

# Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for Permanent Solutions

Md. Asiquzzaman

Department of Law

Southeast University

Email: [ashiksweet007@gmail.com](mailto:ashiksweet007@gmail.com) (Author of Correspondence)

Bangladesh

## Abstract

Bangladesh is an occupied population of South Asia. India and Myanmar share the border with the neighboring states of Bangladesh. After independence in 1971, Muslims started experiencing continuous refugee flights of Muslim Rohingyas in Myanmar for fear of religious and ethnic violence. Bangladesh mostly welcomed them and provided protection under their free will, although refugees do not have any statutory legislation. No solution was found till 2013, and the number of refugee flights increased steadily. Rohingya refugees are destroying Bangladesh's reputation in international drafting and committing various offenses against fake Bangladeshi passports. Bangladesh is a contender on refugee issues: Firstly, the issue of human rights and secondly the national security problem. I have a positive and reactionary opinion that it is the right time to make Bangladesh a rigid domestic law for infiltrating Rohingyas from Myanmar.

**Keywords:** Rohingya; Voluntary Repatriation; Humanitarian Situation; Permanent Solution.

## 1. Introduction

The Rohingya—a predominately Sunni Muslim minority of northern Rakhine State in Burma (Myanmar)—are facing several concurrent crises precipitated by the reported attack on August 25, 2017, on Burmese security facilities near the border with Bangladesh. The attacks, allegedly conducted by a relatively new and little known Rohingya nationalist group, the Arakan Rohingya Salvation Army (ARSA), and an ensuing “clearance operation” conducted by Burma’s security forces have resulted in the rapid displacement of more than 600,000 Rohingya into makeshift camps in eastern Bangladesh, and the internal displacement of an unknown number of people within Rakhine State. These events have created two immediate humanitarian crises in Bangladesh and in Rakhine State. In addition, long-standing policies and attitudes in Burma regarding the Rohingya are creating major challenges to the possibility of their voluntary return. Starting in the 1960s under Burma’s military juntas and continuing until today under a mixed civilian/military government, Burma’s laws and policies have deprived most of the Rohingya of many of their human rights, including their citizenship. According to some observers, it is likely that many of the displaced Rohingya will not wish to return to Burma unless their safety can be secured, the discriminatory laws and policies are changed, and their human rights restored. If conditions in Burma are not suitable for repatriation, the international community may need to consider other assistance for the Rohingya, including longer-term accommodation in camps in Bangladesh and exploring local integration and resettlement options. Allegations of organized, systematic, and severe human rights abuses by Burmese security personnel, ARSA and its supporters, and local Rakhine “vigilantes” have given rise to claims of possible crimes against humanity, ethnic cleansing, or genocide taking place in Rakhine State. Beyond ensuring that such violence stops, the allegations of human rights abuse presents Burma and the rest of the world, including the United States, with the challenge of adequately investigating and documenting the possible human rights abuses, and if necessary, establishing suitable measures for accountability of those found responsible. The ongoing violence in Rakhine State reportedly is another factor contributing to the reluctance of many Rohingya to return to Burma. The displacement of the Rohingya, combined with the alleged violence of the Burmese security force’s clearance operation, has also created an environment that could give rise to the radicalization of portions of both the Rohingya and predominately Buddhist Rakhine population.<sup>1</sup> Some Rohingya may join the ranks of ARSA or become supporters of other more militant extremist organizations. Islamist militant groups, in particular, may attempt to recruit Rohingya. In addition, some Rakhine may enlist with the extant Rakhine-based ethnic armed organizations (EAOs) or form local militias to defend themselves from the perceived ARSA threat. The Trump Administration has responded to the crises by making gradual and limited changes to U.S. policy. The initial response from the State Department was to denounce the alleged ARSA attacks, and call upon the Burmese

government and military to exercise restraint in responding to the attacks. As the number of displaced persons increased, the Trump Administration provided additional funding for humanitarian assistance, but refrained from commenting on the allegations of serious human rights abuses. More recently, the State Department announced new restrictions on relations with the Burmese military, but indicated that its focus was on solving problems, not punishing people.

## **2. Role of the Burmese Military in Burma's Government**

Under Burma's 2008 constitution, which was largely written by members of Burma's military, also known as the Tatmadaw, Commander-in-Chief Min Aung Hlaing has ultimate authority over all security forces in the country, including the military, the Border Guard Force, and the Myanmar Police Force. The security forces are constitutionally responsible for the protection of Burma from all threats internal and external. The 2008 constitution also provides that the Commander-in-Chief has "final and conclusive" authority over the adjudication of military justice. In addition, the 2008 constitution grants the Commander-in-Chief the authority to appoint 25% of the members of both chambers of the Union Parliament, as well as the Ministers of Border Affairs, Defense, and Home Affairs. The Minister of Home Affairs has authority over the General Administration Department, which oversees the work of Burma's civil servants at all levels of government. Because of these powers, and others provided by the 2008 constitution, some experts maintain that the Commander-in-Chief is the most powerful political figure in Burma. In addition, the 2008 constitution limits the ability of the civilian side of the government to control or oversee the activities of Burma's security forces. Congress may choose to consider what actions, if any, the United States should take in response to these various crises and challenges. Among the issues the Rohingya crises raise are: □ Humanitarian Policies and Issues: How much humanitarian assistance is needed in Bangladesh and in Rakhine State, and for how long? What role should the United States play in providing that assistance? How should international assistance be coordinated?

