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“THE ROHINGYA CRISIS IN BANGLADESH: THERE APPEARS TO BE NO END IN SIGHT.”

- Md Yeasin Majumder¹

BACKGROUND OF THE ROHINGYA CRISIS

The historical and current marginalisation and mistreatment of the Rohingya people in Myanmar lies at the heart of the Rohingya problem. The Rohingya are a majority-Muslim ethnic minority in the nation, and for decades, the Burmese military, government, and anti-Muslim extremist organisations have persecuted and violently attacked them.

Hundreds of thousands of Rohingya were forcibly displaced to Bangladesh's border during a military campaign in Myanmar's Rakhine province in August 2017, which is when the present crisis began. An attack by a Rohingya terrorist group on police stations in Myanmar set off the crackdown, but it swiftly turned into a horrific military operation that entailed widespread brutality, rape, and unlawful deaths. The crackdown has been referred to by the UN as a textbook instance of ethnic cleansing.

The Rohingya have encountered persistent difficulties and barriers since the crackdown, including as restricted access to essential services, limitations on their freedom of movement, and a lack of legal protection and citizenship recognition in Myanmar. The Rohingya continue to be one of the biggest and most vulnerable refugee communities in the world despite international attempts to resolve the problem, including diplomatic and humanitarian initiatives.

The largest refugee camp in the world is now located in Bangladesh. One of the most crowded areas in the world is the Cox's Bazar refugee camp, which poses serious humanitarian issues due to its terrible living conditions, lack of economic possibilities, and restricted access to essential amenities. The Rohingya refugees continue to confront persistent obstacles, and the situation in

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the camp is unstable despite the efforts of international organisations and the Bangladeshi government to resolve these issues.

The Rohingya crisis serves as a reminder of how important it is for the international community to continue supporting efforts to protect and aid refugees as well as to address the underlying causes of persecutory behaviour and displaced people. It also emphasises how crucial it is to respect everyone's rights and dignity, regardless of their colour, religion, or nationality.

WHAT IS REFUGEE CRISIS?

A worldwide phenomena known as the refugee crisis occurs when a sizable number of people are compelled to escape their homeland because of conflict, persecution, or other circumstances and seek safety in other nations. As a result of the refugee crisis, a sizable number of individuals have become refugees, internally displaced persons (IDPs), or asylum seekers. Many of these people now face difficult obstacles include having difficulty accessing basic necessities like food, water, shelter, and healthcare.

WHO IS A REFUGEE?

The Article 1 (A) (2) of the United Nations 1951 Convention Relating to the Status of Refugees, a person is a refugee, due to a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

SHOULD REFUGEE GET PROTECTION?

Refugees from Rohingya should be given protection. The Rohingya are an ethnic minority from Myanmar that is primarily Muslim and has experienced intense violence, persecution, and prejudice. As a result, many people were compelled to emigrate to nearby nations, such as Bangladesh, where they currently remain as refugees.

Refugees are protected and given rights and safeguards by international law, which includes the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This includes the ability to apply for asylum as well as the right to avoid being sent back to a place where their life or freedom would be in danger. Given the size and severity of the violence and persecution endured by the Rohingya, it is imperative for the international community to give assistance and protection to these refugees and to urge for their rights and dignity to be recognised.

A person is considered a refugee if they have left their home country because of a genuine fear of being persecuted because of their race, religion, nationality, political opinion, or participation in a specific social group, and they are unable or unwilling to go back. A refugee is entitled to protection and support from the international community and cannot be made to return to their country of origin if their life or freedom would be in danger there, under the 1951 United Nations Convention Relating to the Status of Refugees.

PROTECTIONS UNDER INTERNATIONAL LAW

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol are the primary international legal documents that guarantee the rights and safeguards of refugees. These laws, which define a refugee and outline the rights and duties of governments with regard to refugees, were enacted by the United Nations General Assembly.

The 1951 Convention and 1967 Protocol establish the principle of non-refoulement, which forbids states from sending refugees back to nations where they would face persecution. They also guarantee the rights of refugees to request asylum, to work, to receive an education, to live in a safe environment, and to access healthcare, among other things.

These legal documents serve as a crucial basis for the protection and aid of refugees across the world since they are generally approved by nations and are regarded to be a part of customary international law. Several international human rights treaties, such the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, offer crucial safeguards for refugees in addition to the 1951 Convention and 1967 Protocol.

