya exploded, culminating in communal violence (Medecins Sans Frontieres 2002: 9-10; Pedersen 2018: 17). Thousands on both sides died, and about 22,000 Muslims fled to East Bengal. The Rohingya who stayed in Arakan went North, while the Buddhists went South, solidifying the geographical distance and generational distrust between the two communities (Pedersen 2018:17).

By 1948, Burma gained independence from the British, and many ethno-religious groups demanded autonomy, including the Rohingya. While these plans ultimately failed, the Rohingya were very close to achieving recognition as autonomous by the democratic government in the 1950's (Medecins Sans Frontieres 2002: 10). Small armed groups existed with the same purpose up until the 1990's, and to the Burmese military, they were perceived as a threat to national security (Pedersen 2018:17). Apprehension between the Rohingya and the Burmese military regime grew, and after the 1950's autonomy movements failed, Muslims were not allowed to hold a civil post, their freedom of movement was restricted, and their properties were seized (Medecins Sans Frontieres 2002: 10). This situation worsened when civilian rule ended in 1962,

and the military's General Ne Win took power, enacting a nationalist campaign to purge the country of illegal immigrants from the colonial period (Haque 2017: 456). Many of the migrant workers from Bengal and India returned to their homes, but the military included the Rohingya in this group of immigrants and tried to expel them from Burma using the media and violence (Brooten 2013: 687; Medecins Sans Frontieres 2002: 10).

Policies were also used by Burma to force the Rohingya to leave (Haque 2017: 456). First, the 1974 Emergency Immigration Act was implemented which legally marked the Rohingya as illegal immigrants (Faulkner and Schiffer 2019: 149). Then, the 1982 Citizenship Law was passed, excluding them from all three categories of citizenship and as mentioned before, made the Rohingya stateless (Haque 2017: 456). At the same time, the military government began to heavily censor any non-state sources, silencing the private press and preventing them from acting as a watchdog for human rights violations (Brooten 2013: 687). This set the stage for what is generally thought of as the first major wave of refugees from Burma to Bangladesh due to the implementation of systematic violence against the Rohingya (Faulkner and Schiffer 2019: 149). The military's 1978 'clearance operation' NagaMin, or Dragon King, had the purpose of registering all citizens and evacuating all non-citizens, such as the Rohingya. This shows how Muslims, specifically the Rohingya, were targeted during this time, making this supposed 'clearance operation' an act of genocide. More than 200,000 fled to Bangladesh, attempting to escape the military induced violence, but almost 10,000 refugees died due to lack of nutrition in Cox's Bazar (Medecins Sans Frontieres 2002: 10; Ullah 2011: 143). The international community pressured Burma and Bangladesh to sign a bilateral agreement, resulting in the forced repatriation of the Rohingya (Medecins Sans Frontieres 2002: 10; Pedersen 2018: 17). Without any land, citizenship status, or improvement of the original

situation, many continued to leave Burma after refoulement, proving that the first repatriation was unsuccessful.

Burma became Myanmar in 1989, although some still refer to the country as Burma, refusing to acknowledge the name change made by the largely military controlled government and not by the people (Haque 2017: 467). I use the name Burma when referring to the historical events which happened in the country before 1989. In order to avoid appearing biased, I will use the name Myanmar when discussing events after 1989, as the name is widely used at the international level by both nation states and organizations alike.

Another crackdown began in December 1991, pushing out 250,000 to 300,000 Rohingya by March 1992 (Faulkner and Schiffer 2019:149; Ullah 2011: 151). What had started out as religious persecution, forced labor and relocation, arbitrary fees and imprisonment, soon turned into acquisition and destruction of property, rape, torture, mutilation, and genocide (Medecins Sans Frontieres 2002: 11; Ullah 2011: 146-151). Even before all of the Rohingya fleeing Myanmar made it to Bangladesh, Bangladeshi officials supported the idea of repatriating them (Coll 1992). Bangladesh and Myanmar succumbed to international pressure again, and over 200,000 of the refugees were returned, many unwillingly, to Myanmar (Faulkner and Schiffer 2019:149). During refoulement, which the United Nations permitted, some Rohingya came back to Bangladesh, seeking shelter from the continued persecution in the Rakhine state (Faulkner and Schiffer 2019:149; Ullah 2011: 152).

After years of state censored media and the widely perceived ‘Muslim threat’, extremist Buddhist monks and other radicalized Buddhists started religious nationalist movements promoting hate speech against Muslim minorities like the Rohingya (Pedersen 2018:19; Southwick 2018: 120). In 2012, communal violence between radicalized Buddhists and the

Rohingya began after the rape and murder of a Rakhine Buddhist woman by Muslim men (Pedersen 2018:18). The local police and military forces, also viewing the Rohingya as a threat, either joined in the violence against the Rohingya or did nothing to stop the abuse (Smith 2013). With the combined forces of the police, military, and radicalized monks, the Rohingya and other Muslims were clearly targeted, meaning these acts had genocidal intent (Smith 2013). The violence resulted in the death of over 200 and internal displacement of 170,000 (Southwick 2018: 120). Many tried to flee to Bangladesh but were not allowed to cross the border to seek asylum (Frelick 2018). After the genocidal acts ceased, the Rohingya who were forced to stay in Myanmar were confined to camps where they had no other choice but to rely on humanitarian assistance for at least two years (Pedersen 2018: 18).

While radical Buddhist monks sparked the previous wave of violence, radical Muslims initiated the most recent one. After the events of 2012 and years of persecution, a group of Rohingya formed the Arakan Rohingya Salvation Army, or ARSA (Pedersen 2018:19). Despite the majority of Rohingya communities' opposition to armed resistance, ARSA attacked police posts and military bases in 2016 and 2017, attempting to garner international attention (Pedersen 2018:19). This cost them much more than they gained, as the military responded with so-called 'clearance operations' to purge the Rohingya population of the ARSA terrorists (Amnesty International 2017: 6). Yet, whether they were associated with ARSA or not, the military attacked all Rohingya, decimating villages, mindlessly killing and raping (Southwick 2018: 121). This deliberate targeting of the Rohingya explains how these 'clearance operations' were just a guise to try to cover what was really a full-blown genocide. What had once been human rights violations, such as limited access to jobs, services, and citizenship, mutated into arson, gang rape, disfigurement, and crimes against humanity (Southwick 2018: 121).

Over 700,000 Rohingya sought refuge in Bangladesh, and 6,700 were killed in just the first month (Southwick 2018: 121; Wilson 2019: 178). Approximately 200,000 Rohingya were already located in the Cox's Bazar region, meaning that close to a million refugees are living in these camps today (Faulkner and Schiffer 2019: 152; Southwick 2018: 121). It has been said that the 2017 brutality initiated the largest and fastest exodus of people since the 1994 Rwandan genocide (Southwick 2018: 122). However, this time there has been a strong condemnation of the Myanmar government by the international community who have been calling these acts crimes against humanity, ethnic cleansing, and even genocide (Southwick 2018: 122-123). What is more, the intent of genocide has been proven through the use of hate speech by the main perpetrators, notably military officials (Southwick 2018:124). Policies which aim to alter the demographics of the Rakhine state, like restrictions on marriage and births of Muslims, further strengthen the argument that intent of genocide exists (Pedersen 2018: 17; Southwick 2018:124). While progress has been made on recognizing genocide, repatriation is still widely seen as the only viable solution within the international community.

Throughout this section, a cycle of forced migration of the Rohingya between Bangladesh and Myanmar can be observed. This cycle persists, because of what both Southwick and Kyaw refer to as the Rohingya's "root issue", their lack of citizenship, is left unresolved (Kyaw 2017:269; Southwick 2015: 142). Southwick explains this cycle. Receiving countries have not ratified international agreements which protect the rights of the stateless, meaning that when Rohingya arrive in the host countries, they are not given any legal status or protection (Southwick 2015: 141). The same goes for when Rohingya children are born in these other countries, ensuring that all Rohingya are born stateless and remain stateless (Southwick 2015: 141).

### **Why are Refugees Refouled?**

Other than the Rohingya's history and origins, it is helpful to understand how the international community interacts with refugees in general in order to fully understand their role when it comes to the Rohingya. To begin, voluntary repatriation is one of the three 'durable solutions' that the international community promotes as a solution for refugee issues. The international refugee regime, composed of international agencies and organizations, dictates what happens to immigrants, refugees, and asylum seekers based on international laws and norms. One of these norms is the utilization of repatriation to address refugee situations, but instead of being voluntary, repatriation has become more and more forced over the decades. This section aims to demonstrate that the practice of refoulement continues to happen, despite the international refugee regime and its laws which are designed to stop refoulement from happening.

