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Future of Rohingyas: Dignified Return to Myanmar or Restoring Their Rights or Both

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Abstract

At present Bangladesh is hosting more than 1.1 million of Rohingyas who have been migrated from Myanmar and maximum of them are living in 34 makeshift camps of Cox's Bazar and some thousands start to live at Bhashan Char of Bangladesh. The Government of Bangladesh (GoB) does not recognize Rohingyas as refugees and so they are not entitled to claim even the rights of refugees in Bangladesh. Getting support from the international community, the GoB still tries to repatriate Rohingyas to Myanmar, as the repatriation will relieve the huge burden of Bangladesh. But Rohingyas are not interested to go back to their home country, Myanmar without establishing their citizenship and some other rights. As a result, till today not a single Rohingya has been repatriated to Myanmar and so at present the future of the Rohingya is in uncertainty. Bangladesh always think the fruitful solution of the Rohingya Crisis lies on their repatriation but more than three years after Rohingyas' new entry in 2017 no repatriation happens and so the question arises what may be the future of Rohingyas? Is the future of Rohingyas rely on their repatriation or staying in Bangladesh for a longer period of time with or without restoring their rights, would be tried to discuss in this article. If the Rohingyas will have to stay in Bangladesh for a longer time, then what the GoB should do, will also be discussed in this paper. For this the field visit and interviews with Rohingya refugees at Rohingya Refugee Camp in 2018 and also in 2020 by the first author, M. M. Rahman, and his more than 3 years working experience on Rohingya crisis at BTV (Bangladesh Television) and the literature reviews by all the authors will be utilized.

Keywords: Rohingya, citizenship rights, dignified return

Introduction

The Rohingya is the most ill-treated community of the world having lived in a realm of statelessness for generation to generation in Rakhine (former Arakan) State of the Republic of the Union of Myanmar (Milton et al., 2017). Rohingyas are the Muslims ethnic minority community living without citizenship rights at Myanmar and also in Bangladesh (Wekke et al. 2017). Rakhine is one of the poorest seven States of Myanmar with total area of 36,778 km² (MSR, 2019) where most of the Rohingyas live (Chan, 2005; Mohajan, 2018). Myanmar is an independent country of Southeast Asia situated just adjacent Eastern side of Bangladesh (UNFPA, 2015; Karim & Islam, 2018).

Since the August 2017 with the mass expulsion of more than 740,000 Rohingyas from Myanmar to Bangladesh, no sustainable solution for the Rohingyas is in sight till today. Immediately after the Rohingya exodus in 2017 high profile delegations from Bangladesh and Myanmar held several meetings with each other in both countries regarding Rohingya repatriation (Aziz, 2019). To send the Rohingyas back to Myanmar a repatriation agreement was signed on 23 November 2017 at Naypyidaw, Myanmar between Bangladesh and Myanmar (Holmes, 2017; Yhome, 2018). And as per the deal the Rohingya repatriation should begin within two months of signing the deal (Rahman, 2017).

As per the repatriation agreement, the Government of Myanmar (GoM) has agreed to accept 1,500 Rohingyas each week. But till today no Rohingya has been repatriated to Myanmar (Kamruzzaman, 2020). If the agreement will be implemented, then it would also take more than 10 years to return more than 1.1 million Rohingyas from Bangladesh to their homeland because in the agreement it is mentioned that only 1,500 Rohingyas can be repatriated in a week. After signing of agreement, a series of painstaking discussions between the proactive Bangladesh and the unwilling Myanmar had been held and the two countries agreed to begin the attempt of repatriation on 15 November 2018. But the effort failed due to the unwillingness of Rohingyas to return back to Myanmar (RFA, 2018). Rohingyas demand that they would not return to an unsafe place and they have the fear that they may be persecuted again after return. At that time the International community also urged Bangladesh to halt the repatriation process as the conditions in Myanmar are not conducive (HRW, 2018a).

Since the failed attempt in November 2018, the GoB put every effort to start repatriation again and finally saw a ray of hope for eventual repatriation of Rohingyas to Myanmar after China started to influence on GoM to permit the Rohingya Muslims to go to their home. As per the Rohingya list cleared by GoM, Bangladesh was all set to start repatriation on 22 August 2019, but that attempt of Rohingya repatriation also failed as no Rohingya show willingness to return to Myanmar. This time also the International Organizations urged Myanmar and Bangladesh to halt the repatriation process until Rohingya returns would be safe, voluntary, and dignified (HRW, 2019).

International Crisis Group mentioned in its December 2017 report that the main obstacle to repatriation is that most Rohingyas are very unlikely to return. Still in 2021 after more than three years of 2017 Rohingya exodus the conditions in Rakhine state is not safe for the return of Rohingyas (Strangio, 2021) and the Rohingyas living in IDP camps or outside the Camps in Rakhine still are facing the discrimination (House of Commons, 2020; OCHA, 2021). Again, there is a lack of clarity from GoM on whether they would be allowed to return

Rohingyas to their villages of origin and reclaim their farmland at Rakhine state. Because the entire Muslim Rohingya villages in Rakhine state have been demolished and replaced by police barracks, government buildings and refugee relocation camps (Head, 2019).

The agreement piece between Bangladesh and Myanmar also provides for the issuance of National Verification Cards (NVCs) at the point of return; a document most Rohingyas reject out of fear that it will codify second-class citizenship status (Horsey, 2017). But the GoM and its security forces have expressed concern about the presence of any “terrorists” of Arakan Rohingya Salvation Army (ARSA) or their supporters among the Rohingya returnees which suggests returnees will be subjected to extreme scrutiny or vetting during the repatriation process (McKay, 2019). Another major obstacle or repatriation is that Rakhine Buddhist leaders and communities are strongly opposed to the return of any Rohingya (Mohajan, 2018).