## **3. Repatriation/Resettlement Issues**

What are the prospects for safe and voluntary repatriation of the displaced Rohingya? What arrangements should be made for the resettlement of those who do not wish to return to Burma, and what role should the United States play in such a resettlement program?

## **4. Issues of Discrimination in Burma**

How important is rectifying Burma's discriminatory laws and policies for the voluntary repatriation of the Rohingya and reconciliation between the Rakhine and Rohingya?

What measures should the United States take to encourage or pressure the Burmese government to repeal or amend discriminatory laws and policies?

### **5. Human Rights Abuse Issues**

What efforts should be made to investigate and document the alleged human rights abuses, and what role should the United States play in supporting or conducting such efforts? What are the options for securing accountability for those people or organizations determined to be responsible for human rights abuses?

### **6. Issues Regarding the Risk of Radicalization**

How serious is the risk of radicalization of Rakhine or Rohingya, or their recruitment by existing EAOs or Islamist militant groups? What measures, if any, should the United States take to assist the Bangladesh government and the Burmese government to counteract efforts to radicalize members of either ethnic community? Does the treatment of the Rohingya minority pose a radicalization risk for communities elsewhere in the region?

### **7. Issues Related to Potential Destabilization of the Region**

Will the displaced Rohingya in Bangladesh raise domestic political tensions related to Islamist?

### **8. Humanitarian Policies and Issues**

How much humanitarian assistance is needed in Bangladesh and in Rakhine State, and for how long? What role should the United States play in providing that assistance? How should international assistance be coordinated?

### **9. Repatriation/Resettlement Issues**

What are the prospects for safe and voluntary repatriation of the displaced Rohingya?

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#### ***9.1. Issues Related to Potential Destabilization of the Region***

Will the displaced Rohingya in Bangladesh raise domestic political tensions related to Islamist agendas for Bangladesh? Will this have an impact on Bangladesh domestic politics and Bangladesh-Burma relations?

#### ***9.2. Issues for U.S. Policy toward Burma***

Do the events in Rakhine State warrant a rethink or adjustment in current U.S. policy toward Burma? Should some of the previously waived U.S. sanctions on Burma be reinstated to encourage or promote changes in the

policies and behavior of the Burmese government or the Burmese military? What forms of assistance should the United States provide to the Bangladesh government and the Burmese government to respond to the various crises coming out of the events in Rakhine State? How will the issue affect U.S. geopolitical interests, given China's substantial influence in Burma? On November 2, 2017, companion bills were introduced in the House of Representatives and the Senate that offer an approach to addressing the Rohingya crises, as well as a reformulation of U.S. policy toward Burma. The Burma Unified through Rigorous Military Accountability Act of 2017 (BURMA Act; H.R. 4223) and the Burma Human Rights and Freedom Act of 2017 (S. 2060) would impose sanctions on selected Burmese military leaders, limit security and military assistance, and place conditions on multilateral assistance until the Burmese government and military meet certain criteria to address the various crises in Rakhine State. The Burma Human Rights and Freedom Act of 2017 would also appropriate \$104 million for humanitarian assistance to "the victims of the Burmese military's ethnic cleansing campaign targeting Rohingya in Rakhine State."

## **10. Precipitating Events**

On August 25, 2017, ARSA members and local Rohingya supporters reportedly attacked 30 security facilities, including border outposts and one military base, killing over a dozen Burmese security personnel. The Burmese military, or Tatmadaw, almost immediately began a "clearance operation," deploying more than 70 battalions, or an estimated 30,000-35,000 soldiers, into Rakhine State. According to State Counsellor Aung San Suu Kyi, the clearance operation ended on September 5, 2017. The "clearance operation" in the townships of Buthidaung, Maungdaw, and Rathedaung in northern Rakhine State was a major factor leading to the displacement of more than 600,000 Rohingya into Bangladesh, as well as the internal displacement of an unknown number of Rakhine, Rohingya, Hindu, Magyi, Mro, and Thet in Rakhine State. The current crisis in Rakhine State can be traced further back to October 10, 2016, when ARSA allegedly attacked three border outposts, killing nine police officers. The Tatmadaw responded by initiating a similar "clearance operation" that resulted in approximately 87,000 Rohingya crossing into Bangladesh, and the internal displacement of an unknown number of Rohingya into temporary camps.

## **11. Background on Rakhine State and the Rohingya**

Rakhine State (also known as Arakan State) is located in western Burma, east of the Bay of Bengal and on the border with Bangladesh. The state is 14,200 square miles in size (slightly larger than the State of Maryland), with an estimated population (pre-crisis) of 3.2 million.