#### ***The Hierarchy of the Three 'Durable Solutions'***

As a variety of scholars explain, there are three 'durable solutions' according to the international refugee regime: voluntary repatriation, local integration, and third country resettlement (Goodwin-Gill 2014: 8; Hammond 2004: 218; Harrell-Bond 1989: 41). There is a clear hierarchical preference within the international community and international refugee regime, with repatriation at the top, followed by integration, and resettlement (Goodwin-Gill 2014: 8; Hammond 2004: 218; Harrell-Bond 1989: 41). One of the main players of the international refugee regime, the UNHCR, sees repatriation as the most desirable of the three 'durable solutions' and advocates for its use (Harrell-Bond 1989: 41).

The other two solutions, integration and resettlement, are seen as less desirable than repatriation. Local integration is usually not feasible as host countries commonly do not have a sufficient amount of resources and money to sustain the refugee population (Chimni 2004: 51). Third country resettlement is less popular, as receiving countries become less willing to welcome refugees and more concerned about their own problems (Chimni 2004: 51; Rashid 2019: 10). This leaves repatriation as the only option for many refugees, including the Rohingya (Ullah 2011: 153).

### ***What Shapes the International Refugee Regime***

The main purpose of the international refugee regime is to protect refugees and their rights. To do this, the regime helps to formulate and implement plans to aid refugees. Solutions are based on international laws and norms, such as the 1951 Convention Relating to the Status of Refugees and the responsibility to protect. The UNHCR and the Office of the High Commissioner for Human Rights (OHCHR) are two main participants of the international refugee regime. Nation states contribute to the formation of the plans for refugees as well, but their contributions are based on their own interests. If nation states are content with the final arrangement, they, as well as aid organizations, help to implement the solution. Some nation states that may be involved include the home state, the host state, neighboring states, and key international states. Despite their dwindling interest in refugee aid, developed states are still key leaders within the international refugee regime.

The 1951 Convention Relating to the Status of Refugees lays out the main purpose of the UNHCR which is to protect refugees. It also outlines the rights of refugees and the legal commitments of contracting states to protect refugees (Convention 1951). The Convention is the main guiding document for the international refugee regime, as other refugee aid agencies use

this agreement to shape their actions too. Moreover, one of the main international norms that the regime relies on is the responsibility to protect. This principle allows the international refugee regime to intervene in the internal affairs of countries to protect refugees and displaced people during instances of ethnic cleansing, genocide, war crimes, or other crimes against humanity. This means that refugee aid agencies can invoke the responsibility to protect in order to address and resolve certain refugee issues.

In addition to legal norms and conventions, both academia and the media can impact the international refugee regime and its actions. Scholars tend to work in conjunction with the international refugee regime, specifically international organizations, in order to shape the field (Malkki 1995 B: 506; Zolberg et al. 1989: 258). While more recent works condemn the international refugee regime's use of repatriation, older works reveal where the popularity of repatriation originated (Crisp 1986; Faulkner and Schiffer 2019; Hammond 2004; Keller 1975; Rashid 2019; Stein 1981) This explains why the UNHCR supported the practice of repatriation, and other 'durable solutions'. The media's consistently positive representation of refugee aid organizations and their work explains why repatriation continues to be used. The international refugee regime uses the media to project images of successful repatriations, strengthening the perception that repatriation is the most successful solution (Hammond 2004: 218). Yet the media does not follow up to see what refugees' lives are like after they have returned, so it is impossible to see from media reports whether or not repatriation proved to be a real 'durable solution' (Hammond 2004: 218).

More recently the international refugee regime has been facing a major shortage of resources, as their main source of funds, the global North, becomes less involved with refugee work (Chimni 2004: 51; Hammond 2004: 219). One contributing factor in the decline of the



North's involvement is that refugee issues often become political or economic issues (Malkki 1995 b: 505; Zolberg et al. 1989: 260). Today, many people become refugees due to political situations. So, when a nation state becomes involved with a refugee issue, they inherently take one side or another in these political situations. Many nation states no longer want to deal with the political repercussions of what they thought were just humanitarian interventions. As for economic issues, some nation states are unable to see how their monetary contributions are making a difference, so they stop providing funds for refugee agencies. Other nations have adopted more protectionist values and would prefer to spend that money elsewhere (Rashid 2019: 10).

### ***The Principle of Non-Refoulement and Why it Still Happens***

The principle of non-refoulement comes from article 33 of the 1951 Refugee Convention which states the following: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where [their] life or freedom would be threatened on account of [their] race, religion, nationality, membership of a particular social group or political opinion" (Convention 1951: Article 33.1). Since international refugee agencies have the main purpose of protecting refugees, the agencies must ensure that refugees are not refouled (Zieck 1997). Nonetheless, countries who have signed onto the 1951 Convention, in addition to these agencies, have failed to protect refugees from refoulement (Chimni 2004: 61; Faulkner and Schiffer 2019: 151; Grundy-Warr and Wong 1997: 88; Kyaw 2017: 278; Ullah 2011; Zieck 1997; 107-108). Despite all of these mechanisms, refoulement still happens, partly due to the failures of the international refugee regime, but also because of certain obstacles they face. Some contributing factors include the prioritization of nation state sovereignty over the non-refoulement principle, lack of funds, the declining involvement of the global North, and the

media's lack of follow up. The UNHCR, in particular, faces limitations on mandate, influence, time, and resources (Zieck 1997: 202).

The international refugee regime is unable to ensure the voluntary nature of repatriation, as nation states use their sovereignty to block agencies from becoming involved (1997: 202). While agencies have the responsibility to protect, nation states have the right to sovereignty and the ability to control their internal affairs (Zieck 1997: 202). This means that a nation state can block the UNHCR and other aid agencies from interfering with their internal affairs, especially if there is not a previous agreement involved (Zieck 1997: 202). Even when they are allowed access, the UNHCR does not always have enough resources or time to enforce a solution to the best of their abilities (Zieck 1997: 202). This explains why agencies rely so heavily on forced repatriation, as it is a quick and inexpensive option to temporarily resolve refugee issues (Hammond 2004: 219).

Another factor is that host countries often do not have enough supplies to aid refugees for prolonged periods of time. Frequently, these nation states are given no choice, but to refoul refugees back to their country of origin or watch their own economy and way of life collapse (Chimni 2004: 66; Kibreab 1999:402). If the global North was willing to contribute to these causes, refugees would not have to face refoulement. Overall, this unwillingness to 'share the burden' at the global level has led to the normalization of refoulement (Chimni 2004: 51). Compliance with the old international norms is no longer necessary, as the international community sees repatriation as the only solution, whether it is voluntary or not (Chimni 2004: 73).

In addition to influencing the actions of the international refugee regime, the media influences the way the world sees refugees. Lack of data and firsthand details about specific

refugee situations can lead to the assumption of false asylum claims, especially if the press decides to present the refugees in that light or fails to report fairly on the conflict (Harrell-Bond 1989: 43). This means that refugees can be denied a protected status and are forced to repatriate, because the host country does not see them as refugees (Harrell-Bond 1989: 43). Instead, they are seen as illegal migrants. Censorship of the press contributes to this misconception as well (Harrell-Bond 1989: 43). The rhetoric of the press can help determine whether a certain group of refugees qualify for asylum or not. For example, the press could refer to the refugees as ‘economic migrants’ or ‘seasonal migrants’, denying that they have a reason to claim asylum. The press also contributes to the promotion of forced repatriation as a policy, as they create the misconception that the refugees have no reason not to return to their country of origin and that it is safe for them to do so. As a result, host states will refoul refugees they do not actually perceive as refugees. Without looking at the main issues, the international refugee regime has become unable to provide true ‘durable solutions’.

While there are numerous laws and agencies meant to protect refugees from refoulement, these systems are not enough. Agencies and countries alike fail due to lack of funds and conflicting legal norms. As the hierarchy of ‘durable solutions’ ages and refugee issues become more complex, the solutions, including repatriation, have become less effective. In particular, repatriation has largely failed in recent years, because it has evolved from a voluntary process into the unethical practice of refoulement. Before I explain how forced repatriation is ineffective for the Rohingya as well, it is important to explore the theoretical and applied perspectives found in other literature.

### **Why are the Rohingya Repatriated? Theoretical and Applied Perspectives**

In order to sufficiently support my main argument about how international pressures lead to the forced repatriation of the Rohingya and how their refoulement has proven ineffective, it is necessary to first look into some of the literature surrounding this topic. Specifically, the literature exploring the use of the repatriation to resolve refugee issues, will help to show why repatriation is so commonly used, and why it fails (Chimni 2004; Crisp 1986; Goodwin-Gill 2014; Hammond 2004; Harrell-Bond 1989; Keller 1975; Kibreab 1999; Stein 1981). Next, the sparse literature on the Rohingya and their refoulement, will reveal a gap within the literature which I aim to fill (Faulkner and Schiffer 2019; Kyaw 2017; Southwick 2015; Rashid 2019). Finally, exploring Malkki's literature on refugees and their liminal position outside 'the national order of things' will allow for a deeper understanding of her theoretical framework and how it can be applied to the case of the Rohingya (Malkki 1995 a; Malkki 1995 b; Malkki 1996). Reviewing all of the literature will demonstrate where I drew inspiration from to build my argument.

