

What is being done to repatriate refugees and what are the obstacles?

Repatriation of Rohingya refugees from Cox's Bazaar in Bangladesh to their villages of origin or agreed alternative sites in Myanmar is contingent upon the creation of conditions inside Myanmar that are conducive to their voluntary, safe and dignified return in line with international standards. Those conditions remain elusive with few significant steps towards their realization, and minimal confidence building measures in place. In particular, there has been insufficient meaningful engagement of Rohingya in Cox's Bazaar and in Myanmar in dialogue about the conditions required for return and how they can be achieved. Together with the ongoing conflict between the Myanmar Armed Forces and the Arakan Army, this makes it unlikely that return in line with international standards can take place in the short to medium-term.

Obstacles

There are numerous obstacles that prevent Rohingya refugees from voluntarily returning to Myanmar in safety and dignity.

Lack of consultation with Rohingya refugees in Bangladesh or Myanmar

In July 2019, Myanmar Government officials travelled to Bangladesh to meet with Rohingya refugees in Cox's Bazaar. While this was a positive step, the continued focus of Myanmar Government officials on the National Verification Card (NVC) process as a condition of return set parameters for the discussion that rendered genuine exchange challenging. Significantly increased investment in dialogue between Myanmar Government representatives and Rohingya refugee community members in Cox's Bazaar, as well as Rohingya community members across central and northern Rakhine, is required to build confidence that the Government of Myanmar intends to be responsive to refugees' concerns about a potential post-return future in Myanmar.

Research conducted by IRC and ODI demonstrates that the majority of refugee men prioritize returning to Myanmar, if suitable conditions existed there. Refugee women were more likely to prioritize immediate needs in Bangladesh, including improved living conditions. When asked about the conditions that would enable return, refugees pointed to citizenship, justice for perpetrators of violence, and freedom to return to their villages of origin. These findings are consistent with those of a similar Xchange report, which found 97% of Rohingya refugees would consider return, if they felt that suitable conditions existed in Myanmar.¹ Yet there has been a persistent failure on the part of the Government of Myanmar to respond to the priorities highlighted by refugees. This is illustrated through insistence on the broadly distrusted NVC process instead of creation of a reliable pathway to citizenship; providing no recognition of the sexual violence that took place during the 2017 'clearance operations' and therefore no commitment to punish perpetrators; and absence of sufficient assurances that return to villages of origin will be facilitated (including through refraining from undertaking new construction on land that Rohingya residents were forced to abandon when they fled). The lack of ongoing and meaningful dialogue on these issues between Myanmar Government representatives and Rohingya communities in Cox's Bazaar and in Rakhine creates the impression that there is a lack of political will to find ways of addressing their priorities and that the conditions that caused the Rohingya to flee Myanmar remain fundamentally unchanged.

¹ XChange (2018) *Rohingya repatriation survey* (http://xchange.org/xchange-explores-what-returnmeans-for-the-rohingya-in-latest-repatriationsurvey/?mc_cid=fe5a3cee7e&mc_eid=67a36a76fa)

Failure to resolve protracted displacement and 'closure' of camps for Rohingya internally displaced in Myanmar

Rohingya refugees in Cox's Bazaar maintain contact with relatives and friends in central and northern Rakhine. They are watching closely the steps taken to resolve displacement stemming from both the 2017 'clearance operations' and the earlier 2012 violence. The Myanmar Government's National Strategy on Closure of IDP Camps has been presented as a roadmap for IDPs to resume 'normal lives' where they are 'free of dependence on humanitarian aid'; however, to date, the steps taken to implement the National Strategy in Rakhine do not support optimism about the extent to which it will result in realization of durable solutions. Prior to finalization of the National Strategy, the Myanmar Government declared three camps in central Rakhine 'closed' following construction of permanent shelters on or near the existing site of the camp. Residents did not benefit from any significant increase in freedom of movement to access non-segregated health or education services, or livelihood opportunities. Their dependence on humanitarian aid was unchanged. Following finalization of the National Strategy, the Myanmar Government has targeted one additional site in Rakhine for 'closure'. Despite the fact that government 'consultations' with communities at the targeted site demonstrate no support for the plan proposed by Myanmar Government, which is designed to facilitate relocation to a nearby site rather than return, there are indications that construction is continuing. This approach further cements the impression among Rohingya communities that the Myanmar Government is not committed to resolving displacement in a manner that responds to their priorities, and instead aims to entrench their separation from neighboring Rakhine communities. Such separation would exacerbate the discrimination and exclusion that they continue to experience.

No meaningful pathway to citizenship for Rohingya

Rohingya refugees in Bangladesh consistently point to citizenship as integral to the conditions that must be in place before they can return to Myanmar voluntarily and in safety and dignity. The pathway to citizenship that currently exists is contingent upon first applying for a National Verification Card (NVC). NVC holders can then apply for citizenship. Their applications are assessed and they may be granted one of three types of citizenship: full citizenship; associate citizenship; or, naturalized citizenship. The majority of Rohingya citizenship applicants who have successfully completed the process have been granted naturalized citizenship. This type of citizenship does not confer upon the holder the same scope and variety of rights as full citizenship. There have been further concerns raised by Rohingya community leaders and members that naturalized citizenship implies they are foreigners to Myanmar, and therefore bolsters discriminatory narratives that underlie the systemic marginalization they face. The current citizenship application system therefore does not enjoy the confidence of potential Rohingya applicants since, even when 'successful' they are likely to be granted a form of citizenship that does not address their key concerns.

Insufficient domestic accountability measures following 2017 'clearance operations'

The Government of Myanmar established an Independent Commission of Enquiry (ICOE) to examine claims of atrocity crimes committed by members of the Myanmar Military and community leaders and members during the 2017 'clearance operations'. While the credibility and impartiality of the ICOE has been questionable, the summary of the final report does include a number of recommendations that, if taken up by Government of Myanmar, may contribute to creating conditions conducive to refugee return. To date, there have been only

nascent efforts to move forward the implementation of those recommendations. The ongoing conflict between the Myanmar Armed Forces and the Arakan Army in Rakhine State is likely to complicate efforts to further support their implementation, as well as exacerbating generalized insecurity across the State which further detracts from the conditions required for refugee return. Problematically, the ICOE report did not provide recognition of sexual violence that took place during the 2017 'clearance operations' and so provides no basis for the provision of justice to survivors of that violence.