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REPATRIATION OF FORCIBLY DISPLACED MYANMAR NATIONALS: POLITICAL SECURITY AND HUMANITARIAN ASSISTANCE

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ABSTRACT

Persecution and displacement of the Rohingyas from their homeland in Myanmar signify some of the most gruesome incidents of genocide in recent history. Bangladesh has been hosting more than one million Forcibly Displaced Myanmar Nationals (FDMN) out of humanitarian concerns. The Government of Bangladesh has made enormous contributions for decades to uphold the humanitarian rights of the sheltered community. At present, there is a need to draw up solutions that not only ensure their safe, sustainable and dignified repatriation to Myanmar but also address complex issues like political security, humanitarian plights, geopolitical stakes, interests, actions, and inactions. Capturing this broad spectrum, this paper aims to unfold the prospects and challenges regarding the repatriation of the FDMNs. For this purpose, it explores the past and the present episodes of the crisis from national, regional, and international lenses. The paper used a combination of field-based and secondary qualitative studies to understand the debates and challenges, the roles of the international community in facilitating the process, and the means of achieving sustainable repatriation. The findings also illustrate actor-specific policy recommendations for state actors, non-state actors, regional and international institutions, media, and civil society entities.

Keywords: Rohingya, Repatriation, Political Security, Humanitarian Assistance, Geopolitics, Ethnic Cleansing.

List of Abbreviations

ARSA	Arakan Rohingya Salvation Army
ARSPH	Arakan Rohingya Society for Peace and Human Rights
ASEAN	Association of Southeast Asian Nations
ASEM	Asia–Europe Meeting
BCIM-EC	Bangladesh, China, India and Myanmar Economic Corridor
BRI	Belt and Road Initiative
BTF	Burma Task Force
CCPR	Centre for Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRDI	Canadian Rohingya Development Initiative
CRPD	Convention on the Rights of Persons with Disabilities
DICA	Directorate of Investment and Company Administration
EQMM	Equality Myanmar
EU	European Union
FDI	Foreign Direct Investments
FDMN	Forcibly displaced Myanmar Nationals
FOIP	Free and Open Indo-Pacific
GoB	Government of Bangladesh
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IOM	International Organization for Migration
IPS	Indo Pacific Strategy
IR	International Relations
ISCG	Inter Sector Coordination Group
MNC	Multinational Corporation
MoFA	Ministry of Foreign Affairs
MoGE	Myanmar Oil and Gas Enterprise
MoU	Memorandum of Understanding
NRC	National Register of Citizens
OAU	Organisation of African Unity
OIC	Organisation of Islamic Cooperation
R2P	Responsibility to Protect
RRRC	Refugee Relief and Repatriation Commissioner
SEZ	Special Economic Zone
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
US	United States
UNCSR	United Nations Convention relating to the Status of Refugees
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNSC	United Nations Security Council
UPR	Universal Periodic Review

Chapter One

Introduction

Md. Rafid Abrar Miah and Md. Nahiyan Shajid Khan

The Forcibly Displaced Myanmar Nationals (FDMN) crisis is currently one of the most pressing issues in Bangladesh. This crisis is not an unprecedented one; rather, it has a history rooted back in the 1970s. Rohingyas have been facing racial discrimination by the Myanmar authority at large and become a subject of exploitation since then. As such, the Rohingya influx into Bangladesh is an old crisis. Major Rohingya influx took place in Bangladesh in 1974-75, 1978, 1982, 1991, and finally in 2017. In every influx till 1991, efforts taken by the GoB to repatriate Rohinhyas in Myanmar worked to some extent. After the latest influx of 2017, both countries formed a "Joint Working Group" for the repatriation of FDMNs, but they are yet to be repatriated. Especially, after the military coup of 2021, Bangladesh is concerned about the success of this repatriation process. Currently, over a million FDMNs are staying in Bangladesh and residing in the camps of Cox's Bazar and Bhasan Char.

In a country with a dense population, small landmass, and limited resources, such a magnitude of influx creates massive pressure on the socio-economy and security aspects. If not repatriated, there is a possibility that the FDMNs may get involved in different transnational crimes. This, in turn, exposes the possibility of crumbling regional security apparatus in South Asia.

Considering all these setbacks of FDMN repatriation, this study is being designed to find a set of recommendations through which this crisis can be dealt with in a better way. This study opts for a qualitative methodology to meet the objective.

This chapter first focuses on all the major Rohingya influxes that took place after the independence of Bangladesh, along with examples of repatriations. Followed by a brief background of the 2017 FDMN influx, it also illustrates the reasoning for the failure of the repatriation process to date and potential threats to Bangladesh as well as to the South Asian region if repatriation does not take place. Later, the objective and methodology are also delineated.

1.1 Rohingya Crisis and Bangladesh: A History of Half a Century

Rohingyas have been living in Arakan for a long time. When General Ne Win came to power in 1962, he introduced divisive racial discrimination and ethnic right-based policies in Myanmar, instigating a conflict between ethnicities. Tactics of fear and intimidation were used against Rohingyas many times. Moreover, while living in Myanmar, Rohingyas were denied the right to basic needs such as education,

health, etc. They were pre-emptively forced backwards through the denial of these rights.[1]

Myanmar began the census operation Sapay in 1974 that took action against 977 people who entered illegally, 669 people who violated the national and immigration law, and 18,354 suspected foreigners. From 1974-1975, during the Hintha operation, the Myanmar Government accepted and rehabilitated 186,996 Rohingya returnees from refugee camps in Bangladesh.[2]

Nearly all Myanmar citizens were registered and given identity cards with the commencement of Operation Nagamin in 1977, which lasted more than a decade. For the purpose of quickly determining the bearer's citizenship status, these cards are all colour-coded. The Four colours (pink, blue, green, and white) represent the legal residents of Myanmar. In 1978, during Operation Nagamin, almost 200,000 Rohingyas fled across the border to Bangladesh without being inspected by immigration officers.[3]

The Myanmar military allegedly used violence to drive them out.[4] About 170,000 Rohingyas reportedly returned to Myanmar, the rest remained in Bangladesh. Although Muslims in Arakan can be traced between the 8th and 15th centuries in Burma,[5] the Myanmar government has constantly forced Rohingyas out through different tactics, claiming them to be illegitimate immigrants from Bangladesh.[6] These were the most significant exoduses in recent memory, and by the end of 1979, all 10,000 refugees had returned to Myanmar under international supervision.

Myanmar's government recognised 135 ethnic groups in 1982 through the citizenship act.[7] The Rohingyas, who number around 3 million, were not included in the list and thus became a stateless community.[8] In 1991, some 12 years later, there was another mass exodus.

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[1] Faria Ahmed and Nurul Huda Sakib, "Covid-19 in Bangladesh is Creating a Humanitarian, Public Health and Economic Crisis – along with Rising Tensions between Rohingya Refugees and The Host Community," *The Loop*, accessed March 08, 2022, https://theloop.ecpr.eu/covid-19-in-bangladesh-is-creating-a-humanitarian-public-health-and-economic-crisis-along-with-rising-tensions-between-Rohingya-refugees-and-the-host-community/.

[2] A. K. M. Ahsan Ullah, "Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization," *Journal of Immigrant & Refugee Studies* 9, no. 2 (2011): 139-161.

[3] Ullah, "Rohingya Refugees to Bangladesh," 139-142.

[4] Ullah, "Rohingya Refugees to Bangladesh," 139-140.

[5] Jacques Leider, "Rohingya: The History of A Muslim Identity In Myanmar," *Oxford Research Encyclopaedia Of Asian History*, 2018, 1-35; Dr. Mohammed Yunus, *A History Of Arakan (Past & Present)*, 1st ed. (Network Myanmar, 1994), 1-99.

[6] WARZONE Initiative, Rohingya Briefing Report, 2015, https://www.warzone.cc/media/Rohingya_Briefing_Report_version2.pdf.

[7] The International Commission of Jurists (ICJ), Citizenship and Human Rights in Myanmar: Why Law Reform is Urgent and Possible, 2019, https://www.icj.org/wp-content/uploads/2019/06/Myanmar-Citizenship-law-reform-Advocacy-Analysis-Brief-2019-ENG.pdf.

[8] Leider, "Rohingya,"1-6.

In 1991, Myanmar's military launched another campaign, Operation Clean and Beautiful Nation, forcing another 250,000 Rohingyas to flee to Bangladesh.[9] People were admitted to 19 camps. Keeping them in camps helps the government to properly identify them, which facilitated repatriation. Later, in April 1992, a repatriation process began. In May 1993, the Government of Bangladesh (GoB) and the United Nations High Commissioner for Refugees (UNHCR) signed a memorandum of understanding (MoU) to promote continued repatriation. Over 230,000 Rohingyas returned to Myanmar between 1993 and 1997.[10]

Past examples mentioned above show that in every influx till 1991, the GOB was successful in repatriating Rohingyas. After almost two decades, in 2012, another violence broke out when three Muslim men were accused of raping and killing Buddhist women in Rakhine.[11] Consequently, security forces attacked Muslim neighbourhoods, burned down homes, and displaced tens of thousands of Rohingyas. Rohingyas were made disenfranchised and stateless. The FDMNs claimed that the Myanmar military had made them the targets of all atrocities: killing, raping, and setting their villages on fire.[12] Satellite imagery confirms the claims of FDMNs.[13] Hence, under compulsion and coercion, to save their lives, the Rohingyas crossed the border of Myanmar to flee to neighbouring countries because they had no other choice as the state military sprang a violent offensive on the Rohingya ethnic minority group.

1.2   FDMN Influx of 2017 in Bangladesh

The influx of FDMNs rose to new heights in 2017 when Myanmar started attacking the Rohingyas at Myanmar Border Guard Police posts on 25 August 2017.[14] UNICEF reported that by the end of August 2021, about 890,000 FDMNs resided in Cox's Bazar district.[15] Bangladesh's southern Cox's Bazar district now hosts around one million FDMN, some 600,000 of whom live in the Kutupalong "mega camp"—"the world's largest refugee camp" in the Cox's Bazar district of Bangladesh.[16]

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[9] NPM ACAPS Analysis Hub, "Rohingya Influx Since 1978," (The Displacement Tracking Matrix (DTM), IOM, 2017), Bangladesh — NPM ACAPS Analysis Hub Report — Rohingya Influx since 1978 (December 2017) | Displacement (iom.int).

[10] NPM ACAPS Analysis Hub, "Rohingya Influx Since 1978."

[11] Leider, "Rohingya," 7-11.

[12] Md. Thuhid Noor, Md. Shahidul Islam and Saha Forid, "Rohingya Crisis and the Concerns for Bangladesh," *International Journal of Scientific And Engineering Research* 8, no. 12 (2017).

[13] Chris Beyrer and Adeeba Kamarulzaman, "Ethnic Cleansing in Myanmar: The Rohingya Crisis and Human Rights," *The Lancet* 390, no. 10102 (2017): 1570-1573.

[14] UNICEF, "Bangladesh: Humanitarian Situation Report No. 16 (Rohingya Influx)," UNICEF, 2017, https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no-16-Rohingya-influx-24-december-2017.

[15] UNICEF, "Rohingya Crisis," accessed March 08, 2022, https://www.unicef.org/emergencies/Rohingya-crisis.

[16] DRC, "The Rohingya in Bangladesh: The World's Largest Refugee Camp," *Danish Refugee Council*, 2021, https://drc.ngo/it-matters/feature-stories/2021/5/the-Rohingya-crisis/?gclid=CjwKCAjwi6WSBhA-EiwA6N-

Managing such a mega camp is a tremendous burden for an overpopulated and under-resourced country like Bangladesh. On average, Bangladesh spends US$1.22 billion a year on hosting Rohingyas.[17] As of July 2021, only US$366 million has been disbursed, whereas around US$1 billion of the required humanitarian assistance funds for FDMNs are yet to be disbursed and the rate of disbursement is steadily declining.[18] Estimates show that over US$7 billion yearly is required to support them in Bangladesh.[19]

Kutupalong and Balukhali are the two largest camps for FDMNs in Bangladesh.[20] According to Bangladesh's Ashrayan Initiative[21], which was launched in 2015, it was planned that all FDMNs be relocated to the Hatiya island in the Bay of Bengal. After the 2017 influx, the plan had to be reworked. Thengar Char or Bhasan Char, in Hatiya Upazila of Noakhali district, was designated as the location where the FDMNs would be relocated by the government. For Ashrayan-3, the Bangladesh government partnered with Sinohydro and HR Wallingford for the development of Bhasan Char, which was tasked to the Bangladesh Navy. Nearly 1400 multipurpose shelters, including schools, shops, a mosque, and health care facilities, were constructed by the government to lodge approximately 100,000 refugees, with the capacity to accommodate up to 400,000.[22] However, the sole solution to this crisis is nothing but repatriation, not such mere relocation within Bangladesh.

To facilitate the repatriation, Bangladesh and Myanmar formed a "Joint Working Group" soon after the influx in 2017. In 2018, Bangladesh and Myanmar signed a repatriation deal for FDMNs, which settled the timeframe for their return. Myanmar and Bangladesh agreed on sending 1500 FDMNs each week and aimed to return all of the FDMNs in two years.

Two attempts of repatriation in November 2018 and August 2019 were not successful and not a single FDMN returned. However, some progress has been made since the first meeting of the technical level Ad-Hoc Task Force for Verification of the FDMNs. The Prime Minister of Bangladesh Sheikh Hasina reiterated her commitment to voluntary repatriation in her speech at UNGA.[23] Since independence, Bangladesh

iok0BC3vujKiKK4bR5ZcgVFJlmfT-mpClN7iNOKhnEuReo30nD6BJyaxoC_ecQAvD_BwE.

[17] Jamshed M Kazi, "Who will Bear the Financial Burden of Supporting the Rohingyas in Bangladesh," *The Diplomat,* October 30, 2021.

[18] Shafi Md. Mostofa, "Bangladesh And Myanmar Resume Talks on Rohingya Repatriation," *The Diplomat*, 2022, https://thediplomat.com/2022/02/bangladesh-and-myanmar-resume-talks-on-Rohingya-repatriation/.

[19] Mostofa, "Bangladesh and Myanmar."

[20] Shamsuddin Illius, "An Inside Look at Bhasan Char – the New Home for Rohingyas," *The Business Standard*, 2019. https://www.tbsnews.net/rohingya-crisis/inside-look-bhashan-char-new-home-rohingyas

[21] Government of Bangladesh, Ministry of Defence, Armed Forces Division (AFD), Ashrayan Project, 2022, https://afd.gov.bd/activities/ashrayan-project.

[22] "Ashrayan 3 Project at a glance," Youtube, October 19, 2019.

[23] "PM Places 4 Proposals before UNGA, Dubs Rohingya Crisis a Regional Threat," *The Daily Star*, September 28, 2019, https://www.thedailystar.net/rohingya-crisis/pm-sheikh-hasina-places-4-proposals-dubs-rohingya-crisis-1806475.

has pledged in its constitution to support the oppressed people against colonialism and racialism to ensure justice.

