

The Rohingya Refugee Crisis

Towards Sustainable Solutions



Edited by
Imtiaz Ahmed

The Rohingya Refugee Crisis

Towards Sustainable Solutions

Edited by

Imtiaz Ahmed



act:onaid

First Published August 2019
Copyright © The Editor, 2019

Contact:
Centre for Genocide Studies (CGS)
4th Floor, CARASS Building
University of Dhaka
Dhaka-1000
Email: cgs@du.ac.bd
Website: <http://cgsdu.org>

This book is a property of ActionAid Bangladesh, Centre for Peace and Justice (CPJ), BRAC University and the Centre for Genocide Studies (CGS), University of Dhaka, Bangladesh. The views expressed in this publication are not necessarily those of the Editor or of the partner organizations. Authors are responsible for the views expressed in her/his work. Commercial use is not permitted without the written consent of the Editor.

Cover Photo: Kutupalong Rohingya refugee camp by Masud Al Mamun

ISBN: 978-984-34-7131-4
Price: 1200 BDT, 15 USD

Printer: Protishruti Limited

Contents

Foreword	v
Preface	vii
Acknowledgements	xi
Contributors	xiii
Introduction	xv
<i>Imtiaz Ahmed</i>	

Section I Response

1	
Fiscal Implications of Rohingya Crisis for Bangladesh	1
<i>Fahmida Khatun and Md Kamruzzaman</i>	
2	
Amplifying Rohingya Community Voices across the Humanitarian Landscape	33
<i>Jessica Olney</i>	

Section II Protection

3	
Rohingya Refugee Women and Girls: Remedies and Responses to Sexual and Gender based Violence in Bangladesh	49
<i>Sajeda Amin and Sara Hossain</i>	
4	
Women Rights and Protection in Rohingya Refugee Crisis: A Case of ActionAid Bangladesh Response	61
<i>Shahanoor Akter Chowdhury and Sharmin Akther Shilpi</i>	
5	
Lives of Rohingya Women and Adolescent Girls in Refugee Camps	77
<i>Rumaan Mecci</i>	

6	Environmental Issues in Bangladesh's Rohingya Camps	90
	<i>Saleemul Huq</i>	

Section III
Persecution and Justice

7	International Community's Role in Rolling Back Rohingyas' Plight	101
	<i>Tun Khin</i>	

8	Malaysian-born Rohingya: A New Identity	112
	<i>Chan Xin Ying</i>	

9	The Case for Universal Right to Refuge and the Role of Civil Society	127
	<i>Divita Shandilya</i>	

Section IV
Internal-External Dynamics

10	Consensual Political Transition in Myanmar and the Rohingya Conundrum	149
	<i>Nehginpao Kipgen</i>	

11	Rohingyas: Pawns on the Geopolitical Chessboard	171
	<i>Tapan Bose</i>	

12	Myanmar's Rohingya Crisis: The Role of ASEAN	179
	<i>Robin Ramcharan</i>	

Index		196
--------------	--	------------

Chapter 10

Consensual Political Transition in Myanmar and the Rohingya Conundrum

Nehginpao Kipgen

Transition from authoritarianism to democracy can take different forms. Some countries have seen a smooth transition while some others have gone through a painful process. Several studies have been undertaken to comprehend the various patterns of such transitions. Samuel Huntington discusses three waves of democratization - first wave (1828-1926), second wave (1943-1962) and third wave (1974-1980s). The first wave, which occurred in northern European countries in the 19th century, was primarily caused by economic and social development, the economic and social environment of the British settler countries, the victory of the Western Allies in World War I, and the breakup of principal continental empires.¹ The second wave was primarily caused by a combination of political and military factors. In other words, the victory of Western democracies during World War II and the subsequent decolonization by those democracies after the war contributed to the second wave of democratization.²

The third wave of democratization was caused by deepening problems of authoritarian regimes, wide acceptance of democratic values, and regimes' dependence on democratic states for their successful performance; the rapid growth of economy that raised living standards, better

¹Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press, p. 40.

² *ibid.*

education and the emergence of an urban middle class in many countries; the role changing of Catholic churches from defenders of the status quo to opponents of authoritarian regimes; policies of global actors, notably the European Community, the United States, and the Soviet Union; and the tremendous effects of earlier democratic transitions in the third-wave countries. Earlier transitions stimulated and motivated countries, and also became the model for regime changes later.³ While Huntington's work informs us of the different waves of democratization and its causal factors, it has not adequately addressed the democratization processes of recent years, such as the political transition in Myanmar which has seen a negotiated or compromised arrangement between the ruling and opposition elites. To examine such phenomena, Donald Share's work could be seen to be supplementing Huntington's, especially in an understanding of the kinds of transition from an authoritarian regime to democracy.

