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Unwelcomed? The Effects of Statelessness on Involuntary Refugee Repatriation in Bangladesh and Myanmar

Christopher Faulkner  and Samuel Schiffer

Department of Political Science, University of Central Florida, Orlando, FL, USA

ABSTRACT

Refugees are among the most vulnerable populations, often denied rights of residency, treated as hostile intruders, even forced into unsafe camps. This has been particularly true of the Rohingya, a Muslim ethnic minority group which has fled Myanmar by the hundreds of thousands since 2012. Having found little refuge in Bangladesh, the group faces growing fears of involuntary repatriation. This is not the first time that the group has faced forced repatriation. What explains the shortcomings of past repatriations and why does the cycle persist? This paper contends that statelessness is a contributing factor in the continual failure of repatriation processes. An examination of the 1992–1997 repatriation of Rohingya refugees reveals that the condition of statelessness can undermine safeguards often granted to refugees, decrease incentives for refugees to return, and impair opportunities for long-term solutions, while exacerbating state and human security issues. An illustrative case of successful refugee repatriation in Angola suggests that the absence of statelessness can improve prospects for successful repatriation.

KEYWORDS

Refugees; repatriation; statelessness; Rohingya; Myanmar; Bangladesh

Introduction

The politics of refugee repatriation are often complicated and can aggravate already volatile security concerns. Since 2005 the number of refugees worldwide has over doubled and this augmentation has posed daunting challenges for the United Nations High Commissioner for Refugees (UNHCR) and the international community at large. In 2017, of the more than 68 million forcibly displaced persons, nearly 26 million were categorised as refugees (UNHCR, 2018a); and while the UNHCR has improved in its ability to confront challenges associated with returning refugees, the toolkit for successful repatriation is far from perfect.

Repatriation is increasingly complex when considering stateless refugees. Although often used interchangeably, refugees and stateless persons are two distinct classifications each with their own UN convention outlining their respective rights and protections. The year 1951 saw the adoption of the Convention and Protocol Relating to the Status of Refugees while 1954 ushered in the Convention Relating to the Status of Stateless Persons (UNHCR, 1951, 1954). Generally, their protections read similarly, but while refugees lack

CONTACT  faulknerc@knights.ucf.edu

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protection from their country of origin, stateless persons lack the very essence of citizenship – ‘the right to have rights’ and the basic recognition and rights afforded to a state’s citizens (Bradley, 2014, p. 111; Kesby, 2012). Unsurprisingly, stateless persons are often designated as one of the world’s most vulnerable populations and attempts at repatriating stateless refugees are often met with barriers from multiple states.

Estimates in 2017 identified approximately 10 million people as stateless (UNHCR, 2017) with upwards of 1.5 million considered stateless refugees; that is, stateless persons who fled their self-identified country of origin in search of asylum (Milton et al., 2017).¹ To put these numbers in context, nearly two-thirds of the 1.5 million were stateless refugees from Myanmar residing in Bangladesh, virtually all self-identifying as Rohingya (UNHCR, 2017, p. 69).² Given the number of stateless refugees in Bangladesh and growing concerns over the country’s ability to accommodate such a large population, questions have continued to arise about their repatriation.³ Unsurprisingly, this has been a complicated endeavour given that the Rohingya, although having lived in Myanmar for generations, are not deemed citizens and lack many rights, opportunities and protections, including restrictions on movement within the country, the inability for more than four people to gather together in one place, and segregation policies which have limited their access to a variety of services including government education (Amnesty International, 2017). Further, their historical persecution within Myanmar and concerns about their treatment should they return to the Rakhine State are ambiguous at best.

The purpose of this paper is twofold. It first aims to define and clarify ambiguities surrounding stateless refugees. Second, our analysis explores how statelessness can motivate refugees to stay or go during a repatriation process and how the condition of statelessness hinders a sustainable refugee repatriation processes. From here, the paper proceeds as follows. First, we briefly examine the literature on factors contributing to the success or failure of repatriation efforts. In particular, we examine the principle of ‘statelessness’, offering a discussion of international legal ramifications resulting from the designation. We introduce our central argument, which identifies a population’s designation as stateless as a key inhibitor to the success of repatriation. We probe our argument qualitatively using an in-depth examination of the repatriation of the Rohingya in the 1990s, highlighting how these efforts parallel the ongoing crisis. We then assess the illustrative case of a (largely) successful repatriation of the past – the Angolan refugee repatriation of 2002–2005. Though markedly different, the Angolan case underscores the importance of refugees’ status before and during repatriation. We conclude with a brief discussion of implications for future repatriation efforts and broader regional security issues in Southeast Asia.