Getting no assurance of return with dignity to their motherland, more than a million Rohingyas staying in camps of Cox’s Bazar, Bangladesh are now facing an uncertain future. As the Myanmar authorities still have not addressed the fundamental rights of Rohingyas being denied citizenship, freedom of movement, security, and other basic rights and so there is slim prospects of return of Rohingyas. Again, many of Rohingyas living in the Cox’s Bazar camps are not still interested to go back to Myanmar because of fear of abusing again if they return. So, though the life-saving essentials, such as food, water, sanitation, shelter and basic health services are now more or less in place in the camps of Cox’s Bazar but attention must now need to turn to Rohingyas’ future prospects (Rahman & Mohajan, 2019).

In this study the future of Rohingyas living in Bangladesh will be discussed. As Bangladesh is not a party of the 1951 Convention relating to the status of Refugees nor its 1967 Protocol and so the country does not have any obligation to recognize Rohingyas as refugees (UNHCR 2007a; Zetter & Ruaudel 2016) and so the country recognize them as FDMN (forcibly displaced Myanmar Nationals). The present status of Rohingya people in Bangladesh will also be discussed in this article. We will also try to bring light on the future of Rohingyas living in Bangladesh considering whether they could return to Myanmar soon or the GoB should ease the restrictions on longer-term assistance like freedom of movement, education and job facilities to the Rohingyas so that they could be self-dependent.

Literature Review

Many researchers argue that the plight of Rohingyas has the root cause of their statelessness identity. Despite their presence in Myanmar dating back to the 8th century, the GoM continues to deny the citizenship of the Rohingyas and their most basic human rights since 1962 or more specifically from 1982 (Rosenthal, 2019). The 1982 Citizenship Law of Myanmar has conferred 135 ethnic groups of which the Rohingyas were not included and as a result Myanmar has created the world’s largest stateless population within its territory (Zawacki, 2009). Chris Lewa has argued that deprivation of citizenship has served as a key strategy to justify arbitrary treatment and discriminatory policies against the Rohingyas (Lewa, 2009).

Citizenship and identity are closely intertwined as providing legal basis for the claiming and recognition of basic rights of a person. The 2014 population census in Myanmar refused to allow for the categorization and recognition of Rohingya population in Rakhine State (Bhatia

et al. 2018). Nancy Hudson-Rodd has argued that this exclusionary practice constitutes the denial of the Rohingya community as distinct people or even people worthy of State recognition as humans (Hudson-Rodd, 2014).

Citizenship is the legal status of belonging and it is associated with array of basic rights (Waas & Jaghai, 2018). The New York Times Journalist Nicholas Kristof (2014) mentioned that being lack of citizenship the Rohingya has been the target of host of human rights abuses by the GoM. They have no rights inside the Myanmar and their movement is also restricted (Kristof, 2014). Abdullah Yusuf (2018) argues that the demand of Rohingya is not for an independent state of Rakhine, but rather for identity and recognition within the state or within the country. He expresses that Rohingya crisis is therefore not only a humanitarian emergency, but also concerns issues of security, identity and development of a community (Yusuf, 2018).

American economist Forrest Cookson warned that the Rohingyas will not be able to return back to their homeland soon and mentioned “*it is unlikely that they will ever return*” (Cookson, 2017). Ibrahim (2018) mentioned that Rohingyas are from being a hated, marginalized alien people in Myanmar also to being a marginalized alien in Bangladesh. He feared that Myanmar will not take back Rohingyas from Bangladesh and proposed Bangladesh to integrate Rohingyas in their own society though it is not possible for densely populated country, Bangladesh (Ibrahim, 2018).

Journalist Feliz Solomon described that the GoB is determined that the Rohingya refugees will be temporary guests and has enacted hard-line policies to prevent their integration (Solomon, 2019). According to the researcher Benedetta Berti, the issue of treating refugees as “temporary guests” by Bangladesh is that it results in no long-term development and integration (Berti, 2015). Md. Mahbubur Rahman and Haradhan Kumar Mohajan argue that as Rohingyas are stateless community of the world and the new generations living in various camps do not have the facilities of getting proper education so there may be possibility of the new generation of Rohingyas becoming the lost generations (Rahman & Mohajan, 2019).

Methodology of the Study

Research is a careful, systematic, and patient study that investigates in some field of knowledge. It tries to discover intellectual and practical answers of various complicate problems by scientific methods of real world (Grinnell, 1993). Method is a specific procedure to accomplish a task efficiently (Leedy & Ormrod, 2001). Methodology refers to the principles and ideas on which researchers support their procedures and strategies. Research methodology is the science and philosophy behind all researches (Legesse, 2014; Punch, 2013). According to C. R. Kothari research methodology is the systematic procedure adopted by researchers to solve a research problem that maps out the processes, approaches, techniques, research procedures, and instruments. It may be understood as a science of studying how research is done scientifically (Kothari, 2004). The research methodology ultimately determines validity in the research and the value of the research. Reliability and validity are inevitable issues in any research. We have tried to maintain validity and reliability throughout the paper.

For this article we have reviewed various documents pertaining to the Rohingya crisis. In this study we have tried to use secondary data and also the working experience of the authors that were obtained through field visit at Rohingya camp in 2018 and 2020 and dealing with

Rohingya crisis. For the collection of secondary data, we have used both published and grey data sources. We have stressed on national and international journals, e-journals, a lot of books and handbooks of famous authors, historical documents, theses, magazines, newspapers, websites, etc. to collect the data. In this article we have also given some priority on unpublished data, which are collected from unpublished biographies and autobiographies of scholars, documents of various public and private organizations, and diaries and letters of reliable sources.

Result and Discussion

Who are Rohingyas?

The Rohingya is an ethnic minority group living in Myanmar for centuries. They have been living in Western Rakhine State (Arakan) of Myanmar from 8th century (Nurain, 2010; Forster, 2011). Myanmar is a majority-Buddhist state, but the Rohingya is primarily Muslim living in Rakhine date back to centuries. On the other hand, the Buddhist nationalists demand that Rohingyas are not a part of Myanmar's 2,200-year-old history, and claim Rohingyas are illegal Bengali immigrants (Ullah, 2017). Viewed by the UN as one of the world's most persecuted community, thousands of Rohingya flee their countries every year attempt to reach mainly in Bangladesh and also in other Muslim countries like Malaysia, Indonesia, Pakistan and Saudi Arabia (Warzone Initiatives, 2015; Kazmi, 2017; Gaffar, 2018).

