

**TOWARDS REPATRIATION:  
THE ISSUE OF THE ROHINGYA MUSLIMS IN MYANMAR**

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## Abstract

For decades, the Rohingya people of Myanmar have experienced discrimination and violence in what is supposed to be their home country. In recent years, this violence has escalated culminating in 2017 when the Myanmar government and military launched an attack on the Rohingya that has received much attention and criticism from the international society. The violence caused many to flee the country and here years later, they remain trapped in refugee camps unable to return. Talks about repatriation have been ongoing since the crisis in 2017, but despite several attempts it has not yet succeeded.

This thesis will focus on this issue of repatriation and why this has not yet happened to the Rohingya. Four theories, the right to have rights, islamophobia, political legitimacy and political opportunity structures have been chosen to investigate this topic. The right to have rights was chosen for its focus on the issue of rights being connected to citizenship and issues of belonging which seemed quite relevant here. Political Opportunity structures was further used to show how the issue of citizenship was complicated more by the political system in Myanmar. Islamophobia was chosen for its focus on social issues as this seems to have been one of the key aspects here both in relation to the discriminatory and quite Islamophobic practices in the Myanmar system and in relation to local resentment among the majority Buddhist population. Further, political legitimacy was chosen to investigate the Myanmar government in relation to why it has not been more forceful in repatriating the Rohingya as this could on one hand be explained by the government wishing to maintain its legitimacy. I chose these aspects because I felt it was important to show that the failed repatriation is not just because of a lack of rights but also due to the government, political issues and local grievances.

The analysis showed that there seems to be three main categories hindering repatriation. First, the issue of citizenship and rights is a hindrance because the Rohingya have neither, and thus refuse to return until this is solved. This has proven to be difficult due to the lack of action from the government and because of limits in the form of the exclusion of the Rohingya from political life and the continued presence of the military here. Further, racism and local hate has affected repatriation through a system of discrimination and local resentment both of which makes repatriation unsafe and difficult. Lastly, the Myanmar government has been hindered both nationally and internationally as both sides are currently against repatriation. As the government needs support on both sides to remain in power, this may have stopped the government from going further with repatriation for fear of losing support. Comparing this to the case of the Crimean Tatars, moreover showed that the above issues

have been quite different in the two cases with the Tatars enjoying more political opportunities for change and even a chance to receive citizenship. Further, issues of islamophobia and political legitimacy seem less present in this case. These differences could further show why repatriation has not yet happened in Myanmar and that changes within these issues would be necessary for future repatriation.

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## Introduction

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Violence and hatred towards a particular group of people is not a new phenomenon. One group that in recent years has experienced increasing hostility is the Muslim people who especially since September 11<sup>th</sup>, 2001 have encountered several crises and hatred from other countries and people (Elahi & Khan, 2017, p. 5). East Asia has been no exception. Several countries in South East Asia experience growing anti-Muslim ideas with protests and violence against this group of people. Both Sri Lanka and Thailand have experienced violent clashes between Buddhists and Muslims leading to many injuries and killings (Ebbighausen, 2018). Recently, India too took a serious turn towards the right wing when prime minister Modi passed a new citizenship amendment bill, which requires all Muslims in the country to prove that they are in fact Indian. This for some means providing proof that they have lived in the country for generations through papers from their grandparents which will be impossible as these no longer exist. The consequence of this could in the worst case be statelessness for many Muslims in India. These are just some examples of the spread of anti-Muslim ideas in Asia, however, one recent example that is still an ongoing issue in the region is the Rohingya Muslims of Myanmar, which will be the focus of this paper (Iftikhar, 2020).

### The Rohingya Crisis

In August 2017, the Myanmar military forces entered the area known as Rakhine state in the country, home to the Rohingya Muslims. What followed was a horrible massacre on innocent men, women and children carried out by the forces of their own country (Who are the Rohingya?, 2018). Thousands were killed, and even more had to flee to avoid the violence. Many sought refuge in neighboring Bangladesh, where they were welcomed, albeit reluctantly and many have stayed there since. Following the massacre and the condemnation from the international society, as well as the pressure from Bangladesh, Myanmar has attempted to create agreements to repatriate the refugees (Ibid.). Repatriation is defined as “The personal right of a refugee, prisoner of war or a civil detainee to return to his or her country of nationality under specific conditions laid down in various international instruments” (Perruchoud & Redpath-Cross, 2011, p. 83). In other words, it is the right of people who have had to flee their homes to return if they wish to do so. The word covers all kinds of repatriation including that of returning prisoners of war to their home countries, and officials stationed in foreign countries during times of upheaval and crisis. ‘Specific conditions’ refer to the fact that this repatriation can only be carried out voluntarily and under the right circumstances that allow the refugees to return with dignity (Ibid.). Involuntary repatriation is illegal according to international law due to the concept of non-refoulement where people fearing for their lives in a specific country,

often their home country, cannot be sent back though there are exceptions such as when asylum is denied or if the country is viewed as safe (Ibid., pp. 53-68). So far, however, repatriation has not happened to the Rohingya. The Rohingya fear for their lives if they return as not much seems to have changed in the country regarding its views on the Rohingya. They have little to no rights, they are not recognized as citizens in the country, and they face discrimination both in schools, at work and in relation to their religion. This has made repatriation difficult (Who are the Rohingya?, 2018).

### Problem statement

This paper will look further into the issues of rights, islamophobia and political issues in relation to the so far unsuccessful repatriation of the Rohingya. It will look at: 1) the current situation in relation to the Rohingya; and 2) analyze what stands in the way of their successful return. The topic was chosen for its current relevance as this is happening right now and because it is a relevant topic for critical migration studies as it focuses on the key matters of refugees, us vs. them, the right to have rights and on issues of solving the refugee problem. The topic though is also quite relevant in relation to filling out a research gap. Not much has so far been written on the recent repatriation attempts, and what has been written has mainly focused on the issue of citizenship as a main solution to this. However, these articles have mainly focused on how to solve the crisis and not on why the repatriation attempts keep failing as this is more than the lack of citizenship, though it remains important (see p. 15-21). To further show this, I will compare this case to that of the Crimean Tatar repatriation in the 1990s. The Tatar repatriation was in many way seen as quite successful as they were able to return to their home country and I wish to investigate whether there were any differences present in the Tatar case that are lacking in Myanmar to show why repatriation has yet to happen there. The case seemed relevant because it like the Rohingya revolves around a Muslim group that was targeted and banished from its home country. Like the Rohingya, many died on the way and they were subject to severe problems of suffering because of their ethnicity. Because the Tatars were eventually repatriated, this case could help show why this has not yet happened to the Rohingya as the similarities, in the form of citizenship issues, islamophobia and discriminatory governments, between the cases make them relevant for comparison. By doing this comparison, I hope to show that there are several issues that stop the Rohingya repatriation (About Crimean Tatars, N. D.). As a result, I pose the following problem formulation:

**Why have the Rohingya yet to be repatriated back to Myanmar?**

## Background

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This part will provide some background to my chosen topic and outline some of the main issues at stake here. It will look at my country of interest Myanmar, its history and the issues it has faced up until today. Then, a description of the Rohingya will be provided in relation to their story, and the current situation they are facing today. The aim is to provide some background information for the current crisis leading up to the current issues with repatriation. A short description of the Crimean Tatar history will also be provided here.

### The History of Myanmar

Myanmar is a Southeast Asian country. From 1885 and onwards, the country was known under the English name Burma, however this was changed in 1989 by the military rulers at the time (Aung-Thwin, et. Al., 1999). Though the new name has gained general acceptance around the world, some countries, mainly the US and the UK, still refer to it as Burma in support of the current government under prime minister Aung San Suu Kyi which does not recognize the new name due to its emergence under an ‘illegitimate government’ (Serkin, 2015, p. 47). It is the most northern country in Southeast Asia bordering China, India and Bangladesh, among others. The country has played a central role in exchange between different parts of the world for many years and has long been the Western entrance to Southeast Asia, its culture and markets. Merchant routes and ships came to the country, and its Indian neighbors brought new cultural ideas with them which transformed life for the indigenous people in Myanmar. Despite this, core cultural features remain intact. Because of the location of the country, mountains to one side and the sea to the other, it was, despite the travel routes, quite isolated, and thus able to maintain much of its indigenous culture and people. One thing that did manage to firmly penetrate the culture in Myanmar was Buddhism. The country was one of the first in Southeast Asia to practice the religion, and it has now become central in the leadership of the country (Aung-Thwin, et. Al., 1999). Though exact numbers are difficult to find, around 89 % of the population practice Buddhism while the remaining people are divided between Christianity, Islam and other religions. Further, the country is divided into several ethnic groups with the majority Burmans comprising around 68 % of the population (Walton & Hayward, 2014, pp. 4-5).

### *The British Colonial Years*

From 1885 to 1948, Myanmar was under British colonial rule and though it was a time of civil order to some degree, many changes were brought to the country including the fall of the monarchy, the separation of government and religion and the introduction of a new economy meant to benefit the

British colonizers, not the locals (Aung-Thwin, et. Al., 1999). This angered many Burmese causing them to resent the British rulers. During World War Two, the Myanmar government attempted to bargain with the British government in exchange for support and several nationalists even joined the Japanese for a while as they promised the country sovereignty in exchange for help. When the war changed in favor of the allied forces, however, they returned to the British side (Ibid.).

### *The years after the country's independence*

Independence finally came in 1948 but internal issues meant that peace was not possible. Though the country seemed to be on the right track to begin with, the 1962 military coup led by Ne Win overthrew the government to create a socialist state. The military now ruled the government and held other key positions in the country (Aung-Thwin & Aung-Thwin, 2012, pp. 246-251). Though the economy thrived to begin with, the politics of the government later led to rising debts and costs in imports (Aung-Thwin, et. Al., 1999).

The many issues caused widespread uproar and anger especially in the 1980s where protests became widespread across the country. The year 1988 was worse than ever, eventually causing the military to act and strike down on the protesters leaving many dead (Aung-Thwin & Aung-Thwin, 2012, pp. 256-260). The government consisting of the military and now with general Saw Maung as prime minister implemented new laws and reforms and even allowed for the first multi-party election in the history of the country. The military, however, refused to acknowledge the results of the election, and retained a firm grip on the government causing widespread anger and condemnation not only nationally but also from the international community. This continued throughout the 1990s where the military gained more control over the country and continued into the 2000s. By this point, the international community acted and implemented sanctions on the country. This caused the government to begin talks with Aung San Suu Kyi, who was part of the opposing party which had won the election, and who had been under house arrest since 1989. These talks resulted in the freeing of 200 political prisoners. The possibility for more progress continued in 2003 when general Khin Nyunt became prime minister and promised to move the country towards “a new constitution and free elections” (Aung-Thwin, et. Al., 1999). Though he was quickly accused of fraud and replaced by general Soe Win, Myanmar continued to become a more important economic player in Asia throughout the 2000s though it remained strained under harsh sanctions that would not be lifted until more democratic progress was made (Ibid.).

The push for this came in 2007 when the violent reactions to protests for democracy were severely criticized internationally. In 2008, a suggestion for a new constitution was approved



and ratified, and in 2010 more changes were made to make way for an upcoming election. The new constitution replaced the previous one from 1996 which had not succeeded, and though the new one opened for democratic elections, it also ensured that the military maintained some power. The military continued to put new rules in place to ensure the victory of the sitting government, which caused many to deem the election a fraud. Changes, however, were happening fast as more implementations for the better were made and eventually in 2015, the government was won by the new democratic leader Aung San Suu Kyi whom many hoped would bring peace to the country (Ibid).

### *Aung San Suu Kyi*

Aung San Suu Kyi is the current leader of Myanmar, who has fought for years for the country to become democratic and free. This has led to her being in and out of house arrest since 1989. Her continued fight has made her a symbol of peace and democracy not just in Myanmar but around the world leading to her receiving the Nobel Peace Prize in 1991. She is the leader of the National League for Democracy (NLD) in Myanmar which won the 2015 election, thus making Aung San the de-facto leader of the country. The laws in Myanmar forbid anyone married to non-citizens from leading the country, and since Aung San has a foreign husband this makes her unable to become prime minister thus the term de-facto leader (Aung San Suu Kyi: Myanmar democracy icon who fell from grace, 2020). Her official status is state counsellor, but many still view her as the leader of the country. With her as the leader, many hoped that some of the issues the country has faced through the years would be solved. One of the main issues to face has been the fighting between the many ethnic groups who reside in Myanmar and particularly the attacks and violence against the Muslim minority the Rohingya, an issue that could show the shortcomings of the current government as the response so far has been slow or non-existent. Aung San has also been personally criticized for not doing more to help the Rohingya, arresting journalists and using outdated laws. This has led to many of her supporters turning on her, and her once high standing has suffered greatly. Especially the case of Rohingya has been serious for her reputation, and this paper will go further into this specific issue of the Rohingya (Ibid.).

### **Rohingya Muslims**

The Rohingya are a minority predominantly Muslim group which has lived in the country of Myanmar since the 1400s, according to historians. Its population currently encompasses around 1 million people though this number may have dramatically changed in recent years due to unrest in Myanmar. The people speak a language known as Rohingya or Ruaingaa, a specific dialect different

from the others spoken in the country. Most of the Rohingya live in Rakhine state in the western part of Myanmar. It is “one of the poorest states in the country” (Who are the Rohingya?, 2018), where people live in camps built like ghettos and have little to no access to basic needs and services. On top of this, the Rohingya are banned from leaving the state without permission from the government making it difficult for them to work and make a living (Ibid.).

The Rohingya are not recognized as a Myanmar ethnic group despite having resided in the country for centuries. While the Rohingya themselves claim to be native to Myanmar, and several historians claim that Muslims have been known to live in Myanmar since the 12<sup>th</sup> century, the government disagrees instead stating that they are simply migrant workers from other countries. During the British rule in Myanmar from 1824 to 1948, many workers migrated to Myanmar from India and Bangladesh: Back then, Myanmar was viewed as part of India and such migration was therefore seen as internal. The natives of Myanmar, however, did not like the migration and following the country’s independence, the government even described it as illegal. It is based on this that the Rohingya are not recognized in Myanmar as the government views them as illegal immigrants (Ibid.). This has also led to many in the country referring to the Rohingya as Bengali, a group native to Bangladesh and India (Editors of Encyclopedia Britannica, N. D.). The term Rohingya is not even recognized as the correct term for the group and is instead seen as a recently invented term “created for political reasons” (Who are the Rohingya?, 2018).

Because they are not recognized, the Rohingya are vulnerable to exploitation and violence, which has been present since the 1970s. Several attacks on the group since that time have forced many to flee to neighboring countries. The most recent major attack occurred in 2016 following the killings of nine policemen. The Myanmar government claimed that a Rohingya resistant group, the Arakan Rohingya Resistance Army or ARSA, was responsible, and troops were sent into Rakhine state and the Rohingya villages (Ibid.). However, it was not until August 2017 that the violence really took hold. In the months and years that followed, these forces have been accused of committing many crimes and human rights violations all of which have been denied by the government. The violence has caused many deaths, while the survivors have fled to other countries, mainly Bangladesh. Estimates from the time following the most recent attacks say that more than a thousand Rohingya have been killed, while 650,000 have fled the country in fear (Ibid.).

### *Rohingya History*

Though the exact history of the Rohingya people is questioned and unknown on many aspects, their presence in Myanmar has been traced back to as early as the 1400s (Blakemore, 2019) when they

came to then independent Arakan state which would later become part of Myanmar in 1784. When Myanmar, then Burma, was conquered by Great Britain from 1824 to 1948 more Bengal Muslims arrived as migrant workers causing the Muslim population to rise drastically. During the colonial rule, the Muslims were promised their own independent state by the British rulers, but this turned out to be false, and they were instead left as part of a country where the local population saw them as mere workers taking their jobs. This did not change with independence in 1948 as the new government did not recognize the promise of a separate Muslim state nor the name Rohingya, which the Muslims had adopted to encompass both the Muslims who had lived in Myanmar since the 1400s and the newcomers from Bengal (Ibid.).

Despite the unfulfilled promise of independence, the time following the independence did carry some hope for recognition. The *Union Citizenship Act* was passed shortly after independence and though the Rohingya were not included, the law did allow people who had lived in Myanmar for a minimum of two generations to obtain identity cards. This was given to the Rohingya with some even gaining actual citizenship and serving the country in the parliament. This, however, was not to last. When the military took power in the 1962 coup, things changed for the worse. Instead of identity cards, all people living in Myanmar now had to have national registration Cards to show that they were citizens of the country. The Rohingya, however, instead got foreign identity cards, which not only limited their opportunities in relation to work and education, it also in many ways excluded them from being official citizens of Myanmar (Who are the Rohingya?, 2018). From then on, life in Myanmar for the Rohingya steadily decreased. In 1974, the Rohingya were denied the possibility of selecting some of their own people to run in the national election, and not long after the name of the area where they lived was changed from Arakan to Rakhine state in order to honor the Rakhine people living in the area. This ignored the fact that the state was also home to the Rohingya. It was also around this time that violence against the Rohingya became more common and widespread (Mahmood et. al, 2016, p. 1842). Many of these problems came to a head in 1978 when the Myanmar military carried out a number of operations in an attempt to get rid of any illegal foreigners. Because the Rohingya were considered illegal too, these operations also targeted them, and around 200,000 had to flee from Myanmar to avoid the violence (Ibid.). The real blow for the Rohingya, however, came soon after. In 1982, the government created the Citizenship Law, a new rule that would determine who were legally citizens of Myanmar. The law said that there were *three levels of citizenship*, and to receive the most basic one, one had to provide proof that their family had resided in the country since before the independence in 1948, and further that they were fluent in at

least one of the national languages of Myanmar. However, “Many Rohingya lack such paperwork because it was either unavailable or denied to them” (Who are the Rohingya?, 2018), effectively making them stateless and leaving them without basic rights. It is difficult for them to work, study, continue with their religion and travel, while they also have limited access to hospital help and health care. There are certain restrictions placed on them if they want to work in certain fields, they are not allowed to vote and if they attempt to take a citizenship test they have to register as ‘naturalized’ citizens because the term Rohingya is not recognized in Myanmar (Ibid.). These are limits that are still imposed today, and which will be looked further into as they seem quite discriminatory (Ibid.).