No Contracting State shall expulse or return (or "refouler") a refugee in any way to the borders of nations where his life or freedom would be in danger due to his race, religion, nationality, membership in a particular social group, or political opinion, according to Article 33 (1) of the 1951 Convention Relating to the Status of Refugees.

Also, everyone has the right to seek and receive asylum from persecution in other nations, as stated in Article 14 (1) of the International Declaration of Human Rights from 1948.

The Convention Against Torture and Other Inhumane and Degrading Treatment or Punishment (1984) also stated in Article 3 (1) that "No State Party shall expel, return ('regular') or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Furthermore, no person shall be subject to measures such as rejection at the border or if they have already entered the territory in which they are seeking asylum, expulsion, or forced return to any State where they may be subject to persecution, as stated in Article 3 of the Declaration on Territorial Asylum by UN General Assembly Resolution (1967).

Aliens may not be deported or returned to a country, whether or not it is their country of origin, if there is a risk that their right to life or personal freedom will be violated due to their race, nationality, religion, social standing, or political opinions. This is also stated in Article 22.8 of the American Human Rights Convention, which was adopted in November 1969.

The non-refoulement concept was established by the Asian-African Law Consultative Committee at its eighth session in Bangkok in 1966. Similar to Article 3 of the 1984 UN Convention against Torture, which has been read as prohibiting the deportation of people to locations where torture or persecution is suspected, is Article 7 of the International Covenant on Civil and Political Rights.

POSITION OF ROHINGYA REFUGEES IN MYANMAR

Every person has the right to live in peace across the planet. The same rights apply to refugees who left their native countries out of fear of persecution.

FREEDOM FROM FORCED LABOUR

Forced labour is outright forbidden everywhere in the globe. Yet the Nasaka and Local Peace and Development Committee² subject the Rohingya youngsters to forced labour. Due to the lack of adequate regulations to prohibit forced labour, the residents of Northern Rakhine State are the ones who are most impacted. Instances of death threats and even murder occur when people refuse to engage in forced labour.³ The women are prohibited from working outside of their community in any jobs that generate revenue. Men adults must work every day to support their families. Children are compelled to perform forced labour as a result.

RIGHT TO MOVEMENT FREEDOM

Every person has the basic fundamental right to freedom of movement, which is protected by international constitutions. Yet, the Rohingya people are not allowed to move about or travel within Burma, which is a serious violation of their human rights. Every individual has the right to freedom of movement⁴, which is a well-established fundamental of international law. Being citizens of Myanmar, they are not required to get a travel permit to visit the hamlet next door, but they have previously faced restrictions when it comes to seeing family in other parts of the nation.

THE RIGHT TO FOOD

Each and every person has a right to eat. Food insecurity is a direct result of discriminatory policies and human rights violations.⁵ Another kind of discrimination against the children of Rohingya refugees in Myanmar is their lack of access to good nutrition. Due to constraints on their freedom of movement, the Rohingya people are completely denied access to healthcare services. In addition, there are certain other barriers preventing their access to medical facilities,

² Nour Mohammad, 'The Problem of Rohingya Refugees in Bangladesh: A Critical Analysis' (2017) 5 Kathmandu Sch L Rev 14.

³ Ibid

⁴ The Universal Declaration of Human Rights, 1948 in article 13 and the International Covenant on Civil and 57 Political Rights, 1966 in article 12 also recognised Freedom of movement principle.

⁵ Nour Mohammad, 'The Problem of Rohingya Refugees in Bangladesh: A Critical Analysis' (2017) 5 Kathmandu Sch L Rev 14.

such as their geographic location and infrastructural limitations, which prevent their availability during the rainy season.⁶

THE RIGHT TO EDUCATION

Because they are not recognised as citizens of Myanmar, people of the Rohingya community are not permitted to pursue further education beyond the elementary level. Because they cannot enrol in a university full-time but instead receive their education through remote learning, they face discrimination in the sphere of education.⁷ Nevertheless, since the implementation of the new Citizenship Law 1982, Rohingyas who meet the requirements are refused citizenship, which prevents them from working as civil workers and teaching in public schools.⁸

OBLIGATIONS OF BANGLADESH UNDER INTERNATIONAL INSTRUMENTS

Despite Bangladesh not having ratified the 1951 Refugee Convention, a number of recent court judgements indicate respect for elements of the Convention's rulings.⁹

When it comes to the 1951 Refugee Convention and its application in Bangladesh in the context of the Rohingya refugee situation, most accounts will state something along the following lines: "Bangladesh has not ratified the Refugee Convention of 1951 or its Protocol [...]." While this statement is factually accurate, it does not mean that Bangladesh is devoid of a framework geared towards supporting and protecting refugees. As will be explored here, the Supreme Court of Bangladesh has emerged as an entity potentially capable of upholding the rights of refugees such as the Rohingya.