The human rights report of the US State Department (USSD) for 2015 stated, "The name Rohingya is used to describe an ethnic group defined by religious, linguistic and other ethnic features." The term "Rohingya" cannot be explained precisely and it is used as taboo in Myanmar. The term 'Rohingya' became part of public discourse in 1950s and after the reports on human rights violations against Rohingya Muslims in Rakhine State in 1978, 1990s, 2012 and predominantly in 2017 (Leider, 2018). Dr. Francis Buchanan working as a surgeon at the British East India Company was the only person who mentioned the name "Rohingyas" in his linguistic survey book in 1799 (Leider, 2014).

Though the word "Rohingya" is too taboo to be accepted inside Myanmar but the historical record has established the fact that the Muslim minority Rohingya existed in Rakhine for centuries and at that time the Muslims were identified themselves simply as Muslims or Arakan Muslims (Yegar, 1972; Nemoto, 1991; Gibson et al. 2016; Alam, 2018). From the 12th centuries after the disappearance of Hinduism and the assimilation of Mongolians and Tibeto-Burmans in Rakhine there remained only two distinctive races; the Rohingya (Muslims) and the Mugh (Buddhists), who lived together in Rakhine centuries after centuries (Ullah, 2016). Both Muslim and Buddhist population always maintained an independent status quo before the establishment of Mrauk-U dynasty by Solaiman Shah (Narameikhla) in 1430 (Yunus, 1994).

The Rohingya was counted as a part of the Mrauk- U (Mrohaung) kingdom in Arakan (Rakhine). Mrauk U was an independent kingdom consisting of Rakhine State (Arakan), Myanmar and Chittagong Division of Bangladesh which existed for over 354 years (1430–1784) (Hananto, 2018).

Rohingyas are Refugees or Not

A refugee, generally speaking, is a displaced person who has been forced to cross national boundaries and who cannot return home safely. According to the Merriam Webster Dictionary, the term “refugee” comes from the Latin word “refugium” that means “the act of taking refuge,” and the word was first used in France as “réfugié” to refer to the Huguenots (French Protestants), who fled to other countries after a law protecting their religious liberty was revoked in 1685. Sometimes it is used to refer a person who is displaced due to a natural disaster like environmental change. In short, it can be said that “*A refugee is someone who has been forced to flee his or her country because of persecution, war, violence or environmental change.*” By the end of 2018, there were 25.9 million refugees registered across the world (UNHCR, 2019b).

After the World War II, International Refugee Organization (IRO) that was created in 1947, started dealing with the problems of refugees in Europe. Later, the General Assembly adopted the Statute of the UNHCR on 14 December 1950 replacing the IRO. Finally, the well-accepted definition of ‘refugee’ derived from the 1951 International Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees namely the 1967 Protocol (Yesmin, 2016). The Statute of the United Nations High Commissioner for Refugees (UNHCR) and the 1951 Convention on the Status of Refugees no longer define ‘refugee’ simply as a displaced person, rather identify in specific terms (Kennedy, 1986).

1951 Geneva Convention is the main international instrument of refugee law. As the 1951 Convention was created in the post-World War II European setting, it has been referred to as Eurocentric. Due to the temporal and spatial limits of the 1951 Convention, the 1967 Protocol relating to the Status of Refugees was added to make it more applicable to refugee movements around the world (Jastram & Achiron, 2001).

1951 Refugee Convention is a key legal document and defines a refugee (PU & UNHCR, 2017; UNHCR, 2018b) as: “*A person who, owing 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 or her nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.*”

In 1969, Organization of African Unity (OAU) included as reasons for refugee flight “*external aggression, occupation, foreign domination or events seriously disturbing public order.*” In 1984 Cartagena Declaration incorporated OAU definition PLUS “*massive violation of human rights.*” Considering all these international concepts on refugee it can be said that every Rohingya falls under the universal concept of ‘refugee’ (UNHCR, 2018b).

Bangladesh Recognize Rohingyas as ‘FDMN’ not as Refugee

International law stipulates that the normative responsibility to protect refugees falls on the host state. But it is not possible if the host country is not party to the 1951 Convention. Bangladesh is not a party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. Bangladesh also does not have any law regulating the administration of refugee affairs in Bangladesh or guaranteeing the realization of the rights of refugees. Again Bangladesh does not have any intension to recognize the Rohingyas as refugees. Though Bangladesh is not a party to the international convention relating refugees but the country has always shown its generosity to provide shelter and food to the Rohingyas (Purkey, 2013).

Bangladesh has received a large number of Rohingyas in various phases. In dealing with the Rohingya people Bangladesh has moved from a liberal welcoming policy to a realist policy (Yesmin, 2016). When the first batch of Rohingya people fled in 1978 then Bangladesh saw it as a humanitarian crisis and made substantial efforts to help them. But from the beginning Bangladesh had clearly maintained that the asylum for the Rohingyas was temporary and encouraged their immediate return. Within 16 months of arrival in 1978 most of the Rohingyas were repatriated to Myanmar. In 1991–1992, there was another 250,000 Rohingyas came to Bangladesh, owing to military crackdown in Myanmar following the failed democratic election in 1990. Although the majority of refugees were repatriated to Northern Myanmar during the following decade, many of these sought their way back to Bangladesh (UNHCR & WFP, 2012).

Up to 1992, the Rohingya coming as asylum seekers from Myanmar were provided refugee status under executive orders of the GoB. They were granted *prima facie* refugee status (Mohammad, 2012). Since 1992, the GoB stopped registering Rohingyas as refugees (UNHCR & WFP, 2012). Rohingyas who have arrived after 1992 are labeled as “*undocumented Myanmar nationals*” or “*unregistered refugees*” and they live in makeshift camps or with host communities and are considered to be illegally residing in Bangladesh (UNHCR, 2007a; ECHO, 2018). After 1992, Rohingyas entering into Bangladesh are also recognized as “illegal migrants” to Bangladesh (Bashar, 2012). So, it is horrific for Rohingyas that after 1992 the official status of “refugee” is something the Rohingya have struggled with for years now (Ullah, 2017).

