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In:

Chowdhury, Touhid Ahmed (Hrsg.), Displacement, Emplacement, and Migration : an Interdisciplinary Collection of Essays, Bamberg: University of Bamberg Press, p. 157-171. 2024. DOI: 10.20378/irb-58625

Bookpart - Published Version

DOI of the Article: 10.20378/irb-94497

Date of Publication: 27.03.2024

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Voluntary Repatriation as a Durable Solution: The Case of Rohingya Refugees in Bangladesh

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Introduction

The refugee crisis is one of the global crises that require immediate and durable solutions. Around eighty million people are displaced forcibly from their homes because of war, violence, conflict, and persecution, consequently depriving them of basic human rights. These people include women, children, and elderly persons who are most vulnerable and live a miserable life as refugees (“What is a Refugee”). The countries with the most refugees are Turkey, Colombia, Pakistan, Uganda, Germany, and more recently Bangladesh has been added to the list. The Rohingya influx in Bangladesh in 2017 is one of the largest persecution events in recent years (“Refugee Data Finder”). The refugee crisis is increasing every year and creating pressure on governments, NGOs, humanitarian organisations, and private organisations as resources are limited and ensuring essential human needs and delivering services requires voluntary assistance from several institutions (Shultz et al. 1). The Global Trend Report 2019 of the United Nations High Commissioner for Refugees (UNHCR) states that 5.6 million displaced people returned to their country of origin, whilst 107,800 refugees were resettled in twenty-six countries (“Global Trends: Forced Displacement in 2019” 2). In some cases, refugees are unwilling to go back to their country of origin as they might be subject to further persecution because of their race, religion, and nationality (“What is a Refugee”). Therefore, it is essential to address potential solutions to deal with the refugee crisis and rearrange them to ensure a better life without affecting the host countries. The UNHCR suggests durable solutions for refugees such as repatriation, local integration and resettlement. These solutions contain programmes and strategies for restitution, compensation, and satisfaction; these can diminish the unbearable suffering displaced people have gone through (Souter 173).

The Rohingya people started to flee from their home country Myanmar after World War II (Mallick 203), and after the influx in 2017, a total of 1.3 million Rohingya refugees are now living in Bangladesh. According to the UNHCR, 884,000 Rohingyas are registered, most of whom came to Bangladesh in 2017. The persecution of this Rohingya community was declared ethnic cleansing by the United Nations (Ahmed et al. 305). Despite being overpopulated, the Government of Bangladesh (GoB) responded to the humanitarian crisis and gave shelter to the Rohingya people immediately in Cox's Bazar and in Bhasan Char later on ("Welcome Move"). To find a solution to the refugee crisis, the GoB has initiated a 'Physical Arrangement' through bilateral diplomacy with the government of Myanmar to repatriate refugees ("Physical Arrangement"). This study focuses on the contexts where the repatriation approach can be effective as a durable solution. Therefore, the main purpose of this study lies in identifying the key factors that facilitate voluntary repatriation and examining whether or not the repatriation of Rohingya refugees is the best durable solution and what contexts make the future of repatriation bleak. It argues that the assurance of citizenship with entitlement to rights, restitution of properties, financial assistance, and moreover, the choice of refugees to return are the contexts that facilitate repatriation as a durable solution. However, voluntary repatriation faces barriers such as the fragile socio-economic condition of home countries and the reluctance of second-generation refugees. This study follows a desk review to examine the contexts in which the repatriation strategy may be helpful as a long-term fix for the Rohingya crisis.

Durable Solutions: Repatriation, Local Integration, and Resettlement

The durable solutions for the refugee crisis suggested by the UNHCR are repatriation, local integration, and resettlement. The UNHCR declares that these permanent solutions will be humanitarian, social, and non-political (Souter 172). Though the initiatives taken by the UNHCR so far for refugee settlement are not free from political influence, instead, these are undertaken to stimulate other political and economic targets that have incongruence with humanitarian purposes (Souter 172). However, these three approaches are complex in nature and urge the involvement of countries of origin, host states, development actors, and refugees themselves.

There are distinctions between these approaches; the application of approaches differs depending on the context, reasons of persecution, geographic locations and political and economic factors (Long, “Rethinking Durable” 2-4). Therefore, the success of one approach for a particular case does not guarantee that the same approach will be effective for other cases.

