



Sonargaon University (SU)

**Research Monograph
On
A Study on Rohingya Refugees in
Bangladesh**

**Research Monograph Submitted for the partial fulfilment of the award of the degree
in
LL.B. (Honours)
Department of Law
Sonargaon University (SU)**

Submitted by :

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Submitted To:

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Date of Submission: 25 July 2025

Dedicated
To

My Beloved Parents



UGC & Govt. Approved
Sonargaon University (SU)
সোনারগাঁও ইউনিভার্সিটি (এসইউ)

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Letter of Transmittal

To

Naimul Razzaque

Lecturer,

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Sonargaon University (SU)

Subject: Submission of Research Monograph on “A Study on Rohingya Refugees in Bangladesh”

Sir,

This is a great pleasure to submit the Research Monograph on “A Study on Rohingya Refugees in Bangladesh” as a partial requirement for the fulfillment of my LL.B. (Honours) course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather it will be a source of information for other purpose on this topic.

Sincerely yours,

Serajum Monira

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Declaration

I do hereby declare that the Research Monograph Title “A Study on Rohingya Refugees in Bangladesh” prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B. (Honours) Degree. This is an original work of mine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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Certification by the Supervisor

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. (Honours) program.

Naimul Razzaque
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Acknowledgement

"In the name of Allah, the Beneficent, the Merciful". Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long-cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly, I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on "A Study on Rohingya Refugees in Bangladesh"

I acknowledge my grateful to respected course teacher Naimul Razzaque for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

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Thank you

Serajum Monira

Abstract

The Rohingya refugee crisis is one of the most significant humanitarian challenges of the twenty-first century. Since August 2017, more than one million Rohingya people have fled from Myanmar to Bangladesh due to widespread persecution, violence, and human rights violations. This study examines the protection of refugees under international law with a particular focus on the situation of Rohingya refugees in Bangladesh. It analyzes the legal framework governing refugee protection, including the principles enshrined in international human rights law, international humanitarian law, and customary international law, especially the principle of non-refoulement. Although Bangladesh is not a party to the 1951 Refugee Convention and its 1967 Protocol, it has provided shelter and humanitarian assistance to a large number of Rohingya refugees on humanitarian grounds.

The study explores the legal status, rights, and challenges faced by Rohingya refugees in Bangladesh, including issues related to education, healthcare, employment, freedom of movement, and durable solutions. It further evaluates the role of international organizations, particularly the United Nations High Commissioner for Refugees, in ensuring refugee protection and supporting host communities. The research identifies gaps between international legal standards and the practical realities experienced by Rohingya refugees. Finally, it highlights the need for greater international cooperation, responsibility-sharing, and sustainable solutions, including the safe, voluntary, and dignified repatriation of Rohingya refugees to Myanmar. The study concludes that effective protection of Rohingya refugees requires a comprehensive approach that combines legal safeguards, humanitarian assistance, and long-term political solutions to address the root causes of displacement.

Keywords: Refugee Protection, International Law, Rohingya Refugees, Bangladesh, Human Rights, Non-Refoulement, UNHCR, Forced Migration.

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Chapter 1

Introduction

1.1 Background of the Study

The number of globally displaced people is increasing in a rapid speed and at the end of the year 2018, approximately 70.8 million people have been forcibly displaced due to different kinds of violence against them and the number is the highest in comparison to any previous record. Among the total forcibly displaced people 25.9 million are refugees. 67% of all refugees come from only five countries and among which Myanmar is placed fourth as an origin country. The common tendency among 4 out of every 5 refugees is to flee and take refuge in their neighboring countries. Bangladesh receiving the highest number of Rohingya refugees from Myanmar is in the place of 8th as the host country of refugees (UNHCR Global Trends 2-16). The Rohingyas, an ethno-linguistic and religious minority of Myanmar, have become a stateless population and are currently living in Bangladesh and other neighboring countries as refugees and undocumented migrants, despite their centuries-long presence in Myanmar.

The several decades long history of Rohingya persecution in their own country and the instability and struggle for existence in the country of asylum have made the Rohingya refugee crisis as one of the most discussed as well as controversial issue in national and international arena. Bangladesh as the receiver of the highest number of Rohingya refugees, welcomed them from the very beginning. After the largest Rohingya influx in 2017, Bangladesh with the support of international aid continuing their shelter and services to the Rohingyas. But recently the gradual reduction of international aid support as well as the socio-economic, ecological and political impact of such huge number of refugees on the local and national level have made the situation worse. Due to the consecutive failure of Rohingya repatriation to their own country, they are passing a state of liminality, they are stateless, neither they belong to Myanmar nor they belong to Bangladesh or any other country.

1.2 Justifications of the Study

The Rohingya migration in Bangladesh was started in 1970 but due to state operated persecution and discrimination the mass flight took place in the year 1978 and later on 1991-1992. Across the years these migrated people were officially repatriated with the mediation of United Nations High Commission for Refugees (UNHCR) though their situation was unchanged in Myanmar and many of them returned Bangladesh again. The 2012 riot between Rohingya and Buddhist in Rakhine pushed 50,000 Rohingyas to Bangladesh (Uddin 63). More recently from 25 August 2017 Bangladesh has experienced a huge influx of Rohingya refugees due to a Rohingya insurgent attack on police post in Myanmar and the resulting instant brutality against the Muslim minority through burning home, destroying properties, mass execution and rape (Beech par. 3) and according to ISCG Situation Report, September 2019 there are 914,998 Rohingya Refugees in Cox's Bazar among whom 905,822 refugees have been identified to stay in camps regarding the

RRRC-UNHCR Registration Exercise including the 34,172 registered before 31 August 2017 and the 9,174 refugees are staying in host communities of Ukhiya /Teknaf Upazilas (1). Bangladesh though not a signatory country of 1951 Refugee Convention has provided shelter to such a large number of refugees but the inertness and failure of repatriation is enlarging the crisis for both Rohingyas as a liminal community and Bangladesh as a host country with limited resources. Though there is a remarkable support from UNHCR and associated organizations, the long term socio-economic, political and ecological impact on the host community and the sufferings of the refugees cannot be ignored at all. The present paper will focus on these issues from an anthropological perspective through analyzing the background of Rohingya refugee crisis, their present situation and their future uncertainty regarding repatriation.

1.3 Aims and Objectives

The aim of the present paper is to analyses the current Rohingya refugee crisis with an emphasis on the future possibilities of solution focusing on the following specific objectives:

The Liminality of Rohingyas and Challenges to their Repatriation:

1. To focus on the historical background of “Rohingya Refugee Crisis”.
2. To explore the present condition of Rohingyas in Bangladesh as a liminal entity.
3. To sort out the possibilities of Rohingya repatriation considering the challenges regarding the attempts taken till now.

1.4 Research Methodology

This paper is based on qualitative data collected from various secondary sources. To develop a comprehensive understanding of the Rohingya refugee crisis in Bangladesh, an extensive review of relevant books, academic journals, research articles, and scholarly publications has been conducted. In addition, newspapers, online news portals, government documents, reports published by international organizations such as UNHCR, IOM, and UNICEF, and other credible websites have been consulted to obtain updated information regarding the current situation of the Rohingya refugees. The collected data have been analyzed descriptively to explore the historical background of the crisis, the living conditions of the refugees, the impacts on the host communities, and the challenges related to repatriation. This secondary-source-based approach has provided a broad perspective on the issue and facilitated an in-depth understanding of the socio-economic, political, and humanitarian dimensions of the Rohingya refugee crisis.