Prior to August 2017 Rohingya influx around 34,000 Rohingyas were officially registered as refugees in Bangladesh and resided in UNHCR managed two camps “Kutupalong” in Ukhia (sub-district) and “Nayapara” in Teknaf (sub-district) of Cox’s Bazar. But an estimated additional 300,000–500,000 Rohingyas were living in informal settlements (unregistered makeshift camps, e.g., Leda Camps) and with host communities (Green et al., 2018).

In 2017, the GoB has described Rohingyas not as refugees but as “forcibly displaced Myanmar nationals (FDMN)”, denying the Rohingya legal refugee status and the rights associated with this. On 28 September 2017, foreign secretary M. Shahidul Haque said that GoB had decided to call Rohingyas “forcibly displaced Myanmar nationals (FDMN)” instead of “refugees” (The Daily Star, 2017).

Bangladesh’s Law and Policy towards Rohingyas

The Rohingya crisis is a human rights and humanitarian disaster that has, in recent years (from August 2017 to today), rapidly grown in numbers, yet declined in access and resources. As of August 2017, over 700,000 Rohingyas fled from Rakhine state of Myanmar to Bangladesh and settled in the Kutupalong refugee settlement of Cox’s Bazar, now the world’s largest refugee camp. There are now 34 Rohingya camps at Cox’s Bazar (JRP, 2019).

Bangladesh shows generosity by opening its border to Rohingya people at the time when many other countries of the world are building walls, pushing asylum seekers back at borders, and deporting people without adequately considering their protection claims. Although not a party to the 1951 Refugee Convention, Bangladesh has upheld its customary international law obligation to keep the border open to fleeing Rohingyas and acted to accommodate and

meet the humanitarian needs of hundreds of thousands of desperate people fleeing crimes against humanity (HRW, 2018b).

Bangladesh is not a party to the UN 1951 Refugee Convention or its protocol of 1967. Bangladesh does not have any domestic statute or national policy that addresses the refugees or asylum seekers. But Bangladesh is signatory to a number of international instruments whose provision indirectly promote the rights of refugees. However, the Constitution of Bangladesh has guaranteed certain human rights even to foreigners or non-citizens. Now the question arise how the Rohingya people get 'Refugee Status' in 1978 and up to 1992. The answer is that during that time Bangladesh gave the refugee status to the Rohingyas by the "Executive Order" of the GoB. At that time Rohingyas were given "*prima facie* refugee status" (Mohammad, 2012).

If we consider how the Rohingya crisis is dealt by the GoB, then it is observed that the Ministry of Disaster Management and Relief (MDMR) is the Government administration responsible for refugee related issues and coordinating activities in relation to camp based refugees. The MDMR has designated responsibility for a range of camp administrative matters (management, delivery of assistance, health care, water and sanitation and camp maintenance) to the office of the Refugee Relief and Repatriation Commissioner (RRRC).

The RRRC is the highest official in charge and each camp also has a Camp-in-Charge (CIC) deputed by the Government who is responsible for providing facilities to the refugees, for maintaining the law and order and for the activities of the camp as a whole. Army, Police, Ansar are also deputed to the camps for security enforcement under the direct supervision of the CIC. The role of the office of the UNHCR is one of overall coordination and protection of the refugees' rights. Bangladesh military people were engaged for the first time in September 2017 to provide the ground support at the Rohingya camps (HRP , 2018).

The MDMR represented by the RRRC at the local level, is charged with operational coordination at the camps but the Ministry of Home Affairs, with technical support from the Bangladesh Immigration and Passports Department is also responsible to register the Rohingya. The Rohingya is confined within several camps in the Cox's Bazar district of Bangladesh, which are managed jointly by the GoB and a coordinating body of international organizations called the Inter Sector Coordination Group (ISCG).

The ISCG was formed in 2017 in Cox's Bazar to facilitate coordination among humanitarian actors working for a coherent response to Rohingyas and affected host communities. It brings together a variety of UN and other agencies (national/international NGOs and others) and the Cox's Bazar based Government authorities establishing close synergies between different entities.

The main objective of the ISCG is to facilitate an effective, efficient and coordinated humanitarian response to the urgent needs of Rohingya refugees in Cox's Bazar. The ISCG is a repository of information and real time updates providing guidance and support to ISCG partners and sectors. The ISCG, hosted by IOM and UNHCR is coordinating the overall Rohingya crisis. It facilitates timely, coordinated, need-based and evidence-driven humanitarian assistance for efficient use of resources and to avoid duplication. Situation reports and 4W (Who, doing what, where and when), maps and data is regularly produced and updated. The ISCG is also responsible to prepare the Joint Response Plan (JRP) for Rohingyas (UNHCR, 2018a).

Registration of Rohingyas in Bangladesh – A Historic Event

In June 2018, the GoB and the UN refugee agency UNHCR have started to register hundreds of thousands of Rohingyas who have fled to Cox's Bazar to escape violence and persecution in Myanmar. The registration process was for all the Rohingyas who came in August 2017 and afterwards and also for others who have fled previous waves of persecution in Myanmar. This registration gives identification document to many Rohingyas for the first time in their life (VOA, 2019). But from September 2017 to June 2018, the GoB has started recording biometric data of Rohingyas (The Daily Star, 2017). The Bangladesh Government Ministry of Home Affairs led the biometric registration process with technical support from the Bangladesh Immigration and Passports Department. As in 27 January 2017, the GoB has registered 1.04 million Rohingyas (JRP, 2019).

