The Rohingya Refugee Situation

in Bangladesh

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From 1991-1992 a mass exodus of more than 250,000 Rohingya refugees fled persecution in the Union of Myanmar and arrived in Bangladesh, living in temporary camps and completely dependent on outside support from the United Nations (UN), the Government of Bangladesh (GOB) and numerous non-governmental organizations (NGOs). For more than a decade, the Rohingya refugees in Bangladesh have been living in fear: afraid of returning to Myanmar and unaware of how long they will be allowed to stay in Bangladesh. Moreover, they are locked into a difficult predicament: unwanted in Myanmar and likewise in Bangladesh. They have been denied citizenship in their home country of Myanmar and share a well-founded fear of persecution upon return. Living in makeshift camps, uncertain of their future, a solution is desperately needed. The issue of the Rohingya refugees must be met with durable solutions, capable of alleviating the issue and ensuring all parties involved benefit, most importantly the Rohingya themselves.

The plight of the Rohingyas and their decade long stay in Bangladesh under refugee status will not be resolved unless involuntary repatriation is halted, Refugee Committees are allowed by the GOB to be established in the camps and cooperation between the UN agencies, the GOB, the Government of the Union of Myanmar and Irish Concern (or any other future international NGOs involved) is increased. A peaceful, long lasting and durable solution is desperately needed; the Rohingyas have been living under refugee status in camps for too long. Levels of frustration are high: the GOB is under international pressure and wants the Rohingya situation to end. “International agencies and donors are fed up, they have been feeding money into this issue for more than a decade and to no avail” (Kawahara). Repatriation is incredibly slow, in many cases completely halted. The Rohingya in the two remaining camps are living under refugee status having fled due to a well-founded fear of religious, economic and social persecution.
Rohingyas in Myanmar

North Rakhine State, where the Rohingya live, is separated from the rest of Myanmar by a mountain range. It is far more similar to Bangladesh, in terms of geography, language, religion and culture than it is to Myanmar. North Rakhine State was originally called Arakan but the name was changed when the military took over in 1962, established a military dictatorship and changed the name of Burma to Myanmar. A country of 50 million, Myanmar has 140 ethnic groups, excluding the Rohingyas who are not officially recognized (Islam). Victims of numerous restrictions, as well as human rights violations, the Rohingyas are restricted to North Rakhine State, a specific area in the north of Rakhine State.

![Bangladesh/Myanmar Map](http://www.mapzones.com/world/asia/bangladesh/mapindex.php)

Figure 2. Bangladesh/Myanmar Map
Located north of Sitwe, North Rakhine’s remote location, situated between the Naf River, the border between Bangladesh and Myanmar, and a mountain range, makes accessibility difficult. Of a population of 900,000 (Brief Report on Activities, Bridge Asia Japan), around 86% are Rohingyas, however the exact percentage is difficult to calculate and is also disputed, as the region is mostly rural and less than half of the Rohingya are registered (Brief Report).

Flight to Bangladesh

The Rohingya were forced to flee Myanmar and become refugees in Bangladesh. They were escaping ethnic cleansing, physical torture by the State Law and Order Restoration Council (SLORC)’s military, arbitrary arrests ("Summary and Recommendations"), executions, custodial killings and unpaid/slave and forced labor. Cases of rape and dishonoring of Rohingya women have also been reported. They were declared a people “fit to be exterminated” (Islam). Their flight to Bangladesh is directly related to the Myanmar government’s policies, which deny them citizenship, limit their religious practices, facilitate land confiscation for military purposes, prohibit them from leaving their villages to access markets, employment, higher level education and medical care (Martin, “Lack of Protection…”).

The Myanmar Government is guilty of violating many provisions of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and their own Constitution in driving the Rohingyas mercilessly out of their hearths and homes (Razzaq and Haque, 39). These documents were designed to protect human beings throughout the world and ensure safety and security, and Myanmar’s breach of the
documents have illustrated and proven their lack of concern and interest in following human rights protocol.

The following provisions of the Universal Declaration of Human Rights adopted and proclaimed by the United Nations has been violated: Article 2: dealing with rights and freedoms without distinction of any kind; Article 3: regarding rights to life, liberty and security of person; Article 5: stating no one shall be subjected to torture or cruel inhumane punishment; Article 7: dealing with equality and equal protection before and from the law; Article 8: regarding right to a competent tribunal for violations against fundamental rights; and many more. The Rohingyas, because of their race, religion and social origin, have been deprived of their rights in Myanmar, contrary to the provision of Article 2 (Razzaq and Haque, 40). They have no security of person and no liberty, and are subject to forced labor, a violation of Article 3 (40). Men, women and children were subject to torture, cruel, inhumane and degrading treatment as widely reported by the international press and contrary to Article 5 (40). They were subjected to arbitrary exile (40). All were done contrary to Articles 5, 7, 8, 9 and 10 of the Universal Declaration (40). The Citizenship Act of 1982, by not recognizing the Rohingyas a racial group, contradicts Article 15, and deprives the Rohingyas of their right to citizenship (40). Myanmar is guilty of violating not only the Universal Declaration of Human Rights, but also the International Covenant on Civil and Political Rights, 1966.