1.5 Theoretical Framework

As the refugees go through a “well-founded fear” of persecution in their home countries and after facing this while they take the decision to escape and flight and after finally arriving in the camp they have to go through severe tension. Refugees have to undergo through a violent rite of separation from their country of origin and unless or until they can be incorporated or integrated into the host country or returned to their origin country, they pass transition period. Victor Turner’s theory of “liminality” and “communitas” can be applied to analyses the situation of Rohingya refugees. Turner takes the symbolism of “liminality” from Arnold Van Gennep who

wrote “the life of an individual is a series of passages from one age to another” (3). In his study “The Rites of Passage” Gennep defined rites de passage as “rites which accompany every change of place, state, social position and age” which was taken by Turner in his book „The Ritual Process“ in the analysis of symbolism of “liminality”. The rites of passages are where all the rituals consist of three phases, rites of separation, the rite of transition and the rites of incorporation. Turner explains the second stage of liminality as an ambiguous situation where the person or group going through the liminal period belong neither here or neither there. They stay in a betwixt and between situation arranged by law, custom, convention and ceremonial. He compared the “liminality” asserting that “liminality is frequently likened to death, to being in the womb, to invisibility, to darkness and to an eclipse of the sun or moon” (95). He showed that the liminal entities or beings belonging to an ambiguous situation have no status, property or insignia. They have been reduced or ground down to a uniform condition and egalitarianism. Any distinction based on rank or status disappear which make them a homogenous group. Turner presented the idea of “communitas” as similar as the position of liminal entities. Showing a dualistic model of social life where in one side there is society which is „structured, differentiated and often hierarchical system of politico legal-economic positions with many types of evaluation, separating men in terms of “more” or “less”. The second which emerges recognizably in the liminal period, is of society as an unstructured or rudimentary structured and relatively undifferentiated “comitas”, community or even communion of equal individuals.

Rohingya refugees who have been forcefully displaced from their own country and bound to leave their place of birth through a rite of separation, moved to neighboring countries to save their lives and going through a transition phase where their identity is very ambiguous as they are in a condition of uncertainty as stateless people whether they will be able to return to their homeland through a safe and dignified repatriation, or be incorporated into the first country of asylum or in a third country.

1.6 Literature Review

Schechter, Jim (2000) in the article “Anthropological Theory and Fieldwork: Problem Solving Tools for Forced Migration Issues” and Lewellen, Ted C. (2002) in the chapter nine titled as “Refugees: The Anthropology of Forced Migration” of his book “The Anthropology of Globalization: Cultural Anthropology Enters the 21st Century” show that the social scientific interest regarding displacement and relief programme was occurring since 1960 while the term „refugee“ was applied to French Protestants of the 17th century. Later on, with the huge displacement of people during World War I and II, the idea of present refugee concept and the international policy and law to protect refugees was emerged. As anthropological interest was based on communities of well-defined cultural boundaries the nature of refugees as a liminal community without almost no social structure was not in anthropologists’ interest. The establishment of the Committee on Refugees and Immigration (CORI) in 1988 by the American Anthropological Association (AAA) established the study of refugee as an anthropological sub-discipline. Both showed refugees as liminal entities. Through repatriation the liminality of the refugees can come to an end. Lewellen focused on the gender aspect of forced migration where

men and women face different experiences as refugees, women become more victimized than men. Forced migration has a deep impact on family, kinship and gender roles due to the uncertainty and temporality of status.

Uddin, Nasir (2015) in his research article entitled “State of Stateless People: The Plight of Rohingya Refugees in Bangladesh” has focused on the history of the Rohingyas status shift. The Rohingyas who are 25% of the total population of Myanmar inhabiting in the Rakhine state (Arakan) went through many ups and downs. This article shows that instead of tracing their citizenship to Myanmar, the Rohingyas are now belonging to no state. Due to various political incidences Rohingyas have become stateless and they have bound to take refuge hood after experiencing brutality in Myanmar and forcefully migrated to Bangladesh and inspite of not being a signatory of 1951 Refugee Convention Bangladesh state provided them basic human needs facilities. But such a large number of population and their long term stay in Bangladesh where resources are scarce it is challenging to meet their basic needs. Besides there is a big impact on local people and resources, negative impact on environment. There is also incidence of criminal activities by Rohingyas. This article is a good analysis on the relation between forcefully migrated Rohingya refugees, the Bangladesh state as a host country and the local people of those areas where the Rohingya camps have been established. As the research is based on the fieldwork till 2012, further study of recent years can enrich and update the plight of stateless Rohingya people

Wolf, Dr. Siegfried O. (2017) in his paper entitled “Genocide, exodus and exploitation for jihad: The urgent need to address the Rohingya crisis” shows Rohingya crisis as the largest mass forced migration in the South-East Asia region which was resulted from the long historical trajectories of conflict in Myanmar which was mainly religious but driven by political and economic interest. Providing a historical background on the Rohingya issue this paper argues that it is threatening the regional peace, stability and internal security. As the crisis has a strong religious background the Rohingya refugees are getting engaged with terrorism and also, they are being used by the terrorist groups for their own interest.

1.7 The Tragic World of Rohingya Refugees in a State of Liminality

Lewellen opines that the understanding of refugees will be misleading if they have been viewed as having once a stable position in a society and culture which has been suddenly disturbed but will be solved soon. The reality is refugees have to experience the unstable situation for several times even in-country displacement before they have finally become cross border refugees and take shelter into refugee camps and throughout this process, they have to see themselves in new identity formation and situation regarding legal, cultural and material context (174). The situation of the Rohingya refugees in Bangladesh is nothing different than that. Their contested ethnic identity was resulted from a historical trajectory where the British colonial rule, then the incidence of World War II, the military regime and their cultural policy of “Burmanisation” Buddhist fundamentalism, economic conflict over resources and opportunities and to some extent biased reporting by international media made the Rohingyas stateless after a decade of their sufferings in their own country. The cruelties against Rohingyas were often termed as „ethnic cleansing“ and „genocide“ (Wolf 2-3).

1.8 Forced Displacement and the Stateless Rohingya

The UNHCR Global Trends 2018 shows that in the year 2018, 25 people were forced to flee in each minute worldwide among which there are refugees, those who are internally displaced or returned to their home, people seeking asylum and people who have become stateless. This report also shows that the number of people forcibly displaced are almost 70.8 million at the end of the year 2018 which is the highest in comparison to previous all years. The reasons behind this displacement are various such as persecution, conflict, violence or human rights violations. Among all the displaced people (70.8 million), 25.9 million are refugees and the number of refugees has become almost double that of 2012 and 67% of all the refugees are coming from only five countries and these are Syrian Arab Republic (6.7 million), Afghanistan (2.7 million), Myanmar (1.1 million) and Somalia (0.9 million). A common tendency among the forcibly displaced people is to flee to the nearby areas/region/country and in the case of Rohingya refugees of Myanmar (the fourth largest group by country of origin) there is no exception. As the nearby areas most of the Rohingyas have taken refuge to the following countries:

Origin Country	Host Country	Number of Hosted Refugees
Myanmar	Bangladesh	9,06,600
	Malaysia	1,14,200
	Thailand	97,600
	India	18,800

Source: UNHCR Global Trends: Forced Displacement in 2018 (2-15)

Bangladesh though not a signatory of 1951 Refugee Convention and 1967 Protocol, hosting such a large number of refugees for a long time.

1.9 Historical Background of ‘Rohingya Refugee Crisis

The history of Rohingya identity is very contested. The arrival of Islam in Myanmar during seventh century and the intermingling of the immigrants with local people, the arrival of migrants from Indian sub-continent specially from Bengal during British colonial rule contributed to the rapid increase of Muslim in Arakan. Across time the relation between the Rakhine Buddhists and Arakanese Muslims was started to change and in 1940 they observed some violent conflict, during World War II, the Imperial Japanese Army took the side of Arakan Buddhists while the Rohingyas with the British fought against the Japanese and also acted some massacres against the Buddhists which presented the Rohingyas as anti-national. This incidence provided a long-lasting impact on the Muslim-Buddhist relationship as well as state policies. Off course after the independence of Myanmar in 1948 and before the military regime of Ne Win in 1962 the Rohingyas received National Registration Cards and voting power and their situation was improved (Wolf 7-8).

