

THE VOLUNTARY REPATRIATION OF ROHINGYA REFUGEES IS MADE POSSIBLE THROUGH EFFECTIVE MECHANISMS: A SOCIO-LEGAL ANALYSIS

Ashok Kumar Dutta

 <https://orcid.org/0009-0009-0883-3692>

Additional District and Sessions Judge, District & Sessions Judges' Court, Faridpur, Bangladesh

Correspondence: duttaashok96@gmail.com

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ABSTRACT

Bangladesh has been acting as a safe haven for the Rohingyas for the last four decades. They have taken shelter in Bangladesh from the persecution of the state and radical Buddhists from the neighboring country, Myanmar. 2,00,000 such Rohingya refugees came to Bangladesh in 1978. In the early 1990, another 50,000 arrived in Bangladesh because of the Myanmar military's anti-Rohingya campaign. Many of the Rohingyas who came to Bangladesh in these two phases went back to their home country, Myanmar, after spending days in various sufferings at different times. But many did not return. They are in Bangladesh. Bangladesh supports them. On August 25, 2017, the world witnessed a massive humanitarian crisis in Rakhine State, Myanmar. Uncountable people from the Rohingya community fled the violence in Rakhine State, their villages destroyed. It triggered an unprecedented influx of people crossing the border into neighboring Bangladesh. Within a few weeks, more than half a million people entered Bangladesh in search of safety and shelter. A severe humanitarian crisis was averted due to the generous support of the local Bangladeshi community and the multinational aid efforts led by the Government of Bangladesh. This large number of refugees is definitely a big burden for Bangladesh. At times, the government has to face various political pressures and security problems regarding these refugee camps. The government of Bangladesh is facing a multifaceted reality regarding these Rohingya refugees. Myanmar is reluctant to take these refugees back home. Considering the overall situation, it is very unlikely that Myanmar will take back the Rohingyas in the near future. I don't think Myanmar will take them back unless they are forced to. This problem is not going to be solved in a year or two. Myanmar's clamor for the return of refugees reinforces that belief. As mentioned at the outset, this problem for Bangladesh began four decades ago. It took almost four decades to solve this problem. However, due to the negative role of Myanmar for a long time, the problem has not been solved. In the context of Myanmar's negative role in taking back the Rohingya, it is said that the problem is long-term for Bangladesh.

In 2017, Bangladesh had hoped to send back more Rohingyas this time. But in October that year, when the Rohingya did not stop coming to Bangladesh, Bangladesh initiated talks with Myanmar to send them back. Myanmar formed a joint working group in December after signing a memorandum of understanding with Bangladesh. The purpose was to coordinate the return of the Rohingyas to their state. Both sides committed to repatriate the Rohingyas to their state in a voluntary, safe and dignified manner. So far, however, no progress has been made. The two countries took the initiative to repatriate the Rohingyas in November 2018 and October 2019. Not a single Rohingya could be sent back to Myanmar through these two initiatives. Although they want to go back, the problem arises with the terms of return to their state. They want to say they will not go back to Myanmar unless the institutional discrimination against them is removed and the continuous persecution is stopped. Rohingya leaders set some preconditions for their return. These include officially recognizing that the Rohingya are a minority ethnic group in Myanmar; returning them to full citizenship; upholding the freedom of movement of the Rohingya community; and providing them with job opportunities in Rakhine State. They want a system where this is their last chance to become refugees. They don't want it to happen again. They want to return to Myanmar with full rights.

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1 Introduction

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a particular social group. The refugee problem has emerged as one of the deadliest human-caused disasters in the world. It is a social, economic, political and humanitarian problem. Like the refugees in Syria, Palestine, Egypt, and Bangladesh with India before independence, the Rohingya refugee crisis in Myanmar from 1978 to 2017 has been a dilemma for a state of middle income in a densely populated country like Bangladesh, posing a grave threat to Bangladesh's socio-economic, internal, and external security. Millions of refugees dream of going home. As the durable solution of choice for the largest number of refugees, voluntary repatriation in safety and dignity requires the full commitment of the country of origin to help reintegrate its own people¹. It also needs the Millions of refugees dream of going home. As the durable solution of choice for the largest number of refugees, voluntary repatriation in safety and dignity requires the full commitment of the country of origin to help reintegrate its own people.

It also needs the continuing support of the international community through the crucial post-conflict phase to ensure that those who make the brave decision to go home can rebuild their lives in a stable environment. Repatriation is when you return home to your country of origin after making a free and informed decision to return. When you voluntarily repatriate home, you will no longer be a refugee or an asylum seeker, as you will have chosen to return to the protection of your own government.² The cooperation of India, China and Pakistan, as well as international donors, is essential for the peaceful return of Rohingya refugees to their homeland in Bangladesh.

1.1 Statement of Problem

The refugee problem is one of the most important problems of wartime and post-war all over the world, which simultaneously creates an issue with neighboring states. In the post-war period, one of the most important responsibilities of the host state is the peaceful return of refugees to their own states, where all their state rights and human rights are settled. The refugee crisis is a global humanitarian crisis, involving individuals fleeing their home countries to escape persecution or to maintain fundamental rights like housing, food, education, safety, and expression. These individuals often leave their home countries when war or adverse environments disrupt these rights.

People who value peace must deal with political and economic upheavals, which frequently result in homelessness and despair. Numerous people fled to neighboring countries and thousands became penniless because of the Russian invasion of Ukraine.³ Long-term nomadic life is a result of long-term political and socioeconomic issues that certain countries experience, despite promises for better conditions. Turkey has the largest number of refugees globally, with 3 million from Syria. Bangladesh, the eighth, hosts around 9.5 lakh people, mostly Rohingya refugees from Myanmar. The Rohingyas have been living in Bangladesh since the 1980s due to persecution and discrimination. Since 2017, they have fled to border areas under military pressure. Despite being the least developed country, Bangladesh has set up several Rohingya camps and received praise for its humanitarian efforts⁴.

The Government of Bangladesh has established a refugee camp for the Rohingyas, Bhasan Char, built on silt accumulation in Meghna River's mouth. The camp offers concrete houses, flood-proof embankments, and solar power grids. However, employment is a challenge for Bangladesh, with one million refugees unemployed and potentially involved in illegal activities. Government and private sector efforts include daily wage and technical work, education, and mental development for children. Rehabilitation is the permanent solution, and Myanmar's persecution

¹ <https://www.undp.org/bangladesh/blog/reinforcing-our-commitment-rohingya-refugees>

² <https://help.unhcr.org/indonesia/solutions/voluntary-repatriation/>

³ <https://data.unhcr.org/en/situations/ukraine>

⁴ <https://www.publichealth24.com/?p=2166>

continues, leaving the Rohingyas in constant hardship and uncertainty.