Literature Review

To date, scholars have given considerable attention to refugee repatriations, often arriving at varying conclusions as to why some succeed and others fail (Emizet, 2000; Kibreab, 2003; Chimni, 2004; George et al., 2016; Gerver, 2018). This divergence is perhaps unsurprising given the challenges that are often unique within cases of refugee repatriation. For instance, repatriation of refugees to a state still controlled by the very government responsible for the original crisis (Guatemala late 1980s) may look quite different from repatriation occurring after a major political change (post-Saddam Iraq)

(Stein and Cuny, 1994). In cases of the former, refugees may have little desire to return, particularly if they have found a favourable environment in their country of asylum (Kibreab, 2003). Others suggest that the success or failure of a repatriation may be dependent upon the reception of local residents or ‘stayees’, who may view returners as a burden (Kibreab, 2002, p. 77). Here, refugees’ arrival can increase competition for scarce resources, which may be exacerbated in poor countries (Hammond, 1999, p. 228). In addition, the lack of third-party involvement, or the over-involvement of international organisations as seen in the case of the return of Sri Lankan refugees from India in the early 1990s, have also been notable contributors to repatriation failures (Kendle, 1998).

An additional explanation for repatriation failure is the lack of state accountability. While the *UN Handbook on Voluntary Repatriation* outlines responsibilities of both host and country of origin, responsibilities of the host country are essential. For refugees, a government’s failure to adhere to ‘the fundamental principle of non-refoulement not to return refugees in any manner whatsoever ... where their life or freedom would be threatened’ can negatively affect a population (UNHCR, 1996).⁴ In these cases, the involuntary nature of repatriation has been identified as the equivalent to ‘acquiescing to ethnic cleansing’ (Bradley, 2014, p. 122).

Still, while countries of asylum are critical to repatriation efforts, the country of origin also bears responsibility. According to the UN handbook, ‘where refugees have lost their nationality, the country of origin should arrange for its restoration’ (UNHCR, 1996). In addition, the handbook mandates that the country of origin ensure that the group gain full national protection, end any discrimination, provide repatriating refugees with documentation, and seek lasting solutions to the refugee problems (UNHCR, 1996). Thus, a repatriation’s success can largely be dependent upon the behaviour of both host and country of origin.

Until recently, however, scant attention has been given to the repatriation of *stateless* refugees. Most scholarship has focused exclusively on those populations which fit the traditional definition of a refugee – a person fleeing a country because of armed conflict, violence or persecution in search of sanctuary – but has failed to examine cases where refugees were not citizens of the state(s) they fled.⁵ This oversight is problematic as Adelman and Barkan (2011) noted that the right to return to one’s country hinged on a person’s designation as a citizen of that country. For refugees who can ‘lay claim to a place in a state’s political community’, stateless persons ‘must carve out a fresh space ... as a recognized member of a state’s political community’ (Bradley, 2013, p. 10). Consequently, stateless refugees are often left with little recourse once they have fled.

For the repatriation process, stateless refugees are left with a quandary: remain in a country of asylum and hope for protection/integration or return, often with little guarantee of any meaningful change to the status quo. Evidence has shown that refugees can, at times, lose all agency in the decision-making process. In Tanzania, for instance, over 100 Burundian refugees accused of armed activity were captured by the Tanzanian Army and forcibly repatriated in 1997 only to be shot upon return (Toft, 2007, p. 140). Whether voluntary or coerced, the repatriation of stateless refugees is an immensely challenging process at best and, at worst, an improbable task if undertaken without addressing the foundational issue of statelessness. We contend that the very

essence of being stateless can help explain why repatriation efforts fail to bring lasting solutions – increasing the chances of a ‘refugee cycle’.