Consequently, Bangladesh provided necessary support to the Gambia for the International Court of Justice (ICJ) case on the Rohingya Genocide to convict Myanmar for its mass atrocities.[24] In recent times, a petition has been filed in the International Criminal Court (ICC) to transfer the court for the trial against Myanmar for the killing and torture of the Rohingya to Bangladesh instead of the Hague.[25] The application was made by the lawyers of victim support group working for the Rohingyas. They requested the hearing in a country close to the persecuted Rohingya.[26]

Unfortunately, the political regime in Myanmar changed in February 2021 when military leaders with General Min Aung Hlaing staged a coup and toppled the government of Aung San Suu Kyi. After the coup toppled the NLD government, the FDMN repatriation process has become a concern for Bangladesh. The future of FDMN repatriation under the military government of Myanmar might be jeopardised and repatriation talks might fall in a state of suspension. Fortunately, in 2022, the Bangladesh-Myanmar repatriation talks resumed.[27]

However, if not repatriated, the FDMNs may be exposed to different negative influences from various transnational criminal activities. Popular Rohingya Leader, Chair of the Arakan Rohingya Society for Peace and Human Rights (ARSPH) Mohibullah Khan, lost his life and is suspected of having been shot by the ARSA members.[28] This, indeed, may expose the possibility of FDMNs getting involved in different transnational crimes, which in turn exposes the possibility of crumbling regional security apparatus in South Asia.

Though the FDMN crisis emerged in 2017, no significant progress took place in their repatriation process within these long five years. The global focus has shifted from this crisis due to seismic changes in global politics since 2017. Notable events like Brexit, the Yemen war, the Covid-19 Pandemic, and the Russo-Ukraine war have

[24] Human Rights Watch (HRW), "Questions and Answers on Gambia's Genocide Case Against Myanmar before the International Court of Justice," *Hrw.com*, Human Rights Watch, 2019, https://www.hrw.org/news/2019/12/05/questions-and-answers-gambias-genocide-case-against-myanmar-international-court.

[25] "Rohingya Genocide: ICC Sought In Bangladesh Instead of Hague," *The Daily Bangladesh*, September 10, 2020, https://www.daily-bangladesh.com/english/international/49887#:~:text=A%20petition%20has%20bee.

[26] International Desk, "Rohingya Genocide: ICC Sought In Bangladesh Instead Of Hague," *The Daily Bangladesh*, 2020, https://www.daily-bangladesh.com/english/international/49887#:~:text=A%20petition%20has%20bee.

[27] Lindsay Maizland, "Myanmar's Troubled History: Coups, Military Rule, And Ethnic Conflict," Council on Foreign Relations, 2022, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.

[28] Krishna Kumar Saha, "Rohingya Relocation and Repatriation: Bangladesh Is in the Paradox of Buridan's Donkey," *Asia Portal*, 2022, https://www.asiaportal.info/Rohingya-relocation-and-repatriation-bangladesh-is-in-the-paradox-of-buridans-donkey/.

drawn global focus, and the priority of resolving this significant humanitarian crisis has faded. The FDMN crisis, as mentioned already, is not a bilateral issue anymore: it rather, has become a regional security concern. It requires immediate action for a resolution. Recently, the military regime has resumed talking with Bangladesh about the repatriation process. Therefore, Bangladesh and the international community need to continue putting pressure on the Myanmar government.

1.3   International Regimes on Repatriation

According to Paul de Greiff, the three primary goals of reparations are to recognise past wrongs, build civic trust and develop social solidarity for individuals to get the status of citizens within political communities.[29] Article 33 of the 1951 UN Refugee Convention says, "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."[30] The Universal Declaration of Human Rights (UDHR) provides the option for the right of return for refugees under Article 13(2) but places no conditions on such cases.[31] The 1950 statute gives the Office of the United Nations High Commissioner for Refugees the mandate to facilitate voluntary repatriation. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa was the first major international refugee agreement to elaborate on the principles of voluntary return under Article 5.1. Then again, the 1984 Cartagena Declaration on Refugees in Article 12 gives the voluntary and individual character of repatriation of refugees.[32]

Bangladesh, since the emergence of the refugee crisis, assured the global community that it wants a voluntary, safe, dignified, and sustainable repatriation of the Rohingyas. A study conducted by Swazo and his team provided a guideline for the repatriation conditions.[33] They paved a way through which the Rohingyas can seek a lasting solution under Chapter XI: Article 73, Declaration Regarding Non-Self-Governing Territories of the UN Charter (1945), which includes: a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses; b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of

[29] Pablo De Greiff, *The Handbook of Reparations* (Oxford: Oxford University Press, 2010).

[30] Greiff, *The Handbook of Reparations*.

[31] United Nations, Universal Declaration of Human Rights, Preamble, 1948, https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf.

[32] United Nations High Commissioner for Refugees (UNHCR), "Cartagena Declaration on Refugees," UNHCR, 2019, https://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html.

[33] Norman K. Swazo, Mahbubul Haque, Sk. Tawfique M. Haque and Tasmia Nower, *The Rohingya Crisis: A Moral, Ethnographic, and Policy Assessment* (London: Routledge, 2021).

advancement; and, c) to further international peace and security.[34] Haque also underlaid eight distinct independent pillars for lasting peace between returnee Rohingyas and other ethnic groups: (1) well-functioning government; (2) proper distribution of resources; (3) access to information; (4) better relationships with neighbours; (5) development of human capital; (6) acceptance of the rights of others; (7) lower level of corruption; and (8) opportunity for business development.[35]

Voluntary repatriation of forced displaced populations has a long history prior to recent ones. UN High Commissioner for Refugees Sadako Ogata declared the 1990s as "the decade of repatriation," when over 10 million refugees returned to their original countries such as Afghanistan, Cambodia, Mozambique, and Nicaragua.[36] Jeff Crisp and Katy Long have provided the UNHCR with an elaborate and proactive role in their writing about assisting the voluntary repatriation process. Megan Bradly, in the book "Refugee Repatriation: Justice, Responsibility, and Redress", gave an analysis after studying cases of Guatemala, Bosnia and Herzegovina, and Mozambique.[37] Therefore, repatriation has no standard or minimum requirements or any checklist for success.

1.4   Objective

This research looks into the stakes the international community has in facilitating the repatriation of the FDMNs, including the possible implications of a protracted FDMN crisis in the region and around the globe. It examines the challenges of repatriation from the national, regional, and global levels. Despite the previous examples of Rohingya repatriations, the problem has not been solved in a sustainable manner. Rohingyas, who have been deprived of citizenship, physical, political and social security in their homeland; are persecuted for their ethnicity and religion. They faced genocide and forced to look for safety beyond the border of Myanmar. The 2017 influx of FDMN to Bangladesh holds testament to this claim. Therefore, the research will inquire about ways to make the repatriation process a sustainable one. Subsequently, the research will produce a set of policy recommendations suitable for the international community and for all other stakeholders.

1.5   Methodology

The study is qualitative in nature and involves an exploratory study. Both primary and secondary data are used for this purpose. Primary data is collected from

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[34] United Nations Charter, Chapter XI, Declaration Regarding Non-Self-Governing Territories (Articles 73-74), https://www.un.org/en/about-us/un-charter/chapter-11.

[35] Swazo, Haque, M Haque, and Nower, *The Rohingya Crisis: A Moral, Ethnographic, and Policy Assessment.*

[36] Jeff Crisp and Katy Long, "Safe and Voluntary Refugee Repatriation: From Principle to Practice," Journal on Migration and Human Security 4, no. 3 (2016): 141-47.

[37] Megan Bradley, *Refugee Repatriation Justice, Responsibility and Redress* (Cambridge, UK: Cambridge University Press, 2013).

Focus Group Discussions (FGDs) conducted at the Rohingya camps and key informant interviews (KIIs). After a desk research based on the available literature and information collected from the key informants, fieldwork was conducted for primary data collection. Later, an analysis of the information was conducted. During the process, primary and secondary data have simultaneously been studied and cross-evaluated.

The data collection process covers the Cox's Bazar area based on non-probability sampling. Qualitative data collection tools like FGD and KII are also used. Five FGDs and seven KIIs are conducted (see annexes 1 and 2 for further details). The questionnaire was semi-structured so that diverse opinions and realities were critically reflected. FGDs and KIIs included academicians, practitioners, and civil society representatives from Bangladesh and abroad, faculty members of relevant universities; representatives of the Rohingya diaspora community, senior officials from the Office of the Refugee Relief and Repatriation Commissioner (RRRC), and relevant wings of the Ministry of Foreign Affairs (MoFA), GoB; and special envoys and senior officials of the UNHCR. For secondary data, the study consulted journal articles, books as well as reports, and policy analyses of different organisations and think tanks.

Apart from the introduction and conclusion, this paper has three chapters addressing three different aspects regarding the FDMN crisis. Chapter two deals with identifying challenges of FDMN repatriation. It also looks into the Rohingya repatriation challenges from three levels: national, regional, and global. Chapter three focuses on the need for international responses to the FDMN issue from legal, institutional, and geopolitical points of view. Chapter four discusses probable repatriation options to resolve this FDMN crisis in a sustainable manner. Chapter five concludes the paper with a set of recommendations for resolving the FDMN crisis.

Chapter Two

Challenges of Repatriation of FDMNs

A. S. M. Tarek Hasan Semul and Lam-ya Mostaque

2.1   Contextualising Challenges

It has been five years, but there is no indication that the crisis of the FDMNs will be resolved soon. Many experts have opined that if not resolved, this crisis may have a more adverse impact on a regional and global scale.[1] Known as one of the most persecuted populations in the world, the prolonged stay of FDMNs in the Rohingya camps is only adding to their plight. Despite the attempts of the Bangladesh government and the international donor community to ensure the best possible living conditions, the camps are not suitable for long-term habitation. There has been a host of media reports regarding the problems. With the Covid-19 pandemic and worsening economy worldwide, the funds for the displaced population continue to slow down. Moreover, with the emergence of new conflicts in other parts of the world, such as Ukraine, the donor community is being forced to make the difficult choice of one crisis over another. The lack of funds has seriously endangered the ability to provide enough support to the Rohingyas.[2] On the other hand, the glooming recession and the increasing energy prices are taking a toll on almost all countries, and Bangladesh is not immune to that. The hosting of this large FDMNs is creating pressure on the already over-burdened economy of Bangladesh. Most of all, like all other human beings, the Rohingyas have a basic human right to live peacefully in their homeland. Hence, the repatriation of FDMNs has to be given top priority.

Since the initial days of the 2017 Rohingya crisis, Bangladesh has been very active in diplomatic efforts to engage international actors on the issue. Bangladesh has tried to engage regional actors such as India and China and also tried to engage different international forums such as the United Nations General Assembly (UNGA), the United Nations Security Council (UNSC), the Asia-Europe Meeting (ASEM), the Association of South East Asian Nations (ASEAN) and the Organisation of Islamic Cooperation (OIC) in an effort to find a solution and seek justice for the persecuted population of the Rakhine.[3] Bangladesh is also supporting the Gambia in the International Court of Justice (ICJ) on the case against Myanmar for atrocities committed against the Rohingyas.[4] Though Bangladesh set an example of humanitarian response by hosting Rohingyas,

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[1] Siri Cindra, "International Community Needs New Approach to Rohingya crisis," *Prothom Alo* English, April 30, 2022, https://en.prothomalo.com/opinion/international-community-needs-new-approach-to-rohingya-crisis.

[2] Imrul Islam, "5 Years on, the World Is Failing the Rohingya", *The Diplomat*, June 20, 2022. https://thediplomat.com/2022/06/5-years-on-the-world-is-failing-the-rohingya/.

[3] Syeda Rozana Rashid, "Finding a Durable Solution to Bangladesh's Rohingya Refugee Problem: Policies, Prospects and Politics," *Asian Journal of Comparative Politics* 3, (2020).

[4] "Rohingya Crisis: Bangladesh Assures Continued Support for The Gambia at ICJ," *Prothom Alo*, May 17, 2022.

other countries have not shown the same response. Despite the signing of global compacts and commitments toward international human rights law, the persecuted Rohingyas have been turned back, and even forcibly repatriated in violation of international law.[5] Bangladesh is also looking for financial support for running the case in the ICJ, something that countries campaigning for human rights should provide voluntarily to show their support for the cause.

The international media largely portrays the Rohingya crisis as a problem in Bangladesh. However, the Rohingya crisis is not a Bangladesh-Myanmar problem, rather it is Myanmar's internal problem that involves part of its population and the oppression they face, which has been largely perpetuated by the government of Myanmar. Therefore, the leading role in Rohingya repatriation is in Myanmar's hands. Bangladesh cannot ensure the repatriation process alone, it will depend on Myanmar's willingness to comply.[6] Therefore, the focus of the international community seeking to resolve the crisis should focus on Myanmar. These FDMNs, when repatriated to Myanmar, have to be given certain rights and security so that they can remain there and can live peacefully. In that regard, it is essential to identify the challenges of the FDMN repatriation so that those can be resolved. The chapter will look into the Rohingya repatriation challenges from three levels—national, regional, and global.

2.2   National Challenges

There has been a lot of enthusiasm about the Rohingya repatriation process from Bangladesh's side. The government of Bangladesh has been trying to make sure that the people of Myanmar gain their rights and can settle down. This comes from the prolonged stay of the FDMNs and the problems it creates for the country. The hosting of the largest Rohingya community in the world has caused severe implications for the country. The lasting situation in Cox's Bazar has created a situation where the host community and the FDMNs are living in constant tension. For the FDMNs who are in a suspended situation for a long time, the situation is frustrating and pushes them towards a vulnerable situation that can be easily exploited by any force-seeking disruption. However, it has to be remembered that repatriation in isolation would not work without ensuring that the process is sustainable in the long run. But there are a number of challenges at the national level which can hinder the process.

2.2.1   *Slow Progress of the Verification*

Bangladesh and Myanmar signed a document on "Physical Arrangement" in January 2018, which stipulated that the repatriation would be completed within two

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[5] Islam, "5 Years on."
[6] Interview with experts, June 2022.

years.[7] However, the Myanmar government has prolonged the implementation of the verification process for the FDMNs, therefore, creating barriers to their repatriation process. It has been reported that they have been sporadically verifying the Rohingyas (one member of a family, rather than the whole family at the same time),[8] which also creates problems. This sporadic approach has to be changed so that the repatriation process can run smoothly.

2.2.2   *Lack of Bilateral Ties*

Despite Myanmar being the next-door neighbour of Bangladesh, the level of bilateral relations is nowhere near what one might expect. Bangladesh shares land border, maritime boundary, river, political and economic issues, and many other things (such as culture, religion, etc.) with Myanmar. But other than a small amount of bilateral trade, Bangladesh and Myanmar do not have strong relations between them. The lack of relations is also a challenge for negotiations, as Myanmar has no stake to continue the discussion. Lack of connectivity (people to people, state to state, government to government, road link, air, and railway, etc.), as well as a lack of knowledge about each other, misunderstanding and mistrust, and information gaps are some of the main obstacles to establishing a cooperative and robust bilateral relation between Bangladesh and Myanmar which is adversely impacting the negotiation process. Hence, there should be increased initiatives that facilitate bilateral relations and people-to-people connections to improve the relations in future.

2.2.3   *Internal Political Chaos of Myanmar*

Myanmar's internal politics are very complicated and have severe implications for the Rohingya crisis.[9] The politics of Myanmar have been strongly influenced by several factors. Since its independence, Myanmar has been plagued with military rule, conflicts between ethnic groups, poverty, and violence. Since the 1990s, the confrontations between the pro-democratic supporters and the authoritarian military (or the Tatmadaw) regime have greatly shaped its internal dynamics. Following the beginning of the democratic rule in Myanmar, there was hope for a better future for the Rohingyas. However, that hope was shattered following the genocide and mass exodus of the FDMNs in 2017. The present situation has got more complicated since the takeover by the Myanmar military junta. The military regime is creating complications regarding recognition. Like many other countries, Bangladesh has not officially recognised the

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[7] "The Foreign Minister: Diplomacy on to Resolve Rohingya crisis," *Dhaka Tribune*, February 04, 2018, http://www.dhakatribune.com/bangladesh/foreign-affairs/2018/02/04/fm-diplomacy-resolve-rohingya-crisis/.
[8] FGD with experts, June 2022.
[9] Lindsay Maizland, "Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict," Council of Foreign Relations, accessed June 03, 2022, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.

government but it needs to continue working with it. There have also been concerns about whether that repatriation can be operationalised under the same military that had perpetrated the genocide against the Rohingyas. Junta leader Min Aung Hlaing has also affirmed these concerns by declaring once again that the Tatmadaw does not recognise the identity of the Rohingya people or their right to return home.[10] On the other hand, after the coup in 2021, the Myanmar military government is facing widespread resistance from ethnic armed organisations and organised militias formed by civilians and the former lawmakers have formed a shadow government against them. In the midst of the internal political crisis of Myanmar, the issue of the FDMNs has been put in the back, both by the government and the international community who are now more focused on addressing Myanmar's political turmoil and returning it to a democratic state, rather than the FDMN crisis.