2 Literature Review

Many research papers, seminar papers and books have been published on refugee crisis in Bangladesh all over the world and some important research papers have been reviewed to show the originality of my research paper.

Khandaker Fatema Zahra try to show in her research paper titled ‘The Liminality of Rohingyas and Challenges to their Repatriation: An Analysis in the Context of Bangladesh⁵’ highlights the ethnicity of Rohingya refugees in Bangladesh and their return to their own state, but regional and international cooperation is absent. Ehteshamul Haque Ph.D. and other try to say in their research article titled “Bangladesh’s Rohingya Repatriation Endeavors and Challenges: A Critical Analysis” This study, firstly, explains the years long persecution of the Rohingya, that ultimately drove many of them to Bangladesh; secondly, it discusses the power and function of the United Nations(UN) Security Council and Bangladesh's diplomatic efforts for Rohingya repatriation; and finally, it explained how Chinese and Russian 'vetoes' inhibited measures for safe Rohingya repatriation from Bangladesh to their homeland⁶. 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 difficulties. 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 in spite of not being a signatory of 1951 Refugee Convention Bangladesh state provided them basic human needs facilities⁷. 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 interest⁸. Anthony Warea and Costas Laoutides have focused on their research article titled ‘The Rohingya repatriation myth: why repatriation from Bangladesh to Myanmar is (nigh) impossible ‘basic reason of of repatriation but policy and necessities of repatriation are completely absent⁹. Delwar Hossain's research

Actors, and the International Community,' calls for concrete actions from regional and international actors to expedite the process.¹⁰ Saharin Priya Shaoun try to expresses in her journal named ‘Human Rights Issues Behind the Non-Repatriation of Rohingya,

Focusing on Life Security and Access to Education: An Analysis of Challenges and Opportunities for Repatriation’ two human rights aspects of the Rohingya population: Education and security of life. It further evaluates a connection between the failure to ensure basic human rights of the Rohingya population in Myanmar and as a result, their current dire situation in the camps. This study suggests a theoretical framework that discusses the need for a shift in Myanmar government’s policy for integrating the Rohingya politically, economically, and socio-culturally into the fabric of Myanmar society as citizens.¹¹ Hazel Lang's paper, 'The Repatriation Predicament of Burmese Refugees in Thailand: A Preliminary Analysis,'

⁵ Zahra, Khandaker Fatema, Assistant Professor , Department of Anthropology, Jagannath University, Dhaka, The Liminality of Rohingyas and Challenges to their Repatriation: An Analysis in the Context of Bangladesh, Jagannath University Journal of Arts, Vol. 9, No. 1, January-June 2019, ISSN 2519-5816

⁶ Haque, Ehteshamul Ph.D. and other; Bangladesh’s Rohingya Repatriation Endeavors and Challenges: A Critical Analysis, <https://www.researchgate.net/publication/370317179>, DOI:10.51290/dpusbe.1199769

⁷ Uddin, Nasir, Ph.D. University of Chittagong - Department of Anthropology, State of Stateless People: The Plight of Rohingya Refugees in Bangladesh, DOI:10.9783/9780812291421-005

⁸ Wolf, Siegfried O, Genocide, exodus and exploitation forjihad: The urgent need to address the Rohingya crisis,; <https://fid4sa-repository.ub.uni->

heidelberg.de/4442/, DOI: 10.11588/xarep.00004442

⁹. Warea , Anthony, and Costas Laoutides, The Rohingya repatriation myth: why repatriation from Bangladesh to Myanmar is (nigh) impossible, <https://doi.org/10.1080/09614524.2024.2338213>, <https://www.tandfonline.com/doi/epdf/10.1080/09614524.2024.2338213?nedAccess=true>

¹⁰ . Hossain, Delwar Ph.D. and others, State of the Rohingya Repatriation: Assessing the Role of Myanmar, Regional Actors, and International Community , Publisher The KRF Center for Bangladesh and Global Affairs, SBN: 2957-8213

¹¹ Shaoun, Saharin Priya, *Human Rights Issues Behind the Non-Repatriation of Rohingya, Focusing on Life Security and Access to Education: An Analysis of Challenges and Opportunities for Repatriation* ,https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4795346

highlights the international and national issues surrounding repatriation.¹²

Abdullah Hossain Mallick try to discuss in his research journal named 'Rohingya Refugee Repatriation from Bangladesh: A Far Cry from Reality' The Rohingya refugee camps in Cox's Bazar have become a matter of worry for the Bangladesh government. The conditions in the camps are appalling, raising the possibility of an epidemic, and there has been a spike in crime, including rape, murder, abduction and drug and human trafficking. Seeking a better future, some Rohingya refugees have attempted to move from Bangladesh to Malaysia, Thailand and Indonesia through various illegal routes. But these attempts have either failed or the refugees faced an even worse situation, since these Southeast Asian states refused to confer refugee status on the Rohingyas. Therefore, to bring normalcy back to the lives of the Rohingya people, a repatriation process from Bangladesh to Rakhine State, Myanmar, must be created and implemented¹³. Sreeparna Banerjee tries to say this in her research paper, 'The Rohingya Crisis: Challenges in the Repatriation Process.' Amidst various conflicts and crises worldwide, such as the Russia-Ukraine conflict, international support for the Rohingya people is diminishing.¹⁴ Mehdi Chowdhury's research article "The Rohingya refugee crisis in Bangladesh: an analysis of local humanitarian actors" reveals that international actors dominate humanitarian operations, and localization has not been achieved at the early stage. The article is accessible to both academic and non-academic audiences¹⁵. Md. Ashraful Islam's research journal, "Rohingya Crisis in Bangladesh: Causes, Consequences, and Remedies," explores the Rohingya crisis's causes, results, and proposed remedial policy, highlighting inadequate repatriation¹⁶.