While many refugees might prefer repatriation, for stateless refugees repatriation may be undesirable, particularly if their country of origin fails to meet its obligations (UNHCR, 2017, p. 28). For the Rohingya, this has been increasingly problematic. Further, refugee refoulement remains unique in the Rohingya case as their presence in Bangladesh represents a protracted refugee situation – where at least 25,000 refugees have been in exile for five years or more following their initial displacement (UNHCR, 2004). A similar situation arose in Bhutan when a restrictive citizenship law in 1985 saw the Lhotshampas, ethnic Nepalese residing in Bhutan as early as the nineteenth century, stripped of their citizenship. This was followed by the group’s exile to Nepal where they lived as refugees for roughly two decades before the US, Norway, Denmark, Canada, Australia, and New Zealand agreed to participate as part of a third country resettlement option (Dhungana, 2010). Most examples of refoulement occur when host countries immediately deport asylum seekers or refuse to allow them into their country. For the Rohingya, decades of repression and violence have created a refugee cycle and, unlike the Lhotshampas, there has been no solution.

As the above discussion suggests, refugees’ designation can play an important part in their treatment both during repatriation and after. The lack of citizenship rights can severely degrade important international protections for stateless refugees and their repatriation can aggravate volatile security issues for all parties. This leads us to our central hypothesis: *the Rohingya’s status as stateless is a central contributor to the continual failures of repatriation.*

Design

Rather than hypothesis testing, our analysis consists of plausibility probes used to assess the *plausibility* of the theoretical argument. In other words, our analysis aims to shed light on and refine our theoretical expectations (Levy, 2008). To do so, we adopted a qualitative strategy using historical materials and process tracing to explore the repatriation of the Rohingya in the early 1990s. We then use an illustrative example of successful repatriation in Angola to probe further the theoretical argument. Within each case vignette we address alternative explanations identified in the literature as relevant to the success/failure of repatriations, most notably, third-party involvement, host/origin accountability, and refugees’ agency in the process (i.e. voluntary or not).

Our main dependent variable, the success/failure of repatriation, considers the sustainability of repatriation (i.e. longevity) and the degree of violence against repatriated groups. Our main independent variable is captured by examining refugee status as either stateless or not. Statelessness is generally defined as a condition in which a person ‘is not considered as a national by any state under the operation of its law’ (UNCHR, 2018b). Thus, stateless persons often lack the same civil, political, social, and economic rights as citizens, making them particularly vulnerable to abuse within their country of residence (Weissbrodt and Collins, 2006). The consequences of being stateless reach far beyond the borders of one’s home as a person’s vulnerability is intensified when he/she must flee in search of refuge. While protections exist for stateless persons, including the UN’s 10-year action plan to end statelessness (launched

in 2014), the reality is that statelessness severely degrades basic human rights and can inhibit long-term solutions for human and state security (UNHCR, 2014).

The Consequences of Statelessness: The Case of the Rohingya

The Rohingya are a religious, ethnic, and linguistic minority group formerly residing in the Rakhine province on the western coast of Myanmar (Rahman, 2010, p. 234). Over 900,000 have sought refuge in Bangladesh, most living in overcrowded refugee camps in Cox's Bazar on the eastern border of Bangladesh (UNHCR, 2017). While a significant number of Rohingya have resided in Bangladesh since the first Burmese military operation against the group in the late 1970s, over 650,000 fled Myanmar between August and December 2017 following renewed crackdowns by Myanmar's security forces (Lewis et al., 2018). This most recent and arguably most severe wave of violence was triggered by an attack against Myanmar forces by the Arakan Rohingya Salvation Army, an extremist militant group claiming to represent the interests of Rohingya in the northern Rakhine State (Htusan, 2017). Myanmar's military campaign in response to this attack included the systematic forced movement, rape, and killing of hundreds of thousands of Rohingya (Amnesty International, 2018). The campaign has been labelled a 'textbook case' of ethnic cleansing, highlighted by mass graves containing the bodies of Rohingya villagers (Cumming-Bruce, 2017; Klug, 2018).

According to Myanmar's government, the Rohingya are not indigenous. The group was officially stripped of their recognition as an ethnic national group when Ne Win's regime came to power, placing Myanmar (then Burma) under military rule (Nemoto, 1991). After enacting the 1974 Emergency Immigration Act, the Rohingya were considered illegal immigrants (Nemoto, 1991). Their status as stateless was made official by the 1982 Burmese Citizenship Law that distinguished three categories of citizenship, excluding the Rohingya from each (Razzaq and Haque, 1995).