Bangladesh is neither a party to the Refugee Convention 1951 and its protocol 1967. To verify a person's status as a refugee and to provide protection and support to Rohingya refugees,

⁶ Ibid

⁷ The Universal Declaration of Human Rights, 1948 in article 13 and the International Covenant on Civil and 57 Political Rights, 1966 in article 12 also recognised Freedom of movement principle.

⁸ Ibid

⁹ M Sanjeev Hossain, "Force Migration Review: Bangladesh's judicial encounter with the 1951 Refugee Convention". Visit: <https://www.fmreview.org/issue67/hossain>

Bangladesh does not have any explicit legislation or regulations.¹⁰ Bangladesh has ratified the foundational international human rights treaties, which obligates it to advance the rights of Rohingya refugees living on its soil. The Universal Declaration of Human Rights (1948), the Four Geneva Conventions (1949) and its two Additional Protocols (1977), the International Covenant on Economic, Social, and Cultural Rights (1966), the Convention on the Rights of the Child (1989), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention Against Torture are among the major human rights instruments (CAT).

In accordance with the UDHR, everyone has the "right to life, liberty, and security" ¹¹as well as the freedom from "slavery or servitude, freedom from torture, and freedom from cruel, inhuman, or degrading punishment."¹² Additionally, according to article 6 of the UDHR, "everyone has the right to recognition everywhere as a person before the law" as well as equal protection of the law.

As we know that Rohingya refugees are not citizens of the host country they may be viewed as a foreigner yet by virtue of article 2 of the ICCPR, they might enjoy the same rights and freedom as nationals of the host country. The foundational principles of human rights legislation—equality, equal treatment under the law, and nondiscrimination—must be implemented to Rohingya refugees.¹³

The 1951 Refugee Convention has not been ratified by Bangladesh, however a number of recent court decisions show that certain of the Convention's findings are respected.

Most sources would say something along these lines when discussing the 1951 Refugee Convention and its applicability in Bangladesh in relation to the Rohingya refugee situation: Bangladesh has not signed the Refugee Convention of 1951 or its Protocol. Despite the fact that this claim is true, Bangladesh does not necessarily lack a system for assisting and safeguarding refugees. The Supreme Court of Bangladesh has shown promise as a body that may defend the rights of refugees like the Rohingya, as will be discussed below.

¹⁰ U. Kumar Das, 'Refugee and Relevant Laws in Bangladesh', *Daily Star*, Law and Our Rights, Dhaka, 23 June 2007.

¹¹ The Universal Declaration of Human Rights, adopted on 10 December 1948, art. 3

¹² Ibid, arts. 4,5.

¹³ Nour Mohammad, 'The Problem of Rohingya Refugees in Bangladesh: A Critical Analysis' (2017) 5 Kathmandu Sch L Rev 14.

A decision of significant importance was rendered by a bench of the High Court Division of the Supreme Court of Bangladesh in May 2017. In May 2017 a bench of the High Court Division of the Supreme Court of Bangladesh handed down a judgement of particular significance. In considering the relevance of the principle of non-refoulement in relation to Md Rafique, a Rohingya refugee being held in detention long after completing a formal prison sentence, the Supreme Court held that the 1951 Refugee Convention had “become a part of customary international law which is binding upon all the countries of the world, irrespective of whether a particular country has formally signed, acceded to or ratified the Convention or not.”¹⁴

Rafique confessed entering Bangladesh illegally in 2007; as a result, he was imprisoned and legal action was started against him. Rafique entered a guilty plea and received a five-year jail term under Section 14 of the 1946 Foreigners Act. The Magistrate further ordered that when he served his term, he be transferred back to Myanmar. The State was forced to provide an explanation in 2016 in response to a Writ Petition brought by the Refugee and Migratory Movements Research Unit (RMMRU), asking why Rafique, who had served out his five-year term in May 2012, was still incarcerated. After three full hearings, the Supreme Court ruled on 31 May 2017 that Rafique had been unlawfully detained since the expiry of his sentence. Court further ordered the State to promptly release him from prison and give him over to RMMRU, which will arrange with UNHCR for Rafique to be housed in a refugee camp in Cox's Bazar.