The largest ethnic group in Rakhine State is the Rakhine (or Arakan), a predominately Theravada Buddhist community. The next largest ethnic group is the Rohingya, a predominately Sunni Muslim community. Other

ethnic groups living in Rakhine State include Bamar, Chin, Daingnet, Hindu, Kamar (also Sunni Muslims), Magyi, Mro, and Thet. Various sources estimate the pre-crisis Rohingya population of Rakhine State at 1.0 million-1.1 million; the ethnic Rakhine population is thought to be about 2 million. Most of the Rohingya live in the northern Rakhine townships of Buthidaung, Maungdaw, Rathedaung; the Rakhine are the majority population in central and southern Rakhine State. According to the Rohingya, their ancestors have lived in what is now northern Rakhine State since at least the 9th century. Prior to the military coup of 1962, the Rohingya were Burmese citizens, and were elected to Burma's parliament, served in the government, and were officers in the military. After the coup, Burma's military leaders began a systematic policy of discrimination against the Rohingya, and carried out military campaigns to drive the Rohingya out of Burma.<sup>3</sup> For example, in 1978, under General Ne Win, the Burmese military swept across northern Rakhine State as part of Operation Dragon King, pushing an estimated 200,000-250,000 Rohingya into Bangladesh. In 1982, Burma's military junta promulgated the Citizenship Law that effectively stripped the Rohingya of their citizenship. The 1982 Citizenship Law remains in effect. The Burmese military, the government led by Aung San Suu Kyi, as well as a majority of Burma's population—including the Rakhine—maintain that most of the Rohingya are illegal immigrants from Bangladesh, and should therefore be identified as "Bengali." According to this narrative, the influx of "Bengalis" into Burma began during the period of British rule, when Burma was part of the British Raj, and continued after Burma's independence in 1948, as "Bengalis" freely moved across the porous border with then-East Pakistan, now Bangladesh. Relations in Rakhine State between the Rakhine majority and the Rohingya minority have vacillated between periods of relatively peaceful coexistence and times of violent confrontation. Predominately Rakhine and Rohingya villages often exist in close proximity, with regular social and economic interaction. Inter-ethnic violence typically arises, however, when members of one ethnic group allegedly mistreat members of the other ethnic group. Such an event precipitated the outbreak of inter-ethnic violence in June to October 2012, that resulted in dozens of deaths, approximately 200,000 Rohingya fleeing to Bangladesh, and another 120,000 Rohingya becoming internally displaced persons (IDPs) living in camps in Rakhine State.

## **12. Scope of the Humanitarian Crises in Burma and Bangladesh**

UNHCR and other humanitarian organizations report that 94% of the more than 600,000 displaced people in Bangladesh are Rohingya, with a smaller number of ethnic Hindu and Rakhine known to be among them. An estimated 54% of the displaced are children and 4% are elderly. The remaining 42% are adult refugees, roughly 52% of whom are women. Concerns have been raised about the status and whereabouts of "missing men" (mostly men of military age) who are reportedly not among those fleeing the country. As of early November 2017, the estimated range of the total number of displaced (mostly Rohingya) in Bangladesh (including from

this crisis and from previous waves of displacement during the past five years) is estimated at between 700,000 to just over 900,000. U.N. Secretary General, António Guterres stated, “The situation has spiraled into the world’s fastest-developing refugee emergency and a humanitarian and human rights nightmare. Precise figures on the overall number of people displaced—either within Burma’s Rakhine State or across the border in Bangladesh—are not available because the situation remains fluid, and access to affected areas of northern Rakhine State is limited. While the pace at which newly displaced persons are entering Bangladesh varies, experts say that at one time up to 20,000 people attempted to cross the border each day. Their ability to enter Bangladesh is reportedly being hampered by Burmese security forces building fencing and allegedly placing landmines along the border.

Lack of transport and cost also limit people’s ability to cross the border. Bangladesh has so far kept its borders open. Neither Bangladesh nor Burma are States Parties to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.

### **13. Background: Humanitarian Situation in Burma Prior to August 25, 2017**

Prior to the exodus that began on August 25, 2017 serious humanitarian issues existed in many parts of Burma as a result of decades of communal and ethnic divisions, structural inequalities, and protracted conflict. Millions of Burma’s estimated 51.5 million people suffered from food insecurity, chronic poverty, lack of adequate health and other services. In addition, an estimated 6.4 million people lived in conflict-affected areas. Emanating from this fragile situation were regional refugee, migration, and labor issues, including thousands of refugees in Bangladesh, India, Malaysia, and Thailand. Burma is also one of the Asian nations most vulnerable to natural disasters. In December 2016, the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA) identified 525,000 people who were in need of critical humanitarian and protection assistance, mainly as a result of conflict. These included 218,000 people who were Internally Displaced Persons (IDPs) in camps and host communities in Kachin (87,000), Shan (11,000), and Rakhine (120,000); and 307,000 non-displaced, vulnerable people with a lack of access to services. In addition, the U.N. High Commissioner for Refugees (UNHCR) reported that nearly one million people (mostly Rohingya in Rakhine) were Stateless. With the October 2016 attacks, an increased number of Rohingya became IDPs or fled to Bangladesh. Humanitarian organizations faced severe constraints on access due to limitations imposed by the government in northern Rakhine and Kachin/northern Shan. Bangladesh already hosted 33,000 registered (mostly Rohingya) refugees in two camps as well as an estimated 250,000 to 500,000 others, the vast majority of whom were undocumented and not registered as refugees.