Concerning the International Covenant on Civil and Political Rights, 1966, numerous articles have been disregarded, including, but not limited to, Article 1: regarding self determination; Article 8(3a): stating that no one shall be required to perform forced or compulsory labor; and Article 12: stating that no one shall be arbitrarily arrested. (Razzaq
and Haque, 41). In all of these instances, Myanmar has violated documents created to protect the rights of people.

The political status of the Rohingyas has changed drastically in the last 50 years. Prior to 1962, the Rohingya were recognized as an ethnic minority and therefore given rights of citizenship, e.g. voting rights. Some were even involved in Burmese parliament; however all this changed when the military took over in 1962. This takeover greatly diminished their status, making them outsiders in their own country, and eventually led to mass exodus to Bangladesh and other countries, fleeing persecution. General Ne Win, from the Burma Socialist Programme Party (BSPP), seized power in 1962 and a reign of terror under his military dictatorship began (“Burma/Bangladesh: Burmese Refugees in Bangladesh”). Operation Nagamin (Dragon King), a national effort to register citizens and screen out foreigners prior to a national census, was implemented on December 12, 1977 (Burma/Bangladesh). The Operation resulted in the oppression of the Rohingya, foreigners needing to be screened and because of increasing persecution forced the Rohingya to enter Bangladesh. By May 1978, 200,000 had fled Myanmar; however, most returned within a few years.

After the military takeover, Rohingyas were declared non-citizens and stripped of all rights; essentially foreigners in their own country. The official document declaring the statelessness of the Rohingya was the 1982 Citizenship Laws (Razzaq and Haque, 20), they were given no voting rights, no power and no say in their own affairs. The ruling power wanted to turn the Muslim North Rakhine State into a Buddhist region. “The regime has denied citizenship to most Rohingya, and joined with the local Rakhine population [Buddhist] in claiming the Rohingya are recent illegal migrants from Bangladesh” (Fink, 127). Not only is the government prejudiced against the Muslim
Rohingya, the mindset of the other inhabitants of Rakhine State is also negative. “The core problem of the Rohingya people is still the discriminatory and repressive policy of the Burmese junta (SPDC) in Arakan State” (Ras).

The Rohingya have been subject to economic mistreatment as well. The majority of Rohingyas in Myanmar are involved in agricultural practices such as farming and livestock rearing. Lesser percentages are involved in fishing, trade and small business, with some working as blacksmiths and carpenters. Although Rohingyas are not citizens of Myanmar, according to the 1982 Citizen Laws, they are allowed to work, however subject to high taxation, such as on produce (Razzaq and Haque, 29). Farmland has been confiscated, Muslim settlements have been uprooted and new Buddhist settlements have been established on evacuated Muslim land. Mosques, schools and houses have been demolished. One refugee, a businessman in Maungdaw town in North Rakhine State, stated that a military officer instructed the heads of the local Muslim community to write up a list of the mosques in the area and the heads of the mosque committees (“Crackdown on Burmese Muslims”). He later ordered the closure of a few mosques and reportedly stated that if it was not done, he would have to do it himself, saying “Don’t think this order comes from me …It comes from the higher authorities” (“Crackdown…”).

Social barriers and restrictions have been imposed as well. Devout followers of Islam, the Rohingya built religious schools and mosques, however they encountered, and continue to encounter, increased pressure, especially from the government with regard to their religion. The military regime of Myanmar is committed to establishing Buddhism as the state religion. During a small scale version of a “reign of terror” imposed on the Rohingyas by the government, they were forced to discard their Islamic names and some mosques were razed as well as many religious schools destroyed.
Before the military takeover, education was freely available to everyone and no restrictions were imposed on the Rohingyas. They were involved in higher education and also held some important positions in the local governments as well as had ties to the Buddhist community, which were important to business ventures. However, after the military coup, restrictions were and still are imposed on pursuing professional courses for degrees because the Rohingya are not allowed to leave North Rakhine State. They are restricted and need permits to move throughout the country, which are rarely given. Yet primary and secondary education has gone unchanged; children of all ethnic groups in North Rakhine are given access to education. Movement is restricted, even from one village to another in the same locality. Bans on religious activities, trade and business have been imposed. With regard to educational restrictions and persecution, The Arakan Rohingya National Organization reports, “Muslim students have been brainwashed in schools where anti-Islamic materials are being taught to them. Islam and Islamic culture are always projected or presented in humiliating, derogatory, degrading and distorted forms” (Islam).