But in 1962 with the military regime of Ne Win all Rohingya Muslims” were banned from all socio-cultural and economic posts, activities and opportunities and they were suppressed and bound to leave Myanmar finally as a result of “Operation Dragon” in 1978. Approximately

300,000 Rohingyas forcefully migrated to Bangladesh who later on returned to Myanmar in 1979 but then were identified as outsiders. The 1982's Myanmar Citizenship Law finally declared the Rohingyas as stateless conferring the citizenship of Government of Myanmar enlisted 135 nationalities except the Rohingyas. The denial of citizenship with terrible living conditions, forced labor, appropriation of land and property, social, economic and cultural discrimination and repression, communal riot compelled the Rohingyas to flee to Bangladesh specifically the Chattogram region where they found linguistic and religious similarity. In the year 1991-1992 another 250,000 Rohingyas again migrated to Bangladesh. Though UNHCR mediation arranged repatriation and many Rohingyas returned to Myanmar but returned to Bangladesh again due to unchanged living condition in Myanmar. The 2012 riot drove 50,000 Rohingyas to migrate to Bangladesh again (Uddin 63-67).

The latest influx of Rohingyas on 25 August 2017 has crossed all the previous record of migration and as of September 2019 a total number of 914,998 Rohingya refugees are residing in Cox's Bazar, Bangladesh (ISCG Situation Report, pp. 1).

1.10 Present Situation of Rohingya Refugees

As stateless people the Rohingya refugees are going through a liminal state where they have no citizenship right in Myanmar and in Bangladesh. They have to stay in refugee camps which are administered by strict surveillance. A refugee camp can never provide the same feeling of being in home while the possibility of returning home in Myanmar is a far-reaching dream. In such a condition the only expectation of the Rohingya refugees is to receive the basic necessities as well as safety and security in the camp. According to Inter Sector Coordination Group (ISCG)'s report on September 2019 there are 914,998 Rohingya refugees in Cox's Bazar, Bangladesh at present among whom 905,822 refugees are staying in different camps reported by RRRC-UNHCR Registration Exercise and the other 9,176 refugees are living within the host communities of Teknaf/Ukhiya Upazilas according to UNHCR. The Joint Response Plan 2019 estimated an amount of USD 920.5M to meet the need of food security, protection, education, nutrition, shelter and NFI, health, WASH, CwC, site management, logistics and ETS among which they have received USD 488M which is only 53% of the total amount required (1).

The proper management of such a large influx of refugees is challenging not only for the refugees but also it has a deep impact on the host community. The Rohingya refugee situation is affecting the local host community from social, cultural, economic and legal perspectives as well as the continuous failure of repatriation putting unprecedented impact on existing services and facilities. Different media reports show that instead of huge national and international that was provided till now, recently the amount has been started to decrease. The refugee people are creating pressure on local job market through providing services in a very lower wage, getting involved in many anti-social activities and disputes with local people, refugees are becoming victims of trafficking, smuggling and also, they have been used for economic and political gain.

TRT World news shows that according to the Global Report on Food Security both the Rohingya refugees and the host community are suffering from food scarcity. The host community's cropland was occupied by the refugees while due to food scarcity many refugees are forced in crimes to manage food (par. 6-13).

Victoria Milko presenting the scenario of Rohingya camps as a very densely populated area where access to services, basic necessities are limited. The failure of repatriation process is increasing the problem. As the camps are treated as a temporary shelter sanctioning the opportunity to education, security, refugee status, better access to secondary healthcare and employment all are considered on a short-term basis. The children are not getting proper education, children and women are becoming the victims of trafficking, there is limited access to dispute resolution system. The local and international NGOs are working but the proper communication with the refugees are not very satisfactory which are creating growing frustration among them (par. 6-33). On the other hand, many NGO's working in Rohingya camps were accused of misdeeds and financing and instigating anti-repatriation campaign and they were banned from doing any further activities (The Daily Star, par. 1 & Dhaka Tribune, par. 1)

The unplanned Rohingya settlement is threatening the ecological balance of Cox's Bazar. Rohingyas are clearing the forest and cutting the hills and establishing settlement there which is destroying the natural equilibrium (The Daily Star, par. 1, 2). As a result, Bangladesh Government was planning to shift a portion of Rohingya refugees to Bashan Char Island. Though it was appreciated by United Nations stating that a voluntary relocation on Bashan Char will decrease an extra pressure on the overcrowded camps in Cox's Bazar (UNHCR Operational Update 2019, 2). But the Rohingyas are not interested to go there.

The historical trajectories of Rohingya crisis showed that the Rohingya refugees have gone through a subsequent event of trauma and its impact is continuing till now. As the latest crisis of vast Rohingya migration was resulted from such events which can be identified as ethnic cleansing which have bound to move the Rohingyas to neighboring countries such as Bangladesh, Malaysia, India and Thailand, the Rohingya crisis has been turned to a security issue for the regional government as well as for the local communities of the countries involved here. Different continuing security issues arising regarding the internal security and also to international relations, Rohingya refugees have been identified as a so-called "non-traditional security threat" (Wolf 14).

At the 74th General Assembly of United Nations held in New York, just after the second anniversary of latest flow of Rohingya refugees in Bangladesh, Prime minister of Bangladesh, expressing her deep concern warned and requested the international community to realize that the Rohingya crisis has become un-tenable in its third year and instead of all efforts the crisis has been turned to a regional threat going beyond the Rohingya camps (bdnews24.com, par. 2, 5). The Prime minister also discussed regarding the risk of regional stability and peace due to forced displacement of Rohingyas from Myanmar in an official talk between Bangladesh and South Korea and urged South Korea to work for a peaceful and early solution to Rohingya refugee crisis (The Daily Star, par. 1, 2).

1.11 Repatriation of Rohingya Refugees

According to UNHCR definition, if 25,000 or more refugees identified or originated as or from the same nationality have to stay in exile hosted by a country for consecutive five years or more, such situation can be defined as a protracted refugee situation. Though such kind of definition is contested due to constantly changing refugee situation. At the end of the year 2018, 78% of all the refugees were observed to be in a protracted refugee situation (UNHCR Global Trends 22).

The Rohingya refugees' arrival history in Bangladesh described above reflects that though the main Rohingya influx in Bangladesh was started in August 2017, from the previous 40 years, a large number of Rohingyas have been residing in Bangladesh either in camp or in other accommodation. So, undoubtedly the Rohingya situation in Bangladesh can be defined as a protracted refugee situation. In such a protracted refugee situation implementation of repatriation as a durable solution becomes more challenging.

One of the central tasks of UNHCR is to ensure the re-establishment of the refugees' lives with dignity and safety through formal agreements between UNHCR, governments (of host and/or home country) and other organizations. UNHCR works for the purpose of achieving any one among the following three solutions regarding the refugee crisis:

4. First and foremost, UNHCR attempts to ensure voluntary repatriation to the home country.
5. Secondly arranging integration of the refugees in the country of first asylum (host country).
6. And finally, when both first and second attempt fail to achieve UNHCR works to relocate the refugees in a third country of asylum.

Fundamental to all the attempts mentioned above is the guarantee of having the right of not being forced to return to the escaped country or any new country of asylum (Lewellen 176, UNHCR Global Trends 27).

