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Research Article

Statelessness and Protection: The Case of Rohingya

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The term Rohingya represents statelessness and human rights crisis. Since Myanmar's Citizenship Act of 1982 stripped them of their citizenship, they have suffered severe discrimination, brutal persecution, and prolonged statelessness, both inside and outside Myanmar. Rohingya fled military clearance operations in Myanmar and were turned away by the neighboring countries. Those who crossed the borders faced detention and persecution in host countries. This case study was conducted to examine the factors that led to the mass exile of Rohingya, the challenges they face in their country of arrival, and the possible ways to end the statelessness of Rohingya. The study analysed the problems of Rohingya refugees marked by severe insecurity, poverty, illiteracy, documentation requirements, endless discrimination, and detention. The results revealed that the Rohingya lack state protection because there are insufficient policies at the national and international levels to ensure their inclusion in the country of arrival. Furthermore, it discussed the need for an inclusive political process in Myanmar.

INTRODUCTION

A process of exclusion defines stateless people like the Rohingya. They are seen as outsiders and are not allowed to hold civil, political, and social rights in and outside their country of origin. Many Rohingya live in Myanmar (formerly Burma, before 1989) with temporary identification documents. After they failed to meet the requirement to prove that their ancestors had settled in Burma before 1823, their citizenship was revoked in 1982 (Mahmood et al., 2017). Rohingya in Myanmar (RM) are stateless as the country does not recognise them as citizens or foreigners (Lewa, 2009). They are detained for security reasons and face severe restrictions and discriminatory laws. In addition to these human rights violations, the RM suffer ethnic cleansing and state-sponsored genocide (Alam, 2018). In 2015, Myanmar reaffirmed its refusal to participate in international discussions on the plight of the Rohingya if the word 'Rohingya' was used (Clark, 2015). However, "the term Rohingya is both recognised and used by the UN, US Congress, European Parliament, and humanitarian agencies including Physicians for Human Rights, Human Rights Watch, and Médecins Sans Frontières" (Mahmood *et al.,* 2017, p.1841).

Systematic discrimination against the RM led to multiple cycles of forced displacement between Myanmar and its neighbouring countries, contributing to the scale and protraction of the problem (Tay *et al.,* 2019). The label Rohingya refugees (RR) has taken on regional and international significance in the issue of rights and justice for the entire community in South Asia. However, efforts to secure international protection for the RR are challenging as none of these countries are party to the 1951 Refugee Convention or the 1967 Protocol concerning refugee status (Tay *et al.,* 2019). Furthermore, their poverty, gender vulnerabilities, illiteracy, unemployment, and violence compounded by a lingering state of statelessness complicated their registrations and documentation in their countries of arrival. It gave birth to new forms of exclusion marked by a sense of profound fear and anxiety due to inadequate social protection.

Additionally, these issues have led to their continued marginalization and denial of fundamental rights. However, without durable formal solutions for refugee protection, RRs created their own protection space and achieved social integration in the destination countries (Cheung, 2011). Considering all these factors, this study inquired into Rohingya's state of statelessness and social protection.

METHOD

Concerning the plight of RR, this case study reviewed and collected data from journal articles, academic books, official reports, and newspaper reports seeking answers to the study questions, 1) What factors led to the mass exodus of RM? 2) What are the challenges RR face in their country of arrival? 3) What are the possible solutions to the statelessness of Rohingya? The data were analyzed thematically and reported.

RESULTS

Looking back

Rohingya have a centuries-long history in Myanmar. Table 1 shows the history of RM.

Western Myanmar's long-simmering hostility between Rohingya Muslims and Rakhine Buddhists reached a deadly clash in 2012 (Kipgen, 2013). Although Myanmar's political scenario was marked by a historical change from military rule to a nascent, quasi-civilian government in 2011, the legislature was reluctant to tackle the sectarian conflicts (Kyaw, 2015; Win and Kean, 2017). Clashes that broke out in 2016 marked a significant surge on 27 August 2017 with the attack by Rohingya militants on army and police outposts. Supported by armed Rakhine Buddhists and Border Police, the military launched sweeping attacks against the Rohingya. Over two months, over 600,000 Rohingya fled military clearance operations to Bangladesh (Xchange, 2017). As the sea was the accessible way to exile, they evolved as *boat people* and became vulnerable to trafficking (Chaudhury and Samaddar, 2018). The progressive erasure of Rohingya homes in Myanmar created Asia's largest cross-border humanitarian crisis (MacLean, 2019).

