REPATRIATION OF ROHINGYA REFUGEE FROM BANGLADESH: EXPLORING THE CHALLENGES

Badsha Mia

Abstract:
Bangladesh is standing in a very tough position about the Rohingya repatriation. Bangladesh now follows balance diplomacy and her neighbor countries are silent on the issue of Rohingya. A huge amount of population maintenance is very hard. Bangladesh faces an environmental degradation for the shelter, sanitation, water management etc by destroying the forest and hill. For this emergence, it must repatriate the Rohingya in their own land. Firstly, it has already two years back, Myanmar government and its allied forces have not yet acknowledged the liability of the recent Rohingya crisis but they alleged the crisis for the local rebellion groups. There are no economic or military sanctions against Myanmar by the powerful states or the organizations. Myanmar maintains trade, economic or military relationship with many countries as before. Secondly, Bangladesh is also problematic in the justice parameter of ICC because Myanmar has yet not ratified the Rome Statute. Thirdly, International media are trying to broadcast the news of the Rohingya for their identity, citizenship and living in their own land with peace and prosperity, ultimate a peaceful solution about the Rohingya. But, in Rakhine state, it is very tough for media to collect information because of the monitoring of legal forces of Myanmar. An optimism may come of the repatriation in near future but it may not huge population but tiny as compared with the total refugee. This process is ongoing because of Bangladesh and Myanmar are working in a joint working group (JWG) since January 2018 to find out the possible solutions about the Rohingya crisis and the repatriation. This paper tries to depict the possible challenges of repatriation of rohingya refugee from Bangladesh.

Keywords: Challenges, National Policy, Rohingya, Rohingya Influx, Repatriation, Voluntary Repatriation.

1. Introduction:
The Rohingya are an ethnic, linguistic, and Muslim minority group of the northern Rakhine state who are not recognized as "citizens" of Myanmar. Myanmar government categorized them as illegal immigrants from Bangladesh and excluded them from citizenship and basic human rights. But the Rohingya people claim themselves residents of NRS (previously known as Arakan state) tracing their origin for more than a thousand year. Being persecuted by the government forces and extreme section of the majority Buddhist people, they took asylum in various countries including Bangladesh. They came to Bangladesh in several influxes in 1978, 1992, 2012, 2016-2017. Now in Bangladesh, the Department of Immigration and Passport (DIP) has registered 10,38,000 Rohingya who fled to

---

1 Assistant Professor, Department of Law, Noakhali Science and Technology University (NSTU), Sonapur, Noakhali-3814, Bangladesh. Email: badsha_law@yahoo.com
Bangladesh to escape persecution in Myanmar that started since August 25, 2017. Repatriation process was stopped since 2005 and the UNHCR acknowledged that it is not a viable solution for Rohingya refugees. Bangladesh is not in a position to allow local integration given her dense population and constraints over limited resources. Resettlement process was also stopped in 2010 after a small number of refugees resettled to several third countries. Bangladesh government stopped it on the ground that it would act as a pull factor. However, following the influx, there was a bilateral agreement signed by Bangladesh and Myanmar for voluntary repatriation. Moreover, Bangladesh and Myanmar have argued over the rightful citizenship of the Rohingya community. Dhaka wants a rapid repatriation process to prevent straining its resources and denting its economy. Bilateral agreement was signed on 15 January 2018, to repatriate hundreds of thousands of refugees to the western state of Rakhine over a two-year period. The voluntary repatriation deal was initially signed in November 2017. As of December 2017, there were 858,590 Rohingyas in refugee camps in Bangladesh. However, the contract is only applicable to those who fled Rakhine during the two bouts of violence in 2016 and 2017. Moreover, both are problematic in the first place due to the premature repatriation. The new contract is based on an earlier repatriation agreement in 1992/93. The premature repatriation comes when both the country of origin and the refugees are not ready for voluntary return. Hence, they are pushed out by threats, attack, and expulsion rather than pulled by peace and safety within their country of origin. In addition to, the premature repatriation often leads

5https://www.dhakatribune.com/bangladesh/2018/01/26/1-million-rohingya-registered-bangladesh Accessed on 04 July 2018
7Supra note 19
8Ibid
to militarized repatriation where refugees return to an unsettled and conflicted homeland.\(^\text{14}\) However, The Bangladesh Government and many international communities are trying their level best to resolve the problem and repatriate the Rohingyas to their own land. But now this problem is not only the regional problem between Bangladesh and Myanmar but also this has also framed a new dimension of the global politics on this issue.\(^\text{15}\) Always a discussion over the issue of non-refoulement along with the issue of repatriation does exist. Here the term repatriation will be both normative and descriptive. For example, the term non-refoulement in international legal protection of refugees can be defined as: \textit{refugees should not be returned to countries where lives and freedoms may be threatened because of their race, religion, nationality, membership of the particular social group or political opinion.}\(^\text{16}\) 

Here I shall primarily focus on Bangladesh’s position regarding the Rohingyas’ treatment beyond their refugee status. Since Bangladesh is not a signatory state of the 1951 convention of refugees, it is contradictory, from the Bangladeshi point of view, to apply the definition of the Rohingyas and their rights by this convention, as well as with the 1967 protocol relating to the status of the refugees. Bangladesh characterized the displaced Rohingyas as the forcefully displaced people from Myanmar, as per the request of the Myanmar government not to refer to them as Rohingyas. Since Rohingyas were not given refugee status as determined by international refugee law; the paper will disentangle the legal protection of Rohingyas beyond the 1951 refugee convention, defined by the complementary protection law. More generally certain normative positions have undoubtedly acquired the status of customary international law or 

\textit{egraomnes}.\(^\text{17}\)

2. Who are the Rohingyas?

The Rohingya people are a stateless\(^\text{18}\) Indo-Aryan ethnic group who reside in Rakhine State, Myanmar.\(^\text{19}\) One Rohingya historian who is an activist in Bangladesh explains that the origin of the name "Rohingya" derived from "Rohan", Roham" or "Rosham", which in all cases were the old name of the capital of the ancient Arakan Kingdom, Mrauk-U, that is present Mrohaung. He explains that those names have changed to "Roshangee" and finally to "Rohingya". The word ‘Rohingya’ is a historical name for the Muslim Arakanese.\(^\text{20}\) There is still a Muslim village in Akayab (Sittwe) city by the name of Rohingya para.\(^\text{21}\) The old name for Rakhine State was Rohang from which the term Rohingya was derived. Today, this terminology (Rohingya) has become politically


\(^{15}\) http://www.mcrg.ac.in/RLS_Migration/Abstracts/Workshop/ArifuzzamanAbstract.pdf

\(^{16}\) UNHCR. (2005b). \textit{An Introduction to International Protection: Protecting Persons of Concern to UNHCR (Self study,Module 1)}. Geneva: UNHCR.

\(^{17}\) \textit{egraomnes} a Latin phrase that means "towards all" or "towards everyone"; considering the rights and obligations are owed to all.