2.2.4   *Ensuring Conducive Situation for Return*

It has been found from expert interviews and FGDs with the FDMNs living in the camps of Bangladesh that they want to return, but only when the situation in Myanmar is safe enough for them so that they do not have to come back to Bangladesh in future. They want human security, freedom of movement, and dignity for their rights. It will be difficult for them to return without being granted a better situation in Myanmar. At the same time, one has to think about the issue of trust. The FDMNs have stated that they would only return when their relatives living in Myanmar assure them that the situation is safe.[11] The fear of persecution is deeply rooted in these people. The same Myanmar military who had carried out the brutal "clearance operation" against the Rohingya communities of Rakhine State is now in power in Myanmar.[12] Since the military is not known for flourishing the rights of the people, it will be very challenging to find solutions to the outstanding political, security, and justice questions surrounding the FDMN crisis.

2.2.5   *Adverse Citizenship Law and Public Sentiment*

Myanmar's 1982 Citizenship Law recognises 135 "national races" of Myanmar but excludes the Rohingya. Therefore, Rohingyas do not have complete citizenship. They are awarded a special card that allows them some rights, but not full citizenship. The lack of legal recognition of citizenship also complicates the situation for ensuring the rights

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[10] Jessica Olney and Shabbir Ahmad, "Beyond the Coup in Myanmar: The Views of Rohingya Refugees in Bangladesh," accessed June 13, 2022, https://www.justsecurity.org/76857/beyond-the-coup-in-myanmar-the-views-of-rohingya-refugees-in-bangladesh/.

[11] Dr. Amena Mohsin, Professor of International Relations, University of Dhaka, interview with the authors, June 2022; FGD with experts, June 2022.

[12] "Myanmar Military Crackdown against Rohingyas has Ceased," *The Guardian*, February 16, 2017, https://www.theguardian.com/world/2017/feb/16/myanmar-military-crackdown-against-rohingyas-has-ceased.

of the Rohingyas.[13] The crisis of the FDMNs, therefore, is also an identity problem.[14] FDMNs will face much greater bureaucratic and legal obstacles to establishing their citizenship than other forcibly displaced peoples.

Additionally, the domestic sentiment against repatriation is highly unfavourable. There is fierce opposition to the repatriation of FDMNs, given the animosity toward them from a broad section of Myanmar society, media, and elites across the political spectrum. It has been reported in the international media that the ethnic Rakhine are opposed to the return of the FDMNs and have held demonstrations to stop them in the past.[15] There is an idea that if Rohingyas are recognised they will automatically gain autonomy, and then there will be a Sharia law.[16] Reports have also shown that nationalists in the Rakhine state display great animosity against the Rohingya Muslims and have called for resettling them to certain secure areas (instead of home villages), wanting certain parts to be maintained as "Muslim-free zones".[17] This idea is also reflected in the KIIs where experts opined that it is not only the military, but also the Myanmar people and the regime was not hospitable towards the Rohingyas. However, experts have also highlighted a different dimension of the coup which was a positive change. Following the coup, there has been a rising chance for political and social reconciliation between Rohingya and other Myanmar people. Though the situation remains formidable, certain social and political fault lines that have been present throughout Myanmar's recent history seem to be shifting.[18]

2.3   Regional Challenges

Since the last influx of 2017, the Rohingya crisis has turned into a full-blown humanitarian crisis that has regional consequences and is going towards a protracted refugee situation. Moreover, when it comes to dealing with Myanmar, major and regional powers have often viewed this humanitarian crisis through a geopolitical lens. Consequently, this has turned the crisis into a geopolitical battle where "… all the major powers have different interests."[19] Professor Shahab Enam Khan identified the "resource

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[13] "The Rohingya Crisis, Explained: 5 Things You Need To Know," Concern US, January 05, 2022, https://www.concernusa.org/story/rohingya-crisis-explained/.

[14] Dr. Shahab Enam Khan, Professor of International Relations, Jahangirnagar University, interview with the authors, June 2022.

[15] "Bangladesh-Myanmar: The Danger of Forced Rohingya Repatriation," Crisis Group, November 18, 2018, https://www.crisisgroup.org/asia/south-east-asia/myanmar/b153-bangladesh-myanmar-danger-forced-rohingya-repatriation.

[16] Dr. Imtiaz Ahmed, Professor of International Relations, University of Dhaka, interview with the authors, June 2022.

[17] Shehryar Fazli, "Bangladeshi Leaders Must Stop Politicizing Counterterrorism," Crisis Group, https://www.crisisgroup.org/asia/south-asia/bangladesh/bangladeshi-leaders-must-stop-politicizing-counterterrorism.

[18] Jessica Olney and Shabbir Ahmad, "Beyond the Coup in Myanmar: The Views of Rohingya Refugees in Bangladesh," accessed June 03, 2022, https://www.justsecurity.org/76857/beyond-the-coup-in-myanmar-the-views-of-rohingya-refugees-in-bangladesh/.

[19] Dr. Shahab Enam Khan, Professor of International Relations, Jahangirnagar University, interview with the authors, June 2022.

nationalism and national interest" of regional powers as a major factor behind their "fragmented response" to this crisis.[20]

2.3.1   *A Defunct ASEAN in FDMN Repatriation*

Sustainable repatriation of the FDMNs to their homeland Myanmar faces numerous regional challenges which have been exacerbated by multiple factors ranging from regional geopolitical realities to the ineffectiveness of regional forums like the ASEAN to hold Myanmar accountable for their atrocities against the FDMNs. On top of that, often, the national interest took precedence over respecting international laws and upholding human rights. Due to ASEAN's success as a regional organisation for the economic development of Southeast Asian nations, the "ASEAN Way" was thought to be a catalyst for solving the Rohingya crisis. The "ASEAN Way" entails a brand of diplomacy that member states follow in their intra-regional relations, including a consensus style of decision-making through dialogue and the principle of non-interference.[21] FDMNs have faced direct violence such as rape, torture, murder, and structural violence, such as disfranchisement and widespread denial of legal nationality in the form of statelessness. Since Myanmar failed to address such deeply rooted human rights abuse against its citizens, ASEAN was expected to play a major role in protecting FDMNs. This inability of ASEAN and the international community highlights challenges of Responsibility to Protect (R2P) prevention. The general tendency to equate R2P with military intervention undermines this normative approach's potential for violence prevention against the FDMNs. The adoption of R2P in ASEAN states' context has been contested since almost all the residing states in this region have internal anomalies such as human rights violations, critical inequality and events of violence and conflicts. These have affected Southeast Asian nations' relationships with their citizens. Along with Myanmar's atrocities against FDMNs, examples of southern Thailand and the southern Philippines are two such examples. Therefore, reframing the concept of R2P needs to be evolved to accommodate local cultural traditions for localisation to make it fit with regional norms.[22] Another argument favouring the customisation of R2P comes from the distinctive nature of nation-building and statehood in Southeast Asian nations compared to Western democracies. Hence, in ASEAN's case, concepts like nationalism, citizenship, nationhood and sovereignty are very different from European countries.

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[20] Dr. Shahab Enam Khan, Professor of International Relations, Jahangirnagar University, interview with the authors, June 2022.

[21] David Capie and Paul Evans, *The Asia-Pacific Security Lexicon*, 2nd ed. (Singapore: Institute of Southeast Asian Studies, 2002); Alan Collins, *Security in Southeast Asia: Domestic, Regional and Global Issues* (Colorado: Viva Book, 2005); Stephen Levine, ed. "Asian Values and Regional Community Building," *Politics and Policy* 35, no. 1 (March 2007).

[22] Amitav Acharya, *Whose Ideas Matter? Agency and Power in Asian Regionalism* (New York: Cornell University Press, 2009); Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004): 239-75; Alex J. Bellamy and Mark Beeson, "The Responsibility to Protect in Southeast Asia: Can ASEAN Reconcile Humanitarianism and Sovereignty?," *Asian Security* 6, no. 3 (2010): 269.

Nevertheless, according to the ASEAN Human Rights Declaration, in most cases, ASEAN uses the term "every person" or "all persons" instead of "every citizen". As an example, the first line of the "General Principles" of the Declaration mentions, "All persons are born free and equal in dignity and right…." Furthermore, Article 1 of the Declaration mentions that "Every person has an inherent right to life which shall be protected by law…." Therefore, according to ASEAN's own charter, the protection of rights for "every person" regardless of their citizenship status in the region highlights this regional group's attempt to achieve a people-centred ASEAN Community. Hence, "every person" within ASEAN, including the FDMNs, is not only a normative responsibility of this regional institution but an imperative one for building a people-centred ASEAN community. A major obstacle to the voluntary and sustainable repatriation of the Rohingyas has been the insecurity of the FDMNs within the Rakhine state of Myanmar. If political security, citizenship rights and human rights cannot be ensured in Myanmar, it will be difficult to convince the FDMNs to voluntarily repatriate.[23] Without creating conducive and secured conditions, the repatriation process might not be a sustainable one, and there will be a high chance of a relapse of the conflict and, consequently, another influx to neighbouring countries.

2.3.2   *The Regional Geopolitical Mix*

Due to the severe sanctions from the international community in the 1980s, Myanmar started to strengthen its relationship with China. Indian strategic thinkers and policymakers reverted India's anti-military rule foreign policy toward Myanmar in the 1990s. They wanted to engage Myanmar in resolving India's insurgency problems in the northeast regions where it shares a common border of 1643 km with Myanmar and counters China's influence in the area.[24] Moreover, Myanmar's strategic position between South and Southeast Asia and its accession to the ASEAN in the mid-1990s has been the key factor for India's policymakers to improve connectivity with the greater ASEAN region. Myanmar's untapped economic potential, its strategic position as one of the Bay of Bengal littorals, and natural resources; particularly its gas and oil reserves make it an attractive partner both for China and India. For Beijing, Myanmar has been the new gateway to the Indian Ocean through Yunnan Province. Although both countries condemned the violence that took place in the Rakhine state of Myanmar and voiced their concerns, neither condemned Myanmar's role in the crisis.[25] Under BRI, China is planning to invest US$7.3 billion, in form of the development of the Kyauk Phyu Special Economic Zone and the building of

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[23] Asif Munier, Migration Expert, interview with the authors, June 2022; Anonymous high official from Bangladesh government, interview with the authors, June 2022.

[24] Hossain Ahmed Taufiq, "China, India, and Myanmar: Playing Rohingya roulette?," *South Asia in Global Power Rivalry: Inside-out Appraisals from Bangladesh,* ed. Imtiaz Hussain (Singapore: Palgrave Macmillan, 2019).

[25] Charlotte Gao, "On Rohingya Issue, Both China and India Back Myanmar Government," *The Diplomat*, September 13, 2017, https://thediplomat.com/2017/09/on-rohingya-issue-both-china-and-india-back-myanmar-government/.

a deep seaport in the Bay of Bengal.[26] There is an inherent fear of Chinese encirclement through the port building in the Bay of Bengal region and greater Indian Ocean region among the Indian strategists. In the post-2017 influx situation, this has played a crucial role for the biggest democracy to play a subdued role in condemning Myanmar's role and taking a more proactive role in the repatriation of the FDMNs. Therefore, other than India's insurgency problem in the northeast, China has been the main driving force behind India's Myanmar policy. In that, when it comes to Myanmar since the 2010s this has turned into not letting Myanmar lean too close to Beijing. India under Prime Minister Narendra Modi's government has been emphasising its neighbourhood-oriented foreign policy and shaping its Look East policy into an Act East policy.[27] Professor Amena Mohsin and Professor Imtiaz Ahmed have both argued in favour of engaging the Indian civil society.[28] Since India has a vibrant and strong civil society, it can play an instrumental role in bringing the FDMN crisis into the limelight and pursue Indian policymakers to take a more proactive approach to the repatriation of the FDMNs.

During the isolation phase of Myanmar, China had developed a relationship with its military government and interdependence was created between the countries. Similarly, Moscow was described as a "friend in need" of Myanmar, with its strong economic and strategic interests in Myanmar along with long historic ties.[29] Even following the 2017 mass Rohingya exodus, Russia has been reportedly one of the countries to sell weapons to Myanmar.[30] Both Russia and China opposed a UN resolution just after the atrocities against the Rohingyas which could have put pressure on Myanmar to allow aid workers to access the affected area and repatriate the FDMNs as well as granting them citizenship rights.[31] Therefore, the geopolitical and strategic value of Myanmar played a huge role as a stumbling block in the repatriation of the FDMNs.

2.4   International Challenges

Despite the international community's commitment to instruments such as the R2P, the Universal Declaration of Human Rights (UDHR), and Protocols that include violence prevention, the plight of vulnerable populations such as the FDMNs has been relatively ignored. The dichotomy of national interest vis-à-vis normative responsibility

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[26] Taufiq, "China, India, and Myanmar."

[27] Sonu Trivedi, "Shared Frontiers, Distant Neighbours," *Myanmar Times*, July 28, 2014, https://www.mmtimes.com/opinion/11150-shared-frontiers-distant-neighbours.html; Sonu Trivedi, "The Importance of Myanmar to Modi," Asia Times Online, June 13, 2014, http://www.atimes.com/atimes/South_Asia/SOU-02-130614.html.

[28] Dr. Amena Mohsin, Professor of International Relations, University of Dhaka, interview with the authors, June 2022.

[29] L. Lutz-Auras, "Russia and Myanmar—Friends in Need?" *Southeast Asian Affairs* 34 (2015):165-198.

[30] "How the Rohingya Crisis is Affecting Bangladesh—And Why it Matters." *The Washington Post,* February 12, 2018, https:// www. washington post. com/ news/ monkey- cage/ wp/ 2018/ 02/ 12/ how- therohin gya-crisis- is- affecting- bangladesh- and- why- it- matters/.

[31] "China and Russia Oppose UN resolution on Rohingya," *The Guardian*, December 24, 2017, https://www.theguardian.com/world/2017/dec/24/china-russia-oppose-un-resolution-myanmar-rohingya-muslims.

played a major role in this context. Great powers' competition for influence in the Bay of Bengal and the greater Indo-Pacific region played an important part in this context. China's Malacca dilemma pushed Beijing to find other access to the Bay of Bengal and Myanmar has become an answer to that question. This has pushed the FDMN crisis on the backburner. On the other hand, international community engagement has been largely limited to international forums and failed to mobilise either international civil society or the Rohingya diaspora to raise their voice against the atrocities committed by Myanmar.