Imminent Risks to Life in Limbo

Rohingya were ousted from the Rakhine state, their ancestral homeland. Statelessness as a problem for the Rohingyas has a regional dimension as well. They have fled to Bangladesh, India, Thailand, and Malaysia, and some have tried to reach Australia. Moreover, the discrimination against them in host countries continued unabated due to boundary-making processes and discourses of exclusion built into the social structure, which fuelled a never- ending cycle of repression and conflicts. Countries in South Asia faced challenges concerning the humanitarian protection of stateless Rohingya regarding resources and the policies needed to deal with them. Furthermore, the security

Table 1. History of Rohingya in Myanmar

Year	Event
1799	Francis Buchanan, a Scottish physician who spent 15 yearsin the area, reported that Mohammedans were long settled in Arakan (present- day Rakhine State) and called themselves Rooinga or natives of Arakan.
1931	Census of Burma excluded Rohingya
1974	The military prohibited Rohingya from voting in elections.
1978	Operation King Dragon (Operation Nagamin). To escape military operations,more than 200 000 Rohingya fled to Bangladesh.
1982	The Citizenship Act stripped the Rohingya of their citizenship.
1991-1992	Operation Clean and Beautiful Nation (Operation Pyi Thaya) was a military operation conducted by the Tatmadaw (Myanmar Armed Forces). 260,000 Rohingya fled Myanmar.
1992	Bangladesh stopped granting the Rohingya the status of refugees.Forced repatriation after Bangladesh and Burma agreed to return the refugee.
2012	Sectarian conflict. Rohingya started fleeing to neighbouring countries by boat.
2014	Myanmar held its first nationwide census; Rohingya were omitted. More than 1000 Rohingya were known to drown while fleeing by sea.
2015	The number of Rohingya fleeing by sea has increased fourfold. Myanmar refused to attend the UN conference on refugees if The term *Rohingya* was used.
2016	Broke out sectarian conflicts
2017	600,000 Rohingya Muslims fled military clearance operations in the Rakhine state and sought refuge in Bangladesh. Almost 10,000 Rohingya were killed, and around 40 percent of Rohingya villages were destructed.

Data sources: Mahmood *et al.* (2017); Xchange (2017); ENS & ISI (2019)

concerns of sovereign nations over the management of the territory and people have put the Rohingya at risk, and their fundamental rights have been violated.

According to Chaudhury and Samaddar (2018), the host countries do not take individual responsibility for the resettlement of refugees in the region, and the wealthy ones push the refugees to the poorer ones, abdicating their duty to care for the Rohingya and other groups of people or minorities who are fleeing. A country position report by the European Network on Statelessness (ENS), and the Institute on Statelessness and Inclusion (ISI) (2019), stated that

"Myanmar's stateless populations living overseas face further protection issues and continue to experience inter-generational forms of social exclusion. In particular, they are at risk of trafficking, indefinite detention, and *refoulement*" (p.3).

The ongoing influx of RR over a century further strained poverty-stricken Bangladesh, creating friction in the local community (Milton *et al.,* 2017). Their practices, such as child marriage, led to tension among the host community (Melnikas, 2020). Moreover, overcrowding, poor living standards, and lack of health services made RR settlements in Bangladesh vulnerable to epidemics (Karo *et al.,* 2018). White (2017) wrote from Kutupalong, a makeshift RR settlement in the Cox's Bazar district of Bangladesh, that the high morbidities were due to poor hygiene, water, and sanitation conditions. RRs registered with the UN High Commissioner for Refugees (UNHCR) live in two camps at Kutupalong and Nayapara near Teknaf in Bangladesh; however, around 850,000 unregistered refugees live in hazardous conditions outside formal camp areas (Chaudhury and Samaddar, 2018).