### Current crisis

The current crisis has its roots in numerous violent acts carried out in 2012 (Mahmood et. al, 2016, p. 1842). The events began when Rohingya and Rakhine people clashed after a Buddhist woman was raped and killed supposedly by a group of Rohingya men (Ibid.). This caused the Rakhine people to retaliate killing ten Rohingya. When the military was sent in, it joined sides with the Rakhine people, and the attacks on the Rohingya continued. The violence spiraled into organized attacks on Rohingya people and villages, while Buddhist monks in the country did their part to spread hate speech and discrimination against the Rohingya, acts which have been noted and denounced by international observers such as UNHCR and even the Dalai Lama the highest leader of the Buddhist faith (Ibid.). During this violence, many Rohingya fled to internally displaced camps which later became permanent living for many Rohingya. Despite this, it was not until a few years later that the Rohingya crisis gained real international recognition (Ibid.).

In August 2017, a number of attacks were carried out against several police posts in Myanmar. When the Arakan Rohingya Salvation Army (ARSA) a militant group fighting for the rights of the Rohingya (Who are the Rohingya?, 2018) claimed to be responsible, the Myanmar government responded by sending its military into Rakhine state. What followed was a brutal massacre that destroyed several Rohingya villages, killed at least 6,700 people in the first month alone and forced another 700,000 to flee (Albert & Maizland, 2020). Observers from Doctors Without Borders (Ibid.) also noted that the military would shoot at the people fleeing and placed landmines on border crossings to Bangladesh that were known to be used by the Rohingya. The UN and several rights groups have accused the Myanmar government of ethnic cleansing and even genocide with one report even stating, “that the Myanmar government had “genocidal intent” against the Rohingya” (Ibid.), a strong accusation against a country. Also, the reasoning behind the attacks, that it was due to the violence from ARSA, has been questioned and concerns have emerged that the government has

begun clearing abandoned Rohingya villages, houses and farms to build new security bases and homes. Though the government claims it is preparing to accommodate repatriated Rohingya wishing to return, there are concerns that this is a cover to house other people, effectively excluding the Rohingya (Ibid.).

Those Rohingya who have managed to flee Myanmar have sought refuge in other countries such as Malaysia, India, Indonesia, Thailand and Bangladesh. Of all of them, Bangladesh has carried the highest burden of taking in refugees as it borders Myanmar. The country is itself poor and has limited resources available to take care of the Rohingya refugees. As of the latest numbers available in 2019 and 2020, around 900,000 Rohingya now live in Cox's Bazar district which has now become the largest refugee camp in the world. Of the 900,000 Rohingya, around 400,000 are children who lack access to some of the most basic needs such as education "since teachers are banned from using both Bangladeshi and Myanmar curricula in the camps and Rohingya children are barred from enrolling in schools outside the camps" (Ibid.). Further, the camps are at high risk of different diseases making the refugees vulnerable to these. Most of the water is not safe to drink or use, which is a further risk. The desperate situation has led some refugees into the arms of smugglers who promise them a way out of Bangladesh and Myanmar, but instead exploit them for trafficking purposes (Ibid.).

### *Repatriation Plans*

Talks about repatriation of the Rohingya Muslims back to Myanmar have been attempted but so far not much has happened. Myanmar signed a repatriation deal with Bangladesh in 2017, where the plan was to have all Rohingya repatriated within two years. Myanmar in response built centers and camps which would host the refugees. However, the Rohingya refused to leave until Myanmar promised them rights, citizenship and proper conditions. Several organizations including Human Rights Watch and UNHCR (United Nations High Commissioner for Refugees) agreed stating that conditions for return were not yet there and that Myanmar would have to make some changes and promises of protection for the returning refugees (Who are the Rohingya?, 2018). Yet the plans continued, and in April the government stated on Facebook that the first family had returned and was welcomed (Myanmar's first Rohingya repatriation 'staged', rights groups say, 2018). With the post was a couple of pictures showing a family getting identification cards, health checkups and necessities for surviving from officials. Rohingya groups said that this was merely a media stunt from the Myanmar government and that the people in the picture were not even Rohingya but family of an administrator. Whether a stunt or not the plan did not seem to work as no other Rohingya decided to return (Ibid.).

Another attempt was made in November 2018 where 2,260 Rohingya were supposed to go back. Severe protests from the refugees resulted in the failure of the attempt as fears still remained that they would leave the camps and Bangladesh without any security or promise of a safe return (Bangladesh seeks to repatriate 3,000 Rohingya to Myanmar, 2019).

The last and most recent attempt occurred in 2019 when Bangladesh working with UNHCR tried again to repatriate 3,000 Rohingya. It determined that no one would be forced back, and that the agency would work with the government to talk to the Rohingya about the possibility to return. Again, however, there were concerns about safety and violence as Myanmar has still not made any promises regarding the treatment of the Rohingya and most importantly the issue of citizenship (Ibid.). This is probably the reason for why this attempt also failed. Despite optimism from the authorities, when the day came no one showed up to cross the border. The Rohingya themselves have expressed wishes and hope that they can return to their homeland, however, they refuse to do so as long as there are no promises of security for them. With the most recent attempt, the Rohingya expected the Myanmar government to first come to them and hear their demands. When that did not happen, they did not feel secure to return (Rahman, 2019). These issues with repatriation have been present for a while now, and as long as nothing changes between the Myanmar government and the Rohingya it may not be solved in the near future or at all. Repatriation has been attempted before, both forced and voluntary, but if the causes for the failing repatriation are not explored it may not be solved at all. We know from other cases that repatriation is possible. Other countries, such as Angola (Faulkner & Schiffer, 2019), have successfully repatriated ousted members of their population, yet this has been attempted several times in Myanmar without success. The question is why it has not happened yet, which is what this paper will look further into.

### The Crimean Tatars

This paper will mainly focus on the Rohingya but to further showcase the issues with repatriation I have found it relevant to investigate another case where repatriation was used and fairly successful. This is the case of the Crimean Tatars. The Crimean Tatars, also simply known as the Tatars is an indigenous group originally from Turkey though they have historically lived in Crimea, hence the name. They are descendants of a vast number of different groups including Turks, Greeks and Romans, but have over the centuries formed one common group based on their shared language, belief and land (About Crimean Tatars, N. D.). The Tatars lived as an independent group until 1783 when Crimea was occupied and annexed by Russia. What followed was years of repression, where the Tatar way of life, their culture and other unique characteristics were severely damaged. Russians

took over their land, and many had to flee. Eventually, the remaining Tatars became a minority in their own country (Ibid.).

While some fled, other Tatars stayed behind, and managed to keep their way of life going in Crimea. However, this was not to last. In 1944, Stalin ordered the remaining Tatars deported from Crimea (Ibid.), labelling them as traitors to the Soviet Union for collaborating with the Nazis during World War Two (Uehling, 2004a, pp. 49-50). 193, 865 Tatars were forcibly deported most of them to Uzbekistan. During the deportation almost 8,000 died, and many more followed after arriving. In their new countries, they were special settlers under special supervision, and with this followed poverty, famine, no rights and violence. In Uzbekistan, where most of the Tatars were sent to in 1944, 46.2 % of the Tatars died a year and a half after arriving. In total, 44,000 Tatars died due to the deportation. This, however, did not lead to the complete destruction of the people. Instead, it created a new generation with a strong wish to return to their home country (About Crimean Tatars, N. D.).

Since the 1950s, organizations promoting Crimean Tatars' lives and rights have fought to encourage their people to return to Crimea, now a part of Ukraine, with the first arriving in 1967. Returns were slow at first, but steadily gained speed as the years passed until they gained speed in 1990 and 1991, when the existing Crimean Tatar community moved back to Crimea. By the end of 1991, more than 150,000 Tatars had returned to Crimea. 73,981 of them gained automatic Ukrainian citizenship due to a new law implemented in 1991 (Ibid.). The reason behind the rise in arrivals in the early 90s can be found in some significant changes that took place in 1989. The Soviet Union adopted new measures to address what was now viewed as the illegal deportation of the Tatars as well as measures to ensure their safe return to Crimea. From then repatriation took hold, and many returned to their home country. Despite this, the road has not been easy. The Tatars returned to tent camps because there was no land for them, and the authorities refused to help citing that there was simply not enough for everyone. Those who managed to gain land, could not get permission to live there meaning that they were in constant danger of being harassed by the police. Also, while some Tatars obtained citizenship easily, others had to fight for it while hostilities remained between them and the Russian population. Overall, though, the repatriation has been largely successful as many have been able to return home. Because of this, it could be interesting to compare the Tatar case to the Rohingya crisis. Both are similar in the ways that both are Muslim groups who have been targeted and chased out of their home countries. Both have also faced several issues related to their ethnicity and religion. That the Tatars eventually decided to and were able to return, could help show what is

needed for a targeted group like the Tatars or Rohingya to return successfully and why it has not happened in Myanmar yet. I will look further into these issues in relation to the current situation in Myanmar in order to see where the main problems in repatriation lie (Ibid.).

## Academic Literature

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This part will provide an overview of the literature written so far on the Rohingya and the crisis they face in Myanmar, especially in recent years but also historically. The review helps to look into: 1) some of the main themes that have been explored so far in the literature and 2) provide points for future research, some of which will be explored further in this paper and possibly highlight different approaches and perspectives on the issue. The review will consist of ten articles found through research on google scholar as this is where many academic articles are published. Main themes such as ‘Rohingya crisis’ and ‘Rohingya repatriation’ were used, and articles focusing on previous crises were left out unless they were linked to the current case.

### *The Abuse of the Rohingya*

The literature written so far on the Rohingya and their plight has mainly revolved around the extent of the abuse they have suffered (Ullah, 2011; Ullah, 2016; Wekke et. al., 2017), the relations with neighboring countries, mainly Bangladesh (Parnini et. al., 2013; Parnini, 2013; Rahman, 2010) and how to tackle the crisis mainly in relation to repatriation (Faulkner & Schiffer, 2019; Kipgen, 2019; Taniparti, 2019). Because the Rohingya are not recognized as native to Myanmar, they have been rendered stateless meaning that they have few rights and are vulnerable to discrimination, violence and other injustices. Ullah (2016) argues in a 2016 article that the exclusion of the Rohingya is a deliberate act from the government, which has carried out several acts of violence since the country’s independence in 1948. The article provides a sharp criticism of the Myanmar government and its treatment of the Rohingya deeming the reasoning behind the exclusion as unjust as history contradicts it. It additionally shows the harsh treatment the Rohingya live under and suggests a need for change not only in the government, but also in the way surrounding countries and the international community handles the issue as there are possibilities for action. It also briefly mentions the issue of statelessness as a possible reason for the continuing issues, and other articles in this review will go further in depth with this (Ullah, 2016).

This is similar to another one of the author’s articles from 2011 (Ullah, 2011) about the abuses the Rohingya people have been through in the past years. The study showed that the Rohingya



have been subject to severe abuses by the government, and though Bangladesh has to some extent been open to the refugees, the inability of the government to protect them means that life in Bangladesh is not much better than what they fled from in Myanmar. Using qualitative and quantitative methods, the article looks at the persecution the Rohingya were subject to before and during their flight. Through interviews with some of the refugees, the author argues that the violence the Rohingya have been subject to may be worse than many would think, and that the issues may continue in Bangladesh. The international community is also briefly mentioned and criticized for not seeing or reacting to the crisis before. The article ends with a suggestion that changes are needed in Myanmar, and that the country needs to live up to its international obligations and protect the Rohingya (Ullah, 2011). Both articles built on interviews and similar data to show the mistreatment of the Rohingyas, though the second article is more profound in its criticism of the international society, suggesting that solutions are there if the international institutions are willing to use them (Ullah, 2016). Likewise, Wekke et. al. (2017) also focus on the acts committed by the Myanmar government against the Rohingya but takes a more national view by looking into the history behind it, and the politics and reasoning by the government. The article looks at the history of Rohingya in Myanmar in relation to them belonging or not, and additionally takes up the issue of discrimination in the country and in relation to international law. They conclude, like Ullah above (2011), that the Rohingya have lived for generations in Myanmar and while they do admit that the group may have more traits in common with the Bangladesh Bengali, this does not make them less likely to belong in Myanmar due to the closeness of the two countries. It further shows that one of the main things to look at is the issue of where the Rohingya belong, as they possess traits specific for that area in Asia with close ties to the Bengali in Bangladesh, yet neither Bangladesh nor Myanmar recognize them. They continue to live with discrimination even with the recent changes to a new government in Myanmar (Wekke et. al., 2017).

### *Repatriation*

Faulkner and Schiffer (2019) take the issue of the Rohingya further in their article focusing on the past attempts at Rohingya repatriation and why this has not worked. The authors here analyze the issue of the Rohingya being stateless and argue that this is the reason for the continuing failure of repatriation. Using a qualitative research design, the authors use historical data to analyze the previous repatriation attempt in 1991-92 combined with a comparative case study of an attempt at repatriation in Angola. The Rohingya people has been forced to flee several times before and forced repatriation has taken place then in an attempt to bring them home. The most recent attempt in 1991 following

another round of mass fleeing to Bangladesh, eventually saw most Rohingya return through involuntary, and thereby illegal, repatriation. The authors argue that the involuntary repatriation as well as the stateless nature of the Rohingya meant that the repatriation failed though alternative reasons such as the inability of Bangladesh to care for the refugees and the strained Myanmar-Bangladesh relations played a role too (Faulkner & Schiffer, 2019).

To further show this, the article (Faulkner & Schiffer, 2019) compared the events in Myanmar with a similar case in Angola where following the end of the civil war in 2002 thousands of refugees returned home. The attempt was largely seen as successful as the refugees returned voluntarily and in large numbers. One of the main reasons for this is, according to the authors, that the refugees from Angola were never officially stateless, and thus retained many rights even abroad. Faulkner and Schiffer (2019) argue that because the Rohingya are still stateless, repatriation will not help as they are simply returned to a country where they have no rights and thus are still in danger of being attacked or violated by the local people and authorities. Though interesting, this article may have had more value if the comparison had been with a country where the refugees had also been stateless or risked becoming stateless. Also, the repatriation is based on past attempts from the 90s and not the current one which may be different as years have passed between them (Faulkner & Schiffer, 2019). Kipgen (2019) builds on this though a different approach is taken by focusing on the relationship between identity and citizenship. The article looks at the recent crisis, and the repatriation deal that has been in development since 2017 between Myanmar and Bangladesh. Like the article above, it mentions the importance of citizenship as a main issue for the repatriation. However, the process has been slow as Myanmar is having difficulty readmitting refugees who cannot prove that they used to live in the country. Many Rohingya have also been reluctant to return because there has been no guarantee that they would receive citizenship. Additionally, the issue of identity is mentioned as the Rohingya are not recognized as an ethnic group in Myanmar, thus in many ways leaving them without any identity and making it difficult to return as they are not recognized. Tensions between Buddhists and Rohingya are also briefly mentioned as a problem. The Buddhist do not like the Muslim Rohingya, and they cannot return unless they approve of it (Kipgen, 2019). The article also touches upon the international response as many countries called for an end to the crisis and for help to the Rohingya, and then concludes by stating that issues of ethnicity and citizenship must be addressed before repatriation can happen. However, the Myanmar government is currently unwilling to face the challenges posed by the Rohingya crisis. These are very interesting points that will be explored further in this paper (Ibid.).

While citizenship is important for a successful repatriation for Kipgen and Faulkner and Schiffer, Taniparti (2019) argues that the problems are deeper and more than providing citizenship for this group as underlying tensions will ruin the repatriation. The author argues that the Rohingya have been subject to discrimination and violence for many years, they are not recognized by the government and even now with a new democratic leader in place, the military that was in charge during the time that the Rohingya were made stateless still seems to be in control behind the scenes. Further, the religious Buddhist view in Myanmar has further discriminated the Rohingyas, which seems to be one of the main issues here. These roots to the issues are to be found in colonial times when the independence of the country made the Rohingya illegal immigrants. Like Wekke et. al. (2017), Taniparti also points out that the Rohingya have been in the country for generations with their rights slowly disappearing over time. The author suggests that social issues such as religion and citizenship can stop the repatriation, and that changes in these views are necessary for successful peace to be obtained. While an interesting point, this article is quite short and only briefly touches on these points. Looking more into this, possibly in combination with the idea of citizenship and the government could be interesting in giving a broader answer to the repatriation problem (Taniparti, 2019).

#### *Rohingya and Buddhist relations*

Weber and Stanford (2017) built slightly more on the ideas above by focusing on rebuilding Rohingya and Buddhist relations. Though not directly related to repatriation, their article argues that building better relations between these groups is important for future peace. The authors use the idea of reconciliation as a main theme to look at how the two groups can reach common ground and live together. By looking at four different articles focusing on rebuilding relations, the authors argue that though countries differ, certain aspects such as apologies, legal reforms and democratic management of conflict are important for future peace. Especially the idea of apologizing and admitting to doing wrong is argued to be important for reconciliation, though the authors also admit that not all cases are the same and that Myanmar in itself is a unique case. Even so, there are still certain similarities that could show the relevance of apologizing, reforms and democracy in Myanmar. Looking at this in relation to repatriation, could show new important aspects for it to be a success (Weber & Stanford, 2017).