In June 2018, the GoB and UNHCR started the Rohingya registration process jointly. The huge database to identify and register hundreds of thousands of Rohingyas is an effort that helps the authorities and humanitarian partners to better understand the needs of the Rohingyas and will help to safeguard their right to voluntarily return home to Myanmar. In the registration process Rohingyas are registered using bio-data and biometric data, including fingerprints and iris scans to provide them with a unique identity. At the end of the registration process, Rohingyas receive a plastic ID card that includes a photo, and basic information such as date of birth and gender. The biometric, fraud-proof cards are being issued jointly by the GoB and UNHCR to all verified Rohingyas over the age of 12 but families also receive an attestation showing the details of all family members. All information on the ID card is in English and Bengali and indicates Myanmar as the country of origin having the logo of both the UNHCR and the GoB (UN News, 2019).

In August 2019, in the registration process of Rohingya people, The UNHCR used the Global Distribution Tool (GDT) for the first time in Rohingya refugee camps. The GDT is used to speed up the registration process and it can check any fraud or overlap in the registration process. The issuing of ID cards for the Rohingya people has enabled the GoB to know the exact number of the Rohingya staying in Bangladesh that will very much helpful to address the crisis (UNHCR, 2019a).

During his visit to Cox's Bazar, Rohingya camp in February 2020 the first author talked to 15-20 Rohingya refugees and asked them about their registering process. All the Rohingya people confirmed the author that they were registered and when asked about their ID cards they also show their cards.

Future of Rohingyas in Bangladesh

Many Rohingyas do not want to return to Myanmar. When the author talked to the Rohingya people they categorically mentioned that they will not go to Myanmar until their citizenship and Rohingya status are confirmed. The GoM does not want the Rohingyas back. No one knows how long Rohingyas will have to stay in Bangladesh and under which conditions. Assuming that Bangladesh will not force Rohingyas to return, there are still many challenges to long term living in the camps. Since 1978 Bangladesh is the first destination of Rohingya asylum seekers due to the proximity and common religion and culture. Though Bangladesh is open to the Rohingya minority but Bangladesh does not want the Rohingya to settle or

integrate to its territory, but rather want them to eventually be repatriated to Myanmar (UNHCR, 2011a).

The International agencies promote three durable solutions to the refugee problem:

- i) voluntary repatriation,
- ii) local integration, and
- iii) resettlement.

As densely populated and with limited resource, Bangladesh is not a position to integrate more than 1.1 million Rohingyas to its territory. Bangladesh also does not appreciate the resettlement of Rohingyas in third countries because it may promote other Rohingyas in Myanmar to come to Bangladesh. But a small-scale resettlement of Rohingyas was done to Canada, New Zealand and the UK in 2006 and onward (HR Year Book, 2008; Azad & Jasmin, 2013). Canada was the first country to resettle Rohingyas from Bangladesh.

Voluntary Repatriation

Voluntary repatriation means the voluntary return of refugees to their country of origin. The UN refugee agency-UNHCR encourages voluntary repatriation as the best solution for any refugee crisis. According to UNHCR's statute (UNHCR, 2011a): "*Repatriation should be voluntary, which includes two elements: freedom of choice and an informed decision, take place under conditions of safety and dignity in connection with voluntary repatriation focuses on the repatriation process itself and after return.*"

A voluntary decision implies two elements: freedom of choice (which relates to the situation in the country of asylum) and an informed decision (which relates to the situation in the country of origin) (Ullah, 2019). Bangladesh always advocates for the repatriation of Rohingyas as the displaced Rohingya put enormous pressure on its resources, economy and environment. Bangladesh sees the repatriation is the only viable solution of Rohingya crisis and also Bangladesh gives emphasis that the repatriation should be voluntary. According to the latest bilateral instrument signed between Bangladesh and Myanmar on 23 November 2017, the repatriation of Rohingyas was supposed to begin within 22 January 2018 and to be completed by 22 January 2020. After that two repatriation attempts first one on 15 November 2018 and second one on 22 August 2019 have been taken. But no Rohingyas have yet to be repatriated. Despite apparent frustration, the Bangladeshi authorities still believe on the international customary that the Rohingya repatriation should be voluntary and in a safe and dignified manner (Bangladesh Ministry, 2019).

After the failure of second repatriation attempts of Rohingyas on 22 August 2019 UNHCR in its statement said (UNHCR, 2019a), "*UNHCR has agreed with the governments of Bangladesh and Myanmar that any repatriation of refugees must be voluntary, safe and dignified. Respect for these principles will also have the practical effect of helping to ensure that return is sustainable.*"

For voluntary repatriation Rohingyas also give some demands like guarantee of their citizenship, freedom of movement and recognition of their ethnic identity in Myanmar. As the preconditions set by Rohingyas cannot be fulfilled by Bangladesh and the Myanmar's unwillingness to fulfill the Rohingya demands so the host country Bangladesh does not see any possibility of voluntary repatriation of Rohingyas soon.

During the visit of first author in February 2020 the author intentionally asked the Rohingya people living at the camp that “Are you Bengali as Myanmar Govt. mentioning you?” All of them replied “we are not Bengalis we are Rohingyas of Myanmar.” When asked about whether they want to go back to Myanmar or stay in Bangladesh. They all replied that they will want to go back to their homeland, Myanmar but only when their basic rights to be ensured. They all mentioned that their identity is Rohingya and so the Myanmar Govt. should recognize them as Rohingya also.

“Our demands are - at first, we want security, then our citizenship, then our freedom of movement, free and fair marriage right, and then our religion right i.e. right of practicing Muslim rituals, and fifth and last our right to get Govt. Job in Myanmar.... If these five rights are fulfilled, we will definitely go to our country, Myanmar. And our lands and other assets taken by the Myanmar Govt. should be returned to us” (Male, 27 years of age).

Local Integration

‘Local integration’ is a legal, economic and political process by which refugees progressively become members of the host society (UNHCR, 2001). Social integration is a positive goal, implying equal opportunities and rights for all human beings. The official position of the GoB is that it will not entertain any notion of local integration of Rohingyas. Besides, Bangladesh is not in a position to integrate more than one million Rohingyas with its dense population and limited resources (UNRISD, 1994).