More than 14,000 Rohingya in India have registered with UNHCR, according to Home Ministry data; However, 40,000 Rohingya are considered to be staying illegally in India, according to security services (Tripathi, 2018). Aside from the states of Haryana, UP, and Rajasthan, there are concentrations of Rohingya people in Jammu, Hyderabad, and Delhi. They are under the threat of being detained because they do not have documents. Indo-Asian News Service (IANS) (2019) reported that 68 Rohingya Muslims, mostly children, were arrested in two weeks in Tripura and the Assam-Tripura border in early 2019. The lack of policies in dealing with the stranded RRs on the India-Bangladesh border used to create a standoff between the Border Security Force (BSF) and Border Guard Bangladesh (BGB), and in January 2019, 31 RRs were handed over to Tripura Police ending the impasse, and they faced prosecution in India (Sandhu, 2019). Owing to the extensive detention on borders, RRs found India an unsafe place, and due to the fear of deportation, RRs in India started moving to Bangladesh (Hindustan Times, 2019).

In Malaysia, as of October 2016, there were 54,856 RRs, many of whom were held in appalling conditions (Yeoh, 2016). By turning them away, Malaysia made its position clear that RRs stranded at sea are not welcome in the country (Yeoh, 2016). Thailand also claimed that the country lacked the resources to host RRs (Chaudhury and Samaddar, 2018).

Insufficient state protection over the years has marginalized RRs. In refugee contexts, it has been recognised that populations may have particular concerns about 'privacy' in refugee registration. Yet security concerns provide justification for countries to violate the privacy of Rohingya through biometric registration. From a human rights perspective, on the other hand, securitization creates restrictions on mobility, freedom, and the right to life. As Rohingya have been deprived of education for a few decades in Myanmar and have spent all their money to escape into exile, most Rohingyas have become highly impoverished.

As the Rohingya were denied education for several decades in Myanmar and spent all their money to escape into exile, most Rohingya became extremely poor. They cannot rent a house or be allowed to work legally. They are not allowed to build houses or latrines with bricks and cement. They have make-shift settlements because they can afford them. They have limited legal rights and experience restrictions on mobility, work, marriage, and refugee integration wherever they find asylum.

Way Forward

In 2014, the UNHCR launched the 'I Belong' campaign to end statelessness by 2024 (UNHCR, n.d.), and it published an action plan with ten actions (Figure 1) to end statelessness in ten years (UNHCR, 2014).

More than one in seven stateless persons worldwide are Rohingya (Mahmood *et al.,* 2017). Therefore, the efforts of UNHCR must address the Rohingya crisis. However, the Advisory Commission on Rakhine State (2017) proposed a review of the 1982 Citizenship Law of Myanmar since