Systematic violence against the Rohingya can, however, be traced back to 1978's 'Operation: Dragon King', a campaign to register citizens in which government forces evicted the group on the grounds they violated the state's nationality laws (Parnini, 2013). Though the history of the Rohingya has been politically contentious in Myanmar, there is consensus among historians and anthropologists that the Rohingya are descended from Arab Muslim traders who came to the Arakan Kingdom as early as the eighth century (Chowdhury, 1995).⁶ While the group has historically faced discrimination, the 1978 operation saw a shift towards more violent tactics of repression and a deterioration in Rohingya–Myanmar relations.

The 1991–1992 Exodus

In 1991, renewed operations against Rohingyas saw a mass exodus of some 250,000 to Bangladesh (Human Rights Watch, 2000). Systematic human rights abuses (forced labour, rape, and confiscation of land) forced the Rohingya to neighbouring Bangladesh (Abrar, 1995). Though repatriated after the events of 1978, the largest repatriation of Rohingya occurred between 1992 and 1997 when over 200,000 Rohingya were repatriated – many involuntarily – with the approval of both governments and, later, the UN. This repatriation represented a clear refugee refolement.

The involuntary nature of repatriation and the Rohingya's status as stateless all but ensured its failure.

Alternative reasons for the repatriation's failure can be found in both the logistical difficulties for Bangladesh – accommodating 200,000 refugees – and the bilateral issues between Bangladesh and Myanmar. Following the partition of India, both East Pakistan and Bangladesh faced difficulties in accommodating large populations of refugees. For Bangladesh, limited resources and high population density were contributing factors to stunted socio-economic development, only complicated by refugees. Thus, while the Bangladeshi government arguably sympathised with the Rohingya, it was largely in the state's interest to keep the presence of refugees limited and temporary (Grundy-Warr and Wong, 1997).

Tensions between Bangladesh and Myanmar also necessitated a speedy and comprehensive repatriation. With Burmese security forces in pursuit of fleeing Rohingya, skirmishes were reported between Burmese soldiers and Bangladeshi border posts (Kamaluddin et al., 1992). With 50,000 Burmese soldiers mobilised on the border, the Bangladeshi government concluded that the situation 'clearly constituted a threat to peace and security' (Kamaluddin et al., 1992, p. 26). Further, recognising that it could not afford to continue to assist the vast number of refugees, Bangladesh agreed to repatriation. Although these points suggest that host states' inability to accommodate can contribute to failed repatriation efforts, the Rohingya's condition of statelessness still assists in explaining why the cycle persists.

By April 1992, with an estimated 250,000 Rohingya in Bangladesh, Myanmar and Bangladesh reached a bilateral agreement, signing a memorandum of understanding (MOU) which established the guidelines for repatriation. The terms included a requirement that returnees have identification documents proving their residence in Myanmar, this despite the fact that many Rohingya had any documentation confiscated prior to entering Bangladesh (Abrar, 1995, p. 11). Further, although playing a role in the latter stages of the repatriation, the UNHCR was never given any specific part on the ground early in the process. In October 1992 an agreement was reached with Bangladesh to allow UN verification of the repatriation process (Abrar, 1995, p. 12). UN monitoring began in early October 1992, but the UNHCR withdrew its support by December 1992, citing the coercive nature of the repatriation. Roughly 5000 Rohingya had been involuntarily repatriated at this point and it would not be until May 1993 that the UNCHR would sign another agreement with Bangladesh, this time allowing the agency free access to transit camps, the ability to interview Rohingya refugees, and the commitment from the Bangladeshi government that it would refrain from coercive tactics aimed to oust refugees (Abrar, 1995; Human Rights Watch, 2000). While their status as stateless alone did not motivate a lack of UN involvement, it illustrates how statelessness can convolute refugee protections.

Six months would pass before the UNHCR would reach a similar agreement with Myanmar by which point approximately 50,000 Rohingya had been involuntarily repatriated (Human Rights Watch, 1996). Threats, beatings, and denial of ration cards were all tactics employed to coerce the Rohingya to comply with repatriation (Human Rights Watch, 1996, p. 18). A 1995 Médecins Sans Frontières survey found that 63% of the Rohingya did not want to return to Myanmar and 65% were unaware of the right to refuse repatriation (Médecins Sans Frontières, 2002). Even with UN

involvement, forced movement continued as approximately 200,000 Rohingya were returned to the Rakhine State by the end of 1996 (Yegar, 2002).