Local integration is a complex and gradual process that takes place on three levels – legal, economical and social and cultural (UNHCR, 2001):

Legal: Generally the registered refugees are granted a progressively wider range of rights, similar to those enjoyed by citizens, leading eventually to permanent residence and perhaps citizenship.

Economic: The registered refugees become gradually less dependent on aid from the country of asylum or on humanitarian assistance and are increasingly self-reliant so that they can support themselves and contribute to the local economy.

Social and cultural: Interaction between refugees and the local community always allows refugees to participate in the social life of their new country of staying without fear of discrimination or hostility.

As long as the Rohingyas remain in Bangladesh refugee camps, many Rohingyas are being tried to integrate into Bangladesh informally. The integration is done mainly by two ways: i) by collecting illegally Bangladeshi nationality documents, and ii) inter-marriage with Bangladeshi nationals. To prevent this in the last several months of 2019 there was a nationwide hunt for the officials who were found involved issuing Bangladeshi nationality documents to some Rohingyas, and the GoB is also starting to make a barbed wire fence surrounding the Rohingya camps in Cox’s Bazar (Azad, 2019).

The GoB has also taken steps like the restrictions on marriage between Rohingyas and Bangladeshis, and restrictions on movement, on higher education, and on livelihood outside the Rohingya camps. In 2014, marriage between Rohingya and Bangladesh was banned in a bid to prevent Rohingyas living in Bangladesh from seeking a backdoor to Bangladeshi citizenship. According to the 2014 GoB circular “*Anyone found to have married a Rohingya can face seven years in prison.*” The 2014 circular was also upheld by the Supreme Court of Bangladesh in 2018 (BBC, 2018). Employment is also seen as a major process of integration.

According to the official decision of the GoB, the Rohingyas are not allowed to work outside of the camp. In spite of that many Rohingyas are involved in informal jobs and gradually become economically self-reliant. Many Rohingyas are seen in and around Cox's Bazar in various manual jobs including as rickshaw puller, day laborer, fishermen, and domestic workers and in dry fish processing (Azad & Jasmin, 2013).

The Rohingyas who are working informally as unskilled labor in the Cox's Bazar area, out of the camp face heightened protection risks as the GoB policies prohibiting Rohingyas from owning a business and from leaving the camps. These informal opportunities may offer the best chance for Rohingyas to become self-reliant; while also supporting local markets through the procurement of goods through the income they earn, but they are also the riskiest options and can facilitate the potential short-term negative impacts of refugees working, such as wage depreciation (Post et al., 2019).

Quiet Integration

Some Rohingyas who fled to Bangladesh after 1991-92 Myanmar military operation never returned to Myanmar rather quietly or silently integrated into Cox's Bazar and nearby districts. Many of them found works or established business. Over the past 25 years these Rohingyas have managed to integrate and establish themselves and this process is called as 'Quiet Integration' by the Crisis Group. This approach is also evident today though this is not a reasonable solution for Rohingya crisis (Crisis Group Report, 2019a).

Resettlement

Resettlement means the permanent movement of refugees to a third country from the country of first asylum (UNHCR, 2002). Resettlement serves three important functions (UNHCR, 2011b):

- i) it is a tool to provide international protection and meet the specific needs of individual refugees,
- ii) it is a durable solution for larger numbers or groups of refugees, and
- iii) it can be a tangible expression of international solidarity and a responsibility sharing mechanism by the developed nations.

Resettlement was most widely used as a solution to refugee outflows during the 1980s when some 700,000 Vietnamese refugees were resettled, in mainly industrialized countries (Robinson, 1998). But till today there has been a little resettlement of Rohingyas in third countries from Bangladesh. Resettlement of Rohingyas started from Bangladesh in 2006 and peaked with 465 departures in 2009. In November 2010, the GoB suspended the resettlement process and by the time UNHCR was able to resettle 920 out of 1,997 persons (UNHCR, 2011b). A spokeswoman for Immigration, Refugees and Citizenship Canada, Shanon Ker, said in 2018 that Canada took maximum numbers of Rohingya refugees from Bangladesh until the country stopped the process in 2010. She also mentioned that Canada resettled more than 300 Rohingyas from the camps in Bangladesh between 2006 and 2010. But Bangladesh has not issued exit permits for the resettlement of Rohingya refugees to any third countries since 2010 (The Dhaka Tribune, 2018).

The UNHCR has tried to convince Bangladesh to restart the resettlement process of Rohingya refugees but the GoB is still concerned that if the Rohingyas are perceived to have a better life in Bangladesh or getting chance of resettlement, this will act as a 'pull factor' for

those Rohingyas still residing in Myanmar, as well as ‘stay factor’ for Rohingyas currently living in Cox’s Bazar. As a result, the GoB does not think the resettlement options for Rohingyas in third countries (Solomon, 2019).

Bangladesh is not interested to resettle the Rohingyas in any third country but it has started to execute its plan to relocate 100,000 Rohingyas to a new island named Bhasan Char of Bay of Bengal (Bremner, 2020). From December 2020 the GoB has started to shift Rohingya people from Cox’s Bazar to Bhashan Char (Ahmed & Ahmed, 2020).

Bhasan Char, which means “floating island” in Bengali that emerged less than 20 years ago in the Bay of Bengal (Opu, 2020), is located 30 kilometers (18.6 miles) away from mainland Bangladesh under Hatiya upazila (subdistrict) of Noakhali (Bhattacharyya, 2020). The total area of Bhashan Char is 40-square kilometer (15.44-square mile or about 10,000 acres) and the island is made of silt that has accumulated in the last two decades (Kamruzzaman, 2020; Subramanian, 2020). Bangladesh Government has spent 350 million USD constructing a network of shelters on the island under its Ashrayan 3 project (Bhattacharyya, 2020).

Temporary Camps Turn to Permanent Camps

Besides voluntary repatriation, local integration and resettlement the fourth solution may be the transfer of temporary camps to permanent camps (Waters, 2019). This *de facto* solution has been used repeatedly around the world. For example, the Gaza Strip in Palestine, which is really just a 70-year-old refugee camp, as are Palestinian settlements in Lebanon, the West Bank and elsewhere. In Africa, Kenya is home to refugee camps for Somali and South Sudanese, and in Tanzania there are decades-old camps for Congolese, Rwandans and Burundians (Waters, 2019).