¹² Lang, Hazel, *The repatriation predicament of Burmese refugees in Thailand: a preliminary analysis*, Document source: [UN High Commissioner for Refugees \(UNHCR\)](https://www.refworld.org/reference/research/unhcr/2001/en/87386), <https://www.refworld.org/reference/research/unhcr/2001/en/87386>

¹³ Mallick, Abdullah Hossain, *Rohingya Refugee Repatriation from Bangladesh: A Far Cry from Reality*, *Journal of Asian Security and International Affairs*, <https://doi.org/10.1177/2347797020938983>, Volume 7 Issue 2, August 2020

¹⁴ Banerjee, Sreeparna, *The Rohingya Crisis: Challenges in the Repatriation Process*, *Observer Research Foundation (ORF)*, <https://www.orfonline.org/expert-speak/the-rohingya-crisis-challenges-and-considerations-in-the-repatriation-process>

2.1 Objective of the Study

As the best creatures of creation, it is essential that human rights be upheld in every part of the world. All human beings are entitled to life, liberty, food, clothing, shelter, medical care, and the right to live with their families, regardless of their circumstances. Again, it is true that the beautiful world of ours has sometimes become uninhabitable due to fabricated disasters, and a class of people has been forced to leave their beloved motherland and family and live in a different place. The word "refugee" is associated with the name of the people who left their motherland. According to international law, a refugee is a group of people who have fled their country because of a well-founded fear of persecution on grounds of religion, race, sex, or political opinion. The basic objective of our research is to provide appropriate recommendations for the return of these refugees to their home countries in a peaceful manner with proper status and rights.

2.2 Research Methodology

This paper is based on qualitative data collected from secondary sources. Relevant books and articles have been reviewed to make a basic idea of the research and newspapers, different websites and published reports have been used to get the up to date information. Secondary data were taken from a number of research studies, books, journals and academic working papers etc. The data collected is analyzed using Frequency Analysis, Descriptive Analysis, and Factor Analysis. A validity test has been employed for measuring the adequacy of data collection and sample size.

3 Introduction to Repatriation

Repatriation is the act of returning politically, socially, religiously, or otherwise persecuted individuals from their home country to another, through their either will

¹⁵ Chowdhury, Mehdi, Ph.D. and others "The Rohingya refugee crisis in Bangladesh: an analysis of the involvement of local humanitarian actors" DOI: [10.1080/01436597.2022.2085087](https://doi.org/10.1080/01436597.2022.2085087), <https://www.researchgate.net/publication/361501566> The Rohingya refugee crisis in Bangladesh an analysis of the involvement of local humanitarian actors

¹⁶ Ashraful Islam, Md., "Rohingya Crisis in Bangladesh: Causes, Consequences, and Remedies," *Journal of Social Science (JoSS)*, 2(10):1113-1119, DOI: [10.57185/joss.v2i10.246](https://doi.org/10.57185/joss.v2i10.246), Volume 2 Number 10 October 2023, p- ISSN 2963-1866-e-ISSN 2963-890

or unwillingness. It is possible for a person to repatriate himself, choosing to return to a country he's left for political or economic reasons, but the verb *repatriate* is more often used to mean "send refugees home." It might sound like a modern political term, but *repatriate* has been used since the 1600s. It comes from the Latin word *repatriare*, "return to one's own country," from the prefix *re*, "back," and *patria*, "native land."¹⁷

Various jurists, social scientists, anthropologists, and researchers have defined the term repatriation in different ways. The term repatriation refers to the return of refugees in their country of origin. It differs from other State practices regarding transfer of refugees present on their territory to other third States based on bilateral agreement¹⁸. The personal right of a refugee or a prisoner of war to return to their country of nationality under specific rules and regulations.

The United Nations Convention on the Elimination or Reduction of Future Statelessness does not mention any of the words "refugee," "return" or "repatriation"¹⁹. Nevertheless, this Convention poses substantial obligations on its signatories regarding the loss of citizenship and, therefore, the loss of the right to enter. For example, Article Seven of that convention precludes any loss of citizenship unless the individual possesses another nationality.²⁰ But note the narrow exception in paragraph four: A naturalized person may lose his nationality on account of residence abroad for a period, not less than seven consecutive years, specified by the law of the Contracting State concerned if he fails to declare to the appropriate authority his intention to retain his nationality conditions laid down in various international instruments and human rights instruments as well as in customary international law²¹.

Various forms of repatriation are observed in customary international law and state practice. When someone returns willingly to their place of origin or citizenship,

it's referred to as voluntary return. This includes qualified individuals like refugees. International agreements such as the OAU Convention and customary international law recognize this as a personal right. Residency buyouts are financial assistance programs provided to refugees and immigrants by countries such as Denmark, Switzerland, Ireland, Germany, and Sweden. forced repatriation is the return of refugees, prisoners of war, or civil detainees to their country of origin under circumstances that leave no other viable alternatives. According to modern international law, prisoners of war, civil detainees, or refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from refoulement and given, if possible, temporary or permanent asylum.²² The forced return of people to countries where they would face persecution is more specifically known as refoulement, which is against international law. Repatriation involves returning an individual to their country of origin or citizenship, while return may involve returning to the point of departure, including a third country or within a country's territorial boundaries, but the distinction between voluntary and involuntary is unclear.²³

3.1 *Determination of Voluntary & Forced Repatriation*

The UNHCR must have free, direct, and unhindered access to the refugees. It must be able to evaluate any changes in the refugees' situation in the camps or other installations that might be influencing their decision to return. It must be able to ensure that the individual choices of refugees are independent of any collective decision to return²⁴. UNHCR representatives should consult with refugees, particularly women, to ensure they represent the will and interests of the refugees. Forced repatriation refers to authorities imposing

¹⁷ <https://www.vocabulary.com/dictionary/repatriate>

¹⁸ The Practical Guide to Humanitarian Law, <https://guide-humanitarian-law.org/content/article/3/repatriation/>

¹⁹ Convention on the Reduction of Statelessness, 989 U.N.T.S. 175, entered into force Dec. 13, 1975. Only 24 countries have ratified this convention as of November 1999. http://www.un.org/Depts/Treaty/final/ts2/newfiles/part-boo/v-boo/v_4.html (last visited Mar. 3, 2000).

²⁰ Article 7 of the Convention on the Reduction of Statelessness, supra note 28, reads: If the law of a Contracting State entails loss or renunciation of nationality, such renunciation shall not result in loss of nationality unless the person concerned possesses or acquires another nationality; .

²¹ Handbook on voluntary repatriation: international protection, <https://www.unhcr.org/media/handbook-voluntary-repatriation-international-protection-0>

²² Perruchoud, Richard and Jillyanne Redpath-Cross (eds.), Glossary on Migration, Second Edition, International Organisation for Migration, International Migration Law, No. 25, Geneva, 2011.