Share discusses four types of transition from authoritarian regimes to democracy: incremental transition or gradual democratization; transition through rupture, which means transition without consent or cooperation from authoritarian rulers, such as revolution, coup, collapse, and extrication; transition through protracted revolutionary struggle; and transition through transaction with the consent or participation of authoritarian rulers.⁴ 'Consensual transition' may manifest in two different ways. The first situation is that authoritarian leaders may simply tolerate democratic change by refraining from active involvement or interference. And the second situation is when authoritarian leaders may actively

³ibid, pp. 45-46.

⁴Share, Donald. 1987. "Transitions to Democracy and Transition through Transaction." *Comparative Political Studies* 19 (4), pp. 530-531.

participate in the process of change by controlling or limiting the change. Consensual transition entails some degree of political continuity between authoritarianism and democratic regimes. Such transitions avoid open confrontation between supporters of authoritarian regimes and democratic rule.⁵

Objectives

Using the concept of consensual transition, this chapter analyzes the democratization process in Myanmar and how the political system makes it difficult to address the Rohingya conundrum. The ongoing political transition in Myanmar takes the form of consensual transition where elements of both authoritarianism and democracy co-exist under a hybrid political structure. Elites from the ruling circles and opposition party engaged in a negotiated transition to democracy. While acknowledging the importance of international pressure and support, the chapter argues that a long-term solution to the Rohingya crisis primarily lies with three key actors - the Myanmar military, the elected civilian government, and the general public. And it also argues that addressing ethnic identity and citizenship is crucial to achieving a sustainable solution to the Rohingya problem.

Brief political history

Myanmar achieved independence from the British in 1948 and was home to a civilian government until 1958 when the military was invited to form a caretaker government.⁶ Following the

⁵ *ibid*, p. 529.

⁶ Myanmar was formerly known as Burma. It was renamed by the then State Law and Order Restoration Council (SLORC) military government in 1989. Some people argue that Burma should still be used since it was an

military coup d'état in 1962, Myanmar remained under direct military rule till 1988. The military government held general election in 1990, which resulted in a landslide victory for the National League for Democracy (NLD). But the military government refused to transfer power, stating that a new constitution had to be drafted first before a transition could be gone through. When the NLD pushed for a power transfer and the formation of a parallel government, the military vehemently opposed it by resorting to intimidation, silencing or arresting several elected members. Some elected representatives fled the country to form a parallel government in exile under the aegis of the National Coalition Government of the Union of Burma (NCGUB), which was later dissolved, in 2012, when the NLD assumed the role of the main opposition party in the national parliament. Despite persistent efforts by the opposition, including armed groups, to topple the government, the military successfully managed to entrench itself in power. On 30 August 2003, the State Peace and Development Council, the official name of the military government, announced a seven-step roadmap toward a 'discipline-flourishing democracy' which included: the reconvening of the National Convention that had been adjourned since 1996, the implementation of step-by-step tasks necessary for a democratic system, to draw up a draft constitution based on the discussions in the National Convention, to hold a national referendum to endorse the draft constitution, to hold free and fair elections, to convene the meeting of elected representatives, and to continue with the task of constructing a new democratic state.⁷

undemocratic military government which changed the name without the consent of the people. The United Nations uses Myanmar.

⁷Kipgen, Nehginpao. 2016a. Myanmar: A Political History. New Delhi: Oxford University Press.

Negotiated political arrangement

A decade after the 1990 election, the military-backed Union Solidarity and Development Party (USDP) government held a general election on 7 November 2010, as outlined in the seven-step roadmap, toward a discipline-flourishing democracy. The NLD boycotted the election for reasons which included a demand to reduce the role of the military in politics, international supervision to ensure free and fair polls, and freeing of all political prisoners, including its leader Aung San Suu Kyi, who was under house arrest at the time. The 2008 constitution prevented Suu Kyi from becoming the country's president because of her children being foreign citizens. The election law prevented anyone who was serving a prison term from running or voting in the election or being a member of a political party, which led to a difficult situation where the NLD had to decide whether to expel its leader and participate in the election or boycott the election altogether, of which it chose the latter. Once the NLD decided to boycott the election by not registering, the party became null and void. In the absence of the NLD, the USDP won nearly 80 percent of the seats contested both in the upper house and the lower house. Suu Kyi was released from house arrest on 13 November 2010, two days after the election. Though the NLD was officially banned, negotiations continued between the USDP government and the NLD leadership. After several rounds of negotiation, compromises were reached between the government and the NLD, including the government allowing the NLD to re-register itself, and in return, the NLD agreed to participate in the 2012 by-election held on 1 April 2012, in which the NLD won 43 out of the 44 seats it contested. The by-election was necessitated by the promotion of parliamentarians to ministerial rank. After the election, the NLD, being the