#### ***Repatriation: Why it is Used and Why it Fails***

This section will look into literature on the use of repatriation and how it fails to resolve refugee issues. Most of this literature helps to explain why repatriation is used to solve refugee issues (Chimni 2004; Crisp 1986; Goodwin-Gill 2014; Harrell-Bond 1989; Keller 1975; Kibreab 1999; Stein 1981). At the same time, some of the literature demonstrates how repatriation fails to be an effective solution for refugee issues (Hammond 2004; Harrell-Bond 1989; Kibreab 1999). All of these theories helped to formulate my argument, but it also is useful to look at literature which advocates for the use of repatriation in order to comprehend why it is popular in the first place (Crisp 1986; Keller 1975; Stein 1981).

One scholar who supports the use of repatriation as a solution to refugee issues is Crisp (1986). He provides a one size fits all solution for refugee problems (Crisp 1986: 163). With refugee issues becoming more complex and different from each other, refugees cannot have a one size fits all solution. One set solution for all is not realistic, as each refugee has individual needs (Hammond 2004: 214). Crisp argues that the international community should focus on promoting voluntary repatriation of refugees to their country of origin and reintegration in their society (1986: 163). Additionally, he says that monetary contributions given to these countries should not go towards aid efforts, but rather development in order to provide a lasting solution (Crisp 1986: 163). This is problematic, as development will not get rid of war, racism, and other issues which lead to refugee situations. This use of repatriation would not be a real 'durable solution'.

Other scholars who advocate for the use of a one size fits all solutions are Stein and Keller (Keller 1975; Stein 1981). Stein proposes the idea of "the refugee experience" which generalizes all refugee experiences and lays them out in stages (1981: 321). Keller provides an outline of all the stages: "perception of a threat; decision to flee; the period of extreme danger and flight; reaching safety; camp behavior; repatriation, settlement, or resettlement; the early and late stages of resettlement; adjustment and acculturation; and, finally, residual states and changes in behavior caused by the experience" (Keller 1975: 80). This perception of what refugees experience is flawed, as not every refugee experiences each of these stages. Furthermore, some refugees, like the Rohingya, experience a cycle rather than a once and done experience. They never make it to adjustment and acculturation, because repatriation, settlement, and resettlement are not solutions that completely resolve the issues they face.

As mentioned before, the international refugee regime often works in conjunction with scholars to create new and better ways to aid refugees (Malkki 1995 b: 506; Zolberg et al. 1989: 258). Based on these three works supporting the use of repatriation, it is probable that the international refugee regime used this literature to validate their use and promotion of repatriation. In fact, a few years after all of these works were published, the UNHCR declared the 1990's to be the decade of repatriation (Chimini 2004: 59). There were some scholars like Harrell-Bond, who disagreed with repatriation being the key to refugee issues (1989). Instead, she called for more research to be conducted on repatriation and why it is used so frequently (Harrell-Bond 1989: 41).

Goodwin-Gill's work aims to answer Harrell-Bond's question 25 years later (Goodwin-Gill 2014; Harrell-Bond 1989). In Goodwin-Gill's search to explain why repatriation is used, he finds that the international refugee regime promotes the use of repatriation. He notes that nation states prefer repatriation too, as it allows them to put their interests before those of refugees (Goodwin-Gill 2014: 1). Furthermore, he refers to the 1951 Convention Relating to the Status of Refugees to demonstrate that refugees can be expelled if they pose a threat to national security or public order (Goodwin-Gill 2014: 9). Therefore, nation states can put their interests, like national security concerns, before the wellbeing of refugees (2014: 9). He also explains the international refugee regime's preference for repatriation, highlighting the UNHCR's reasonings and influence (Goodwin-Gill 2014: 8). He mentions that the UNHCR prefers repatriation above all other solutions, because they think that the refugee's right to return to their "country of citizenship" must be respected (Goodwin-Gill 2014:8). He also notes that the UNHCR will use repatriation to achieve their goal of "reliev[ing] the strain on receiving countries", putting the country's economic interests before the protection of refugees again (Goodwin-Gill 2014: 8).

Both Chimni and Kibreab also point out that refugees are often repatriated because host countries do not have enough resources to support them (Chimni 2004: 66; Kibreab 1999: 402). Kibreab goes further to say that "...host countries are not willing, and in most cases are unable, to incorporate refugees into their societies" (1999: 402). He offers a solution, suggesting that developed countries should take on more responsibility (Kibreab 1999: 402). This could be a viable solution, as Chimni notes that the lack of 'burden sharing' contributes to the use of repatriation (2004: 69-73). As the global North's involvement with refugee aid declines, the scarcity of funds and resources means that refugees are more likely to be repatriated, since it is the quickest and cheapest 'durable solution' (Chimni 2004: 69-73).

While Chimni uses the global North's unwillingness to 'share the burden' as an explanation for the popular use of repatriation, Kibreab has a different argument (Chimni 2004; Kibreab 1999). Kibreab argues that due to globalization and the ability to be mobile, there is no sense of what a 'home' truly is, physically or nationally (Kibreab 1999: 386). So, there is no real 'home' that refugees ought to return to as the international community claims (Kibreab 1999: 386). He argues against the use of repatriation as the world has become very globally aware and ought to become a more globally involved world (Kibreab 1999: 386). This means that developed countries ought to get more involved with refugees and supporting them (Kibreab 1999: 402). Kibreab's work differs from many scholars' arguments in that he offers an alternative to repatriation and explains how.

Hammond contributes to the discussion on the concept of 'home', noting that refugees are not always best situated in their country of origin (2004: 214). She agrees with Kibreab noting that this idea that refugees must return 'home' through repatriation is flawed (Hammond 2004: 214; Kibreab 1999: 386). Hammond criticizes the use of repatriation even more, stating

that it does not work as it is only return to society not reintegration (2004: 219). Like Harrell-Bond, Hammond states that the main issue must be addressed for repatriation to actually be successful (Hammond 2004: 219; Harrell-Bond 1989: 41). Due to lack of funds, agencies are only able to look at short-term solutions and not the solving the main issue which explains why they rely so heavily on repatriation (Hammond 2004: 219). Harrell-Bond explains that agencies lack funds as donor countries, looking to cut costs, promote repatriation (1989: 44). Hammond agrees with her, stating that this is one of the reasons why repatriation is promoted by the international refugee agencies, as developed donor countries typically have more influence at the international level than the home or host countries (Hammond 2004: 218). So, just as Chimni said, the use of repatriation has normalized the global North's lack of involvement and support for refugees (Chimni 2004: 69-73; Hammond 2004: 218).

In addition to developed countries being unwilling to 'share the burden', repatriation is used, because of nation states' tendency to put their interests before the protection of refugees, host country's inability to support, and refugee agencies support for repatriation (Chimni 2004; Goodwin-Gill 2014; Hammond 2004; Harrell-Bond 1989; Kibreab 1999). Altogether, pressures from donor countries, host countries, and the international refugee regime come together to create a block of international pressures advocating for the use of repatriation. This explains where part of my argument comes from, but I also took inspiration from work that shows how repatriation is ineffective (Hammond 2004; Harrell-Bond 1989; Kibreab 1999). Repatriation fails, because the main issue is unresolved, and refugees have no real sense of belonging (Hammond 2004; Harrell-Bond 1989; Kibreab 1999). While these works helped to form another piece of my argument, the following literature helped me to develop my argument completely.



### *Repatriation of the Rohingya*

The sparse academic work on the Rohingya somewhat helps to shape my argument, but it has largely served to prove my argument. I mainly include this work here in order to present the gap in the work on the Rohingya and their repatriation (Faulkner and Schiffer 2019; Kyaw 2017; Southwick 2015; Rashid 2019). A variety of works focus solely on one incident of the Rohingya's repatriation following a violent exodus, but none seek to uncover why the Rohingya continue to be repatriated (Faulkner and Schiffer 2019; Southwick 2015; Rashid 2019). While the majority of the reasons for the Rohingya's repatriation will be examined during the next section, there are some unique reasons which are only mentioned in this specific literature (Faulkner and Schiffer 2019; Kyaw 2017; Southwick 2015).

One such reason is analyzed by Faulkner and Schiffer who argue that the Rohingya's status as stateless leads to their repatriation (2019: 145). Since they are stateless, they lack basic rights, making it even more difficult for them to prevent their repatriation, even when they do not want to repatriate (Faulkner and Schiffer 2019: 145). Their piece focuses on why the Rohingya were repatriated after the atrocities of 1991 (Faulkner and Schiffer 2019). While the Rohingya's status as stateless certainly contributes to their repatriation, it more so contributes to their refoulement. Also, there are certainly other influential factors, particularly the power of the international community as I will demonstrate in later sections.