\(^{18}\) Will anyone help the Rohingya people?”. BBC News. 10 June 2015

\(^{19}\) https://en.wikipedia.org/wiki/Rohingya_people


charged. Two strong blocs in Myanmar have emerged: pro and anti Rohingya. The pro bloc takes the view that the Rohingyas settled in Burma in the ninth century, which, through the ages, have mixed with Bengalis, Persians, Moghuls, Turks and Pathans, in line with the historically pluralistic population of Arakan State. The latter takes the view that the Rohingyas are a modern construct, comprising, principally, of illegal Chittagonian Bengalis that arrived as a by-product of British colonial rule. The term Rohingya however lost its salience since the late 1960s due to the fact that the government uses the term ‘Bengali’, which implies immigrant status. The Rohingyas-Muslims and ethnically different from the rest ethnic groups in Myanmar-are not recognised as ‘citizens’ of Myanmar. They are considered as ‘resident foreigners’. Myanmar does not recognise the Rohingyas as one of the country’s 135 official ethnic groups. Both the outgoing and the incumbent government have labelled them as “Bengalis”. The 1982 Burma Citizenship Law divided citizens by three different categories: citizens, associate citizens, and naturalized citizens. Citizenship status comes with three colour coded citizenship scrutiny card (pink, blue, and green respectively). Evenduring President U HtinKyaw’s speech at the 43rd Anniversary Rakhine State Day, he referred to the community as “esteemed ethnic brothers and sisters living in Rakhine State”. Once an author depicted the identification process of Rohingya in the following way: “The Rohingya apparently look like local Bangladeshi people”. Though the Rohingya can speak the local dialect, they cannot speak Bengali. Moreover, most of them have very poor clothes and lack confidence in a new country. If caught, usually they are forced to leave the vehicle and walk back to the camp. I noticed that many men and women in shaggy clothes and mostly bare feet are standing, sitting on land, or walking beside the highway. They are mainly newcomers who have no food and shelter and are unable to earn a livelihood, as they are barred from moving to Cox’s Bazar where work and possibly help is available”.

The typical discourse of their history written in English is found in AFK Jilani's The Rohingyas of Arakan: Their quest for justice, which was published in 1999. Five crucial discourses can be pointed out from this book: (1) Islam reached Arakan before 788 A.D. Since then the Rohingyas seem to have been residing there. The Rohingyas are not the British Era settlers. The history

---

23 Ibid
24 Ibid
29 See https://www.amazon.com/Rohingyas-Arakan-Their-Quest-Justice/dp/B001VNOQGIK
recounts that Arakan was the land where originally the Muslims lived as the majority. Rohingya language was the original lingua franca in Arakan used by both the Rohingyas and the Buddhist Arakanese. (2) The Kingdom of Arakan (the Mrauk-U dynasty, 1430-1785) was a Muslim dynasty in essence, though they had some Buddhist influence. (3) The Buddhist Arakanese were called Maghs in origin. Since they disgraced their name by themselves through committing piracy and dacoitry against Hindus and Muslims for more than two centuries, they started calling themselves Rakhines in order to avoid their infamousness of the past. (4) Although the British promised to make the Rohingya state out of Arakan, it was not materialized. (5) Buddhist Arakanese MPs in the post independence parliamentary era (1948-62) were always unfriendly against the Rohingyas throughout their tenure by branding Rohingyas as Chittagonians and never regarded them as fellow human beings. This Rohingya-centric historical discourse has been strongly criticized by the Buddhist Arakanese historians and activists. Yegar writes that, “these Bengal Muslims integrated into the local Rohingya community by means of intermarriages between the Chittagong and the local Rohingyas”.

3. Rohingya Issue: Refugee Crisis in Bangladesh:

3.1. 1942 Influx
Communal riots between Rakhine and Rohingya villagers in Rakhine state resulted in an estimated 22,000 of the Rohingya population to cross into what was then pre-partition India, Bengal. These riots erupted following the advance of the Japanese army on Burma in 1942, which resulted in the evacuation of the British from Rakhine and left a power vacuum. The advance of the Japanese army also prompted the fleeing of Muslims from Burma.

3.2. 1978 Influx
Over 200,000 people fled to Cox’s Bazar between 1977 and May 1978, following reported evictions from their homes in Rakhine state by the Myanmar military. These evictions took place during efforts to register citizens and screen out foreigners for a national census. Alleged widespread human rights violations against the Rohingya population during this period led them to flee to Bangladesh. The Rohingya population who fled to Bangladesh settled in 13 camps established with UN assistance on the border in Cox’s Bazar, as well as one additional camp in Bandarban in the Chittagong Hill Tracts. Negotiations between the GoB and the then junta government of Myanmar led to the start of a repatriation program in July 1978, only a few months after the arrivals. While few refugees wanted to return in the early stages of repatriation, the proportion wishing to return increased as camp conditions in Bangladesh began to decline and food rations were restricted. The situation in the settlements is reported to have motivated the return of the Rohingya population: around 107,300 of the Rohingya population had returned to Myanmar by March 1979. In total, 180,000 people returned between 1978-1979.

3.3. 1991-92 Influx
An increase in the presence of the Myanmar military in Rakhine state in 1990 prompted the exodus of an estimated 250,000 of the Rohingya people to Bangladesh. Following political turmoil surrounding the failed democratic election of 1990, the GoM increased its military presence in northern Rakhine state on the grounds that Islamist insurgent groups in Rakhine state had growing military capacity. The military build-up was accompanied by reports of forced labour, forced relocation and human rights abuses toward the Rohingya population. 250,000 of the Rohingya population were received in 19 camps in Cox’s Bazar. Restricting movement and settling people in
camps limited integration with the host population and ensured that return not long-term settling, remained the aim. Repatriation began in April 1992. In May 1993, a memorandum of understanding (MoU) was signed between the GoB and UNHCR to facilitate further repatriation. Between 1993–1997 over 230,000 Rohingya returned to Myanmar.

3.4. 1997 Smaller Influx
Thousands of the Rohingya population arrived in Cox’s Bazar in 1997 driven by high food prices in Myanmar and intensified forced labour imposed by Burmese security forces on the Rohingya population in December 1996 and in the first half of 1997. Most of the arrivals settled in local villages in Bangladesh rather than in camps, likely due to civil unrest and restrictions of movement to enter and leave the camps during a repatriation process that turned violent in 1997. This made counting new arrivals difficult as the Rohingya population mixed with local communities. Repatriation exercises briefly resumed in 1998, with only around 800 Rohingya repatriated from the camps between November 1998 and October 1999.

3.5. 2016 Onwards:
In October 2016, a resurgence in insurgent activity along the border and consequent military operations resulted in over 87,000 of the Rohingya people crossing into Bangladesh. Most of the new arrivals settled in Ukhia Upazila, Bangladesh. Forming the new Balukhali makeshift settlement. Attacks by insurgents on police posts in Myanmar in August 2017 prompted a security crackdown by the GoM. Violence resulted in mass movements across the border from August 25, 2017. Between 25 August and early December, over 600,000 of the Rohingya population arrived in Cox’s Bazar. The GoB and GoM reached an agreement on repatriation on 23 November 2017. The agreement is based on the earlier agreement of 1993. It states that Rohingya individuals must voluntarily wish to return and provide a proof of residency in Myanmar, that the GoM can decide to refuse to accept the repatriation of any individual, and that the repatriated will be settled in temporary camps in Rakhine state in Myanmar, with movement restrictions, until they can be accommodated in model villages built near their former homes. Only those who entered Bangladesh after October 2016 are eligible for repatriation. IOM and UNHCR have not yet been contacted on the agreement. The process is to be set in motion by 23 January, 2018.