2.4.1 *National Interest vis-à-vis Normative Responsibility*

As a countermeasure to China's BRI and resurgence, the US started to rebalance itself within the Asia-Pacific region. Later on, through Indo-Pacific Strategy (IPS) both under the Trump and incumbent Biden administration, the US has rolled out its grand strategy for this region. However, under the Obama administration along with the international community, the US started to bring Myanmar out of isolation and international engagement started to grow. Consequently, since 2015 there has been increasing political and economic engagement with Myanmar in the forms of trade, investment, and normalisation of diplomatic relations. This was based on the idea that increasing global interaction will lead Myanmar towards liberalisation and democratisation. This hope brought in investments from the ASEAN region and beyond. However, what the international community ignored or failed to comprehend are the ethnic ruptures within the Myanmar society and stringent control of Tatmadaw over the polity. Hence, when Nobel peace prize winner and the state counsellor Aung San Suu Kyi defended Tatmadaw's atrocities against the FDMNs at the ICJ or the military takeover by the February 2021 coup came as surprise. In the meantime, Western nations along with many regional countries made their national interest intricately entangled with Myanmar through trade, investment, infrastructural development, connectivity projects and development work. So, whenever the issue of justice, rights for the FDMNs and repatriation comes up in any international forum; their national interest works as a hindrance to raising their voice or taking decisive actions for this cause. Despite numerous calls for action from various humanitarian organisations, human rights groups and civil society members; countries that have invested in different sectors such as energy, mining, infrastructure, telecommunications and so forth, struggled to balance their approach toward Myanmar vis-à-vis their normative responsibility. Even when Multinational Corporations (MNCs) wanted to divest their interest in Myanmar struggled to find buyers with responsible human rights records, this happened with the Norwegian MNC Telenor.[32] Therefore, Professor Amena Mohsin argued that due to high

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[32] "Junta Cronies Eye Telenor's Myanmar Business," *The Irrawaddy*, November 11, 2021, https://www.irrawaddy.com/news/burma/junta-cronies-eye-telenors-myanmar-business.html; "Myanmar: Investors Should Act to Halt Funds to Junta," November 19, 2021, https://www.hrw.org/news/2021/11/19/myanmar-investors-should-act-halt-funds-junta; Mette Larsen, "Norway Freezes NOK 65 Million Bilateral Aid to Myanmar," Scandasia, February 21, 2021, https://scandasia.com/norway-freezes-nok-65-million-bilateral-aid-to-myanmar/.

geopolitics, there is little scope for state-centric solutions. Instead, she argued in favour of engaging the Rohingya diaspora across the globe.[33]

When the Biden administration came to office in the US, it was expected that they would take a stronger approach based on their election pledges on the grounds of human rights and democracy. This was manifested through their formal acknowledgement of the crime of genocide and crimes against humanity against ethnic Rohingya Muslims in the Rakhine State by the Myanmar military.[34] They have used targeted sanctions against a few top military officials as well. However, such responses are not enough as punitive measures or creating pressure against the military junta in Myanmar might not be enough as the country has a long history of withstanding international sanctions and surviving through isolation.

2.4.2   *Limitation of Supranational Authority*

The structural weakness of the UN in regard to its dependency on the five permanent members of the UNSC has undermined its ability as a supranational organisation to intervene in an event of a humanitarian crisis or hold accountable parties responsible for such a crisis. The issue of sovereignty of state vis-à-vis UN jurisdiction lies at the heart of discourses on UN reform. Myanmar's 1982 Citizenship Act ensued systemic discrimination against the Rohingyas by violating their freedom of movement, denying their rights to family life or basic human rights such as access to health and education. Myanmar could not be held accountable by some of the key international and legal instruments, for example, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) or the International Covenant on Civil and Political Rights (ICCPR) as it is not a party to these instruments. However, such a repressive Act and ensured structural discrimination, and decades-long atrocities could have been prevented by other international legal instruments which are in contradiction with the 1982 Citizenship Act. For example, Myanmar is a party to the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) and all these instruments could have been used to take action against Myanmar. Moreover, the 1982 Citizenship Act contradicts Article 15 of the UDHR on the ground that the Declaration prohibits any "arbitrary revocation of citizenship on vague and political grounds."[35] Consequently, Myanmar is in direct violation of international legal regimes. Under Chapter VII of the UN Charter, as an executive UN

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[33] Dr. Amena Mohsin, Professor of International Relations, University of Dhaka, interview with the authors, June 2022.

[34] Alexandra Sharp, "The U.S. Has Recognized Myanmar's Genocide. But Is That Enough?" Foreign Policy, March 24, 2022, https://foreignpolicy.com/2022/03/24/myanmar-genocide-rohingya-us-recognition/.

[35] Sabelle Tattevin, "Impunity in Myanmar: A Case of Impotence or Inaction on Behalf of the International Community?," Grow Think Tank, https://www.growthinktank.org/en/impunity-in-myanmar-a-case-of-impotence-or-inaction-on-behalf-of-the-international-community/.

organ, UNSC is obliged to respond in case of genocide and crimes against humanity take place.[36] Following the mass exodus of the Rohingyas due to genocide and atrocities by the Myanmar army and the 2021 military takeover has put Myanmar on a course for a possible civil war in Kachin, Rakhine, Chin, and Shan states. This has exacerbated the possibility of a further influx of refugees in the neighbouring countries. Professor Shahab Enam Khan argued that "…the problem becomes more compounded by the political problem in the Myanmar, which is the regime change, now there is this geostrategic competition that who will have a bigger pie from the military government." and hence, many of regional powers became actors of this competition to woo current Myanmar military regime.[37] Consequently, when ideas such as deploying peacekeeping forces or monitoring or creating a secure zone under UN mandate within Myanmar have been discussed within the international community, it faces difficulties to even getting floated in a formal setting.[38] On the other hand, measures such as these cannot be implemented without consensus among the UNSC permanent members. Protecting national interest with Myanmar at the expense of upholding human rights and holding perpetrators accountable has prevented the UN and UNSC in particular from taking meaningful action.

From the discussion above, it is clear that the voluntary repatriation of the FDMNs is facing numerous challenges at the, national, regional and international levels. As a host country, Bangladesh is trying its best to play its part, but the country requires intense support from the international community to make sure that Myanmar is also playing its part. The regional and global geopolitics and the inability of regional organisations to act on the issue based on global human rights norms and laws have further complicated the situation. The plight of the FDMNs who are stranded in the camps in Bangladesh increases every day as they stay there, uncertain of the future, stranded in limbo. The international community should play a more active role in the repatriation process to show that they have not forgotten the Rohingyas; so that the Rohingyas who were displaced forcefully and lost everything, can return to their homes with basic rights and dignity.

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[36] Aung Soe, "Idle in the Face of Catastrophe: The Coup and the Need for Structural Reform within the UNSC," Teacircleoxford, November 03, 2021, https://teacircleoxford.com/essay/idle-in-the-face-of-catastrophe-the-coup-and-the-need-for-structural-reform-within-the-unsc/.
[37] Dr. Shahab Enam Khan, Professor of International Relations, Jahangirnagar University, interview with the authors, June 2022.
[38] Soe, "Idle in the Face."

Chapter Three

The Urge for International Response to the Rohingya Crisis

Abu Salah Md. Yousuf and Nahian Reza Sabriet

3.1   Significance of International Response to the FDMN Crisis

International Relations (IR) and Security Studies have an integral debate regarding the breach of human rights and humanitarian values. Along with the proactive dimension, these values also include reactive measures like the responsibility to acknowledge, respond, commit and act upon the breach. Long before the establishment of international law as codified universal principles, states or communities had been following these norms of protection and governance. However, while these concepts are normative in nature, they are also political, multi-faceted, and geopolitically conditioned. The Rohingya issue loses the geopolitical focus when it is only seen from the perspective of cross-border displacement or direct violence. The humanitarian aspect of the crisis is embedded in the question of identity and belongingness, which makes both the state and the international community equally responsible.

The very first argument this chapter intends to pose is the qualitative variance of "responses". So far, the international community has been active in supporting Bangladesh and the Rohingyas through humanitarian assistance, donations and financial assistance. However, these forms of support might be considered as means of short-time responses, but they are not conducive to long-term or sustainable repatriation. This chapter considers the "urge" of response as both long-term and through sustainable means. These can be legal instruments like laws and conventions that enforce preventive measures against the perpetrator state; or, these can be robust or tangible actions by certain states or international institutions that create geopolitical spaces to directly or indirectly force Myanmar into changing its foreign or domestic policy manoeuvres in favour of the repatriation of the FDMNs residing in Bangladesh.

3.2   The Rohingya Crisis as a Multilateral Issue

It is important to note that when the Rohingya issue turned into a "crisis" *per se*, Bangladesh had not emerged as a state. The Rohingya community's identity is connected to the recognition of "national races" (*taingyintha*) whose ancestry can be traced before the colonial history of Myanmar.[1] The situation became more problematic and debatable during the British colonial rule as the rulers used an "indirect" pattern of governance for the upland regions which were populated by the non-Burmans.[2] The Burmans were

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[1] Ronan Lee, *Myanmar's Rohingya Genocide: Identity, History and Hate Speech* (London: Bloomsbury, 2021).
[2] Ken MacLean, "The Rohingya Crisis and the Practices of Erasure," Journal *of Genocide Research* 21, no. 1 (2019): 83-95.

living around the lowland, under the "direct" governance of the British masters. These divisions, nonetheless, were not any different from the rest of the "divide and rule" policies of the colonial rulers. After Myanmar's independence in 1948, the effects of this division continued to loom around in different forms. The *Tatmadaw* seized the power in 1962. Adding to the existing misery, its obsession with centralised power led to further marginalisation of the Rohingyas—politically, economically, ethnically, religiously, and socially. This process of marginalisation never ended and even increased venomously in quality and quantity over the decades, be it in the name of "screening",[3] "cuts",[4] or pre-emptive securitisation.

It was in 1978 when for the first time, as an independent state, Bangladesh was dragged into the Rohingya debate as it received more than 200,000 Rohingya people fleeing from their homeland as a result of persecution, killing, torture, rape, and other forms of abuse. A common cut-off period for mainstream narratives on the Rohingya's forced displacement evolves around this timeframe, which makes Bangladesh a victim of politicised and often overlooked regional history.[5] This twisted form of historical narrative became even more prominent in the Union Citizenship Act (1982) of Myanmar, where Rohingyas were depicted as "Bengali" immigrants from the Chattogram region of Southern Bangladesh who migrated after 1823.[6] They were also declared ineligible for the citizenship criteria.

The above-mentioned argument however is not intended to let Bangladesh off its responsibility. Bangladesh has welcomed and sheltered more than 1.1 million Rohingyas after the 2017 genocide that had taken place in Myanmar out of humanitarian concern. And, when there is a genocide and a humanitarian *emergency*[7], there remains an innate concern and responsibility for all. Juxtaposing the case of the Rwandan genocide in the 1990s, this statement can be further understood. The Joint Evaluation of Emergency Assistance to Rwanda - March 1996 report refers to "complex emergencies" which were indicated by massive displacements, breakdown of governance, and politically entailed violence or conflict.[8] More importantly, as the report states, this conflict would require, among others, the involvement of the international community, intense diplomatic efforts, and mechanisms for conflict resolution. Rwanda definitely is (or should be) a lesson for the international community to actively participate in humanitarian plight before it is too late.

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[3] This term has been used during the "Operation Dragon King" or *Nagamin*.

[4] For example, the "Four Cuts Strategy" introduced in the 1960s, aimed at restricting the ability to have control over money, food, recruitment and intelligence by any peripheral ethnic organization.

[5] Dr. Amena Mohsin, Professor of International Relations, University of Dhaka, interview with the authors, June 2022.

[6] MacLean, "The Rohingya Crisis."

[7] Emphasis added.

[8] John Eriksson, "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience," Joint Evaluation of Emergency Assistance to Rwanda, March 1996.

In 2019, 57 countries directly advocated against Myanmar and sued it over genocide during the ICJ hearing over the lawsuit filed by the Gambia.[9] However, after the hearings, little to no diplomatic sanctions from those countries were imposed upon Myanmar as a result of its atrocities. Although the issue gradually started to lose attention from the international community, the debate was reinvigorated following the fresh hearings in February 2022. On 21 March 2022, the US Secretary of State Antony J. Blinken recognised Myanmar's violence, attacks, and repression against its own people as "genocide" during his visit to the Holocaust Memorial Museum.[10] Recognising the perpetrator is a big step, yet it is not enough to address the urgency or the degree of humanitarian predicaments. Rhetorical approaches need to be complemented by viable diplomatic and legal actions if the world has to stop the Rakhine from becoming another Rwanda or Srebrenica.

3.3   International Obligations for Responding to the Rohingya Crisis

Response to any humanitarian crisis depends mostly on different countries' moral and ethical purviews. Much of it has to do with the Westphalian state system and the international norms of sovereignty and non-interference. As a result, the responsibility to protect (R2P) has become not only an overtly debatable but also a politicised issue. Yet, international laws, acts, and customary norms have built interoperable grounds based on which responses become obligatory. It cannot be ignored that it is the state actors who are directly under the jurisdiction of international law and these laws have also been created or followed by the international community, comprising mostly state actors.

The very first international obligation comes from the Genocide Convention (1948). Article 2 of the convention defines genocide as both "acts" or "intentions" aimed at destroying a particular racial, ethnic, national, or religious group, as a whole or in part.[11] Article 6 of the convention provides options for international jurisdiction. However, Articles 1 and 3, which are rarely mentioned in the scholarly literature obligate the contracting parties to prevent and punish any act of genocide that takes place during both wartime and peacetime. Moreover, conspiracies and complicity regarding genocide are also punishable under Article 3.

So far, 152 states have been signatories to the Genocide Convention.[12] These include the US, China, the UK, India, Myanmar, and Bangladesh. Nevertheless, this

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[9] "57 Countries Sue Myanmar over Reported Genocide of Rohingya in Historic Lawsuit," *ABC News*, November 11, 2021, https://abcnews.go.com/Politics/57-countries-sue-myanmar-reported-genocide-rohingya-historic/story?id=66893262.

[10] "Blinken Declares Myanmar's Military Committed Genocide against Rohingya," *CNN Politics*, March 21, 2022, https://edition.cnn.com/2022/03/21/politics/blinken-myanmar-genocide-designation/index.html.

[11] United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide*, 1948, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

[12] United Nations, Office on Genocide Prevention and the Responsibility to Protect, accessed June 13, 2022, https://www.un.org/en/genocideprevention/genocide-convention.shtml.

long list of countries has not been adequate to bring justice to a community suffering for decades and ages. Rather, making their suffering even worse, the term "genocide" became heavily contentious and burdensome. Almost all the countries, including those in the UN, have been lacklustre in recognising the atrocities of the state of Myanmar as "genocide". The UN concluded the issue as "ethnic cleansing" in 2018 and since then, no further recognition was provided. The main critique against the terms like "crimes against humanity", "ethnic cleansing", and "crimes against peace" is that these concepts do not fit within any independent category of crime under international law. Therefore, no compulsion or obligation arises if these terms are associated with any act or intention.