Like Faulkner and Schiffer, Southwick examines a singular instance as well (Faulkner and Schiffer 2019; Southwick 2015). Southwick explores the lead up to what would become the genocide of 2017 (2015). She analyzes the events of 2015 to show the genocidal intent of the Myanmar military and asks the international community to intervene in order to prevent the situation from getting worse (Southwick). She too cites the Rohingya's statelessness as a reason

for their repatriation, but she states that it specifically leads to their refoulement (Southwick 2015: 141). She goes further, saying that the Rohingya's status as stateless is actually "the root" of their issue and leads to the denial of all their rights (Southwick 2015: 142). This is key to forming my argument, as Hammond notes that repatriation is ineffective, because it does not solve the main issue (2004). Therefore, simply repatriating the Rohingya does not address "the root" of the issue, making it ineffective.

Kyaw is another scholar who notes that the Rohingya's statelessness is their main issue, but he introduces an argument about the origins of their statelessness (2017). He believes that the Rohingya are stateless, not because of the 1982 Citizenship Law, but because of the way it is implemented (Kyaw 2017). While this does explain why the Rohingya continue to be categorized as stateless, it does not explain why they continue to be repatriated after each exodus. Nonetheless, the Rohingya's statelessness provides a starting point for understanding why repatriation is ineffective.

On the other hand, Rashid demonstrates how repatriation is not an appropriate solution for the Rohingya (2019: 1). While this does not show why the Rohingya are subject to a cycle of repatriation, her work does argue that solutions should instead address the civil and political rights of the Rohingya (2019: 1). She uses Cuenod's argument to structure her own, arguing that the attitudes of the host, home, and traditional settlement states, along with the attitudes of the refugees themselves, should be used to construct a true 'durable solution' for their specific situation (Cuenod 1989; Rashid 2019: 2). Cuenod's argument identifies five variables which shape the solution to a refugee crisis (1989: 220). These are: a) the attitude of the refugees themselves; b) the attitude and policy of the country of first asylum; c) the attitude and policy of resettlement countries; d) the attitude and policy of the country of origin; and e) hidden factors

(Cuenod 1989: 220). These variables can be used to explain why repatriation has been used to address the case of the Rohingya, or in Rashid's case, should be used to come up with an alternative solution. She is one of the few scholars who proposes an alternate solution for the Rohingya, or at least a path to one. Yet, this type of literature is rare, showing how there must be more research done on the Rohingya and why they face this cycle of refoulement.

With a hole in the literature on the Rohingya and their repatriation, I aim to reduce the gap by addressing their cycle of forced migration between Myanmar and Bangladesh. However, the existing literature addressing the Rohingya and their struggles does provide a place to start. The Rohingya face different problems from other refugees, as they are stateless, making them more vulnerable to refoulement (Faulkner and Schiffer 2019; Kyaw 2017; Southwick 2015). A combination of perspectives, gathered from literature on the Rohingya and literature on repatriation, helps to guide my argument.

### ***Malkki's 'National Order of Things'***

This last section focuses on Malkki's work on 'the national order of things' and the liminality of refugees (1995 a; 1995 b; 1996). It also includes some other works which took inspiration from her theories or added to them (Cole 2017; Zolberg et al. 1989). The primary purpose of this section is to explain why in particular I chose Malkki's literature to shape my argument. What appealed to me the most was that her perspective could be used to explain a multitude of points about refugees and repatriation, not just one. To see how her theory applies to the case of the Rohingya, it is necessary to first understand her arguments.

Malkki's main argument is that refugees are stuck in a liminal space within 'the national order of things', not belonging in one place nor another (1995 a: 1-2). Refugees are left in a place in between, unable to fulfill any sort of traditional norm. As Malkki explains further, they "are

no longer classified and not yet classified at the same time” (1995 a: 7). She goes on to say that the international community sees refugees as a problem needing a solution, as they disrupt ‘the national order of things’ (Malkki 1995 a: 8). ‘The national order of things’ refers to what the international community sees as a refugee's rightful place in society. They perceive that refugees belong in their country of origin. As a consequence, the international community recognizes repatriation as the best solution for refugees. In this way, Malkki’s work can be used to explain why refugees are repatriated, or even refouled.

Malkki demonstrates how the international community comes to this conclusion by depoliticizes and dehistoricizes refugees (1996: 378). The international community does this by coming up with one solution for all refugees, regardless of their individual, political or historical struggles (Malkki 1996: 378). Instead of focusing on the real issue which typically has political and historical roots, the main goal of the international community is to put refugees back where they belong in ‘the national order of things’ (Malkki 1996: 378). As a result, the true issue of statelessness is never resolved, ultimately making repatriation an ineffective and short-term solution. This explains why repatriation can be an ineffective solution, in addition to showing how a cycle of forced repatriation begins if the Rohingya’s status of statelessness is never addressed.

Cole applies Malkki’s theory of the depoliticization and dehistoricization of refugees to Rwandan refugees who remained in Uganda years after the genocide in their country of origin had ended (Cole 2017: 307; Malkki 1996: 378). The international community in this situation was composed of the UNHCR, the Government of Rwanda, and the Government of Uganda. Continued pressure from Rwanda and the threat of political instability between Rwanda and Uganda led to the implementation of repatriation (Cole 2017: 309). So, with the international

community promoting the use of repatriation, ‘the national order of things’, specifically political stability, was prioritized over the rights of Rwandan refugees. They did not want to return to Rwanda, especially because the Rwandan Government had continued to commit human rights abuses (Cole 2017: 307-308). Yet, these political and historical factors were not considered, and the Rwandan refugees were forced to repatriate (Cole 2017: 309). Cole’s application of Malkki’s theory to the situation of the Rwandan refugees to explain why they were refouled shows how Malkki’s theory can be applied to the case of the Rohingya to prove similar points.

Zolberg et al. add to Malkki’s idea that refugee issues are often depoliticized and dehistoricized (Malkki 1996: 378; Zolberg et al. 1989: 260). They contend that in addition to refugee issues being political, they are economic as well (Zolberg et al. 1989: 260). This means that in order to ensure the durability of a solution, economic situations must also be considered when addressing refugee issues. Malkki, citing Zolberg et al.’s work, concurs, but notes that refugee issues, more than anything else, are political in nature (Malkki 1995 b: 505; Zolberg et al. 1989: 260). With the additions of Zolberg et al., Malkki’s work demonstrates how repatriation is ineffective as it fails to resolve the real political, historical, and economic issues that perpetuate the cycle of forced migration.

This shows how Malkki’s work can be adaptable enough to be applied to a variety of refugee situations. Since Malkki’s work is so flexible and is relevant to a variety of refugee situations, it proves to be the best framework to apply to the case of the Rohingya. Additionally, her work can be used not only to explain why repatriation or refoulement happens and why it is ineffective, but also why it continues to happen. This last point helps Malkki’s work to stand out from the rest, as many scholars seek to explain why repatriation is used to resolve refugee issues, but never to understand the cycle of forced migration.

Nonetheless, the work these other scholars have done on refugee issues is still valuable and has helped to form my argument. The literature on refugees shows that the international community has an enormous impact on the way refugee issues are solved. The international community often pressures host and home countries to repatriate or refool refugees (Chimni 2004; Goodwin-Gill 2014; Hammond 2004; Harrell-Bond 1989; Kibreab 1999). This literature also explains that repatriation is ineffective, because it does not address the root issue (Hammond 2004; Harrell-Bond 1989). Scholars who write about the Rohingya agree that their root issue is their status as stateless, and repatriation does not mean their citizenship is restored (Faulkner and Schiffer 2019; Kyaw 2017; Southwick 2015). With all of this in mind, I can now demonstrate, using Malkki's framework, that the Rohingya continue to be refooled because the international community puts pressure on Myanmar to restore 'the national order of things' (1995 a). I will also explain how refolement is ineffective, as the Rohingya ultimately remain in a liminal space of statelessness, allowing the cycle of forced migration to continue (Malkki 1995 a).

### **The Case of the Rohingya**

This section will examine how Malkki's theoretical framework of 'the national order of things' and refugees in liminal spaces can be applied to the case of the Rohingya to prove my argument (1995 a). The Rohingya are refooled after the events of 1991, 2012, and 2017 due to pressure from the international community and that this refolement is ineffective, causing the cycle of forced migration to continue. In this section, I will lay out case studies of the events occurring in 1991, 2012, and 2017, paying close attention to the way the Rohingya are perceived by Myanmar, Bangladesh, and the international community. I will then analyze the data from media reports, scholarly studies, international agreements, and organizational reports about the

Rohingya and their refoulement after these genocidal acts. I will look at information from the perspective of the international community, Myanmar, and Bangladesh by introducing media and organizational reports, as well as the agreements about the Rohingya's repatriation. The analysis of this information will show that Bangladesh and the international community pushed for the restoration of 'the national order of things' through the support for repatriation. For each of these case studies, the analysis will also demonstrate how refoulement has been unable to better the situation of the Rohingya, because the root issue is left unsolved allowing the cycle of displacement to persist.