Rohingyas in Bangladesh

“Life in the Muslim community was shattered when, amidst widespread allegations of army brutality, rape and murder, over 200,000 local villagers fled across the border in 1978 in the wake of the Tatmadaw’s heavy-handed Nagamin census operation” (Smith, 241). Only estimates can be found, but it is known that almost all of the 200,000 Rohingya who fled in 1978, returned within a few years (Burma/Bangladesh). The Tatmadaw, according to Ne Win, is “projected as simply the modern embodiment of all national inspirations” (Smith, 36).
In late 1991 and early 1992, another mass exodus, numbering more than 250,000, fled Myanmar because of a “complex mixture of political, social and economic factors” (Islam). The Rohingya were given refugee status, as defined by the Convention Relating to the Status of Refugees (1951):

… a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, unwilling to avail himself of the protection of that country; or who, not having such nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (The Convention (1951) and the Protocol (1967).

The Rohingya refugees have been settled into camps located along the Cox’s Bazaar/Teknaf Highway, also known as Arakan Road because of the large number of Rohingyas in the area. There were 19 camps originally set up for the 250,877 refugees, verified by a UNHCR/GOB-led registration program (WFP’s Protracted Relief and Recovery Operations (PRROs) for ED’s Approval Report). However with the return of 230,000 Rohingya, all camps were closed except two, Kutapalong and Nayapara. As of 30 September 2004, there were 20,089 refugees in the two camps, according to the RRRC/UNHCR Weekly Refugee Statistics Report (RRRC/UNHCR Weekly Refugee Statistics). The conditions of the camps, in many cases, are substandard, with the refugees living in unhygienic conditions. They live in tin-roofed makeshift barracks and sometimes thatched houses, constructed and monitored by the UNHCR and the Government of Bangladesh, and share communal showers, bathrooms and water taps.
Working within the camps are numerous agencies and organizations: the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), Irish Concern, the Bangladesh Red Crescent Society (BDRCS) and the Government of Bangladesh (GOB). UNHCR assists with repatriation and ensures it is voluntary. “UNHCR’s primary purpose is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, and to return home voluntarily” (“UNHCR Newsletter”). WFP is responsible for providing food and supplies to refugees, while the BDRCS is in charge of food and supply distribution. The GOB is in charge of monitoring the camps, done through the Refugee Repatriation and Relief Commissioner, and the healthcare system in the camps, run by the Ministry of Health when Medecins Sans Frontiéres pulled out. The Ministry of Food and Disaster Management (MFDM), working on behalf of the Government of Bangladesh, is the main partner of UNHCR. Irish Concern is in charge of the education system in the camps, however in January 2005, pulled out because of a mixture of complicated factors not relevant to this paper. UNHCR, with the help of the GOB’s Ministry of Education, plans to take control of the education system, and to properly manage it, needs to continue at or above the level Irish Concern ran it. The literacy rate of the refugees within the camps is estimated at only 12%, a very low number when compared to 67% of the total population of Myanmar and 33% in Bangladesh (“UNHCR Activities in Bangladesh”).

There are believed to be between 100,000 and 200,000 undocumented Rohingya living outside the two operating refugee camps, according to local governmental sources. One article citing a Bangladeshi official put the population at around 150,000 (“Burma/Bangladesh: Burmese Refugees in Bangladesh”). WFP’s Protracted Relief and
Recovery Operations (PRROs) puts the number as high as 250,000 (“Brief of WFP’s Protracted….”). New influxes of Rohingya from Myanmar are not given refugee status by UNHCR, and therefore are denied access to the camps. Access to the refugee camps has been closed since 1995, at the time of the mass repatriation efforts by the UNHCR and the GOB (Lewa, The Situation of Burmese Refugees in Bangladesh). Since 1995, tens of thousands of Rohingyas have entered Bangladesh, but were denied access to the refugee camps because UNHCR stopped granting refugee status.

These unofficial refugees became labeled as economic migrants and began working in Bangladesh as invisible immigrants. Also contributing to the population of undocumented Rohingya are repatriated refugees, known as “double-backers”, who return to Bangladesh after starvation in Myanmar sets in and after all other coping mechanisms have been exhausted (Lewa, The Situation of Burmese Refugees in Bangladesh). The supposed 150,000 Rohingya are living in the Teknaf/Cox’s Bazaar area in villages or slums. As illegal immigrants they are under continual threat of arrest, eviction or deportation. In November 2002, the local Teknaf administration launched an eviction campaign against the illegal immigrants in the District, leaving thousands homeless and under threat of deportation (“Three Die in Clash at Bangladesh Refugee Camp”). Local sources in 2002 reported that over 10,000 Rohingya crossed the border illegally and according to a WFP Emergency and Preparedness Response Unit (OEP) article on the 19th of November 2004, police stated that another 15,000 had entered Bangladesh from Myanmar recently and set up small makeshift camps along the border (“Three Die…”).