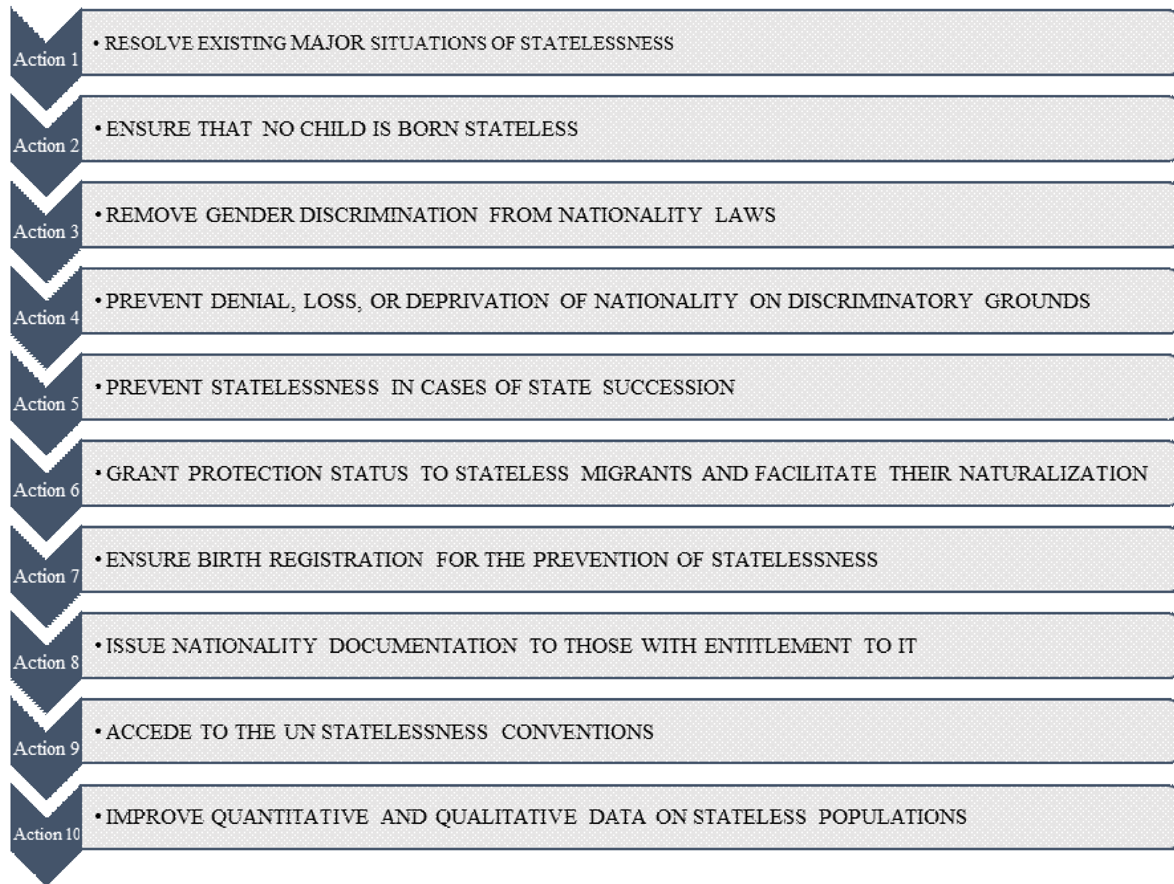

Figure 1. Global Action Plan to End Statelessness

it is "not in compliance with international standards and norms – such as the principle of non-discrimination under international law – as well as international treaties signed by Myanmar" (p.29). The report outlines efforts to establish a legal identity for the Rohingya to end their statelessness, emphasizing the need to simplify the national verification process. Creating a legal identity for the Rohingya is key to peace-making arrangements between the various ethnic groups in the area. Kipgen (2013) suggested a 'consociational' democracy in which elites form a stable government to address the crisis. There is no chance for long-term peace in Myanmar without a political process that involves all ethnic groups, tackles fundamental constitutional issues, and guarantees meaningful political representation and self- determination for the country's minority population (Nilsen, 2013).

CONCLUSION

The Rohingya are the most persecuted stateless people globally. Since Myanmar's Citizenship Act, 1982 stripped them of their citizenship, Rohingya faced severe human rights violations and persecution in home and host countries. The fact that Rohingya children born abroad remain stateless is emblematic of RRs' lack of protection and pathways to citizenship (de Chikera, 2018). Stateless refugees are legally entitled to the protections of the 1951 Refugee Convention as they fall under the UNHCR's refugee mandate; however, countries like India exclude them labeling them 'illegal migrants' (Malischewski, 2018). The refugee crisis demands Rohingyas to return to Myanmar, though conditions have worsened over time. An efficient nationality verification process, the rule of law, and peace between communities are singularly absent in Myanmar. Humanitarian protection is a challenge for South Asian countries since becoming stateless for the Rohingyas is an accentuated condition of poverty, persecution, restrictions, lack of education, unemployment, and deprivation of basic needs. In the current impasse, their statelessness is destined to make their lives precarious in all places and at all times.