Among other laws and conventions, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has to be taken into account. It is important to note that this convention defines "racial discrimination" not only as discrimination against a particular race but rather, all forms of discrimination against particular groups because of their race, colour, ethnicity as well as descendants.[13] The Rohingya community's plight can be situated under the umbrella of race, ethnicity, and descendants altogether. Article 2 of this Convention prohibits the signatories from "sponsoring," "supporting" and "defending" these kinds of discriminations. This convention has 182 parties and 88 signatories. On the other hand, the International Covenant on Civil and Political Rights (ICCPR) highlights the "inherent right to life" of every human [Article 6(1)] and "deprivation of life" as a constituent of the crime of genocide.[14] The covenant also precludes any form of arbitrary detention and arrest. According to it, individuals have the *habeas corpus*, or the right to report any such action taken against them (Articles 9-11). More precisely, Article 27 refers to "ethnic, religious or linguistic minorities" as well as their rights to enjoy respective cultures, "profess and practise" their own religion, and use their own language. Most countries in the world including the US, the UK, China, and India are parties to it. Although Bangladesh became a party to the treaty on 06 September 2000, Myanmar still has not ratified it. In 2016, the Centre for Civil and Political Rights (CCPR) reported that a preparatory visit to the centre was conducted with the help of the Ministry of Foreign Affairs of Myanmar and a local NGO named Equality Myanmar (EQMM) to assess the possibilities of the country's participation in the covenant.[15] However, under the 2nd stage of the Universal Periodic Review (UPR), Myanmar's lower parliament *Pyithu Hluttaw* rejected the process claiming that the process was "unconstitutional" and "could infringe its security and national sovereignty."[16]

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[13] Office of the United Nations High Commissioner for Human Rights (OHCHR), Universal Instrument, International Convention on the Elimination of All Forms of Racial Discrimination, accessed June 13, 2022, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial.

[14] OHCHR, Human Rights Instruments, Universal Instrument, International Covenant on Civil and Political Rights, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

[15] Center for Civil and Political Rights, "Myanmar: Steps towards ICCPR ratification," January 24, 2017, https://ccprcentre.org/ccprpages/myanmar-steps-towards-iccpr-ratification.

[16] Institution for Democracy and Electoral Assistance (IDEA), "Myanmar parliament rejects motion to join

In 2017, Myanmar ratified the International Covenant on Economic, Social and Cultural Rights (ICESR) as the 165th state party, which compels it to provide individuals within its territory with basic economic and social rights like education (Article 10), equal payment and remuneration (Article 6), and adequate standards of living (Article 11).[17] Article 13 of the covenant gives elaborate emphasis on primary, secondary and higher education, adding that higher (tertiary) education must be accessible to all as per capacity. Bangladesh, India, and China all are parties to the covenant. Nevertheless, the US has only signed but has not ratified it.

From a more non-linear perspective, the Convention on the Elimination of All Forms of Discrimination Against Women (CEADAW) and the Convention on the Rights of the Child (CRC) are pertinent. Rohingya women and children have been the victim of the worst forms of persecution including rape, sexual assault, genital mutilation, forced eviction, and gender-based violence. From the onset of the Rohingya influx in 2017, women and children constituted a significant share. Research by the Inter Sector Coordination Group (ISCG) in 2019 showed that 85 per cent of the sheltered population were women and children and 16 per cent of the household were female-headed.[18] CEDAW and the UN Security Council (UNSC) Resolution 1325 advocate against impunity and call for the prosecution of responsible persons or people who are engaged in any kind of structural or direct violence against women or girls. The problem with CEDAW is that some signatory parties have reservations about certain provisions. Bangladesh, Myanmar, and India are all on this list of countries. On the other hand, despite being a signatory, the US has not ratified the convention yet. The CRC, on the other hand, emphasises the protection of children in a conflict zone (Article 38) as well as their right to be reintegrated and gain back health and dignity if affected by the conflict or war (Article 39).[19] All of the countries in the world except for the US are parties to the CRC.

Despite not being an obligatory or international customary law, the Universal Declaration of Human Rights (UDHR) is known to be a "milestone document" when it comes to international human rights. It signifies the rights of human beings without any racial, sexual, cultural, linguistic, national and social bias (Article 2). It also ensures individual property rights (Article 17), right to education (Article 26), and employment (Article 23). All 193 UN member states including Bangladesh and Myanmar have ratified at least one of the nine binding treaties of the declaration.

ICCPR amid claims that proposal process was unconstitutional," September 13, 2019, https://constitutionnet. org/news/myanmar-parliament-rejects-motion-join-iccpr-amid-claims-proposal-process-was-unconstitutional.
[17] OHCHR, Universal Instrument, International Covenant on Economic, Social and Cultural Rights, accessed June 13, 2022, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.
[18] OCHA Services, ISCG Gender Profile (No.2) for Rohingya Refugee Response, accessed May 30, 2022, https://www.humanitarianresponse.info/ru/operations/bangladesh/assessment/iscg-gender-profile-rohingya-refugee-response-no-226feb2019finalpdf.
[19] OHCHR, Convention on the Rights of the Child, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

Irrespective of recognition, accession, or signing of these laws, the countries of the world are bound to respond against genocide or crimes against humanity because of the *jus cogens* principle which no state is allowed to derogate.[20] These laws are among the top tier norms or customary international law and covenants and are important to liberate mankind from heinous acts. This principle has also been recognised by the ICJ's Advisory Opinion to the Reservation on the Genocide Convention. Therefore, all countries of the world individually, as well as a community, are obligated to respond against any form of genocide. Yet, the debate remains regarding the nature and instruments of responses, which will be touched upon in the next sections.

3.4   The Geopolitics of Non-response

The international community has so far managed to keep the Rohingya issue at its arm's length. As mentioned before, sovereignty and non-interference have mostly been used as rhetoric to legitimise the non-response. Motivated by geopolitical or geoeconomic interests, these countries have made their own calculations. These calculations may complement the short-term gains or opportunity costs, but in the long run, the security cost of non-response can lead to severe conditions.

In case of the Rohingya genocide, the idea of response has been juxtaposed by two common factors—first, the (responding) country's direct or indirect business interest in Myanmar; and second, the (responding) country's treatment of its own minor ethnic communities. Among Myanmar's top ten investors, there are Singapore (US$161 billion), China (US$133 billion), Thailand (US$24 billion), Hong Kong (US$5.1 billion), South Korea (US$5 billion), United Kingdom (US$2 billion), Malaysia (US$2.1 billion), Brunei (US$1.4 billion), Vietnam (US$1.2 billion) and India (US$1.1 billion) (Figure 3.1).[21] Each of the countries mentioned here is also geopolitically or geostrategically tilted toward Myanmar. Nevertheless, it cannot be said that the investment flow had not been affected at all by the Rohingya issue. The "cost" had also been anticipated by many of the nations close to Myanmar and the FDI inflow had been on a sharp decline, particularly after the 2017 genocide. In 2018, U Aung Naing Oo, the then Director General of Myanmar's Directorate of Investment and Company Administration (DICA) admitted his "underestimation" of the impact of the Rohingya crisis on the country's economy publicly. This also shows how economic sanctions can be positively used to bring Myanmar to the table of negotiation and convince it to initiate successful repatriation.

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[20] Andrew D. Mitchell, "Genocide, Human Rights Implementation and the Relationship between International and Domestic Law: Nulyarimma V Thompson," *Melbourne University Law Review* 24, no. 1 (2000): 15-49.
[21] Republic of the Union of Myanmar, Ministry of Investment and Foreign Economic Relations (MIFER), Directorate of Investment and Company Administration, 2021.

Figure 01: Top 10 International Investors in Myanmar (in billion US$)[22]
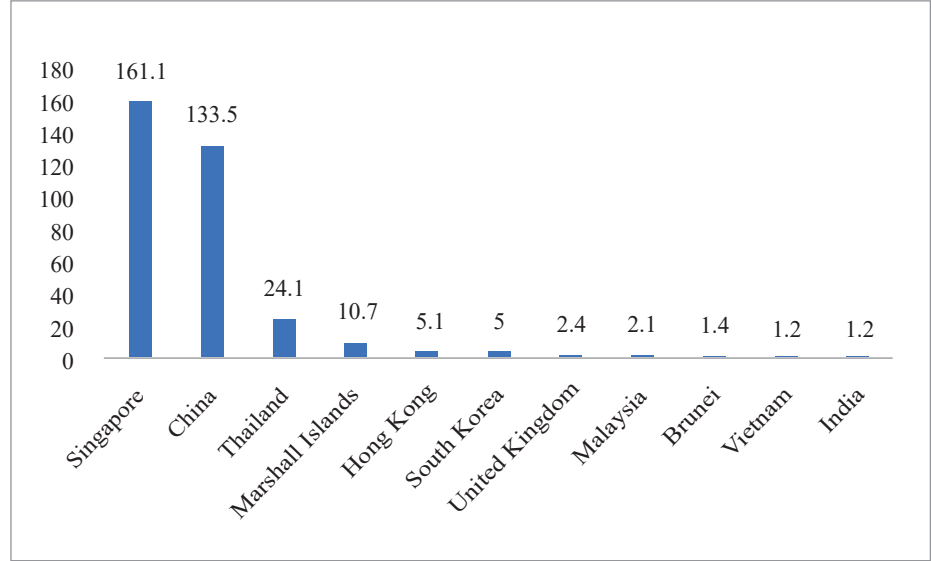
One of the most concerning factors in this "geopolitical" game is China's Belt and Road Initiative (BRI), which looks forward to establishing China-Myanmar Economic Corridor that connects Ruili in China's Yunnan Province and Khyaukphyu in Myanmar's Rakhine State including a Special Economic Zone (SEZ) in Khyaukphyu.[23] This investment is important for Myanmar's resource diplomacy, particularly of oil and gas, and for connectivity projects like the US$9 billion Muse-Mandalay Railway construction. Japan's support for the Rohingya crisis has been bolstered over the past few months. In January 2022, Japan pledged US$2 million for the Rohingyas as an emergency grant.[24] Later in February, Japan and the International Organisation for Migration (IOM) jointly signed another US$4.4 million deal for ensuring humanitarian aid.[25] The Japanese Ambassador to Bangladesh Naoki Ito also visited the Rohingya camps in March 2022. Subsequently, Japan's vision of the Free and Open Indo–Pacific has been expanding along with the assistance of its close allies like the US. Nevertheless, it shall not be forgotten that in 2017, China came up with a three-stage plan for the solution to the crisis immediately after the genocide and influx. The plan included a ceasefire, bilateral

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[22] Authors (Based on data from the Directorate of Investment and Company Administration)

[23] Silk Road Briefing, "Belt and Road Projects in Myanmar Likely to Progress in Light of Military Coup," February 02, 2021, https://www.silkroadbriefing.com/news/2021/02/02/belt-and-road-projects-in-myanmar-likely-to-progress-in-light-of-military-coup/.

[24] "Japan Pledges $2 Million for Rohingyas in Bangladesh," *Dhaka Tribune*, January 28, 2022, https://www.dhakatribune.com/asia/2022/01/28/japan-pledges-usd-2-million-for-rohingyas-in-bangladesh.

[25] "Japan and IOM Ink $4.4m Deal to Aid Rohingyas in Cox's Bazar," *The Business Standard*, February 24, 2022.

negotiation, and a long-term solution and was appreciated by both Bangladesh and Myanmar. Although the first stage had been achieved, the countries should now look forward to smooth transitions to the next stages, followed by a stronger role for China. Since Myanmar has also appreciated the solution before, this strategy already gets an advantage over the rest.

Ambassador Ito, during his visit, stated that the solution to the Rohingya crisis is conducive to the FOIP.[26] It also shows a slight shift in the international community's way of looking at the situation. If Japan, its allies, and all other regional actors recognise that the persecution of the FDMNs is ultimately a threat to the region and not just to Bangladesh and Myanmar, repatriation will not be a far cry.

A similar situation can be seen in the cases of India and Russia. In 2019, India and Myanmar's state-owned oil and gas enterprises came into agreements with each other over a US$722 million venture.[27] India's venture was also influenced by its geopolitical competition with China; however, it might not have anticipated the sudden regime change in Myanmar which led to an overarching control by the military government over natural resources and the related companies including the Myanmar Oil and Gas Enterprise (MoGE). Analysts have noted that, in case of any further regime change in the near future, India will have to count losses or reorient its aggregated disclosures.[28] India's foreign policy manoeuvres in this regard might also be influenced by the 40,000 Rohingyas it is hosting. Reportedly, India has been calling these people "illegal immigrants", a well-known term used by the country while referring to the Assamese immigrant crisis and the National Register of Citizens (NRC) debacle. Neither of India's strategies is working in its favour and, very recently, Rohingyas have been found to be fleeing from India and trying to sneak into Bangladesh as a result of maltreatment and forced deportation.[29]

Exactly around the same time when the US recognised the Rohingya crisis as an act of genocide, Russia made very obscure comments. In March 2022, the Ambassador of Russia to Bangladesh Alexander Mantytskiy suggested that Bangladesh and Myanmar should solve the issue bilaterally. Russia is known to be one of the top sources of arms and logistics for the Myanmar military. But this give-and-take relationship is not beyond the competition. China is known to be the supplier of armoured vehicles and fighter jets

[26] "Solutions to Rohingya Crisis Needed for Free and Open Indo-Pacific," *The Daily Star*, April 06, 2022.
[27] "Bolstering India-Myanmar Energy Partnership—A Step Towards Developing Act East," *Economic Times*, March 08, 2021, https://energy.economictimes.indiatimes.com/news/oil-and-gas/bolstering-india-myanmar-energy-partnership-a-step-towards-developing-act-east-policy/81388126.
[28] Kanishkh Kanodia, "After Myanmar Coup, Are India's Oil Investments Helping Support the Military?," *Scroll.in*, March 19, 2022, https://scroll.in/article/1019142/after-myanmar-coup-are-indias-oil-investments-helping-support-the-military.
[29] Haziq Qadri, "India Begins Deporting Rohingya Refugees," *The Diplomat*, April 06, 2022, https://thediplomat.com/2022/04/india-begins-deporting-rohingya-refugees/.

to the Burmese Junta.[30] Nonetheless, after the Ukraine crisis, Russia's focus has shifted to its own concerns, making the geopolitical game more controversial than before.

Moving towards the Southeast Asian region, one can see that Singapore, an ASEAN state, is the biggest investor in Myanmar. In FY 2022-23, Singapore has invested around US$275 million, as per the DICA figures.[31] Three other ASEAN member states (Thailand, Malaysia, and Brunei) are among the top ten investors in Myanmar. This not only exposes the geopolitical dichotomy of the states but also questions the "ASEAN Way" of non-interference, an idea erstwhile being appreciated by the international community. Similar to the case of the state actors, the evidence does not bring any positive impressions to ASEAN's record. Rather, ASEAN could have acted as a mediator in this case to ensure international responses and actions for this humanitarian plight.

3.5   The Mechanisms for International Response

The previous sections of this chapter have provided the groundwork for understanding why the Rohingya issue must be dealt with multilaterally, using theoretical and practical grounds. Taking up these arguments, this chapter investigates the possible mechanisms for enhancing or leveraging international engagement to facilitate the safe and dignified repatriation of the Rohingyas.

Two of the major difficulties regarding the urge for international response to the Rohingya crisis are lack of leadership and lack of strong diaspora support. Although there are Rohingya families in many Western, Southeast Asian, and Arab countries, there is no unified voice or civil society organisation representing them on the international platform. As a result, it is not only hard to bring the issue from a very linear understanding of "displacement" but also difficult to continue the momentum of international support. Small Rohingya diaspora networks at a very incipient stage can be found in Canada, but they need further support and fundraising. The Burma Task Force (BTF) and The Canadian Rohingya Development Initiative (CRDI) are two such groups that organise meetings in Toronto and use social media to raise voices.[32] It is important to note that Canada was the first country to resettle a few hundred Rohingya people from Bangladesh.

At the same time, targeted sanctions are also necessary to facilitate sustainable repatriation from Myanmar's end. After the coup in Myanmar in February 2021, the European Union (EU) imposed four rounds of sanctions on the latter for "human rights

[30] "China, Russia Arming Myanmar Junta, Un Expert Says," *DW News*, February 02, 2022, https://www.dw.com/en/china-russia-arming-myanmar-junta-un-expert-says/a-60868089.

[31] "Singapore Becomes Biggest Foreign Investor of Myanmar in 4 Months of Interim Budget Period," *Xinhua*, February 07, 2022, http://www.china.org.cn/world/Off_the_Wire/2022-02/07/content_78033290.htm.