Repatriation is taken into account when the refugees want to go back to their country of origin, ensuring proper safety and dignity. The government’s commitment to assist in reintegrating the people into their own country is also vital in repatriation (“Voluntary Repatriation”). Local integration is determined by the host countries’ socio-economic conditions and the number of refugees who appeal for integration. Preference is often given to people born in the host country, who are stateless, have a narrow chance to be repatriated, and those with strong bonds with the host country. Initially, the host country gives permission to stay and later on, individuals are given access to rights and privileges (“The 10-Point Plan in Action” 194). Another durable solution is resettlement which is considered when voluntary repatriation and local integration are not possible. In the process of resettlement, refugees are considered by a third country in a situation where the country of origin and the country of asylum cannot provide protection to them (“The 10-Point Plan in Action” 197).

Voluntary Repatriation

Repatriation has been seen as a durable solution by policymakers since the 1980s (Kibreab 26). Repatriation of refugees has three contexts that have to be considered. Firstly, the voluntary decision to return under safety concerns. Secondly, the consequences of returning to the country of origin. The consequences of return are related to preparing for the return, physical relocation, and instantaneous experience after a return. The third context is reintegration, where refugees have to find ways to manage their livelihood after returning. In this context, refugees need to explore new ways other than their previous earning methods while uprooted. One thing that requires consideration here is that refugees might not go back to the exact place and environment from where they were displaced

(Hammond 1). Voluntary repatriation is when the refugees want to go back to their country of origin, with an assurance of proper safety and dignity (“Voluntary Repatriation”). There have to be physical, legal and material safety provisions for the returnees. As people displaced once show courage to go back to their home country, international development and humanitarian organisations must provide compensation, aid, and guidance for the settlement of the people in a sustainable way. The engagement of all stakeholders will ensure an adequate framework consisting of accurate information, documentation and monetary incentives. Moreover, effective repatriation is contingent on legislative assurances for amnesty, property recovery, and reintegration programmes (“Voluntary Repatriation”; Long 7). In UNHCR-assisted repatriation, a tripartite agreement is prepared between the UNHCR, the host country and the country of origin regarding the repatriation. The UNHCR arranges an ‘Information Campaign’ to notify future returnees about the environment, available services, and challenges they will face after their return. To create awareness and build confidence among refugees, the representatives from the refugee communities can visit their home country before their return, which is arranged by the UNHCR (Hammond 5).

Contexts of Voluntary Repatriation

Citizenship

The most significant reason why repatriation or voluntary repatriation is seen as a permanent solution for refugees or displaced people is the restoration of citizenship, as citizenship is pivotal to having legitimacy and entitlement to fundamental rights and security. In the case of voluntary repatriation, refugees are returning to the country from where they fled; in most cases, it is apparent that they had citizenship before the displacement or persecution. Citizenship of refugees will allow them to re-establish their place with properties or monetary benefits that will help them begin a new life. Kibreab states that citizenship creates a suitable context for refugees’ returns and social, political, and civil rights (37). Citizenship is a prominent factor in the repatriation process as it acts as a safeguard for returnees’ entitlement to fulfilment of basic needs and protection (Rashid, “Finding a Durable Solution” 177). However, it largely depends on

the political will of the concerned governments. The governments have to ensure that citizenship will entitle the returnees to security provisions, access to essential services and decision-making power. Effective citizenship is also seen as a reparation where the government is responsible for any harm and displacement of the refugees (Souter 174-175). In the question of Rohingya refugees' citizenship, the surprising fact is that, in 1982, the Rohingya community was discarded from the official list of 135 ethnic groups by the Burma Citizenship Law, effectively rendering them stateless (Rashid, "Finding a Durable Solution" 180). Despite citizenship, they were given a white card with a temporary resident status which was withdrawn in 2015, which resulted in removing their voting power (Kipgen 63). Consequently, the Rohingya Muslim community was deprived of essential services and documents, adequate education and health facilities, and job opportunities. These numerous injustices eventually culminated in the long-term displacement of Rohingya Muslims across several decades (Mallick 203; Rashid, "Finding a Durable Solution" 174). Kipgen states that, for successful repatriation, the Rohingya community's citizenship issue must be sorted out (62). Despite several meetings with international agencies pursued by the government of Bangladesh, the government of Myanmar has not changed its stance on Rohingya being denied citizenship and exiled from Myanmar, implying a standstill for Rohingya repatriation (Rashid, "Finding a Durable Solution" 175). Therefore, it is uncertain that after repatriation, the Rohingya people will get their citizenship. The background of the persecution shows that the Rohingya refugees did not have citizenship when they fled to Bangladesh (Rashid, "Finding a Durable Solution" 177). As a result, in this case, voluntary repatriation will not be the best possible solution for the Rohingya refugees. As the government of Myanmar rescinded their citizenship, it will be difficult to ensure that the refugees will have citizenship after returning.