second largest political party, assumed the role of the main opposition party. The NLD officially said one of the reasons why it decided to re-enter the military dominated politics was to abandon its confrontational approach and instead continue the fight for democratic reforms from within the system. In fact, the political arrangement we see in Myanmar today has been systematically maneuvered over the years.⁸

Military entrenchment in politics

The 2008 constitution is the single most important factor hindering the democratization process in Myanmar. It is designed systematically by the military leaders and/or their representatives, starting with the announcement of the seven-step roadmap toward a discipline-flourishing democracy in 2003 by the former Prime Minister General Khin Nyunt. There are certain sections in the constitution which inherently entrench the role of the military in politics. For example, Sections 109, 141 and 161 of Chapter IV of the constitution state that 25 percent of seats in the central and state legislatures are reserved for defense services personnel nominated by the commander-in-chief of the defense services. Another section, widely believed to target NLD leader Aung San Suu Kyi, is Section 59(f) of Chapter III which states that the country's president and vice-president's job cannot be assumed by someone who himself or herself is one of the parents, the spouse, one of the legitimate children or their spouses who owes allegiance to a foreign power, and or is a subject of a foreign power or citizen of a foreign country. The constitution also says that any proposed changes to certain provisions of the constitution must be

⁸Kipgen, Nehginpao. 2016b. *Democratisation of Myanmar*. New Delhi: Routledge.

approved by more than 75 percent of both houses of the Assembly of the Union before going to a referendum. When the referendum is held, the changes must be approved by at least 50 percent of the registered voters, rather than 50 percent of those voting. The NLD lawmakers have in the past unsuccessfully tried to amend some sections of the constitution as the military parliamentarians stood united in opposing the proposed changes. Another major military dominance in politics is the composition of the National Defense and Security Council (NDSC), which has the power to declare martial law as well as to disband parliament. The council consists of 11 members: the president, the two vice-presidents, speakers of both houses of parliament, commander-in-chief of the defense services, deputy commander-in-chief of the defense services, minister of defense, minister of foreign affairs, minister of home affairs and minister of border affairs. All security related ministries - home, defense and border affairs - are reserved for the military. Of the 11 council members, six are military figures - either serving personnel or their appointees.⁹

Ethnic identity and citizenship

Rohingya ethnic identity and citizenship issues have been debated for several decades, and more so seriously in recent years. The Rohingya conundrum lies in the nomenclature itself. Though they call themselves Rohingyas, the authorities in Myanmar - both civilian and military as well as the vast majority of the people- identify them as ‘Bengalis’, implying that they are interlopers from neighboring Bangladesh. The underlying problem is that Rohingya is not included among the

⁹Kipgen, Nehginpao. 2017. “Militarization of Politics in Myanmar and Thailand.” *International Studies* 53 (2), pp. 160-161.

officially recognized 135 ethnic groups of the country.¹⁰ During the USDP government of President Thein Sein (2011-2016), which was dominated by former military leaders, the government officially used the term ‘Bengali’ despite objections from some quarters. When the NLD came to power in 2016, initially it decided to avoid using either Rohingya or Bengali. State Counsellor Aung San Suu Kyi stated on 22 May 2016 that using either ‘Rohingya’ or ‘Bengali’ was not helpful in her government’s attempt to find a solution to the conflict in Rakhine state. A senior foreign ministry official on directives from Suu Kyi asked the US embassy in Yangon not to use the word ‘Rohingya’ after Buddhist nationalists protested outside the embassy for using the ‘R’ word when expressing condolences for victims of a boat sinking incident. Aung San Suu Kyi also said, “The Rakhine Buddhists object to the term ‘Rohingya’ just as much as Muslims object to the term ‘Bengali’ because they have all kinds of political and emotional implications, which are unacceptable to the opposite party.”¹¹ Suu Kyi and her NLD government cautioned against using “emotive terms” and instead proposed ‘the Muslim community in Rakhine State’ which they thought was a more acceptable term.¹²

¹⁰Kipgen, Nehginpao. 2013. “Conflict in Rakhine state in Myanmar: Rohingya Muslims’ Conundrum.” *Journal of Muslim Minority Affairs* 33(2): 298-310.

