

Quest for a Refugee Policy for Substantive and Sustainable Solution to the Rohingya Crisis in Bangladesh

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Abstract

Since the independence of Bangladesh, it has been experiencing the worst geo political consequences of Rohingya crisis in its southeastern region, and the country has been adversely affected in terms of economy, healthcare system, security issues, environmental issues etc. As the persecution and ethnic cleansing of Rohingya people, especially Rohingya Muslim, have been regular and scheduled agenda for military government and Buddhist extremist of Myanmar for long time in its western region 'Rakhine', the victimized people fled to nearby country especially to Bangladesh for their survival. Although Bangladesh is neither a party of 1951 refugee convention nor has given the refugee status to these intruders, currently the country is overloaded with nearly 1 million Rohingya people. Eventually the situation is being aggravated and the crisis has been beyond explanation since the last couple of months. Internationally the issue is being neglected as the country's diplomacy is not capable of meeting its demand while super powers are not interested due to their own interests. Although the country is providing shelters from humanitarian perspective, the fact is devastating from all perspectives. The prevailing tension between value and fact leads to a basic question that 'for how long the country will experience such an unexpected situation?' It is high time for the government, considering the internal and external challenges, to formulate and implement a comprehensive refugee policy for substantive and sustainable solution to the Rohingya crisis. The study attempts to explore the realities and emphasize on formulating a well-designed and articulated refugee policy. Qualitative Meta Synthesis method has been applied to conduct the study. The study reveals that a comprehensive refugee policy is the crying need for substantive and sustainable solution to the Rohingya crisis that will articulate the intruders' status, and national and international mechanisms for the settlement of the crisis.

Keyword: Rohingya Crisis, Intruder, Refugee Policy, Diplomacy, Substantive.

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Introduction

Now a day refugee crisis becomes one of the most challenging global problems. The issue is more complicated as it is viewed from both humanitarian and security perspective. The security and internal conditions of the host countries become vulnerable because of the refugee or asylum seekers, as they are involving and/or being involved in many criminal activities that lead to countless social and security crises of the host countries. Moreover, the capacity of the host countries and/or forced countries may not permit the exodus of this overwhelming population because of their limitations and restrictions in terms of economy, resources and security. From this point of view, prolonged Rohingya crisis in Bangladesh is no exception as the huge and continues influx of Rohingya from Myanmar to Bangladesh since 1978 are creating many social, economic and security problems.

Bangladesh is an over populated country of South Asia sharing its borders with India and Myanmar as well. After the independence in 1971, Bangladesh has started experiencing the continuous Rohingya intruders' flight from its neighboring country Myanmar, who are the victims of religious as well as ethnic persecution. Initially Bangladesh welcomed them and provided them protection under the ad hoc decisions. Although the numbers of intruders' flights are gradually increasing in an alarming way, Bangladesh is still lacking of specifically articulated policy about refugees for handling the issue effectively and efficiently. Rohingya intruders are significantly responsible for the destruction of the reputation of Bangladesh in the international arena as they are committing various crimes and getting them involved in illegal activities through using fake Bangladeshi passport. It is a matter of sorrow that Bangladesh is facing a big dilemma over this issue because of having double concern. One is human rights and another one, at the same time, is the national security concern. Considering this perplexing situation, it is the high time that Bangladesh should formulate and enforce strict domestic laws to prevent the Rohingya influx from Myanmar (Imran & Mian, 2014).

Bangladesh is neither a signatory country to the UN Refugee Convention 1951, nor its Protocol of 1967. The country does not have any institutional device for Refugee Status Determination (RSD), nor any particular law or formal policy to manage the cases of refugees. The Rohingya intruders, who are involved in terrorist activities, are using these technical loopholes in their favor (Chakma, 2016).