### *The Role of Bangladesh*

One last issue that has been quite prominent in the literature is the Bangladesh- Myanmar relations in the face of the Rohingya crisis. Parnini et. al. (2013) mention that as the Rohingya have been attacked through the years those surviving often had no other choice but to flee with many of them going to neighboring Bangladesh. Though the country at first accepted the refugees, tensions have been high several times through the years. Bangladesh is itself a relatively poor country, and the influx of refugees creates issues and anger among the local population, which finds itself losing jobs and land to outsiders. The authors argue that the cooperation of all members including international institutions such as ASEAN and the UN are needed to solve it (Parnini et. al., 2013). The Rohingya themselves can also use the current situation and attention to advocate for their rights and the solution to parts of the Bangladesh-Myanmar issues which were resolved in 2012 can further spread the idea that a solution is possible if all actors are heard and involved (Ibid.). Parnini (2013) continues this line of thought in another similar article on Bangladesh- Myanmar relations, which also highlights the tense relations between the countries and the dislike of the Rohingya on both sides. The issue of belonging is again mentioned in relation to the Myanmar government not recognizing the Rohingya, thus leading to the violence, killings and people fleeing. It also again mentions that the Bangladesh government has not treated the Rohingya much better, as they were quickly put under government control in an attempt to police them. It does, however, continue this by criticizing not just the response from Myanmar and Bangladesh, but also from the international community both ASEAN and the UN for not taking the situation seriously (Parnini, 2013). Both articles end with the suggestion that both local and international actors must step up and take additional actions to protect the Rohingya. Both also find hope in the recent democratic election in Myanmar though more recent articles such as that by Ullah mentioned above have shown that the new leader Aung San Suu Kyi may not be that open to solving the crisis in a way that will also favor the Rohingya (Parnini et. al., 2013; Parnini, 2013; Ullah, 2016).

While the issue of the Rohingya in relation to Myanmar and Bangladesh relations seems to have been quite prominent, others have focused solely on Bangladesh both in relation to the internal problems the Rohingya bring to the country, but also with a focus on the refugees and the treatment they receive in their new host country. Rahman (2010) mentions that Bangladesh is having trouble balancing the need to take care of the Rohingya with the national security of the country. The study looks at different aspects of security in Bangladesh, mainly political, economic, social, environmental and human security, in an attempt to show how the arrival of an abundance of refugees can threaten

these different security aspects. The country has no framework for aiding refugees, nor did it sign the 1951 refugee convention or protocol, meaning that some of the main protection mechanisms for refugees are missing here. The country is, however, part of the UNHCR (United Nations High Commissioner for Refugees) and other human rights frameworks, thus giving the country some responsibility for treating the refugees right. This in turn puts even more pressure on the country. As with the other articles on Bangladesh, Myanmar and the Rohingya, the solution lies in finding a way forward that benefits both the countries and the Rohingya. For Bangladesh specifically, this includes a thorough plan for how to treat the refugees especially in relation to work, education and citizenship (Rahman, 2010).

The literature review shows that one general theme that seems to combine all the articles is the idea that the Rohingya not belonging in Myanmar is wrong. There is general agreement among the different authors that the treatment of the Rohingya people is wrong. The review further shows the idea that the reasons behind the current crisis can be found in the history of Myanmar and Rohingya relations as this has been going on for generations. Lastly, there are the ideas of Myanmar-Bangladesh relations, and the issue with repatriation. The literature so far has shown that relations between Myanmar and Bangladesh have been strained for years due to the many Rohingya refugees that have fled across the border to Bangladesh. Repatriation is necessary to please everyone, however, before it can happen, the literature argues that changes must be made first mainly in the form of formal citizenship for the Rohingya people. However, while these aspects are quite important and relevant in relation to the issue of the Rohingya the literature in relation to repatriation seems to be lacking on some important points mainly in relation to ideas of identity and ethnicity and the effect of social and political issues on this situation. While briefly touched upon, the focus on repatriation has mainly been on how citizenship can aid it and not much attention has been given to the ethnicity and religion of this group, and the position of the government in relation to these issues. Though citizenship may indeed be an important step for repatriation, it is interesting that the role of the government, religion and the general hatred toward the Rohingya is not further explored in these articles. These are issues that have been briefly touched upon above as the Rohingya are a minority in a Buddhist country where the people seem to have a lot of resentment towards them that could amount to actual racism and islamophobia (Mahmood et. al, 2016, p. 1842). This may have affected repatriation in different ways also in relation to the government which now as a democracy has to consider its people while the military remains an important player too (Aung-Thwin, et. Al., 1999).

This paper will look more into these issues on different levels of society in an attempt to further show why repatriation has yet to happen.

## Methodology

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This paper will investigate the issues related to repatriating the Rohingya Muslims back to Myanmar where they have resided for centuries. The thesis looks into why the repatriation has not yet happened despite the pressure from the Bangladeshi government, which is hosting the refugees, and the wishes among the refugees themselves that they want to return and live in Myanmar. Using relevant documents in the forms of reports, briefings and transcripts from relevant organizations, the paper aims at giving a more comprehensive answer that takes into consideration not just the Rohingya predicament but also local grievances and the limitations of the Myanmar government. This includes going beyond issues of citizenship to look at local issues, religion and at political issues in general. Relevant theories are here employed to analyze the documents and sources in order to find the main issues in relation to this.

The paper starts out with an introduction to the topic which includes a short description of the situation starting from the year 2017 before going into the problem formulation and the reasons for choosing this particular topic. The paper then looks at the history of Myanmar particularly from the country's colonial times until today. This leads to a description of the Rohingya people, their history and the current issues since the massive violence happened in 2017. A short description of another case, the Crimean Tatars, will provide a comparative case to Myanmar to further show why repatriation has not yet succeeded in Myanmar. The paper continues with a literature review which looks at what has been written about the Rohingya in Myanmar so far.

Following the literature review, the thesis then looks at the theories chosen for this paper. These are political legitimacy, the right to have rights, political opportunity structures and islamophobia. Political legitimacy was chosen for its relevance in relation to the study of government policies on matters of the public and how these are viewed by the public and internationally which could have an effect on how the government acts (Odendahl, 2014). The right to have rights is a concept first developed by Hannah Arendt after the creation of the Universal Declaration of Human Rights. The concept criticizes the universality of Human Rights, arguing that the only right that is truly universal is the right to have rights, while all others demand a nation to protect them, an important point here as the Rohingya does not have a state to protect them (Besson, 2012, p. 339). Islamophobia is also quite relevant as it has become increasingly obvious that both the Myanmar

government and the people of Myanmar have several anti-Muslim and possibly Islamophobic ideas and sentiments among them which again could be a problem here (Elahi & Khan, 2017, pp. 6-8). Lastly, there is political opportunity structures. While this theory is mainly used to analyze social movements and their success, I argue that certain aspects of the theory especially in relation to windows of opportunity and the *openness* or *closedness* of a government can help show that the opportunities for the Rohingya to fight for the changes necessary for repatriation are not present currently due to the way the government works (Giugni, 2009, p. 361). These four theories will be used in the analysis to show that certain aspects pertaining to these theories are still missing from the repatriation process. To further support this, the case will be compared to the Crimean Tatar repatriation. As this was fairly successful, it could be useful in showing what is lacking from the Myanmar repatriation case (About Crimean Tatars, N. D.). After the methodology, the paper then goes into the analysis which using the theories will try to answer the problem formulation.

The four theories will be used to analyze the selected data in relation to the issues of repatriation. The data consists of seven reports and briefings that will be read through with the theories and their concepts in mind, and the relevant issues will then be grouped and structured after categories found in the data. The right to have rights and political opportunities will look at the Rohingya in relation to issues of citizenship and political challenges to this. Islamophobia then moves on to the local level to look at the discriminatory system and local hate that the Rohingya face which could be viewed as forms of Islamophobia. Lastly, political legitimacy will look at the government in relation to possible challenges it has faced in relation to the repatriation. Additionally, to support this, the case will be compared to the Crimean Tatar repatriation. Still with the theories in mind, the data for the Tatars will be analyzed in relation to how it differs from the Rohingya repatriation, and how this could then show what is missing from that case. The thesis will then be finished with a discussion and conclusion.

### Philosophy of science

For this project, the epistemological standpoint of interpretivism seems most relevant to use. In this view, natural and social sciences are different, and thus require different methods for analysis. With interpretivism, this means not just showing how certain people view the world, but also giving an interpretation of those views. In this way, interpretation happens on many levels which seems relevant here. Taking an interpretivist stand then also means sometimes finding seemingly surprising results as the issues are interpreted both by the researcher but also by the theories and concepts chosen from the topic which could elicit new findings. For the ontological view, constructionism is most in line

with this project, as it takes the view that social entities are not separate from actors but instead constructed by them. The construction is done through individual interpretations and actions and can thus differ between people. This means that social phenomena are not separate from researchers but are instead constantly being revised and given new meanings by the researchers. The viewpoint and meaning given to these then come solely from the researcher. They are not necessarily final but only one viewpoint among many. These views seem relevant as this project will find and interpret specific sections from my data related to repatriation, which are affected by the actors behind it. Based on this I will construct categories that could help answer my question. These categories are created based on the data but may not be the only answers to the question as others could be constructed too. This will further be interpreted through my chosen theories to see if other interesting understandings emerge, and the results will be presented in the analysis as one way to answer my overall question (Bryman, 2016, pp. 26-30).

### **A comparative research design: The Rohingya and the Tatars**

This study is a comparative case study (Bryman, 2016, pp. 60-61) focusing mainly on the Myanmar Rohingya with comparisons made to the Crimean Tatars. The goal is to utilize the Tatar repatriation from 1989 to show why repatriation has yet to happen with the Rohingya by comparing this question to another and relatively recent case. The cases were chosen for the similarities between them. In fact, both Rohingya and Tatars are Muslim ethnic groups which have been seen as outcasts in their respective countries for years. Furthermore, both have been subject to severe violence and discrimination eventually culminating in their expulsion, the Rohingya from Myanmar and the Tatars from Crimea. Both groups have or have had a strong wish to return to their home countries and live in peace without being subject to violence (Who are the Rohingya?, 2018; About Crimean Tatars, N. D.).

However, despite the similarities the two cases also show some differences. The Tatars have lived in Crimea for a long time, and seemingly do not have any issue proving that they belong to the area, unlike the Rohingya. The deportation of the two groups was also different. The Rohingya were chased away from their homes by severe violence which cost many their lives. The Tatars were rounded up and deported by train to other areas of the then Soviet Union. While many still died during and after the journey, the killings did not seem deliberate (About Crimean Tatars, N. D.) in the same way that the Rohingya attacks did (Who are the Rohingya?, 2018).

The issue of statelessness is also important. Though many Tatars were later left stateless, they were able to obtain citizenship in the countries they were deported to, unlike the



Rohingya who have remained stateless for years (Ibid.). The timing of the two cases is also quite important. The Rohingya crisis took place a few years back in 2017 and is still in many ways ongoing, whereas the Tatar case took place from 1945 to 1989-90s though recent years unrest may create new issues. The different timing could have an impact on how events have unfolded in relation to repatriation. Lastly, there is the big difference of repatriation. The Tatars have been able to repatriate and though issues have remained through the years, this has been largely successful. This is not yet the case for the Rohingya. This last point, however, could be a good reason to compare the cases despite the differences. The similarities that are present in the two cases, in relation discrimination, ethnicity and expulsion, could help show what is missing in the Rohingya case for repatriation to happen. This can be aided by the similarities in religion and experiences with violence and discrimination, which overall seems to have been quite similar in both cases, which is why the Crimean Tatars were chosen for comparison (Who are the Rohingya?, 2018; About Crimean Tatars, N. D.).

## Data

Data for the project was collected through online research of relevant organizations and websites which have worked closely with the issues at hand. Seven reports and briefings from the organizations Amnesty International, Human Rights Watch and International Crisis Group have been collected and deemed relevant for the project as the main sources of data. The specific organizations were selected and searched due to their excessive work with the situation at hand. The reports were found through searches with different search words such as 'Rohingya', 'Rohingya repatriation' and different combinations of these (Table 1, See appendix). Through this, I was able to locate the International Crisis which turned out to have a lot of relevant reports and hits for my topics, and thus most of the reports come from this organization. What was interesting in my search though is that while the UNHCR is generally seen as one of the largest organizations working for refugees and though it had several hits on the Rohingya, most of these turned out to be very short articles that did not contain relevant information. Therefore, I decided to focus more on the other organizations as they also had many hits and further had relevant longer reports and briefings on my topic (Table 1, See appendix).

Amnesty International and Human Rights Watch are both well-known NGOs that work to create awareness of violations, wars and violence taking place around the world. Amnesty was founded in 1961 and has since worked for justice for all people around the world. Today, the organization has more than 7 million members and offices all around the world that work to create awareness around human rights violations and other injustices. The organization has been actively

involved with the Rohingya case and has advocated for it since it escalated a few years back. Because of this, I chose to work with two of its reports on the issue as the insights it showed could be relevant for my project (Who We Are, 2020).

Like Amnesty, Human Rights Watch (sometimes shortened HRW) is another NGO that works to spread awareness of violations and violence especially related to human rights as the name suggests. The organization was founded in 1978 as Helsinki Watch and began its work by monitoring those states who had signed the Helsinki Accords. Since then, it has expanded work in countries all over the world. The main goals are to investigate possible abuses, expose them for the world to see and then work with governments and other organizations to solve the issues. HRW is involved with some of the largest crises in the world including the Rohingya crisis meaning that it has a lot of relevant information pertaining to the case similar to Amnesty. It also has yearly updates which give updated recent information about a given country, including Myanmar, which could be relevant and current here. Therefore, one of these yearly reports was also taken from this organization (About Us, 2020).

The last organization from which the primary data was collected is the International Crisis Group (ICG) another NGO which is more into preventive work that is attempting to stop conflicts before they get out of hand and if they do to work fast in raising awareness and build relations to solve the conflict. The group was founded in 1995 in response to crises in Rwanda, Somalia and Bosnia and continues its work today to prevent conflicts from getting out of hand. The group combines fieldwork and analysis from all sides and all countries to create frameworks to better handle conflicts and make peace. This includes work in Myanmar where the organization has been active in studying the Rohingya crisis. It has published briefings and reports that seem very relevant for this project and what I wish to investigate, and thus this organization was chosen too as the main contributor to the primary data (Who We Are, 2020).

Regarding the comparison with the Crimean Tatar repatriation data has been collected from UNHCR, the Ukrainian Embassy in America and Unrepresented Nations and People Organization (UNPO), as well as from the book 'Beyond Memory: The Crimean Tatars' Deportation and Return (Uehling, 2004a). UNHCR is the UN's main refugee working group which handles refugee cases around the world. This includes the Tatars a case which the organization has been involved in since 1996 and actively worked for the Tatars to be able to return with dignity. As the organization has a long history with the case and worked with it during the first years following the repatriation it could provide valuable information to this project (Uehling, 2004b, p. 1). Second, data

was collected from the Embassy of Ukraine in the United States of America. The embassy seems highly involved in the Crimean Tatar case and several reports have been uncovered showing its support of the cause though only one will be used as it seemed most relevant. This article was quite relevant because compared to some of the others, it was more recent and thus may have updated information on what has happened with repatriation since the 1990s (Embassy of Ukraine in the United States of America, 2014). Further, a transcript from the European Council was collected from UNPO. UNPO is an organization working for marginalized groups and countries that works to promote their recognition and rights around the world. It represents more than 300 million people worldwide through a general assembly and secretariat which works on discussing various topics and aid marginalized groups such as the Tatars (About UNPO, 2020). The specific transcript is from the European Council which is the leading Human Rights organization in Europe which works to protect human rights and the rule of law. This is a quite prominent organization working with issues related to the Tatars and thus it was chosen for this project (Who We Are, 2020). Lastly, the book mentioned above was chosen as it specifically revolves around the Tatar deportation and return. It is based on field research and interviews with the Tatars conducted by the author and for this, it was chosen to support the findings in relation to the Tatars (Uehling, 2004a).

I am aware that the documents may be slightly biased especially in relation to only hearing the Rohingyas' side of the story and not the government, and as a result they will be carefully scrutinized to ensure that all relevant information is collected. I attempted to find data from well-known organizations that are generally seen as trustworthy despite the bias because they are known to work closely with the issues. I also tried to find material that was supported by interviews with some of the victims as this could counter some of the bias, and further I found reports and briefings that had also included the view of the government to get their view of the story to some degree. In this way I was able to include the view that the Myanmar government may be constrained in different ways, and thus may not bear the full responsibility for these issues (Briefing No. 157, 2019). I also looked at material from multiple organizations to show that they all share much of the same viewpoints, which could counter some of the bias as this shows that these views are not isolated but shared broadly among different actors. To further counter bias, secondary data in the forms of books and articles were used to further support the ideas set out in the data. These include data on the history of the country and general ideas and feelings through the years that can help answer the question. Though they are secondary sources and thus they may not be entirely accurate, I argue that the work is supported by many other accounts that makes it more likely to be correct (Thompson, 2017).

To further supplement the data, interviews with relevant experts will be carried out. Unfortunately, due to the current Corona-virus pandemic I was only able to obtain one interview, and I had to conduct it through email as it was not possible to use skype. The interview was semi-structured meaning that a small interview guide was created with the most important questions to guide the interview in the right direction (Bryman, 2016, pp. 466-468). Due to security issues, the interviewee will remain anonymous as per his or her request and will only be referred to as an 'Amnesty International Employee'. For the interview, a semi-structured qualitative approach was chosen to conduct it. The qualitative approach was selected because it has more focus on the interviewee and allows for more freedom to talk and go off in different directions than a quantitative approach would. This seemed relevant for my project as I wanted detailed descriptions that could be analyzed in depth in relation to my question. However, because there were specific aspects of the topic I would need answers to, especially in relation to the repatriation efforts, I chose a semi-structured interview because while it retains the general openness of a qualitative interview, an interview guide with some general questions is still made to guide the interview along. The questions are then less structured, may not be asked in any specific order and there is openness to new questions that may come up during the interview. This could be important here as it helps the interview along without being too structured, and further it opens up for new themes that could be relevant. As a result, this approach was chosen. As I was not able to properly conduct the interview as I wanted to, I tried to make the questions as open as possible to encourage my interviewee to write longer answers. Also, since I was only able to get one, it is only used sparsely to support the primary data from the reports (Ibid.).