¹¹Mang, Lun Min. 2016. “State counsellor urges avoidance of words ‘Rohingya’ and ‘Bengali’.” *Myanmar Times*, May 23. <https://www.mmtimes.com/national-news/yangon/20438-state-counsellor-urges-avoidance-of-words-rohingya-and-bengali.html> (Accessed June 1, 2018).

¹²Slodkowski, Antoni. 2016. “Myanmar’s Suu Kyi reiterates stance on not using term ‘Rohingya’ - official.” *Reuters*, June 20. <https://www.reuters.com/article/us-myanmar-rights/myanmars-suu-kyi-reiterates-stance-on-not-using-term-rohingya-official-idUSKCN0Z61AC> (Accessed June 1, 2018).

Refugee conundrum

Though the Rohingya identity in Myanmar is controversial, the fact that many of them had been settled in the country for generations is undeniable. The author J. P. Anand writes that Rohingyas are descendants of “Arab traders who have settled in Arakan for centuries (from 7th century)” and they are “ethnically of the same group as the people of Chittagong.”¹³ The refugee crisis has also had its long history. Some Muslims from Myanmar fled across the border (now Bangladesh) as early as 1942 following communal riots in Myanmar. But the flow of movement was relatively insignificant until 1975, when the issue was first raised by the Bangladesh government before the Myanmar authorities following the arrival of 3,500 refugees from Myanmar. The exodus continued and in just over two months’ time from May to June in 1978, over 200,000 refugees from Myanmar had crossed over to Bangladesh. Meetings and discussions were held between the two countries for a possible solution but no significant progress had been made. While the Myanmar authorities maintained that the refugees were illegal immigrants who tried to avoid immigration checks, the Bangladesh government insisted that they were not their citizens and they should be repatriated to Myanmar. The exodus of refugees was blamed on the liberation movement of the Mujahids within the Rohingya community and other groups in the Muslim dominated areas. In an interview with *Dacca Weekly*, the leader of Rohingya Muslim Independence Force, Mohammed Zaffir, said that “the only objective of the movement was to achieve liberation”¹⁴ The Muslim insurgency movement in the Arakan

¹³Anand, J. P. 1978. “Refugees from Burma.” *Economic and Political Weekly* 13(27), p. 1100.

¹⁴ibid, p. 1100.

(now Rakhine) region was a consequence of the Mujahid movement which started as early as 1950.¹⁵

There may have been movements across the border in subsequent years but there was no significant movement or incident until June 2012, when violence between the Rohingya Muslims and the Rakhine Buddhists led to the death of at least 80 people and the displacement of about 75,000 people, mostly Rohingyas, after which the local authorities imposed a policy of segregating the two communities. Another wave of violence erupted between the two communities in October of that year, during which the official figure put the number of deaths to 89. Official source said more than 97 percent of the 36,394 people who fled the October violence were Muslims.¹⁶ Four years later in 2016, another violence broke out in Rakhine after Rohingya militants attacked border guard posts and killed nine policemen on October 9.

In response, the Myanmar military launched clearance operations which included the use of helicopter gunships resulting in the deaths of about 150 to 300 people according to independent sources. While the Rohingyas were attempting to flee across the border, the Bangladeshi authorities prevented them from entering their territory.¹⁶ In late August 2017, another wave of violence broke out when the Muslim militant group, the Arakan Rohingya Salvation Army (ARSA), attacked 30 police posts and an army base in Rakhine state, which the government source said resulted in the death of at least 59 insurgents and 12 members of government security forces - one

¹⁵ibid.