4. Concept of Voluntary Repatriation:
The solution of repatriation is subject to a number of variables. Under Article 1C (5)-(6) of the Refugee Convention, refugee status is lost once the refugee can no longer claim surrogate international protection, "because the circumstances in connection with which he has been recognized as a refugee have ceased to exist ...." Because refugee protection is conceived as

33 Michael Barutciski, Involuntary Repatriation when Refugee Protection Is No Longer Necessary: Moving Forward after the 48th Session of the Executive Committee, 10 INTL J. OF REFUGEE L. 236, 245 (1998
protection for the duration of risk, states’ parties need not honor refugees’ rights once the underlying cause of flight has been extinguished. In such circumstances, the host government is ordinarily entitled to require the former refugee to depart from its territory, and to return to his or her state of origin. Without in the same position as any other non-citizen; he or she is subject to removal, so long as that can be accomplished without the breach of any relevant norm of international human rights law. Because the repatriation of the former refugee cannot by definition involve a risk of repoulement (its having been found that there is no longer an objective risk of being persecuted in the country of origin), repatriation does not require the former refugee’s consent. Instead of promoting a clear understanding of the rules governing the solutions of voluntary re-establishment and of repatriation consequent to a fundamental change of circumstances, UNHCR routinely speaks instead of the solution of “voluntary repatriation.” The agency’s Executive Committee, for example, has "noted that, while voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees.... voluntary repatriation is the preferred solution, when feasible.” This trio of solutions—which includes no reference to the solutions of voluntary re-establishment, or of repatriation as such is repeated like a mantra in all agency standard-setting. Despite the frequency with which it is championed, "voluntary repatriation...
"repatriation" is in fact a concept derived from the text of the UNHCR Statute, not from the Refugee Convention which binds states. It arguably makes sense to limit the agency's mandate to repatriations which are voluntary; given the inability to distinguish dependably between refugees and others in the context of the complex emergency situations UNHCR routinely confronts, any other position might well compromise the credibility of an international organization expressly tasked to promote protection. But, as useful as "voluntary repatriation" is as a construct for the regulation of UNHCR agency activity, the notion of voluntary repatriation is not, in and of itself, legally relevant to the treaty-based duty of protection which binds governments. While the voluntariness of the repatriation may well be sufficient to ensure that the state has not breached the duty of non-refoulement under Article 33, cessation of refugee status occurs only when there is either voluntary re-establishment (not just return), or when repatriation (whether voluntary or not) has taken place after a fundamental change of circumstances has been shown to exist in the country of origin. Indeed, the uneasy relationship between "voluntary repatriation" and the real solutions open to party states has recently been tacitly acknowledged by UNHCR: While the 1951 Convention and its 1967 Protocol do not deal with voluntary repatriation, the cessation clauses of the Convention have some relevance to voluntary repatriation, albeit indirectly. Article 1(C)(4) of the 1951 Convention stipulates that refugee status ceases if refugees voluntarily re-establish themselves in the country of origin. Furthermore, successful completion of voluntary repatriation programs often indicates that circumstances which caused flight no longer exist. This is relevant for the purposes of declaring general cessation, as foreseen in Article 1(C)(5). Voluntary repatriation is therefore a process which, ultimately, leads to cessation of refugee status, be it on an individual basis or on a more general level. Putting to one side the mistaken view that cessation under the Convention may simply be declared for all members of a given refugee population, this analysis makes clear that,

---

41 "The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by... [a]ssisting governmental and private efforts to promote voluntary repatriation .... G.A. Res. 428(V), Statute of the Office of the United Nations High Commissioner for Refugees, U.N. GAOR, Supp. No. 20, at 46, art. 8(c), U.N. Doc. A/1775 (1950)[hereinafter UNHCR, Statute].


43 UNHCR's disinclination to become involved in mandated repatriation may well be critical to its ability to secure and maintain the trust of refugees, and more generally to avoid any possible conflict of interest with its overarching responsibility to champion the protection of refugees.

44 Refugee Convention, supra note 3, at art. 33(1).

45 Article 1C(5)-(6) is framed in explicitly individualized terms. It refers, for example, to the circumstances in connection with which "he" has been recognized, and to the implausibility of the refugee continuing "to refuse to avail himself" of the state of origin's protection." Refugee Convention, supra note 3, at art. 1C(5)-(6). More generally, failure to take account of individuated risks, which may continue despite a generalized absence of risk, could breach Article 33's duty of non-refoulement, which is also framed in individuated terms, i.e., "where his life or freedom would be threatened." Refugee Convention, supra note 3, at art. 33(1). While states may begin from a general presumption of absence of risk based on general, group-defined assessments, they must therefore
while voluntary repatriation has relevance to the question of cessation of status, it is in no sense a substitute for satisfaction of the true legal requirements set by the Convention. In practice, however, the near-complete silence of UNHCR on the normative framework for anything other than "voluntary repatriation" has proved to be the source of tremendous conceptual incoherence in the refugee regime. Simply put, repatriation as a solution is simply never discussed by UNHCR; it always refers to its agency-based standard, "voluntary repatriation." Indeed, the legality of mandated repatriation is barely acknowledged. Ironically, even as the agency has elaborated the requirements for cessation of refugee status due to a fundamental change of circumstances, it has not gone on to make the obvious linkage between satisfaction of the test for cessation of status under Article 1C(5)-(6) and the right of party states to require repatriation of former refugees to their country of origin, much less has UNHCR engaged in the critical complementary analysis of the legal constraints which define the conditions under which lawful, mandated repatriation may take place. In the result, states seeking to exercise their right to require former refugees to repatriate are left in a conceptual void. While the Convention clearly contemplates a right to bring refugee status to an end, with or without the assent of the persons concerned, that solution is not recognized as such by the agency appointed to oversee implementation of the Convention, and all relevant standards consistently speak not to repatriation justified by a fundamental change of circumstances, but only to "voluntary repatriation." How exactly are states to proceed? The purpose of this article is squarely to confront this dilemma. For the reasons set out above, states have the right to enforce the repatriation of former refugees once a fundamental change of circumstances is in place. That process need not be voluntary. Indeed, as Barutckski has rightly observed, "The promotion of involuntary repatriation if and when refugee protection ceases to be necessary is a pragmatic approach that represents an acceptable compromise between legitimate State concerns and the protection needs of refugees." If states are to be persuaded not to pander to the often powerful political, economic, and social imperatives bluntly to force refugees to leave their territory—a particularly acute risk when large groups arrive during times of armed conflict—then more than ritualistic invocation of the duty of non-refoulement is called for. There must instead be real clarity about the legal standard which governs mandated repatriation. It may be that UNHCR's decision to speak only about "voluntary repatriation" is based on a well-meaning hope that its silence on mandated repatriation will induce states to avoid that solution. But the analysis below suggests that provide a full and fair opportunity for individual refugees to contest such presumptions on the basis of the facts of their own particular circumstances.

46 UNHCR indirectly recognizes the legality of mandated repatriation by observing that valid cessation of refugee status under Article 1C(5)-(6) involves "loss of refugee status and the rights that accompany that status, and it may contemplate the return of persons to their countries of origin." UNHCR, Ceased Circumstances Guidelines.

47 "The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees... in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention." Refugee Convention, supra note 3, at art. 35(1).