### **14. The Humanitarian Situation in Rakhine State**

Little is known about the number of IDPs and the conditions under which they are living within Rakhine State, because Burmese security forces have restricted media access and most humanitarian assistance to that area. Tens of thousands are estimated to have been displaced internally. Many of those who have fled their homes and villages are reportedly being hosted by relatives and friends. Some are living in schools or monasteries, while others are thought to be on the border with Bangladesh or hiding in forests. According to the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), an estimated 27,000 IDPs who are ethnic Daingnet, Hindus, Mro, and Rakhine have relocated from northern to southern Rakhine State since August 25, 2017. Some humanitarian organizations are concerned that those Rohingya who remain in Burma may eventually be forced to flee due to a lack of medical care, food and other basic needs. On October 2, 2017, the Burmese government gave 20 diplomats, several U.N. officials, and local media a guided tour of parts of northern Rakhine State. U.N. Reference: UNOCHA, 2017 Myanmar Humanitarian Response Plan: January-December 2017, December 5, 2016. Under-Secretary-General for Political Affairs Jeffrey Feltman visited Burma from October 13-17 at the invitation of the Burmese government. Most of the discussions reportedly focused on the situation in Rakhine State and the plight of those displaced since August 25, with an emphasis on unhindered humanitarian access to northern Rakhine State and voluntary and safe returns.<sup>9</sup> separately, the Burmese government has escorted international and local reporters into the three affected townships. The Burmese government has stated that the humanitarian response is being led by the government under the responsibility of the Minister for Social Welfare and will continue to draw on the support of the Red Cross Movement—which includes the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Myanmar Red Cross Society (MRCS)—to provide humanitarian assistance in Rakhine State. Various national Red Cross societies from other countries are also providing support as the Red Cross Movement scales up its response. Access to northern Rakhine is blocked to all other agencies, and most humanitarian activities across central Rakhine remain suspended or severely interrupted. International aid groups continue to urge the Burmese government to provide unfettered access to Rakhine State. Efforts to move supplies from the capital city of Sittwe to the affected area reportedly have been hampered by Rakhine protesters who oppose the provision of assistance to Rohingya.

### **15. The Humanitarian Situation in Bangladesh**

Bangladesh is a poor, majority-Muslim country with over 160 million people in a nation approximately the size of Iowa. As such, its capacity to accommodate the approximately 600,000 newly displaced Rohingya is limited. It is reported that Border Guard Bangladesh sources estimated in early November 2017 that a further 50,000 Rohingya had gathered on the border seeking entry into Bangladesh. The situation has created enormous humanitarian needs in an area of Bangladesh already affected by earlier refugee influxes since the



## *Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for permanent solutions*

1990s, recent floods, and a lack of capacity to cope with a large number of new arrivals. The two existing refugee camps near the city of Cox's Bazar are overflowing with more than double the previous population of 33,000, and well beyond capacity. With the assistance of UNHCR, Bangladesh has reportedly started biometric registration of Rohingya at camps near Cox's Bazar. While new arrivals initially moved into established sites and host communities, due to limited space and severe overcrowding, they have been establishing new, spontaneous settlements. Many of the recently displaced Rohingya are living in the open. Humanitarian partners are continuing to deliver basic assistance, but there are significant gaps and a critical need to scale up health, water, and sanitation interventions due to the risk of disease outbreaks in densely populated areas in addition to basic food assistance, shelter, and protection. Respiratory infections, dysentery, and other ailments are reportedly spreading among the Rohingya in Bangladesh, and there is a great need for clean drinking water, food, and sanitation. Bangladesh is establishing a new 3,000-acre camp at Kutupalong that is to reportedly accommodate 800,000 people in a single, enormous camp. (This new camp is in addition to the two existing official camps near Cox's Bazar mentioned previously.) The Ministry of Disaster and Relief Management are to coordinate with humanitarian partners to install basic facilities. Besides the new "mega camp" at Kutupalong, Bangladesh has also considered a plan to relocate Rohingya to an island in the Bay of Bengal. The island, Thengar Char, which has been previously suggested by the Bangladesh government in this context, is located near Jaliyar .

### **16. Bangladesh's Response**

An estimated 8-10 million Bangladeshis fled to India in 1971 in the wake of atrocities committed by the West Pakistan army and local sympathizers in East Pakistan during Bangladesh's struggle for independence from Pakistan. Hundreds of thousands of Bengalis died during this conflict. This experience informs many Bangladeshis' perspective on the plight of the Rohingya. Bangladesh Minister of State for Foreign Affairs Mohammed Shahriar Alam has stated that the Rohingya issue is a security issue, as well as a humanitarian one, and that Bangladesh would take prompt action if ARSA tries to enter Bangladesh. Foreign Secretary M. Shahidul Haque has stated that Bangladesh considers the Rohingya to be "forcibly displaced Myanmar nationals" and not migrants, illegals or refugees. Bangladesh has called on Burma to repatriate the displaced Rohingya and on international organizations to assist Bangladesh in caring for the Rohingya until they can return to Burma. Foreign Minister A.H. Mahmood Ali stated that Bangladesh would not agree to Burma's proposal to use the 1992 Memorandum of Understanding (MoU) between the two nations as the basis for returning Rohingya to Burma because the situation has changed. The 1992 MoU is based on the Rohingya's ability to "establish their bona fide residency in Myanmar."<sup>17</sup> Bangladesh favors United Nations involvement

to assist in discussions on Rohingya repatriation to Burma. While Bangladesh has received international praise for its support for the displaced Rohingya, there are some indications that it is nearing its limit, including: Bangladesh's Border Guard has indicated that Bangladesh is planning on fencing the border with Burma. Bangladesh has reportedly barred three NGO organizations, Muslim Aid Bangladesh, Islamic Relief, and the Allama Fazlullah Foundation, from providing assistance to the Rohingya. Bangladesh's Rapid Action Battalion (RAB) has reportedly set up a base camp at Teknaf to monitor the Rohingya to prevent them from becoming militants.<sup>21</sup> Prime Minister Hasina called on the 63rd Commonwealth Parliamentary Conference to pressure Burma to stop the persecution of its Rohingya people.