Key to this issue is the fact that in terms of appearance and language, the Rohingya closely resemble Bengalis from the Cox’s Bazaar/Teknaf area. Their language is a similar dialect and they are both devout Muslims.
The GOB is aware of the large numbers of undocumented Rohingya living within its borders, and aside from the few sporadic eviction campaigns, does not interfere much. Interventions are limited, yet information on why further action is not taken is hard to come by. While the GOB makes little effort to enforce restrictions on the undocumented Rohingya, the local Bengali residents do.

Local Bengali manual laborers in the area earn between 100 to 150 taka a day, a meager amount, yet the Rohingyas work for 60 to 80 taka a day, therefore suppressing the daily wage (“Three Die…”). In some instances, the Rohingya are allowed to build homes in the local community, but only if they work away from the immediate area (“Burma/Bangladesh”). Perception of the Rohingya is very negative and tensions run high. The media continually portrays them as criminals and threats to local society, also accusing them of depleting local resources, damaging the environment and “being responsible for the socio-economic destabilization in one of the poorest regions of Bangladesh” (Lewa, “The Situation of Burmese Refugees in Bangladesh). Within and outside of the camps, the Rohingya refugees are considered criminals. After a gunfight on November 18th, 2004, leaving more than 100 wounded, police arrested 11 Rohingya at Kutapalong Camp in Ukhiya district, Cox’s Bazaar, and recovered the bodies of three dead refugees from the surrounding hills. (Manik). On Saturday the 20th of November, Lalu Mia, a Rohingya with several criminal cases against him, and the leader of the movement against repatriation of the Rohingya refugees, was arrested (Manik). Troubling the government and local authorities is how the Rohingya criminals were able to move arms over to and within the camp, according to sources (Manik). This issue is not a recent development; throughout their stay in the Bangladesh the Rohingya have been accused of being criminals, operating arms smuggling and drug trafficking. “The Bangladesh
Government does not allow any relief for fear of creating a pull-factor, although it has somehow tolerated and absorbed the influx as long as it does not draw international attention (Lewa, “The Situation of Burmese Refugees in Bangladesh”). It is evident that the GOB is not in favor of a continued Rohingya refugee presence in Bangladesh therefore solutions must be sought.

Repatriation of the Rohingyas, as long as it is voluntary, is the most desirable solution for the GOB, the UN and as Myanmar has indicated by their clearance of 8,311 refugees, Myanmar’s too. Myanmar has given clearance for 8,311 of the Rohingya refugees residing in Bangladesh to return. The question now is whether or not they want to return. Myanmar’s clearance indicates definite progress and shows a willingness to help solve the issue. Repatriation of the Rohingya refugees began on September 1992 in a bilateral repatriation program between Bangladesh and Myanmar, while UNHCR established its presence in the two countries in 1993 after the initiation of a Memorandum of Understanding (MOU) between Bangladesh and Myanmar (“UNHCR Activities in Bangladesh”). The MOU was initiated to enable increased cooperation between the two countries and find a bilateral solution benefiting both nations.
Table 1.
Rohingya Refugee Repatriation Since 1992