48 Accord Barutckski,. [T]he concept of voluntary repatriation is incoherent if taken as a legally binding standard. Its value appears in terms of recommending that a State take into account the individual's desire to return home. Although this is undoubtedly a reasonable recommendation, it cannot be a coherent legally binding standard according to international principles of refugee protection.
the failure to elaborate the circumstances under which refugees may be required to go home has had the opposite consequence, including the forcible return of persons who remain entitled to refugee status. Of perhaps greatest concern, recent moves to require states to take their cue from UNHCR on the timing of repatriation and even on the propriety of cessation of refugee status are likely simply to add to the conceptual confusion which already exists.

5. Constraints in the Process of Lawful Repatriation:
Because this is not a subject expressly addressed by the Convention, the agency has devised a series of policies for the guidance of states. In an early formulation, UNHCR’s Executive Committee opined that repatriation must "be carried out under conditions of absolute safety...."

The requirement for "absolute" safety has not, however, featured in more recent agency standards, which have instead posited the bifurcated duty to carry out repatriation "in safety, and [with] dignity." The first part of this notion-safety-is said specifically to require that repatriation be conducted so as to avoid "harassment, arbitrary detention or physical threats during or after return." More recently, UNHCR has noted as well that safety requires analysis of "physical security [during the process of return] includes protection from armed attacks, and mine-free routes." The second branch of the UNHCR standard, requiring that return be "with dignity," is frankly acknowledged by the agency to be "less self-evident than that of safety." UNHCR defines "return with dignity" to require that "refugees are not manhandled; that they can return unconditionally... ; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights." Specifically, the duty to effect repatriation in safety can be said to be a matter of legal obligation, particularly in view of the requirements of Articles 7(1) and 9(1) of the Civil and Political Covenant requires respectively that states not engage in "torture, or... cruel, inhuman, or degrading treatment or punishment" and that they affirmatively ensure "security of person." Under the jurisprudence of the Human Rights Committee, a state party is liable for the actions of its agents-logically including those involved in the process of repatriation even if those actions occur outside the state’s own borders.

49 UNHCR, Executive Committee Conclusion No. 65, supra note 31
50 UNHCR, Voluntary Repatriation Handbook, supra note 18, at 11. The same standard regrettably refers also to considerations actually relevant to the determination of cessation itself, not to the safety of repatriation ("legal safety such as amnesties or public assurances of personal freedom, integrity, non-discrimination and freedom from fear of persecution or punishment upon return... [and of] if not mine-free then at least demarcated settlement sites .... ").Id. It similarly places consideration of material safety ("access to land or means of livelihood") under the safety rubric, matters which ought instead to be addressed in the context of the requirement of dignified return.
51 Human Rights Committee, General Comment 20, U.N. Doc. HRI/GEN/1(1992),
52 Civil and Political Covenant, supra note 2, at art. 7.
53 Ibid
54 Under Article 2(1) of the Civil and Political Covenant, obligations inhere in "all individuals within [a state’s] territory and subject to its jurisdiction .... "Civil and Political Covenant, supra note 2. Rather than adopting a literal construction of this standard, the Human Rights Committee has embraced an interpretation which respects the objects and purposes of the Covenant.
6. Analysis of Bangladesh Policies toward Rohingya:
   6.1. National Policy
The RAND Report\(^{55}\) identifies the host country policies toward a refugee population as the most important factor for the prevention of radicalization. Drawing from the RAND framework, this section considers the following policies that Bangladesh has implemented toward the Rohingya refugee population: citizenship, security, shelter, economic conditions, camp conditions, and affected youth. Overall, the policies of Bangladesh have aimed to accommodate the Rohingya, but there are some significant shortcomings that, according to the RAND framework, could lead to radicalization. The March 2018 Joint Response Plan (JRP), a comprehensive strategy of the humanitarian relief efforts for the Rohingya published by the Strategic Executive Group—a committee based in Dhaka and co-chaired by the UN resident coordinator, International Organization for Migration chief of mission, and a UNHCR representative—praised Bangladesh for allowing the Rohingya to cross into its country and for leading the humanitarian response.\(^{56}\) It also highlighted significant concerns regarding the long-term welfare of the Rohingya and the need for an integrated, sustained response from the international community.\(^{57}\)

Despite the enormity of the crisis, Bangladesh had some measures in place to address the crisis. In 2013, the Bangladeshi government created the National Task Force, a unit that aimed to address the Rohingya crisis through its “national strategy on Myanmar refugees and undocumented Myanmar nationals.”\(^{58}\) Following the mass exodus, the country kept its borders open and allowed another 671,000 Rohingya to cross into its country.\(^{59}\) Despite efforts to accommodate refugees, Bangladesh has not offered citizenship to the Rohingya. Bangladesh’s immigration policy states that the only way to obtain citizenship is through marriage to a Bangladeshi, or if one parent is Bangladeshi.\(^{60}\) Subsequently, Bangladesh passed a law in 2014 that specifically prohibits marriage between Bangladesh citizens and Rohingya; violators could face up to seven years in jail.\(^{61}\) Furthermore, Rohingya born in Bangladesh are given birth certificates that label them as citizens of Myanmar, something the government of Myanmar rejects.\(^{62}\) As noted in the previous section, the RAND framework suggests that laws that deny citizenship to refugees may increase the risk of radicalization. Bangladesh has also taken measures to provide security for Rohingya refugees in the

---

\(^{55}\) https://www.rand.org/international/cmepp/research-areas/refugees.html


\(^{57}\) Strategic Executive Group, 7–10.

\(^{58}\) Strategic Executive Group, 34

\(^{59}\) Strategic Executive Group, 7.


areas in which they are residing. Bangladesh has dedicated 2,158 police officers from across the country to focus on the security of the district and to facilitate the biometric registration of the refugees. Similar to the RAND framework, the International Crisis Group (ICG) argues that the increased number of security and intelligence forces around the Rohingya refugee camps will make the re-organization and recruitment of ARSA difficult. In addition to providing more security forces, Bangladesh has attempted to empower the Rohingya refugees to assist with internal camp security with a system of majhis (traditional leaders) who assist with low-level dispute resolutions, which has helped Bangladesh officials focus on major security threats instead of low-level crime. Despite the efforts of Bangladesh to increase security measures to prevent radicalization, there are signs that militant groups have established a presence in the camps. In April 2018, Bangladeshi forces arrested several ARSA members near refugee camps, and Rohingya refugee camp community leaders detained 15 suspected ARSA members, turning them over to the police. However, the fluid nature of the crisis has made confirming these claims and measuring the presence of ARSA in the camps all but impossible. Bangladesh has provided over 4,800 acres of undeveloped land to establish camps, and the country’s military has provided support to the camps. As of 2018, the camps in Bangladesh represent the world’s largest concentration of refugees, averaging just over 30,000 people per square kilometer. The above figure depicts the locations of six refugee camps in Bangladesh and their estimated populations. Of note, all of the camps are within nine miles of the border with Bangladesh, a point that the RAND framework suggests increases the likelihood of militants recruiting from camps. The largest camp, number 1, has an area of 16,806,491 square meters and hosts 626,502 refugees, allowing 26.8 m2 per person, not including inhospitable areas due to terrain or other camp features. Camp number 4 has the largest density at 235.5 m2 per person and is situated within a local community. Camp number 4 does not have a distinct border but is still considered a refugee camp by the International Organization of Migration (IOM). Finally, not included in the data are the remaining 120,000 Rohingya who are living outside of designated