Restitution

Voluntary repatriation can be an effective solution through restitution. Warner states that voluntary repatriation is related to an individual's going back to his or her home and own community. The right to the restitution of people's own homes and land is essential for voluntary repatriation (Warner 162). The claim for restitution is applicable where there is

evidence that people were displaced through genocide and ethnic cleansing, and it caused severe harm to them (Souter 175). For instance, after the genocide of Bosnia and Herzegovina, through 'Dayton's Right to Return and Restitution', refugees received the right to claim their properties, and a significant number of refugees got back their properties (Buyse 25). Therefore, restitution can be an effective solution for forcefully displaced individuals.

Banerjee states that, in Myanmar, the widespread abuse of human rights was depicted by the UN General Assembly back in 1991; the International Labour Organization also noticed that the Myanmar authority committed offensive practices such as forced labour, unlawful detention, rape, and torture towards minor communities during the late nineties (4). Consequently, in August 2017, more than seven hundred thousand Rohingya people fled to Bangladesh after a brutal crackdown by the security forces of Myanmar (Mallick 203; Rashid, "Finding a Durable Solution" 174). These incidents raise the question of the possibility of restitution. The chances of repatriation through restitution got some light after the statement of the United States Secretary of State Antony Blinken. He states that the Myanmar military perpetrated genocide and atrocities against humanity ("Myanmar Committed Genocide"). However, some cases of displacement are irreversible. Furthermore, if refugees are returning home after decades, there is a chance that new people have already settled there with legitimate ownership rights. So, while restitution is going on, it is crucial to ensure that no further unfairness is generated through restitution by displacing secondary residents (Souter 175).

Refugees' Choice of Residence

Another prominent factor of voluntary repatriation is recognising refugees' choice of residence either in their home country or another country. This process entails that refugees will have effective citizenship from their country of origin after their return. Thereafter, they will be capable of living in a different country of their choice as migrants. The choice of residence creates an opportunity for the revival of the state-citizen relationship that does not imply a physical return. In this kind of case, refugees obtain valid citizenship in their country of origin but do not claim rights

with such citizenship (Long, “State Building” 369; Souter 176). For instance, the Economic Community of West African States (ECOWAS) citizenship gave Liberian and Sierra Leonean refugees the chance to stay in the host countries as migrants. Their home countries gave them passports, and they settled in Nigeria by their own choice; this is a combination of two durable solutions – repatriation and local integration (Long, “Rethinking Durable” 10).

As refugees’ consent in voluntary repatriation is essential, in the case of Rohingya refugees’ repatriation, the attempt to prepare refugees for voluntary return failed several times. In August 2019, the officials of Bangladesh were ready to send back listed refugees to Myanmar, but eventually, no one appeared at the border. The refugees did not trust that the government of Myanmar would take the initiative to fulfil the five demands of the refugees (Rahman, “Rohingya Repatriation”). The demands include citizenship and inclusion in the ethnic group, restitution of properties, and military accountability for the persecution (Siddiqui). Moreover, at the meeting of the Joint Working Group for repatriation in June 2022, only 42,000 of the 0.84 million Rohingya names Myanmar received from Bangladesh were confirmed (“Bangladesh for Expediting”). The Myanmar government did not acknowledge the remaining 0.8 million refugees, making their repatriation a far-off fantasy.