Heeding Lessons from Past Failures

While myriad factors contributed to the 1990's failed repatriation, the Rohingya's statelessness was detrimental to any short- or long-term solution. Viewed as illegal occupants, any effort at repatriation was unlikely to be voluntary or lasting and can even be considered in direct violation of international protections of refugees. Article 33 (1) of the 1951 Convention on Refugees asserts the responsibilities of states regarding the principle of non-refoulement, that:

No contracting state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. (UNHCR, 1951).

Persecution of the Rohingya in the Rakhine State prior to and during the repatriation clearly depicts a situation of both fear for life and freedom – a situation which should have undoubtedly entitled Rohingya's protection against refoulement. While the group's status as stateless is not the sole reason for refoulement, the very essence of statelessness contributed to the lack of protection while in exile, increased the probability of an involuntary repatriation process, and all but guaranteed continued abuse upon return. In short, the Rohingya's status as stateless was a primary mechanism for ill-treatment before, during, and post-exile.

In addition, the lack of citizenship in Myanmar is a primary reason the Rohingya were targeted in the clearance operations of 1991. As suggested, the successful and lasting repatriation of Rohingya has been nearly impossible due to their continued status as illegal immigrants. This argument is more probable when one considers that then president of the Rohingya Solidarity Organisation, Dr Mohammad Yunus, speaking about repatriation in the 1990s, demanded specific assurances from the Burmese government including citizenship for the Rohingya before the population would commit to voluntary repatriation. In 1992, Yunus explained that 'In 1974 and in 1978 our people [the Rohingya] went back under a similar situation with United Nations help, but our fate did not change, and I am pessimistic about the chances of success for the world body' (Qadir, 1992).

Further, the fact the Myanmar agreed to the repatriation terms with Bangladesh, and later with the UNHCR, is noteworthy. Pressure from regional players (Malaysia and Pakistan), international pressure from the US and UN, and diplomatic attempts to improve relations with Bangladesh to avoid a looming border war each contributed to Myanmar's willingness to move forward with repatriation. However, it became increasingly clear that Myanmar would take a hard line against the Rohingya, going as far as to deny the scale of the problem, as evidenced by the Ministry of Foreign Affairs press release in late February 1992: 'no matter how much the unscrupulous elements in the country and abroad try to deceive, fabricate and magnify the [Rohingya refugee] problem which actually has its roots in the immigration procedures, their endeavours will surely come to nought' (BBC, 1992). Thus, while the government agreed to allow

some percentage of Rohingya to return (those with documentation), their status as stateless would remain, as would the lack of a durable solution.

As noted, the repatriation of the Rohingya beginning in September 1992, though initially welcomed by the UN, was a blatant violation of the non-refoulement principle. Myanmar's government made no attempt to rectify the Rohingya's status in the Rakhine State, nor did they offer any assurances that Rohingya would not face continued persecution as illegal immigrants. Under international law, refugees are by definition 'unrepatriable' (Zieck, 1997, p. 116). Put differently, because they still face the threat of persecution and death in their home country, including by being designated as stateless, any repatriation effort should be considered refoulement as it places the repatriated population back into the very environment they originally sought to flee. The Rohingya, in the years following their movement to Bangladesh, were still considered *stateless* refugees – their lot in Myanmar had not yet improved, making their successful repatriation unlikely.

At the time of writing, with estimates now suggesting between 900,000 and 1.3 million Rohingya in Bangladesh, Myanmar and Bangladesh have agreed to another repatriation. The agreement looks remarkably similar to the 1992 MOU and the results could parallel the case of mass refugee refoulement seen in the 1990s, only on a significantly larger scale. Quickly losing favour in the world after her peaceful rise to power, Myanmar's Aung San Suu Kyi has the potential to oversee the forced movement of nearly one million Rohingya back to the Rakhine State where they remain stateless and vulnerable to the same persecution they have experienced over the past four decades. As Grundy-Warr and Wong (1997, p. 88) noted over two decades ago, '... the statelessness of the Rohingyas cannot be resolved by repatriation if they are not granted full citizenship rights by their own central government'.