### ***The Crackdown of 1991***

A decade after operation Nagamin, the Rohingya still inhabited the Rakhine state, so the military renewed their efforts to expel the Rohingya from the country. The military's violent crackdown sparked the exodus of 300,000 Rohingya in December of 1991 (Faulkner and Schiffer 2019:149; Ullah 2011: 151). After years of abusing and persecuting the Rohingya, the military began to take and destroy their property, forcing them out of the Rakhine state (Medecins Sans Frontieres 2002: 11; Ullah 2011: 146-151). The UNHCR was not even involved at this point in time, but Bangladesh was already coming up with a solution for the refugees, even though this is traditionally the agency's job (Coll 1992). Officials had based their views off the 1978 bilateral agreement between Myanmar and Bangladesh which supported the repatriation of the Rohingya after the events of Naga Min (Coll 1992). It had set a precedent that when the Rohingya fled to Bangladesh, they should be returned to Myanmar. It had worked in 1978, so it was enough for Bangladeshi officials in 1991.

Myanmar did not originally support this idea of repatriation, so Bangladesh turned to UNHCR for assistance in 1992 (Grundy-Warr and Wong 1997: 86). The UNHCR, relying on

their three ‘durable solutions’, suggested local integration of the Rohingya in Bangladesh (Grundy-Warr and Wong 1997: 87). Bangladesh expressed their wishes against integration of the Rohingya into Bangladeshi society from the moment of their arrival, citing their economic inability to do so (Grundy-Warr and Wong 1997: 87; Human Rights Watch 2000). Bangladesh and the UNHCR also ruled out third country resettlement, as it is very costly and many refugees who are resettled in a third country are subject to human trafficking (Human Rights Watch 2000).

Moreover, Bangladesh has the 10th highest population density in the world at 2,889 people per square mile which puts pressure on existing resources, so adding the Rohingya to the mix, means resources were even more scarce (Grundy-Warr and Wong 1997: 85; World Population Review 2019). Bangladesh viewed the Rohingya not only as an unsupportable economic burden, but also as a security threat to their border (Ullah 2011: 156). For example, Myanmar forces pursuing the Rohingya to the border frequently clashed with Bangladeshi border posts (Faulkner and Schiffer 2019: 150). Bangladesh viewed this as an extreme threat and resorted to repatriation, as it was viewed as the fastest solution (Faulkner and Schiffer 2019: 150).

In 1993, the UNHCR expressed their support of voluntary repatriation by signing a Memorandum of Understanding (MOU) with Bangladesh (GOB 1993: 2). A few months later, Myanmar signed a MOU with the UNHCR, also allowing the Rohingya to return voluntarily (Ullah 2011: 154). The document itself refers to the Rohingya as “Myanmar residents”, linking the Rohingya to Myanmar (GOUM 1993: 2). A UNHCR report also refers to the Rohingya as “Myanmarese” demonstrating that the UNHCR firmly associates the Rohingya with Myanmar, and not another country (UNHCR 2005).



Myanmar only agreed to repatriation due to pressure from the international community (Faulkner and Schiffer 2019:151). In addition to pressures from Bangladesh, neighboring countries like Malaysia and Pakistan also urged the Myanmar government to allow the Rohingya to return (Faulkner and Schiffer 2019:151). The United States, trying to fulfill their role as a global power, put pressure on Myanmar to let the Rohingya be repatriated too (Faulkner and Schiffer 2019:151). In addition to the UNHCR supporting the idea of repatriation, other non-governmental organizations, like Human Rights Watch supported it as well (Human Rights Watch 2000).

In Bangladesh, the Rohingya were subject to cramped, unsanitary living conditions, with a lack of food, water, health care, education, and jobs (Grundy -Warr and Wong 1997: 152-153). Nonetheless, Ullah, Human Rights Watch, and the UNHCR found that very few or none of the Rohingya actually wished to return to Myanmar and preferred to live in the camps (Human Rights Watch 2000; Ullah 2011: 154-155). Despite aid from the UNHCR, Bangladesh was still unable to support the Rohingya (Grundy -Warr and Wong 1997: 152). The government of Bangladesh stated that all the Rohingya must be returned, regardless of what the Rohingya wanted (Grundy -Warr and Wong 1997: 152; Ullah 2011: 155). By 1997, Bangladeshi forces began to beat, harass, and arrest the Rohingya who had refused to repatriate, targeting women and children (Grundy -Warr and Wong 1997: 152; Ullah 2011: 154).

The international community only scolded Bangladesh for breaking the non-refoulement principle. According to Ullah's 2011 study, after the backlash from the international community, Bangladeshi authorities labeled the Rohingya as 'economic migrants' (Ullah 2011: 151). This was an attempt to appear compliant with human rights standards, as economic migrants do not have the right to asylum, only refugees (Ullah 2011: 151). The UNHCR tried to ensure the

voluntariness of repatriation but these attempts ultimately failed due to lack of funding (Grundy-Warr and Wong 1997: 86; Human Rights Watch 2000). Eventually, in an attempt to cover their mistake, the UNHCR also began referring to the Rohingya as ‘economic migrants’ and permitted their refoulement (Grundy-Warr and Wong 1997: 86).

The repatriation of the Rohingya took longer than expected, as many had fled to Bangladesh again after refoulement due to unchanged conditions in Myanmar (Human Rights Watch 2000). Refoulement stopped briefly in 1997 due to pressure from the government of Myanmar, revealing that the government was still opposed to the plan (Human Rights Watch 2000). This unwillingness to comply can also be seen by the fact that Myanmar did nothing to ensure the voluntariness of the Rohingya’s repatriation either (Faulkner and Schiffer 2019: 152). Nonetheless, refoulement resumed a little over a year later, and Bangladesh claimed to be taking steps to ensure the Rohingya’s safe and voluntary repatriation as quickly as possible due to the continued strain put on their infrastructure and economy from hosting the Rohingya (Faulkner and Schiffer 2019: 152; Human Rights Watch 2000). Although, a Human Rights Watch report from 2000 confirms that refoulement was still being practiced, especially as many Rohingya still preferred the camps in Bangladesh over the persecution in Myanmar (Human Rights Watch 2000).

By 2005, there were still Rohingya remaining in Bangladesh, so the UNHCR increased its repatriation package to help aid the Rohingya upon return (UNHCR 2005). Yet, this incentive did not convince every Rohingya to return, and violence was often used as a method to refoul most of the Rohingya. In total, over 200,000 of the refugees were refouled to Myanmar (Faulkner and Schiffer 2019:149). Despite all of this, the United Nations and Bangladesh viewed

the refoulement of the majority of the Rohingya as a successful repatriation (Grundy-Warr and Wong 1997: 79).

### *Communal Violence in 2012*

Radical Buddhist monks fueled the outbreak of communal violence in 2012, as they claimed that the Rohingya were a threat to ‘national sovereignty’ (Smith 2013). Local police and military forces either joined in the violence against the Rohingya or did nothing to stop the abuse (Smith 2013). The violence resulted in the death of over 200 and internal displacement of 170,000, with the Rohingya and other Muslims suffering the most (Smith 2013; Southwick 2018: 120). While some were able to escape to Bangladesh, Thailand, or Malaysia, the majority of the Rohingya were unable to do so (Frelick 2018). Many tried to go to Bangladesh, but their armed forces prevented the fleeing Rohingya from entering their country (Frelick 2018). Bangladesh violated international law by forcing the Rohingya to return to a place where they would be persecuted (Smith 2013). Furthermore, they blocked Rohingyas from resettling in a third country (Frelick 2018). The Rohingya were left with one option: return to Myanmar.

Despite Bangladesh’s efforts, Human Rights Watch reported that a few Rohingya were able to cross the border (Frelick 2018). To dissuade more Rohingya from entering the country, the Prime Minister of Bangladesh, Sheikh Hasina, called for aid organizations to stop helping the refugees fleeing Myanmar as well as the ones who were able to make it into Bangladesh (Alam 2012). Bangladesh also stopped aiding all Rohingya within Bangladesh (Frelick 2018).

The Rohingya in Myanmar were confined to camps where they were reliant on humanitarian assistance (Pedersen 2018: 18). By 2015, almost one million Rohingya were still dependent on Doctors Without Borders when the government banned the organization (Southwick 2018: 120). Moreover, radicalized Buddhists attacked and expelled other aid

organizations, such as the Red Cross, claiming that they favored the Rohingya over Rakhine Buddhists. The monks went further to deem UNHCR work a threat to national security too (Smith 2013). They felt that the UNHCR was unjustly interfering with the internal affairs of Myanmar.