Rohingya Crisis and Bangladesh: The Consequences of Unresolved Disputes

Since 1978, Bangladesh has started experiencing the Rohingya intruders' problem when nearly 200,000 Rohingya people came into Bangladesh and took shelter. Again, approximately 250,000 intruders came from Myanmar's

western Rakhine state in 1991-92 and this ethnic, linguistic and religious minority and marginalized community of the Myanmar started living in Cox's Bazaar district. From that time, the journey from Rakhine to Bangladesh was started and has been continued. Although Bangladesh is neither a party to the 1951 Refugee Convention or its 1967 Protocol, nor a party to the 1954 and 1961 Statelessness Conventions, the country has widely opened its window to welcome these intruders only on humanitarian basis. Actually, these overloaded people became the ultimate burden for the country, as the reality cannot afford them at all. From this point of view, Bangladesh is trying its level best to overcome the crisis but it became very difficult for having no strict domestic law and policy regarding the issue (Chakma, 2016). In this drawback, the Rohingya people are responsible for creating enormous threats to the country in terms of security, prosperity, stability and welfare as well. More importantly, the image of the country is being distorted through their engagement in serious criminal activities including drug and human trafficking, robbery, smuggling, and other organized and unorganized crimes. They are not only creating problems in national territory but also responsible for making Bangladeshi community embarrass in international arena through their unlawful activities. These illegal Myanmar people obtain the passports of Bangladesh to go to Middle East, especially Saudi Arabia through dishonest way like falsification of birth certificates and national ID cards. They create serious negative impact on economic atmosphere, as they are willing to offer services at very lower rate than that of the local people. These intruders offer services at lower rate because of their destitute living condition after losing everything in their native region. Ultimately, it negatively affects the labor market of the local people who are not used to maintain their families with such a lower rate. Eventually it deteriorated the balance in the job and labor market in the receiving area. The situation became so alarming that most of the Bangladeshi workers are not getting jobs and nearly 90% of workers and staff in local hotels, motels and small business are hired from Rohingya community who are mostly belong to lower level skills or having no skill at all. Moreover, these Myanmar nationals are responsible for creating many environmental problems as they are cutting off valuable trees and destroying woods regularly in the reserve forests in the Bandarban and Cox's Bazaar areas that cause serious damage to the environment of Bangladesh, its ecology and bio-diversity as well (Islam, 2012). Addressing the above issues, Imtiaz Ahamed, Professor of International Relations of Dhaka University, clearly identified some security aspects, which are seriously being threatened by the Rohingya intruders. He pointed out four dimensions of security threat, namely, a) Politico-Military Dimension of Security, b) Economic Dimension of Security, c) Social Dimension of Security and d) Environmental Dimension of Security (Ahamed, 2010). In addition to this, the traditional and revisionist view consider national security from three

dimensions. Firstly, they consider it in terms of the strategic dimension that incorporates the traditional view of security. This view includes the ability of the state to defend itself militarily from external aggression. Secondly, they consider it from the very view of the regime dimension. It focuses on the capacity of the government to protect itself from internal threats that arises from domestic disorder, anomalies and conflict. Finally, they consider it from structural dimension that addresses the balance between the population of a state and its resource capacity for example food, water, living space etc. However, sometimes this balance becomes upset due to the ultimate gap between the demand side and the supply side. At this situation, peoples' demands on resources become strong but the supply side becomes weak and as a result, the government becomes unable to manage or contain them, which is visible in case of Bangladesh. This is particularly complicated for an impoverished country like Bangladesh that has been characterized with overpopulated areas within limited resources. At the same time, the overall socio economic environment of the country is being aggravated with the influx of the Rohingya people who had been forced to flee away from Myanmar. The influxes of Rohingya intruders potentially endanger the security dimensions of the host country, either by creating new security threats or by aggravating the existing one (Parnini, 2012).