Citizenship Rights and Repatriation: The Case of Angolan Refugees

The 1990s Rohingya repatriation stands in stark contrast to the repatriation of Angolans in the early 2000s. April 2002 saw the official termination of Angola's 27-year civil war with nearly half a million refugees residing in neighbouring states including Congo, Zambia, the Democratic Republic of Congo (DRC), Namibia, and South Africa (CFR, 2002). However, less than two years after the end of the war over 280,000 refugees successfully returned to Angola, nearly a third as part of the UNHCR's voluntary repatriation programme (Posa, 2005, p. 2). By the end of the UNHCR's voluntary repatriation programme (which ended in March 2007) an estimated 410,000 refugees had returned, 138,594 returning with UNHCR assistance (Simao, 2007).

Although largely seen as successful, it is important first to note that the repatriation still resulted in the denial of rights to Angolan citizens, including being subjected to violence. Throughout the conflict many lost identification documents, and the country's birth registration system as well as numerous archives were damaged. This left many returning refugees without the documentation necessary to establish citizenship (Posa, 2005, p. 12). Thus, returnees faced denial of the right to citizenship, with reports suggesting many instances of harassment (Human Rights Watch, 2003). Even more alarming, reports indicated that some returnees were beaten and even raped as government forces aimed to deter diamond smuggling amidst

concerns of non-citizens attempting to enter the country for financial gain. Further, women returnees in certain regions were particularly susceptible to violence as members of the military used sexual exploitation as means for them to gain re-entry (Posa, 2005, p. 15).

Though clearly imperfect, the Angolan case highlights key elements absent in efforts at repatriation of the Rohingya. First, the Angolan repatriation saw the vast majority of refugees return voluntarily (Kalumiya, 2004). This spontaneous return is strikingly different from the Rohingya's repatriation in the early 1990s. Here, Angolan refugees' desire to return illustrates the power of citizenship rights in overcoming obstacles in the repatriation process. Second, in 2001 the Angolan government incorporated the United Nations Guiding Principles on Internal Displacement into domestic law (Crisp, 2010, p. 23). Intended originally for internally displaced persons (IDPs), the Guiding Principles were designed to establish minimum standards for protection during displacement, return, and resettlement (United Nations, 1998). In Angola, these provisions were extended to refugees (Posa, 2005, p. 9). This assisted in repatriation efforts as returnees were guaranteed protection by the government. Third, in April 2002 Angola along with the UNHCR, Zambia, and the DRC signed an agreement to assist in the repatriation of refugees by March 2003 (Harild et al., 2015).⁷ While many Angolans would not wait for the agreement to take effect (including the establishment of reception centres), the collaborative nature of both countries of asylum, coupled with Angola's commitment to assistance, and the UNHCR's mandate to organise a voluntary repatriation operation, helped ensure a relatively stable process.

Though each factor contributed to the success of the refugee repatriation in Angola, citizenship rights available to returning refugees significantly improved the prospects for stability and longevity. Unlike the Rohingya, Angolan refugees were not stateless prior to conflict and arguably never were designated as such. Instead, status as 'traditional' refugees increased the likelihood of adherence to guaranteed refugee protections within countries of asylum as established under international law that can be blurred for stateless refugees. In Zambia, for instance, Angolans fleeing conflict had been granted asylum since 1966 and the Zambian government even went as far as committing to the integration of 10,000 Angolan refugees who chose to remain (Bakewell, 2008; Harild et al., 2015; Kambela, 2016). Further, a vast majority of Angolans desired to return and did so spontaneously without UN assistance, even in the face of uncertainty. This is perhaps one of the strongest indications that citizenship rights (a lack of statelessness) are paramount in ensuring the sustainability of repatriation efforts. These rights can both encourage return and increase the opportunities for stability post return. Counterfactually, had many of the refugees lacked citizenship prior to fleeing Angola, it is unlikely that their return would have been voluntary or met with relative stability and assistance. As noted, even Angolan citizens who fled often faced challenges in terms of producing identity documentation and it is reasonable to conclude that more issues would have arisen if returnees had previously been designated as stateless.