In 2013 and 2015, judgements of a similar nature were rendered. Five Rohingya refugees with UNHCR-issued refugee certificates were ordered to be released in 2015 and sent back to the Kutupalong refugee camp, where they had previously resided. Although this is exactly the concept that the Supreme Court was supporting via its decision, the 2015 ruling makes no mention of the non-refoulement principle.

It is interesting to compare the ruling about Rafique from 2015 with the one from 2017. Rafique was released but unlike the five Rohingya refugees from 2015—despite not having a refugee card—he was not sent back to Myanmar. Rafique would probably "suffer persecution or torture," according to the Supreme Court, and his life may be in danger if he were sent back to Myanmar. The 1987 Convention Against Torture, which states that States Parties should not

¹⁴ Refugee and Migratory Movements Research Unit (RMMRU) v Government of Bangladesh, Writ petition no. 10504 of 2016, Bangladesh: Supreme Court, 31 May 2017 www.refworld.org/cases,BAN_SC,5d7f623e4.html

"expel, return ("refouler") or extradite a person to another State if there are sufficient reasons for thinking that he would be in risk of being subjected to torture," was used to further justify its conclusion.¹⁵

CRISIS IN THE HOST COUNTRY OF BANGLADESH

The Rohingya crisis has had a significant impact on Bangladesh, both in terms of the humanitarian challenge of hosting more than a million refugees and the economic and social repercussions of this massive influx of people. Among the negative consequences are:

1. **Strain on resources:** the sudden and large influx of refugees has placed a significant strain on Bangladesh's resources, including its infrastructure, health services, and educational institutions.
2. **Economic impact:** the Rohingya crisis has also had a significant impact on Bangladesh's economy, including the loss of employment opportunities for Bangladeshis and the strain on the tourism and fishing industries.
3. **Environmental impact:** rapid construction of refugee camps in Cox's Bazar has had a significant impact on the environment, including deforestation, soil erosion, and destruction of wildlife habitats.
4. **Social tensions:** The Rohingya crisis has also exacerbated Bangladesh's social tensions, including competition for resources and employment opportunities, as well as cultural and religious differences.

Despite these obstacles, Bangladesh has demonstrated extraordinary generosity in hosting Rohingya refugees and has made significant efforts to meet their humanitarian needs. The international community has a crucial role to play in assisting Bangladesh and ensuring the protection of the rights and dignity of Rohingya refugees, while also working towards a permanent resolution to the Rohingya crisis.

The world will never find Bangladeshi citizens lacking. Two years after the migration of Rohingya refugees, who were offered asylum in Bangladesh after fleeing atrocities in Rakhine State, Myanmar, it has become a topic of significant concern how 1 million migrants have

¹⁵ Article 3(1) <https://reliefweb.int/report/world/convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment>.

harmed the host country. In Ukhiya and Teknaf in Cox's Bazar, up to one million defenceless people, including those who arrived after fresh violence since August 2017, may have found temporary refuge in 27 camps, but the result of this unexpected influx has been catastrophic. The entire impact on the lives of the host communities, the environment, and public safety is worrying. Forests have been cleared, hills have been demolished, and wildlife is in danger, while criminality has soared.

A total of 4,300 acres of hills and woods, including Teknaf Wildlife Sanctuary, Himchhari National Park, and Inani National Park, were cleared in Ukhia and Teknaf to make way for temporary shelters, amenities, and cooking fuel. A total of 1,485 hectares of forest area in the Ukhia, Whykong, and Teknaf mountains have been invaded for firewood collection. UNDP asserts that if the gathering of firewood continues, more land would be degraded

SECURITY THREATS FOR BANGLADESH

In addition to socioeconomic difficulties, the Rohingya crisis presents dangers to Bangladesh's security. Long-term, it might potentially undermine regional peace and stability. The demographic imbalance that has developed in the Ukhia and Teknaf regions is an additional cause for concern for Bangladesh. It causes animosity between the host community and the Rohingyas. In addition, narcotics and arms trafficking pose a grave danger to Bangladesh's security.