Problem Statement

Bangladesh does not have any specific and well-articulated legal framework or policy documents for handling, controlling and managing the refugees in Bangladesh. Even the country is lacking from domestic or national laws, which can cover the issue of asylum seekers. Bangladesh is yet to sign the International Refugee Convention of 1951 and the International Refugee Protocol of 1967, and there is no instruction how the refugees will live in Bangladesh and therefore, it is very difficult for the government to tackle the refugee crisis. In Bangladesh, foreigners both asylum seekers and simply visitors are treated under some old laws irrespectively. For example, The Passport Act (1920), The Foreigners Act (1946), The Bangladeshi Citizenship Act (1951), The Bangladeshi Control of Entry Act (1952), The Bangladeshi Passport Order (1973) and the Extradition Act (1974). The Rohingya crisis is urgent and complex as the mass influxes along with previous Rohingya intruders are putting enormous stress on the limited resources of Bangladesh. As many Rohingya arrive on a daily basis, many states and non-state actors might try to exploit the security environment of the country. Bangladesh must find a substantive and comprehensive solution to this crisis and must work with a view to making a cohesive security strategy to deal with all the potential threats. Otherwise, the security of the state may be threatened and vulnerable.

In this circumstance, it is axiomatic that Rohingya crisis is responsible for creating extra pressure on country's socio-economic, environmental and security issues. Actually, it is a prolonged bilateral problem between the two

neighboring countries - Bangladesh and Myanmar, and it should be solved through the proper cooperation and coordination between these two. Unfortunately, it is a matter of sorrow that Myanmar is not cooperative and eventually, the temporary Rohingya crisis is going to be the permanent burden for Bangladesh over the years. The frequent misunderstanding about their identity, refugee or intruders, is responsible for creating misconception about their status and position under the international laws. Moreover, the country's diplomacy is not vibrant in this regard and failed to bring any substantive and durable outcome through its strategies and mechanisms. Considering the above loopholes, formulating a comprehensive and substantive refugee policy is very crucial for controlling and handling the internal and the external challenges in a proper way.

Objective of the Study

The paper argues that the Rohingya crisis is no longer only a humanitarian calamity but a potential threat to Bangladesh's internal stability. The main objective of the paper is to explore the Rohingya crisis in Bangladesh with a view to emphasizing on formulating and implementing a comprehensive refugee policy that will bring the substantive and sustainable solution to the Rohingya crisis in Bangladesh.

Methodology

This is an empirical, analytical and qualitative study. The area covers the Rohingya crisis in Bangladesh that has been continued from the very beginning of the emergence of the country. Qualitative Meta Synthesis (QMS) method has been applied for this purpose. It is an Interpretive analytical technique that uses the qualitative findings reported in previous studies as building blocks for gaining a deeper understanding of particular phenomena. It brings together findings and discovers essential features through the examining them (Screiber et al. (1997, p.314). Data has been collected from different secondary sources including national and international documents such as acts, rules, regulations etc. In addition to these, articles, journals, books, newspapers and research reports were thoroughly reviewed for the study.

Rohingya Crisis and Bangladesh: An Overview

The Rohingya crisis itself created many other crises in Bangladesh in terms of economy, security, environment, and foreign relations. The crisis has multiple aspects and is responsible for many other problems. The following issues made a humble attempt to justify the above aspects.

The Country is overloaded with Huge Number of Rohingya Intruders

Since 1978, the journey of Rohingya intruders was started and has been continued for nearly 40 years. Five phases of exodus of Rohingya are prominent and last phase, after 25 August 2017, has broken all its previous records.

Fig. 1: Influx of Rohingya Intruders to Bangladesh



Sources: (A) The Rohingya crisis. ECHO Factsheet (2017, October), European Commission. (B) Suu Kyi Declines to back Rohingyas, The Daily Star (2016, November 16). (C) Rohingya Refugee Crisis, Situation Report (2017, November 5), Inter Sector Coordination Group (ISCG)

Fig. 1 illustrated that how the influxes of Rohingya intruders to Bangladesh have been fluctuated over the time but never came into termination. Unfortunately, last phase of its influx was massive (609,000) that it destroyed the country’s relief and rehabilitation capability from every perspective. In every phase, a considerable number of Rohingya people came to Bangladesh but last one was beyond imagination in comparing to the previous influxes.