<table>
<thead>
<tr>
<th>Year</th>
<th>Persons</th>
<th>Cumulative Total</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Persons</td>
</tr>
<tr>
<td>1992</td>
<td>5,962</td>
<td>5,962</td>
</tr>
<tr>
<td>1993</td>
<td>46,129</td>
<td>52,091</td>
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<tr>
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<td>82,771</td>
<td>134,862</td>
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<td>229,485</td>
</tr>
<tr>
<td>1998</td>
<td>106</td>
<td>229,591</td>
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<tr>
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<td>1,128</td>
<td>230,719</td>
</tr>
<tr>
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<td>1,323</td>
<td>232,042</td>
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<tr>
<td>2001</td>
<td>283</td>
<td>232,325</td>
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<tr>
<td>2002</td>
<td>760</td>
<td>233,085</td>
</tr>
<tr>
<td>2003</td>
<td>3,231</td>
<td>236,316</td>
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<tr>
<td>2004</td>
<td>200</td>
<td>236,516</td>
</tr>
<tr>
<td>Total</td>
<td>236,516</td>
<td>236,516</td>
</tr>
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UNHCR began assisting voluntary repatriation movements of refugees in 1994. Throughout the repatriation initiatives, the issue of how voluntary it has been has risen many times. The Government of Bangladesh has been accused of forced repatriation and UNHCR criticized for not being vigilant enough in providing effective protection and humanitarian assistance. A local government representative admitted to Refugees International “UNHCR’s decision to withdraw from the camps has caused us to try to speed up repatriations. The Government will send them back even if they do not want to go” (Lewa, “We Are…”). Such a statement clearly illustrates the Government’s attitude towards involuntary repatriation, and therefore UNHCR needs to continue to maintain a presence in the camps and ensure repatriation is completely voluntary. In UNHCR’s mandate their “primary purpose is to safeguard the rights and well-being of refugees” (“UNHCR Newsletter”). UNHCR must follow their mandate and remember that the
Rohingya cannot be repatriated to a country where they face persecution. According to surveys and censuses, a percentage of the refugee population do want to return to Myanmar; yet on the other hand, many do not. Repatriation cannot be one sided either; they must be monitored upon return to Myanmar, which is the responsibility of UNHCR in Maungdaw, North Rakhine State. They must be checked on and a safe, productive livelihood must be ensured. Food security as well as protection from persecution is key. UNHCR must continue to follow their mandate of only assisting in repatriation and not encouraging or forcing it. The Government of Bangladesh, though reports of forced repatriation have been reduced, must continue to work with UNHCR and ensure all repatriation efforts are done based on the principle of non-refoulement, an obligation of all states under customary international law. Refoulement means to expel or return refugees in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened.

In order to better manage the camps and establish a governmental presence, the GOB set up the Camp-In-Charge (CIC), under the Refugee Relief and Repatriation Commissioner (RRRC); however the Rohingya as well as the UN agencies are promoting the establishment of refugee committees which would shift a certain amount of control to the refugees, thus allowing them to take part in managing their own facilities, food distribution and services. The establishment of refugee committees in the two camps, Nayapara and Kutapalong, is critical to alleviating the issue of the Rohingya having no control in their lives. In October 2004, there were seven refugee committees pending, with one already formed by UNHCR and the GOB jointly (Sangfai). Refugees would be elected to participate on the committees after background checks are completed and they are deemed fit to represent the refugee population. However, the democracy of the
procedure must be considered. Only refugees that are influenced by the Camp-In-Charge, the RRRC’s man in charge of the camp, will surely be used in determining candidates for the Committees. The Government of Bangladesh is known to favor those it likes and cause problems from those it does not. Complications have and will clearly continue to arise.

Maghees, the CIC’s method of administration within the camps, have been accused of negatively affecting the refugees: “harassing, abusing, threatening, forcing and coercing the refugees, initiating false allegation and intimidation in criminal cases” (“Briefing Note on WFP’s Protracted Relief and Recovery Operation…”). The CIC and his associates in the camps, the Maghees, have also been accused of brutality and the destruction of Rohingya property. Also criticized was the overall mismanagement of the camps by the CIC and the Maghees. The GOB wants the system, as it allows them to maintain control of the camps, whereas UNHCR and the refugees do not approve of the system and are in favor of Refugee Committees. The Rohingya do not want the Maghees as they tend to be prejudiced and biased against the refugees. Also an issue is who will be allowed to represent the refugee populations in the camps. Teachers and Imans, religious leaders, are pressured not to participate because they are educated or men of importance and are therefore believed to have too much influence on the refugees (Sangfai). The list of refugees interested in working on the Refugee Committees has already been written; all that is needed now is full cooperation with the GOB and implementation of the plan. The refugees have already voiced their interest in being in control, to a certain degree, of their own livelihoods and the camp.

Allowing the refugees to form committees with the help of UNHCR and the GOB would allow them to participate in their own lives. They would be responsible for
distribution and monitoring needs and activities within the camp. While the argument can be made that establishing Refugee Committees would give the Rohingya within the camp too much power, it would ease pressure on the GOB and the UN agencies. Allowing the refugees to participate in making decisions will result in increased self-confidence and sense of control of their lives. Only after they feel in control of their lives and the pressure of repatriation have ceased, will repatriation be considered an option or a solution. The Rohingya need Refugee Committees by which they can resolve issues themselves and manage their lives (Kawahara). Ms. Kawahara’s point is evident in the fact that the UNHCR and the Government of Bangladesh need to understand “if they don’t want to go back, fine” (Kawahara) and work to promote other options, such as the self-reliance program, which the GOB rejected.