Recommendations given by International Community for the Future of Rohingyas

International community has given some recommendations to the GoB for the better future of Rohingyas, which are; i) deed and need of Rohingyas, ii) improve Rohingyas medium term prospect, iii) responsibility sharing between Rohingyas and host community, iv) business should be getting involved, v) multiyear Joint Response Plan (JRP) instead of one year JRP, vi) international outreach, vii) security threats should be minimized at zero level, and viii) help ICC and ICJ to get justice for Rohingyas.

Deed and Need of Rohingya Refugees

Rohingyas are expert in what deeds and what may be their needs should be heard and find out solutions of them. Generally the Rohingyas are not taken in their need assessment or programming activities taken by the GoB or NGOs but it is a fact that Rohingyas should be involved in any decisions regarding them even in the repatriation process. Matthew Smith, co-founder and chief executive of Fortify Rights, said in 2018, “*The Rohingyas deserve a seat at the table, whether the issue is humanitarian aid, accountability and justice, return of refugees or any other issue affecting their lives*” (Kyaw, 2019).

Improve Rohingyas Medium Term Prospect

International Crisis Group in its April 2019 report mentioned that allowing formal education of Rohingya children should be the first priority. UN and other international organizations

feared that without proper education the next generation of Rohingyas may be the lost generation (Crisis Group Report, 2019b; Rahman & Mohajan, 2019).

Human Rights Watch (HRW) report of December 2019 revealed, “*Persisting with the ban on formal education is harmful to Bangladesh’s own interests and devastates a new generation of Rohingya children, and the future of the Rohingya community as a whole. The GoB should end restrictions on Rohingya refugees’ freedom of movement and access to the internet and online communications*” (HRW, 2019).

Bangladesh is *de facto* permitting some of this assistance as the UN and dozens of domestic and international NGOs are present in the Rohingya camps and working on a broad range of protection and assistance programs around health, education, protection and community outreach (Gorlic, 2019).

Responsibility Sharing between Rohingyas and Host Community

Cox’s Bazar, the South Eastern district of Bangladesh, has sheltered Rohingya refugees over the decades and now more than 1.1 million Rohingyas are living in various camps of Cox’s Bazar. At present the situation is like that the Rohingyas have become the majority of the population in Cox’s Bazar leaving the host community in the minority. Assessing the Rohingya and host community needs is critical for prioritizing resource allocations and to maintain the status quo between Rohingyas and the locals. Moving forward, responsibility sharing between Rohingyas and hosts are needed to ensure the well-being of both the communities. For responsibility sharing contributions should come from UN Member States, multilateral development banks, and regional organizations, as well as from the GoB (Huang & Gough, 2019).

Centre for Global Development has proposed three ways for labor mobility activities to support the host communities in Cox’s Bazar and also the Rohingya which are (Khan & Dempster, 2019): i) up skill the host community under a Global Skill Partnership model, ii) extend labor mobility agreements with Gulf Cooperation Council and East and Southeast Asian countries, and iii) promote limited labor migration opportunities for Rohingya refugees.

It is now obvious to create an environment to improve the social bonds between the host communities and the Rohingya beyond their restricted activities. If Rohingyas are given opportunity to improve their skills then after returning to Rakhine they would be able to make a contribution to the development of their communities. These Rohingyas then may become the bridge between Bangladesh and Myanmar (Mir, 2019).

Business should be Getting Involved

Investment in business can be considered as a solution for the Rohingya crisis. A new business can create new job opportunities that will in turn help to alleviate poverty of the Cox’s Bazar and also in Bhashan Char. Centre for Global Development has proposed four viable areas of business investment in Cox’s Bazar which are (Sun et al., 2019): i) investing in clean energy, ii) investing in and/or sourcing sea food, iii) investing in and/or sourcing fruit products and non-timber forest products like honey, and iv) sourcing handicrafts, specialized clothing, and home goods.

It should be kept in mind that the tourist business of Bangladesh is centered on Cox's Bazar sea beach which is not far from the Rohingya camps. Any vulnerable situation of Rohingya camps may disturb the tourist business of Bangladesh and so the Rohingyas should not be kept free or out of business or any jobs.

Multiyear JRP Instead of One Year JRP

The Joint Response Plan (JRP) has been prepared by the UN and its aid partners in a yearly basis to look after the Rohingya refugees in Bangladesh. The Crisis Group in its December 2019 report said that Dhaka should drop the one year JRP rather it should work with the UN to formulate a multiyear JRP to meet the needs of the Rohingya and the host communities of Cox's Bazar (Crisis Group Report, 2019b).

Some other Recommendations for the Future of Rohingyas

As Rohingyas are not interested to go back to Myanmar and Bangladesh also fails to manage international community to put more pressure on Myanmar so that they take their citizens back to home and so the following recommendations may be considered for the future of Rohingyas.

International Outreach

Bangladesh has been praised by international community for opening its border and giving shelter to more than 1.1 million Rohingyas. But Bangladesh should be careful about the continuous engagement of the international community to solve the Rohingya crisis. Bangladesh alone cannot solve the Rohingya crisis but the involvement of international community is a must to solve the crisis. The engagement of international community is also necessary because it would mentally support Rohingyas of thinking that the international community is with them to lessen their woe and sufferings. It is true that Bangladesh is relying on its neighboring friends like India and China to solve the Rohingya crisis. But it should be noted that both India and China are weapon supplier to Myanmar and they are also involved economically with Myanmar.

Accepting these facts Bangladesh now may move forward creating an alliance with other countries to solve the Rohingya crisis. The list may include interested EU members, Japan, Thailand, Malaysia, South Korea and all of the members of the Five Eyes countries (the USA, Canada, the UK, Australia and New Zealand). Such an alliance may become vital for the safe repatriation of the Rohingya, as well as future human and environmental security of South Asia (Mir, 2019).