²³ Brachet, Julien (2016). "Policing the Desert: The IOM in Libya Beyond War and Peace". *Antipode*. 48 (2): 272–292. *Bibcode*:2016Antip.48..272B. *doi*:10.1111/anti.12176.

²⁴ The Practical Guide to Humanitarian Law, <https://guide-humanitarian-law.org/content/article/3/repatriation/>

coercive measures, such as decreasing supplies, housing in hostile areas, or encouraging xenophobia. Different factions or political organizations influence refugees' decisions, either directly or indirectly through misinformation campaigns.

3.2 *A present Scenario of Rohingya Refugee in Bangladesh*

In 1991-92, a large number of Rohingya Muslims from Myanmar fled to Bangladesh due to political, social and economic persecution. The Government of Bangladesh facilitates the refugees from Myanmar to enter Bangladesh on humanitarian grounds and provides all-round support to them. The Bangladesh government provides shelter, medicine, food and clean water to the refugees. In 1992, an estimated 2, 50,877 refugees were registered. The refugees were accommodated in two camps. In 1993, UNHCR and WFP joined because of a Memorandum of Understanding with UNHCR.

In 1992, a new administrative structure called the Office of the Refugee Relief and Repatriation Commissioner was created, and a large number of officials and skilled manpower were deployed in the management activities. From 1992 to July 28, 2005, 2, 36,599 refugees were repatriated to Myanmar, and from 2006 to December 2009, 926 refugees were resettled in third countries. In 1992, a total of 32,713 refugees, including 1329 link members (including Jammu-Mrityu, whose nearest (1st blood) relatives are staying in Kutupalong and Nayapara refugee camps 2 as of April 1, 2015 AD). August 25, 2017. Since then, around 7,50,000 Rohingyas have entered Bangladesh. Earlier, there were 38,661 refugees (4%) in Kutupalong Shar Camp and Nayapara Registered Camp. At present, there are a total of 9,71,904 Rohingyas in Myanmar, of whom 54% are children, 45% are adults, 45% are elderly, 4% are disabled, 1% are women, 5,05,390 (52%) are women, and 4,66,514 (48%).²⁵

3.3 *The Reasons for the Quick Repatriation*

The Rohingya refugees who have been living in Bangladesh since 1992 have been facing various problems. The government of Bangladesh maintains a

separate office solely to look after them²⁶, as well as various UN agencies, including UNHCR, UNDP, UNICEF, FAO, and many other domestic and foreign organizations. Despite all the arrangements, they have some things that are almost impossible without repatriation.

a. **Social and Political issues:** Along with the government of Bangladesh, various UN agencies and NGOs are working to provide food, clothing, shelter, education and treatment to the Rohingya refugees in Bangladesh who are monitoring their health and treatment every day. The Rohingya community in Myanmar's Arakan state has a history of about 1,000 years, but Burma's junta government denies this, passes laws and a constitution²⁷, and forces them into exile through ethnic cleansing. Under this law, the British primarily base full citizenship on membership of the "national races" who are considered by the State to have settled in Myanmar prior to 1824, the date of first occupation. Despite generations of residence in Myanmar, the Rohingya are not considered to be amongst these official indigenous races and are thus effectively excluded from full citizenship. This criterion for citizenship is based on deeply flawed and out-dated notions about race and ethnic identity formation that were prevalent during the colonial period in Myanmar. The 1982 Citizenship Law is discriminatory on the grounds of race, since access to citizenship is primarily based on race, and excludes certain races and ethnic groups, most notably the Rohingya hundreds of thousands for whom have been made stateless²⁸.

The freedom of movement of the Rohingya is heavily restricted and most of them have been stripped of their Burmese citizenship. They have been charged with various offences and offences. They have been subjected to forcible occupation of their land, forced evictions, destruction of their homes and economic blockade on their marriages. On 29 March 2014, the government of Burma banned the word "Rohingya" and called for the minorities to be registered as "Bengali" in the 2014 census for the first time in three decades.^{29/30} Researchers from the International State Crime

²⁵ <https://rrrc.portal.gov.bd/site/page/b6b4b598-2d29-447b-b6ce-b844ca4470d2/About-office#>

²⁶ The office of Refugee Relief and Repatriation Commissioner (RRRC)

²⁷ Arifuzzaman, Md, Ph.D. Fellow and others, *Identity of Rohingya Muslim and Citizen Rights: A Critical Analysis in Bangladesh Perspective*, INTERNATIONAL CENTER FOR RESEARCH AND RESOURCE DEVELOPMENT., ISSN: 2773-5958, <https://doi.org/10.53272/icrrd>

²⁸ <https://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf>

²⁹ <https://www.thehindu.com/todays-paper/tp-international/no-registration-for-rohingya-in-myanmar-census/article5849870.ece>

³⁰ <https://www.bbc.com/news/world-asia-26807239>

Initiative Committee at Queen Mary University of London say Myanmar is in the final stages of massacring the Rohingya and driving them out of the country.³¹ If the conflict in Myanmar continues and the Rohingya refugees in Bangladesh are not peacefully returned to their state, their ethnic identity, civil and social rights will be lost forever from Myanmar.

Legal Issue with the Human Rights: Bangladesh is not a signatory to the 1951 Convention on Refugees and the 1967 Protocol. Therefore, Bangladesh is not legally bound to give shelter to the Rohingyas. Secondly, the Rohingyas are not a freedom-loving people. They are not fighting for freedom. They have no government-in-exile, and the Rohingya are not entitled to political asylum in any other country. Third, Bangladesh does not have any agreement with regional organizations such as SAARC, BIMSTEC, and ASEAN to provide shelter to the Rohingyas, so Bangladesh cannot provide shelter to the Rohingyas alone. Despite this, Bangladesh to shelter Rohingya refugees on the issue of human rights. There are enough legal issues for the Rohingyas to return to their state and live with their proper identity, in the effective implementation of which their repatriation should be effective.

The government of Bangladesh has guaranteed the rights of refugees by respecting various international laws, such as the Universal Declaration of Human Rights (UDHR) 1948, the Convention Relating to the Status of Refugee 1951, Protocol relating to the Status of Refugees 1967, the Convention on the Elimination of All Forms of Discrimination Against Women '1979, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment' 1984, the Convention on the Rights of the Child '1989.