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Research Article

Pandemic and Reverse Migration in India

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Keywords
Reverse migration, COVID-19, Indian economy, economic integration

As the most significant contributor to the world's migrant population, India witnessed a massive reverse migration during the COVID-19 pandemic. The unprecedented return of international and internal migrants to their domicile challenged the Indian economy. Integration of returnees was a colossal task for the government. Against this backdrop, this study analysed the extent of reverse migration, the socioeconomic challenges faced by migrants during the repatriation, the government response to reverse migration and the economic integration of returnees. By reviewing relevant literature, this study exposed the inability of the Indian economic sectors to absorb the reverse migrants and the limited power of migration to bring about a structural transformation in the Indian economy.

INTRODUCTION

World Migration Report 2022 highlights India as the most significant contributor to the international migrant population, which received 83.15 billion USD in remittances in 2020 from the 18 million Indians living abroad (McAuliffe and Triandafyllidou, 2021). According to this report, the world's third largest migration corridor is India to the United Arab Emirates, with more than 3 million migrants, mainly labour migrants. Historians noted the presence of Indian settlements in major Gulf ports even before the discovery of oil, which fuelled the migrant labour market in the Gulf (Rajan and Oommen, 2020). In India, wage disparities and slow growth in formal employment force workers to consider cross-border migration as an alternative to improve their economic well-being (Sasikumar and Thimothy, 2015). Economic necessities, structural inequalities and social practices drive Indian migration to the Gulf (Wright, 2020). A distinctive feature of Indo-Gulf migration is its occupational and skill profile, which is concentrated in low and semi-skilled occupations (Chanda and Gupta, 2018). While the percentage of migrants from relatively wealthy states like Kerala and Karnataka decreased significantly, the flow of labours from relatively poor states such as Uttar Pradesh and Bihar increased considerably (Sasikumar and Thimothy, 2015).

Migration includes permanent migration and circular migration (long-term and seasonal). Circular migrants move back and forth between their home and host lands. However, most people do not migrate across borders; Huge numbers migrate within the country. Circular migration within the country is more likely to be a distress-based coping mechanism against poverty and constrained livelihood options in the places of origin (Mishra, 2020). The two primary data sources on migration in India are the quinquennial migration surveys conducted by National Sample Survey Office (NSSO) and the decennial population Census. According to the 2011 Census, there are 450 million (37% of the total population) internal migrants in India. Inter-district, inter-district and inter-state migrations are internal migrations. Uneven development and variations in population structure across states are drivers of inter-state migration (Srivastava et al., 2020). Due to internal migration, the workforce in the Indian labour market has become mobile and informal. Moreover, circular migrants work informally, occupy the lowest employment levels, face discrimination and lack social protection (Srivastava, 2019).

Development theories and literature have long recognised migration and development links (Srivastava et al., 2020). Economists consider labour migration an essential determinant of an economy's structural transformation (Thakur, 2020a). Nevertheless, migration's embeddedness in broader social transformation and development processes shows that its ability to affect structural change is limited (De Haas, 2020). Similarly, in the context of the Indian economy, the models linking

migration to development largely failed (Jha and Thakur, 2017). Moreover, although the Ministry of External Affairs (MEA) reported an $ 87 billion remittance inflow in 2021 (MEA, 2021a), The Global Knowledge Partnership on Migration and Development (KNOMAD) confirmed that it constituted only 3% of the Gross Domestic Product (GDP) of India (KNOMAD, 2021).

Migration-led development theories emphasise the driving force of high and growing urban wages in the labour migration of the Indian economy (Thakur, 2020a). However, studies have shown that the wage gap in rural India is narrowing, negating the importance of wage differentials in urban migration (Das and Usami, 2017). The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) increased agricultural production, urbanisation, construction sector growth and a rise in literacy rate, leading to an increase in rural wages, effectively reducing the wage gap between different regions of India (Himanshu and Kundu, 2016). However, migration continues to grow in India.