Security Threats should be Minimized at Zero Level

The GoB needs to be alert always that the Rohingya camps may not be treated by any groups as a base for insurgency. Any attempts by extremists group to radicalize Rohingyas need to be controlled. Though it is not a problem now but it is difficult to imagine that this will last for infinity as more than 1.1 million people sit in the camps without any future. The Arakan Salvation Army (ARSA) was responsible by the GoM for the Myanmar Army's clearance operation in 2017 may try to recruit its member from the Rohingya camps. Possibly the biggest immediate threat is the potential for the Rohingya community to become a conduit for drugs into Bangladesh. The lack of economic opportunities in Myanmar have already forced

some people into illegitimate activities, such as drug distribution, including a particularly addictive form of *methamphetamine* known as “Yaba” produced inside Myanmar’s ungoverned spaces. Without any legitimate source of income in Bangladesh, there is a high risk of the development of networks for smuggling and distribution of Yaba throughout Bangladesh with potential to destabilize the community (Brewster, 2019).

Security measures have already been taken by the GoB to control the trafficking, drug trading inside the camps and it needs to be continued. It should be kept in mind that security measures need to be taken to ensure accountability of the offenders but the measure should not disturb the normal life of the Rohingya. The Crisis Group said *“If the Bangladeshi government continues to look at the Rohingya crisis through a short-term lens and falls into a pattern of heavy-handed responses to security challenges, the situation could become more fraught and dangerous for all concerned. In the absence of prospects for repatriation and longer-term planning, such a crackdown will only increase the refugees’ desperation. It could even make them more susceptible to recruitment into criminal or extremist networks, which would add to the security challenges Bangladesh faces”* (Crisis Group Report, 2019b).

Help ICC and ICJ to Get Justice for Rohingyas

In November 2019, three separate cases were filed against Myanmar for atrocities committed against Rohingyas. It was the first international legal attempts to bring justice to the persecuted Muslim minority group of Myanmar.

On 11 November 2019, Gambia filed a genocide case against Myanmar in the International Court of Justice (ICJ), claiming that the GoM has violated the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. On 14 November 2019, International Criminal Court (ICC) opened an investigation for crimes that Myanmar soldiers and police committed against the Rohingya in Bangladesh. Also on 14 November 2019, some Latin American human rights groups used Argentine Courts to sue Aung San Suu Kyi and other top Myanmar officials for the same crimes under the principle of “universal jurisdiction”. ICC was created in 1998 in the hope that it could complement the ICJ: it has no competence on states, but it can indict and even punish individuals who have perpetrated gross violations of human rights. Bangladesh is a member of ICC but Myanmar is not. Though Myanmar is not a member but ICC said that it could investigate the crimes against Rohingyas because the deportations involve a cross-border crime that gives the court jurisdiction to investigate the plight of the Rohingya. ICC judges have approved a full investigation on 14 November 2019 into Myanmar alleged crimes against the Rohingyas (ICC, 2019).

The ICJ also called World Court is the principal judicial organ of the UN. It was established in June 1945 by the Charter of the UN and began to work in April 1946. The ICJ has the authority to address controversies between nation states. If ICJ finds that Myanmar has violated its international obligations and Rohingyas have been persecuted then it could ask the GoM to provide reparations and guarantee repatriations. If ICJ produces a strong ruling, the UN Security Council could decide to intervene, either through sanctions against Myanmar or even in military action. ICJ in its provisional measures on 23 January 2020 has ordered Myanmar to stop genocide and take appropriate measures to protect the Rohingya Muslims (ICJ, 2020).

Legal devices have the direct effects of alleviating the suffering of the victims, restoring truth, allowing reconciliation and bringing the most egregious criminals to justice. So it can

be said that the three new proceedings (ICC, ICJ and case in Argentina) are important for Rohingyas (Archibugi, 2019).

Bangladesh should assist Gambia, ICC prosecutors and also the party against Myanmar in Argentina case to find out the truth on Rohingya persecutions. International proceedings will definitely help Bangladesh to solve the Rohingya crisis. Global think tank, Overseas Development Institute (ODI) mentioned seven recommendations for Rohingyas' future as (Wake et al., 2019): 1) continue to press for adequate levels of funding to improve living conditions in camps for Rohingya refugees, 2) effective communication and engagement of refugees, 3) continue with surveys on medium-term aspirations and support, 4) improve community engagement, community relationships and camp governance, 5) adopt strategies to contribute to the self-reliance of refugees, 6) focus international dialogue on the priorities articulated by refugees, and 7) develop, fund and deliver a medium-term development plan for Cox's Bazar that addresses priority needs as articulated by refugee and host populations.

Conclusion

The best solution for Rohingya crisis is the voluntary return of Rohingyas from Bangladesh with safety and dignity in pursuit of their normal lives in Rakhine State. Voluntary repatriation is the only viable solution for most of the refugee crisis of the world. Since the World War II, around 70% of world's refugee's found a durable solution by returning home.

Rohingyas do not have refugee status in Bangladesh and as a consequence they are deprived of any refugee protections ensured by international law. More than 1.1 million of Rohingyas, staying in the camps, find themselves confined, with significant restrictions on work or movement by the GoB denied the chance in Myanmar to fulfill their human capabilities, Rohingyas must not be consigned to inaction, sequestered in camps in Bangladesh. Rohingyas should be given some hope to live like a human being.

The situation of Rohingyas in Bangladesh is like that they will not be returning to Myanmar anytime soon. So for the foreseeable future the camps in Cox's Bazar, Bangladesh will be the only home for Rohingyas. The GoB should do everything in its power to make the camps more livable, while donors should provide sufficient aid to ease the burden on Bangladesh.

The most urgent need is to inject some hope in the minds of Rohingyas and also to the host communities of Cox's Bazar that they are not forgotten. Both groups must be assured that continuous efforts are being made to resolve the Rohingya crisis sooner or later. The ultimate aim is still for Rohingyas to return to their home in Myanmar. But the immediate aim should be to ensure the safety and well-being of Rohingyas.

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