LAW AND ORDER

In the refugee camps, crimes ranging from petty theft to drug trafficking, kidnapping to murder have become widespread.¹⁶ At least 31 Rohingyas had allegedly been slain by other Rohingyas in the camps. At least fifty-five Rohingyas were detained for murder. Others have been kidnapped for ransom. Frequent conflicts occur between Rohingyas about establishing dominance in the camps. At least ten Rohingyas, including accused yaba vendors and thieves, were slain in separate "gunfights" with law enforcement officials.

¹⁶ The Daily Star "Rohingya refugee camps: Killings on the rise, gangs on the prowl". Visit: <https://www.thedailystar.net/news/bangladesh/crime-justice/news/rohingya-refugee-camps-killings-the-rise-gangs-the-prowl-3154056>.

As the migration started in August 2017, Yaba smuggling and drug trafficking have increased. Around twenty Rohingyas, including women, have been detained with yaba, or hemp, to yet. During separate operations in the Cox's Bazar region, law enforcement seized a substantial amount of yaba. Local drug lords are involved in yaba smuggling networks that exploit Rohingyas. In locations where refugee camps are situated, criminal activity, such as drug and yaba trafficking, murders, and abductions, is on the rise. Since August 2017, at least 328 charges have been brought against over 700 Rohingyas for various offences. The Bangladeshi government has stationed nearly 2,000 police officers in the camps.

HUMAN TRAFFICKING

From Teknaf, multinational human trafficking syndicates use marine channels to transport Rohingyas to other destinations.¹⁷ Recently, law enforcement officers rescued more than 130 Rohingyas from the refugee camps in Cox's Bazar who were being trafficked. A US investigation states that traffickers exploit Rohingya men, women, and children from refugee camps for sex and labour trafficking, including domestic slavery. By bogus employment or marriage proposals and abduction, traffickers swindle and compel Rohingya women and girls from refugee camps into sexual slavery. Destinations for trafficking include Malaysia, Thailand, Indonesia, and the Middle East. Rohingya girls are also exploited in Cox's Bazar and elsewhere for child sex tourism.

BANGLADESH'S SECURITY CONCERNS

Myanmar, which shares borders with Bangladesh, India, and China, gives access to the Indian Ocean. Our national security is being threatened by the flood of Rohingya into the Bangladeshi borderlands. As a host nation, Bangladesh is confronted with a variety of nontraditional security challenges stemming from the Rohingya issue. Drug trafficking, for instance, poses a significant danger to regional security and internal stability. In extreme circumstances, illegal substances

¹⁷ REUTERS "Surging crime, bleak future push Rohingya in Bangladesh to risk lives at sea". Visit: <https://www.reuters.com/world/asia-pacific/surging-crime-bleak-future-push-rohingya-bangladesh-risk-lives-sea-2023-01-24/#:~:text=Police%20arrested%20%2C531%20Rohingya%20and,on%20police%20and%20human%20trafficking>.

have been viewed as weakening national cohesiveness and resulting in failed states. Substance abuse has become an issue of grave public concern.

Bangladesh is adjacent to key drug-producing regions, including the Golden Triangle and the Golden Crescent. In 2016, around 10.6 million persons, or 0.22 percent of the global population aged 15 to 64, injected narcotics.

Several Rohingya are purportedly involved in the illegal drug trade as a result of their vulnerability, poverty, and illiteracy. Recent reports indicate that militant organisations in the Chittagong Hill Tracts, people traffickers, and illegal narcotics dealers have a marriage of convenience. Bangladesh has been utilised by international drug traffickers as a transit location.