The right to return has a solid foundation in international law. Article 13(2) of the Universal Declaration of Human Rights (UDHR) states, "Everyone has the right

to leave any country, including his own, and to return to his country.³² In the Universal Declaration of Human Rights, a person is recognized as having the final parental right to return to the state. The right to return is most clearly enshrined in the 1966 International Covenant on Civil and Political Rights (ICCPR) under its provisions on the right to freedom of movement (Article 12)³³. United Nations General Assembly Resolution 194 (III) of 11 December 1948 expresses that, Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible³⁴ Convention Relating to the Status of Refugees (28 July 1951) stated that, Article 1.C of the Refugee Convention stipulates that international protection for refugees ceases only under the following conditions: once a refugee has "re-availed himself of the protection of the country of his nationality", or "having lost his nationality, he has voluntarily re-acquired it", or he has "voluntarily re-established himself in the country which he left or outside which he remained", or "being a person who has no nationality he is, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence"³⁵

In November 1999, the Human Rights Committee, the authoritative U.N. body for interpreting the ICCPR, produced a thorough and comprehensive commentary on Article 12. General Comments of the Human Rights Committee represent the most authoritative interpretation of the Covenant available to State Parties. The Committee as authoritative guidance produces them in order to assist States in fulfilling their reporting requirements. The General Comment concluded: The

³¹ The International State Crime Initiative (ISCI), Campaigns of violence towards Rohingya are highly organised and genocidal in intent, Queen Mary University of London (QMUL), <https://web.archive.org/web/20151107053930/http://www.qmul.ac.uk/medi-a/news/items/hss/165941.html>

³²The Universal Declaration of Human Rights, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³³ The International Covenant on Civil and Political Rights and Optional Protocols, <https://www.ohchr.org/en/treaty-bodies/ccpr/background-international-covenant-civil-and-political-rights-and-optional-protocol>

³⁴ United Nations General Assembly Resolution 194 (III) of 11 December 1948, <https://www.un.org/unispal/wp-content/uploads/2016/06/ARES194III.pdf>

³⁵ Article 1(c) of The 1951 Refugee Convention, <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

wording of article 12, paragraph 4, does not distinguish between nationals and aliens ("no one"). Thus, the persons entitled to exercise this right can be identified only by interpreting the meaning of the phrase "his own country". The scope of "his own country" is broader than the concept "country of his nationality". It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, for nationals of a country who have been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them. The language of article 12, paragraph 4, moreover, permits a broader interpretation that might embrace other categories of long-term residents, including but not limited to stateless persons arbitrarily deprived of the right to acquire the nationality of the country of such residence"³⁶

3.4 Internal security issues in Bangladesh

From 1992 to the present, about 9, 48,402 Rohingya have been relocated to Cox's Bazar district in Bangladesh and some parts to Bhashan Char in Noakhali district³⁷. The refugees living in the Rohingya camps are involved in various crimes such as disputes with the local population, murders due to their internal strife, drug smuggling, human trafficking, theft, and influence peddling, which pose a threat to the internal security of Bangladesh. These are;

3.4.1 Murder

Six years since Rohingyas sought shelter in Bangladesh, and they are still stranded amid the complexities of geopolitics. Over the past six years, 186 killings have occurred in the Rohingya camps in Bangladesh, which can be linked to the criminal activities of different separatist groups. Of the 186 deaths, 85 took place between August 25, 2022 and August 24 this year. In comparison, there had been 101 murders overall in the previous five years. According to camp residents, many of the killings can be tied to drug deals, extortion, kidnapping, and

smuggling and turf wars. Some Rohingya separatists also resorted to murder when they did not get ransom money after kidnapping. The involvement of groups like the Arakan Rohingya Salvation Army (Arsa) and Rohingya Solidarity Organization (RSO) in such activities has also become known.³⁸ Furthermore, there has been a clear instance of gunfire exchange between Arsa and the RSO.

For examples, on the night of June 30, 2021, the Rohingyas while returning via Huaikong Shamlapur road abducted locals Mahmudul Karim and Mizanur Rahman. Two days later, Mizan returned with the ransom money, but some armed Rohingya terrorists demanded Tk 1 lakh from Mahmudul Karim. Despite taking Tk 55,000 several times in development, he was not released. At one stage, his half-burnt body was found on the mountain after 1 month and 12 days. They were also killed by. Two brothers from Minabazar area of Teknaf's Hoikong union were brutally killed by some Rohingya terrorists at the foot of the hill and buried on the ground. On 3 May 2020, police recovered the body of a man named Aktarullah. Akhterullah, is the son of Moulvi Abul Kashem of Minabazar in Hoikong union. The other two abducted are Mohammad Shahed, son of Mohammad Hossain, and Mohammad Idris, son of deceased Mohammad Kashem.

3.4.2 Kidnap

Many Rohingyas have become involved in kidnappings by collaborating with hill militants and Arsa. More than 500 kidnappings have taken place in the camps in the past six years. Kidnapping is now a daily occurrence in Teknaf and Ukhiya. At least five to six groups were involved in the kidnappings. However, according to the police, there were 359 kidnappings. Most of the kidnappings go unreported, as filing a complaint can lead to the abductee being killed. Instead, ransom payments often secure the release, some victims said.³⁹

³⁶ The Human Rights Committee General Comment on Article 12 of the International Covenant on Civil and Political Rights (November 1999), <https://www.hrw.org/legacy/campaigns/israel/return/hrc-gen-cmt-rtr.htm>

³⁷<https://rrrc.gov.bd/>

³⁸ <https://www.dhakatribune.com/bangladesh/rohingya-crisis/323480/violence-in-rohingya-camps-escalating-186-killed>

³⁹ Ibid

3.4.3 Rape/Sexual Violations

Human Rights Watch documented 26 cases of violence against Rohingya, including murder, kidnapping, torture, rape and sexual assault, and forced marriage, drawing on interviews with 45 Rohingya refugees between January and April 2023 and supporting evidence including police and medical reports. Victims report facing layers of barriers to police, legal, and medical assistance, with the authorities failing to provide protection, improve security, or prosecute those responsible.⁴⁰