In July 2012, the Myanmar President, Thein Sein, called for the resettlement of the “illegal” Rohingya in a “third country” or Bangladesh (Smith 2013). The UNHCR rejected the President’s proposals, pushing for the Rohingya in Bangladesh to return and for the Rohingya in Myanmar to remain (Smith 2013). The UNHCR also advocated for restoration of their citizenship rights, reaffirming the correlation between Myanmar and the Rohingya (Smith 2013). The United States supported the ‘safe return’ of the Rohingya too (Alam 2012). Similar to the radicalized monks, Myanmar started to see this as an attempt to interfere with their sovereignty (Kyaw 2017: 270). In the end, Myanmar allowed the Rohingya to remain, but many had no other place to stay than the camps, as their houses had been burned down or taken by Buddhists (Smith 2013).

### **The ‘Clearance Operation’ of 2017**

While the Rohingya are largely opposed to armed resistance, the Arakan Rohingya Salvation Army attacked military bases in 2017, prompting the military to respond with so-called ‘clearance operations’ to get rid of terrorists (Amnesty International 2017: 6; Pedersen 2018:19). Instead of going after ARSA members, the military attacked entire Rohingya villages, burning houses and people (Southwick 2018: 121). Today, over a million Rohingya refugees reside in the makeshift refugee camps of Cox’s Bazar, Bangladesh (Faulkner and Schiffer 2019: 152; Southwick 2018: 121). These events have been compared to the Rwandan genocide, have been condemned by the international community (Southwick 2018: 122-123). Nevertheless, the

international community still supports the idea of repatriating the Rohingya back to Myanmar where this genocide and other crimes against humanity occurred.

Along with the UNHCR and other organizations, Bangladesh maintains their position as a main supporter of repatriation. In fact, Bangladesh still refuses to label the Rohingya as refugees, which would guarantee them the right to asylum and protection from refoulement (Frelick 2018). Bangladesh has instead labeled them as “Forcibly Displaced Myanmar Nationals” (Frelick 2018). Bangladesh has held to its standard of rejecting integration of the Rohingya into their own society, as they already suffer from economic issues and overpopulation (Frelick 2018; Rashid 2019: 8). The Bangladesh government also cites reasons of national security, referencing terrorist, ARSA, activity, as well as arms and drug trade (Rashid 2019: 9). Furthermore, while Bangladesh currently allows the Rohingya to reside within their borders, the government prohibits the construction of permanent shelters, destroying those built by refugees (Frelick 2018). Even the schools are temporary, with facilitators instructing students, not teachers (Frelick 2018).

The UNHCR pressured Myanmar into signing a MOU in 2018 with the goal of making steps towards creating suitable conditions for the voluntary repatriation of the Rohingya (Frelick 2018). No Rohingya were consulted about the MOU, yet it was created and signed on their behalf (Frelick 2018). Meanwhile, the UNHCR has begun to issue new registration cards for the Rohingya living in the refugee camps (UNHCR 2019 a). In March 2019, UNHCR officials met with the Government of Bangladesh to discuss ways in which to prepare for the voluntary repatriation of the Rohingya (UNHCR 2019 c). By August of the same year, Myanmar was receiving praise from the UNHCR for giving names of those who had been cleared for return (UNHCR 2019 b). The UNHCR has taken this as a step towards repatriation, further pressuring

Myanmar to continue to cooperate (UNHCR 2019 b). Another source of international pressure for the Myanmar government is ASEAN, the Association of Southeast Asian Nations (Barber 2019). They too want to see the Rohingya repatriated through collaboration with the United Nations as they have done so in years past, encouraging Myanmar's compliance with the plans for repatriation (Barber 2019).

The hope of third country resettlement diminishes for the Rohingya, as the influence of right-winged politics grows in the United Kingdom, Australia, the United States, and other potential receiving countries (Rashid 2019: 9). These three countries typically welcome refugees with open arms, but this trend is beginning to change, as refugee quotas shrink, migration policies become more protectionist, and negative opinions about Muslims spread (Frelick 2018). There are also beliefs that if third countries start resettling Rohingya, then it will encourage other refugees to flee to the receiving country (Rashid 2019: 10). Finally, it may also appear that Myanmar 'got away' with crimes against humanity they have committed over the years if the Rohingya are resettled elsewhere (Rashid 2019: 10).

### *Understanding the Case of the Rohingya*

Now that the case studies have presented an in depth look at the cycle of forced migration from 1991 to present, Malkki's theoretical framework will be used to analyze the case studies in this section (1995 a). I will explore how Bangladesh and the international community pressure Myanmar into forcibly repatriating the Rohingya in order to restore 'the national order of things'. The international community put issues of national security and economic concerns before the protection of the Rohingya, demonstrating how they prioritize 'the national order of things'. This section will also show how the Rohingya's liminal position as stateless people proves that refoulement is ineffective and perpetuates the cycle of forced movement. The root issue of

statelessness means that the Rohingya continue to suffer human rights abuses, culminating in death or forced migration. All of this happens, because national interests are put first.

To begin, Bangladesh proves to be one of the main sources of international pressure in all of these situations, as they put their national interests over the rights and protections of the Rohingya, especially when it comes to their national security (Alam 2012; Faulkner and Schiffer 2019; Frelick 2018; Grundy -Warr and Wong 1997; Human Rights Watch 2000; Rashid 2019; Smith 2013; Ullah 2011). This is because the Rohingya keep crossing the border between Myanmar and Bangladesh. By breaking this international barrier, the Rohingya disrupt ‘the national order of things’, explaining why Bangladesh perceives them as a threat (Malkki 1995: 7). As Malkki explains, when refugees cross and recross borders, the borders become weak, allowing for more potential threats to the nation states sovereignty (1995: 7). Therefore, in order to put the Rohingya back in their place within ‘the national order of things’ and avoid more threats, Bangladesh believes that the Rohingya must be returned to Myanmar.

This also explains why Bangladesh refused to let the Rohingya cross their border in 2012 (Frelick 2018). By making sure the Rohingya did not even enter their country, Bangladesh ensured that there was no risk of regional instability as there was in 1991. They also made sure that the Rohingya remained where they are thought to belong within ‘the national order of things’. In this way, Bangladesh prioritized the ‘national order of things’ instead of the protection of the Rohingya by forcing them to remain in Myanmar. While they kept the Rohingya out in 2012, there are now over a million living in Cox’s Bazar, potentially including ARSA members (Rashid 2019: 9). As a result, the Bangladeshi government has become even more concerned about their national security. So, repatriation seems to be the best way to reestablish ‘the national

order of things', as the Rohingya would return to where they are thought to belong within this order, and Bangladesh would be able to return to their normal national security concerns.

The government of Bangladesh also put their economic security above the rights of refugees. The host country has stuck to its age-old argument that they are unable to financially support the Rohingya indefinitely and that the Rohingya would have to return to Myanmar eventually, as they have economic problems of their own (Rashid 2019: 8). The fact that the Rohingya are in Bangladesh alters 'the national order of things', as Bangladesh is given an additional responsibility to protect these refugees. Resources and money that could have been used to strengthen the stability and position of Bangladesh within 'the national order of things' now go to support the Rohingya. With the Rohingya playing a different role in 'the national order of things', Bangladesh is given a different role as well. For Bangladesh to return to their normal, more stable position, the Rohingya must return to Myanmar. This demonstrates why Bangladesh supports the use of repatriation, and even refoulement. Furthermore, both of the other two 'durable solutions' cost more for Bangladesh, making it more difficult for them to stabilize their economy. This demonstrates another way Bangladesh put their economic stability and consequently their role in 'the national order of things' before the needs of the Rohingya.

While the events of 2012 did not technically include repatriation or refoulement, as many never left Myanmar, it was still the act of sending the Rohingya back to where Bangladesh thought they belonged in 'the national order of things'. By pushing the Rohingya away from their borders, Bangladesh rejected the 'durable solution' of integration. When they blocked them from resettling in a third country, they denied them another 'durable solution': resettlement (Frelick 2018). So, the only 'durable solution' Bangladesh leaves them with is repatriation. Even though they were not truly repatriated, the attitudes towards repatriation as a solution were



strengthened, because the idea that the Rohingya's place within 'the national order of things' was in Myanmar was strengthened.

Today, the Rohingya reside in Bangladesh's Cox's Bazar region, but there is nothing permanent about their presence. Without durable houses or schools, this physical impermanence serves as a daily reminder to the Rohingya that this is not their place in 'the national order of things' and that they will eventually return to Myanmar (Frelick 2018). By allowing only temporary structures, Bangladesh encourages the Rohingya's return and the restoration of 'the national order of things'.