¹⁶Szep, Jason and Andrew R.C. Marshall. 2012. "Special Report: Witnesses tell of organized killings of Myanmar Muslims." Reuters, November 12. <https://www.reuters.com/article/us-myanmar-fighting/special-report-witnesses-tell-of-organized-killings-of-myanmar-muslims-idUSBRE8AA0EO20121111> (Accessed June 1, 2018).

soldier, one immigration officer, and 10 policemen¹⁷. It is estimated that about 1,000 insurgents took part in the attacks across Maungdaw and Buthidaung townships, a much wider area than the 2016 October attack.¹⁸The overwhelming operation led by the Myanmar military forced out an estimate of nearly 700,000 people from the Rohingya community into neighboring Bangladesh.¹⁹

International Attention

Extensive media coverage and pressure from the international community played an important role, especially in two ways - wider global attention and change of Myanmar government's attitude. The primary objective of ARSA, as stated by its leader Attullah Abu Ammar Jununi, is "to liberate our people from dehumanized oppression perpetrated by all successive Burmese regimes."²⁰ However, it is likely that one

¹⁷Hussain, Maaz. 2016. "Bangladesh Keeps Border Shut for Myanmar Rohingyas." *Voice of America*, November 22. <https://www.voanews.com/a/bangladesh-keeps-border-shut-on-rohingya-from-myanmar/3607207.html> (Accessed May 24, 2018).

¹⁸Lone, Wa and Shoon Naing. 2017. "At least 71 killed in Myanmar as Rohingya insurgents stage major attack." *Reuters*, August 25. <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B507K> (Accessed May 26, 2018).

¹⁹Yong, Charissa. 2018. "Myanmar national security adviser says terrorism at the root of conflict in Rakhine state." *The Straits Times*, June 2. <https://www.straitstimes.com/singapore/myanmar-national-security-adviser-says-terrorism-at-the-root-of-conflict-in-rakhine-state> (Accessed June 3, 2018).

²⁰Abuza, Sachary. 2017. "Who Are the Arakan Rohingya Salvation Army?" *BenarNews*, August 31. <https://www.benarnews.org/english/commentaries/asean-security-watch/arsa-commentary-08312017144721.html> (Accessed May 25, 2018).

unstated objective of ARSA attacks on the Myanmar security forces in October 2016 and August 2017 could have been to draw international attention. In fact, the Rohingya issue made several headlines especially in the aftermath of August 2017 attacks on Myanmar security posts. The global attention has been not necessarily due to ARSA attacks but largely because of the mass exodus of refugees as a result of the Myanmar military-led clearance operations. Among several others, there are three important developments that have made the Rohingya issue get global attention: the formation of Kofi Annan Commission, the labeling of ‘ethnic cleansing’ by the United Nations and the United States, and the UN Security Council’s visit to Bangladesh and Myanmar.

One development widely covered by the international media was the formation of a nine-member state advisory commission on Rakhine, formed by the Myanmar government on 24 August 2016 and chaired by former UN Secretary General Kofi Annan, which had six Myanmar nationals and three international members. It was an attempt by the Aung San Suu Kyi-led NLD government to find a sustainable solution to the simmering conflicts in Rakhine state. The commission’s 63-page final report was submitted to the Myanmar government on 23 August 2017, which was an outcome of over 150 consultations and meetings held by the advisory commission. The final report addressed in depth a broad range of structural issues that are impediments to the peace and prosperity of Rakhine state. Several recommendations specifically focused on citizenship verification, rights and equality before the law, documentation, the situation of the internally displaced and freedom of movement, which affected the Muslim population disproportionately. The commission proposed a ministerial- level

appointment to coordinate the effective implementation of the commission's recommendations.²¹

The labeling of 'ethnic cleansing' has also brought the Rohingya issue to another level of scrutiny and seriousness. On 11 September 2017, the chief of United Nations High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, accused the Myanmar military of committing several human rights violations of international law, including widespread extrajudicial killing, rape and other atrocities which he termed "a textbook example of ethnic cleansing."²² Since then, the term 'ethnic cleansing' has been widely used in media reports. And on 22 November 2017, the United States government officially called the Myanmar military operation against the Rohingya population an "ethnic cleansing", with the threat of an imposition of targeted sanctions against those responsible for the "horrendous atrocities."²³ The US decision, which was made a week after Secretary of State Rex Tillerson's visit to Myanmar, was partly intended to put pressure on both the Myanmar military and the civilian leadership which share power in a hybrid political arrangement. Another significant development was the visit of a UN Security Council delegation to Bangladesh and Myanmar from 28 April

²¹Kofi Annan Foundation. 2017. "Advisory Commission on Rakhine State: Final Report." August 24. <http://www.kofiannanfoundation.org/mediation-and-crisis-resolution/rakhine-final-report/> (Accessed May 25, 2018).