3.4.4 Human Trafficking

The Bangladesh National Women Lawyers Association [BNWLA: A Non-government Organization formed in 1979 and working towards safe migration of women workers.] annual reports in 2019, determined that Pakistan was a transit location for two million women and that Cox's Bazar had trafficked 3,500 young girls in just about a decade. On average 400 women were trafficked out of Bangladesh to various locations per month in 2015. CSE is a rising form of human trafficking. It makes up for half of all trafficking profit and only accounts for 5 percent of victims (BNWLA, 2019). Once trapped into the market of illegal activism, victims suffer for life within the black-market industry and such repressions turns out to be their only option for survival. Bangladesh legalized sex-work in 2000s, but since then forceful servitude to sex working had been on a rise with workers receiving dire legal protection in securing their civic rights. Until 2015, official data provided by BNWLA was an estimated 100,000 women and young girls involved into sex-working, but not even 10 percent (BNWLA, 2019) of all have entered the business voluntarily. At the time of this chapter being drafted, pandemic is already impacting economies and employment where Bangladesh is no different. Escalation of innovative mechanism to traffic has been visible with the use of social media where young women coming across from good social backgrounds had been transported to neighboring countries, being deceived from roles in media houses. In 2020, US Trafficking in Persons report marked Bangladesh as one of the Tier-3

countries, since issue of sex-trafficking is affecting women and girls all over Bangladesh, but the country rarely criminalizes it and hold political/community leaders accountable. As mentioned in the earlier sections, current political economic state does not sufficiently address these crimes towards resolution.⁴¹

3.4.5 Drug Trafficking

From 2017 to mid-2024, a kind of big drug and drug smuggling syndicate has been formed around Teknaf and Rohingya camps, which has surpassed any record in the past. These syndicates have been formed with the joint efforts of locals and Rohingya refugees. There are also widespread clashes between themselves and the law enforcement agencies over these smuggling activities.

As of May 2022, over 926,486 Rohingya refugees had sought refuge in Bangladesh, specifically in the country's Cox's Bazar district. The influx of refugees has also reshaped drug prevention challenges in the region, with the Myanmar-Bangladesh border being a historical drug trafficking route. Bangladesh has long been both a destination and transit country for illicit drugs, particularly Yaba (Thai for "crazy medicine"), a combination of methamphetamine and caffeine. A large number of vulnerable Rohingya refugees have thus become drug users. Others (particularly the young) are entering the drug business as a career path, often without their families' knowledge or consent, due to limited employment options and livelihood opportunities. Together with the UN Refugee Agency (UNHCR), the UN Office on Drugs and Crime (UNODC) supported pre-piloting cycles of the 'Strong Families' Programme in four Rohingya refugee camps in Cox's Bazar. Families are the most powerful social institution in South Asia, meaning that they can be useful tools in raising awareness of the perils of drug smuggling and use.⁴²

Speaking at a seminar titled 'Rohingya and Narco Terrorism' organised by Dhaka-based magazine Diplomats in Dhaka, Home Minister Asaduzzaman Khan Kamal said the seizure of yaba tablets in 2016 was

⁴⁰ <https://www.hrw.org/news/2023/07/13/bangladesh-spiraling-violence-against-rohingya-refugees>

⁴¹ Mokbul Morshed Ahmad and Robaiya Nusrat, Human Trafficking and Crimes in the Rohingya Refugee Camps in Bangladesh, [Asian Institute of Technology](https://www.researchgate.net/institution/Asian_Institute_of_Technology),

https://www.researchgate.net/institution/Asian_Institute_of_Technology

⁴² The UN Office on Drugs and Crime (UNODC), Building Stronger Families to Prevent Drug Use and Trafficking among Rohingya Refugees in Bangladesh, <https://www.unodc.org/unodc/frontpage/2022/June/building-stronger-families-to-prevent-drug-use-and-trafficking-among-rohingya-refugees-in-bangladesh.html>

only 34 lakh while those were 1 crore in 2018 and more than 2 crore in 2021. He seeks international cooperation to resolve the Rohingya crisis.⁴³

Only in 2023, the Department of Narcotics Control arrested 144 Rohingyas with drugs in the Chittagong region. As many as 130 cases were registered against them. A total of 5,31,937 pieces of yaba were seized from them. In seven years, the Department of Narcotics Control arrested more than 700 Rohingyas, including Yaba. 640 cases were registered against them. During the operation, 23, 61,360 pieces of yaba were recovered. At the same time, the police filed a drug case against 3,200 people in the Rohingya camp. The number of drug cases filed in seven years is 2,200. The number of cases filed by the police and the Department of Narcotics Control is 2,840. The total number of accused in these cases is 3,900. Reviewing the statistics of drug menace in the Rohingya camps, it was found that there were only 35 cases of drugs in the Rohingya camps in 2017. In the last seven years, drug-related cases have increased by 630 cases a year. During this period, drug-related crimes in the Rohingya camps have increased by 1,800 percent. In 2022, 1524 people were accused in 147 drug cases. In 2021, 630 Rohingyas were accused in 605 drug cases. In 2020, 532 people were accused in 538 drug cases. In 2019, 274 people were accused in 178 drug cases. In 2018, 190 people were accused in 124 drug cases. In 2017, 53 people were accused in 35 cases⁴⁴.

3.4.6 Illegal Arms and Gang Culture

Around 14-armed criminal gangs are active in the 34 Rohingya refugee camps in Ukhiya and Teknaf upazila in Cox’s Bazar. Seven of these groups are active in Ukhiya and seven in Teknaf. These groups are involved in various crimes including yaba and gold smuggling, kidnapping, extortion⁴⁵ and human trafficking⁴⁵. Based on the illegal arms trade and various terrorist activities, some organized gangs have been formed in the Rohingya camps, which are mainly dominating the different camps, drug trade, theft, and robbery.

Various leaders of the Rohingya camps, local people’s representatives of Ukhiya and sources from the law enforcement agencies confirmed this. These groups are named after various persons (Rohingyas). The seven terrorist gangs of Teknaf include Hakim Bahini, Sadeq Bahini, Hasan Bahini, Nurul Alam Bahini, Hamid Bahini and Nur Mohammad Bahini. The seven gangs of Ukhiya are - Munna Bahini, Asad Bahini, Rahim Bahini, Kamal Bahini, Jamal Bahini, Manu Bahini and Giyas Bahini.

At least 14 criminal groups in the Rohingya camps as well as the fact that Arakan Rohingya Salvation Army (ARSA) is active through various channels⁴⁶.

3.4.7 Humanitarian Reason

More than 20,000 workers from more than 100



organizations at home and abroad are working in various

Photo Source: The Daily Bangladesh Pratidin

⁴³ <https://www.newagebd.net/article/176367/rohingyas-illegal-drug-trade-poses-a-threat-discussion>

⁴⁴ <https://www.bd-pratidin.com/last-page/2024/01/30/962857>

⁴⁵ <https://en.prothomalo.com/bangladesh/crime-and-law/14-armed-groups-active-in-the-rohingya-camps>

⁴⁶Ibid

humanitarian services in the Rohingya camps. As the situation is getting worse day by day, the NGO-INGO workers going to work in the camp are worried and many of them are feeling insecure. Due to these reasons, some NGOs have limited their service activities in the camps and some NGOs have stopped their work, which is alarming. If the Rohingyas are not sent back as soon as possible, the national security of Bangladesh will be threatened in the coming days.