The COVID-19 pandemic precipitated a mobility crisis (Rajan, Sivakumar and Srinivasan, 2020), inducing a dangerous effect on the lives of migrants (Dandekar and Ghai, 2020; Jesline *et al.,* 2021; Khan and Arokkiaraj, 2021). India imposed a 68-day four-phase lockdown between 24 March and 31 May 2020 to combat the COVID-19 pandemic (Ghosh, Nundy and Mallick, 2020). The lockdown announcement closed the national and international borders with immediate effect. In a country where more than 90% of the total workforce is engaged in informal employment with inadequate social security coverage, such an unexpected lockdown was disastrous (Dandekar and Ghai, 2020; Thakur, 2020a). Likewise, the spread of COVID-19 crippled Gulf economies and left Indian migrants without food, sustenance or a safe place to stay (Khan and Arokkiaraj, 2021). The lack of government policies to ensure the welfare of migrants worsened the crisis and forced migrants to return to their homelands, leading to massive reverse migration. Against this backdrop, this paper seeks to present a comparative analysis of the challenges faced by international and internal returnees during the COVID-19 crisis. Further, it details the government initiatives for the repatriation and reintegration of migrant workers.

METHOD

This study explored (1) the extent of reverse migration to and in India, (2) the socioeconomic challenges faced by the migrants during reverse migration, (3) the government response to reverse migration and (4) the economic integration of returnees in their homelands. It analysed reverse migration in the context of development theories. By reviewing the published literature (scholarly and grey articles) on reverse migration during the pandemic, this study collected data and analysed it to answer the research questions.

RESULTS

Reverse Migration Statistics

According to the MEA, 3,611,373 Indians stranded in other countries were repatriated during the Covid-19 lockdown (Ananth, 2021). This report stated that most of them were from Kerala, followed by Delhi, Maharashtra, Tamil Nadu and other states. An accurate estimation of the reverse migration of internal migrants was found unavailable. However, based on data collected from state governments, the labour and employment minister stated in the parliament that around 10 million migrant workers returned home during the pandemic (Sharma, 2020). Whereas, India Spend presented an estimated 23 million internal migrant returnees during the lockdown (Kundu, 2020) and Indian Express reported that 2,169,000 and 1,000,000 migrants returned to Uttar Pradesh and Bihar, respectively, while 1,100,000 left Maharashtra and 2,050,000 Gujarat (Chishti, 2020).

Socioeconomic Challenges faced by the Migrants

Circular migrants were the worst hit during the lockdown (Nanda, 2020). In India, a substantial portion of internal migrants work in the gig economy and is blue-collar workers (Bhattacharyya and Menon, 2021). Cessation of all economic activities during the lockdown left migrant workers jobless and incomeless. They struggled with the lack of food, health care and basic amenities and faced severe financial and psychological stress (Bhagat et al., 2020). Migrant workers who worked in the informal sector without social security were forced to return, but the absence of any transport facility led to an exodus on foot. The country witnessed poor migrant workers dying

on the streets due to starvation, exhaustion and police brutality (Guha, Islam and Hussain, 2021).

Of the 18 million Indians living abroad, 8.4 million are migrant workers in the Gulf region (MEA, 2021). The stagnation of economic activity in the Gulf due to the lockdown led to mass layoffs, leaving migrants without jobs or money to survive (Khan and Arokkiaraj, 2021). Besides retrenchments, wage theft was also reported during the COVID-19 crisis (Khan and Arokkiaraj, 2021). The delay in forming air bubble pacts in the context of the border closure brought uncertainty to repatriation. The stranded Indians in the host country were also hit by exorbitant airfare. Moreover, returnees were unfairly stigmatised and blamed for the spread of the virus and uncertainty about quarantine rules and facilities left them confused.

Government Response to Reverse Migration

On 28 March 2020, the Ministry of Home Affairs (MHA) granted states permission to set up relief camps along highways to aid migrant workers returning home with food and shelter (MHA, 2020a). In a directive released on 29 April 2020, MHA permitted states to coordinate the bus transportation of migrants (MHA, 2020b). On May 1, the Indian Railways commenced *Shramik* Special trains for migrants to return home (Iyer, 2020). On the other hand, the repatriation of international migrants started on 7 May 2020, Under Vande Bharat Mission, the bilateral air bubble pact between Indian and selected countries. Besides, Operation Samudra Sethu was also launched to bring stranded Indians back by the sea. But the fact that the expatriates had to bear the fare led to another crisis.