THE REPATRIATION OF ROHINGYA REFUGEES

From the beginning of the refugee crisis in Bangladesh, many years have passed. But, the U.N. and international community have not yet developed a viable answer. It appears that the repatriation of Rohingya refugees becomes increasingly difficult each day.¹⁸ It is not anticipated that Bangladeshi refugees would return anytime soon. Myanmar has perpetrated genocide and brutally ejected the Rohingyas for refusing to accept them back via negotiations. In reality, the Rohingyas are the target of state-sponsored hostility. In addition, the government is attempting to keep the Arakan under military control by rendering all Rohingyas stateless and all Rakhines landless and facilitating the sale of the whole Arakan to the Chinese for money and security. The simple demand to return the Rohingyas without assuring their safety is insufficient as a remedy. Myanmar may be too ready to return them in order to exterminate them. Due to military violence, Myanmar remains an unsafe location for Rohingya refugees.¹⁹

Moreover, geopolitics makes it harder to resolve this situation. Both China and India have been longstanding allies of Bangladesh. Yet, no specific or practical actions are taken to resolve the Rohingya situation. While oppressing the Rohingyas, the Burmese government continues to display neither regret nor a readiness to cease its use of violence, despite giving lip service to appeals for peace. In the meantime, the international community has done nothing more than

¹⁸ Rodion Ebbighausen “Rohingya repatriation to Myanmar unlikely” [DW News: Published 24 August, 2022].

¹⁹ The Daily Star News: “Myanmar extends state of emergency by six months” [Published February 01, 2023].

release remarks that have not helped to deter the Burmese government's aggressive acts towards the Rohingya and its neighbour Bangladesh. China and Russia have also rejected any major international criticism of the aggressive acts of the Burmese government. It is also obvious that China has substantial investments in Myanmar and has a heightened interest in the country. As a result, they do not exert pressure on the government of Burma.

The Rohingya situation requires international diplomacy to be resolved. Bangladesh alone cannot resolve the issue via peaceful talks. To believe otherwise is to disregard the urgent need to stop the suffering of Rohingya refugees.

Realistically, for effective repatriation, Bangladesh must consider if the genuine concerns of Rohingyas are addressed in various conversations, policies, and accords.

The intervention of the United Nations in particular is crucial for the repatriation of the Rohingyas in a humane manner. Without the United Nations' promise, repatriation will not occur.²⁰ On the other hand, we recognise the significance of China's position as a mediator, given its "carrot and stick" power over Burma.²¹ Thus, regional and global countries must also pursue China to persuade it to exert influence on Burma in order to settle the problem.

The five-point approach provided by Prime Minister Sheikh Hasina at the 72nd United Nations General Assembly to alleviate the Rohingya situation appears to be quite pertinent.²² Bangladesh, the United Nations, and western democracies may and should form a global consensus to urge the Security Council to impose economic or military sanctions on Burma if it continues to violate the international human rights declaration and treaties.

Our joint efforts must focus not only on safeguarding the Rohingya's dignity and well-being in the now, but also on preserving their dreams and enhancing their future chances. This necessitates pursuing long-term solutions not just in Myanmar itself, but also by providing education and employment possibilities outside of countries of refuge and paths to third countries for people with the greatest vulnerabilities.

²⁰ Dr M Jashim Uddin, Associate Professor, Department of Political Science and Sociology, NSU "A roadmap for sustainable solution to the Rohingya crisis" [The Daily Star, published October 17, 2019].

²¹ Ibid

²² The Daily Star News: "5-point proposal could resolve Rohingya crisis: PM" [published October 16, 2017].

The problem of the repatriation of Rohingya refugees from Bangladesh to Myanmar has been complex and difficult. Despite numerous efforts to launch a repatriation procedure, the Rakhine state of Myanmar has not yet been judged safe and favourable for the return of the refugees. The Rohingya continue to experience prejudice and violence in Myanmar, and the international community, including the United Nations, is concerned about the lack of progress in addressing the core causes of the crisis and assuring the Rohingya's protection and safety.

The successful repatriation of refugees involves continuous and significant efforts by all parties to address the core causes of displacement and to establish conditions that are favourable to return. This entails guaranteeing the rights and safety of refugees, providing them with access to essential services and employment opportunities, and eliminating prejudice and violence at its root.

It is challenging to foresee the conclusion of the repatriation procedure as the situation remains flux. But, it is crucial for the international community to continue to support the protection and aid of refugees, to hold accountable those guilty for human rights violations, and to work towards building conditions for the Rohingya's safe and sustainable return.

WHY INTERNATIONAL COMMUNITY ARE SILENT TO ROHINGYA REPATRIATION?