So, the only possible way of starting Rohingya repatriation to Myanmar is ensuring a conducive environment (dignity with proper safety and security and ensuring their land and property rights with the guaranty of their citizenship in Myanmar) there for the returnee refugees in Rakhine. But the consecutive failure of repatriation attempt starting from the January, 2018, then 15 November 2018 and the latest attempt of 22 August 2019 show no hope of a successful Rohingya repatriation. Even the UN team has expressed their fear that Myanmar has failed to ensure the conducive environment for Rohingyas which has made the possibility of repatriation far away. Media reports on Rohingya repatriation show that regarding the dialogue between Myanmar and Bangladesh in mediation of UN and other organizations there was created a possibility of repatriation on 23 January and second time on November 2018, none of which found light. Victoria Milko shows that 22 August 2019 was declared as the third probable date for Rohingya repatriation by Myanmar where approximately 3,540 Rohingyas were expected to return to their home country. But finally, this attempt was also gone in vain as the Rohingyas expressed their dissatisfaction regarding the conditions set by Myanmar government specially on their identity verification process and their doubt on the assurance of safety, security and getting back their lost land and property (par.38-41). At gun point the Rohingyas are forced to accept NVC (National Verification Card) which will categorize them as foreigners. This process is nothing but an attempt to destroy the Rohingya identity stripping them of being citizen of Myanmar and receiving the basic rights Naing, par. 1-3)

1.12 Importance and Results

Myanmar is the fourth as source country of refugee and Bangladesh is eighth as host country (UNHCR Global Trends 15). The Rohingya refugee crisis is one of the most important issue both nationally and internationally which requires a speedy durable solution. The current situation

affecting not only the Rohingyas but also Bangladesh as well the regional peace and stability. Analyzing the information provided above the following results can be drawn:

- The Rohingya crisis is a very long-term crisis which is prolonging day by day.
- Bangladesh as a country with dense population and scarce resources provided a remarkable service through giving shelter and other basic human needs to the Rohingya refugees on the ground of humanitarian view inspite of not being a signatory country of 1951 Refugee Convention.
- In such a condition, the only durable solution of Rohingya crisis is Myanmar to be agreed to return back the Rohingyas with dignity and off course ensuring their safety and security.
- Repatriation to third country is more challenging as from the beginning of the Rohingya inflow, except Bangladesh and in a very limited way Malaysia, Thailand, India, no other countries showed their interest to provide shelter to the forcibly displaced Rohingya population.
- The repetitive failure of repatriation attempts shows no light of hope of a quick repatriation. The global and regional economic and political interest is hindering directly and indirectly to make a strong pressure on Myanmar to start the repatriation where the Rohingya refugees can find reliance of returning back their lost land and property and the assurance of not further being tortured.
- Already Bangladesh has started to observe the negative impacts of giving shelter to such a large number of populations which is very evident on its society, economy and environment.

1.13 Conclusion

The pace of problems arising regarding the long-term Rohingya refugee crisis requires a very quick but sustainable solution. The first and foremost concern is the interest of the Rohingya people as they have been living a terrible life as stateless people for a long time. They have no identity which have made them dependent on the favor of Bangladesh and different aid agencies while logically they belong to Myanmar. On the other hand, supporting such a large number of refugee influx is becoming a burden for Bangladesh which is putting negative impacts on its society and economy, the local who once warmly welcome the Rohingyas now becoming agitated. The conditions set for repatriation by the Myanmar government is making the situation worse which is evident in the repetitive failure of repatriation attempt. Besides the assurance of safety, dignity and getting back the lost land and property is a big concern. As the repatriation must have to be voluntary, until the refugees will not get the assurance of their citizenship and a conducive environment in Myanmar there is strong possibility that the repatriation and the sufferings of Rohingya refugees as a stateless liminal community will be prolonged.

Chapter 2

Literature Review

2.1 Introduction

The Rohingya refugee crisis has attracted significant attention from scholars, international organizations, policymakers, and human rights activists. Numerous studies have examined the historical origins of the crisis, the persecution faced by the Rohingya community in Myanmar, the challenges experienced by refugees in Bangladesh, and the effectiveness of international legal mechanisms in providing protection. This chapter reviews the existing literature on the Rohingya crisis, the perspectives of international organizations, previous repatriation efforts, and the gaps that remain in current academic research.

2.2 Scholarly Writings on the Rohingya Crisis

Academic literature on the Rohingya crisis primarily focuses on the historical discrimination against the Rohingya, forced displacement, statelessness, human rights violations, and the responsibilities of the international community.

According to scholars such as Azeem Ibrahim, the Rohingya are among the most persecuted minority groups in the world. Their exclusion from citizenship under Myanmar's 1982 Citizenship Law has rendered them stateless and vulnerable to systematic discrimination.

Many researchers argue that the persecution of the Rohingya is rooted in ethnic, religious, and political factors. The Rohingya, who are predominantly Muslim, have faced restrictions on movement, education, employment, marriage, and access to healthcare for decades.

Scholars have also analyzed the military operations conducted by Myanmar in 2016 and 2017, which resulted in mass killings, sexual violence, destruction of villages, and the displacement of more than one million Rohingyas into Bangladesh. Several studies characterize these actions as ethnic cleansing and potential genocide.

Another important area of academic discussion concerns Bangladesh's response to the crisis. Researchers generally acknowledge Bangladesh's humanitarian role in hosting large numbers of Rohingya refugees despite significant economic, social, and environmental challenges.

Legal scholars have further examined the applicability of international refugee law, human rights law, and international criminal law to the Rohingya situation. Many argue that even though Bangladesh is not a party to the 1951 Refugee Convention, international human rights obligations require the protection of Rohingya refugees.

Key Themes in Scholarly Literature

- Statelessness and citizenship deprivation.
- Ethnic and religious persecution.
- Human rights violations.
- Forced displacement and refugee protection.
- International responsibility and accountability.
- Durable solutions for Rohingya refugees.

2.3 UNHCR, Amnesty International and Human Rights Watch Views

A. UNHCR's Perspective

The United Nations High Commissioner for Refugees regards the Rohingya as a highly vulnerable refugee population requiring international protection.

UNHCR emphasizes:

- Protection from forced return.
- Access to humanitarian assistance.
- Legal identity and registration.
- Education and healthcare services.
- Voluntary, safe, and dignified repatriation.

UNHCR consistently maintains that conditions in Myanmar are not yet conducive for the safe return of Rohingya refugees.

B. Amnesty International's Perspective

Amnesty International has documented extensive human rights violations against the Rohingya population.

According to Amnesty International:

- Myanmar's military committed widespread abuses.
- Villages were systematically destroyed.
- Women and girls suffered sexual violence.
- Thousands were unlawfully killed or displaced.

Amnesty has repeatedly called for:

- Accountability for perpetrators.
- International investigations.
- Protection of refugee rights.
- Safe and voluntary repatriation.

C. Human Rights Watch's Perspective

Human Rights Watch has extensively investigated abuses committed against the Rohingya.

Human Rights Watch reports highlight:

- Crimes against humanity.
- Forced displacement.
- Destruction of Rohingya villages.
- Restrictions on freedom of movement and citizenship rights.

The organization urges the international community to:

- Maintain humanitarian support.
- Ensure accountability for crimes.
- Protect refugees from forced repatriation.
- Support long-term solutions.

Comparative Observation

Despite differences in methodology, UNHCR, Amnesty International, and Human Rights Watch agree that:

- Rohingyas face serious persecution in Myanmar.
- Conditions remain unsafe for return.
- Refugee protection must continue.
- Accountability mechanisms are essential.

2.4 Previous Repatriation Attempts

A. Early Repatriation Efforts (1992–1997)

Following earlier waves of displacement, Bangladesh and Myanmar signed bilateral agreements aimed at repatriating Rohingya refugees. While some refugees returned, concerns remained regarding safety, citizenship, and protection guarantees.

B. 2017–2018 Repatriation Initiative

After the large-scale displacement in 2017, Bangladesh and Myanmar signed arrangements for refugee repatriation. However, the process failed because refugees feared persecution upon return, Myanmar did not guarantee citizenship rights, security conditions remained unstable, and international organizations questioned the safety of return.

C. 2019 Repatriation Attempt

Another repatriation effort was planned in 2019, but no refugees agreed to return voluntarily. The main reasons included lack of trust in Myanmar authorities, absence of legal citizenship guarantees, continued military presence in Rakhine State, and fear of renewed violence.

D. Recent Repatriation Discussions

Recent discussions involving Bangladesh, Myanmar, UN agencies, and regional actors have focused on creating conditions conducive to voluntary return. However, progress remains limited due to political instability in Myanmar and ongoing human rights concerns.

Challenges to Repatriation

- Lack of citizenship rights.
- Security concerns.
- Absence of accountability.
- Destruction of homes and villages.
- Continued discrimination against Rohingyas.

2.5 Gaps in Existing Literature

Although substantial research has been conducted on the Rohingya crisis, several important gaps remain.

A. Limited Focus on Refugee Rights in Bangladesh

Many studies focus on persecution in Myanmar but provide less analysis of the legal and socio-economic rights of Rohingya refugees in Bangladesh.