### Content analysis

For this project, qualitative content analysis has been chosen as the main methodological tool to analyze the data. Content analysis is a method used to find the meaning in the data by dividing the data after specific categories. There can be as many categories as the researcher can handle, but they will often be more abstract and cover different passages that have similar themes. In this way, the analysis can also show how the different categories overlap. With content analysis, unlike other qualitative methods, the data is reduced to usable categories that relate to the overall question in the paper or assignment. It is quite systematic and demands a read through of all aspects of the data that is relevant to ensure that nothing is left out. This has shown to be quite relevant for this project. Initially, I planned to use thematic analysis but after finding and going through my data, I found that content analysis seemed more relevant, as I wanted to interpret and find the meaning of the data that

could help answer my research question (Schreier, 2013, p. 2).

Qualitative content analysis has a number of steps to find the categories for the analysis. First, data is found, and a coding frame is created by first finding material, selecting categories and then revising. Categories can be created both based on concepts and data. For this paper, they were mainly data driven, that is they were created through the selected data though the theories were also considered. Also, it is necessary to test the codes and revise them. This was slightly different for me here as I had initially planned on using thematic analysis, and thus this was in a way my pilot phase. However, I found that content analysis seemed more relevant as I wanted to find the meaning of my data to answer my problem formulation. Therefore, I reread my data for relevant information related to my topic and based on this, I was able to find different categories that after some revision became: Citizenship and rights, Race and local hate and government challenges. These categories were chosen because each can be used to explain the lacking repatriation of the Rohingya (Schreier, 2013, pp. 6-12). To further structure the categories each one was divided into subthemes based on the data as this further helped structure my analysis (Table 2, see appendix). This was further used for the Comparison with the Crimean Tatars where categories were added to structure the comparison and show the differences between the cases (Table 3, see appendix). In this way, the content analysis helped create relevant categories that will be used to answer my question (Schreier, 2013, pp. 6-12).

### **Alternative Research Methods and Limitations to the Study**

For this project, I chose to work with a case study of the Myanmar Rohingya repatriation compared to the Crimean Tatars, which will be studied using four theories. However, while the selected research method is quite interesting and relevant, others could have been relevant here. One other way this could have been carried out is through a narrative study where subjects are interviewed and asked to tell stories. Using this method could have been relevant, as the information would come directly from the affected people. On the other hand, there would have been issues with bias and with gaining access, as most Rohingya remain close to Myanmar in Bangladesh which is difficult to access. Though it could be that some Rohingya had made it to Denmark thus making it easier to gain access to them, the rapid spread of the coronavirus has made it impossible to meet physically with people and seeing as it is not a given that they have access to internet and skype, this idea was not used (Bryman, 2016, pp. 589-590).

While narrative analysis with the Rohingya was excluded, interviews with experts or people working with the topic were viewed as a good way to gain more information. For this, a semi-structured interview approach was chosen to conduct interviews. However, an unstructured interview

is also often used in qualitative studies. In unstructured interviews, there is no interview guide, and the interviewer simply lets the interviewee talk. The interviewer may have a few prompts or one question to guide the interview, but otherwise the interviewee is allowed to talk while the interviewer listens and sometimes follows up with questions. This approach is good for interviews where a broad view of the topic is central, and where the interviewer wants no barriers to what can come into focus. However while unstructured interviews are interesting, for this project the approach was not selected because while I want the interviewee to be able to talk without interruptions, there are certain aspects and topics I need them to talk about in order to answer my question. As a result of this, the semi-structured approach was preferred as a brief guideline with some question could then be created. This in the end also turned out to be very limited, and therefore I settled for mainly using secondary data as my primary data for this project (Ibid., pp. 466-469).

Also, as with any project, there have been certain limitations that will be addressed briefly here. First of all, most of the data comes from international organizations and websites that may be biased. An attempt to counter this has been made by using several different organizations that are each known for their work with the topic. Also, while the Rohingya case is happening right now, the Tatar repatriation happened in the 1990s and as a result times may have affected it differently than what it would today. This will be taken into consideration though the overall case still seems quite relevant. Another issue was related to the interviews. I wanted to do interviews to supplement my data, however, due to unforeseen circumstances in the form of the coronavirus, this proved to be difficult. While this meant that more people worked from home, it also created issues because many of the people in organizations like Amnesty and UNHCR that would have been relevant, were unavailable to help because there was extra work with securing refugee camps. As a result, this was not possible. Furthermore, I had plans to conduct expert interviews on the Crimean Tatar topic, but as these experts all live in the USA which has been severely affected by the coronavirus these also fell through. Also, the interview I was able to carry out had to be through email only, which meant that it was not possible to have an actual dialogue on the issue nor was it possible to see each other. Therefore, the data through interviews was very limited, and I had to rely more on secondary data than I had originally planned and make these my main points of data to carry out my analysis.

## Theory

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This section will outline the theories that have been chosen for this project. It will provide a description of each theory, its main relevant components and how each one will be useful in

answering the problem formulation. The section will first look at the right to have rights, political opportunity structures and islamophobia as they focus more on aspects of identity and ethnicity also in relation to politics. After that, I will look at the last theory, political legitimacy, which will add the governmental view to my paper. The theories were chosen for their relevance in looking at these issues on different levels of society with the right to have rights and political opportunity structures focusing on the Rohingya, islamophobia on the local level and political legitimacy on the government. In that way, I was able to consider how the different levels have affected repatriation, also in relation to each other.

### The right to have rights

This part will outline the theory of ‘the Right to have Rights’. ‘The right to have rights’ is a theory first introduced by Hannah Arendt following World War Two to challenge the ideas set out in the Universal Declaration of Human Rights that all humans have these rights by birth (United Nations, 1948). Arendt claims that this does not consider people who are stateless or in other ways outside of their home countries (Gündoğdua, 2015b, pp. 1-2). This caused her to develop the idea of right to have rights, which states that human rights are closely linked to citizenship instead of being universal, and thus becoming stateless means losing these rights despite what the declaration proposes (Ibid.). A stateless person is someone who according to the 1954 UN ‘Convention relating to the Status of Stateless Persons’ is “a person who is not considered as a national by any State under the operation of its law” (Convention relating to the Status of Stateless Persons, 1954, p. 6). In other words, it is a person or persons who do not have any nationality, and thus do not belong to any country. Stateless people can be found all over the world, and most of them were born in the same country where they now live as stateless (UNHCR, N. D.). The reasons behind statelessness vary greatly between different situations. Some of the most common are new laws, which leave out parts of the population. The emergence of new countries, for example can create new state boundaries that removes a country which is what happened to the Kurds in Turkey (Who are the Kurds?, 2019) or as in the case of the Rohingya belonging to a minority which is discriminated against by the majority of the population of the country. Governments often play a significant role in making a specific person or group stateless (UNHCR; N. D.), as they are the ones drafting the laws of the given country. As such, they are also responsible for creating the laws that can make someone stateless or address the issue of statelessness. Statelessness is quite relevant in relation to the Rohingya who have been stateless for generations, and now face the issue of repatriation despite having no legal identity (Ibid.).

In relation to the above discussion on statelessness, Hannah Arendt’s concept and theory

of ‘the right to have rights’ becomes prominent. Arendt introduced the concept shortly after the 1948 adoption of the Universal Declaration of Human Rights (UDHR) in an essay (Azar, 2019). Here, she criticized the document by questioning whether human rights are truly given to all humans solely because they are humans. Though an old term by now, the idea of ‘the right to have rights’ has prevailed through the years and continues to be one of the main criticisms of the UDHR. The concept has become increasingly important as more refugees and migrants since the time of its writing have moved between countries, conflict have displaced people and issues of human rights violations have continued. This part will look further into this (Gündoğdu, 2015a, p. 3).

Arendt’s criticism is grounded in the French idea of the ‘rights of man’, which was one of the first concepts to give a description of what a human being was (Azar, 2019). According to this view, humans have rights simply because they are humans, and no higher authority can impose laws or tell he or she what to do. This, however, has been disproved in more recent times with the rise of nationalism, statelessness and several human rights violating incidents. The UDHR is in many ways similar to ‘the rights of man’ as it also claims rights for all with no one above humans. While there is some truth to this as governance could be carried out by people, the power to make laws and rule lies not with individuals but with the people occupying that specific area. That is, the people belonging to that nation. Within states, all people share their own sovereignty in order to obtain protection of their rights. This protection can then only come if the person is a member of a particular group, a nation in this case where the person belongs as a citizen (Ibid.). In other words, citizenship is needed if one’s rights are to be protected. The only right that is promised all humans, though not necessarily recognized, regardless of whether they belong to a nation or not, is the right to have rights or the right to citizenship. Other rights demand a political community to protect them (Besson, 2012, p. 339). This means that the only way to ensure that human rights are protected is to belong to a political community that is a state. Human rights need political help to be recognized and put into law. Those who find themselves stateless do not have this protection and are then left without rights. This makes them vulnerable to exploitation and violence as the mechanism that that was supposed to protect them, human rights, does not apply to them. This is an issue for the Rohingya living in Myanmar as they are officially not recognized as native to Myanmar, and thus have no citizenship in the country. As a result, they have no rights except the right to have rights, which could explain why they do not wish to repatriate (Gündoğdu, 2015a, pp. 3-4).

Michel Agier further links Arendt’s idea of ‘the right to have rights’ with statelessness in his 2011 book ‘Managing the Undesirables’ (2011). Here, he reapplies Arendt’s idea to modern



day refugee camps, and argues that the issue of statelessness is not just about politics but also about public order. When the term initially emerged, it became a political problem as the states affected had no framework for the stateless, and thus left it to the police. This created a redefinition of the nation state as it meant facing the fact that the state could neither protect nor recognize these people. This is still the case today, but Agier argues it goes beyond politics to include the management of the stateless. It is now also a problem of making sure the stateless get processed and go to the right places. However, this is done in a way where the stateless are reduced to issues of flow and control that need to be kept away from the population and simply controlled through camps and regulations. In this way, the stateless are not just depoliticized and without rights, they are also dehumanized and reduced to a problem that needs controlling. This could be relevant in relation to the Rohingya as they have not just lost their rights but have also in many ways been dehumanized and left as a group that should simply be managed separate from the rest of the population. This could be interesting to look further into (Agier, 2011, pp. 15-19)

From a modern perspective, certain aspects of Arendt's work may seem outdated, especially her ideas of sovereignty as superior against the underdeveloped international laws and institutions. Today, these have grown to become more powerful and at times have been able to break the sovereignty of states. However, the fact that refugees and how they are treated is still a big issue today, means that Arendt's arguments can still be relevant, even years after its publication, including her critique of the UDHR which despite being hailed as an important instrument continues to have its flaws. In this way, the idea of the right to have rights is still very present today as refugees and stateless are still left vulnerable and without rights when they flee. Moreover, the issue of rights being closely connected to citizenship still seems relevant today as the issue of refugees and stateless losing their rights when they flee their homes is often brought up despite new laws and regulations on the issue (Besson, 2012, p. 340). There has been a slight shift away from citizenship in relation to rights. As new human rights frameworks have emerged, the notion of citizenship being crucial for rights has shifted to personhood and human dignity, meaning that rights are given based on personhood regardless of citizenship status. However, the two concepts are closely connected and since personhood has its own limits and challenges that can undermine it, the issue of citizenship and rights remains relevant (Gündoğdu, 2015c, pp. 30-32). In these ways, the idea of 'right to have rights' still seems quite relevant today as not much has changed in relation to human rights and the protection of refugees and stateless. This could make it quite important when looking at the Rohingya and how they are stateless and rightless in the face of repatriation. The fact that getting their rights is connected

to also having citizenship, could explain why repatriation has yet to happen as the Rohingya have neither (Ibid.).

The concept of ‘the right to have rights’ is thus an important critique of the international human rights framework as rights are in many ways connected to the issue of nationality and citizenship. The nation is the only actor that can legally protect human rights so if people find themselves without a state, they are also likely to lose their rights. While the human rights regime was supposedly made for every human being, the only instance that can enforce and protect the rights is the state which means that without a state there are no rights (Ibid.). Further, this has been broadened to also include the issue of dehumanization as a way to manage the stateless by separating them from everyone else (Agier, 2011, pp. 15-19). Looking at the issues of citizenship being connected to rights as well as the ideas of dehumanization and management, could help show why repatriation has yet to happen.

### Political opportunity structures

Further related to the Rohingya, this next theory can help show how politics have affected the Rohingya and their repatriation. Political opportunity structures also known as political process theory is a theory used to explain “the conditions, mindset, and actions that make a social movement successful in achieving its goals” (Crossman, 2019), that is it can be used to explain why certain movements are more successful in achieving their goals than others. This is mainly achieved through an analysis of the given government the movement works against where the theory can show that certain political opportunities must be present before the movement can succeed. The theory was created by American sociologists in the 1970s (Ibid.) to study the many new movements, such as student and anti-war, that first emerged in the 1960s. Though mainly used to study social movements and Non-governmental organizations (NGOs), it will be used in this project to study the Rohingya and how the unsuccessful repatriation in one way can be explained through lack of political opportunities for change (Ibid.).

One of the most prominent scholars in Political Opportunity theory has been Chuck Tilly, who made the concept central to movement studies (Giugni, 2009, p. 361). Though the idea that political opportunities for groups had long been known, Tilly was the first one to structure this into a system for analysis by incorporating it into a model with five steps. The last one was called ‘opportunities’, and referred to the ways repression and opportunity among others aid social groups, which is the general idea of political opportunity structures (Ibid. p. 362). These initial ideas from Tilly have been developed over the years, and now mainly work in two ways. The first one, mainly

used by American scholars, focuses on ‘windows of opportunity’ that is the opening of new possibilities for a specific movement or group to form, act and succeed (Ibid.). This strand mainly focuses on the movement and its development based on emerging opportunities in the government. The focus has here been more on the opportunities. European scholars, however, have taken another way and instead focused on the aspect of structures in the concept. The focus has here been on differences in movements between different countries in relation to forms and outcomes, among others. These different strands have different main views, and thus provide different perspectives on the political opportunities. For this project, the idea of ‘windows of opportunity’ seems more relevant as I will look into which opportunities for repatriation that have or have not been available in Myanmar (Giugni, 2009, pp. 361-362).

‘Political opportunities’ is the most important concept under the political process approach which has been predicted to be the dominant tool for analyzing social movements and politics (Ibid.). In themselves, political opportunities are “consistent but not necessarily formal, permanent, or national signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements” (Berwari & Ambrosio, 2008, p. 893), which is connected to the idea that they are important for the success or failure of a movement. By sending signals to act or stay put, political opportunities can determine whether a movement can get through to the government or not. Especially the idea of a government being ‘open’ or ‘closed’ is important in relation to whether change can happen (Ibid. pp. 893-894). The opportunities in themselves then refer to the possibilities for collective action that are present, which have different risks or rewards when carried out. The opportunities depend on the political landscape which is where the political part of the concept comes in. This part states that differences in the political system, ‘windows of opportunity’, provide different options for action. Four aspects are generally seen as important for the kind of opportunities that will be available. These are: “(1) the relative openness or closure of the institutionalized political system; (2) the stability or instability of that broad set of elite alignments that typically undergird a polity; (3) the presence or absence of elite allies; and (4) the state’s capacity and propensity for repression” (Giugni, 2009, pp. 361). In other words, it depends on how open to change the government is, how stable the supporting elite is, whether the movement has allies in this elite that could help convince the government and finally whether the government has the ability to or is willing to suppress a movement in different ways. These aspects could again be quite relevant in relation to the Rohingya repatriation as there may not be the necessary ‘windows of opportunity’ in the government for the Rohingya to create changes and gain the citizenship they want before they

return (Ibid.).

Like any theory, 'political opportunity structures' has its share of critics. One criticism is that the concept takes in all aspects of social movements yet lack clarity on the variables as everyone who uses it has a different variable in focus. It is stated that authors must be explicit in relation to which variables they use. In addition, the theory has more recently come under attack for being used so often in the study of social movements that other theories that could be relevant are left out. This is followed up by the idea that the concept is not very good at analyzing social movements at all. Further, for this specific project, there is the issue that 'political opportunity structures' is mainly used to study movements which is not part of this project. While the criticism is quite relevant, the theory overall still seems quite relevant both in relation to social movement but possibly also to analyze the government's openness to other groups of people. The idea of different opportunities being present for change still seems quite relevant as it is the government that needs to open for change in society. Using the theory here, could help show whether there have been any opportunities for the Rohingya to gather as a movement to create change and whether this has affected the repatriation (Ibid, pp. 362-365).

'Political opportunity structures' is thus an important theory to study social movements, but possibly also to study governmental impacts on other groups. While the theory can help show whether social movements or organizations will succeed or fail against a given state or government, certain parts of it can also be used to study other groups and their opportunities with a given government. Certain 'windows of opportunity' must be present for changes to happen, which could include openness towards other actors, no stability in the government or the government not being able to suppress voices of change (Ibid., p. 361-362). By looking at these in relation to Myanmar, it could show which opportunities that have been present, if any, and how they may have affected the repatriation effort. Though this is not directly related to studying a social movement in the country, it could be argued that the theory can be used to simply study the impact the Rohingya, which is a specific group in itself, can have on the government.