### **17. The International and U.S. Humanitarian Response**

In addition to national and local capacity in Bangladesh, U.N. entities and numerous international non-governmental organizations (INGOs) have been providing critical humanitarian protection and assistance to those fleeing Burma. Response efforts are having an impact through the provision of food assistance, water, sanitation and hygiene support, health care, and shelter kits. Vaccination campaigns are underway against measles and rubella, polio, and cholera. Overcrowding is a critical problem. Addressing protection concerns, including the risks of human trafficking, are part of the humanitarian response. Prior to August 25, 2017, the Burmese government and military reportedly limited many national and international humanitarian efforts to provide assistance and protection to IDPs and others affected by conflict, including those in Rakhine State. Reference: Inter Sector Coordination Group, International Organization for Migration, United Nations .Notes: Population figures of November 6, 2017 most international representatives did not have access to affected areas beyond the main towns. Where access was granted, Burmese staff have often been restricted. Since August 25, 2017, as previously mentioned, access in northern Rakhine State has been suspended for most humanitarian organizations, except the Red Cross Movement.

### **18. U.N. and Other Appeals**

In December 2016, the United Nations, along with humanitarian partners, launched Myanmar's 2017 Humanitarian Response Plan (HRP) for \$150 million, in response to the displacements caused by the October 2016 attacks and the subsequent "clearance operation" conducted by the Burmese military. In addition, the U.N. Central Emergency Response Fund (CERF), which provides rapid, initial funding in protracted crises, provided Burma with a total of \$104 million between 2006 and 2016. The Myanmar Humanitarian Fund, a multi-donor fund that enables organizations to access flexible funding to address gaps in the humanitarian response, also provided funds. These funding appeals have now changed. In September 2017, UNOCHA and its partners released a preliminary response plan requesting \$77 million in funding for the situation unfolding

## *Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for permanent solutions*

in Burma and Bangladesh. The Joint Response Plan has since been revised upwards to \$434 million and aims to assist 1.2 million people, including Rohingya refugees and host communities, between September 2017 and February 2018. As of October 16, 2017, \$106 million (24%) had been committed or disbursed in support of the appeal. A further \$19 million has been allocated from CERF. Individual U.N. agencies and other international organizations are also launching separate appeals. A pledging conference organized by UNOCHA, UNHCR, and the International Organization for Migration (IOM) and co-hosted by the European Union and Kuwait took place on October 23, 2017 and raised \$360 million as part of an effort to share in the cost of the response.

### **19. U.S. Humanitarian Assistance to Burma**

In recent years, U.S. humanitarian policy in Burma has been guided by concerns about access and protection within Burma, as well as with Burmese refugees and asylum seekers in the region and more broadly in Southeast Asia. On November 15, 2016, U.S. Ambassador Scot Marciel reissued a disaster declaration for Burma after the October attacks on security posts and the subsequent “clearance operation.” In FY2016, the United States allocated more than \$50 million to help meet humanitarian needs in Burma using global humanitarian accounts to fund implementing partners. On September 20, 2017, the State Department announced that it would provide an additional \$32 million in humanitarian assistance for the displaced people in Bangladesh and northern Rakhine State, with approximately \$28 million allocated to assistance in Bangladesh and \$4 million for Rakhine State. According to the State Department, this is in addition to \$63 million in humanitarian assistance provided since October 2016 “for vulnerable communities displaced in and from Burma throughout the region.”<sup>23</sup> Trump Administration policy on humanitarian assistance to Burma is not known and the amount of humanitarian assistance to be provided in FY2018 has not been determined. The key U.S. agencies and offices providing humanitarian assistance to Burma include the U.S. Agency for International Development (USAID) through the Office of Foreign Disaster Assistance (OFDA) and Food for Peace (FFP) and the State Department’s Bureau of Population, Refugees, and Migration (PRM).

### **20. The Repatriation/Resettlement Crisis**

Although accurate figures are not available, it is estimated that between 700,000 to just over 900,000 displaced (mostly Rohingya) are currently in camps in Bangladesh. Thousands of Rohingya are displaced in other nations in South and Southeast Asia, including India, Malaysia, and Thailand. Potentially more than 1 million Rohingya may wish to return to northern Rakhine State, depending on the conditions set for their return, as well as the likely situation they would face once they do so. If conditions are not acceptable and/or inadequate measures are taken for the security of the returnees, then it is possible that many of the displaced Rohingya

would not voluntarily return to Burma, and other provisions would need to be made. Aung San Suu Kyi has indicated that her government would like the repatriation be managed in accordance with a 1992 agreement between Bangladesh and Burma negotiated following a previous case of mass displacement. As previously stated, Bangladesh does not accept this proposal, and has called for the United Nations to be involved in resolving the conditions of return to Burma. The 1992 agreement stipulated that Burma would accept the return of anyone who could provide evidence of their prior residence in Burma. One Burmese official has stated that this may mean proof of eligibility for Burmese citizenship, which would significantly reduce the number of Rohingya who would be permitted to return to Burma.<sup>24</sup> It is unlikely that many of the displaced Rohingya possess documents to establish their prior residence in Burma given the circumstances under which they fled to Bangladesh.