B. Insufficient Examination of International Legal Obligations

There is limited research examining how international refugee law, customary international law, and human rights treaties apply to Bangladesh despite its non-party status to the 1951 Refugee Convention.

C. Lack of Long-Term Solution Analysis

Existing literature often emphasizes emergency humanitarian responses rather than sustainable long-term solutions such as voluntary repatriation, local integration, and third-country resettlement.

D. Limited Research on Women and Children

More research is needed regarding gender-based violence, child protection, access to education, and psychosocial support. These groups face unique vulnerabilities that require specialized legal and policy responses.

E. Emerging Issues

Current literature has not adequately addressed climate change impacts on refugee camps, digital identity and documentation, refugee participation in decision-making, and post-conflict accountability mechanisms.

Conclusion

The existing literature provides valuable insights into the causes, consequences, and legal dimensions of the Rohingya refugee crisis. Scholarly writings, together with reports from UNHCR, Amnesty International, and Human Rights Watch, demonstrate the severe human rights violations faced by the Rohingya community. Previous repatriation attempts have largely failed due to the absence of safety, citizenship, and accountability guarantees in Myanmar. Despite extensive research, important gaps remain regarding refugee protection in Bangladesh, long-term solutions, and the practical implementation of international legal obligations. These gaps justify further research on the protection of Rohingya refugees under international law.

Chapter 3

International Legal Framework for the Protection of Refugees

3.1 The 1951 Refugee Convention and the 1967 Protocol

The international refugee protection regime is primarily based on the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees. The 1951 Refugee Convention was adopted in the aftermath of the Second World War to address the plight of millions of displaced persons in Europe. It provides a legal definition of a refugee and establishes the rights and obligations of refugees and host states.

According to Article 1(A)(2) of the Convention, a refugee is a person who has a well-founded fear of persecution because of race, religion, nationality, membership of a particular social group, or political opinion and is unable or unwilling to return to his or her country of origin.

The Convention guarantees several fundamental rights to refugees, including:

- Protection against discrimination;
- Freedom of religion;
- Access to courts and justice;
- Right to education;
- Right to work;
- Access to public relief and assistance;
- Protection against expulsion.

Initially, the Convention was limited to persons displaced by events occurring before 1 January 1951 and mainly within Europe. To remove these temporal and geographical limitations, the 1967 Protocol was adopted. The Protocol expanded the Convention's scope to cover refugees worldwide regardless of the time and place of displacement.

Although Bangladesh is not a party to either the 1951 Convention or the 1967 Protocol, many of the principles contained therein, particularly the principle of non-refoulement, have become part of customary international law and influence Bangladesh's treatment of Rohingya refugees.

3.2 Principle of Non-Refoulement

The principle of non-refoulement is the foundation of international refugee protection. It prohibits states from returning refugees or asylum seekers to a country where they face persecution, torture, threats to life, or other serious human rights violations.

Article 33(1) of the 1951 Refugee Convention states:

“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to territories where his life or freedom would be threatened.”

The principle applies regardless of whether a state is a party to the Refugee Convention. Today, non-refoulement is widely recognized as a rule of customary international law and is binding on all states.

In the context of the Rohingya crisis, the principle prohibits Bangladesh from forcibly returning Rohingya refugees to Myanmar if there is a risk of persecution, violence, discrimination, or genocide. Since conditions in Myanmar remain unsafe, any forced repatriation would raise serious concerns under international law.

Importance for Rohingya Refugees

- Protects Rohingyas from forced return to Myanmar.
- Prevents exposure to persecution and genocide.
- Supports temporary protection in Bangladesh.
- Reinforces international humanitarian obligations.

3.3 ICCPR, ICESCR, CAT and CEDAW

In the context of the Rohingya crisis, the principle prohibits Bangladesh from forcibly returning Rohingya refugees to Myanmar if there is a risk of persecution, violence, discrimination, or genocide. Since conditions in Myanmar remain unsafe, any forced repatriation would raise serious concerns under international law.

Even though refugees are protected under refugee law, they are also entitled to protection under international human rights law.

A. ICCPR

The International Covenant on Civil and Political Rights guarantees civil and political rights, including:

- Right to life (Article 6);
- Freedom from torture (Article 7);
- Freedom of religion (Article 18);
- Equality before the law (Article 26).

Rohingya refugees benefit from these protections because human rights apply to all persons within a state's jurisdiction.

B. ICESCR

The International Covenant on Economic, Social and Cultural Rights guarantees:

- Right to education;
- Right to health;
- Right to adequate housing;
- Right to food;
- Right to work.

These rights are particularly relevant for Rohingya refugees living in camps in Bangladesh.

C. CAT

The Convention against Torture prohibits torture and cruel, inhuman, or degrading treatment.

Article 3 prohibits the transfer of any person to a state where there are substantial grounds for believing they may be subjected to torture.

This strengthens protection against the forced return of Rohingya refugees to Myanmar.

D. CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women protects women from discrimination and gender-based violence.

Rohingya women face risks such as:

- Sexual violence;
- Human trafficking;
- Early marriage;
- Gender discrimination.

CEDAW requires states to take measures to ensure protection and equal treatment for refugee women and girls.

3.4 ICJ Case: The Gambia v. Myanmar

One of the most significant international legal developments concerning the Rohingya crisis is the case of *The Gambia v. Myanmar* before the International Court of Justice.

In November 2019, The Gambia instituted proceedings against Myanmar alleging violations of the Convention on the Prevention and Punishment of the Crime of Genocide.

The Gambia argued that Myanmar committed genocidal acts against the Rohingya population in Rakhine State, including:

- Killing members of the group;
- Causing serious bodily and mental harm;
- Deliberately inflicting conditions of life calculated to destroy the group;
- Preventing births within the group.

In January 2020, the ICJ ordered provisional measures requiring Myanmar to:

1. Prevent acts of genocide;
2. Preserve evidence of alleged crimes;
3. Report regularly to the Court.

The case is ongoing, but it represents a landmark effort to hold Myanmar accountable under international law.

Significance for Rohingya Refugees

- International recognition of Rohingya suffering.
- Increased pressure on Myanmar.
- Strengthening prospects for accountability.
- Support for safe and dignified repatriation.

3.5 Role of UNHCR

The United Nations High Commissioner for Refugees (UNHCR) is the principal international organization responsible for protecting refugees worldwide.

Established in 1950 by the United Nations General Assembly, UNHCR's mandate includes:

- Protecting refugees;
- Providing humanitarian assistance;
- Promoting durable solutions;
- Monitoring compliance with international refugee law.

In Bangladesh, UNHCR plays a vital role in assisting Rohingya refugees through:

Registration and Documentation

UNHCR helps register refugees and issue identity documentation.

Humanitarian Assistance

It provides:

- Shelter;
- Food support;
- Health services;
- Water and sanitation facilities.

Protection Services

UNHCR works to:

- Prevent gender-based violence;
- Protect children;
- Promote refugee rights;
- Ensure camp safety.

Repatriation and Durable Solutions

UNHCR advocates for:

- Voluntary repatriation;
- Local integration where possible;
- Third-country resettlement.

Significance

The involvement of UNHCR has been critical in managing the Rohingya refugee crisis and ensuring that international protection standards are maintained despite Bangladesh not being a party to the Refugee Convention.

Conclusion

The international legal framework for refugee protection consists of the 1951 Refugee Convention, the 1967 Protocol, the principle of non-refoulement, international human rights treaties, customary international law, judicial mechanisms such as *The Gambia v. Myanmar* case, and the activities of UNHCR.

Together, these instruments provide a comprehensive legal basis for protecting Rohingya refugees in Bangladesh and ensuring respect for their fundamental rights and dignity under international law.

Chapter 4

Bangladesh legal is policy position

4.1 Constitutional Protections

The Constitution of the People's Republic of Bangladesh guarantees several fundamental rights that are relevant to refugees and non-citizens residing within the territory of Bangladesh.