Conclusion

As stateless persons have no country *de jure* and often lack 'effective' or 'functional' citizenship, they cannot truly be repatriated (Bradley, 2013, p. 192). However, if they do

return, either voluntarily or involuntarily, their status as stateless may be all but a guarantee of continued insecurity, not only for the stateless population, but also for the state of origin and even the region as their repatriation is unlikely to be a durable solution. Thus, the Rohingya's statelessness not only complicated past repatriations but, barring any change in status, it is also probable that continued ill-treatment and persecution will contribute to instability and volatility both for state and for human security.

As the review of the two repatriations suggests, statelessness can serve as a significant impediment during the repatriation process and to enduring solutions. This is increasingly evident in the context of the ongoing maltreatment of Rohingya in Myanmar and Bangladesh who once again have been victims of severe human rights atrocities. Decades of persecution as a stateless population accentuate the limitations of the greater international community in protecting vulnerable populations and has shown that 'very different courses of action are required to resolve the predicament of people who are stateless' (Bradley, 2013, p. 10). While the UN has adopted numerous resolutions pertaining to the treatment of Rohingya, symbolic gestures are not a substitute for action and do not ensure improved conditions for Rohingya in the region (Southwick, 2015, p. 150).

The situation not only presents a human security issue for the group and bilateral security issues for Bangladesh and Myanmar but also has potential to aggravate regional security. While at the time of writing the majority of Rohingya refugees find themselves in refugee camps in Bangladesh, the implications of the crisis have already affected India, Pakistan, and China (Zahra-Malik, 2017; Jain, 2018). As talks of repatriation have continued, Myanmar's role in addressing citizenship rights is central to the success/failure of the process. Repatriation is unlikely to be successful if the Rohingya remain stateless. That is, if a guarantee of citizenship – or at the very least functional citizenship – is absent, it is unlikely that long-term stability will ensue. Instead, continual persecution is likely and the Rohingya will not willingly accept a return to the status quo.⁸ Thus, the refugee cycle would continue.

Fortunately for the Rohingya, the language of the UN leadership in July 2018 was stronger than ever in condemning Myanmar. A comprehensive investigation by an 'Independent International Fact-Finding Mission' published by the UN named top officials in Myanmar's military as culpable of grave atrocities against the Rohingya. This led a UN special panel to call for Myanmar's top generals to face trial in an international court for genocide (OHCHR, 2018). However, the likelihood of trials coming to fruition is dubious at best, largely a consequence of Russia and China's position within the UN. Veto power, coupled with each state's relationship with Myanmar, make any Security Council action unlikely (Schwartz, 2018).

What, then, is the way forward for the Rohingya if Myanmar will not grant them citizenship rights? The UNHCR recognises the predicament and has advocated against a 'care and maintenance' approach that will only see refugees suffer in squalid conditions and create a cycle of dependence on the international humanitarian regimes (Smith, 2008). To avoid this scenario, third-country resettlement has been lauded as the most attractive solution to protracted displacement. However, this solution is not without shortcomings. The year 2007 saw the UNHCR initiate a resettlement programme for the Rohingya, but countries only accepted those refugees identified as

having the best ability to assimilate, not those who were in the greatest need of assistance. The continued trauma that many Rohingya continue to experience in Bangladeshi refugee camps makes them unlikely to be candidates for this 'integration criterion' of prospective host countries (Pittaway, 2008). Thus, a shift away from their status as stateless within Myanmar, even if not full citizenship and however improbable, may be the best option in the foreseeable future.

Notes

1. The estimates of stateless refugees are for the year 2016.
2. The December 2017 figure was 932,204 Rohingya.
3. This is particularly relevant given concerns over the looming monsoon season which the UN has estimated will have an impact on upwards of 200,000 Rohingya residing in Bangladesh (Modola, 2018).
4. It is important to note that neither Bangladesh nor Myanmar is a party to the UN Convention on Refugees.
5. See Bradley (2014) and Sen (1999).
6. The Arakan Kingdom, at its peak, stretched from Chittagong in present-day Bangladesh to the Rakhine State in Myanmar (Amrith, 2013).
7. Zambia and the DRC were the host countries of the majority of Angolan refugees.
8. Rohingya interviewed in Bangladeshi refugee camps have expressed their reluctance to return to the Rakhine State if they are not granted citizenship (Alsaafin, 2018).

ORCID

Christopher Faulkner  <http://orcid.org/0000-0001-8482-2500>

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