Cooperation Between Involved Parties

The Government of Bangladesh, despite all the criticism against it, has attempted to deal with this situation as best as possible. However “after over a decade, and with little progress in resolving the issue, we are displeased,” as voiced by the RRRC (Refugee Relief and Repatriation Commissioner) in a personal interview. Twenty thousand people, not even citizens of Bangladesh, out of 140 million Bangladeshis is a miniscule amount, and with the many other problems plaguing the country, refugees from Myanmar are not in the forefront of the GOB’s mind (Sangfai). The government views the work they have done as positive, stating “250,000 refugees down to 20,000 as a success story,”(Khan) as well as reducing the number of camps from 19 to 2, although the methods of returning 230,000 refugees back to Myanmar is questionable. On the issue of the establishment of Refugee Committees, and the 7 that are pending, the RRRC stated that the GOB is not ready at this time and are also waiting for UNHCR to agree, the exact opposite of the
answer Mr. Sangfai, the UNHCR head in Cox’s Bazaar gave. There is an obvious lack of cooperation and/or communication between the UN agencies and the GOB, and both sides recognize the need to work together. Making the new Refugee Committees will shift power responsibly and make them in charge and thus making management easier for the agencies and the GOB (Sangfai). The GOB needs to continue to assist the NGOs and UN with camp organization and repatriation, as well as ensure the healthcare system is functioning at optimal capacity, and now, with the withdrawal of Irish Concern, run the education system at the same or higher level as Irish Concern did.

Recommendations to Alleviate the Refugee Issue

The most obvious solution to alleviating this issue, before repatriation is even considered and to resolve the rising concern from the organizations and the international press and media, is ending involuntary repatriation. Ensuring non-refoulement is extremely important, and with the establishment of Refugee Committees, self-confidence and livelihood security will increase, as well as assurance that repatriation efforts are voluntary. Continual support and cooperation of UNHCR and the other UN agencies and NGOs by the Government of Bangladesh must be enforced, and only with increased levels of cooperation can durable solutions be reached. Information must be continually circulated between the GOB, NGOs and UN agencies, so as to create an open dialogue. Allowing the refugees to have some say in their governance, i.e. the creation of functional, democratic Refugee Committees, is important. Investigation of other solutions to alleviate the refugee situation, apart from repatriation, is necessary, as it is clear only a certain percentage are willing to go back. The GOB needs to recognize the fact that many Rohingya refugees are ethnically the same as the Bangladeshis in the area and an estimated
250,000 are living in the area already. They have already integrated into society and the economy. Due to the fact that Irish Concern, who managed the education system, facilities and teachers, pulled out of the camps in January 2004, education not managed by anyone, therefore the Government of Bangladesh must take initiative and put the Ministry of Education in charge of this operation.

Alternative Approaches to the Rohingya Refugee Situation

1. **The Rohingya are not the GOB’s problem; they are the Myanmar government’s.**

   Yes the argument can be made that it is up to the GOUM to deal with this situation, however recently, as the GOUM has cleared 8,311 refugees for repatriation, it up to the Government of Bangladesh now. Another aspect that must be considered is that many refugees do not wish to return to Myanmar. Therefore it is up to the Government of Bangladesh to help with voluntary repatriation and reach durable solutions for the refugees who wish to stay in Bangladesh.

2. **The GOB has done enough for over a decade, providing funds, personnel and land.**

   The Government of Bangladesh has certainly provided valuable facilities and assistance for the Rohingya refugee population. However as this situation is continuing, constant support is necessary and in the eyes of the international press and media, as well as organizations such as Human Rights Watch and Refugees International, the issue must be dealt with carefully and according to procedure.

3. **The UN and the NGOs should run the camps; they have extensive experience with these issues and therefore it should be their responsibility.**

   True, the UN and NGOs have experience in these sort of situations, but can their work can only be conducted with the support of the host country’s government, in this case the
GOB. As stated above, management of the camp should be delegated to the Refugee Committees, with the GOB and the other organizations and agencies involved in providing food and supply. Jointly the UN, GOB and other agencies must work together to solve this issue.

4. *Bangladesh is a developing country with many of its own problems. It should focus its attention on issues pertaining to its own citizens.*

Yes, and as stated above, establishing Refugee Committees will do just that, allow the GOB to focus on issues relating to its own citizens. The Committees will ease pressure on the Government of Bangladesh, however they can still maintain a presence in the camp, managing external affairs while the refugees are in charge of internal affairs.

**Solutions Proposed to Parties Involved**

Definitely the most beneficial solution would be to implement Refugee Committees, putting the Rohingyas in charge of all camps affairs: food distribution, the health sector, the education system and housing. Allowing the refugees to partake in managing the camp’s internal affairs would have two fold benefits. Allowing the Rohingya to control the aspects of their lives most valued to them would increase self-confidence and morale. Before they will even consider going back, they need to feel in control of their lives. Subject to persecution and torture, their mental and emotional well-being is fragile, and an increase in control of their livelihoods would greatly benefit the Rohingyas. They cannot be forced to repatriate, an act the GOB has been accused of many times. Repatriation must be completely voluntary.
Repatriation is always a possible solution; however, despite the already established and projected Refugee Committees and their possible effect in increasing repatriation, many Rohingyas do not want to go back because of economic, social and political factors.