During the last time, Rohingya intruders came to Bangladesh and took shelter in different locations, and their number were much higher than that of any previous arrival in the history of independence Bangladesh.

Rohingya Refugees Reported by Location	Population before 25 August, 2017	Influx after 25 August, 2017	Total Refugee Population
Makeshift Settlement / Refugee Camps			
Kutupalong-Balukhali Expansion	99,705	331,779	431,484
Kutupalong RC	13,901	11,842	25,743
Leda MS	14,240	9,007	23,247
Nayapara RC	19,230	15,327	34,557
Shamlapur	8,433	16,335	24,768
New Spontaneous Settlements			
Hakimpara	140	54,758	54,898
Thangkhali	100	28,431	28,531
Unchiprang	-	30,324	30,324
Jamtoli	72	32,693	32,765
Moynarghona	50	21,410	21,460
Chakmarkul	-	10,500	10,500

Host Community			
Cox's Bazar Sadar	12,485	1,683	14,168
Ramu	1,600	830	2,430
Teknaf	34,437	34,075	68,512
Ukhia	8,125	9,543	17,668
Total Rohingya	212,518	608,537	821,055

Table 1: Rohingya people in Bangladesh before and after 25 August 2017

Sources: Rohingya Refugee Crisis, Situation Report (2017, November 5); Inter Sector Coordination Group (ISCG), Cox's Bazaar.

Table 1 shows that nearly 1 million Rohingya intruders (821,055) are living in Bangladesh where more than 0.6 million (608,537) arrived after 25 August 2017. After comparing the influx between before and after 25 August 2017, it has been seen that the total number of the last influx (after 25 August 2017) is three times higher than that of all previous influxes (the influxes before 25 August 2017).

Identity Crisis

The journey of Rohingya influx from Myanmar to Bangladesh was started in 1978 and the wave of this influx has been continued over the time. At the very beginning stage, the country provided them shelter from humanitarian perspective but at the present situation, it is almost impossible for the country to handle these overloaded people as the last influx, after 25 August 2017, has broken all its previous records. Media and international organization are continuously recognizing them as refugee because they are victims of religious and ethnic persecution while the government is unwilling to do so. The government officially declared them as Rohingya intruders (someone who is in a place or situation where they are not wanted) or illegal migrants as there are several legal obligations in case of recognizing them as refugees.

According to the United Nations Convention 1951 relating to the Status of Refugees, a refugee is someone who is unable or unwilling to return to his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The above definition gives emphasize on the protection of persons from political or other forms of persecution. The definition of the convention clearly articulated that who would be treated as refugee and in what situation. After recognizing them as refugee, the host country, being a party of the refugee convention 1951, will not expel them in any manner according to the article 33 (prohibition of expulsion or return – Refoulement) of that convention. It stated 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 (Refugee Convention 1951).

Although Bangladesh is neither the party of refugee convention 1951 nor its protocol of 1967, the refugee status is very sensitive in international humanitarian laws like International Declaration of Human Rights and other international laws. In this circumstance, their identity is being interpreted differently from different perspectives, which can lead to the crisis to be more complicated. In this backdrop, the issue regarding their identity and status need to be handled carefully and strategically. Having no specific law or policy about the refugee and intruders, the crisis regarding their identity is being problematic more and more.

Security Crisis

In the contemporary Bangladesh, the Rohingya intruders and security crisis became a burning issue. This crisis is responsible for many security threats and challenges in Bangladesh which directly and indirectly affect the full spectrum of the security landscape. The crisis and threats in terms of security dimension is ranging from internal to external, national to transnational, economical to non-economical, human security to environmental and many more.

Economic Security

The continuous arrival of Rohingya into Bangladesh, and the huge number of Rohingya in refugee camps have created financial burdens for the national economy. The Rohingya in coastal areas of Bangladesh are creating undue pressure on the limited resources and they are responsible for destroying the balance of local labor market (Rashid, 2012).