²²Cumming-Bruce, Nick. 2017. "Rohingya Crisis in Myanmar Is 'Ethnic Cleansing,' U.N. Rights Chief Says." *The New York Times*, September 11. <https://www.nytimes.com/2017/09/11/world/asia/myanmar-rohingya-ethnic-cleansing.html> (Accessed May 24, 2018)

²³Mohammed, Arshad and David Brunnstrom. 2017. "U.S. calls Myanmar moves against Rohingya 'ethnic cleansing'." Reuters, November 22. <https://www.reuters.com/article/us-myanmar-rohingya-usa/u-s-calls-myanmar-moves-against-rohingya-ethnic-cleansing-idUSKBN1D1M1N3> (Accessed June 2, 2018).

to 1 May 2018. The delegation visited the refugee camps in Cox's Bazar in Bangladesh and interacted with the Rohingya population, and also met several leaders from the Bangladesh government, including Prime Minister Sheikh Hasina. In Myanmar, the Security Council delegation visited Maungdaw, the epicenter of the August 2017 violence, and also met several leaders, among whom were State Counselor Aung San Suu Kyi and the military commander-in-chief, Senior General Min Aung Hlaing. At the end of the visit, the UNSC members urged the Myanmar government to conduct a 'proper investigation' into alleged human rights abuses in northern Rakhine, and to speed up the repatriation of hundreds of thousands of Rohingya refugees from Bangladesh with the help of UN agencies, and guarantee unconditional access to the affected areas for those agencies. The UK's permanent representative to the Security Council, Karen Pierce, suggested two ways for proper investigation of alleged human rights abuses - either referring the issue to the International Criminal Court or allowing the Myanmar government to conduct the investigation herself.²⁴ After several pressures from the international community, the Myanmar government on 31 May 2018 agreed on the text for tripartite Memorandum of Understanding with two UN agencies - United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Program (UNDP) - to "establish a framework for cooperation aimed at creating the conditions conducive to the voluntary, safe,

²⁴ Mang, Lun Min. 2018. "Top UN team pushes for investigation, free access for aid agencies in Rakhine." *Myanmar Times*, May 2. <https://www.mmmtimes.com/news/top-un-team-pushes-investigation-free-access-aid-agencies-rakhine.html> (Accessed June 2, 2018).

dignified and sustainable repatriation of Rohingya refugees to their places of origin or of their choosing.”²⁵

Ethnic identity and citizenship

The 1982 citizenship law groups citizens into three categories - citizen or full citizen, associate citizen, and naturalized citizen. Citizens are descendants of residents who lived in Burma before 1823 or were born to parents who were both citizens. Associate citizens are those who acquired citizenship through the 1948 citizenship act. And naturalized citizens are those who lived in the country before the country's independence in 1948 and applied for citizenship after 1982.²⁶ Since Rohingyas are not recognized by the 1982 citizenship law, they are not listed among the 135 national races of the country, and therefore, the people are denied citizenship rights and privileges which other ethnic groups enjoy. What makes the Rohingyas different from other ethnic minorities of the country is primarily their ethnic identity, which is intertwined with citizenship. While other ethnic minorities are fighting for greater autonomy under a federal system, the Rohingyas are struggling to be recognized as an ethnic group and acquiring citizenship. In January 2018, after the Bangladesh and Myanmar governments reached an agreement on repatriation, the Rohingya refugees made it clear none of them would go back to Myanmar unless their demands

²⁵UNHCR. 2018. “UNHCR and UNDP agree on text of MoU with Myanmar to support the creation of conditions for the return of Rohingya refugees.” May 31. <http://www.unhcr.org/news/press/2018/5/5b0fff7b4/unhcr-undp-agree-text-mou-myanmar-support-creation-conditions-return-rohingya.html> (Accessed June 3, 2018).

²⁶Kipgen, Nehginpao. 2013. “Conflict in Rakhine state in Myanmar: Rohingya Muslims’ Conundrum.” *Journal of Muslim Minority Affairs* 33(2), pp. 298-310.

were met. The demands included the recognition of Rohingyas as one of Myanmar's ethnic groups and a guarantee of citizenship.²⁷ Since then, the NLD government has openly said that the Rohingyas living in internally displaced persons camps will have freedom to travel across the country as long as they accept the National Verification Card (NVC) and fill out an associated immigration form. And anyone who holds the NVC can apply for citizenship and can become a citizen within five months. However, the NLD government's policy has been strongly objected to by the opposition, including the USDP.²⁸

Conclusions

In the beginning, I discussed how consensual transition can manifest in two ways. And the transition we see in Myanmar today is the second type of consensual transition where authoritarian leaders actively participate in the process of change, by controlling or limiting the change, which entails some degree of political continuity between authoritarianism and a democratic opening. Such a hybrid political arrangement makes it difficult to address the Rohingya conundrum. Though international pressure and support are important, the chapter argues that a long-term solution to the Rohingya crisis primarily

²⁷Siddiqui, Zeba. 2018. "Exclusive: Rohingya refugee leaders draw up demands ahead of repatriation." Reuters, January 19. <https://in.reuters.com/article/myanmar-rohingya-petition/exclusive-rohingya-refugee-leaders-draw-up-demands-ahead-of-repatriation-idINKBN1F80SH> (Accessed June 3, 2018).