[32] "The Global Rohingya Diaspora – Lifelines to Bangladesh and Myanmar," The Sentinel Project, June 03, 2019, https://thesentinelproject.org/2019/06/03/the-global-rohingya-diaspora-lifelines-to-bangladesh-and-myanmar/.

violations".[33] The US also imposed a series of sanctions including treasury sanctions, and sanctions on military officials and state-owned enterprises. However, before 2021, no such sanctions were imposed on Myanmar, even after the atrocities in 2017.[34] Hence, it is important for the international community to come together to understand the severity of the situation and take proper measures with sheer sincerity.

The largest share of Myanmar's FDIs goes to the sectors of power (27 per cent), oil and gas (26 per cent), manufacturing (14 per cent), and transport/communications (13 per cent). Sanctions or restrictions on the two largest sectors can compel Myanmar to take immediate decisions. An argument that the international community makes is that the sanction would have an impact on the civilians in Myanmar. However, Dr. Imtiaz[35] has provided a viable debate questioning the impacts of other sanctions imposed on countries like Russia and Iran. People in those countries are also suffering due to the sanctions and it did not prevent the international community from issuing those sanctions. Moreover, the current sanctions after the coup also show how the "sanction politics" escalates depending on interests and alliances.

Finally, research and reports are viable instruments for ensuring the rule of law and increasing awareness. The 2016 Kofi Anan Commission Report was the first moral blow against the socio-economic, political, and humanitarian plights going on in the Rakhine state. It is important for the UN to ensure regular reporting, monitoring and evaluation, and publicising the reports for global awareness against the genocide in Myanmar.

From the above discussion, it is evident how the urgency of international responses to the Rohingya crisis are geopolitically motivated. This might not be exclusive or unique in the case of the Rohingya crisis, but due to the lack of strong diaspora support, even non-response has led to a cycle of delinquency. While more than 1.1 million people are eagerly waiting to return to their homes in Myanmar, the negligence of the international community is adding misery to their lives.

Based on the issues brought in different sections of this chapter, a few aspects have to be highlighted. One important yet often overlooked issue is that there are ample international instruments and mechanisms for addressing the rights and plights of the FDMNs. The missing elements are willingness, binding conditions, and means to evaluate or question the actions of the states. Much of it derives from the consolidated idea of state sovereignty and states cannot be forced to comply with international humanitarian norms or conventions if they are not willing to follow them. Yet, *jus cogens* principles

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[33] Council of the European Union, "EU Imposes Restrictive Measures on 22 Individuals and 4 Entities in Fourth Round of Sanctions," February 21, 2022, https://www.consilium.europa.eu/en/press/press-releases/2022/02/21/myanmar-burma-eu-imposes-restrictive-measures-on-22-individuals-and-4-entities-in-fourth-round-of-sanctions/.

[34] For more, see US Department of State, "Burma Sanctions," https://www.state.gov/burma-sanctions/.

[35] Dr. Imtiaz Ahmed, Professor of International Relations, University of Dhaka, interview with the authors, June 2022.

should be brought under a particular binding or irrevocable custom so that the vicious acts of genocides do not remain unpunished.

Diplomatic efforts are also needed to make the regional actors understand the security cost of non-response. Since Myanmar is already facing sanctions due to the non-democratic political takeover of the *Junta*, provisions of these sanctions must also address the violation of the rights of the Rohingya people. This is where Bangladesh as well as interregional organisations like the OIC can play an important role. Finally, there is no alternative to raising awareness and utilising awareness as a critical tool for questioning the international community. Involvements of both traditional and social media networks thus are pertinent mechanisms. In fact, social media has the potential to bring together people from all over the world and has led to multilateral diaspora activism and civil society arrangements.

Chapter Four

Sustainable Repatriation Options

Sufia Khanom and Md. Jahan Shoieb

4.1 An Appraisal of Sustainable Repatriation Options

> "I can see my homeland when I gaze upon the distant hills from the top of a hill where I live in the refugee camp. I want to return to my home. Home is where I can breathe, and I can feel the smell of my country. You cannot call this a life; it's just surviving." —A middle-aged person in Kutupalong camp in Cox's Bazar, Bangladesh. [1]

This is the dream of every Rohingyas staying in the camps of Bangladesh. The lack of social cohesion with the host communities, congested living environment inside the camps, lack of future for their children, and continuous safety and security threats inside the camps by various rival groups make life inside the camps full of uncertainty, insecure and unhealthy. No human being wants to live an undignified life in the camps. The denial of citizenship of the Rohingyas by the 1982 Citizenship Law as mentioned earlier in the previous chapter of this paper is the main reason for the Rohingya problem. Thus, it is essential to restore their citizenship rights for voluntary and dignified repatriation. The sustainable Rohingya repatriation options may end up in a situation of "repatriation delayed; repatriation denied." The delay of repatriation may increase suffering and frustration among Rohingyas in the camp.

Sustainable repatriation of FDMN is a complex process that needs the utmost attention of the international community, the UN, and other entities to lessen the immense burden on Bangladesh. The Rohingya crisis is in its fifth year since the last exodus in 2017, and yet not a single FDMN could be repatriated. Prime Minister Sheikh Hasina repeatedly urged the international community to give more focus and active support for a durable solution to this crisis during the UN General Assembly in 2021. Various literature on Refugee Studies suggests that there are three different options for resolving the crisis: repatriation, integration with the local community, and third-country resettlement. Local integration is not a viable option for the Rohingyas since Bangladesh is already overburdened with its huge population and adverse environmental calamities. [2]

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[1] Bulbul Siddiqi, **"Will Rohingya Repatriation Ever Happen?,"** *The Daily Star*, August 04, 2022, https://www.thedailystar.net/views/opinion/news/will-rohingya-repatriation-ever-happen-2992656, accessed on 04 August 2022.

[2] Abdul Kadir Khan, *Caught between Scylla and Charybdis: A Study on Rohingya repatriation in Myanmar in light of theory and practice from Bangladesh's perspectives*, Master Thesis in Peace and Conflict Studies, Department of Political Science, University of Oslo, Norway, 2018; A. Azad and F. Jasmin, Durable Solutions to the Protracted Refugee Situation: The Case of Rohingyas in Bangladesh, *Journal of Indian Research* 1, no. 4 (2013): 25-35; C. Brun, "Local citizens or internally displaced persons? Dilemmas of Long-term Displacement in Sri Lanka," *Journal of Refugee Studies* 16, no. 4 (2003): 376-397.

About 20.5 per cent of the people of Bangladesh are still living under the poverty line. The establishment of camps already created a demographic imbalance, and great security concern for the local community. Therefore, integration with local communities will put further pressure on the densely populated host community.[3] Then again, Bangladesh is not a signatory country for the 1951 Refugee Convention and its 1967 Protocol. Rohingyas are considered FDMN rather than refugees in Bangladesh, which has been explained in the previous chapters. Then again, if the law-and-order situation in the Rakhine state is not safe, Rohingyas will not be willing to go there. Bangladesh also believes in the safe and voluntary return of Rohingyas to their homeland. In doing so, Bangladesh is ensuring their temporary stay and is ready to work with the international community to create a conducive environment for FDMN's safe, sustainable and dignified return to their home in the Rakhine state of Myanmar. The crisis was created in Myanmar and the solution also lies within the same country. Bangladesh always looks forward to a peaceful solution for the sustainable repatriation of FDMNs. "Friendship to all and malice to none" is the preeminent focus of Bangladesh's foreign policy. It is deeply committed to maintaining a peaceful society as a proponent of the flagship resolution of the Culture of Peace. Against this backdrop, this section discusses sustainable repatriation initiatives at both the national and international levels.

4.2   Repatriation Options for Bangladesh

In the sustainable repatriation process, the government of Bangladesh has a key role to play. Besides, active involvement of the international community and support from civil society, including the media, is also needed in this regard. Based on the fieldwork conducted in the second week of June 2022 in the Rohingya camps in Ukhia and expert interviews, the following are some of the options that can be initiated by Bangladesh at the national level for sustainable repatriation:

● **Effective Joint Working Group between Bangladesh and Myanmar:** Bangladesh and Myanmar formed a Joint Working Group consisting of 30 members and a repatriation deal under the mediation of China in September 2017. On 15 June 2022, the 5th joint working group meeting was held after two years due to Covid-19. Foreign Secretary Masud Bin Momen and Permanent Secretary of the Ministry of Foreign Affairs of Myanmar Chan Aye led this bilateral meeting. Bangladesh has handed over the biometric data of 830 thousand Rohingyas, whereas Myanmar has verified only 58,000.[4] Although the date has not been fixed to start repatriation, both parties believe that the discussions were substantive for the safe and dignified return of FDMNs. The effective joint working group initiative will help Bangladesh conduct a sustainable repatriation process.

[3] Khan, *Caught between Scylla and Charybdis*.
[4] Sajibul Islam, "Biometric Registration Done Over One Million Rohingyas, *Daily Bangladesh*, March 06, 2018, https://www.daily-bangladesh.com/english/Biometric-registration-done-over-one-million-Rohingyas/2777.

- **Trilateral Mechanism and Quadrilateral Mechanism:** The global powers, for example, the US, UK, EU and others have already recognized the genocide caused by the Myanmar military. Bangladesh may try to influence the global and regional powers, such as the US, Japan, China, and India, to apply the trilateral or quadrilateral mechanisms for repatriation. Ambassadors from the US, Denmark, Korea, Japan, France, Canada, Norway, Sweden, etc., have visited the Rohingya camps and Bhasan Char to observe present conditions. This is a step forward to engaging the world powers in a sustainable repatriation process. According to a report, Bangladesh's economy is burdened with US$1.21 billion per year for the Rohingya influx and the flow of foreign funding is also decreasing.[5] Bangladesh should actively engage the trilateral and multilateral mechanisms for ensuring the continuous flow of funds so that the Rohingyas could sustain a dignified life inside the camps. These mechanisms could be used for skill development by creating income-generating opportunities as an interim measure for the Rohingyas so that it would lessen the tension over the labour market between the host communities and Rohingyas. Finally, without bilateral and multilateral mechanisms, sustainable Rohingya repatriation is not possible for Bangladesh alone.

- **Bilateral Confidence Building with Myanmar:** Bangladesh and Myanmar are closest neighbours and both countries have historical connectivity. The countries share an almost 271 km long border and have excellent trade potential, but Myanmar is not an important trading partner for Bangladesh. In the fiscal year 2018-2019, the total import was US$90.91 million and export was US$25.11 million. Bangladesh can come up with better economic and other development cooperation (infrastructure projects, trade, management of illegal migration, smuggling and trafficking, climate change, etc.) offer for Myanmar which will increase the confidence in regards to bilateral relations. The cooperative activities in terms of people-to-people contact may be increased to create awareness among the civil societies of Myanmar.

- **Emphasise Public Diplomacy:** Bangladesh should emphasise public diplomacy through its foreign missions abroad. They can engage the civil society organisations in those countries which will assist the traditional diplomatic initiative through information dissemination sessions, cultural programmes, photo exhibitions, and media briefings. It will increase awareness among the world community about the importance of Rohingya repatriation.

- **Take the issue to the UN and other regional and international organisations:** Bangladesh always emphasises the Rohingya repatriation issue at General Assemblies and other conferences organised by the UN. As a host country for FDMN, Bangladesh should focus on every regional and global forum for its support.

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[5] "Cost of Supporting Rohingyas: Dhaka Now Saddled with $1.2b a year," *The Daily Star*, September 25, 2019.

- **Keep the Issue Alive in International Media:** Bangladesh should take initiatives to showcase the voices of FDMN, their dreams, and aspirations for motherlands and free life, their sufferings in camps, and humanitarian support by the Bangladesh government during the Covid-19 pandemic, etc., in the international media. Otherwise, the repatriation issue might lose its attention due to other international incidents, for example, the Taliban's return to power in Afghanistan, and the Ukraine-Russia War.

- **Setting the Narratives of Rohingya:** Bangladesh and Myanmar have different narratives on the origins of Rohingya. The identity crisis of the Rohingya is one of the most important factors for delaying the process of repatriation. As stated below:

  > "Rohingya Muslims are not officially recognised as a minority in Burma—also known as Myanmar—even though many have lived there for generations. Burmese officials, and many among the predominantly Buddhist population, reject the label "Rohingya" and instead use "Bengalis," in an effort to bolster their claim that the Rohingya migrated illegally to the country from Bangladesh. To the relief of some and the dismay of others, the Pope refrained from using the term during an interfaith meeting and in a subsequent speech on Tuesday (November 28, 2017), which he gave following a meeting with Burma's de facto leader, Aung San Suu Kyi. The former civilian leader is accused of ignoring human rights violations in the country." [6]

  Bangladesh should carry out more research by engaging the national civil society on the origins of the Rohingya ethnic group, internal conflicts in Myanmar, factors that influence repatriation, how Bangladesh is paying the socio-economic and environmental costs for hosting the FDMN, possible security implications for Bangladesh and regions, etc. It will advance the negotiation dimensions of repatriation. These civil society organisations can also use their own networks to inform the world community of the urgency for the safe return of the FDMN.

- **Formulation of Comprehensive FDMNs Policy:** Bangladesh is experiencing numerous challenges in dealing with FDMNs from Myanmar for a long time. The country needs to formulate a comprehensive FDMNs management policy to deal with this issue more efficiently in future.

The following section will discuss how international and regional actors can play a role in the repatriation process.

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[6] Rick Noack, "The One Word Burma's Generals Don't Want the Pope to Say on His Visit: Rohingya," *The Washington Post*, November 27, 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/11/27/the-word-the-burmese-leadership-does-not-want-the-pope -to-say-during-his-vis- it/?utm_term=.a801f4a15a57.

4.3 Role of the Regional and International Actors in Repatriation of the FDMNs

The international community is one of the crucial actors in the whole gamut of the Rohingya crisis. The international community is a vital dimension in understanding the problem and finding an amicable solution to the Rohingya issue. They can not only put pressure on Myanmar but also can provide critical support for the survival of the FDMNs in camp and non-camp areas.[7] Over the past years, the international community has reacted with the utmost concern over the situation of Rohingyas. The international community raised their voices on the issue and urged the Myanmar government to take necessary steps in this regard. However, at the same time, they are also blamed for not taking the necessary steps. In the following paragraphs the role of the international community in the sustainable repatriation process is discussed.

4.3.1 *Role of the UN*

The UN, being the largest intergovernmental organisation, has a big role to play in the sustainable repatriation of FDMNs to Myanmar. In fact, there is no denying the fact that the UN is the most suitable and legitimate organisation to address the Rohingya crisis and facilitate the repatriation process. Particularly, the UN Security Council (UNSC) can be a real changemaker in this regard. However, the response of this powerful group so far has been very limited because of the opposition of two members: Russia and China. Due to the deadlock since 2017 the UNSC could not take any significant measures on the Rohingya issue, which also restricted the scope and activities of other organs of the UN to conduct humanitarian activities. So far, the activities of the United Nations High Commissioner for Refugees (UNHCR) and the UN Secretary General have been limited to only making statements condemning the Myanmar army and pledging to stop the "ethnic cleansing". However, it has the authority to demand the Myanmar government stop abuses in the northern Rakhine State and grant citizenship and other rights to the Rohingyas, and access to the independent fact-finding mission. If the situation does not improve further then the UNSC can take strong measures including targeted sanctions on high-level military officials of Myanmar, imposing a global arms embargo on the Myanmar military, and referral to the International Criminal Court (ICC).