The Second Generation and Their Consent

Voluntary repatriation is seen as a durable solution by policymakers; however, some aspects might make it unrealistic (Long, “Rethinking Durable” 3). One crucial factor is that refugees born in a host country do not have significant attachment towards their country of origin. Therefore, they rarely consent to returning home (Hammond 4). In this context, the Liberian refugees showed reluctance to go back home despite the UNHCR’s discontinuation of support on the border of Guinea (Hammond 4). There is a close similarity among second-generation Liberians in Ghana too, who are generally ambivalent about the return to their parent’s home country (Hammond 4).

According to Save the Children, until August 2020, approximately one hundred eight thousand thirty-seven Rohingya babies were born in camps at Cox's Bazar who are unknown to their home country and think that these camps are their home (Save the Children). Likewise, Liberians, if the chance to return arises decades from now, this second generation of Rohingya refugees, could not agree to do so deliberately.

Social and Economic Uncertainty

Another issue identified by Hammond is the social and economic uncertainty of the home country. Countries that have gone through a long war and destruction are fragile. The reconstruction of the economy and stabilisation of the socio-political environment might take years; while the violence and suppression may have ended, poverty is another factor that can restrict the return of refugees. Additionally, the vulnerability of the states is an impediment to the political inclusion of refugees through repatriation; the adaptability to the fragile economy, socio-political instability, and poverty is challenging for the refugees too. Therefore, repatriation becomes a development challenge (Long, "Rethinking Durable" 7). It is difficult to fully anticipate the threats for returnees and the outcome of the political decisions related to their citizenship and rights. There are risks that the government of the country of origin might not live up to their commitment to ensuring the citizenship and rights of the returnees (Hammond 3).

In Myanmar, a military coup happened in 2021, and the situation inside the country worsened. Though the Junta claimed to continue the repatriation process, no significant progress has been made (Hassan). The Rohingyas are supposed to be repatriated to the Rakhine state from where they were forcibly displaced, which is now under the Arakan Army, claimed to be a strong force with influence over the state. There is a high chance that the Rohingya refugees will show reluctance to return to Myanmar in the presence of the Arakan Army (Rahman, "Opportunity for Rohingya").

Willingness of State and International Organisations

The willingness of a home country to repatriate the refugees and displaced people is an essential factor for redressing the refugee crisis. For a state that is struggling to meet the requirements of existing citizens, handling the necessities of returnees is a great challenge (Souter 180). Muggeridge and Dona explain that refugees compare their facilities in host countries with home countries, such as education, healthcare, and financial incentives – and eventually do not agree to compromise the facilities that they have in host countries (418). The UNHCR states that, in states ravaged by war or social unrest, sustainable voluntary repatriation is a difficult, incremental long-term process that needs substantial capacity-building by the international community (“The State of the World’s Refugees 2012” 68).

For successful repatriation the involvement of international organisations and neighbouring countries is pivotal. The role of UN agencies and neighbouring country India seems inactive in the case of the voluntary repatriation of Rohingya refugees (Mallick 216). However, the reintegration programmes, such as cash benefits, are primarily dependent on foreign aid and donors’ support. There are different complexities to overcome in these programmes (Hammond 7). Though China has come forward to provide assistance, the programmes are not finalised yet (“China to Support”). Encashment facilities and aid from developed countries and humanitarian organisations can encourage voluntary repatriation. For instance, the encashment programmes of Afghan refugees’ voluntary repatriation from Pakistan are a story of success. More than 8,000 refugees returned to their home country in 2019 and availed themselves of the multi-purpose cash grant worth USD 200 (“Afghanistan Voluntary Repatriation Update” 1). Similar encashment programmes might have the potential to encourage the Rohingya refugees’ voluntary repatriation in the future.

Alternative Solutions: Local Integration and Resettlement

There is no simple answer for whether or not repatriation is a durable solution for Rohingya refugees. The evidence shows that the Myanmar government is not assuring the citizenship with entitlement to essential services to the Rohingya Muslims; the refugees are not willing to return

as there is confusion about safety, security and liberty. However, the alternatives to repatriation could be local integration or resettlement. The Bangladeshi government is not capable of local integration of refugees, as the country is already overpopulated with a 21.8 per cent poverty rate and scarce job opportunities (Rashid, "Finding a Durable Solution" 181). The refugees are getting involved in crimes, such as smuggling, drug business, and trafficking (Rashid, "Many Rohingyas"). Therefore, Bangladesh refuses to offer local integration for national security and socio-economic stability purposes (Rashid, "Finding a Durable Solution" 181). Nonetheless, there is a threat of the involvement of refugees in terrorist activities out of agitation against the Myanmar government (Mallick 209).