The issue of Myanmar not allowing the Rohingyas back has passed; the GOUM has cleared 8,311 of the 11,796 refugees pending repatriation (Khan), yet the aspect clearly not considered by the GOB is the fact that many of the Rohingyas do not want to back.

Repatriation movements are continuing at a slow pace: only 193 refugees (44 families) returned from January to July 2004 (“UNHCR Activities in Bangladesh”).

![Repatriated Rohingya Refugees in 2004](image)

Figure 1. Repatriated Rohingya Refugees in 2004

A clearance only means they are allowed to return; they cannot be forced to go back in accordance with UNHCR’s mandate of only assisting with repatriation, not promoting it. (Lee). Repatriation must be completely voluntary, with UNHCR monitoring it.

...attempts to use force to push asylum seekers back to Burma or physically prevent them from entering Bangladesh would violate the principle of non-refoulement,
which is an obligation on all states under customary international law. *Refoulement* means to expel or return refugees in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group or political opinion, as defined in the Article 33 of the 1951 Convention Relating to the Status of Refugees, as well as Article 14 of the Universal Declaration of Human Rights (“Summary and Recommendations”).

UNHCR must cease repatriation and devote more time to investigating if previous repatriations were done in accordance to their mandate. Upon visiting Nayapara, numerous letters were handed, secretly from refugee to myself, or any other ranking outsider, stating the GOB’s forced repatriation tactics: cutting off food distribution in the form of taking away ration cards, destroying belongings, and creating false cases against refugees. UNHCR must strengthen its protection activities through increasing staff numbers and presence in the camps. Independent human rights monitors, Refugees International or Human Rights Watch, to name a few, should conduct an investigation, aided by UNHCR, into the discriminatory policies and human rights abuses of the GOUM against the Rohingya (Martin and Shukla). While such an investigation would not aid the refugees within Bangladesh, it would put Myanmar in the limelight, increasing outside press and media coverage, thus putting pressure on the GOUM to continually clear refugees for repatriation and stop the discriminatory behavior and violations against the Rohingya.

As repatriation is clearly only an option for a percentage of the refugees, continual stay in the camps or integration into the local society and economy must be considered. According to a survey done by WFP, many Rohingyas want to stay in Bangladesh; their
basic needs are met; their children go to school and healthcare is provided. As one 40 year old man in Nayapara said, “I don’t ever want to go back to Burma. I don’t even want to hear the word Burma again. The soldiers killed my father in front of my eyes, and look at what they did to my leg…my ribs…” (“10 Years for the Rohingya Refugees in Bangladesh”, 29). While many do not want to go back because they will not be granted citizenship, many Rohingya have no choice but to stay in Bangladesh, for fear of arrest upon return to North Rakhine State. They fear the authorities would charge them on “illegal exit” terms (“10 Years…”, 28). Yet this is not a durable solution. International aid agencies and donors, as well as the GOB, cannot continue funneling capital into an issue that does not even have a proposed solution. In October 2003, UNHCR proposed a self-reliance program. The objective was to instill more confidence in the refugees and improve their capacity to be on their own” (“RRRC/UNHCR Weekly Refugee Statistics”). “To address this protracted refugee situation: ‘Promoting self-sufficiency pending voluntary return (within the host community)” (Lewa, “We Are Like A Soccer Ball”) was what UNHCR proposed. The idea was to increase the refugees’ capacity and incorporate self-reliance while in Bangladesh and upon their return to Myanmar. The Government of Bangladesh, despite rejecting the program, offered suggestions on areas where UNHCR could improve and expand its activities (RRRC/UNHCR Weekly Refugee Statistics).

The GOB needs to recognize that a percentage of Rohingyas do not want to return to Myanmar and alternative solutions must be considered. Already running within the camps are small-scale skills training activities. Women are learning how to make soap, dresses, handicrafts and also learning how to knit. However this project of income generation is just starting and only involves a few hundred women. These activities need to be increased and further ventures need to be introduced so as to provide jobs and income
for the men of the camps. The Government of Bangladesh is not standing on the sideline of this issue. Their aim is to help the refugee people, and if skills training and income generation become useful then they will be implemented. (Khan).