The rhetoric the Bangladeshi officials use when referring to the Rohingya even suggests their repatriation or refoulement. Bangladeshi authorities have referred to and continue to refer to the Rohingya as 'economic migrants', instead of refugees (2011: 151). The Rohingya are referred to as such, because if they are not identified as having a true claim to asylum, they can be returned forcibly. This lack of proper information can lead to the misconception that certain refugees' claims for asylum are false (Harrell-Bond 1989: 43). So, the Bangladeshi authority perpetuated the misconception that the Rohingya were not really refugees, causing them to be refouled. Bangladeshi officials also refer to the Rohingya as "Forcibly Displaced Myanmar Nationals" (Frelick 2018). By labeling them this way, Bangladesh denies the Rohingya the right to asylum and protection from refoulement. Not only does this insinuate that the Rohingya belong and will be returned to Myanmar, but it also suggests that they do not belong in Bangladesh. The use of the term 'refugees' would hint that the Rohingya could potentially integrate into Bangladeshi society, but they are not even allowed that. Referring to them as "Myanmar Nationals" further alludes to the idea that in order to restore 'the national order of things' the Rohingya must be returned to Myanmar.

Another reason it is seen as acceptable for the Rohingya to be refouled is because neither Myanmar nor Bangladesh have signed the 1951 Convention Relating to the Status of Refugees (Convention 1951). Article 33 of the Convention prohibits the practice of refoulement (Convention 1951: Article 33.1). Yet, Bangladesh and Myanmar have not ratified this agreement, explaining why they are able to implement refoulement with little consequences. Nevertheless, each nation state has entered into agreements with the UNHCR in relation to the Rohingya and their supposed voluntary repatriation (Grundy-Warr and Wong 1997: 86; Kyaw 2017: 278; Ullah 2011: 154-155; Zieck 1997: 107-108). Once the UNHCR and a nation state have entered into any sort of an agreement, the agency's obligation to protect refugees is even greater (Zieck 1997: 107-108). Despite these agreements the Rohingya have been refouled, demonstrating that not only does the UNHCR disregard the policy of non-refoulement, but also that nation states, such as Myanmar and Bangladesh have failed to adhere to this international standard (Ullah 2011: 153).

In both 1991 and 2017, Bangladesh has gone to the UNHCR to ask for help (Frelick 2018; Grundy-Warr and Wong 1997: 86). Bangladesh, knowing the UNHCR's preference to use repatriation to resolve refugee issues, proposes that the Rohingya be repatriated (Harrell-Bond 1989: 41). As a result, the UNHCR pressures Myanmar to repatriate the Rohingya as well. In 2012, the UNHCR also put pressure on Myanmar to allow the Rohingya in Bangladesh to return and for the Rohingya in Myanmar to remain (Smith 2013). The UNHCR believes that returning the Rohingya to Myanmar would restore 'the national order of things' since they think the Rohingya belong there.

It is clear that the UNHCR believes the Rohingya belong in Myanmar due to the way in which they refer to them in the 1993 MOU between them and the government of Myanmar.

Referring to the Rohingya as ‘Myanmar residents’ and ‘Myanmarese’, the UNHCR shows how they believe that the Rohingya belong and should return to Myanmar in order to restore ‘the national order of things’ (GOUM 1993: 2; UNHCR 2005). The UNHCR has also met with Myanmar in 2018 to sign a MOU that will allow the Rohingya to repatriate voluntarily (Frelick 2018). According to previous events, this means that it is likely the Rohingya will be refouled again.

Moreover, during a 2019 meeting between Bangladesh and the UNHCR, neither party mentioned any other type of solution for the current situation other than voluntary repatriation. This suggests that the international community sees repatriation as the only way to address the Rohingya’s situation, and Myanmar must comply. Since 2019, the UNHCR has been giving the Rohingya identification cards, marking the Rohingya’s country of origin as Myanmar. This practice strengthens the idea that the Rohingya belong in Myanmar, and ‘the national order of things’ will be restored when they return. As well as supporting the idea of their repatriation, the distribution of these identification cards puts pressure on the Myanmar government to allow the Rohingya to return. The purpose of all this pressure from the UNHCR on Myanmar is to promote the idea that repatriation of the Rohingya will lead to the restoration of normalcy and Myanmar’s typical role within ‘the national order of things’.

The rhetoric of the UNHCR also contributed to the refoulement of the Rohingya, as they too, just like Bangladesh, referred to the Rohingya as “economic migrants”. Similarly, the UNHCR used this term to justify the refoulement of the Rohingya after the events of 1991. Since the Rohingya were “economic migrants”, they had no reason to flee Myanmar, meaning they could be refouled. This contributed to the normalization of the idea that it was appropriate to refoul the Rohingya (Grundy-Warr and Wong 1997: 86). It is one thing for Bangladesh to

support the refoulement of the Rohingya, but the UNHCR's support truly solidified the international community's belief that repatriation, specifically refoulement, despite being illegal, was an acceptable, and even an optimal, solution for the Rohingya. As an extremely influential player, the UNHCR's advocacy for the Rohingya's repatriation and refoulement contributed to the international community's belief that to restore 'the national order of things' the Rohingya must be returned, voluntarily or not, to Myanmar.

The regional organization, ASEAN has also been trying to promote the restoration of 'the national order of things'. They particularly stress the importance of a quick repatriation, citing economic pressures. This demonstrates how ASEAN is more concerned about their economic role in 'the national order of things' than the protection of the Rohingya. ASEAN member states, who are worried about what economic impacts the refugee crisis might have on their national economy, promote the use of repatriation to ensure that their national interests are met, thus protecting their role in 'the national order of things'.

Two regional nations in particular, Malaysia and Pakistan, have supported the policy of repatriation ever since the aftermath of 1991. They noticed how unstable Bangladesh was and saw that it was necessary for the Rohingya to return to their place in 'the national order of things'. They too fear instability, because they are frequently an alternate destination for Rohingya refugees. Since Malaysia and Pakistan are much more accepting of Muslims than Myanmar, the Rohingya feel welcomed in these countries. These neighboring nations know that if the Rohingya are repatriated or refouled it is less likely that they will try to come to their country. Malaysia and Pakistan think that if the Rohingya flee to their territories, they will become a burden on their economy just as the refugees have been in Bangladesh. Similarly, these countries could lose their position within 'the national order of things', spending money to

support the Rohingya instead of bettering the nation state. So, out of fear of losing their place in ‘the national order of things’ Malaysia and Pakistan have continued to support the plan to repatriate the Rohingya.

The United States has also supported the repatriation of the few Rohingya who made it to Bangladesh in 2012 and the million who made it in 2017 (Alam 2012; Faulkner and Schiffer 2019: 152). Being one of the world leaders, the United States further adds to the international community’s perception that the Rohingya must be in Myanmar for ‘the national order of things’ to be restored. In addition to the United States, the United Kingdom, and Australia pressure Myanmar to allow repatriation, as their policies become more protectionist. These countries, as well as other Western countries, have been experiencing an influx of refugees already, and see more refugees as a further economic burden. They think that if they start accepting Rohingya refugees, then more will flee to their country seeking asylum (Rashid 2019: 10). So, in order to avoid a change in their role within ‘the national order of things’, these countries refuse to let third country resettlement be an option for the Rohingya, advancing the idea that the Rohingya must be repatriated.

While the UNHCR and Western countries have had a sizable amount of influence over the use of repatriation, the UNHCR has also contributed towards the cycle of forced migration. Their use of forced repatriation normalized the practice, setting a precedent for addressing the Rohingya in the future. Their statelessness that led to their forced exodus in the first place remained after their refoulement, as nothing comprehensive was done to alleviate the root of the issue. With the vulnerable and stateless Rohingya in Myanmar, persecution was bound to fester until it turned into genocide again, causing the Rohingya to flee. Refoulement, being the new norm, means that the Rohingya will be forced back to Myanmar. While their remaining status as

stateless proves that refoulement does not fix the issue, the UNHCR's precedent allows the cycle to go on.

Without their rights restored, the Rohingya are left in the liminal space of statelessness, whether they ended up in Myanmar or Bangladesh. As with all refugees, the Rohingya exist in a liminal space as they "are at once no longer classified and not yet classified" (Malkki 1995 A: 7). The Rohingya were once classified as citizens in Myanmar, yet they are no longer classified as such. So, with the Rohingya still existing in a liminal state after their refoulement, the Rohingya are still refugees whether they are in their country of origin or not. Nation states see refugees as a threat to their stability that is dangerous to the host country culturally and otherwise (Hammond 2004: 211; Malkki 1995 A: 7). In this sense, the Rohingya are treated as refugees not only in Bangladesh, but also in Myanmar. They are seen as a threat to Myanmar's majority Buddhist culture, as well as both Bangladesh and Myanmar's national security (Smith 2013; Ullah 2011: 156). Since they are still treated as refugees instead of citizens in either country, it proves that their refoulement was ineffective.