## Islamophobia

Moving on to issues on the local level is the theory of Islamophobia. The term is today extensively used, and it has a broad and long history (Elman, 2019, p. 145). This is also because the West has for centuries looked at Islam and the Muslims in the Middle East as dangerous and 'Oriental' (Said, 1981, pp. 4-5). Today, Islamophobia is widespread due to recent years' immigration and mobility, also of migrants with a Muslim background. This has contributed to the views of Muslims as dangerous and

threatening to the Western civilization and way of life (Elman, 2019, pp. 145-146). Therefore, the term Islamophobia is often defined as “both a prejudice and hostility toward Muslims that manifests as a distorted simplification of Islam and the Muslim world, and as an irrational hatred, alarmism, dread, and fear of the faith and its followers” (Ibid., p. 146). One of the main components of this understanding is the idea of phobia, or fear, where people judge all Muslims in a similar way, making them synonymous with ‘otherness’. This includes considering Muslims as potential terrorists (Ibid.) and viewing Muslim countries as violent and repressive, especially in relation to human rights and gender equality (Ibid.). This has had severe consequences for Muslims around the world as they are often subject to violence and discrimination because of these views, issues which also seem to have affected the Rohingya (Ibid.).

The term Islamophobia is in itself a controversial term. The second part of the word phobia means a fear of something and not discrimination. The two can, however, be seen as connected as there is a certain amount of fear in discrimination. That part of the word should further be understood in the same way as homophobia where it is also used as discrimination towards LGBTQI+ people. The first part of the word, however, has created even more issues. Many see Islam as a ‘system of beliefs’, and thus criticizing it should be in order which in many ways it also is (Elahi & Khan, 2017, p. 7). The issue is not that Islam cannot be criticized, but rather that those who wish to criticize it do not realize how much discrimination Muslims experience that affect their everyday lives (Ibid., pp. 6-7). The term is simply taken too literally, and ideas are considered over people. The original Runnymede report on Islamophobia from 1997 usefully describes how Islamophobia is not just about hostility towards Muslims, but also the consequences of this such as Muslims being excluded from ordinary life. This was further broadened in a later report that will be mentioned below. This is because Islamophobia is not to be understood as an attitude, but also as a form of racialization that discriminates a specific group in society with an impact on their rights or jobs among other things, on the basis of their race and faith (Ibid.). Seeing Islamophobia as a form of racism and also ‘structural racism’, which is when a system of policies, practices and the like has racist qualities (The Aspen Institute, N. D.), allows us to encompass not just attitudes, but also actions, practices, also at government level, and consequences of this. Furthermore, all forms of modern racism contain an aspect of culture, and thus go beyond the idea that racism is only about biological differences, such as skin color. This helps to show not only why racism is still truly relevant today, but also why Islamophobia can be explained as a form of anti-Muslim racism. Explaining it in this way means that Islamophobia is about more than ill feelings about Muslims, it is also about excluding them and

discriminating in relation to for example jobs. This seems very relevant in relation to the Rohingya as they too were excluded from mainstream life in Myanmar, including through restrictions on their rights and travels which seems to be linked to their religion. This could show strong feelings of Islamophobia in the country, which could affect the current attempts at repatriation (Elahi & Khan, 2017, pp. 6-8).

When it first emerged, Islamophobia was mainly considered a ‘Western thing’ and as such the theory was used predominately in relation to the Western countries’ discrimination towards Islam and the Muslims (Hafez, 2020, p. 9). This is, however, far from being true, and Islamophobia has particularly in recent years become a prominent concept to also indicate the relationship with Muslim minorities in countries outside of the West. Cases of racism towards Muslims in countries such as India, China and Myanmar paved the way for new articles on the global aspects of the theory thus making it a global concept. Though the different countries may use various logics regarding Islamophobia, such as through colonial ties or by viewing Muslims as different and threatening to security, the general idea of excluding Muslims is present in all of them (Ibid. pp. 9-16). In India for instance, hard right politics have directly targeted the Muslims in the country leading to more violence against them, while China has camps where the Muslims are forced to live (Beydoun, 2019). All this shows that Islamophobia is not just a Western or national problem, but that it also applies to countries outside of the Western world. As a result, it is possible to apply Islamophobia to international and global levels in analysis as it has become increasingly relevant in these areas. This becomes quite relevant in relation to the Rohingya as they also experienced discrimination and Islamophobia in Myanmar through the years. As the term has expanded beyond the Western states, it can be applied to other countries such as Myanmar and viewed in relation to the issues here (Ibid.).

The term became widespread particularly in the 1990s and 2000s as a result of it being used by a wide variety of actors ranging from NGOs to public commentators, who wished to spread more knowledge about “harmful rhetoric and actions directed at Islam and Muslims in Western liberal democracies” (Bleich, 2011, p. 1581). In some ways, it is a new word for an old and known term as the West has for a long time viewed the Middle East and the Muslim countries in general as something negative (Said, 1981, pp. 4-5). However, it was not until 1997 that the term Islamophobia was first used and since then, it has become widespread in the media, education and different political groups and organizations. The term not only provided a way to show these discriminatory practices towards Muslims, it also made it possible to portray these practices as something negative and use the term to show how Muslims are talked about in negative and discriminatory ways (Bleich, 2011, p. 1581).

The concept has moved from being only a political concept to being analytical as well which can be used to “identify the history, presence, dimensions, intensity, causes, and consequences of anti-Islamic and anti-Muslim sentiments” (Ibid., p. 1582). Despite this, there is no common accepted definition of the concept, and while some of the main ideas are mentioned above, general consensus on how the term can be used is still lacking (Ibid. pp. 1581-1582).

The Runnymede Trust for example, a well-known British think tank specializing in race equality (About Us, N. D.) identified Islamophobia in 1997 as a way to describe the fear and hatred of Islam and Muslims, but then goes further by differentiating between general disagreement with Islamic laws and ideas, which may be well-founded, and ‘true Islamophobia’ (Bleich, 2011, p. 1583) where the hatred is illegitimate and thus simply hate. The term is further widened to include not just the hate and hostility, but also the consequences that come from these in the forms of discrimination and exclusion. The ideas here are quite varied and broad, and thus not very specific in relation to defining the term (Ibid.).

Despite this, the Runnymede definition is in many ways more coherent than most other scholars when using the term. While some do not give any, or only weak definitions in their articles, even those who attempt broader explanations have issues with contradictions and coherence. Some see fear as prominent (Lee. Et. al., 2009, as mentioned in Bleich, 2011, p. 1583), others go beyond that or exclude fear (Zúquete, 2008, as mentioned in Bleich, 2011, p. 1583). Then there are those who go beyond the thoughts behind discriminating against Islam to look at the actual actions behind these (Stolz, 2005, as mentioned in Bleich, 2011, p. 1583). Though even these differences can have the overall common idea that Islamophobia is a ‘social evil’ (Ibid.), this has been rejected in the literature with some even viewing the term as something positive and a just idea of Islamic society as journalists Toynebee and Liddle from the Guardian and Sunday Times respectively did in 1997 following the release of the first Runnymede report on Islamophobia (Ibid. p. 1584). As a result of this, Islamophobia can be a difficult topic to properly theorize when using it for analysis. Bleich (2011) makes an attempt at it by using an idea of concept formation where the term is divided into three levels to show multidimensionality starting with the basic and expanding out to cover the core parts of the concept. For Islamophobia, these could be “indiscriminate negative attitudes or emotions directed at Islam or Muslims” (Ibid. 1585) meaning that Islamophobia would cover all kinds of negative sentiments toward Islam and Muslims. For this particular project however, the definition set out by the 2017 Runnymede report seems to encompass these ideas quite well as its definition states:

Islamophobia is any distinction, exclusion or restriction towards, or preference against, Muslims (or those perceived to be Muslims) that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (Elahi & Khan, 2017, p. 7).

This understanding in many ways covers the idea of all kinds of discrimination towards Islam and Muslims, and further extends it towards actions carried out to racialize and discriminate Muslim minorities, which could be quite relevant for this project. As a result, this meaning of Islamophobia will be applied to this study of the Rohingya in Myanmar. In the case of the Rohingya, the issues of exclusion and restriction based on their ethnicity and religion seems to have been key in their current plight, and may also be an issue in relation to repatriation both in relation to the Rohingya themselves not wanting to return because of it, but also because the Islamophobia among the locals and in the system could make repatriation dangerous (Ibid.).

Thus, Islamophobia is a theory that has evolved in recent years. Since then, these ideas have been further developed into several different theories on Islamophobia. For this paper, the definition is taken from the Runnymede report which views Islamophobia as a form of racism. This allows me to go deeper into issues of Islamophobia by looking not only at ideas of prejudice, but also at the actual consequences of this in the forms of discrimination, racialization and exclusion (Ibid.). This could be particularly relevant in relation to the Rohingya, as there have been widespread anti-Islam ideas in Myanmar that could be seen as Islamophobia including discrimination and exclusion from participation in society (Amnesty International, 2017, pp. 10-13). This theory can help further analyze this in relation to the issue of repatriation.

### Political Legitimacy

Lastly, while the issues above focus more on the Rohingya and local life, issues on the governmental level may also have affected repatriation. This section will build more on this view by looking at legitimacy, more precisely political legitimacy which focuses on the legitimacy of an authoritative power such as a government. Legitimacy can have many meanings in different contexts but in relation to politics, it refers to “popular acceptance of a government, political regime, or system of governance” (Blatter, 2013). In this sense, legitimacy refers to the fact that a government is seen as justified in its decisions. The term is often understood in a normative or positivist way. The first one focuses on political philosophy and looks at what sources can give legitimacy and whether a specific government is legitimate. The other one is more concerned with degrees of low or high legitimacy and the explanations behind this (Ibid.). Political legitimacy is important for a governing



regime as every kind of government needs at least some acceptance among the population in order to keep ruling. A government without any legitimacy would, in most cases, eventually collapse as it would have no support. This makes legitimacy crucial for the ruling party in a given country. It can, however, be justified in different ways depending on the ruling political system of the given country (Ibid.). Different kinds of legitimacy exist, and it can be analyzed in multiple settings and ways. One thing that is important for all of them, however, is the issue of who the subject is. This can sometimes be difficult to determine as different kinds of authorities exercise power over different groups. In today's world, ruling over the public can mean many things as *publics* can refer to whole or parts of a population. This has provided scholars with many opportunities to investigate whose legitimacy is right and why. This, however, can be problematic depending on the setting as there are great varieties in people and public settings. As such, legitimacy can come from and be given to different actors in society (Karlsson-Vinkhuyzen, 2016, pp. 198-199). A monarchy will base its legitimacy in the tradition of a given family or person being in charge, often due to tradition, while democracies instead place the legitimacy with the people, thus giving them the majority of the power to justify the rule of the government. This could be quite relevant in relation to Myanmar. As Myanmar is a democracy, the legitimacy comes from the people who are not very fond of the Rohingya. A repatriation now could damage the political legitimacy of the government which might explain why it has yet to happen (Blatter, 2013).

The idea of legitimacy in politics is relatively new and was first introduced by sociologist Max Weber in his 1978 book 'Economy and Society'. In this, Weber makes two important statements about legitimacy. First, that when the legitimacy of a given power is generally accepted it will be followed without the need for coercion. Second, that different power systems will have varying legitimacy ideas that can help describe it. According to Weber (Beetham, 2012, pp. 121-123), traditionally three kinds of power existed: traditional, charismatic and rational-legal. However, this typology is not enough when looking at the different historical systems that have been in power. In order to better view this, it is important to look at what makes a given government legitimate. This has a lot to do with rules and consent, and can overall be viewed in the following ways: An authority is legitimate if

“1. it is acquired and exercised according to established rules (legality);

2. the rules are justifiable according to socially accepted beliefs about i) the rightful source of authority and (ii) the proper ends and standards of government (normative justifiability);

3. positions of authority are confirmed by express consent or affirmation of appropriate subordinates, and by recognition from other legitimate authorities (legitimation)” (Ibid., p. 123).

In other words, if the authority follows the rules, is accepted based on moral and social beliefs and given direct consent, it is legitimate in the eyes of its subjects. The framework is, however, very abstract and the different aspects will depend on the political system it is applied to. This means that it can be applied to different systems, and thus create differing descriptions of their legitimacy. This goes both for state actors and international society as legitimacy is also important here. This could be interesting to look further into here as the current Myanmar government may be affected by its legitimacy in relation to the Rohingya crisis. In fact, letting the repatriation happen, could cost the government its legitimacy due to the general feelings and beliefs toward the Rohingya in the country as the locals do not seem to like them. This could make them view the government’s use of power as unjust. This analysis will look more into this (Ibid. pp. 120-124).

Political legitimacy is mainly viewed as a national tool to show when the people accept a government, but it has become increasingly important to also view legitimacy internationally. As more international institutions like the EU and UN have emerged, states are no longer being judged only by their people, but also by the international community which can under certain circumstances take action as we saw with Libya during the Arab Spring. In this case, the lost legitimacy of the Libyan government was used as a justification for the UN to intervene through military means. Similarly, the Syrian regime has also lost its legitimacy in the international community though no action has been taken against it because of vetoes by Russia and China (Odendahl, 2015). Legitimacy on the international level is in many ways similar to that of the national level. It is the justification of the use of power by a government, and it is necessary for the government to remain in power. However, while at the national level legitimacy is given by the people and follows state laws, on the international level it is other states that give legitimacy while it is based on international laws. This means that if a state was to break any international laws, other states may not view it as legitimate, and thus justified in ruling its country and using its power. Though it does not always have consequences as severe as those in Libya, the Syrian government is still in power, the threat of losing legitimacy from other states could be enough for states like Syria to not take too drastic measures for fear of the issue being taken further. This is quite interesting in relation to Myanmar and the Rohingya. The Myanmar government has been unwilling to do much for repatriation and even forced repatriation seems to have been discarded even though it has been used by the government in the past. An explanation for this could be the government trying to maintain its legitimacy both towards it

people and the international community as both could affect its support. At the moment the government could be very aware of what the international community thinks of it as it has garnered more attention in recent years which could deter it from going forward with repatriation if the international community disagrees (Odendahl, 2015).

Legitimacy is, in the case of political legitimacy at least, the justification of the use of power in a given setting. Political legitimacy can come in different ways and from different sources though the common denominator is the people as the main source of legitimacy (Blatter, 2013). Legitimacy can, however, also go beyond the borders of the state and extend to international community where it can become quite important as other states can judge the legitimacy too (Odendahl, 2015). This could be relevant in relation to the repatriation of the Rohingya as repatriation for different reasons has yet to happen despite past attempts of forcing it and the current issues. Though it is a good thing that it has not been forced, it seems quite interesting still that repatriation, voluntary or involuntary, has yet to happen despite recent attempts. Looking at the political legitimacy of the Myanmar government both in relation to its people and the international community, could help explain this.

## Analysis

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The analysis will look further into the current issue of the Rohingya in Myanmar, and try to give a possible answer the question **Why have the Rohingya yet to be repatriated back to Myanmar?** The analysis considers different themes that have emerged in relation to the repatriation that could help showing why this has yet to happen. The themes were uncovered in a number of reports and articles from relevant NGOs Amnesty International, Human Rights Watch and International Crisis Group which have all worked extensively with the issue. Additional information to explain and deepen the themes have been found in relevant readings and articles. The goal is to look at not just why the Rohingya themselves have refused to return, but also why the local population and the Myanmar government seem to be against it. The analysis will be divided after categories found in the data which help explain the lacking repatriation and analyzed using my four theories described above (Table 2, see appendix). Finally, the case will be compared to the repatriation of the Crimean Tatars back in the late 80s/early 90s. Though it later faced issues, the Crimean Tatar repatriation at first seemed to have been a success, and this case could thus help showing what is missing from the Rohingya repatriation (Embassy of Ukraine in the United States of America, 2014). The categories that were selected to guide the analysis are: citizenship and rights, Racism and local hate and

government challenges. Each one was chosen because they can all help shed light on why the Rohingya have not yet repatriated both in relation to the Rohingya but also to the local and governmental level of society as these too can have an impact on repatriation. The categories will be structured after which level of society that is in focus: The Rohingya, local level, and governmental level.

## Citizenship and Rights

### *Lacking Citizenship*

Starting with the Rohingya, one issue that seems very prominent in delaying repatriation is the issue of citizenship and rights which seems to have affected the Rohingya both socially and politically. Back in 1982, the military government of Myanmar adopted the 1982 Citizenship Law. The law (Burma Citizenship Law, 1982), which is still in place today, lays out the rules for citizenship and the conditions for being entitled to it. In this law, the specific ethnic groups of Myanmar “the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan” (Ibid.) are directly spelled out as having lived in the country “from a period anterior to 1185 B.E., 1823 A.D” (Ibid.). This makes them citizens of Myanmar. The Rohingya are not on this list despite evidence of them having lived in the country since the 1400s (Blakemore, 2019), and thus they were with this law officially excluded from citizenship. Because citizenship is closely related to rights (Besson, 2012, p. 339) this implies that the law not only deprives the Rohingya of their citizenship, but also of their rights both to protection and access to basic rights such as land ownership and jobs (Amnesty International, 2017, p. 10). This leaves them vulnerable with few possibilities to lead a decent life, which could explain why they do not want to repatriate before this has changed.