## **21. Burma's Discriminatory Laws and Policies**

The Burmese government—whether under past military-rule or under the current mixed civilian-military government—enforces a number of discriminatory policies specifically toward the Rohingya. Reference: Inter Sector Coordination Group, International Organization for Migration, United Nations .Notes: Population figures of November 6, 2017

**Denial of Citizenship**—the 1982 Citizenship Law, effectively revoked the citizenship of most of the Rohingya in Burma. Prior to August 2017, the U.N. High Commissioner for Refugees (UNHCR) reported that nearly one million people (mostly Rohingya in Rakhine) were stateless. □ □

**Denial of Suffrage and Representation**—In 2015, then-President Thein Sein invalidated the temporary identification cards (“white cards”) possessed by many Rohingya that had permitted them to vote in past elections. As a result, Union Election Commission did not allow the Rohingya to vote in the 2015 parliamentary elections, and prohibited Rohingya political parties and candidates from participating in the elections.

**Denial of Education and Employment**—because they are not citizens, most Rohingyas cannot attend public universities, work for the government, or join the military or the Myanmar Police Force.

**Restrictions on Movement**—Rohingya in rural areas are prohibited from moving out of their home villages without the permission of local authorities.

**Restrictions on Marriage, Religious Conversion and Procreation**—In 2015, Burma's Union Parliament passed four “Race and Religion Protection Laws” that seemingly targeted Burma's Muslim population and, in particular, the Rohingya. The laws banned cohabitation with someone who is not one's spouse (to ban de facto polygamy), prohibited interfaith marriages and conversion to Islam within a marriage without government approval, and required that women living in certain regions—regions with a high percentage of Muslim households—space pregnancies at least 36 months apart.

Aung San Suu Kyi responded to the October 2016 attacks and the ensuing unrest by forming an international commission, the Advisory Commission on Rakhine State, headed by former U.N. General Secretary Kofi Annan, to “identify the factors that have resulted in violence, displacement, and underdevelopment” in Rakhine State. On August 24, 2017, the Commission released its final report, cautioning that “a highly militarized response is unlikely to bring peace to the area. Among the Commission’s recommendations are to promote greater economic development in Rakhine State, to align Burma’s 1982 Citizenship Law with international standards and enable the Rohingya to obtain citizenship, and make arrangements for the resettlement of IDPs.

Aung San Suu Kyi has said that the Burmese government is willing to abide by most of the Commission’s recommendations, and on October 9, 2017, appointed a committee tasked to implement the recommendations of the Advisory Commission, as well as those of the Maungdaw Regional Investigation Commission.<sup>27</sup> The new implementation committee consists entirely of government officials, and while it includes at least one Rakhine member, it has no Rohingya representative.

## **22. Allegations of Human Rights Violations**

The United Nations, the local and international media, human rights organizations, and international humanitarian organizations have accused Burma’s security forces of serious human rights abuses that may constitute ethnic cleansing, crimes against humanity, or possibly genocide during both “clearance operations” conducted following the October 2016 and August 2017 attacks on security installations. U.N. High Commissioner for Human Rights Zeid Ra’ad Al Hussein told the U. N. Human Rights Council on September 11, 2017:

We have received multiple reports and satellite imagery of security forces and local militia burning Rohingya villages, and consistent accounts of extrajudicial killings, including shooting fleeing civilians. Last year I warned that the pattern of gross violations of the human rights of the Rohingya suggested a widespread or systematic attack against the community, possibly amounting to crimes against humanity, if so established by a court of law. Because Myanmar has refused access to human rights investigators the current situation cannot yet be fully assessed, but the situation seems a textbook example of ethnic cleansing.

The Tatmadaw has denied the allegations; the Burmese government and the Tatmadaw assert that ARSA is responsible for any human rights violations that may have occurred in Rakhine State.

Many of the Rohingya and others who have arrived in Bangladesh following the two “clearance operations” claim that Tatmadaw soldiers entered their villages, and proceeded to kill civilians, rape women and girls, and then burn down the entire village. International medical teams treating the Rohingya in these camps report that

some people bear gunshot wounds consistent with being shot from behind, and some women and girls have injuries consistent with sexual assault. One BBC reporter who obtained access to the area witnessed the looting and destruction of a Rohingya village by what appeared to be a group of Rakhine men. The Tatmadaw soldiers escorting the reporter reportedly made no effort to interrogate or detain those involved.

Utilizing satellite imagery, Human Rights Watch and other organizations have documented the destruction of nearly 300 villages and thousands of houses and businesses in northern Rakhine State. According to its assessment of satellite imagery, Human Rights Watch claims that at least 288 villages in northern Rakhine State have been partially or totally destroyed by fire since August 25, 2017. Some of the images show that Rohingya structures have been burned, but neighboring Rakhine buildings are unharmed. In addition, reports say at least 66 villages have been damaged after September 5, 2017, the day the second “clearance operation” supposedly stopped.