Although some constitutional rights are reserved exclusively for citizens, several protections apply to all persons, including refugees.

Article 27: Equality Before Law

Article 27 provides that all persons are equal before the law and are entitled to equal protection of the law.

This principle supports the fair treatment of refugees and asylum seekers.

Article 31: Protection of Law

Article 31 guarantees that every person is entitled to the protection of the law and to be treated in accordance with law. This provision extends beyond citizens and applies to any individual within Bangladesh's jurisdiction, including Rohingya refugees.

Article 32: Right to Life and Personal Liberty

Article 32 states that no person shall be deprived of life or personal liberty except in accordance with law. The right to life has been broadly interpreted by Bangladeshi courts to include human dignity and protection from arbitrary actions.

Article 35: Protection in Respect of Trial and Punishment

This article provides safeguards against arbitrary detention and unlawful punishment, which are important protections for refugees and asylum seekers.

Significance for Rohingya Refugees

These constitutional provisions establish minimum legal safeguards and ensure that Rohingya refugees are entitled to basic protection while residing in Bangladesh.

4.2 Foreigners Act, 1946

The principal legislation governing the presence of foreigners in Bangladesh is the Foreigners Act, inherited from the British colonial period. The Act defines a foreigner as any person who is not a citizen of Bangladesh.

Key Provisions

The Act empowers the Government to:

- Regulate the entry of foreigners;
- Restrict movement within the country;
- Require registration and documentation;
- Detain or remove foreigners;
- Prescribe conditions for residence.

Application to Rohingya Refugees

Since Bangladesh lacks a specific refugee law, Rohingya refugees are generally treated as foreigners under the Foreigners Act. However, the Act was designed to regulate migration and foreign nationals rather than to provide protection for refugees fleeing persecution.

Limitations of the Foreigners Act

- No legal definition of refugee;
- No asylum procedure;
- No refugee status determination mechanism;
- No specific safeguards against refoulement;
- No provisions regarding refugee rights.

As a result, the Act is inadequate for addressing the complex legal and humanitarian needs of Rohingya refugees.

4.3 Supreme Court Decisions

Although Bangladesh does not have extensive refugee jurisprudence, the Supreme Court has recognized the importance of fundamental rights and international human rights principles in several decisions.

Judicial Recognition of Human Rights

The Supreme Court has repeatedly emphasized that constitutional guarantees of life, liberty, and human dignity should be interpreted broadly. In various public interest litigation cases, the Court has relied upon international human rights norms to strengthen constitutional protections.

Relevance to Refugee Protection

The Court's human rights-oriented approach suggests that refugees within Bangladesh should receive protection against arbitrary detention, inhuman treatment, and violations of fundamental rights.

International Law and Judicial Interpretation

Bangladeshi courts have occasionally referred to international conventions and customary international law when interpreting constitutional rights, particularly where domestic law is silent.

Challenges

Despite these developments:

- No landmark Supreme Court judgment specifically defines refugee rights.
- No judicial framework exists for asylum determination.
- Refugee protection largely remains dependent on executive policy.

Significance

The judiciary nevertheless provides an important avenue for protecting the basic rights of refugees through constitutional remedies.

4.4 National Refugee Policy (Absence)

One of the most significant legal challenges in Bangladesh is the absence of a comprehensive national refugee policy.

Current Situation

Bangladesh has not enacted:

- A Refugee Act;
- An Asylum Act;
- A National Refugee Policy;
- A Refugee Status Determination Procedure.

Instead, refugee management is largely conducted through administrative measures and cooperation with international organizations such as UNHCR.

Consequences

The absence of a comprehensive refugee framework creates several challenges:

Legal Uncertainty

Rohingya refugees lack a clearly defined legal status under Bangladeshi law.

Limited Rights Protection

There are no statutory provisions guaranteeing:

- Employment rights;
- Freedom of movement;
- Access to higher education;
- Long-term legal protection.

Administrative Discretion

Government authorities exercise broad discretion in managing refugee affairs without detailed legislative guidance.

Arguments for a National Refugee Policy

A national refugee framework would:

- Clarify refugee rights and obligations;
- Strengthen protection mechanisms;
- Enhance compliance with international standards;
- Improve coordination with international agencies.

4.5 Bhasan Char Issue (Legal Analysis)

Background

Bhasan Char is an island in the Bay of Bengal developed by the Government of Bangladesh to accommodate Rohingya refugees and reduce overcrowding in the Cox's Bazar camps. Since 2020, thousands of Rohingya refugees have been relocated to Bhasan Char.

Legal Issues

1. **Voluntary Relocation:** International law requires that any relocation of refugees be voluntary and based on informed consent. A key legal question is whether refugees were provided with sufficient information and genuine freedom to choose relocation.
2. **Freedom of Movement:** Human rights organizations have expressed concerns regarding restrictions on movement from Bhasan Char.

Freedom of movement is recognized under international human rights law and should be respected to the greatest extent possible.

Access to Services

Legal concerns have also been raised regarding:

- Education;
- Healthcare;
- Livelihood opportunities;
- Communication with family members.

Safety and Environmental Concerns

Concerns were raised regarding the island's vulnerability to cyclones and flooding. The Government of Bangladesh maintains that necessary infrastructure, embankments, housing facilities, and disaster protection systems have been established to ensure safety.

International Responses

UNHCR and other international organizations have emphasized that relocation should:

- • Remain voluntary;
- • Respect human rights standards;
- • Ensure access to humanitarian services;
- • Preserve the dignity of refugees.

Legal Assessment

The relocation of Rohingya refugees to Bhasan Char is not inherently unlawful.

However, its legality depends on compliance with international human rights principles, including:

- • Voluntary consent;
- • Human dignity;
- • Freedom of movement;
- • Access to essential services;
- • Protection against arbitrary restrictions.

If these standards are maintained, relocation may be considered consistent with Bangladesh's humanitarian responsibilities.

Chapter 5

Challenges to safe, safe voluntary and Dignified Repatriation

5.1 Citizenship Denial in Myanmar

One of the most significant barriers to Rohingya repatriation is the denial of citizenship by Myanmar. The Rohingya have historically lived in Myanmar's Rakhine State for generations. However, the enactment of the Myanmar Citizenship Law effectively excluded the Rohingya from the list of officially recognized ethnic groups, rendering most of them stateless.

Consequences of Citizenship Denial

- Lack of legal identity;
- Restrictions on freedom of movement;
- Limited access to education and healthcare;
- Exclusion from political participation;
- Increased vulnerability to discrimination.

Many Rohingya refugees insist that they will not return to Myanmar unless full citizenship rights are restored.

Impact on Repatriation

Without citizenship guarantees, returning refugees would remain vulnerable to the same discrimination and persecution that originally forced them to flee.

5.2 Security and Military Violence

Security concerns remain a major obstacle to the repatriation of Rohingya refugees. The military operations conducted by Myanmar's armed forces in 2016 and 2017 resulted in:

- Mass killings;
- Sexual violence;
- Torture;
- Destruction of villages;
- Forced displacement.
- Many refugees fear that similar violence may recur if they return.

Ongoing Instability

Following the military takeover in Myanmar in 2021, political instability and armed conflict have intensified throughout the country. The continuing presence of military forces in Rakhine State raises serious concerns regarding the safety of returning Rohingyas.

Impact on Repatriation

International standards require that return occur only when refugees can return without fear of persecution or violence. Current conditions in Myanmar do not fully satisfy these requirements.

5.3 Lack of Accountability

Accountability for serious human rights violations is essential for creating conditions suitable for refugee return. Numerous international investigations have alleged that Myanmar's military committed:

- Crimes against humanity;
- War crimes;
- Acts of genocide against the Rohingya population.

Despite these allegations, many perpetrators have not yet been held accountable.

Importance of Accountability

Accountability serves several purposes:

- Deterrence of future violations;
- Restoration of trust;
- Recognition of victims' suffering;
- Promotion of justice and reconciliation.

International Proceedings

The proceedings before the International Court of Justice and investigations by international bodies are important steps, but they have not yet resulted in complete accountability.