Although various donor agencies have provided their humanitarian assistance to the Rohingya camps, the long-term stay of the refugees has led to a lot of laxity compared to the past, which is one of the reasons for the various crimes and criminal behavior of the Rohingyas staying in the camps. The various criminal activities of the Rohingya refugees are decreasing everyone's mercy towards them and if this continues, the Rohingya refugees will become a threat to Bangladesh. About 95% of Rohingya families in Bangladesh are at risk, and are dependent on humanitarian assistance. More than 75% of these refugee populations are women and children; and they are at risk of exploitation and gender-based violence. They urgently need sustained support. More than 48% of the entire refugee population is under 18; those who have limited opportunities for education, skill-development and livelihood work.⁴⁷

Inadequate funding over the past years has had a serious adverse impact on the lives of Rohingya women,

are likely to get worse. In overcrowded refugee camps plagued by insecurity and natural disasters, the Rohingya's lives are utterly precarious, and they depend on humanitarian aid.⁴⁸

4 Regional Cooperation for Effective Mechanisms of the Rohingya Repatriation

The law, as well as the right to return to their home country, recognizes the right of a foreign national or a group of foreign nationals who have been subjected to ethnic cleansing or persecution in their home country to seek asylum in another territory or state. An important point comes to the fore about the activities of the regional states in the last three years to deal with the Rohingya problem and their consistent achievements. The issue of regional cooperation has been discussed very seriously in the efforts to repatriate the Rohingya by various international organizations.

Two countries that are now very important to China for the sake of strategic economy, one is Pakistan and the other is Myanmar. China has long been concerned about the security of the Malacca Strait, especially the waterway through which China's energy supplies come from the Persian Gulf. So as an alternative to that waterway, they have created access to the Indian Ocean through Pakistan and



Image Source: <https://images.prothomalo.com/prothomalo-bangla>

children and men who fled to Bangladesh to escape violence and persecution in Myanmar. They are struggling to meet their basic needs, and their problems

Myanmar. A deep-sea port has been built in Myanmar's Bay of Bengal with Chinese

⁴⁷ <https://bangladesh.un.org/bn/263209->

%E0%A6%B0%E0%A7%8B%E0%A6%B9%E0%A6%BF%E0

⁴⁸ Ibid

investment. An oil pipeline from there to China's Yunnan province opened in 2017.

Another gas pipeline was launched in 2013, which carries gas produced in the sea of Myanmar to China. China has invested more than \$3 billion in Myanmar in these two projects. Moreover, Myanmar is a very important partner of China's ambitious Belt and Road project. During Chinese President Xi Jinping's visit in January 2020, new contracts worth \$9 billion were signed for various infrastructure projects of the China-Myanmar Economic Corridor (CMFC). The plans include building a new port and a railway line to the Chinese border⁴⁹. One of the main tenets of Chinese foreign policy is that it will not interfere in the internal affairs of any country and it has been following the same policy in Myanmar for the last three decades. However, it is also true that the current ethnic cleansing of Myanmar, which is at the level of international crime "genocide⁵⁰," so China would certainly not want a third country or power to attack Myanmar under the pretext of genocide or under the pressure of refugees, as the huge Chinese investment in Myanmar would be threatened as well as the possibility of Myanmar getting out of the Chinese circle. China has to keep Myanmar and Bangladesh on its side to maintain its dominance in the Indian sub-ocean and the Bay of Bengal against India, so politically Myanmar's aggression and Bangladesh's Rohingya issue are very important to China. That is probably why Chinese Foreign Minister Yang Yi said at a press conference in Beijing on March 7 that China will talk to all parties in the country about the crisis in Myanmar. "China is ready to talk to all sides and play a role in easing tensions, taking into account Myanmar's sovereignty and the will of its people," he said⁵¹. China has close ties with all political

parties in Myanmar, not just the military. Their relationship with the NLD is also very good. Aung San Suu Kyi⁵² has visited Beijing several times. When Ms. Suu Kyi came under pressure from Western countries on the Rohingya issue, Beijing supported her, so China's influence on Myanmar is greatest for social, political and economic reasons. Bangladesh's efforts to repatriate Rohingya refugees with China's help can be successful by countering this multi-dimensional influence of China. As far as China's social, political and economic relations are concerned, Myanmar's military government and democratic government have no influence on any other country, so there is no alternative to China's cooperation in Rohingya repatriation through talks with both the insurgent groups and the military in Rakhine.

The history of India and Myanmar is similar. Both countries suffered the same fate. Both were British colonies and both gained independence from Britain in 1947 and 1948. There are many similarities between the two countries not only in historical but also in cultural terms. Buddhism was propagated in Myanmar from India. The majority of the population in Myanmar is Buddhist. India supported the democratic movement in its neighboring country Myanmar at least morally until the 1990s. Then India changed its policy stance to think about security and energy, said Christian Wagner⁵³ of the Science and Politics Foundation in Berlin. He said that in the past years, Myanmar has become a very important country for India as a supplier of energy. Myanmar is India's second-largest neighbor and its largest neighbor in the east. India shares not only a land border but also a maritime border with Myanmar. Myanmar and India's relations have improved significantly in the two thousand and three years since the exchange of state

⁴⁹ <https://www.bbc.com/bengali/news-56421209>

⁵⁰ Genocide was first recognised as a crime under international law in 1946 by the United Nations General Assembly (A/RES/96-I). It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). The Convention has been ratified by 153 States (as of April 2022). The International Court of Justice (ICJ) has repeatedly stated that the Convention embodies principles that are part of general customary international law

⁵¹ Ibid

⁵² https://en.wikipedia.org/wiki/Aung_San_Suu_Kyi

⁵³ Wagner, Dr. Christian, <https://www.ipcircle.org/mentors/dr.-christian-wagner>

visits, during which even the Vice President of India visited Myanmar seven times. Trade between the two countries has already crossed the one hundred billion dollar mark. India is helping Myanmar build up its infrastructure and providing technology to develop Myanmar's information and communication system. Both countries have signed arms supply agreements despite strong criticism from the West.