Food and Health Security

The undue pressure created by the Rohingya intruders is responsible for ultimate price hikes in the local markets and eventually it affects the food security of the local community. The intruders are also the source of vulnerability in terms of health related diseases. Many of them are already carrying a number of diseases, including contagious diseases like tuberculosis, skin diseases and HIV/AIDS etc. Local people may be affected by these diseases which can contribute to an epidemic situation.

Border Security

In this contemporary world, border security is one of the prime concerns of any country as it is closely related to the national security and sovereignty. The issue is more crucial where geo politics and bilateral relationship are very worst like Bangladesh and Myanmar. It appears that the border of Bangladesh is becoming vulnerable and unstable because of the prolonged Rohingya crisis in Myanmar. The victimized people of Myanmar have come to Bangladesh after crossing the border and it may open the window for border conflict with Myanmar in near future.

Internal and Transnational Security

The prolonged Rohingya crisis is very much responsible for deteriorating the internal security scenario and at the same time, it may contribute to

jeopardize the international security landscape by using the border for illegal activities. The Rohingya intruders have been deprived from all kind of civic facilities including education from Myanmar government for long time, and finally they are persecuted, victimized and lost their lives and livelihood. After being deserted, they fled to Bangladesh only for survival and at this situation; they are involving in many illegal and criminal activities for their survival. Moreover, various criminal groups are taking the opportunities of their weakness and they are being used by these groups for different types of organized and unorganized criminal activities.

Myanmar is one of the leading opium producing countries of the world and an important part of the golden triangle. According to the geographical location, the Golden Triangle is the area where the borders of three countries namely Thailand, Laos, and Myanmar meet at the confluence of the Ruak and Mekong Rivers (Wiki, 2018). This triangle is known as the center of the world's drug trafficking (Moodley, 2015). Geographically Bangladesh is sharing its border with Myanmar and due to the continuous Rohingya influx; this border is becoming vulnerable day by day. The geographical proximity of this triangle makes Bangladesh an attractive route for drug smuggling. Virtually the criminals have no country. Their prime concern is to make profit through smuggling and illegal business. Eventually both national and international gangs are always looking for the opportunity to exploit Rohingya as couriers for the drugs and other smuggling.

Environmental Security

Now a day environmental vulnerability became a burning issue all over the world and Bangladesh is environmentally disaster prone country. Environmental security and its proper management is the pre-condition for smooth functioning of the total system. Unfortunately, Rohingya intruders are responsible for environmental degradation in many ways. The government of Bangladesh is trying to provide them shelter within the camps but the numbers of intruders are definitely out of the capacity of the camps. Being failed to get shelter in the camps, they spread out to the nearby hills area and have resorted to widespread deforestation. In addition to this, they created undue pressure on the limited resource that causes serious degradation to the environment and eco system of the locality. Eventually, Bangladesh is in a new threat from human-induced degradation of the environment that can place a long-term impact on its environmental security.

Government Strategies in Dealing the Matter

Bangladesh has been the largest destination for Rohingya intruders as the country has received a large number of Rohingya as from 1978 to 2017. Rohingya intruders entered Bangladesh across the border through five major

phases (1978, 1991, 2012, 2016 and 2017). The governmental approaches have been fluctuated through liberal-welcoming strategy (from 1978 to 1992) to restricted-unwelcoming strategy (after 1992 to 2016) followed by again liberal approach in 2017. However, the situation is very alarming from every dimension and specific policy initiative can play a remedial role for strategical strengthening.

For the first time, in 1978, Bangladesh provided temporary shelters and other supports for more than 200,000 Rohingya intruders after considering it as a humanitarian crisis. Few years later, during 1991-1992, about 250,000 Rohingya, after being persecuted in Northern Rakhine State of Myanmar, came to Bangladesh and in responding to the vulnerability, Bangladesh again provided shelters on temporary basis. During this time, some diplomatic initiatives were taken between Bangladesh and Myanmar with a view to making peaceful resolution of the crisis. In line with this, a Memorandum of Understanding (MOU) was signed between the Foreign Ministers of Bangladesh and Myanmar in Dhaka on April 28, 1992. However, at the initial stage, Bangladesh showed liberal approach towards these intruders, but by the time, basically after 1992, this soft stance was changed into hard one, and they were termed as 'illegal immigrants. (Ibrahim, 2014).