For example, the refoulement of the Rohingya after the events of 1991 was ineffective, as the Rohingya were still stateless and subject to oppression. So, the cycle of forced migration continued after the atrocities of 1991, as anti-Rohingya propaganda was spread by Buddhist monks. Even the president of Myanmar advocated for the resettlement of the Rohingya in 2012 to Bangladesh or a third country, suggesting that the Rohingya did not belong in Myanmar. Despite much evidence showing the contrary, these sentiments were still prevalent in 2012, as the root issue of the Rohingya's problems were never solved in 1991, leaving them in a liminal space where they were still seen as not belonging in Myanmar or anywhere else. Since they were still treated as if they did not belong by the Myanmar government and seen as such by the

Buddhist monks, they were perceived as a threat to the nation culturally and otherwise, just like refugees (Hammond 2004: 211).

While the situation of 2012 is different, because the Rohingya never left Myanmar, the Rohingya were still treated as refugees within their own country. Furthermore, the main issue was left unaddressed, as they were still stateless and vulnerable to abuse. Since the majority of the Rohingya remained in Myanmar, their positioning in a liminal space was slightly different this time. Instead of the refugee camp, there were camps for internally displaced persons in Myanmar. So, a new liminal space was created as they were in Myanmar, but they were not living in their homes. Also, their status as non-citizens persist, even though they were living in Myanmar. Existing in this liminal space, it did not matter that the Rohingya were returned to or remained in Myanmar. What mattered was that the opinions of their government and neighbors had not changed: they were still seen as not belonging in Myanmar, and they were treated as such. In a liminal position of not belonging in Myanmar, or anywhere else, the Rohingya's root issue was still unresolved, showing how forced repatriation or forcing the Rohingya to remain in Myanmar did nothing to change the situation.

The perception of the Rohingya as a threat to Myanmar was demonstrated again in 2017 when the military started conducting 'clearance operations' to get rid of terrorists (Amnesty International 2017: 6). By attacking all Rohingya, they demonstrate that they view all of the Rohingya as terrorists and threats to their national security, not just members of ARSA. These attacks from ARSA truly disrupted the typical 'national order of things; within Myanmar. As a result, the government reacted, trying to restore 'the national order of things' by eliminating what they perceived as threats. Yet, their actions only proved that the previous refolements were ineffective, as they did nothing to address the Rohingya's vulnerable and liminal position of

statelessness. What is more, without restoring the Rohingya's rights and protections as citizens, the cycle of forced migration continued with 700,000 being forced to flee to Bangladesh.

The liminal space the Rohingya have resided in for decades has shifted again. They are now in the Bangladesh camps, but are not citizens of Bangladesh. They are in a temporary position, waiting for their rights to be restored and waiting to be forced to return to their country that does not want them. While they are relatively safe in Bangladesh, they do not belong. They are not citizens and are unable to leave the camp. In addition to their statelessness, they are now stuck in a physical space, experiencing their liminality on a daily basis. They wait to be refouled but know that nothing will change unless they regain their rights. As usual, forced repatriation will prove ineffective if the root issue of statelessness is left unaddressed.

### **Conclusion**

The international community supports the repatriation of the Rohingya, because it will best serve their national interest and restore 'the national order of things'. This pressure has been completely focused on Myanmar. Throughout the years there have been subtle differences in these pressures. In 1991, the aim was simply to repatriate the Rohingya. Then, in 2011, it was to keep or return the Rohingya to Myanmar, whether they were internally or externally displaced. Lastly, in 2017, the pressures have shifted again. Some members of the international community want a quick repatriation, while others are trying to make repatriation more durable by providing identification for the Rohingya.

The idea of restoring 'the national order of things' has been a driving force for repatriation. The majority of the international community believe that the Rohingya being returned to Myanmar would restore stability in the region, in Myanmar, and in the Arakan state.



Thus, these players from the international community demand compliance from Myanmar continually. Similar to the Rohingya, Myanmar is given little to no choice in how to resolve the refugee crisis. Repatriation has proven ineffective time and time again, as these acts of violence and genocide continue to occur while the root issue of statelessness remains. Since the Rohingya lost their citizenship status they have been pushed from Bangladesh to Myanmar, not belonging in one or the other. Until the Rohingya have a place where they truly belong as citizens, they will face more persecution and brutality in the future.

I drew inspiration from three different types of literature, including work explaining why repatriation is used to resolve refugee issues and how it fails to do so, literature examining the repatriation of the Rohingya, and Malkki's theoretical framework. In contrast to the international community, many scholars and organizations believe that repatriation is not the right solution for the Rohingya. They suggest moving away from the traditional and go to options of the UNHCR's three 'durable solutions'. Perhaps it is time to implement one of their more integrative approaches, as repatriation has failed numerous times. On the other hand, maybe all the pressure should not be put on Myanmar, not that they should not be condemned for their crimes against humanity, but on the international community themselves to help assist the Rohingya more directly. Lack of funding of the UNHCR and support in Bangladesh has led to further human rights violations and botched execution of repatriation. Maybe, the UNHCR and Bangladesh should put more pressure on the international community instead to ensure the Rohingya are able to find a real sustainable and 'durable solution'.

### **Epilogue: A Surprising Twist**

The international community's reaction to the 2017 Rohingya genocide has become more and more different from how they reacted in the past. The largest shift is that they seem to be respecting the non-refoulement practice, and Bangladesh has had the most noticeable change in heart. In addition to opening their borders, Bangladesh has aligned itself more closely with the Rohingya people, promising to restore their citizenship rights before they are repatriated to Myanmar (McPherson et al. 2020). Bangladesh has even been pushing the international community to put pressure on Myanmar to create suitable conditions for the return of the Rohingya, not just their immediate repatriation (Frelick 2018). This could be a change in Bangladesh's views: prioritizing human rights over sovereignty. This could mean that Bangladesh has realized repatriation is ineffective and not a truly 'durable solution'. Rather, in order to gain and maintain true 'national order', they now realize that the conditions in Myanmar must change and the rights of the Rohingya must be restored. This is what will actually take the Rohingya out of a liminal space and put them back into 'the national order of things'.

The Rohingya want to return to Myanmar, but they refuse to do so until their rights and citizenship are guaranteed (Rashid 2019: 7-8). The Rohingya still feel a connection to Myanmar and many wish to return, as they possess a strong sense of historical identity which has been passed down generation to generation (Rashid 2019: 7-8). In 2018, Human Rights Watch reported that all of the 31 Rohingya they interviewed wanted to return to Myanmar voluntarily only after certain conditions were in place: restoration of citizenship, recognition of the Rohingya identity, justice for the crimes committed against them, return of property, and assurance of security, peace and respect for rights (Frelick 2018). Another survey carried out in

2019 also reported that 67% of the Rohingya refugees in Bangladesh would be willing to return to Myanmar if these previously mentioned conditions were met (Rashid 2019: 7-8).

Unfortunately, their demands for justice may not be realized, as these crimes can only be reviewed by the International Criminal Court with a unanimous approval of the United Nations Security Council (Barber 2019). China is not only a member of the United Nations Security Council, but also an ally of Myanmar, making it unlikely for them to refer the case of the Rohingya to the International Criminal Court. China has become more involved in Myanmar's affairs than ASEAN, allowing for China to influence regional affairs in all of Asia (McPherson et al. 2020). China and Myanmar most recently collaborated to prepare for the return of the Rohingya, and as of January 2020, claimed that they were ready (McPherson et al. 2020). China has been pressuring Myanmar to have the Rohingya repatriated as quickly as possible in order to restore and expand trade opportunities in the Rakhine state (McPherson et al. 2020). As a result, China could access the Indian Ocean and the Bay of Bengal, a key trading hub (McPherson et al. 2020). China is pressuring Myanmar to restore 'the national order of things' in order to increase both nation states' economic stability at the cost of one million individuals and their rights.

So, while the UNHCR and Bangladesh are pressuring Myanmar to give the Rohingya citizenship rights, China and Myanmar are pushing for a quick and easy solution, as the other two players have done in the past. One Myanmar official even went as far to say that "the lack of development is more important than social cohesion" (McPherson et al. 2020). This prioritizing of economic stability is a clear example of how putting their nation state concerns first directs Myanmar's policies. China would also like to be seen as triumphant where Western powers, including the UN, have failed in the past (McPherson et al. 2020). As China has succeeded more and more economically, they have spread their influence on other Asian countries, including

Myanmar, in the hopes that their national economic stability will turn into regional economic stability.

With China on their side, the international community might not be able to force Myanmar to comply as they usually do. There is certainly a growing tension between the West and the East in terms of human rights, and the case of the Rohingya is a perfect example of that. In conclusion, we will have to see if the international pressures from Bangladesh and the UNHCR outweigh the pressures from China. It is unclear whether the Rohingya will be refouled by Myanmar without any restoration of their rights, or they will regain citizenship and return to Myanmar under safe and voluntary conditions.

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