---

67 The population data was gathered from the International Organization for Migration (IOM), and camp outlines gathered from the Inter Sector Coordination Group both entities regularly update the camp data and have difficulty ensuring absolute accuracy due to the fluidity of the situation on the ground.
68 Sude, Stebbins, and Weilant, Lessening the Risk of Refugee Radicalization: Lessons for the Middle
refugee camps among local communities. As noted, the RAND framework posits that the greater the number of refugees among the local population without support for the entire community, the more likely the local population will persecute the refugees. This is a concern echoed by the ICG, which is monitoring changing local sentiment toward the Rohingya and the possibility of violence and instability in areas where they interact with the local population. Also identified in the RAND framework is the importance of local economic conditions, specifically for providing opportunities for refugees. The local economy in Cox’s Bazar is severely depressed and the poverty rate of the district is below the national average, which is already low. The JRP highlights the fact that the Rohingya have largely displaced the local unskilled labor force by working for half of what are already meager wages and the government has made efforts restrict Rohingya to the camps through a series of checkpoints. Restricting the Rohingya to camps reduces their self-reliance and may increase the likelihood for radical groups to offer compensation in exchange for participation. The conditions in the camps are also an important potential predictor of radicalization, according to the RAND report. The JRP repeatedly stresses the importance of food security among the large population, and one-third of the camps have an unacceptable food consumption score. According to the RAND framework, overcrowded camps with unsanitary conditions can raise the risk of radicalization. Additionally, the UNHCR has repeatedly cited concerns about the overall need to provide adequate shelter for Rohingya refugees in Bangladesh. Finally, the RAND framework notes the importance of opportunity for youth as a means of reducing the chances of extremism taking hold. The JRP specifically mentions that the Bangladeshi government has not allowed refugees to enroll in formal education facilities and has denied youth certifications from informal education opportunities. These restrictions affect approximately 50% of the total refugee population. To address this, the JRP has laid out specific programs that will focus on providing young refugees with opportunities geared toward life skills and vocational education. However, as of 2018, these opportunities have yet to be realized, and given the overwhelming circumstances in southern Bangladesh, combined with the enormity of need, it is unclear how likely it is that these policies will be implemented.

72 Strategic Executive Group, 17–20.
73 Sude, Stebbins, and Weilant, Lessening the Risk of Refugee Radicalization: Lessons for the Middle East from Past Crises, 11–12
75 Sude, Stebbins, and Weilant, Lessening the Risk of Refugee Radicalization: Lessons for the Middle East from Past Crises,
78 Strategic Executive Group, 31.
6.2 Foreign policy

The ineffective foreign policy of Bangladesh has made these repatriation possibilities fairly uncertain. Near about a quarter of a million Rohingyas Muslims were driven out from their homeland in 1978 and they had to take shelter in Bangladesh. It was China that convinced Myanmar that the then Bangladeshi authorities were desperate to see that Yangon took back their citizens. Failure to listen the diplomatic call of Beijing might be too bad about which Myanmar was quite aware all along. The success of China's mediation with its own formulated “special counter-measure” led to an agreement that was signed quickly by both the countries. (Bangladesh and Myanmar) on the July 9, 1978. Myanmar had to take back all Rohingya Muslim refugees from Bangladesh, which succeeded to get the recognition of Rohingyas as citizens of Myanmar. General Ershad making himself ‘colorless’ friend of foreign countries kept that status quo going. But since 1982 Myanmar government changed the citizenship law and made the Rohingyas Muslims as foreign people in their birthplace, Rakhine State of Myanmar. General Ershad again helped that going keeping everybody happy, but Rakhine Rohingyas lost their citizenship. A joint statement has agreed no Rohingya Muslims could be forced to return back to Myanmar. Bangladesh has not only failed diplomatically, but it has also failed gravely to gather mass support from the people all over the world. When the Rohingyas started fleeing Myanmar last August, the international community, particularly the Western press, mobilised quickly around the Rohingya cause. From September to December 2017, newspapers, magazines, online media, and social media ran countless features on the humanitarian dimensions, the harsh treatment meted out by Myanmar, the immediate needs of the refugees, and their right to return. However, more than seven months have passed and there has been very little or no progress on their repatriation.

6.3 Problematic Agreement

The agreement (MOU) between the two countries has produced an impossible timeframe return of refugees. The agreement is problematic for four reasons:

First, Naypyidaw does not appear to have the political will to wholeheartedly accept returnees. Myanmar may have signed the new agreement under diplomatic pressure. The country’s leadership has shown a dismissal attitude towards situation. During an interview with BBC in April 2017, Suu Kyi denied allegations of ethnic cleansing and other forms of human right violations in Rakhine. “I don’t think there is ethnic cleansing going on. I think ethnic cleansing is too strong an expression to use for what is happening”, said Suu Kyi during the interview. International criticism further increased when American diplomat Bill Richardson resigned from the government appointed panel.

---

in January 2018 for conducting a “whitewash” investigation of the crisis. Richardson also accused Suu Kyi of lacking “moral leadership”. Furthermore, the government has not implemented a full-fledged plan to repatriate, resettle and reintegrate the returnees. Currently, it is building a temporary transition camp that will accommodate 30,000 refugees. Security preparations, healthcare services and relief will also be provided in these camps. However, the arrangements are temporary in nature that will not accommodate and resettle the hundreds of thousands of refugees under the new arrangement. The government needs to work on a robust infrastructure programme for a smooth repatriation flow. It needs to rebuild houses, schools and hospitals that were destroyed during the various bouts of violence.

Second, the refugee community may not even be willing to return to Rakhine under the existing circumstances. There are allegations by the United Nations (UN) of ongoing ethnic cleansing. Andrew Gilmour, UN Assistant Secretary-General for human rights said on 6 March 2018 after speaking to refugees in the displacement camps in Bangladesh, “The ethnic cleansing of Rohingya from Myanmar continues. I don’t think we can draw any other conclusion from what I have seen and heard in Cox’s Bazar.” Similar comments were made in 2017 by the UN human rights chief Zeid Ra’ad Al Hussein that the treatment of Rohingyas is a “textbook example of ethnic cleansing.” The UN has also said that it has received information and satellite imagery of the Myanmar military and local militia resorting to extrajudicial killings in Rakhine. The new agreement also undermines the principle of non-refoulement that protects refugees and asylum seekers from returning to a country where they fear persecution. Under Article 33(1) of the 1951 UN Convention relating to the status of refugees, no country can repatriate a refugee in a manner that would endanger their life. The principle, often referred to as the foundation of international protection, could be applied if a refugee fears persecution or extreme harm in his home country. Although the Myanmar army has denied targeting civilians, it confessed to killing 10 civilians who were in their custody in January

83 Ibid
2018. The civilians were mistaken to be members of the ARSA group. This was a rare occasion when the military acknowledged that it committed an atrocity against unarmed civilians. Safety and security may be a fundamental concern for returnees who may be afraid of reprisals by the military, the ARSA and the local community.

Third, the UN High Commissioner for Refugees (UNHCR) is not fully involved in the repatriation process. Bangladesh Foreign Minister Abul Hassan Mahmood Ali said in November 2017 that the refugee agency will have a role to play in the refugee repatriation. However, no steps have been undertaken so far. Human Rights Watch wrote a letter to the Foreign Minister of Bangladesh and Union Minister of Myanmar on 11 December 2017, urging them to get the UNHCR involved in ongoing discussions. The refugee arm has been a proactive part of previous repatriation processes. The UNHCR signed memoranda of understanding with both countries in 1993 on its participation to safely repatriate refugees to Myanmar. International monitors are a necessary component of any repatriation process that supervises the safe return of those displaced to their home country. It will be pragmatic to include the UNHCR in the entire repatriation process to facilitate both the safety aspect and support any national efforts on resettlement, reconstruction, rehabilitation and development assistance.