Refugees in countries that have signed the Convention and the subsequent amendments (the Protocol) are given a certain level of freedom, e.g. allowed to earn their own income. However because Bangladesh is not a signatory of either document, the Rohingya refugees are not protected by or governed by them. The Government of Bangladesh must become a signatory of both the Convention and the Protocol to clearly prove it wants a durable, beneficial solution in resolving the Rohingya issue. Bangladesh is not a signatory to the 1951 Convention and it has never accepted the notion of refugees permanently resettling. It does not recognize settlement in Bangladesh as an option or durable solution and therefore will only aid refugees in terms of “protection, the right to residence and receipt of food rations by refugees living in the camps. They are not allowed formal organization, employment, any type of commercial activity, formal or otherwise, inside or outside the camps” (“Brief on WFP’s Protracted Relief and Recovery Operations (PRROs)”). By becoming a signatory to the Convention and Protocol, Bangladesh will enable the Rohingya to gain valuable freedoms and liberties in governing their lives, rights they deserve under refugee status. In Article 17 of Chapter II, titled Wage-earning employment, in the Convention for the Status of Refugees (1951) it states:

The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment (The Convention (1951) and Protocol (1967) Relating to the Status of Refugees).

In Article 18, titled Self-employment, it states:
The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies (The Convention (1951) and Protocol (1967) Relating to the Status of Refugees).

“The Government of Bangladesh should demonstrate its commitment to international human rights standards by becoming a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol” (“Summary and Recommendations”). It needs to show its willingness to cooperate and reach a solution, following the mandates set out by the UN. It needs to recognize the fact that only around 20,000 Rohingya are residing within the camps under refugee status. In the Cox’s Bazaar/Teknaf area, up to 250,000 are living as undocumented economic migrants. They are denied any form of protection or humanitarian assistance. Their needs must be recognized urgently and a mechanism put in place by which they can approach UNHCR for protection.

Conclusion

I have visited Nayapara camp as well as Rohingyas in North Rakhine State and have seen how the refugees live and have heard first hand accounts of the suffering and prejudice they face. I have heard of families separated, family members disappearing and men forced into slave labor by the Myanmar government. One man I spoke with was living in a Cox’s Bazaar slum. He was chased to Maung Daw in North Rakhine State and told if he came back, he would immediately be thrown in jail. He was forced to leave Maung
Daw because there was no work for him and then in Bo Ti Daung was bothered by the military, and finally forced to flee to Bangladesh. Another man in the same Cox’s Bazaar slum told a story of military pressure and coercion. The military of Myanmar accused him of belonging to a fundamentalist group and of having arms training. He was told he would be put in jail. None of these accusations are true, yet because of fear he fled to Bangladesh.

While the future may hold many possibilities in alleviating the Rohingya refugee situation, there are preferable, possible and probable outcomes. The preferable situation is difficult: it depends on which viewpoint is taken, but in terms of the Rohingya, it requires the fusion of a few solutions. A percentage of the population want to be repatriated in Myanmar, another percentage want to continue to stay in the camps and another portion want to stay in Bangladesh and integrate into the society and economy. The possible solution would be to implement refugee committees and allow the Rohingya refugees living in the camps to take control in managing their lives. This solution is clearly feasible and would not require massive effort on the GOB’s part, nor the UN agencies. However, the probable situation is the most likely scenario to unfold. This scenario would entail low numbers of refugees to be repatriated (but only once the political and social situation in Myanmar improves); Refugee Committees considered, but not implemented; while the idea of continual stay in Bangladesh as well as integration into the society is definitely not a possibility given the current political situation in Bangladesh. Based on personal accounts and objective professional documentation of the Rohingya’s suffering and the prejudice they face, it is clear that both sides, Bangladesh and Myanmar, with the UN and other NGOS acting as mediators, must work together to find durable solutions, such as the ones mentioned above, for the Rohingya people. It is an unconscionable situation that
deserves immediate resolution, not just for the Rohingya refugees, but also for all the
Rohingya people living in Myanmar and Bangladesh.
Works Cited


“RRRC/UNHCR Weekly Refugee Statistics”. UNHCR. 30 Sep. 2004


Interviews


Kawahara, Naomi. United Nations High Commission for Refugees Field Officer. 

Khan, Mohammad Ali. Refugee Repatriation and Relief Commissioner / Cox’s Bazaar. 
Personal interview. 10 Oct 2004.

Lee, Christopher Beng Cha. United Nations High Commission for Refugees 
Representative/ Bangladesh. Personal interview. 5 Oct 2004.

Martin, Veronika and Kavita Shukla. Lack of Protection Plagues Burma's 
Rohingya Refugees In Bangladesh. Refugees International. Email Correspondence. 
30 May 2003.


Ta-Asan, Maria Victoria P. World Food Programme- Maungdaw, Myanmar. Personal interview. 10 Oct 2004.
Works Consulted


"Lack of Protection Plagues Burma's Rohingya Refugees." Refugees