Impact on Repatriation

Many Rohingya refugees remain unwilling to return without assurances that those responsible for past atrocities will be held accountable.

5.4 Refugee Consent and Voluntariness

Under international refugee law, repatriation must be voluntary. Voluntary repatriation requires that refugees make a free and informed decision to return without coercion, pressure, or intimidation.

Elements of Voluntary Repatriation

- Free choice;
- Informed decision-making;
- Access to accurate information;
- Absence of coercion;
- Ability to refuse return.

Rohingya Concerns

Many Rohingya refugees have repeatedly expressed concerns regarding:

- Lack of citizenship guarantees;
- Security risks;
- Fear of renewed persecution;
- Uncertain living conditions.

As a result, several repatriation initiatives have failed because refugees declined to participate.

Legal Importance

Any attempt to return refugees without genuine consent would violate international standards governing voluntary repatriation.

5.5 Gender and Child Protection Issue

Women and children constitute a significant proportion of the Rohingya refugee population and face unique vulnerabilities.

Challenges Faced by Women

Rohingya women have experienced:

- Sexual violence;
- Gender-based violence;
- Human trafficking;
- Forced marriage;
- Limited access to education and healthcare.

Many women fear returning to environments where adequate protection mechanisms are absent.

Challenges Faced by Children

Rohingya children face:

- Interrupted education;
- Child labor;
- Child marriage;
- Psychological trauma;
- Risk of exploitation.

Protection Requirements

Safe repatriation requires:

- Access to education;
- Child protection systems;
- Healthcare services;
- Protection from violence and exploitation.

Impact on Repatriation

Without specific safeguards for women and children, repatriation cannot be considered fully safe or dignified.

5.6 Political Deadlock

Political challenges continue to hinder efforts to resolve the Rohingya crisis.

Bangladesh's Position

Bangladesh consistently emphasizes that Rohingya refugees should return to Myanmar because prolonged displacement places significant economic, environmental, and social burdens on the country.

Myanmar's Position

Myanmar has generally been reluctant to recognize the Rohingya as a distinct ethnic group and has not provided clear guarantees regarding citizenship and rights.

International Community

Although many states support a solution to the crisis, disagreements among international actors have slowed progress.

Effects of Political Deadlock

- Delayed repatriation negotiations;
- Lack of trust between parties;
- Limited implementation of agreements;
- Continued uncertainty for refugees.

Impact on Repatriation

Without political commitment from all stakeholders, sustainable repatriation remains difficult to achieve.

5.7 Environmental and Logistical Challenges

Environmental and logistical factors also complicate repatriation efforts.

Environmental Challenges

Many Rohingya villages in Myanmar were destroyed during military operations.

Additional concerns include:

- Damaged infrastructure;
- Lack of housing;
- Limited access to clean water;
- Environmental degradation.

Logistical Challenges

Large-scale repatriation requires extensive planning and coordination.

Key logistical issues include:

- Refugee registration and verification;
- Transportation arrangements;
- Reconstruction of homes;
- Provision of healthcare and education;
- Monitoring of returnees.

Resource Constraints

Myanmar's limited administrative capacity and ongoing political instability make it difficult to ensure the successful reintegration of returnees.

Impact on Repatriation

Unless adequate infrastructure, resources, and services are available, repatriation may not be sustainable.

Conclusion

The safe, voluntary, and dignified repatriation of Rohingya refugees faces numerous challenges, including citizenship denial, security concerns, lack of accountability, issues of voluntariness, protection risks for women and children, political deadlock, and environmental and logistical obstacles. These challenges demonstrate that repatriation cannot be achieved merely through bilateral agreements.

Instead, it requires comprehensive legal, political, and humanitarian measures that address the root causes of displacement and ensure protection of fundamental rights. Only when these conditions are met can repatriation become a realistic and sustainable solution for the Rohingya refugee population.

Chapter 6

Findings, Recommendations and Conclusion

6.1 Legal Findings

This chapter presents the major legal findings regarding the protection of Rohingya refugees and the challenges affecting safe, voluntary, and dignified repatriation.

The study identifies significant gaps in refugee protection, accountability, and durable solutions. Although Bangladesh has played an important humanitarian role, the absence of a comprehensive refugee framework and the continuing crisis in Myanmar have created serious legal challenges.

6.1.1 Inadequate Domestic Refugee Framework

Bangladesh does not have a dedicated refugee law or asylum system. Consequently, Rohingya refugees are generally treated as foreigners under the Foreigners Act, 1946. This creates uncertainty regarding their legal status and rights.

Finding

The absence of a national refugee framework limits legal protection and creates dependence on administrative policies.

6.1.2 Importance of International Human Rights Law

Although Bangladesh is not a party to the 1951 Refugee Convention and the 1967 Protocol, it is bound by various international human rights instruments such as ICCPR, ICESCR, CEDAW, and CAT.

Finding

International human rights obligations provide important legal protection for Rohingya refugees in Bangladesh.

6.1.3 Non-Refoulement as a Binding Principle

The principle of non-refoulement has become a part of customary international law and applies irrespective of treaty ratification.

Finding

Bangladesh is obligated not to forcibly return Rohingya refugees to Myanmar where they may face persecution, torture, or other serious human rights violations.

6.1.4 Accountability Remains Limited

International legal mechanisms have recognized serious human rights violations against the Rohingya population. However, meaningful accountability for perpetrators remains limited.

Finding

The lack of accountability continues to undermine prospects for sustainable repatriation.

6.1.5 Citizenship as the Core Issue

The denial of citizenship under Myanmar's 1982 Citizenship Law remains one of the primary causes of Rohingya displacement.

Finding

Without citizenship and equal rights, repatriation cannot be considered safe, voluntary, or durable.

6.2 Policy Failures

The study identifies several policy failures at national, regional, and international levels that have prevented a durable solution to the Rohingya crisis.

6.2.1 Failure of Myanmar's Citizenship Policy

Myanmar's exclusion of Rohingyas from citizenship has institutionalized discrimination and statelessness.

Impact

- Long-term marginalization;
- Human rights violations;
- Forced displacement;
- Obstacles to repatriation.

6.2.2 Failure of Repatriation Initiatives

Several repatriations attempt since 2017 have failed because refugees refused to return without guarantees of citizenship, security, and rights.

Impact

- Continued refugee presence in Bangladesh;
- Increased humanitarian burden;
- Growing uncertainty regarding future solutions.

6.2.3 Absence of a Comprehensive Refugee Policy in Bangladesh

Bangladesh has relied primarily on temporary administrative arrangements rather than a formal refugee protection framework.

Impact

- Legal ambiguity;
- Limited access to rights;
- Dependence on international assistance.

6.2.4 Weak Regional Response

Regional organizations have struggled to develop a coordinated and effective response to the Rohingya crisis.

Impact

- Limited diplomatic pressure on Myanmar;
- Lack of regional burden-sharing;
- Delayed implementation of solutions.

6.2.5 Insufficient International Enforcement

Despite widespread international condemnation, enforcement mechanisms remain limited.

Impact

- Continued impunity;
- Slow progress toward justice;
- Reduced confidence among refugees.

6.3 Role of the International Community

The international community plays a critical role in addressing the Rohingya crisis and supporting refugee protection.

Humanitarian Assistance

International organizations and donor states have provided:

- Food assistance;
- Shelter;
- Healthcare services;
- Education programs;
- Protection services.

These contributions have significantly improved living conditions in refugee camps.

Diplomatic Engagement

States and international organizations have consistently urged Myanmar to:

- End discrimination;
- Ensure accountability;
- Create conditions for safe return.

Legal Accountability

International institutions, including the International Court of Justice and other international mechanisms, have contributed to efforts aimed at addressing alleged international crimes against the Rohingya population.

Development Support

International financial institutions and development agencies have supported Bangladesh in managing the social, economic, and environmental impacts of hosting large refugee populations.

Finding

Continued international engagement remains essential for both refugee protection and durable solutions.

Recommendations

A. Recommendations for Myanmar

1. Restore Citizenship Rights

Myanmar should reform the 1982 Citizenship Law to recognize Rohingyas as full citizens with equal rights.