During 1993-1997, Bangladesh took repatriation strategy with the help of United Nations High Commissioner for Refugees (UNHCR) and showed its strong unwillingness to receive intruders from Myanmar. Eventually, the country repatriated about 5000 Rohingya according to the MOU signed between the two countries in April 1992.

In 2012, the crisis once again became a vibrant issue as huge number of Rohingya people again started to escape from Myanmar and continued to enter into Bangladesh illegally followed by the clashes between the Buddhists and Muslims in Rakhine state of Myanmar in 2012. Unlike the previous liberal strategy, Bangladesh continued to adopt a strategy of push back and eventually, the law enforcement agencies including the Border Guard Bangladesh (BGB), Coast Guard, Bangladesh Police, Bangladesh Navy, and Rapid Action Battalion (RAB) were ordered and deployed to strengthen close observation along the border areas with a view to resisting the intrusion of Rohingya into the country (Daily Star, 2012).

Policy Issue

Bangladesh should take some pragmatic steps to address the Rohingya intruders' crisis more prudently. After addressing the problems, measures need to be taken in a realistic way with a view to meeting the needs and filling the gaps that will be significant and sustainable. Policy initiative can work as a milestone in this regards. History, geo politics, diplomatic strength etc. should be given due consideration while addressing the crises and formulating the policy respectively. Following issues need to be addressed and considered while formulating a realistic refugee policy with a view to bringing the expected outcome.

Firstly, the Rohingya intruders' identity and status should be clarified based on national and international acts, laws and conventions. *Secondly*, the policy should emphasize on the enactment of a strong domestic legislation and immigration law on the refugee, which may restrict the illegal flow of Rohingya intruders. *Thirdly*, all the unlisted and unregistered refugees living within the territory should be recorded, as without proper calculation it will be very difficult and complex to control these intruders, and take proper initiatives including the repatriation strategy. *Fourthly*, mechanism for intensive bilateral and multilateral negotiations among Bangladesh, Myanmar as well as other key players like China, USA, Russia are essential to resolve the Rohingya crisis. Bangladesh may convince the international community to put pressure on Myanmar to resolve the Rohingya refugee problem. In this regard, the country needs a vibrant and proactive diplomacy. China is the only country which has absolute influence over the Myanmar military. Unless we can bring to bear on the Myanmar military a strong pressure, this problem is not likely to be resolved. *Finally*, Bangladesh should engage in the international communities, and raise the issue in international forums like the United Nations (UN), Association of Southeast Asian Nations (ASEAN), United Nations High Commissioner for Refugees (UNHCR), Commonwealth etc.

Conclusion

The Rohingya people are one of the ethnic minority groups of Myanmar who have been persecuted and oppressed for long time. After being denied their citizenship, nearly a million of Rohingya have taken shelter in Bangladesh and created huge pressure on its scarce resources. Insecurity and refugee problems are closely interrelated as in one hand, insecurity produces refugees and in the other hand, refugees themselves produce conflict, dilemma, and insecurity in their host/receiving country. Bangladesh's policy regarding the Rohingya issue is ad hoc and myopic. It does not have a comprehensive and durable strategy. Now it seems that the crisis is becoming a serious problem because Myanmar is giving its final push. The Rohingya crisis entails security concerns more in line with human security issues, which should be addressed properly by the local, regional and international communities. The UN, ASEAN and other key players such as USA, China and Russia must create pressure on the Myanmar's government to stop mass atrocities in the country, and make the country worthy of peaceful living for the victims. As Myanmar's attitude is not satisfactory in dealing the matter, direct communication with this country may not be much helpful for bringing the optimum result. In this circumstance, Bangladesh should proceed with the help of other countries, particularly the big powers.

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