

## DURABLE SOLUTIONS TO THE PROTRACTED REFUGEE SITUATION: THE CASE OF ROHINGYAS IN BANGLADESH

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### ABSTRACT

*Refugee situation is characterized by suffering; suffering for the refugees, the host community as well as the asylum country. This causes constraints over financial and physical resources of the host country and immense effort of international community to deliver aid to the targeted population. The pain exacerbates when the refugee situations are prolonged and no long-lasting solution appears feasible. Alarming, people caught in this kind of protracted refugee situations are on the rise. The case of Rohingya refugees in Bangladesh is one of the most complex refugee situations in the world which has been continuing for more than three decades. The present paper is a study of the Rohingya refugees to examine the effectiveness of traditional durable solutions offered by the UN Refugee Agency (UNHCR). The paper posits that the ultimate solution of Rohingya crisis lies in the political good-will of stakeholder state parties. UN Security Council can play a vital role by applying the coercive diplomacy through Responsibility to Protect (R2P) measures against the state of origin of refugee problem viz. Myanmar.*

**Keywords:** Bangladesh, integration, minorities, Myanmar, Northern Rakhine state, Protracted Refugee Situation, refugee, resettlement, Rohingya, Voluntary Repatriation.

### INTRODUCTION

Generally, being a refugee in the international context is considered a temporary phenomenon. It is usually hoped that after situation becomes normal, refugees would return to their own country. But the global trends negate the perception. By the end of 2012, there were 10.5 million refugees worldwide and among them estimated 6.4 million were in protracted situations. UNHCR defines a protracted refugee situation as one in which 25,000 or more refugees of the same nationality have been in exile for five years or longer in a given asylum country. These 6.4 million protracted refugees were living in 25 host countries (UNHCR, 2013). Rohingya refugees living in Bangladesh created one of the major situations of protracted displacement.

Rohingyas are an ethnic, linguistic and religious minority group of Northern Rakhine State (NRS) of Myanmar. Myanmar government categorized them as illegal immigrants from Bangladesh and excluded them from citizenship and basic human rights. But the Rohingya people claim themselves residents of NRS (previously known as Arakan state) tracing their origin for more than a thousand year. Being persecuted by the government forces and extreme section of the majority Buddhist people, they took asylum in various countries including Bangladesh. They came to Bangladesh in two major influxes in 1978 and 1992 (Ahmed, 2010; Lewa, 2009; HRW, 2000; Grundy-war and Wong, 1997; Yegar, 1972). Most of the refugees accepted by Bangladesh have been repatriated and the remaining about 30000 Rohingyas are living in two registered camps administered by the government and the UN Refugee Agency (UNHCR). However, a large number of Rohingya people, approximately 200000, are living in various unregistered camps and local villages without registration, any valid legal status or international assistance. The refugees in official camps are living in Bangladesh since 1992 making it one of the most complex protracted refugee situations.

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Initial warm reception by the local people did not last long over the passage of time, making life increasingly difficult for refugees. The situation of unregistered people are far worse as the government identify them as 'illegal foreigners' from Myanmar and they are always in fear of persecution, arrest and deportation (Uddin, 2012; Ullah, 2011; Lewa, 2010; UNHCR, 2007a and b).

International laws present three durable solutions to the refugee problem: *voluntary repatriation*, *local integration* and *resettlement*. In the case of Rohingyas in Bangladesh, repatriation done in 1978 and after 1992 was not voluntary in most of the cases (Barnett, 2000; Abrar, 1996; Lambrecht, 1995; MSF, 1994). Repatriation process was stopped since 2005 and the UNHCR acknowledged that it is not a viable solution for Rohingya refugees (UNHCR, 2007c). Moreover there is no discussion about the repatriation of the far larger unregistered people. Bangladesh is not in a position to allow local integration given her dense population and constraints over limited resources. Resettlement process was also stopped in 2010 after a small number of refugees resettled to several third countries. Bangladesh government stopped it on the ground that it would act as a pull factor.

Persecuted in both home and host countries and losing hope of durable solutions, Rohingya people have become increasingly desperate to seek a safe future. Thousands of Rohingyas are attempting to reach Malaysia, Thailand and Australia by perilous sea journey (Human Rights Watch, 2009). Bangladesh government and media routinely accuse that many Rohingyas are illegally possessing Bangladeshi passports to go abroad (The Daily Star, 12 August 2012). After the outbreak of fresh violence in Myanmar since June 2012, more Rohingya people fled from homeland but this time Bangladesh did not allow them to take shelter leaving many to die in the sea. Policies of the regional governments including Australia, Thailand and Malaysia got more anti-trafficking discouraging the desperate Rohingya people to seek a safe shelter in their shores.