### **23. Burma’s Response**

Commander-in-Chief Senior General Min Aung Hlaing has denied these allegations. In a meeting with U.S. Ambassador to Burma Scot Marciel on October 12, 2017, he said that “unlawful acts [by Burmese security forces] are not allowed,” and that “no action goes beyond the legal framework. He also reportedly told Ambassador Marciel that the international media was intentionally exaggerating the number of Rohingya who have fled to Bangladesh. Senior General Min Aung Hlaing, however, has agreed to establish a military investigatory team to examine the allegations of human rights abuses by security personnel. A similar Burmese military investigation conducted after the “clearance operation” following the October 2016 attacks reportedly found no evidence of systemic human rights abuses by Burmese security forces. Senior Burmese government officials have also denied the human rights abuse allegations. Vice President Henry Van Thio stated before the U.N. General Assembly on September 20, 2017:

The security forces have been instructed to adhere strictly to the Code of Conduct in carrying out security operations, to exercise all due restraint, and to take full measures to avoid collateral damage and the harming of innocent civilians. Human rights violations and all other acts that impair stability and harmony and undermine the rule of law will be addressed in accordance with strict norms of justice.

Addressing the U.N. Security Council on September 28, 2017, Burma’s National Security Advisor Thaung Tun said, “There is no ethnic cleansing and no genocide in Myanmar. Thaung Tun continued, stating, “I can assure you that the leaders of Myanmar, who have been struggling so long for freedom and human rights, will never espouse policy of genocide or ethnic cleansing and that the government will do everything to prevent it.”

## *Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for permanent solutions*

The Tatmadaw and the Burmese government claim that ARSA and its supporters have committed serious human rights violations. Reference: Inter Sector Coordination Group, International Organization for Migration, United Nations .Notes: Population figures of November 6, 2017

During his meeting with Ambassador Marciel, Senior General Min Aung Hlaing implied that ARSA and its supporters may have been responsible for alleged human rights violations, stating, “Local Bengalis were involved in the attacks under the leadership of ARSA. That is why they might have fled as they feel insecure. The Burmese government also says that ARSA killed over 50 civilians in Rakhine State prior to the attacks on August 25, 2017, because ARSA claimed they were informants for the Tatmadaw. According to Aung San Suu Kyi, it was principally because of these alleged killing of civilians that her government declared ARSA a terrorist organization on August 28, 2017.

Official Burmese government and military descriptions have been selective in providing information about the Tatmadaw’s “clearance operation” or allegations of human rights abuse. For example, the government-run newspaper, Global New Light of Myanmar, has run several detailed articles about the alleged mass killings of Hindus in one village by ARSA, but has provided little coverage of the reported destruction of Rohingya villages. Evidence has surfaced that questions the accuracy of the Global New Light of Myanmar account of the alleged Hindu mass killings, as some of the women quoted in the article had previously stated the Burmese military, not ARSA, had killed the Hindu villagers.

### **24. The Rohingya Refugees Crisis permanent solution**

Bangladesh government’s primary duty is to protect the Rohingya refugee’s life and dignity People become refugees when their basic human rights and dignity are not ensured in their home country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. Regarding the Rohingya refugee issue, Bangladesh government’s primary duty is to protect the Rohingya refugee’s life and dignity.

They also have to ensure that the refugees aren’t forced back to Myanmar as long as they remain at risk of serious human rights violations. This protection is found in the expression of the principle of “Non-Refoulement” which is widely accepted by the international community. Non-Refoulement is a principle of customary international law prohibiting the expulsion, deportation, return or extradition of an alien to his state of origin or another state where there is a risk that his life or freedom would be threatened for discriminatory reasons. Under international law, Non-Refoulement shall be considered as a peremptory norm. The forcible return of refugees violates the principle on non-refoulment, an absolute prohibition in international treaties and customary international law on returning people to a territory where they could face a risk to their lives or

other serious human rights violations. Though, according article to 33 of the 1951 Convention Relating to the Status of Refugees explicit that “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Since, Bangladesh is not the signatory state of 1951 Convention Relating to the Status of Refugees for that reason Bangadeshi legal framework does not explicitly recognise the concept non-refoulment. Therefore, not being state parties of the refuge convention Bangladesh complied to uphold the Non-Refoulement principle as a pre-emptory norm and also obliged to provide shelter and protection to Rohingya refugee. So, for the protection of Rohingya refugee and to solve the ongoing crisis Bangladesh and Myanmar governments must need to take initiative for durable solutions. Recently, the government of Bangladesh and Myanmr has announced that they will work for permanent or durable solution of the current crisis by returning back of Rohingya refugees to the Myanmar. In order for this returning process have to be truly voluntary, including the option to seek international protection. The ultimate goal of refugee protection is to find durable solutions which will enable refugees to live in safety and rebuild their lives. United Nations High Commissioner for Refugees (UNHCR) attempts to secure one of three durable solutions for refugees around the world is voluntary repatriation, local integration or resettlement.

According to UNHCR the process of voluntary repatriation involves refugees returning to their country of origin, based on a free and informed decision. Voluntary repatriation is the most desirable solution for the largest number of refugees. However, it is only promoted when conditions in a refugees’ country of origin are considered conducive to a safe and dignified return. It is really a positive sign that Myanmar and Bangladesh are discussing for repatriation of Rohingya to their homes in Myanmar this must be a voluntary process and not lead to a hasty and reckless effort to push people back against their will. No one should be forced back to a situation where they will continue to face serious human rights violations and systemic discrimination and segregation. The second durable solution process is local integration it means who are unable to return home will be integrated within the host community. This is often a complex process which places considerable demands on both the individual and the receiving society. Forasmuch Bangladesh is already a over populated country and also not economically strong for that reason local integration is more or less impossible for Bangladesh. Another process of durable solution prescribed by UNHCR is resettlement. It is a process when refugees cannot return home due to fear of persecution and have protection needs which cannot be addressed in their country of first asylum, resettlement may be the only safe and viable solution available. It involves resettling refugees from the country in which they have sought asylum to another country which has agreed to provide them with protection. Resettlement is rare, and only 1% are resettled by the UNHCR. Most of the refugees are resettled to the United States, Canada, Australia or Scandinavia. The resettlement country



## *Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for permanent solutions*

provides legal and physical protection to the refugee and should allow the refugees to become naturalized citizens. The Bangladesh government's recent initiative to temporary resettling in some isolated island in district of Noakhali is not rational according to UNHCR mandate. Because if the Rohingya's are resettled in such an isolated islands their basic human rights will be violated.