²⁸Radio Free Asia. 2018. "Myanmar Political Parties Oppose Easing Travel Restrictions on Rohingya." April 24. <https://www.rfa.org/english/news/myanmar/myanmar-political-parties-oppose-easing-travel-restrictions-on-rohingya-04242018165939.html> (Accessed June 2, 2018).

lies with three actors - the Myanmar military, the elected civilian government, and the general public. And it also argues that addressing ethnic identity and citizenship is crucial to achieving a sustainable solution to the Rohingya problem.

The Myanmar constitution not only reserves 25 percent of seats in the national and state legislatures for the military, but also gives the armed forces control of three important ministries. The constitution also provides the military a majority in the powerful NDSC. Because of the hybrid nature of the power structure, it is tremendously challenging for the civilian government to prevail upon the military and its establishment. Beyond her reiteration of the importance of rule of law and the formation of state advisory council to investigate the conflict in Rakhine and another subsequent body to oversee the implementation of Kofi Annan Commission's recommendations, it is difficult for Suu Kyi to end the violence in Rakhine without the support or cooperation of the powerful military. Considering the present political structure, perhaps the most effective and quickest way to end the Rohingya crisis would be dependent on a genuine desire of the military to do so. Another important actor is the civilian government. Though it has no control over the military, the NLD government has the mandate of the Myanmar people, which is reflected in both houses of the national parliament where the NLD enjoys a majority. Moreover, the civilian government has the constitutional power to appoint the country's president, who is head of state and government, as well as one of the two vice-presidents and several other cabinet posts. Had there been a strong political will, the NLD government can possibly garner the necessary support - domestically as well as internationally - to help resolve the Rohingya crisis. After strong pressure and scrutiny from the international community, there are signs that the civilian government is gradually exploring possible

solutions - such as repatriation and citizenship path - with support from the international community.

Another crucial factor is the role of the general public, including civil society groups. The conditions of the Rohingyas could perhaps have changed for the better had the general public sympathized with their plight. Opinion is divided in Myanmar on how the Rohingya problem should be addressed. Some have a genuine concern and a desire for peacefully resolving the conundrum. Had there been a mass movement or public pressure on the military leadership and the NLD government in support of the Rohingyas, the military and civilian elites could have approached the issue in a more favorable way for the Rohingyas. Though some think it is difficult or unimaginable to accept the Rohingya population, it is important for the people of Myanmar to understand that without addressing such fundamental issues as ethnic identity and citizenship, any repatriation of refugees from Bangladesh will not resolve the issue. The views of a vast majority of the Burman population have been influenced by the military and civilian elites and vice versa. Aung San Suu Kyi, who has gradually transformed herself from being an activist and democratic icon to a pragmatic politician, remains cognizant of the need to consider the concerns of her electorate. Suu Kyi, who is a Burman, is making diligent moves not to upset the military, as well as her NLD party colleagues and the Burman ethnic group, who make up roughly 68 percent of the country's population. Had Myanmar been a full democracy where the military operated under civilian control, the situation in which the Rohingyas find themselves could have been different.

References

- Abuza, Sachary. 2017. "Who Are the Arakan Rohingya Salvation Army?" *BenarNews*, August 31.
<https://www.benarnews.org/english/commentaries/asean-security-watch/arsa-commentary-08312017144721.html> (Accessed May 25, 2018).
- Anand, J. P. 1978. "Refugees from Burma." *Economic and Political Weekly* 13(27): 1100-1101.
- Cumming-Bruce, Nick. 2017. "Rohingya Crisis in Myanmar Is 'Ethnic Cleansing,' U.N. Rights Chief Says." *The New York Times*, September 11.
<https://www.nytimes.com/2017/09/11/world/asia/myanmar-rohingya-ethnic-cleansing.html> (Accessed May 24, 2018).
- Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press.
- Hussain, Maaz. 2016. "Bangladesh Keeps Border Shut for Myanmar Rohingyas." *Voice of America*, November 22.
<https://www.voanews.com/a/bangladesh-keeps-border-shut-on-rohingya-from-myanmar/3607207.html> (Accessed May 24, 2018).
- Kipgen, Nehginpao. 2017. "Militarization of Politics in Myanmar and Thailand." *International Studies* 53(2): 153- 172.
- Kipgen, Nehginpao. 2016a. *Myanmar: A Political History*. New Delhi: Oxford University Press.