5 Repatriation Vs Refoulement

International law has always supported the peaceful and voluntary repatriation of refugees to protect their human rights, but at different times, refugees are forcibly returned (refoulement)⁵⁴ (Refoulement (forced return) is when a State adopts measures, at its border, that prohibit and actively prevent a foreign person who is not already a legal resident of its territory from entering its national territory) to a different country and a new problem arises there. The 1951 Refugee Convention prohibits the principles of refoulement. Article 33 of the Refugee Convention states that "no contracting state shall expel or return 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"⁵⁵. The United Nations has banned refoulement and encouraged non-refoulement in one of its conventions. The principle is found in the UN's 1984 Convention Against Torture, which prohibits state parties from expelling or extraditing a person to a state where there are "substantial grounds" for believing they would be in danger of being subjected to torture. Many nations, including Australia, have included non-refoulement principles in their own laws. The obligations for protecting refugees extend to not sending a person to a country from which they could in turn be sent on to a third country, where they would also face a risk of torture, freedom or loss of life⁵⁶.

Bangladesh has been raising the issue of Rohingya repatriation at international forums, including the United Nations. Bangladesh is also supporting us. Nevertheless, there has been no response from Myanmar. I do not see any hope of resolving the crisis

through existing bilateral relations with neighboring countries. Bangladesh has also not received the desired cooperation from other neighboring countries. Overall, it is understood that we have to increase our capacity to deal with the Rohingya crisis. The work is ongoing for that. But as time goes on, the crisis deepens. During the BGB-BGP flag meetings, the Myanmar border guards often talked about the existence of armed groups on the border with Bangladesh. Bangladesh has always denied this. It is to deny. Bangladesh will not tolerate any kind of terrorist activities using its soil. That opportunity never comes. We know that there is specific guidance on this from the top level. This can be confirmed from various sources. Still, the presence of a handful of armed members of some insurgent organizations is sometimes felt in the border areas. In addition, to stop them, border roads are being built along the impassable and isolated border. Meanwhile, the number of BOPs of the border guarding force has been increased. Surveillance and surveillance have been increased. Not to mention an organization called ARSA. The Rohingyas, once known as Al Yaqeen, need to have a clear understanding of this insurgent organization. But the reality is that we don't know enough. The group carried out several armed attacks inside Myanmar's Rakhine state in the period before August 2017. In response, Myanmar's law enforcement and military launched attacks on Rohingya settlements. The chaos spread across the whole of Rakhine. People's houses have been ruined. The Rohingyas fled to Bangladesh after being tortured, tortured and killed. It should be remembered that anyone can use this border area, which is becoming increasingly complex in many ways. But in 1992/93, the first militant hideout of Bangladesh was found in this Ukhiya. The building was demolished in a police operation. A lot has happened in the country since then. We have a lot of work to do on that. Since the crisis is so big, everyone has to work from his or her position. The activities of law enforcement agencies have increased around the Rohingya camps. However, the challenges are different. Law enforcement agencies and intelligence agencies are trying to keep pace with him. Bangladesh is on the rise.

⁵⁴ <https://guide-humanitarian-law.org/content/article/3/refoulement-forced-return-and-expulsion/>

⁵⁵ <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

⁵⁶ Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, https://www.ohchr.org/en/instruments_mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading

6 Recommendation

The peaceful repatriation of Rohingya refugees from Bangladesh involves a complex interplay of legal, social, and political factors. Here are some recommendations for effective mechanisms, focusing on regional cooperation and a socio-legal analysis:

6.1 To strengthen the bilateral agreements

- **Bilateral Framework:** Establish formal agreements between Bangladesh and Myanmar that outline the terms of repatriation, including safety guarantees, legal status, and basic rights for returnees.
- **Monitoring Committees:** Create joint committees to oversee the implementation of repatriation processes, ensuring compliance with agreed-upon terms.

6.2 To engage the regional organizations

- **ASEAN Involvement:** Leverage ASEAN's role to facilitate dialogue between Myanmar and Bangladesh, encouraging regional solutions to the refugee crisis.
- **South Asian Cooperation:** Explore frameworks for cooperation among South Asian nations to support Bangladesh in handling the influx of refugees.

6.3 To gain international legal frameworks

- **UNHCR Partnership:** Work closely with the UNHCR to ensure that repatriation efforts align with international refugee laws and standards, protecting the rights of refugees during the process.
- **Human Rights Protections:** Incorporate human rights considerations into repatriation agreements, ensuring that returnees are safe from persecution upon their return.

6.4 To gain international legal frameworks

- **Local Involvement:** Engage local communities in both Bangladesh and Myanmar in the repatriation process to foster acceptance and integration.
- **Cultural Sensitivity Programs:** Implement programs that educate both refugees and local populations about each other's cultures to reduce tensions.

6.5 Recommend to ensure the post-repatriation support

- **Reintegration Programs:** Develop comprehensive reintegration strategies that include access to housing, education, and livelihoods for returnees.

- **Monitoring Mechanisms:** Establish ongoing monitoring to ensure that returnees are not subjected to discrimination or violence upon their return.

6.6 Recommend to try capacity building

- **Training and Resources:** Provide training for local officials in both countries on refugee rights and the legal frameworks surrounding repatriation.
- **Strengthening Legal Systems:** Invest in strengthening Myanmar's legal and judicial systems to protect the rights of returnees effectively.

6.7 Recommend to arrange the regional dialogue and advocacy

- **Dialogue Platforms:** Create platforms for dialogue among affected countries, NGOs, and civil society to discuss challenges and solutions related to repatriation.
- **Advocacy Campaigns:** Mobilize regional and international advocacy campaigns to raise awareness and generate support for the peaceful repatriation process.

7 Conclusion

While the potential consequences for asylum seekers returning to countries where they face persecution or torture are dire, the legal consequences for the countries or authorities those send them back there are less clear. In a As far as the UNHCR is concerned, it is urging nations to make sure they properly assess the claims of asylum seekers. In addition to strong criticism from the international legal community, human rights organizations, and the public, there have been several instances where countries have been accused of violating the principle of non-refoulement. As far as the UNHCR is concerned, it is urging nations to make sure they properly assess the claims of asylum seekers. Regarding the internal security of Bangladesh, excessive economic pressure, the refugees' inhuman life and their existence, it is now the demand of the time to send them back to their home country Myanmar as soon as possible peacefully. As neighboring countries, China and India have extensive social, political and commercial relations, which the Myanmar government has no scope to deny on the Rohingya repatriation issue, so through effective diplomatic talks with China and India, the Rohingya refugees can be repatriated to their own state peacefully.

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