Many of the Rohingya interviewed by Amnesty International (Amnesty International, 2019, pp. 59-60) also refer to this. Interviewees mention that there is nothing for them to return to and that much needs to be changed and granted for them to come back (Ibid. p. 59). Similar fears are laid out in one of two reports from the International Crisis Group (Report No. 296, 2018), which furthers these ideas as “Many of the Rohingya had lost everything – homes, land, cattle, businesses and savings, as well as loved ones” (Ibid.) some of which would be difficult to regain without rights. They do wish to return, but only if the country is safe for them and their families. For a safe return to happen, changes must be made to ensure that the Rohingya will not be harmed. This involves granting them citizenship as this would grant them rights of protection too, which could make the repatriation more safe. However, looking at Myanmar, not much has been done to change this. As these issues continue and are not acknowledged, the Rohingya fear what they will return to as

“nothing had changed since they left” (Amnesty International, 2019, p. 56). This would mean returning to a country where they are not recognized as an ethnic group which continues to leave them vulnerable to attacks. This is related to the right to have rights and Arendt’s idea that rights come from citizenship and belonging to a community that can protect them. Citizenship is necessary to protect the rights of people so if that is not present they are left with no protection which is the case for the Rohingya (Gündoğdu, 2015a, pp. 3-4). For them to return, changes are needed including the granting citizenship to protect their rights. However, as not much has changed in the country the Rohingya could fear that they would return to a country where they have no citizenship, and thus no rights to protect them. This shows one issue in relation to the lacking repatriation (Report No. 296, 2018).

The Myanmar government seems to have done little to ensure that the Rohingya can return. It has not admitted that the handling of the Rohingya crisis has been wrong, and a UN Fact Finding Mission from September 2019 found that “the laws, policies, and practices that underpin the government’s persecution of the Rohingya—and which serve as causal factors for the killings, rapes and gang rapes, torture, and forced displacement by the military and other government authorities—remain in place” (Human Rights Watch, 2020), including the above-mentioned 1982 citizenship law (Ibid.). Instead, the government has offered the refugees National Verification Cards which would mark them as foreigners with no guarantee of gaining citizenship. This would still leave the Rohingya without rights and protection as protection of rights entails citizenship and a state to protect them (Besson, 2012, p. 339). Despite this, the government has claimed that it is ready for repatriation and camps have been set up for the returnees. However, having the physical structures for repatriation ready is not the same as having the right conditions, for example in the form of citizenship, in place as the UN High Commissioner for refugees has pointed out (Report No. 296, 2018). Also, the government claims to be following advice from the Advisory Commission on Rakhine State, a group created to solve the issues in the area (Advisory Commission on Rakhine State, N. D.), yet in reality restrictions on media and humanitarian reporters are still in place, which makes it difficult to confirm that changes for the better are happening (Interview, see appendix).

This is an issue for the repatriation attempt as not much seems to have changed. The Rohingya want citizenship and rights to protect them before returning but as is shown here the government has yet to make the necessary changes. The changes the government claims to have made are not enough for proper repatriation as it seems to be only the bare minimum that has been changed to simply manage the Rohingya without fulfilling their wishes. As Agier mentions in relation to ‘right

to have rights' (2011, pp. 15-19), this not only depoliticizes but also dehumanizes the Rohingya as they would still be separated, controlled and stateless. It also continues the issue of citizenship as this has still not been granted and with that no rights either. These are not the right conditions for repatriation and could moreover explain why it has yet to happen (Ibid.).

### *Political Challenges*

Further complicating these issues, is the fact that the Rohingya do not seem to have many opportunities to fight for citizenship politically. Since 2012, restrictions have been imposed on the Rohingya's ability to gather in groups and create movements to fight for their rights. Because of this, it has not been possible for the Rohingya to form movements to fight for them which could limit their opportunities to make changes (Amnesty International, 2017, p. 85). But even if it was possible to establish a movement, it could be difficult for the Rohingya to receive recognition and a voice in the government. At the most recent election in 2015, all Rohingya were banned from voting and running for office because they are not citizens of Myanmar. The Rohingya had been allowed to vote in the elections held in 1990 and 2010 but in the time before the 2015 election, the government adopted measures to stop this (Ibid.). First, all 'white cards', temporary registration cards (Ibid., p. 29), which most of the Rohingya have, were taken by the government and soon after, a constitutional tribunal ruling declared that letting white card holders vote was 'unconstitutional' (Ibid., p. 85). They were further excluded when all Rohingya candidates who wanted to run for the government were banned from doing so based on their lack of citizenship. Monitors on the scene said that "election commissions at all levels rejected candidates solely on the basis of their physical appearance, names or religion, thus discriminating on racial and religious grounds" (Ibid.).

This shows a government still capable of repressing opposition voices (Giugni, 2009, pp. 361) as the Rohingya were banned from taking part in any aspect of the election which in turn destroyed any opportunities of using the window of opportunity that the election of a new government held (Amnesty International, 2017, p. 85). Adding to this, is the fact that only one political party, The Democracy and Human Rights Party, was willing to fight for them in the election. It is one of the smallest registered parties in the country and had most of its candidates banned from participating because they were Rohingya. It is not well-liked in the country and faced several protests during the 2015 election which leaves the Rohingya with few allies to aid them. Thus, these issues could make it more difficult for the Rohingya to repatriate. The restrictions on meeting in groups and their exclusion from the election continues to repress the Rohingya and combined with their lack of allies politically there are not many 'windows of opportunity' for them to fight for citizenship (Baudey &

Oudot, 2015).

However, even if these opportunities were present, the Military, which was behind the 1987 citizenship law and the 2017 attack, poses a further challenge as it continues to be a powerful political actor in Myanmar. When the new government with Aung San Suu Kyi in the lead was introduced in 2015, many, including the Rohingya, may have hoped that the change in government would create ‘windows of opportunity’ for changes that could benefit them (Aung San Suu Kyi: Myanmar democracy icon who fell from grace, 2020). However, while there have been some changes for the better, the military is still present in the government. A number of seats are reserved solely for military people in the parliament and on certain matters such as changes in national laws and charters, the military has veto power which could stop any changes (Briefing No. 157, 2019). As the military has been one of the main perpetrators behind the attacks on the Rohingya since 2017 and further was behind the Citizenship law that excluded the Rohingya, it could show that the military is not fond of the Rohingya. This is further shown by the fact that the military has denied the severity of its violence against the Rohingya (Report No. 296, 2018) instead blaming it on the Rohingya terrorists (Who are the Rohingya, 2018). Additionally, the leader of the armed forces in the country has openly stated that the Rohingya do not belong in Myanmar citing that “they “do not have the characteristics or culture in common with the ethnicities of Myanmar”” (Report No. 296, 2018). These views from the Military could mean that it would not be willing to support political changes for the better for the Rohingya. As the Military remains powerful in the government, it could block attempts at making amendments to laws that could help the Rohingya. Because of this, there may not be any ‘windows of opportunity’ in the government that the Rohingya can use to create changes and gain the citizenship they need to be recognized and thus repatriate (Briefing No. 157, 2019).

Thus, one reason for the lack of repatriation can be found in the issue of citizenship and rights. The Rohingya have no citizenship leaving them stateless without human rights, and thus vulnerable to exploitation. Consequently, the Rohingya do not want to return until their citizenship and rights are secured. However, the Rohingya have been almost completely excluded from the political life in Myanmar while the military continues to maintain power here which means that they have very few political supporters who could help change the government toward the Rohingya. Further, the government continues to deny the issue nor has it properly addressed the citizenship issue. Because of these problems, it seems the Rohingya would continue to live without citizenship and rights if they returned now and so they refuse repatriation.

## Racism and local hate

### *A System of Apartheid*

Moving on to the local level, another issue that seems quite important in relation to the repatriation has to do with the racism and hate the Rohingya have experienced both through the system in Myanmar but also from the local Buddhist population. The current system in Myanmar feeds to the Islamophobic positions as it limits several aspects of life for the Rohingya. The Rohingya are denied citizenship and many of their rights in Myanmar which has led to a system that an Amnesty International worker as well as a report from the organization characterize as apartheid (Interview, see appendix; Amnesty International, 2017). Apartheid is a form of separation traditionally based on race though it can also refer to other forms of separation such as cultural or gender apartheid (Apartheid, 2020). In this case, the apartheid is based on religion and ethnicity as the Myanmar system specifically targets and separates the Rohingya and other Muslim groups from the rest of the population based on these. As such, the Rohingya have experienced several restrictions on their lives which seem quite discriminatory and anti-Muslim and which have become worse since 2012 (Ibid.).

Examples of this include restrictions on movement, not just for Rohingya but for other Muslims living in Rakhine state in Myanmar, and segregated hospital. The movement restrictions against Muslims include: Travel permits, curfews, check-points and in some areas that they have to remain in their hometowns. Limits which are all mainly applied in areas where Muslims live. The travel permits and curfews clearly exemplify how anti-Muslim and anti-Islam regulations specifically target not just Rohingya, but Muslims in general. The travel permits especially target the Rohingya as “instruction issued by the Rakhine State Immigration and National Registration Department, which is still in effect today, explicitly sets out the requirement for “foreigners” and “Bengali races” residing in all of Rakhine State to obtain a “temporary travel permit”” (Amnesty International, 2017, p. 43). Bengali is the official description for the Rohingya as the name is not recognized. This means that Rohingya specifically need permits to travel which could be seen as a form of discrimination based on their ethnicity and faith as it specifically targets this group (Ibid). It also is related to forms of structural racism and Islamophobia (The Aspen Institute, N. D.) as it limits the group in relation to work and life based on their ethnicity as the travel restrictions makes it difficult to find work in other cities, go to school and even seek medical attention because they would first need a permit (Amnesty International, 2017, p. 43). Travelling to other parts of Myanmar also requires a permit for Rohingya, as well as extensive documents and guarantees from two people that those travelling will return. This severely restricts the movement of the Rohingya and further shows the discrimination in the system



as it specifically targets them. This could hinder repatriation as the Rohingya may not wish to return to a system of discrimination, and further it would not be seen as a safe return as the Rohingya would still be separated and mistreated (Amnesty International, 2017, p. 57).

Also, curfews have been imposed in several areas in Rakhine state where most of the Rohingya live officially for security and safety reasons. These curfews ban people in the affected areas “from being outside their homes and travelling at night” (Ibid. p. 44). Though they could be justified on security reasons, “Interviewees and other credible sources report that in practice, the curfew is imposed selectively against Muslims” (Ibid. p. 44) which could show that these laws are quite Islamophobic and a kind of apartheid as these measures specifically affect the Rohingya and Muslims causing them to be separated from the rest of the population (Ibid., pp. 42-57). The last example has to do with the healthcare system and segregated wards which also promotes the idea of the system being apartheid. Because of the travel restrictions, access to hospitals is limited and at two of the hospitals the Rohingya use they are kept in separate ‘Muslim wards’ away from the rest of the population (Amnesty International, 2017, p. 63). The reason for this is explained by “security concerns, including for their staff who had previously been threatened by hardliners for treating Muslim patients” (Ibid., p. 63). However, even if it is for protection, it could still be seen as a form of discrimination and segregation as it is based specifically on their race and religion, thus further separating the Muslim population from the rest of the country. Islamophobia in the country is thus in one way embedded in the official system of the country as it discriminates Rohingya and Muslims seemingly based on their religion and ethnicity (Ibid., pp. 63-64). This system of Islamophobia and apartheid (Ibid., p. 10) is another reason for the difficulties of repatriation, as the system discriminates on the basis of both religion and ethnicity which are not the right conditions for a safe return. This system seemingly remains in place as the government has made few changes (Human Rights Watch, 2020) meaning that the Rohingya would return to the same issues they left behind. As long as this system remains in place, “there can be no safe or dignified returns of Rohingya to Myanmar” according to an amnesty International employee (Interview, See Appendix).

### *Local Hate*

However, it is not just the system in Myanmar that can be seen as Islamophobic. The same can be said about the feelings among the local population. Tensions between the majority Buddhists and Muslims have been present since the British colonial times when the Buddhists feared that their religion was disappearing especially when the British rulers made Hindus and Muslims members of the government instead of the locals (Report No. 290, 2017). This changed after the military coup in

1962 where Buddhism was promoted as the main religion of the country leading to a rise in nationalist ideas and a feeling that true citizens of Myanmar were Buddhist. This led to increased repression of other religions in the country, including Islam (Walton & Hayward, 2014, pp. 5-7).

These issues have been on the rise since 2011 as the oppression of the Myanmar people from the previous government was lifted, and people were allowed to freely express themselves. According to the International Crisis Group, this has led to increased expressions of exclusionary forms of nationalism and of the idea that Muslims are trying to overtake the country to the point that there is a story that “if Buddhists in Rakhine had not protected the “Western Gate” of the country and stood firm against demographic pressure from Muslim Bengal, then Myanmar and the rest of Buddhist South East Asia would have become Muslim long ago” (Report No. 290, 2017). Though it is unknown whether this would have actually happened, many in Myanmar seemingly believe it to be true and as a result, the fear towards the Muslims has risen to a point where they continue denying the Rohingya their rights and citizenship out of fear that they would conquer the country. Further, Muslims are believed to be “hoarding capital, buying up real-estate in town centres, using their wealth to woo and marry Buddhist women, then forcing their wives and children to convert to Islam through physical or economic pressure” (Ibid.) which are quite negative views on the group. The Muslims are further described as a “cancer within” (Ibid.) that can spread and destroy the Buddhists. Though mainly targeting the Rohingya, the ideas have spread to the rest of Myanmar to encompass all Muslims including the Kaman which is a Muslim group native to Myanmar. These are Islamophobic and strongly discriminatory views as they attribute the Muslims stereotypes and deviant traits such as forcing their religion on other people. With these views towards them, the Rohingya may not wish to return as they are disliked and discriminated based on who they are, and further they may not be welcomed as we will see below (Report No. 296, 2018).

The Islamophobic views have through the years been supported by two prominent nationalist movements in Myanmar: the *969 movement* and the *Association for the Protection of Race and Religion*, commonly known by the abbreviation MaBaTha, though it has recently been renamed the *Buddha Dhamma Parahita Foundation*. The 969 movement was started by Buddhist Monks and first became prominent in 2011 and is well known in Myanmar for its extremist language, especially through claims that Muslims are trying to take over Myanmar. These ideas were spread publicly through stickers and DVDs that also asked Buddhists to be faithful to the Buddhist people and businesses of the country. The movement was officially banned in 2013 but its ideas and ideology have continued to be circulated in society by MaBaTha since then (Report No. 290, 2017). This

organization promotes the Buddhist way of life and furthers the idea that to be Burmese means being Buddhist. Though the movement is more complex and has had members promoting peace between the different religions, the most outspoken ones have continued appealing to nationalist feelings and helped the spreading of anti-Muslim ideas (Walton & Hayward, 2014, pp. 14-17). The organization has become very popular among the Buddhists in Myanmar, according to the International Crisis Group, both for its promotion of nationalist and Buddhist ideas but also for its help on social issues such as disaster relief and education. This popularity has helped spread strong anti-Muslim sentiments such as only trading with other Buddhists and not with Muslim businesses, lobbying for marriage laws, in effect by the government since 2015, that would make it difficult for Buddhists to marry non Buddhists, and the general fear of Islam being a dangerous religion that is trying to take over Myanmar and destroy Buddhism. These are again quite Islamophobic ideas that could stop the repatriation by making return unsafe as they spread anti-Muslim ideas that could make the returnees seem dangerous and unwanted (Report No. 290, 2017).

These problems got worse following the 2017 violence. The initial attacks on the Myanmar police, which led to the military taking action, were carried out by members of ARSA, a Rohingya group which is seen as a terrorist organization in Myanmar (Ibid.). The fact that Muslims had started the attack confirmed the idea of Islam and Muslims as a threat to the country. This led to a rise in violence and anti-Muslim ideas and extreme nationalist groups that had been silent for a while were able to reemerge and spur the people on. Aid shipments from Malaysia were protested, tensions in areas with many Muslims rose and protests against two Muslim schools became violent as people demanded that they were shut down. When a house was believed to hide Muslims, supposedly Rohingyas, nationalists demanded that the police raided it and when no evidence was found, the situation turned violent (Ibid.). This view towards the Muslims has not lessened in the years following the 2017 violence and attacks. When talks on repatriation began, the people of Rakhine protested and continue to do so today (Briefing No. 153, 2018). They do not want the Rohingya to return and if it happens, they want “strict security vetting of returnees and resettling them to certain secure areas instead of their home villages” (Ibid.), which could be a way of saying that they believe the returnees may be dangerous, and thus should be treated with caution. This is a view that has also been brought up by military representatives even in discussions related to Kaman Muslims which are native to Myanmar, again showing Islamophobic views as they attack Muslims in general (Report No. 296, 2018). This opposition based on Islamophobic views of Islam as dangerous and evil has been present in Myanmar for a long time and repatriating now” renews the

risk of violent unrest “(Briefing No. 153, 2018), which could give another explanation for the lack of repatriation.

Thus, the lacking repatriation could further be explained by the hate among the local Buddhist population toward the Rohingya by ways of violence and protests against their return spurred on by nationalist groups. These discriminatory and Islamophobic views make returns at the moment unsafe both because returning to the current rules of curfews and travel permits would not be a dignified return, which is important for repatriation, but also because local hate could make returning violent and unsafe.

## Government Challenges

### *National Challenges*

Lastly, the government has faced additional problems that could explain the lack of repatriation. For the issue to be solved, changes are needed but the government is both ‘unable and unwilling’ to help (Interview, see appendix). The above issues have touched upon the unwillingness as the government continues to deny the severity of the issues, however, it could also be because it is unable to aid due to outside pressure. The issues of hatred toward the Rohingya may not only be a problem due to the unsafe environment it could create. It may have hindered the Myanmar government in continuing with the repatriation process. This is interesting as repatriation has happened in the past (Rahman, 2010, pp. 234-235). Back in 1991/1992, the Bangladesh and Myanmar governments made an agreement with UN aid which would repatriate the Rohingya that had fled to Bangladesh. However, many Rohingya protested and a group of 15,000 repatriated Rohingya fled Myanmar again shortly after their return out of fear for attacks from the military. The governments, however, pressed on and in the end, 200,000 Rohingya were repatriated, many of them involuntarily (Ibid.). Repatriation, however, has yet to happen this time, voluntarily or forced. Some attempts have been made at repatriation, spurred on by Bangladesh which is tired of the refugees and China which has an economic interest in both countries. There have even been allegations from the Rohingya that it could be forced, but so far it has remained as threats while voluntary repatriation has not happened either (Briefing No. 153, 2018).