The resettlement of Rohingya refugees in a third country could be a potential solution as developed countries, such as Canada, Germany, and the United Kingdom have taken initiatives for the resettlement of Syrian refugees (Zaman). Rashid asserts that the Rohingya Muslim community can be considered a perceived threat to the host countries' social and political order. Rashid argues that the lower literacy rate and inadequate skills will not add value to the host countries' labour market and economy. Moreover, the resettlement might instigate further persecution of other minority communities in Myanmar, and the government can slow down the repatriation process (Rashid, "Finding a Durable Solution" 183).

The international community, such as the UN, the EU, and the OIC, must collaborate in order to reach a holistic and long-term solution to the Rohingya repatriation. Bangladesh is making attempts to resolve the problem through bilateral, trilateral, and multilateral diplomatic efforts. (Habib). In a roundtable discussion held in September 2022, Imtiaz asserts that 'Creative Diplomacy' can play a significant role in ensuring the repatriation of Rohingyas. For instance, the government of Bangladesh can approach Singapore to propose conditions for investment in Myanmar to speed up the repatriation process. Chowdhury suggests in the roundtable the creation of special economic zones for India and China on the Bangladesh-Myanmar border to restrict further border tensions ("Creative Diplomacy"). Apart from robust diplomatic efforts for voluntary repatriation of the Rohingya, Bangladesh, along with its stakeholders, may assess other viable strategic alternatives. Building strategic

communication with the key competing players of the military junta –National Unity Government (NUG), Arakan Army (AA), and Arakan Rohingya National Organization (ARNA) including a strong commitment to providing citizenship with legal arrangements to Rohingya, if they took over power, may find an alternative path for sustainable solution (Hossain, “Rohingya Crisis”). Moreover, supporting Myanmar’s people in the restoration of democratic government might be another alternative way to find a solution. Hossain suggests evaluating a number of considerations for speedy repatriation, such as, a security guarantee after repatriation, not relying only on China, increased communication with other international players for mounting pressure on the military junta, assertive diplomatic measures for ensuring accountability to the perpetrators, and sealing Bangladeshi border for avoiding further influx in future (Hossain, “What Bangladesh”).

Conclusion

The influx of Rohingya people in Bangladesh back in 2017 is one of the largest events of displacement in recent years that needs a durable solution. However, the refugees are now residing in Rohingya camps in Bangladesh, and their settlement is an important issue that needs immediate action. The number of displaced people increases and the distribution of displaced people by countries is not equal. The refugee camps and asylum centres cannot ensure the fundamental rights of people. To provide the refugees with a better future and mitigate the pressure on host countries, voluntary repatriation is prescribed as the best solution rather than local integration and resettlement. However, the notion of voluntary repatriation as the best solution depends on the context of the refugee cases. The home countries’ attitude to ensuring citizenship and entitlement to rights and access to services is essential. The safety and dignity of the returnees have to be confirmed by the country of origin, host country and international organisations related to the repatriation process. Along with this, encashment opportunities by donor countries and international organisations create a potential for effective voluntary repatriation. However, refugees might be reluctant to return as they achieve new skills in host countries, and the new generation is attached to the communities in the host countries. Besides, countries impacted by wars are afflicted by social,

economic, and political instability. In some cases, the restitution of properties might not be possible, which stimulates fear of insecurity and disappointment among the refugees. The voluntary repatriation of Rohingya refugees is facing challenges as the Myanmar government has not guaranteed citizenship, or access to education, job and health services for returnees. Moreover, the refugees are afraid that they might face further oppression by the Myanmar government. Furthermore, the recent military coup in Myanmar has made the future of repatriation uncertain and stagnant. Local integration is not possible due to the host country's unwillingness and economic inadequacy. Nevertheless, resettlement might be possible for a small number of refugees; however, it is impossible to accommodate more than seven hundred thousand Rohingya refugees in developed countries. Therefore, UN agencies and international organisations have to play a proactive role to accelerate the voluntary repatriation process and convince the Myanmar government to ensure the return of refugees with safety, dignity, and security.

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