The Rohingya refugee crisis has attracted extensive worldwide attention and criticism, yet the international community has encountered several obstacles in handling the situation and assisting the refugees' repatriation. Among the causes for the international community's tardy response to the Rohingya issue are:

- a) **Political complexity:** The Rohingya problem is based in difficult-to-resolve political, economic, and social complications, including nationalism, ethnicity, and statelessness.
- b) **Limited leverage:** The international community has limited power over the Burmese government, which has resisted international pressure and moved slowly to address the core causes of the Rohingya crisis.

- c) **Concerns about stability:** The international world is concerned about the potential for instability in Myanmar, particularly the likelihood of more bloodshed and conflict, which might have regional and global repercussions.
- d) **Lack of political will:** Various nations and international organisations have responded slowly to the Rohingya crisis due to a lack of political will and a focus on more urgent global challenges.

In spite of these obstacles, the international community plays a crucial role in resolving the Rohingya issue and defending the rights and dignity of the refugees. This involves giving financial and technical assistance to the governments of Myanmar and Bangladesh, lobbying for a permanent solution to the issue, and ensuring that refugees are safeguarded and their needs are addressed.

BHASAN CHAR ISLAND

Notwithstanding the alarming tendencies, there are emerging solutions that must be nurtured and promoted. Improving promising new education and skill-building programmes is a crucial starting point. The government of Bangladesh, with the assistance of international donors, UN agencies, non-governmental organisations (NGOs), and civil society, must better engage and incorporate the Rohingya community's efforts and perspectives in order to enhance the quality of education and livelihood opportunities. Other nations, particularly in the area, should investigate ways to offer Rohingya access to higher education and temporary employment. The government of Bangladesh must prioritise the safety and security of Rohingya refugees by cracking down on armed and criminal elements and investigating and eradicating corruption and abuse by some members of the Armed Police Battalions (APBn) and other camp officials. The United States and other nations must work with the government of Bangladesh to increase the resettlement of the most vulnerable refugees, and UN agencies must collaborate with Bangladesh to provide more safe havens for those who face the greatest danger.

For Rohingya refugees to achieve their ultimate objective of a safe return to their homeland, the United States and like-minded countries, particularly Myanmar's neighbours, must also address the long-term root causes of the crisis by increasing pressure on the military junta in Myanmar and bolstering diplomatic and humanitarian support for opposition groups and civil society within the country.

In the interim, to halt the flow of despair and to ensure a sustainable and dignified return in the future, the Rohingya population in Bangladesh should not be confined, but rather empowered, in order to stem the tide of pessimism.

The Bangladeshi government has planned to move Rohingya refugees to the secluded island of Bhasan Char in the Gulf of Bengal. In the Gulf of Bengal, Bhasan Char is a tiny island. The Bangladeshi government ordered their relocation on January 26, 2017. Human Rights Watch termed it a "looming human rights and humanitarian catastrophe."²³ Bangladesh began housing Rohingya refugees on Bhasan Char in May 2020. The Bangladeshi government began moving hundreds of Rohingya refugees from Cox's Bazar to Bhasan Char in December 2020, despite UNHCR and rights organisation requests for an impartial technical evaluation of the refugees' protection requirements and the habitability of the island. According to municipal officials, everyone who was moved gave their approval.²⁴

Before to December 2020 and January 2021, the first two groups of around 4,000 Rohingya were already on the island. On January 29, 1,778 Rohingya refugees began their trek to the island, with a fourth batch scheduled to arrive the following day. According to officials, the relocation of Rohingya refugees would continue until 100,000 have landed on the island.

Concern has been made by the UNHCR and rights groups over the island's inadequate evacuation capabilities in the case of storms or other natural catastrophes. Several Rohingya refugees on Bhasan Char have stated repeatedly that they live in "prison-like" circumstances with restricted access to healthcare, education, employment, and security. But, according to the Bangladesh Refugee Commissioner, the government would deploy around 81,000 Rohingya refugees to the island to meet a quota of 100,000. As the number of refugees rises, Bangladesh has taken actions to "clear the way for new dwellings" in Cox's Bazar, including the contentious destruction of nearly 2,000 stores in the camps.²⁵

²³ Kullab, Samya (February 23, 2017). "The Trouble With Thengar Char". *Foreign Affairs*. Retrieved February 25, 2017.

²⁴ Hanh Nguyen and Themba Lewis "Bhasan Char and Refugee 'Warehousing'" Visit: <https://thediplomat.com/2022/02/bhasan-char-and-refugee-warehousing/>.