One reason for this could be the current situation in Myanmar, especially in Rakhine state, which as mentioned above is quite hostile to the Rohingya and remain so in relation to repatriation. According to report No. 296 and briefing No. 153 on the issues from the International Crisis Group, locals “remain staunchly opposed to any refugee return” (Report No. 296, 2018) an idea which is shared across the country and has even become a matter of discussion when ethnic

Muslim groups wish to repatriate. An example of this, includes a situation where locals opposed the repatriation of a group of Kamans, an ethnic Myanmar group which is also Muslim. Despite being recognized as an ethnic group, the Kaman move was opposed for fear of spreading terrorists (Ibid.). Further, locals have shown their dislike for the repatriation through protests and demonstrations to stop the repatriation and if it was to happen they have asked for thorough checks of all returnees to ensure they are not a threat and that they be returned to separate 'secure areas' instead of their homes (Briefing No. 153, 2018).

The fact that the locals are so opposed to repatriation can have deterred the Myanmar government from attempting to put repatriation schemes in place as this could affect its support among its people. The current government and its ruling party NLD led by Aung San Suu Kyi remains popular with the majority ethnic Burmese in the country who mainly belong to the Buddhist religion (Briefing No. 157, 2019). However, as mentioned above, the Buddhists are not very fond of the Rohingya so if the NLD government was to support the repatriation this could anger the Buddhists and go against their belief that the Rohingya do not belong. This could cause them to withdraw support for the government (Ibid.). The government needs the support of the majority of its people to remain legitimate and in power, so this could be an issue (Blatter, 2013). The Union Solidarity and Development Party (USDP) the main rival to NLD attempted to use this during the 2015 election by playing on the Buddhist fear of other religions, especially Islam (Briefing No. 157, 2019). Though it did not work as the NLD took a more nationalist approach, this could show that supporting the Rohingya and the repatriation could be used against the government politically, as other important actors are also against the Rohingya, and as such the government may want to hold back on the repatriation (Ibid.). This is further shown through the Buddha Dhamma Parahita Foundation, formerly MaBaTha, which with its large support group could make an impact here. The organization is against the Muslims and Rohingya and has also shown contempt for the NLD government accusing it of having "a generally Western liberal outlook that privileges minority rights and diversity (including religious diversity) over protection of the Buddhist faith" (Report No. 290, 2017). Though it is not involved in politics and the government, it has many followers to influence thus making it an important actor politically. Thus, it could convince the locals that repatriating the Rohingya would be dangerous for the locals which in turn could cause the locals to view the government's plans of repatriation as unjust and not legitimate (Ibid.).

This has become more important since 2018 where the government and local Buddhists in Rakhine state clashed over a series of issues including a demonstration that ended in violence and

death as well as the arrest of a prominent Rakhine politician. As a result of this, the government's credibility was damaged and relations with the locals took a hit too (Report No. 296, 2018). This has only grown worse since 2019 when fighting between a local Rakhine group and the military escalated with civilians caught in between the fighting groups (Human Rights Watch, 2020). With relations unstable, adding the issue of repatriation could worsen the issues between the government and the locals and possibly cause the people to completely lose faith in the government, and thus deny their legitimacy and use of power (Report No. 296, 2018). The year 2020 is election year in Myanmar and given that the locals are not very fond of the Rohingya, Aung San Suu Kyi and her party may be stalling on the repatriation to avoid a backlash during the election as this could affect both her and her party's legitimacy negatively (Interview, See appendix). Therefore, the local hate may have affected the government in its approach towards the Rohingya as this could negatively affect its support and legitimacy (Briefing No. 157).

### *International Challenges*

However, while support from the people is important, international recognition has also become increasingly prominent in recent years. States in many ways need international recognition and legitimacy to remain in power as was mentioned above (Odendahl, 2015). It would probably take a lot for the international community to physically intervene and force the Myanmar government to act, it is possible as we have seen with Libya, and furthermore it has other ways such as sanctions to punish the country (United Nations Security Council, N. D.). The international community has become increasingly aware of the Rohingya issue in recent years which could affect the international legitimacy of the government. This could explain why there have already been several discussions on repatriation between Myanmar and Bangladesh and why the Myanmar government claims to be ready for the returnees as this could be to please the international community. Some aspects for repatriation have been prepared in the form of camps for processing the returnees though not much else has changed (Human Rights Watch, 2020). In addition, the government has not attempted a forceful repatriation of the Rohingya which has happened in the past. Talks between Myanmar and Bangladesh have been ongoing since 2017 and some Rohingya have also expressed concerns as to whether they would be forced back (Briefing No. 153, 2018). However, so far it has not happened, and this could be because the Myanmar government is trying to maintain its international legitimacy (Ibid.).

When the initial discussions on repatriation began, the international community was quick to react and especially the UN was fast in denouncing the plans stating that "the move is

premature and that it does not yet consider conditions on the ground in Rakhine state conducive to returns” (Ibid.) meaning that there are still too many problems in Myanmar for repatriation to be successful, and thus it should not happen yet. As the international community now is aware of what is happening in Myanmar, the government may have decided to back away from the repatriation, at least to an extent, to avoid international backlash and instead work towards voluntary repatriation (Ibid.). However, even voluntary repatriation seems to have been halted as new developments have caused international attention to shift away from Myanmar as new crises and at the current time the Corona virus pandemic have created new problems (Interview, See Appendix). This may also have stopped the Myanmar government from proceeding further as movement now would not be safe and though new issues have emerged, the international community may still be aware of the issues in Myanmar (Ibid.). The Myanmar government and especially its leader Aung San Suu Kyi has already lost support internationally in the wake of the Rohingya crisis. As mentioned at the beginning of this paper, Aung San Suu Kyi was for many years seen as an important human rights figure who fought for the people of her country to be able to enjoy these rights, at times with severe personal consequences. When she was finally able to become leader of Myanmar, many saw it as a change for the better including the minorities of the country (Aung San Suu Kyi: Myanmar democracy icon who fell from grace, 2020). However, this has not happened and as a result, her legitimacy has received a severe blow internationally. Because of this, not repatriating the Rohingya may at the moment maintain the government’s legitimacy both internationally and nationally as neither side want it to happen right now (Briefing No. 153, 2018).

So, one last reason for the lacking repatriation has to do with the government and the challenges it faces both locally and internationally. The government needs support from both sides to remain legitimate which at the moment means no repatriation due to local resentment and international opposition. Consequently, the repatriation has not yet happened.

### Comparison: The Crimean Tatars

As discussed above, there are several issues that currently prevent a safe and planned repatriation of the Rohingya to Myanmar. To further show how repatriation programs can be carried out, I will in this section of the analysis provide a comparison with the case of the Crimean Tatars. The Crimean Tatars, like the Rohingya, were expelled from their home country Crimea in 1944 and displaced in the nearby countries, mainly Uzbekistan. Years later, however, the Tatars were allowed to return to Crimea and while –as we will see- not everything has worked as planned, this case can overall be viewed as a ‘successful’ example of repatriation (Embassy of Ukraine in the United States of

America, 2014). A comparison between the Rohingya and Tatars can thereby help to highlight why repatriation has yet to happen in Myanmar. The goal is to give a more comprehensive view on why it has yet to happen with the Rohingya by showing why it happened to the Tatars. By comparing the two cases, several reasons emerge for the results achieved with the repatriation of the Tatars in Crimea compared to Myanmar. These are: The ‘windows of opportunity’ present in Crimea, the issue of citizenship and the differences in legitimacy and hate toward the Tatars.

#### *‘Windows of Opportunity’*

In 1944, the deportation of the Tatars began. With only the few belongings they were able to quickly gather, the Tatars were put onto trains and sent to other parts of the Soviet Union. The decree on “Criminal Responsibility for Escaping from Places of Mandatory and Permanent Settlement in Remote Areas of the Soviet Union in the Period of the Great Patriotic War” (Embassy of Ukraine in the United States of America, 2014) was put in place to ensure that the Tatars remained in the areas they were deported to. The law implemented in 1948 stated the terms of the deportation, and the punishments one would receive if an escape was attempted (Ibid.). However, with Stalin’s death in 1953, the new leader Khrushchev used this opportunity to criticize the system under Stalin and make changes (Uehling, 2004a, p. 140). By 1954, the above-mentioned law was abolished, and overall policies related to the deported Tatars were relaxed. Following this, the deportation was officially criticized by the Communist Party of the Soviet Union, and two 1956 decrees ensured that the Tatars were no longer seen as special settlers and further removed the restraints put on them following the deportation, though it still stopped them from going back to Crimea. These changes were important ‘windows of opportunity’ that the Tatars could use to further their cause (Embassy of Ukraine in the United States of America, 2014).

During this time, political action from the Tatars began to emerge slowly at first but eventually evolving into an actual movement that also gained international attention. As its popularity grew, the Moscow leadership could not continue ignoring the Tatars and began listening. This eventually led to the acceptance of a new decree recognized in 1967, which officially declared that the Tatars had not been traitors to Russia during World War Two (Uehling, 2004a, pp. 140-146). However, while the ban on Tatar returns was officially removed in 1974 by the Presidium of Supreme Council of the USSR (Embassy of Ukraine in the United States of America, 2014), it was not until political changes and the eventual fall of the Soviet Union in 1989-1991 that the Tatars began to return in larger groups as the fall of the power that kept them away was now gone, thus creating an opportunity to act (Uehling, 2004a, pp. 164-165).



There have been some issues with returnees coming back to no homes and no land as what they used to own has been occupied by new people in the years that have passed. This has led to many returning Tatars having no land to live on and little help from authorities as lack of land is a general issue (About Crimean Tatars, N. D.). However, at the time of repatriation this did not seem to stop the Tatars as the ‘windows of opportunity’ for return were there (Embassy of Ukraine in the United States of America, 2014). This could show that one reason for the success of the repatriation here is the fact that the decrees against the Tatars were removed relatively early, and that there seemed to be some openness towards them in the USSR government that created ‘windows of opportunity’ for them to act. Through the years up until repatriation, there were several slow changes in the laws against the Tatars, which may have helped them politically. (Ibid.). The political climate in Crimea and the Soviet Union following the death of Stalin, seems to have been more open in the years following the deportation as laws were abolished and the views on the Tatar deportation changed. This opened for the Tatars to protest the deportation and create a movement that could fight for their return. This has led to more ‘windows of opportunity’ for the Tatars to promote their people and rights. This is quite different from Myanmar which even with a new government still seems closed off to ideas of promoting the Rohingya and their rights. The most recent ‘window of opportunity’ for the Rohingya was taken away by the government (Amnesty International, 2017, p. 85), and as a result they may not have had the same opportunities as the Tatars to repatriate (Uehling, 2004a, pp. 140-166).

### *Citizenship*

Another issue quite relevant here is citizenship, which is closely related to similar issues in the Myanmar context. While the Tatars were forced away from Crimea, they were not left completely stateless. At the time, Crimea was part of the Soviet Union and the Tatars were simply sent to other parts of the Union where they in many cases were able to acquire citizenship there. By the time of repatriation, however, Crimea was no longer independent but instead part of Ukraine meaning that the Tatars would have to obtain Ukrainian citizenship at a risk of becoming stateless if they wanted to return (Prokochuk, 2005). Yet at the time of repatriation, a new law was introduced on granting citizenship to anyone who had arrived on November 13 1991 and even after this, attempts were made at granting citizenship to the returning Tatars (Repatriation and integration of the Tatars of Crimea, 2000). In a discussion on the issue in the Council of Europe in 2005, the citizenship issue was brought up as one of the main success stories in the Tatar repatriation. The Ukrainian government was here praised for having “had a huge success, and shown great imagination and tolerance in accepting the

Crimean Tatar people back into Crimea” (Repatriation and integration of the Tatars of Crimea: discussion in the Council of Europe, 2005) in the sense that it had taken the initial initiative to create agreements on the issue and in addition had been the main sponsor for the program. There was a problem related to dual citizenship that had to be addressed. When the Tatars were deported, many of them were able to obtain citizenship in the countries they were moved to but seeing as “Article 10 of the Constitution of Ukraine directly and unequivocally prohibits dual citizenship” (Ibid.) moving back to Crimea would require them to give up that citizenship to obtain Ukrainian citizenship. This would leave them effectively stateless for a period of time until it could be obtained in Crimea. However according to the council, the Ukrainian government had been aware of this, and measures to make the citizenship process simpler and faster were developed in order to ensure that the Tatars could receive citizenship as quickly as possible including creating an agreement on dual citizenship with Uzbekistan (Ibid.). UNHCR also mentions in its report on citizenship in Crimea that the organization has aided the government in relation to this and as such helped hundreds of stateless regain citizenship (Uehling, 2004b, p. 1).

However, this has not been perfect. The time to register for Ukrainian citizenship ended in 1999 (Repatriation and integration of the Tatars of Crimea, 2000), and the agreement between Ukraine and Uzbekistan to make the process of switching citizenship easier ended shortly after leaving those still in Uzbekistan little chance of being able to return (Uehling, 2004b, p. 2). This meant that many Tatars who had arrived in Crimean and given up their citizenship from other countries were left stateless, a big issue in relation to rights as we have seen above (Ibid.). Despite these later issues, the initial process showed a Ukrainian government that was willing to grant citizenship to the returning Tatars, within a set of rules. This could have helped the process of repatriation along as the promise of citizenship meant that the issue of ‘the right to have rights’ would not be a big issue as citizenship would ensure that they still had access to basic rights (Ibid.). Thus, the discussion of citizenship shows some differences between the two cases. While there have been issues related to dual citizenship and slow processing with the Tatars, attempts were made at granting citizenship or making the process of getting it easier, which may have helped the repatriation along. This is again quite different from Myanmar where the government is still unwilling to address the citizenship problem. So far, it has only been willing to grant residence cards to the Rohingya which is not the same (Human Rights Watch, 2020). This is why citizenship could be another explanation for the differences in repatriation here (Repatriation and integration of the Tatars of Crimea: discussion in the Council of Europe, 2005).

### *Islamophobia and Legitimacy issues*

While ‘the right to have rights’ and ‘political opportunity structures’ seem to best describe the main differences in the two cases, Islamophobia and legitimacy also seem quite different in the two cases. In relation to Islamophobia, both the Tatars and Rohingya are Muslims returning to countries where their religion is a minority. Considerations related to religious differences have also been included in the repatriation process for the Tatars it seems. Since 2000, the number of religious buildings for Muslims in Crimea have risen from 146 to 324 between 2000 and 2012 a rise of 122 % (Embassy of Ukraine in the United States of America). The government is said to have been aware of the difficulties the Tatars may face when integrating with a different religion and dialogue between the groups has been used in conflicts (Ibid.).

The locals, though, have been an issue as there have been general feelings of animosity towards the Tatars. Islamophobic tendencies have remained despite not being as pertinent in relation to the actual repatriation as it seems to be in Myanmar. This has included publications of anti-Tatar and anti-Muslim materials such as newspapers, while violent acts towards religious buildings and cemeteries have affected the relations between Tatars and other locals towards more tension and clashes (Bulatov, 2001, p. 51). However, compared to Myanmar, the religious aspect of the Tatar repatriation does not seem to have been a major issue in relation to their return. While the Rohingya face the issue of a local Buddhist population that does not view Muslims in a positive way, the Tatars have instead been targeted because of their former status as traitors more so than their religion it seems. The Tatars were initially deported, because they were thought to have cooperated with the Germans against the Russians during World War Two. At the time, Crimea was a part of Russia, then the Soviet Union, making them traitors to their country (About Crimean Tatars, N. D.). Though they were cleared of this crime well before the repatriation took hold in 1989, the stigma of being traitors remained and caused issues with the locals when they returned, more so it seems than their religion (Repatriation and integration of the Tatars of Crimea, 2000). This may have been another help for the Tatars compared to the Rohingya. While also a Muslim ethnic group, the Tatars seem to have been less stigmatized on the basis of their religion, and in that respect may not have been subject to the same issues with Islamophobia that right now is halting the Rohingya repatriation (Ibid.).

Likewise concerning political legitimacy, there may not have been the same issues of balancing both national and international legitimacy in Crimea. At the time of repatriation, Crimea was part of Ukraine, which had just become an independent country recognized by several powers in the West, including the US. Because of this, the Ukrainian government may have been very keen on

maintaining its legitimacy internationally and with the changing laws, this meant allowing the Tatars back despite possible local protests. While these issues of legitimacy may have evolved later as many locals were not happy with the returning Tatars, it was not enough to stop the repatriation which is opposite of what has happened in Myanmar (Blaj, 2013, pp. 167-172).

#### *Further Issues and Concluding Remarks*

In this way, the Tatar repatriation has been fairly successful and it seems some reasons behind it relate to questions of ‘windows of opportunity’, citizenship and fewer Islamophobia and legitimacy issues compared to Myanmar though the Tatars have also experienced their share of issues. In recent years, these have gotten worse as Crimea has once again been occupied by Russia, the same country which was the acting power behind the 1944 Tatar repatriation. Russia forcibly regained control of the area in 2014. Since then, life has been difficult for the Tatars as they are denied work, the use of their language and publication of their own newspapers possibly in an attempt “to push them off the peninsula” (Bayrasli, 2019) and once again leave their country behind. Tatars protesting the occupation have been imprisoned or mysteriously disappeared either never to be seen again or for their bodies to be found later with no way of knowing who killed them. Others have been arrested and accused of participating in terrorist groups or simply for being members of Muslim organizations. This is a huge setback since the initial repatriation and the situation is serious (Ibid.).