Among the organs and institutions of the UN, the UNHCR has long been playing a significant role along with the government of Bangladesh in providing basic amenities to the FDMNs. In fact, the UNHCR is the principal partner of the Bangladesh government in supplying food and other assistance to the Rohingyas inside the camps. The relationship between the UNHCR and Bangladesh government was established by signing an MoU between the two parties in 1992.

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[7] Imtiaz Ahmed, "Response of International Community," in *The Plight of the Stateless Rohingyas: Response of the State, Society & the International Community*, ed. Imtiaz Ahmed (Dhaka: University Press, 2010).

UNHCR has been playing a supporting role besides the Bangladesh government in providing basic amenities to the Rohingyas. The UN body is also assisting the government of Bangladesh in surveying the Rohingyas on whether they wish to return to Myanmar.[8] The organisation along with the government of Bangladesh has agreed that any repatriation of refugees must be safe, voluntary, and dignified. Respect for those principles is crucial in ensuring a sustainable repatriation process. Officials of the UNHCR, who are working with the FDMNs in Cox's Bazar also hold a similar type of point of view. They also mentioned that they are working with the government of Bangladesh as well as the government of Myanmar for the repatriation of the FDMNs. However, they said that any kind of repatriation should be voluntary in nature.[9] The Foreign Minister of Bangladesh A. K. Abdul Momen rightly pointed out the issue and urged the UNHCR to enhance their activities in Rakhine in creating an environment conducive to the sustainable repatriation of the persecuted Rohingyas to Myanmar. He also stressed that the proactive engagement of the international community in confidence-building among the Rohingyas is crucial for sustainable repatriation.

4.3.2   *Role of the ASEAN*

As Myanmar is the source country of Rohingyas, ASEAN has a particular responsibility in resolving the Rohingya problem. In addition to that, Indonesia, Malaysia, and Thailand are also member states of ASEAN that are hosting a large number of Rohingyas. It is often argued that ASEAN can be a key instrument in putting pressure on Myanmar. Because of the poor human rights records of Myanmar, the ten nations group often faces questions.[10] Although one of the fundamental principles of ASEAN is non-interference in the internal affairs of member states, the members have already shown interest in creating pressure on the Myanmar government to improve the country's poor human rights records. Unsurprisingly, one of the political leaders of Indonesia asserted, "It is time for the Indonesian government to take firm action against the Burmese military junta government to uphold democracy and respect human rights."[11] Article 1 of the ASEAN charter emphasised that member states and peoples of ASEAN are to live in peace with the world at large in a just, democratic, and harmonious environment[12] and to promote and protect human rights and fundamental freedoms.[13]

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[8] "UNHCR Statement on Voluntary Repatriation to Myanmar," UNHCR, August 22, 2019, https://www.unhcr.org/news/press/2019/8/5d5e720a4/unhcr-statement-voluntary-repatriation-myanmar.html.

[9] UNHCR Officials in Cox's Bazar, FGD with the authors, June 2022.

[10] "ASEAN Head Says New Charter will Put Pressure on Burma," *VOA News*, accessed June 10, 2022, https://www.voanews.com/a/a-13-2007-07-24-voa25/343197.html.

[11] Mohamad Rosyidin and Andi Akhmad Basith Dir, "Why states do not impose sanctions: regional norms and Indonesia's diplomatic approach towards Myanmar on the Rohingya issue," *International Politics* 58, no. 5 (2021): 738-756.

[12] See Chapter 1, Article 1, Section 4 of ASEAN Charter, https://asean.org/about-asean/asean-charter/.

[13] See Chapter 1, Article 1, Section 7 of the ASEAN Charter, https://asean.org/about-asean/asean-charter/.

ASEAN as one of the prime stakeholders can take some initiatives in elevating the human rights of the Rohingyas. ASEAN's commitment to the principle of non-interference is its most significant impediment in taking a more active role in Rakhine, the regional body can think of re-calibrating the non-interference rule in crisis situations.[14] Bangladesh, as one of the major host countries of displaced Rohingyas, wants a strong and effective role of the ASEAN in the Rohingya repatriation. Although non-interference is a major stumbling block in the organisation's response to the Rohingya issue, the safe and voluntary repatriation of the Rohingyas residing in Bangladesh was on the agenda of the ASEAN's foreign ministers' meeting held in January 2019. They finalised preparations for the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management to analyse Rohingyas' needs. This initiative can help them to have a better understanding of the areas where ASEAN may help to facilitate the repatriation process by increasing confidence and trust in returning home.[15]

To bring peace to Myanmar, ASEAN members urged Myanmar authorities to follow a five-point consensus that was signed between junta chief Min Aung Hlaing and nine leaders of nine other ASEAN member states. Implementation of the five points can be a good starting point towards bringing a peaceful environment in Myanmar which includes: initiating a constructive dialogue to seek a peaceful solution, providing humanitarian assistance by ASEAN, and meeting with all parties in Myanmar.[16] The regional body can take a proactive role in the sustainable repatriation process of the Rohingyas. ASEAN can diplomatically pursue the Myanmar authorities to repatriate the Rohingyas in the Rakhine province. It can also provide humanitarian assistance to the Rohingyas and develop necessary infrastructures to facilitate the repatriation process as well. Furthermore, it can work with the Myanmar authorities in providing safety and security for the Rohingyas to make a congenial environment for their safe return. In a nutshell, as ASEAN is the only regional organisation in Southeast Asia, it has to play a significant role in facilitating the sustainable repatriation of the FDMNs.

4.3.3   *Role of the OIC*

Until today, international organisations like the OIC remain dormant in accelerating the repatriation process of the displaced Rohingyas from Bangladesh to Myanmar.[17] To note, being the second largest intergovernmental organisation after the UN and the largest organisation of the Islamic countries, the OIC is yet to play a substantial role in enabling sustainable repatriation of the large number of Rohingyas. However, after the latest humanitarian disaster, the organisation has been trying to prove

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[14] Samina Akter, "Involving ASEAN in Rohingya Issues," *The New Age*, May 24, 2022.

[15] Akter, "Involving ASEAN in Rohingya Issues."

[16] "Myanmar: ASEAN's Failed '5-Point Consensus' a Year On," Human Rights Watch, April 24, 2021, https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year.

[17] Abdullah Hossain Mallick, "Rohingya Refugee Repatriation from Bangladesh: A Far Cry from Reality," *Journal of Asian Security and International Affairs* 7, no. 2 (2020): 202-226.

its participation since it has backed Gambia in filing a case against Myanmar in the International Court of Justice (ICJ). The OIC has long supported the humanitarian cause of the Rohingyas. Based on the credibility of the organisation, it can move to facilitate political dialogue and also the solutions advocated there. In fact, the OIC has the scope to lead the solution in many ways.

The OIC enjoys significant influence in countries like Malaysia, Indonesia, and Bangladesh which are currently hosting a significant number of Rohingyas. Thus, it is well-positioned to act as a convening platform along with the UN and ASEAN, to facilitate a "track 1.5 dialogue" among different stakeholders to ensure a sustainable repatriation process. The OIC has also the opportunity to enhance its humanitarian credentials by supporting equal representation and protection for minority groups including Rohingyas. It is worth mentioning that Myanmar has substantial natural resources that significantly differ from those available in most OIC member states, which signifies that trade opportunities between Myanmar and OIC member states would be substantial. And with the same token, it will also give an opportunity for the OIC member states to make a friendly relationship with a more benign and open Myanmar.[18] The OIC member states can put pressure on Myanmar to comply with the basic conditions for the voluntary repatriation of Rohingyas. And if it continues to ignore the crisis which is exhausting one of its members while humiliating and destroying the lives of Muslims, the credibility of the OIC as a leading organisation for Muslim countries will face a big question.[19]

4.4   Role of Key States in Facilitating the Repatriation Process

To ensure sustainable repatriation of the Rohingyas, there are some important states who can play a significant role. Among the state actors, the role of China, India, and the US will be discussed in the following paragraphs.

China is perhaps the most influential state which can play a decisive role in resolving the crisis as the country has a very good and friendly relationship not only with Myanmar but also with Bangladesh. Analysts think that China has a huge influence on Myanmar and thus is expected to bring a positive result. And failure to bring a positive outcome may portray a negative image of the country.[20] China, being a permanent member of the UN Security Council as well as a close ally to Myanmar, is trying to establish its global standing by increasing and maintaining its geopolitical and economic influence on Myanmar.[21]

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[18] Azeem Ibrahim, "Could the OIC Play a Key Role in Resolving the Rohingya Crisis?," *Arab News,* accessed June 11, 2022, https://www.arabnews.com/sites/default/files/could_the_oic_play_a_key_role.pdf.
[19] "Rohingya Crisis: What is OIC's Role?" *The Daily Star*, September 06, 2019.
[20] Porimol Palma, "Rohingya Repatriation: China's Role as Mediator Very Crucial," *The Daily Star,* June 02, 2021.
[21] Palma, "Rohingya Repatriation."

It is no secret that both China and India compete to enhance their sphere of influence in the Asian continent and beyond.[22] Unsurprisingly, both parties count South and Southeast Asia as their power play theatres. Myanmar is positioned between these two Asian giants and is thus geopolitically and geo-economically important to both parties. Interestingly, both countries can be found on the same footing when the Rohingya issue come to the forefront. Even during the last military crackdown in Myanmar which forced more than 600,000 FDMNs to take shelter in Bangladesh, both countries supported Aung San Suu Kyi's government backed by the military.[23] History tells that India and China's support for Myanmar is not a new issue. Since 1988, when the military seized power in Myanmar, both parties have tried to expand their influence to reconfigure Myanmar to promote their national interests. They continued their heavy investments in Myanmar, particularly in the Rakhine state. India, on the contrary, also has a historical relationship with Myanmar. Notably, both countries were part of the extended British colony in Asia. Relations remained mostly friendly between the two neighbours since both became independent after World War II.[24] According to Binod Mishra, Chief of the Centre for Studies in International Relations and Development in India: "Both India and China engage the Burmese military as much as the civilian government because the country is key to India's "Act East" policy and China's "One Belt and Road Initiative.""[25]

Mainly because of the strategic and economic interests of India and China in Myanmar, regional and international organisations are yet to take any visible steps in repatriating the FDMNs to Rakhine State. Understandably, important organisations like the UN, OIC, ASEAN, and other regional bodies have future scope to exert meaningful pressure on Myanmar to take back the Rohingyas from Bangladesh.[26] The US has also not been able to offer a sustainable solution to the crisis.

Many scholars think that infrastructure projects of China and India in the Rakhine province are one of the key reasons behind their staunch backing for Myanmar, even after ruthless military manoeuvres and the ethnic cleansing of Rohingyas.[27] Thus, to gain a positive output, a broad consensus is required among key regional and global actors, including China and India. As the key regional stakeholders, both China and India must redraw their economic planning in the Rakhine state by creating an option for the Rohingyas to return to their homes and then integrate them into mega economic and development projects.

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[22] Hossain Ahmed Taufiq, "China, India, and Myanmar: Playing Rohingya Roulette?," in *South Asia in Global Power Rivalry: Inside-out Appraisals from Bangladesh,* eds. Imtiaz Hussain (Singapore: Palgrave Macmillan, 2019).

[23] Taufiq, "China, India and Myanmar."

[24] Taufiq, "China, India and Myanmar."

[25] Subir Bhaumik, "Why do China, India back Myanmar over Rohingya Crisis?," The Week in Asia, October 18, 2017, http://www.scmp.com/week-asia/geopolitics/article/2115839/why-do-china-india-backmyanmar-over-rohingya-crisis.

[26] Mallick, "Rohingya Refugee Repatriation."

[27] Taufiq, "China, India and Myanmar."

Analysts also perceive that there is no fundamental difference between Chinese and the US positions on the Rohingya issue. Similar to the position of India, both countries support the Myanmar government. Although China has overtly taken a position in favour of Myanmar, the Biden administration could not take any hard position regarding the Rohingya question. It appears that in spite of internal pressure to take a hard approach to Myanmar, the Biden Administration has been maintaining the Trump administration's policy.[28] Hence, the US policy is to work in favour of the interests of the US oil company Chevron and also other US corporations who have investments and trade relationships with Myanmar. Thus, it is evident that key regional and global actors like the US, India, and China have been working in favour of Myanmar. Hence, to bring a meaningful change to the Rohingya issue, the countries need to go beyond their national interests and support a sustainable repatriation process on humanitarian grounds and for the sake of regional and global security.

Although China has long supported Myanmar on its move towards almost all issues, including the Rohingyas, after the latest massive influx in 2017, Beijing shifted its traditional role and started playing a mediatory role and proposed a three-step solution to the crisis. The Chinese Foreign Minister Wang Yi, during his visit to Bangladesh and Myanmar, on 19 November 2017, proposed a three-stage plan to achieve a final and fundamental solution to the Rohingya issue. The three points proposed by China can be counted as significant strides in resolving the Rohingya issue in a sustainable manner. These three stages are: implement a ceasefire on the ground, repatriate Rohingyas from Bangladesh and develop policies to stimulate long-term economic development in Rakhine State.[29] India, being one of the trusted friends of Bangladesh, also needs to play a proactive role in sustainably repatriating the FDMNs from Bangladesh.

In fact, there are lots of things the international community can do to facilitate the successful repatriation of the FDMNs to their country of origin. Although the government of Bangladesh provided FDMNs with refuge from the atrocious crimes committed against them in Myanmar, the cause of the crisis and also the solution to the crisis lie not in Bangladesh but in Myanmar. And in this regard, the international community has a substantial responsibility to support the Rohingyas as well as facilitate the repatriation process.

Given the current political scenario of Myanmar and the situation of global instability due to the Russo-Ukrainian war and other issues, the fate of the Rohingya community has been turning out to be more uncertain. Till today, a toxic anti-Rohingya sentiment persists in Myanmar. The international community, as well as humanitarian organisations, need to take into account the issue that the situation in Rakhine has not

[28] AKM Zakaria, "China and the US Have Almost the Same Position on the Rohingya Question," *Prothom Alo English,* January 16, 2022.
[29] Mobarok Hossain and Md Nadim Aktar, "Bangladesh-China Contemporary Relations: Rohingya Refugee Crisis and its Impact," *Jagannath University Journal of Arts* 9, no. 2 (July-December 2019).

improved enough. The Rohingya crisis is not a bilateral issue between Bangladesh and Myanmar. The problem has been created inside Myanmar, and the solution also lies inside Myanmar through creating a peaceful environment for Rohingyas. The international community needs to come forward to create pressure on Myanmar and help to create a conducive environment in the Rakhine state to ensure the sustainable repatriation process. The government of Bangladesh should move forward steadily with the agenda of a sustainable repatriation process. However, assistance from the international community is vital in this context. In accordance with the "Let's Go Home" campaign for Rohingya people, the international community and the host country need to work hand in hand to end up the world's largest humanitarian crisis in the 21st century.

Chapter Five

Conclusion and Recommendations

M A Saadi, Md. Rafid Abrar Miah and Md. Nahiyan Shajid Khan

5.1   Conclusion

The tension between the Rohingyas and the Myanmar authority dates back to the Ne Win Regime. The Citizenship Act 1982 claimed that it followed the 1931 Census and identified "135 National Races." However, numerous entries were different as many ethnic groups like Panthays and Rohingyas were excluded from recognized 135 ethnic groups by the Ne Win regime. Rohingyas, who number around three million, were not included in the list and thus, became the world's largest stateless community. The increasing ethnic tension and communal conflict paved the way for Rohingyas to be marginalised and eventually their exodus.