Even if Resettlement will always be a challenging process, the United Nations Refugee Agency need to negotiate with developed countries for resettling the Rohingya refugee to another country. To conclude, Bangladesh and Myanmar should uphold the international law principle for solving the ongoing Rohingya refugee crisis permanently by upholding the fundamental principle of international law and the process of Durable Solutions.

### **25. Bangladesh wants peaceful solution to Rohingya issue**

Foreign Minister Bangladesh wants to resolve the Rohingya crisis “peacefully” at the earliest possible as the country is currently facing a “severe crisis” due to influx of “forcibly displaced” Myanmar nationals, the foreign minister says. The solution would be in line with Prime Minister Sheikh Hasina's five point proposal she made at the UN general assembly, AH Mahmood Ali said on Sunday in Dhaka. “Bangladesh believes in a peaceful settlement of international disputes. Accordingly our Honourable Prime Minister Sheikh Hasina has presented her five –point proposal in the UN General Assembly. In line with that we would like to peacefully resolve this issue as early as possible,” he said. He was speaking at the opening ceremony of preparatory meeting on ‘Smart Pledges’ on Sunday in Dhaka ahead of the UN Peacekeeping Defence Ministerial in November. UN Assistant Secretary General for Department of Field Support Lisa M Bottenheim was also present.

The foreign minister said more than half a million Rohingyas have entered Bangladesh to flee ethnic cleansing in their own country since Aug 25. “Despite our space and resource constraints we have given them shelter solely due to humanitarian considerations. In fact, even before the current influx began, we had been hosting nearly 400,000 Rohingyas from Myanmar for three decades,” he said. “The protracted presence of these forcibly displaced Myanmar nationals in our country is creating a multidimensional problem for us.”

Myanmar has denied any wrongdoing in Rakhine State.

Bangladesh at the UN Security Council said Myanmar reinforced its military presence along the border with the deployment of more than two divisions of armed forces.

There have been 19 reported incidents of Myanmar helicopters and drones violating Bangladesh's air space, actions that Dhaka sees as a “willful provocation”.

## **26. The Prime Minister's Proposals Include**

- a) Myanmar must stop the violence and the practice of ethnic cleansing in the Rakhine State unconditionally, immediately and forever.
- b) The UN secretary general should immediately send a fact-finding mission to Myanmar.
- c) All civilians irrespective of religion and ethnicity must be protected in Myanmar. For that 'safe zones' could be created inside Myanmar under UN supervision.
- d) Ensure sustainable return of all forcibly displaced Rohingyas in Bangladesh to their homes in Myanmar.
- e) The recommendations of Kofi Annan Commission Report must be implemented immediately, unconditionally and in its entirety.

Myanmar's de-facto leader Aung San Suu Kyi is sending a minister to Bangladesh on Sunday amid international pressure regarding the 'ethnic cleansing' accusations

## **27. UN Peacekeeping against Her Government of Foreign Policy**

Bangladesh contributes one of the largest peacekeeping forces in the world. The foreign minister said Bangladesh has never failed to respond to UN's call for peacekeeping. "We also put our highest efforts in the global initiatives to strengthen planning, capacity building and mandate of peacekeeping," he said, adding that UN Peacekeeping is a "core element" of Bangladesh's foreign policy. "We attach high importance to peacekeeping to promote international peace and security," he said. "We believe, there are practical ways, where the troops and police contributing countries can strive together to better address the present and future need of UN peacekeeping." Ali said Bangladesh's contribution to UN peacekeeping is guided by its constitutional values and "underpinned by the convictions that only the UN can legitimately intervene in conflict situations that poses threat to international peace and security." "As such, if properly planned and supported, peacekeeping is the most effective way to address crises around the world," he said. "As peacekeeping has now become more complex, demanding, and dangerous, we are investing in building our forces' capabilities."

## **28. Conclusion**

Rohingya people will be able to go back under the supervision of the United Nations under an organization run by UNHCR only. It is true that such a flow of refugees created economic, social and environmental problems for Bangladesh. It has been found that the law and order of this situation can be deteriorated, but Bangladesh has no option to accept these challenges. Prime Minister Sheikh Hasina has announced that the people of Bangladesh share food with them. Due to his ambitious attitude, he officially got the title of humanity

## *Rohingya Refugees Crisis between Bangladesh and Myanmar: Search for permanent solutions*

titled Mother. The commitment of all stakeholders, including the government, humanitarian agencies, local communities and donors, is required. Cooperative and combined effort can assist in alleviating problems and assist refugees to participate to the fullest extent possible in their life in Bangladesh and following their return in Myanmar.

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