Kipgen, Nehginpao. 2016b. *Democratisation of Myanmar*. New Delhi: Routledge.

Kipgen, Nehginpao. 2013. "Conflict in Rakhine state in Myanmar: Rohingya Muslims' Conundrum." *Journal of Muslim Minority Affairs* 33(2): 298-310.

Kofi Annan Foundation. 2017. "Advisory Commission on Rakhine State: Final Report." August 24.
<http://www.kofiannanfoundation.org/mediation-and-crisis-resolution/rakhine-final-report/> (Accessed May 25, 2018).

Lone, Wa and Shoon Naing. 2017. "At least 71 killed in Myanmar as Rohingya insurgents stage major attack." *Reuters*, August 25.
<https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B507K> (Accessed May 26, 2018).

Mang, Lun Min. 2018. "Top UN team pushes for investigation, free access for aid agencies in Rakhine." *Myanmar Times*, May 2.
<https://www.mmtimes.com/news/top-un-team-pushes-investigation-free-access-aid-agencies-rakhine.html> (Accessed June 2, 2018).

Mang, Lun Min. 2016. "State counsellor urges avoidance of words 'Rohingya' and 'Bengali'." *Myanmar Times*, May 23.
<https://www.mmtimes.com/national-news/yangon/20438-state-counsellor-urges-avoidance-of-words-rohingya-and-bengali.html> (Accessed June 1, 2018).

Mohammed, Arshad and David Brunnstrom. 2017. "U.S. calls Myanmar moves against Rohingya 'ethnic cleansing'."

Reuters, November 22. <https://www.reuters.com/article/us-myanmar-rohingya-usa/u-s-calls-myanmar-moves-against-rohingya-ethnic-cleansing-idUSKBN1DM1N3> (Accessed June 2, 2018).

Radio Free Asia. 2018. “Myanmar Political Parties Oppose Easing Travel Restrictions on Rohingya.” April 24. <https://www.rfa.org/english/news/myanmar/myanmar-political-parties-oppose-easing-travel-restrictions-on-rohingya-04242018165939.html> (Accessed June 2, 2018).

Share, Donald. 1987. “Transitions to Democracy and Transition through Transaction.” *Comparative Political Studies* 19(4): 525-548.

Siddiqui, Zeba. 2018. “Exclusive: Rohingya refugee leaders draw up demands ahead of repatriation.” *Reuters*, January 19. <https://in.reuters.com/article/myanmar-rohingya-petition/exclusive-rohingya-refugee-leaders-draw-up-demands-ahead-of-repatriation-idINKBN1F80SH> (Accessed June 3, 2018).

Slodkowski, Antoni. 2016. “Myanmar's Suu Kyi reiterates stance on not using term 'Rohingya' – official.” *Reuters*, June 20. <https://www.reuters.com/article/us-myanmar-rights/myanmars-suu-kyi-reiterates-stance-on-not-using-term-rohingya-official-idUSKCN0Z61AC> (Accessed June 1, 2018).

Szep, Jason and Andrew R.C. Marshall. 2012. “Special Report: Witnesses tell of organized killings of Myanmar Muslims.” *Reuters*, November 12. <https://www.reuters.com/article/us-myanmar-fighting/special-report-witnesses-tell-of->

organized-killings-of-myanmar-muslims-idUSBRE8AA0EO20121111
(Accessed June 1, 2018).

UNHCR. 2018. “UNHCR and UNDP agree on text of MoU with Myanmar to support the creation of conditions for the return of Rohingya refugees.” May 31.

<http://www.unhcr.org/news/press/2018/5/5b0fff7b4/unhcr-undp-agree-text-mou-myanmar-support-creation-conditions-return-rohingya.html>
(Accessed June 3, 2018).

Yong, Charissa. 2018. “Myanmar national security adviser says terrorism at the root of conflict in Rakhine state.” *The Straits Times*, June 2. <https://www.straitstimes.com/singapore/myanmar-national-security-adviser-says-terrorism-at-the-root-of-conflict-in-rakhine-state>
(Accessed June 3, 2018).