---

Fourth, the agreement requires the externally displaced to show tangible evidence of their residency. The Myanmar Permanent Secretary at the Ministry of Labour, Immigration and Population, Myint Kyaiing, said that the government will accept refugees who have identification documents that were issued by past governments. These documents include the national verification cards and the so-called “white cards”. Many Rohingya refugees may fall short of the criterion since those who fled were unable to take the necessary documents with them. Furthermore, many Rohingyas have been disenfranchised in the last few decades. The 1982 Burma Citizenship Law revoked the citizenship of thousands of Rohingyas, leaving them stateless. It may be difficult for many of the externally displaced to verify their residence and get rightfully repatriated.

7. Challenges of Rohingya Refugee Repatriation from Bangladesh:
Armed conflict often results in the large-scale exodus of refugees into politically and economically fragile neighboring states. The burdens on asylum countries can be extreme. Generally, being a refugee in the international context is considered a temporary phenomenon. It is usually hoped that after situation becomes normal, refugees would return to their own country. However, the global trends negate the perception. Bangladesh is not a Germany that it can host more than one million refugees for long. Nevertheless, because of national consensus and good will of our people and government we can take this huge challenge head on to try our utmost to tell and show the world that as Bengali people we can discharge our humanitarian responsibility with courage and dignity. Our national pride should be unwavering in this regard. It is obvious that Rohingyas are not Bengalis, but as co-worshippers we don’t have any problem with them either. Divisiveness and partisan politics should not create any obstacle to discharge our duties towards refugees at home.

---

98 Can be defined as, An armed conflict is a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year. Available at: https://www.undp.org/content/dam/norway/img/sdg-16-oslo.../Erik%20Melander.pdf
99 HATHAWAY, JAMES C. The Right of States to Repatriate Former Refugees https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1297&context=articles
But economic reality cannot be ignored at all. However, after the exodus in 2017, the Rohingya crisis brought a new interest on international refugee treatment when Bangladesh did not give the Rohingyas refugee status. On the other hand, the same groups of Rohingyas were given refugee status in 1992. So, how does Bangladesh government address the legal protection of Rohingyas in terms of non-refoulement after the 2017 exodus? Traditionally, the policy and strategy of Bangladesh to handle the Rohingya crisis has always been to adhere to “repatriation” in Myanmar, after signing a bilateral repatriation agreement.

7.1. Geopolitical Challenges:
Capitalism is a systems that emphasis on the economic development of a country. This policy focuses that all of the issues in this world depends on the economy. In the Rakhine state, this is not an exception. In the Rakhine state, there are many global interests. Many States such as China, Russia, and India have strong economic interest with Myanmar.

7.1.1. China’s Interest:
In Rakhine State, China invested 15 Billion USD in oil-gas and mineral sector within 1988-2014. In the west of Rakhine state, just 200km from the worst of the recent fighting between Myanmar’s military and so-called insurgents is the KyaukPhyu Special Economic Zone. Covering more than 1,700 hectares, the area was established in 2013 as a joint venture between the governments of Myanmar and China, with the aim of providing an industrial and infrastructure base serving the two countries and wider trade channels. There are many projects in the Rakhine states especially Belt and Road” international trade and infrastructure plan, Deep-water Port, The long Myanmar-China Oil and Gas Pipeline Projects. In The long Myanmar-Chins Oil and Gas Pipeline Projects, China invested $ 250 crore and expect to invest $ 180000 in future. Myanmar Government is highly impressed to establish an economic zone in Mounhgaw that’s situated in Rakhine state. The Government of the Rakhine State and Kanyin Chung Economic Development Company have already signed a MoU for establishing the MaungDaw (Kanyin Chung), Economic Zone. The Maungdaw project originally began in October 2015 under U Thein Sein’s presidency, with K600 million from the Union government and K400 million from a consortium of private businesses. This zone is located by a river in Northern Rakhine State and it has enough depth for the Marine vessel. It has need 100 acres of land in KanyinChaung for constructing this economic zone. So, Government shows high interest to complete the Procedure of constructing economic zone. This area is basically a Rohingya Muslim based area. This economic zone will add a new dimension to the economy of Myanmar. For that, the military government of Myanmar may force the civilian people to leave this area to establishing this economic one. CITIC’s consortia (including China Harbor Engineering Company Ltd., China Merchants Holdings, TEDA Investment Holding, and Yunnan Construction Engineering Group) will lead projects to build the port as well as an

industrial area at the Kyaukpyu Special Economic Zone in western Myanmar’s Rakhine State, which borders Bangladesh to the north and the Bay of Bengal to the west. This deep sea port is very important for both China and Bangladesh because China will establish their monitoring on the Maritime scale in the Indian Ocean, Chittagong in Bangladesh, Gwadar in Pakistan, and Colombo in Sri Lanka. Security is a vital factor for establishing this zone. Myanmar government highly concern about the security special concern on the Rohingya Community and rebellion. For the interest of economy both Myanmar and China, the military government of Myanmar anyhow want to establish this zone as early as possible and that of pressuring the people of the Rakhine state to stop all kinds of conflicts and disorder.

7.1.2. Indian Interest:
India Run many projects in Rakhine State such as Kaladan Multimodal project, two water electric center, Four Lane High way projects among India-Myanmar and Thailand etc. By the Kaladan Multimodal project, the Sittwe Port in the Rakhine State of Myanmar will be connected with Mizoram. The total expenditure of this Project is $484-million. On the Indian side, work is on to extend the Aizawl-Saiha National Highway by 90 km to the international border at Zorinpui. Also, about 6,000-crore project is under way for four-laning the 300-km highway from Myanmar border to Aizawl to ensure the faster movement of goods.

7.1.3. Russian Interest:
Russia is one of the powerful states in the world. Myanmar have a relation to buying Helicopters, gunship and mig-29 airships from Russia. In 2015, bilateral trade reached $130.5 million. This was small compared to trade with China, which reached $10 billion. In 2017, Myanmar-Russia trade is expected to increase to $500 million. In recently, 20 January 2018, Russia and Myanmar implement a large-scale plan for the bilateral military cooperation that was discussed before 2016. Russia has linked usually on army based and academic based relation relations with Myanmar. From 1993-2013, almost 4,705 students got the opportunity to study in Russia on the Nuclear study. Now, they are silent on the issue of the Rohingya crisis issue because they build up a new relationship with Myanmar as like as China.