²⁵ Hanh Nguyen and Themba Lewis "Bhasan Char and Refugee 'Warehousing'" Visit: <https://thediplomat.com/2022/02/bhasan-char-and-refugee-warehousing/>.

In addition, Bangladesh is not a signatory to the 1951 Refugee Convention and has denied Rohingya refugees the right to employment, freedom of travel, education, healthcare, and family reunification. The displacement significantly restricts refugee access to long-term remedies and rights recognised under international law.

The UN Refugee Agency has however signed a pact to aid Rohingya refugees.²⁶ The Rohingya are permitted to work and contribute to the economy, but are prohibited from leaving the island. The island was conceived of as a temporary solution until the refugees could return home. The United Nations asks the international community to expand its generous support of humanitarian efforts in Bangladesh. This assistance must continue until refugees can return to Myanmar in a safe, dignified, voluntary, and sustainable way.

Observers have informed Refugees International that the procedure for informing refugees about the island and assessing their voluntariness has improved after the signing of the MOU. Many Rohingya who opt to relocate to the island are attracted by the more permanent shelters and relative safety of the island, in contrast to the increasing instability in the camps. Yet, several Rohingya refugees continue to claim incorrect information and forceful demands to relocate to the island.²⁷

RECOMMENDATIONS

The Rohingya refugee crisis can only be resolved through a comprehensive and collaborative approach involving multiple parties, such as the governments of Myanmar and Bangladesh, international organisations, and the United Nations.

1. **Myanmar government:** The Myanmar government is primarily responsible for addressing the root causes of the Rohingya crisis, including ending violence, discrimination, and violations of human rights, and creating conditions that are safe and conducive to the return of refugees.

²⁶ UN Bangladesh “UN and Government of Bangladesh sign Memorandum of Understanding for Rohingya humanitarian response on Bhasan Char” Visit: <https://bangladesh.un.org/en/150722-un-and-government-bangladesh-sign-memorandum-understanding-rohingya-humanitarian-response>.

²⁷ Daniel P. Sullivan, “Hope amid Despair: Finding Solutions for Rohingya in Bangladesh” (REPORT: Refugee International | DECEMBER 2022).

2. **Bangladesh government:** The Bangladesh government plays a vital role in assuring the safety and aid of Rohingya refugees, including providing them with access to basic amenities and addressing the refugees' humanitarian needs in the camps. Bangladesh should immediately address the security situation in the camps by enhancing law enforcement coordination, investigation, and accountability.
3. **International community:** The international community plays a crucial role in supporting the efforts of the governments of Myanmar and Bangladesh and giving financial, technical, and humanitarian aid to meet the needs of the refugees.
4. **United Nations:** The United Nations and its various agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP), play a crucial role in supporting the protection and assistance of refugees and advocating for a permanent solution to the Rohingya crisis.

The solution to the Rohingya issue will involve ongoing and significant efforts by all parties, including the international community, to address the core causes of displacement and to establish conditions that are favourable to the safe return of refugees. It will also require ongoing efforts to respect the rights and dignity of refugees, to provide them with access to basic services and employment opportunities, and to address discrimination and violence at their root.

CONCLUSION

The Rohingya refugee crisis is a human catastrophe that requires the international community's attention and intervention. The Rohingya people have endured decades of systemic discrimination, violence, and violations of human rights, which have forced hundreds of thousands of them to flee their homes and seek refuge in Bangladesh. The refugees face significant obstacles, such as restricted access to basic services, employment opportunities, and safety, and their situation remains precarious. Despite worldwide attention and criticism, the Rohingya problem remains unsolved, with little progress made towards a permanent resolution.

The international community must continue to confront the Rohingya tragedy and defend the rights and dignity of refugees. This includes providing financial and technical assistance, advocating for a permanent solution, and ensuring the refugees' protection and needs are met. The solution to the Rohingya crisis will require sustained and significant efforts by all parties, including the governments of Myanmar and Bangladesh, the international community, and the United Nations, to address the root causes of displacement and create conditions that are conducive to the safe return of the refugees.

The Rohingya issue demands a comprehensive and coordinated strategy that addresses the core causes of displacement and violence, respects the rights and dignity of the refugees, and promotes conditions that are favourable to their safe return. This will require continuous efforts by the governments of Myanmar and Bangladesh, the international community, and the United Nations, as well as a commitment to protect international law and human rights standards.