The Ministry of Finance implemented the 'One Nation, One Ration Card Scheme' for better public distribution. Through this scheme, people with ration cards can buy subsidised food grains from any Fair Price Shops (FPS) across the country. The finance minister urged the states to ensure the implementation of MGNREGS, which seeks to employ migrant workers returning to their villages (Sakhadeo, 2020).

Economic Integration of Returnees

During the lockdown, all economic activities came to a standstill, leading to a collapse in the labour market. Unemployment shot up due to the COVID-19 restrictions that induced layoffs. On the one hand, employment stagnated; On the other hand, reverse migration increased labour-force participation (Thakur, 2020b). Scholars did not find much potential for the rural economy to absorb migrant returnees (Thakur, 2020a). However, this study analysed the potential of the agricultural and non-agricultural sectors to absorb the additional labour force due to reverse migration.

Agriculture Sector

The agriculture sector is the largest employer of the workforce in India, accounting for 18.8% of the Gross Value Added in the country (Ministry of Finance, 2022). However, the 77th round of the National Sample Survey by the National Statistical Office (NSO) identified that 54% of rural households in India are agricultural households with an average monthly income of Rs. 10,218 and 50.2% of them are indebted (NSO, 2021). India's agriculture sector has long been in dire straits and since the 1990s, land use has been steadily shifting away from agriculture due to the country's rapid urbanisation (Thakur, 2020a). Although agriculture is India's most populous economic sector, its contribution to GDP is shrinking due to broad-based economic development (Solanki, Singh and Murthy, 2022). Moreover, the food supply system has been significantly interrupted by the declaration of a nationwide lockdown to stop the spread of COVID-19 (Vikas and Ankur, 2020). The closure of the markets caused considerable losses to the farmers. Thus, the lockdown deepened the sector's inability to maintain existing employment, leaving no possibility of absorbing the influx of labour from reverse migration (Thakur, 2020a).

Non-agriculture Sector

Manufacturing, construction and trade come under the non-agriculture sector. The expansion of this sector is attributed to agrarian distress, which forced out a considerable workforce from the agriculture sector (Abraham, 2017). The workforce shifted from the agriculture sector occupy the non-agriculture sector. Moreover, this sector remains in the informal economy, leaving no pull factor for additional workforce participation. Therefore, the non-agricultural sector is less likely to absorb reverse migrants. In addition, the influx of workers led to a wage decline (Thakur, 2020b).

In the context of the employment crisis caused by reverse migration, MGNREGA guaranteed refuge to returnees (Lokhande and Gundimeda, 2021). The

government allocated an additional Rs 400 billion under the MGNREGA scheme to address the employment needs of returning migrants. (Ministry of Finance, 2020). This incentive helped 35% of returnees secure 28% of their pre-crisis daily income (Lokhande and Gundimeda, 2021). It demonstrates that the allocated impetus was insufficient to absorb the surplus workforce.

Further, Prime Minister launched *Garib Kalyan Rojgar Abhiyaan* to enhance livelihood opportunities for migrant workers returning home (Government of India, 2020). Rs. 500 billion was allocated for this project. However, the denial of jobs was happening due to insufficient funds being transferred to the state governments despite rising unemployment (Varma, 2020).

CONCLUSION

Massive reverse migration during the COVID-19 lockdown poses challenges to the development discourse pursued by the Indian economy. Since the workforce mobility in India is primarily attributable to agrarian distress, it is just expulsion from the agriculture sector, not a vertical movement from low-income to high-income jobs. The workforce on the move largely remains in the informal sector. Therefore, migration in India neither conforms to Lewisian transformation (Tripathi, 2015) nor brings about structural change.

Since the primary push factor for out-migration arises from the agriculture sector, policy revisions are needed to revive it by promoting public investment and allocating institutional credit (Thakur, 2020a). Also, redistribution of surplus land and price support for agricultural products can significantly enable the sector to absorb reverse migrants and reduce the seasonal or circular migration in India. Besides, job creation strategies that encourage the formalisation of the workforce need to be formulated in the non-agriculture sector. Finally, this paper recommends an information system that collects and presents accurate data on labour force supply and demand at regular intervals.

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