Myanmar's military campaign, "Operation Dragon King", forced 200,000 Rohingya people to flee to Bangladesh in 1978. In 1991, Myanmar's military launched another campaign, "Operation Clean and Beautiful Nation," forcing another 250,000 Rohingyas to flee to Bangladesh. Again, Myanmar's "Clearance Operations" pushed 700,000 Rohingyas into Bangladesh's southern Cox's Bazar district, which now hosts more than one million Rohingyas. Some 600,000 of whom live in Kutupalong—"the world's largest refugee camp." On average, Bangladesh spends US$1.22 billion a year on hosting FDMNs. Gambia brought a case against Myanmar on allegations of committing genocide against Rohingya in 2019 at the International Court of Justice (ICJ). Later, a petition was filed in the International Criminal Court (ICC) to relocate the trial against Myanmar to Bangladesh instead of the Hague by the Ne Win regime.

The future of FDMN repatriation is in jeopardy. So far, Bangladesh has handed over the biometric data of 830 thousand Rohingyas, whereas Myanmar has verified only 58,000.[1] Little progress has been made since the first meeting of the technical level Ad-Hoc Task Force for Verification of the Displaced Persons from Rakhine. "Sustainable Repatriation of FDMNs" has hardly received any rigorous academic discussion and analysis so far. Myanmar's reluctance to repatriate FDMNs, regional geopolitics, social-economic-cultural disparities, political instability in Myanmar, global recession, and failure of international actors to raise their voices are the key challenges to the repatriation of FDMNs.

The FDMN crisis has regional consequences and is moving towards a protracted one. Myanmar faced numerous regional challenges which have been exacerbated by

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[1] Sajibul Islam, "Biometric Registration Done Over One Million Rohingyas, *Daily Bangladesh*, March 06, 2018, https://www.daily-bangladesh.com/english/Biometric-registration-done-over-one-million-Rohingyas/2777.

multiple factors ranging from regional geopolitical realities to the ineffectiveness of regional fora. All the regional fora are expected to play a major role in ensuring justice and facilitating the repatriation of FDMNs. Myanmar failed to address deeply-rooted human rights abuse against its people. The general tendency to equate R2P with military intervention undermines this normative approach's potential for violence prevention against the FDMN.

A major obstacle behind the voluntary and sustainable repatriation of the FDMNs has been the insecurity within the Rakhine state of Myanmar. Unless their political security, citizenship, and human rights are ensured in Myanmar, it will be difficult to convince the FDMNs to voluntarily repatriate. The international community has so far managed to keep the FDMN issue at an arm's length. Myanmar's untapped economic potential and natural resources make it an attractive partner both for China and India. For Beijing, Myanmar has been the new gateway to the Indian Ocean through Yunnan Province. Russia and China's interest in Myanmar played a huge role as a stumbling block in the repatriation of the FDMNs. The dichotomy of national interest vis-à-vis normative responsibility played a key role in this context. Great powers competing for influence in the Bay of Bengal and the greater Indo-Pacific region played an important part as well.

Since 2015, there has been increasing political and economic engagement with Myanmar in the forms of trade, investment, and normalisation of diplomatic relations. Myanmar's top ten investors include Singapore (US$161 billion), China (US$133 billion), Thailand (US$24 billion), Hong Kong (US$5.1 billion), and South Korea (US$5 billion). BRI looks forward to establishing the China-Myanmar Economic Corridor that connects Ruili in China's Yunnan Province and Khyaukphyu in Myanmar's Rakhine State. Japan's support for the Rohingya crisis has been bolstered over the past few months. In January 2022, Japan pledged US$2 million for the FDMNs as an emergency grant. Subsequently, Japan's vision of the Free and Open Indo–Pacific has been expanding. In 2019, India and Myanmar's state-owned oil and gas enterprises came into agreement over a US$722 million venture. Thus, the economic engagement of different countries with Myanmar has been critical for the repatriation of FDMNs.

The FDMN issue loses geopolitical focus when it is only seen from the perspective of cross-border displacement and direct violence. The humanitarian aspect of the crisis is embedded in the question of identity and belongingness, which makes both the state and the international community equally responsible. The FDMN crisis is being treated as a multilateral issue from legal, institutional, and geopolitical points of view. The Rohingya community's identity is connected to the recognition of "national races" (taingyintha) whose ancestry can be traced before the colonial history of Myanmar. Bangladesh has been a victim of politicised and overlooked regional history.

Diplomatic instruments are needed for the sustainable repatriation of FDMNs. The US has paved the way by recognising Myanmar's atrocities as "genocide". Major

difficulties regarding the urge for international response to the FDMN crisis are lack of leadership and strong diaspora support. Although there are Rohingya families in many Western, Southeast Asian, and Arab countries, there is no unified voice or CSOs representing them on the international platform. The magnitude of international response to the FDMN crisis is geographically motivated. Diplomatic efforts are needed to make regional actors understand the security cost of non-response. Myanmar is already facing sanctions due to the non-democratic political takeover of the Junta. This is where Bangladesh, as well as interregional organisations, can play a crucial role.

Sustainable repatriation of FDMN is a complex process that needs the utmost attention of the international community, the UN, and other entities. The UN, OIC, ASEAN, and other regional bodies have the scope to exert meaningful pressure on Myanmar to take back the FDMNs from Bangladesh, thus making repatriation a difficult process. Bangladesh should influence the global and regional powers to apply the trilateral or quadrilateral mechanisms for repatriation. Different international and regional organisations can act as a convening platform along with the UN, ASEAN, OIC, etc., to ensure a sustainable repatriation process. The international community has a big responsibility to support and facilitate the FDMN repatriation process.

Besides the Bangladesh government, UNHCR has been playing a supporting role in providing basic services to the FDMNs. The organisation, along with the government of Bangladesh, has agreed that any repatriation of FDMNs must be safe, voluntary, and dignified. The role of China, India, and the US can be decisive for the FDMNs repatriation. After the massive influx of FDMNs to Bangladesh in 2017, China has started playing a mediatory role. Continuation of such role is crucial.

However, FDMNs are still concerned about their security, citizenship and economic rights and would like to have their freedom of movement ensured following their return to Myanmar. The Rohingya community requested the Bangladesh government to take necessary steps in making the voices of civil leaders of the Rohingyas heard. FDMNs want to go back to their homes in Myanmar, but they want their repatriation to be sustainable.

The Prime Minister of Bangladesh, Sheikh Hasina has provided the world with a visionary four-point proposal as a solution for the protracted Rohingya crisis in her 74th UNGA address. She reiterated that this is a crisis deeply rooted in Myanmar. Thus the solution has to come from Myanmar. As for now, the FDMNs have received humanitarian support but stakeholders should take immediate initiative to resolve the crisis. The Prime Minister hopes that Myanmar will ensure a secure return of the FDMNs so that they are protected. Bangladesh has played its part to uphold the spirit of humanitarianism. Now it is the responsibility of the countries concerned, state actors, regional and international organisations, CSOs, and media to facilitate the FDMNs' rightful return to their homeland.

5.2   Recommendations

5.2.1   *For Bangladesh*

I.   Bangladesh needs to develop an effective negotiation framework where it can engage all the stakeholders to ensure the return of the FDMNs to their own land. Although sometimes ceaseless negotiation becomes complicated due to domestic unstable political processes and power distribution in Myanmar, a multi-layered negotiation with different international stakeholders might produce effective outcomes. Besides negotiating on the FDMN repatriation, Bangladesh should also focus on strengthening bilateral relations with Myanmar. It will facilitate the repatriation of FDMNs.

II.   Communications with Myanmar should not be limited to state-level officials and bureaucrats only. Track 1.5 and Track 2 level dialogue should be facilitated as well. Cultural exchange, exchanges among university students, academics, businesspersons, researchers, chamber of commerce, and other professionals would help the process. The people of Myanmar may also have their own story to tell, and that is also important to hear for fruitful and effective communication.

III.   Bangladesh should consider engaging lobbyists in the international fora to facilitate fruitful negotiations. The involvement of lobbyists will not only serve as a tool of diplomacy but also will internationalise the issue and, in turn, raise global awareness.

IV.   Bangladesh needs to highlight the genocide aspect of the plight of the FDMNs which will make the issue more internationalised and bring the world's attention back to the crisis. The country should keep engaging with western countries, think tanks, INGOs and media to ensure continued humanitarian support of FDMNs.

V.   Creating awareness of FDMN's plight is essential for reflecting the situation of the FDMN community to the rest of the world. Regular coverage in international media is essential for growing awareness. FDMN-related news, podcasts, documentaries, movies on genocide, talk shows, etc., should be arranged on a regular basis. National media also needs to be proactive in this regard.

VI.   Bangladesh, along with the international community, needs to continue negotiating with China, India and Japan in the process of FDMN repatriation. Once the regional actors are decoupled from Myanmar, international pressure on the country will be intensified to resolve the crisis. Importantly, organisations where Bangladesh, China, and India, are partners can be a crucial platform.

VII.   Regional and global organisations like SAARC, ASEAN, BIMSTEC, OIC, etc.,
        can play a vital role in resolving the crisis. Myanmar and Thailand are common
        members of BIMSTEC and ASEAN. Thailand can be a mediator or facilitator
        in the negotiation process for FDMN's repatriation. Initiatives like Regional
        Comprehensive Economic Partnership (RCEP) can also be explored. Bangladesh
        needs to bring the FDMN issue to the forefront in the regional and multilateral
        platforms. These require a strong diplomatic push from Bangladesh's side.

5.2.2   For Myanmar

I   The Myanmar government must abide by the laws and conventions. It is a
        signatory to CPPCG (1948), ICERD (1965), CEDAW (1979), and CRC (1989).
        As Rohingyas were forced to flee from their homes of origin and inhabitants, it
        is the duty of Myanmar authorities to restore the right of the FDMNs to return to
        their ancestral places. The Myanmar government should take necessary actions
        to understand the plight of its own citizens and settle the issue for the betterment
        of the country.

II.   The Myanmar government has the primary responsibility to implement the
        recommendations of the Annan Commission to facilitate the sustainable
        repatriation of the FDMNs.

III.   Myanmar should accelerate the verification process. The Ad Hoc Task Force for
        Verification of the Displaced Persons should carry out its responsibilities from
        Myanmar's end.

IV   The Rohingya community should be provided with the political security that they
        deserve. The Myanmar authority needs to give equal rights to Rohingyas like all
        other citizens of the country. Particularly, voting rights, right to movement, right
        to ownership, right to education, and right to employment should be restored by
        Myanmar.

V.   Confidence-Building Measures (CBM) should be taken for the betterment of
        the bilateral relationship between Bangladesh and Myanmar to facilitate the
        repatriation process. Such measures may include increasing the number of
        visits, cultural exchange programmes, etc. Myanmar should take CBM for the
        betterment of relationships among all the ethnic groups in the Rakhine state
        i.e., Arakanese, Rohingya, Kaman, Bamars, Chin, Mro, and others, to make
        the repatriation process sustainable. ASEAN can play a big role to initiate such
        CBM.

5.2.3 For International and Regional Organisations

I.   Multilateral forums could develop a convergent approach for resolving the crisis. Associations like ASEAN, BIMSTEC, and ARF could pursue Myanmar to understand the necessity of cooperation with Bangladesh regarding the FDMN repatriation. Particularly Malaysia, Thailand, and Indonesia can persuade the present Myanmar government as these countries are also hosting Rohingyas.

II.   ASEAN's mandate restricts it from intervening in bilateral or internal issues of sovereign member states. Genocide and persecution of communities should be seen as humanitarian issues, not as country-specific concerns. Therefore ASEAN can work as a platform to build awareness among several member states, some of which are the top investors in Myanmar. Consequently, international investors should take the genocide and widespread human rights violations in Myanmar into consideration. It would put immense pressure on the Myanmar government to make FDMN repatriation implementable.

III.   The Rohingya diaspora should play a major role in creating international awareness. For the international community, it would be crucial to assist the Rohingya diaspora to be united and organised. Seminars, webinars, and media can be instrumental in making the diaspora vibrant. Myanmar citizens sympathetic to the Rohingya can also join the effort.

IV.   The international community should impose some targeted sanctions for the atrocities against the FDMNs. UNHCR and UNSC can play a vital role in this regard.

V.   OIC should continue pushing the ICJ to accelerate the hearing and complete the legal process. In addition, it should also push the ICC for an international investigation.

VI.   Donor countries and organisations should increase their support for the FDMN camps and ensure an uninterrupted flow of humanitarian assistance.

VII   The third-country settlement could be an option to address the issue of FDMNs. Host countries' concerned organisations and relevant INGOs should play a role in this regard. However, a significant number of FDMNs can be considered for this third country resettlement .

5.2.4. For State Actors

I.   China has a significant role in solving the crisis and strengthening the relationship between Bangladesh and Myanmar. For the successful repatriation

of the FDMN to Myanmar, China's involvement is crucial as it is an influential actor with strong stakes in both Bangladesh and Myanmar. China should utilise economic means and economic diplomacy to facilitate the repatriation process and put an end to the humanitarian crisis in the region. Stability in Arakan and the rest of the region remains vital for carrying out all the mega projects under the BRI, and that stability could only come from resolving the FDMN issue.

II. China's initial three-stage plan should be followed with a comprehensive implementation plan. Since China is the initiator of the plan, it should facilitate the second and third phases: negotiation and long-term solution. It is also important for China to acknowledge that repatriation of the FDMNs is the ultimate goal and a sustainable solution to the crisis.

III. India can play a significant role in solving the FDMN crisis. India should not consider the crisis only as a concern for Bangladesh, and it needs to understand that the issue of the FDMN may ultimately be a burning security issue for the entire region.

IV. Japan is one of the biggest trading partners of Myanmar. In order to put effective pressure on Myanmar, it has to play a more constructive role. Japan can promote sustainable repatriation of the FDMNs and create awareness among its Western, Southeast Asian, and East Asian allies.

V. As an important state actor, the US can play a vital role and put continued pressure on Myanmar to uphold the human rights of the Rohingyas and accelerate the FDMN repatriation.

5.2.5 For CSOs and Media

I. Global CSOs and think tanks should come forward to pursue international opinion in resolving the crisis as well as to create pressure on Myanmar. Increased communication with CSOs of the US and the EU is important. CSOs in Western countries could also help put more pressure on the respective governments to take measures on humanitarian issues in Myanmar. These would help form a strong voice for the Rohingya community, internationalise the plight of the FDMNs and accelerate their repatriation process.

II. The Rohingya diaspora community in different parts of the world should be more organised and vocal about the need for the repatriation of their own community to their homeland.

III. Social media organisations such as Facebook and Twitter should ensure that their platforms cannot be used to preach and propagate hate speech against the FDMNs or other ethnic minorities of Myanmar.

Annex 1

List of Key Informant Interviews

No.	Details	Place	Time
1	Dr. Amena Mohsin, Professor of International Relations, University of Dhaka	Dhaka	June 2022
2	Dr. Imtiaz Ahmed, Professor of International Relations, University of Dhaka	Dhaka	June 2022
3	Dr. Shahab Enam Khan, Professor of International Relations, Jahangirnagar University	Dhaka	June 2022
4	Asif Munier, Migration Expert	Dhaka	June 2022
5	Anonymous - Camp Official	Cox's Bazar	June 2022
6	Anonymous - Camp Official	Cox's Bazar	June 2022

Annex 2

List of Focus Group Discussions

No.	Details	Place	Time
1	Anonymous - Government Officials, Ministry of Foreign Affairs	Dhaka	June 2022
2	Majhis	Camp No. 4, Cox's Bazar	June 2022
3	FDMN Youths	Camp No. 18, Cox's Bazar	June 2022
4	Anonymous - Security and Intelligence Officials	Cox's Bazar	June 2022
5	UNHCR Officials	Cox's Bazar	June 2022

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