7.2 Negative Global Response to the Repatriation Process:

7.2.1. China
On 08 July 2018, Chinese Ambassador in Dhaka Zhang Zuo said, "We've urged Myanmar both bilaterally and multilaterally on various occasions for early repatriation of Rohingya. We've also urged them to reach some visible outcome as soon as possible," On 28 September 2018, China

---

104 https://thediplomat.com/2016/01/chinese-company-wins-contract-for-deep-sea-port-in-myanmar accessed on 01 October 2018
106 https://www.mmtimes.com/national-news/25467-myanmar-russia-ties-reviewed.html accessed on 01 October 2018
107 http://tass.com/defense/986024 accessed on 01 October 2018
diplomat at UN summit meeting focused on the Rohingya issue as an issue is between Myanmar and Bangladesh and hope to resolve the problems by discussions. Now, China is not taken strong position to the repatriation of the Rohingya to Myanmar and continued balance diplomacy with both countries. Moreover, Chinese Prime Minister Li Keqiang assured his Bangladeshi counterpart that China would push Myanmar to resolve the Rohingya crisis through bilateral discussions. in July It is worth mentioning that China from the beginning of the crisis has been asking for a bilateral solution to the problem. As per the suggestion Bangladesh engaged in bilateral arrangements and made all efforts for the repatriation of the Rohingyas. But Myanmar intentionally created an environment of fear by continuing its persecution on minorities in Rakhaine state to deliver the message to Rohingyas across the border that it is not safe to go back.109

7.2.2. India

In the regional context if the Rohingya repatriation process, India is the most important country. But, yet India has not taken any visible steps for the Rohingya repatriation. India has economic and political relationships with both Bangladesh and Myanmar. India strongly maintains the relation with Myanmar because of the establishment of the regional influence in sub-continent and Asia. There are many projects proceed combined Myanmar and India that's are Kaladan Multimodal project, Four Lane High way projects among India-Myanmar and Thailand etc. On 09 September 2017, the Indian government had given a statement to focus on the agitation about the Rohingya crisis and influx. India has not yet cleared the position in favor of Bangladesh but the send relief and many other services for the Rohingya in the refugee camp. On 13 September 2017, representatives from 40 countries including USA, China, USA and 64 diplomats visited the border area of Cox’s Bazar for the observation of the vulnerable situation of the Rohingya. On 06 October 2017, after the end of the India-EU summit, India gave a statement in Delhi to collaborate with Bangladesh about the solution of the Rohingya refugee crisis. On the following day, the Foreign minister of Bangladesh visited India and Indian government than discuss the global and regional power especially concern about the position of China. On 09 October 2017, Ram Madhav, General Secretary of the BJP (the ruling party of India) visited Dhaka and gave a hope of the support of India about the Rohingya issue. On 11 May 2018, the minister of the Indian External Affairs Ministry Sushma Swaraj, in her meetings with the Myanmar leaders and officials, said “underlined the need for safe, speedy and sustainable return of displaced persons to Rakhine State.”110 On 17 September 2018, Indian High Commissioner of Bangladesh, Harsh Vardhan Shringla mentioned the humanitarian assistance to support Bangladesh about the assistance and support in times of hardship and distress of Rohingya. India is very careful about the issue of the Rohingya Repatriation. Now they are practicing balance diplomacy with both Bangladesh and Myanmar because of regional politics, economic and neighborhood relationship.

7.2.3. Thailand

109 https://www.dailysun.com/printversion/details/404953/2019/07/06/China%27s-role-in-Rohingya-repatriation-on08.08.19
At the onset of the violence in September 2017, Thailand’s foreign ministry issued a statement that claimed, “The Royal Thai Government has always placed great importance to providing care and protection to Myanmar displaced persons in accordance with humanitarian principle” and seemed intent on assisting the Rohingya. However, their actions have not been consistent with this statement. In February 2018, the Buddhist majority nation presented an award to the Myanmar army commander-in-chief, Senior General Min Aung Hlaing, despite the alleged human rights abuses that Myanmar’s military has committed.

7.2.4. Sri Lanka

Srilanka’s Prime Minister refused to take in Rohingya despite calls for action by Sri Lanka’s Muslim minority. The government in Sri Lanka fears that the Rohingya may incite violence and “disturb social harmony” if they are permitted asylum and views the refugee crisis as an “organized immigration racket.”

7.2.5. Japan

Japan has consistently supported the government of Myanmar, but has also made statements supporting the Rohingya. In a joint news conference with Aung San Suu Kyi on January 20, 2018, Japan’s foreign minister, Taro Kono, stated “Japan wants to actively support Myanmar’s efforts” and ensure “the safe and voluntary repatriation and resettlement” of the Rohingya. As previously mentioned, Japan achieved a record high investment in Myanmar during the fiscal year 2017, providing $1.47 billion to support property, electricity, and road development projects, even beating out regional rival China. Early in 2018, Japan granted Myanmar $3 million, with a promise of further investment, to help offset the cost of repatriating the Rohingya. Similar to India, Japan seeks to blunt Chinese influence in the region. Question is how you are going to get both justice for what has happened as well as justice for the Rohingya.

---

116 De Bourmont.
7.2.5. Russia
In recent year, Russia and Myanmar both tried to make a strong bondage both economic and social sectors. In 2014 the Russia-Myanmar Inter-Governmental Commission on Trade and Economic Cooperation was established with its First Session held in August in Naypyitaw under co-chairmanship of Russian Minister of Economic Development Mr. Alexey Ulyukaev and Union Minister for National Planning and Economic Development Dr. KanZaw. Bilateral humanitarian ties are actively developing, including cooperation in education and healthcare. Thousands of Myanmar students have received diplomas in the leading Russian Universities. From the beginning of the Influx, Russia took the position in favor of Myanmar as like as China. Even, in the security council of UN on 13 October 2017, Russia raised their voice in favor of Myanmar and legalized the activities of the Government and Army of Myanmar. On 02 April 2018, meeting between the Foreign Ministers of Bangladesh and Russia, Minister of Foreign Affairs of the Russian Federation Sergei Lavrov praised Bangladesh about the Rohingya issues and hope to take besides of Bangladesh for resolving the Rohingya refugee crisis. Russia yet not has taken proper or remarkable steps to the concern of the repatriation of the Rohingya in Myanmar. Russia has maintained a stance “against excessive intervention” in the internal affairs of a state and blocked UN Security Council statements condemning Myanmar. As of 2018, their position, along with their veto power on the UN Security Council, has prevented the Security Council from taking action to refer Myanmar to the International Criminal Court. Russia also agreed to sell Myanmar new fighter jets early in 2018, despite U.S. led requests to suspend arms sales to Myanmar during the ongoing crisis.

7.2.6. United Nations (UN)
The Permanent Representative (PR) of Bangladesh Ambassador Masud Bin Momen has highlighted the UN's systematic failure to prevent atrocities in Rakhaine state of Myanmar. Quoting from Rosenthal's report, he said it must also be said that the United Nations' collective membership, represented by the Security Council, bears part of that responsibility, by not providing enough support to the Secretariat when such backing was and continues to be essential. "If there is one single action that might have altered the course of events in Myanmar it would have been the timely and impartial presence in Rakhine State of some type of United Nations observatory that would offer a measure of confidence to the oppressed minorities that their basic human rights would be respected, and that the root causes that led to their forced emigration would be addressed by the national authorities" Mentioning the generosity of the Government and People of Bangladesh, the PR said the international community haplessly observed the Rohingyas fleeing persecution and