2. Ensure Security Guarantees

Myanmar should establish effective mechanisms to protect returning refugees from violence, discrimination, and persecution.

3. Promote Accountability

Individuals responsible for serious human rights violations should be investigated and prosecuted according to international standards.

4. Guarantee Fundamental Rights

Myanmar should ensure access to:

- Education;
- Healthcare;
- Employment;
- Freedom of movement;
- Political participation.

5. Facilitate Voluntary Repatriation

Any repatriation process should be conducted with UNHCR involvement and based on informed and voluntary consent.

B. Recommendations for Bangladesh

1. Adopt a National Refugee Policy

Bangladesh should develop a comprehensive refugee framework consistent with international human rights standards.

2. Strengthen Legal Protection

A legal mechanism should clearly define refugee status and protection rights.

3. Expand Education and Skills Development

Rohingya refugees should have greater access to education and vocational training.

4. Improve Protection for Women and Children

Special programs should address:

- Gender-based violence;
- Child protection;
- Human trafficking;
- Psychological support.

5. Continue International Cooperation

Bangladesh should maintain cooperation with UN agencies, donor states, and humanitarian organizations.

C. Recommendations for the United Nations and ASEAN

1. Increase Diplomatic Pressure on Myanmar

The United Nations and ASEAN should intensify diplomatic efforts to encourage meaningful reforms in Myanmar.

2. Strengthen Accountability Mechanisms

International bodies should continue supporting investigations and legal proceedings concerning crimes against the Rohingya.

3. Enhance Humanitarian Funding

Adequate financial support should be maintained for humanitarian operations in Bangladesh.

4. Promote Regional Cooperation

ASEAN should encourage burden-sharing, regional dialogue, and collective responses.

5. Support Durable Solutions

The United Nations and ASEAN should assist in creating conditions for:

- Safe repatriation;
- Voluntary return;
- Sustainable reintegration.

2. Conclusion

The findings of this study demonstrate that the Rohingya refugee crisis is rooted in systematic discrimination, statelessness, and human rights violations in Myanmar. Although Bangladesh has provided substantial humanitarian assistance, legal and policy gaps remain.

Existing repatriation efforts have failed because the essential conditions for safe, voluntary, and dignified return have not been achieved. A durable solution requires coordinated action by Myanmar, Bangladesh, the United Nations, ASEAN, and the broader international community.

Only through citizenship restoration, accountability, legal protection, and international cooperation can the rights and dignity of Rohingya refugees be fully protected under international law.

Chapter 7

Conclusion

7.1 Summary of Findings

This study examined the protection of Rohingya refugees under international law, the legal and policy framework of Bangladesh, challenges to safe and dignified repatriation, and the role of the international community. The study reveals that the Rohingya people have faced decades of systematic discrimination, exclusion, and persecution in Myanmar. The enactment of the Myanmar Citizenship Law of 1982 deprived many Rohingyas of citizenship, making them effectively stateless and increasing their vulnerability to human rights violations.

The research further finds that international law provides a comprehensive framework for refugee protection through the 1951 Refugee Convention, the 1967 Protocol, the principle of non-refoulement, international human rights treaties, customary international law, and the activities of international organizations such as the United Nations High Commissioner for Refugees.

Although Bangladesh is not a party to the Refugee Convention, it has hosted more than one million Rohingya refugees and provided substantial humanitarian assistance. Constitutional protections, international human rights obligations, and cooperation with international organizations have contributed to refugee protection in Bangladesh. The study also finds that attempts to repatriate Rohingya refugees have failed because the necessary conditions for safe, voluntary, and dignified return have not yet been achieved.

The major obstacles include:

- Denial of citizenship in Myanmar;
- Continued insecurity and military violence;
- Lack of accountability for past atrocities;
- Absence of trust among refugees;
- Political instability in Myanmar;
- Protection concerns relating to women and children;
- Environmental and logistical challenges.

Furthermore, international legal proceedings, particularly *The Gambia v. Myanmar* case before the International Court of Justice, have increased international attention on the Rohingya crisis and strengthened demands for accountability.

7.2 Legal Implications

The findings of this study have significant legal implications for states, international organizations, and the broader international legal system.

A. Reinforcement of International Refugee Protection

The Rohingya crisis demonstrates the continuing importance of international refugee law. The principle of non-refoulement remains a fundamental protection against forced return to situations involving persecution, violence, and serious human rights violations.

Even states that are not parties to the Refugee Convention are increasingly expected to comply with basic refugee protection standards derived from customary international law and international human rights obligations.

B. Importance of Human Rights Law

The study highlights the close relationship between refugee law and international human rights law. International instruments such as ICCPR, ICESCR, CAT, and CEDAW provide important protections for refugees regardless of their legal status. The Rohingya crisis demonstrates how

human rights law strengthens refugee protection and ensures minimum standards of treatment for displaced populations.

C. Statelessness as a Legal Challenge

The denial of citizenship remains at the center of the Rohingya crisis. The study demonstrates that statelessness creates severe vulnerabilities and increases the risk of discrimination, displacement, and human rights violations. Therefore, addressing statelessness is essential for achieving a durable solution.

D. Accountability Under International Law

The ongoing international legal proceedings concerning alleged atrocities against the Rohingya population reinforce the principle that serious violations of international law should not remain unpunished. The ICJ proceedings and other accountability mechanisms show the importance of international legal institutions in addressing mass atrocities and protecting vulnerable communities.

E. Need for Domestic Legal Reform

The absence of a comprehensive refugee framework in Bangladesh highlights the need for national legal reforms. A national refugee policy or legal framework would provide greater certainty regarding refugee rights, responsibilities, and protection standards. Such reforms would strengthen compliance with international norms and improve refugee governance.

7.3 Future Prospects

The future of Rohingya refugees largely depends on developments in Myanmar and continued engagement of the international community.

A. Prospects for Repatriation

Voluntary repatriation remains the preferred long-term solution.

However, successful repatriation requires:

- Restoration of citizenship rights;
- Security guarantees;
- Accountability for past violations;
- International monitoring mechanisms;
- Respect for fundamental human rights.

Until these conditions are established, large-scale repatriation is unlikely to be sustainable.

B. Continued International Engagement

The international community must continue humanitarian assistance, financial support, and diplomatic engagement to address both immediate and long-term challenges. Organizations such as UNHCR, the United Nations, and regional actors will continue to play an important role in refugee protection and durable solutions.

C. Strengthening Regional Cooperation

Regional cooperation among South Asian and Southeast Asian states can contribute to:

- Burden-sharing;
- Humanitarian assistance;
- Coordinated responses to displacement crises.

Enhanced cooperation may reduce pressure on host countries and improve refugee protection standards.

D. Legal and Policy Development in Bangladesh

Bangladesh has the opportunity to strengthen refugee protection by developing a national refugee policy or legal framework consistent with international standards. Such measures would provide greater legal certainty and improve the management of refugee issues.

E. Hope for Justice and Accountability

The increasing involvement of international courts, investigative mechanisms, and human rights organizations provides hope that justice may eventually be achieved for victims of persecution and mass atrocities. Accountability can contribute to reconciliation, confidence-building, and the creation of conditions necessary for sustainable peace and repatriation.

Final Conclusion

The protection of Rohingya refugees under international law remains a critical challenge for the international community. This study demonstrates that while international legal frameworks provide significant protections, major obstacles continue to prevent durable solutions. The denial of citizenship, ongoing insecurity, lack of accountability, and political instability in Myanmar remain the principal barriers to safe, voluntary, and dignified repatriation. Bangladesh has made a significant humanitarian contribution by sheltering a large refugee population despite limited resources and the absence of a dedicated refugee law.

However, long-term solutions require coordinated action by Myanmar, Bangladesh, international organizations, and the wider international community. Lasting protection for the Rohingya people depends on the restoration of citizenship, protection of fundamental rights, and accountability for violations. Only through a comprehensive rights-based approach can a sustainable solution to the Rohingya refugee crisis be achieved.

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