Despite the above issues and the other problems related to political opportunities, citizenship, political legitimacy and Islamophobia, the Tatar situation and repatriation still seems more successful than the case of the Rohingya. The Tatars have had more opportunities to fight for their return and citizenship than the Rohingya. At the time of the repatriation, it was obvious that the Ukrainian government, the Tatars and the international community actively tried to make the repatriation happen through new laws and aid programs for the Tatars. Also, the Tatars have not left the country again, and therefore the Tatars are still a good example of a successful repatriation as it was able to repatriation thousands of families. Apologies and aid have been available from the Ukrainian government, which has also made laws and agreements to make it easier for the Tatars to repatriate. All these are aids and help that is not really present in the Rohingya case. The Myanmar government has not taken responsibility for anything that has happened during the Rohingya crisis and has done little to grant them citizenship, while issues of islamophobia and political legitimacy are further hindrances. In that way, these differences can help showing that these problems in Myanmar have hindered repatriation as these are less prominent or have been solved in the case of

the Tatars who have been repatriated (Repatriation and integration of the Tatars of Crimea: discussion in the Council of Europe, 2005).

### Concluding remarks

The analysis thus shows that there are several issues in relation to why the repatriation has yet to happen and that these are divided over different levels of society. Using my selected categories, I was able to show different reasons for why repatriation has not yet happened. Citizenship and rights showed that the Rohingya need these for repatriation as without them they are in danger of being further exploited. However, the government has not addressed these issues and the exclusion of Rohingya from political life as well as the continued presence of the military means that there are not many opportunities for the Rohingya to fight for citizenship. Taking this matter further, the current system of apartheid and the local hate towards them in addition hinders repatriation as it would not be a dignified return and further could be dangerous if these quite Islamophobic issues remain. Lastly, the government is being blocked both nationally and internationally from carrying out the repatriation as it could lose its support and political legitimacy as neither side currently want repatriation to happen. Looking at the case of the Crimean Tatars, also shows that these problems could be important hindrances to repatriation as these are quite different in relation to the Tatars which could explain why they have been able to repatriate. Consequently, some of the controversies behind the lacking repatriation can be found both in relation to citizenship, local hate and the challenges the Myanmar government face.

### Discussion

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The analysis section shows that there are several difficulties related to repatriation that need to be solved before the Rohingya can return to Myanmar. Using my four theories to analyze my data I found three main issues that currently seem to stand in the way of repatriation. These range from: 1) humanitarian issues related to rights that make the Rohingya currently refuse the return; 2) to political issues in the government which at the current time makes it close to impossible to properly implement the necessary requirements for repatriation. It further shows that the issues are far more complex than simply providing the Rohingya with citizenship and rights and that considering the history behind the issues as well as the local and governmental levels, are important to properly solve this crisis.

The question of citizenship and rights continues to be a problem for the Rohingya. As a stateless people, the Rohingya have no citizenship and therefore no rights. This makes them vulnerable to violence and exploitation (Report No. 296, 2018). Furthermore, the lack of citizenship

has blocked them from participating in the politics of the country and it may have hindered them in advocating for a better living standard and citizenship. Solving this problem by giving the Rohingya their citizenship and rights may be the best solution in this case, but seeing as how both the government and military have denied discussing this and how the military remains a prominent actor in the government, it seems to be difficult to achieve an agreement, at least not in the nearest future (Amnesty International, 2017, p. 85). However, as the analysis shows, the issue goes far beyond 'simply' giving the Rohingya their political and civil rights. The system they lived under in Myanmar was not just in violation of their rights, it was also in many ways an existence characterized by rising Islamophobia and discrimination that specifically targeted the Muslim minority to which the Rohingya belong (Ibid., pp. 11-13). Adding to this, is the general anti-Muslim feelings among the local population and the system of discrimination in the country. What was especially interesting here was the role of nationalist groups, such as the Buddha Dhamma Parahita Foundation a nationalist group with a lot of supporters that advocates for the Buddhist way of life (Report No. 290, 2017). The view that the current Myanmar system is similar to apartheid was also quite interesting as this is a severe accusation though it does seem to fit the current system of excluding and separating the Rohingya (Amnesty International, 2017).

Additionally, complicating these matters, is the role of the sitting Myanmar government. This new government led by politician, longtime activist and Nobel-peace prize winner Aung San Suu Kyi came to power in 2015, bringing renewed hope to the Rohingya. This was soon discouraged by the local hatred and violence from the Buddhist majority and the Myanmar Military which dashed many of these hopes among the Rohingya. The government needs the support of its people to stay in power which at the current time means to continue denying the Rohingya their rights (Beetham, 2012, p. 123). Normally this would be challenged by the international community which in recent years has gained an increasing interest in the Rohingya situation, and severe criticism has been voiced against the government. However, a noteworthy point at the moment is that even the international community is against the repatriation not because it no longer cares or has joined sides with the Myanmar government but because with the continuing violence and discrimination, repatriation of the Rohingya could not be carried out safely at the moment (Briefing No. 153, 2018) and also because new controversies have arisen which have caused attention to shift away from Myanmar (Interview, See Appendix). This may have stopped the repatriation plans as doing it now would further put the Myanmar government in a bad light internationally.

Based on this, it is obvious that repatriation is much more complicated than simply

providing citizenship to the Rohingya. They also need to be able to return with dignity without fear of discrimination and violence. This is also shown in relation to the Crimean Tatars, who much like the Rohingya have experienced discrimination and expulsion from their country. As the case shows, citizenship is especially important for repatriation and was one of the main reasons for the repatriating schemes taking hold in the 1990s (Repatriation and integration of the Tatars of Crimea, 2000). However, just as important was the possibilities for the Tatars to promote their case to the USSR government through their years of exile, for example through protests, that have not been present for the Rohingya (Uehling, 2004, pp. 140-166). While there was anger and resentment towards the Tatars, this did not really seem to affect the repatriation in the same way as for the Rohingya. Though this has come later, at the time of repatriation the Ukrainian government seemingly did not have the same opposition towards the Tatars as the Myanmar government does. This could show that these issues are an important reason for the lack of repatriation in Myanmar as the same issues have not been present for the Tatars who have been repatriated (Repatriation and integration of the Tatars of Crimea, 2000).

What this analysis shows is that repatriating the Rohingya is much more complicated than just providing them with citizenship and rights. Deep anti-Muslim feelings, discriminatory policies and a government affected by these feelings of hate mean that these must first be resolved before further steps toward citizenship and repatriation are taken. Attempting to grant the Rohingya the citizenship and rights they want before repatriation, would at the current time be difficult, and trying to force it could have serious consequences in relation to the locals. More consideration to the complicated matters of islamophobia, legitimacy and political opportunity structures are needed in order to fully understand why the repatriation is not happening yet and properly assess what needs to be done in order to make it happen when the time is right.

## Conclusion

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In this Master thesis, I have investigated the issue of the repatriation of the Rohingya Muslims back to Myanmar and why this has not yet happened, despite several attempts since the initial violence broke out in 2017. By using Hannah Arendt's approach 'the right to have rights', by referring to issues of discrimination and Islamophobia, as well as by drawing on political challenges of legitimacy and 'political opportunity structures', I have looked deeper into the problems currently stopping the repatriation both in relation to the Rohingya, the local level and the government.

Using my data, three categories emerged that could explain the lack of repatriation.

Firstly, the lack of citizenship and rights have been a hindrance because the Rohingya refuse to repatriate before these are secured. The limited actions taken by the Myanmar government coupled with limited ‘windows of opportunity’ to make political changes have further hindered repatriation. Secondly, the issues of racism in the social system of Myanmar as well as general feelings of resentment and hate toward the Rohingya have made repatriation difficult as these conditions are not safe, and therefore a possible return would neither be dignified nor secure. Lastly, the Myanmar government has faced the challenge of retaining support both nationally and internationally, which at the moment seems to further hinder repatriation as neither side wants the Rohingya to return at the moment though their reasonings behind this differ. Moreover, the comparison with the Crimean Tatar case shows that these people had more political opportunities to fight for a decent return and fewer issues related to hate, citizenship and legitimacy which could support the idea that the above issues are important hindrances to the repatriation of the Rohingya.

While this project covers a range of interesting and important findings in relation to the Rohingya repatriation, it was not possible to cover everything. Due to the coronavirus, interview-possibilities were limited; these could have been interesting and fruitful to include in the analysis. Furthermore, other issues that could have been interesting to look at include the international community and its role in relation to this topic and how the problems of repatriation can be solved both in Myanmar and with outside help. The international community has shown a great interest in the Rohingya in recent years and especially an organization like UNHCR which is often involved in repatriation efforts around the world could have offered an interesting focus for a future study on this. It could be interesting to look deeper into these issues using interviews as this could give more recent and interesting accounts which I was unable to include here. Also, the problem of how to solve the questions of citizenship, Islamophobia and inaction in the government could be interesting to look into. A solution to these issues could be an important step towards peace in the country. This means going beyond the issues of citizenship to look at the history of Myanmar, how the Islamophobic views came to be and how to counter them better. It also means looking more at the role of the government to see how much is actual hate from the government and how much is influenced by the Buddhists and the military. However, these are topics for future research.



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## Appendix

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Interview Amnesty International

### **Tell me about the Rohingya crisis and later attempts at repatriation**

The situation of the Rohingya community, who predominantly live in Rakhine State in western Myanmar, has deteriorated dramatically in the last few years. From August 2017, the Myanmar security forces waged a devastating campaign of killings, rape, and torture, burning hundreds of Rohingya villages to the ground, ostensibly in response to attacks by the armed Rohingya group the Arakan Rohingya Salvation Army (ARSA).<sup>1</sup> Hundreds of thousands of Rohingya people were forced to flee to neighbouring Bangladesh, where they joined hundreds of thousands of others expelled during previous waves of violence, including those who fled a campaign triggered by ARSA attacks in October 2016.<sup>2</sup> These crimes amount to crimes against humanity under international law, and a UN Fact-Finding Mission has called for senior military officials to be investigated and prosecuted for genocide.<sup>3</sup>

The violence took place against a backdrop of decades of state-sponsored discrimination and segregation of the Rohingya. The Myanmar authorities routinely and systematically restricts virtually every aspect of Rohingya's lives. Through a range of laws, policies – often “local orders” issued by authorities in Rakhine State – and practices, the authorities deny Rohingya's rights to nationality, to freedom of movement, to access to services and other rights under a system that legally constitutes the crime against humanity of apartheid.<sup>4</sup> Around 126,000 Rohingya remain confined to camps across Rakhine State where they rely on humanitarian support for their survival.<sup>5</sup>

Myanmar and Bangladesh signed a repatriation agreement in November 2017 and an implementation agreement in January 2018. Based on this, there were several announcements of returns in 2018, including a return slated to happen in mid-November, which was not successful. The Myanmar government, UNHCR and UNDP also signed a Memorandum of Understanding on 6 June 2018, which sets out refugee return and reception procedures and responsibilities for the three parties in Myanmar. The MOU was extended for another year on 27 May 2019.

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<sup>1</sup> Amnesty International, “We will destroy everything”: Military responsibility for crimes against humanity in Rakhine State, Myanmar (Index: ASA 16/8630/2018), 27 June 2018, <https://www.amnesty.org/en/documents/asa16/8630/2018/en/>.

<sup>2</sup> OHCHR, *Flash report: Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, <https://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>.

<sup>3</sup> Independent International Fact-Finding Mission on Myanmar, *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, UN Doc: A/HRC/39/CRP.2, 17 September 2018.

<sup>4</sup> Amnesty International has mapped in detail the violations, in particular discrimination and racially-based restrictions in law, policy, and practice that Rohingya living in Rakhine State have faced for decades. Amnesty International, “Caged without a roof”: Apartheid in Myanmar's Rakhine State, <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>.

<sup>5</sup> UN Humanitarian Country Team, *Humanitarian Response Plan January – December 2020*, December 2019, p. 11, <https://reliefweb.int/node/3451853>.

## **What forces are hindering the repatriation? Why do you think the Rohingya so far refuse repatriation?**

Crimes against humanity continue in Rakhine State. While a system of apartheid remains in place, there can be no safe or dignified returns of Rohingya to Myanmar. The Myanmar government has taken no steps to dismantle the systemic and institutionalised discrimination against Rohingya, meaning refugees would be returning to a situation of persecution, where their rights would be routinely violated.

Those responsible for the horrific violations committed against the Rohingya – crimes of murder, rape, torture, as well as the burning of homes and villages leading to their forcible displacement – need to be brought to justice. Accountability for crimes against the Rohingya is essential to safe and dignified returns. The Myanmar authorities are both unable and unwilling to hold perpetrators to account, so the international community must step in. The UN Security Council should refer the situation in Myanmar to the International Criminal Court.

In addition, since January 2019 there has been a major escalation of fighting between the Myanmar military and the Arakan Army (AA), an ethnic Rakhine armed group operating in Myanmar. As is so often the case, civilians, including the Rakhine, Mro, and Rohingya communities, are bearing the brunt of the conflict.<sup>6</sup>

The current COVID-19 pandemic may also hinder efforts to repatriate Rohingya refugees from Bangladesh.

## **Why has the Myanmar government not been more forceful in attempting repatriation (it has done so in the past)?**

After several attempts, it is clear that any returns must be voluntary, safe, sustainable and dignified and that the Myanmar authorities need to create the necessary conditions if they want repatriation to take place. However, the Myanmar authorities lack the political will to ensure such conditions. They claim to be implementing 81 of 88 recommendations made by the Advisory Commission on Rakhine State, but the claim does not reflect the the situation on the ground. The authorities continue to restrict humanitarian access in Rakhine State and do not allow meaningful access to independent media and other human rights monitors.

I think the Myanmar authorities may not be pushing for repatriation more forcefully because there's not as much international pressure as before. For instance in 2018, just a year after a massive humanitarian crisis, Myanmar was a priority agenda item at various international fora, including at the Human Rights Council, and governments around the world were much more pressured to call for and support international accountability efforts and push Myanmar to accept the Rohingya back. Many more humanitarian crises have emerged since 2017, and currently there seems to be not as much pressure for Myanmar to push for repatriation more forcefully, especially given the COVID-19 pandemic.

Another reason why I think the Myanmar government may not be pushing for repatriation is because 2020 is an election year in Myanmar. The Buddhist majority public are largely against the

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<sup>6</sup> "No one can protect us": War crimes and abuses in Myanmar's Rakhine State (Index: ASA 16/0417/2019), 29 May 2019, <https://www.amnesty.org/en/documents/asa16/0417/2019/en/>;

Rohingya. Hence, the ruling party, the National League for Democracy (NLD) headed by Aung San Suu Kyi, may be trying to avoid potential backlashes before the general elections by not actively pushing for the repatriation of Rohingya refugees now, conveniently so with the COVID-19 outbreaks.

### **What is important for repatriation to happen successfully?**

In addition to resolving issues that are hindering rapatriation, including ending the ongoing crimes against humanity in Rakhine State, accountability for atrocities against the Rohingya and other minorities, described in the second question above, a successful repatriation requires the following:

- All returns must be **voluntary**: the decision to return must be an informed one. For this to happen, the Rohingya must have access to objective, complete and accurate information on the conditions in the areas of Rakhine state they would return to. For the Rohingya, this must also include information about guarantees that their rights will be protected and respected, and information about how their concerns on national identity and citizenship will be addressed.
- Decisions to repatriate must also be based on **free will** e.g. the Rohingya must be allowed to make decisions to return, in an environment free from coercive measures or push factors in Bangladesh – for example limited/reduced humanitarian assistance.
- The repatriation of Rohingya refugees must be done in a manner that fully guarantees returnees' physical and material **safety**, as well as their other human rights. This would require, amongst other measures and at a minimum, the Myanmar authorities to end the campaign of violence against the Rohingya in Rakhine state; to remove existing debilitating restrictions on freedom of movement at local level – these restrictions are a component of the system of apartheid; to remove landmines; to withdraw troops and police battalions responsible for human rights violations, including crimes against humanity in Rakhine state; to reconstruct homes and other infrastructure at local level; and to guarantee access to citizenship on a non-discriminatory basis to the Rohingya in Myanmar.
- The repatriation of Rohingya refugees has to be **sustainable and dignified**. Rohingya refugees must be able to return to conditions where they are treated with full respect and full acceptance by the authorities in Myanmar and this includes the full restoration of their rights. Under no possible circumstances can the Rohingya population be returned to the conditions that they were previously forced to live in in Rakhine state (e.g.: confined to IDP camps or their villages with severely restricted freedom of movement and severely curtailed access to food, healthcare, and education.). The Rohingya population must be given **access to humanitarian assistance** upon their return, equal and non-discriminatory access to services including health care and education as well as longer-term development and livelihoods opportunities. For returns to be viable and acceptable to the international community, **UNHCR and OHCHR must be given full and unhindered access to returnees** so that they can fulfil their core protection and human rights mandates. **Compensation, redress and restitution** are core elements to durable returns.

Are there anything else pertaining to the repatriation of the Rohingya you want to add?

Data tables

Table 1

Data collection: searching for relevant material (examples of searches)

	UNHCR	International Crisis Group	Amnesty International	Human Rights Watch
Rohingya	984,000	2,640,000	869,000	2,500,000
Rohingya Repatriation	170,000	259,000	96,200	157,000
Rohingya Report	658,000	2,240,000	769,000	1,400,000

Table 2

Categories and subcategories

	Citizenship and Rights	Racism and Local Hate	Government Challenges
Subcategory	Lacking Citizenship	A system of Apartheid	National Challenges
subcategory	Political Challenges	Local Hate	International Challenges

Table 3

Crimean Tatar comparison

Categories
‘Windows of opportunity’
Citizenship
Islamophobia and legitimacy issues
Further issues and concluding remarks