117 https://myanmar.mid.ru/web/myanmar_en/bilateral-relations accessed on 29 October 2018
atrocity crimes. On the other hand, on 25 August, 2017, the world has seen again the stateless and plight situation. Before one day ago, in 24 August, the UN released the final report of the independent advisory board to focus the situation. In a press release in New York, UN Spokesman Stephane Dujarric argument on the report, “the importance of its mandate to analyze the situation of all communities in Rakhinestate and draft recommendations toward conflict prevention, reconciliation, institution building and long-term development, as well as humanitarian services”. In 06 October, 2017, UN aid official declared officially this crisis as “the world’s fastest growing refugee crisis” and “Level 3 emergency. On 20 October 2017, the United Nations Children Fund (UNICEF) highly concerned about the rights of children and urgent services of their vulnerable situation. They alleged to end the atrocities committed against the Rohingya and long term solution of the Rohingya Crisis by implementing the recommendations of the Advisory Commission on Rakhine State. On 07 November 2017, the president of the Security Council, Sebeastiano Cardi emphasized on the government obligation of Myanmar, rule of law, to respect human rights including women and children, vulnerable group and not to discriminate with the basis of ethnicity, religion, even citizenship statues. UNSC president welcomed the Myanmar Government’s decision to establish a “Union of Mechanism” and emphasize on the full implementation of the recommendations by the Advisory Commission on Rakhine State. In a press conference on 20 December 2017, UN Special Rapporteur Yanghee Lee, the United Nations expert on Human rights expressed her visit the Myanmar but Myanmar government denied the access. Her argument was, “The Government has repeatedly denied violations of human rights are occurring throughout Myanmar, particularly in Rakhine state. They have said that they have nothing to hide, but their lack of cooperation with my mandate and the fact-finding mission suggests otherwise”. In a press conference in Seoul on 01 February 2018, the UN Special Rapporteur on the human rights situation in Myanmar, Ms. Yanghee Lee concerned and alleged against the Military and security forces on the basis reports of attacks against civilian, home, places of worship and villages; sexual violence; arbitrary arrests; and torture and enforced disappearance. In 13 February 2018, UN Assistant Secretary-General for Political Affairs Miroslav Jenca briefed ambassadors in the Security Council. He emphasized on the importance and implementation of the Advisory commissions suggestions and recommendation for the improvement of the situation of the Rakhine state and the Rohingya. In 8 March 2018, Andrew Gilmour, the UN Assistant Secretary-General for Human Rights, said at the end of a four-day visit to Bangladesh, “The ethnic cleansing of Rohingya from Myanmar continues. I don’t think we can draw any other conclusion from what I have seen and heard in Cox’s Bazar,” He also said, “The nature of the violence has changed from the frenzied blood-letting and mass rape of last year to a lower intensity campaign of terror and forced starvation that seems to be designed to drive the remaining Rohingya from their homes”. In a news brief in 13 March 2018,  

125 Ibid
UN alleged the possible “crime of genocide” in Rakhine state. In 09 April 2018 Ursula Mueller, the UN Deputy Emergency Relief Coordinator of UN emphasized on the religious and citizenship statues of Myanmar and the implementation of recommendations of the Advisory Commission on Rakhine state for resolving the Rohingya crisis. In 13 April 2018, UN High Commissioner for Human Rights Filippo Grandi and Bangladesh Foreign Secretary Mohammad Shahidul Haque signed a memorandum of Understanding (MoU) or a cooperation agreement on the volunteer repatriation of Rohingyas in Myanmar on the safe and dignity in their own house in Myanmar. In 27 June, 2018, UN Special Rapporteur Yanghee Lee, the United Nations expert on Human rights focused the accountability for crime of Myanmar. She said, “I strongly recommend the persons allegedly responsible for the violations of international human rights law and international humanitarian law be investigated and prosecuted by the ICC or a credible mechanism,”. In 1 July 2018, in Dhaka, UN General Secretary thanked Bangladesh for the shelter of Rohingya in the camp and applauded Bangladesh for giving a safe haven to homeless and violated Rohingya refugees. In 2 July 2018,Antonio Guterres, United Nations Secretary-General visited the Rohingya Camp and appealed, “My appeal to the international community is to step up to the plate and to substantially increase the financial support to all those working in Bangladesh to protect and assist the Rohingya refugees,”. In 4 July 2018, ZeidRa’ad Al Hussein, High Commissioner, United Nations Human Rights, urged the UN Security Council to refer the Member State to the International Criminal Court (ICC) immediately to look at the crisis of Rohingya. He also repeated a call for access to northern Rakhine and doing the step to repatriate the Rohingyas as soon as possible. In 27 September 2018, in the news brief of UN focused that Human Rights Council would launch judicial mechanism into Myanmar abuses against Rohingya. UN is trying to resolve the Rohingya crisis and the repatriation process of the Rohingyas in Myanmar.

7.2.7. The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)
The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a regional organization and it has seven members including Bangladesh and Myanmar. In the Rohingya Crisis issue, BIMSTEC has not given a strong argument in the repatriation process. On 30-31 August 2018, the last BIMSTEC summit in Kathmandu, it has discussed the problem of the Rohingya. In that summit, the secretary general of BIMSTEC emphasized the “diplomatic Maturity” between Bangladesh and Myanmar to resolve the Rohingya crisis. It was unfortunate that there was no agenda in that summit to discuss the repatriation process of the Rohingyas but discussed on the institutional reform, poverty alleviation, transport and communications, trade and investment, counter terrorism, climate change, energy, technology, agriculture, fisheries, public health, people-to-people contact, cultural cooperation, and tourism.

7.2.8. South Asian Association for Regional Co-operation (SAARC)
On 08 December 1985, The South Asian Association for Regional Cooperation (SAARC) was established with the signing of the SAARC Charter in Dhaka. Bangladesh is one of the founder members of this association. One of the objectives of the SAARC is to promote the welfare of the

---

peoples of South Asia and to improve their quality of life. But, In the matter of Rohingya Crisis, SAARC Secretariat yet not give any brief about the strategy of the member states to repatriate the Rohingya in Myanmar.

**Conclusion:**
Bangladesh cannot accommodate the refugees for too long without substantial damages to its own economy. Historically it is an absurd argument that Rohingyas are not indigenous people in Arakan and they were brought by the British as the Chinese were brought to Malaysia. All credible documents would tell us that Rohingyas were local people and live there for many centuries. The British colonial administration only exploited them for the benefits of London. The UNHCR or any other international agencies could do little to mitigate the situation; they proved themselves helpless in the face of determination of making all Muslims of Myanmar either internally uprooted or refugees in real international terms. The challenge is for concerned stakeholders to convince Myanmar to play an active role to stop the forced migration, ensure the security and rights of the Rohingyas and, ultimately, to recognise them as citizens of Myanmar. Although it is but one part of a much larger global dilemma, the Rohingya crisis and its impact on Bangladesh has become one of the most serious humanitarian crises in the world. Moreover, it was evident that Dhaka alone could not or would not be able to handle such a refugee exodus to its territories. Myanmar was determine to escalate the situation and making the refugee crisis more complicated for Dhaka, which cannot handle such a regional and international issue unilaterally. The ongoing crisis of Rohingya refugees created by Myanmar is not only a heavy economic burden for us; it is also a big embarrassment for our country and government. Realizing those complexities of an international and regional crisis, Bangladesh has attempted to address the issue in the spirit of SAARC and ASEAN. That could save Dhaka from a regional political vacuum and make the ideas of SAARC louder and effective. The proposed regional mechanism to make the South Asian region less prone to violent armed conflicts the role of SAARC and Bangladesh make a huge difference, if the political good will of neighboring countries could be prevailed. Success toward the creation of an effective regional political and diplomatic arrangement to look after the conflicting issues has hardly been achieved as accepted by Dhaka. Rivalry between India and Pakistan has pushed the SAARC in limbo, while Dhaka did not learned much how to capitalize this historical and religious conflicts between two arch rivals in the region.