## DEFINING THE PROTRACTED DISPLACEMENT

UNHCR Standing Committee defines protracted refugee situation in following words:

*'One in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance'. In identifying the major protracted refugee situations in the world, UNHCR uses the 'crude measure of refugee populations of 25, 000 persons or more who have been in exile for five or more years in developing countries' (UNHCR, 2004).*

UNHCR definition presents the popular image of protracted refugee situations as involving static, unchanging and passive populations and groups of refugees that are 'warehoused' in identified camps. In view of UNHCR's humanitarian mandate, and given the prevalence of encampment policies in the developing world, it should not be surprising that such situations have been the focus of UNHCR's engagement in the issue of protracted refugee situations. The UNHCR definition does not, however, fully encompass the realities of such situations. Far from being passive, recent cases illustrate how refugee populations have been engaged in identifying their own solutions, either through political and military activities in their countries of origin or through seeking means for onward migration to the West. A more helpful definition of protracted refugee situations would include not only the humanitarian elements proposed by the UNHCR, but also a wider understanding of the political and strategic aspects of long term refugee problems. Secondly, a definition should reflect the fact that protracted refugee situations also include chronic, unresolved and recurring refugee problems, not only static refugee populations. Thirdly, an effective definition must recognize that countries of origin, host countries and the international donor community are all concerned in long-term refugee situations (Loescher and Milner, 2005). In a protracted refugee situation, refugees are sequestered in refugee camps without rights to move and work; their lives remain on hold and stagnate in a state of limbo for a long period. The refugees have few if any chances for employment and very limited opportunities to engage in commerce or trade. Though the risks to their lives may be radically reduced in comparison to the situation from which they fled, their lives remain physically and psychologically insecure, oftentimes more insecure than they would be if they returned home.

The basic characteristic of a protracted refugee situation is long-term confinement in a refugee camp or settlement – at least five years – from which the refugee is not free to leave. Refugees in such situations live not knowing what the future will bring. Hopelessness and despair eat at their self-worth at the same time as the endlessness of the situation weakens the willingness of donor states to provide adequate supplies and services to meet the basic needs of the refugees. Living often in remote, desolate, and dangerous border areas, the refugees are subject to violence at the hands of locals

and, in some cases, uncontrolled armed militias (Chen 2004; Smith 2004; quoted in Adelman, 2008). Given the remote locations of many camps, the consequences of living for long periods in a confined area in this state of unending dependency in closed camps, or suffering economic exploitation in open camps, there are significant debilitating effects. The list of the consequences of prolonged encampment is long, and includes material deprivation, psychosocial problems, violence, sexual exploitation, exploitative employment and resort to negative coping mechanisms. UNHCR has pointed out that protracted refugee situations perpetuate poverty and ‘underdevelopment’ and ‘can serve as incubators for future problems. Festering crises can nurture instability and conflict.’ The consequences also include sexual exploitation, illegal secondary migration, tensions between the refugees and locals, and sometimes unaccountable and even exploitive camp administrations (Smith, 2004).

According to the *World Refugee Survey (2004)* special issue on refugee ‘warehousing’, of the 11.9 million refugees worldwide in 2003, there were more than seven million refugees confined to refugee camps, segregated settlements or otherwise deprived of their rights for ten years or more. Using somewhat different criteria – five years’ duration rather than ten – for the end of 2003, UNHCR provided a figure of 6.2 million refugees in 38 different mostly African countries who have lived in an ongoing refugee crisis for more than five years. In fact, the average duration of refugee crises has increased from 9 to 17 years between 1993 and 2003 (UNHCR 2004). In six of these 38 countries, refugees were fully integrated economically, although the refugee situation was still extant; the refugees themselves in those six countries were not in a protracted refugee situation.

According to Jeff Crisp’s definition, a protracted refugee was someone in exile for at least five years and *no durable solution was in sight through resettlement, local integration or repatriation* (Crisp, 2002; 2003). In 2003, Crisp modified his definition to *an absence of a durable solution* and offered an explanation. Protracted refugeehood was depicted as ‘a long term refugee situation that has become a care and maintenance program with no apparent durable solution in sight, not necessarily because one is lacking, but because refugees have become marginal to major power interests’. Realpolitik, then, was offered as the explanation for the indifference (Adelman, 2008).

The key UNHCR (2004) document on Protracted Refugee Situations reports some general consequences of protracted displacement which are summarized below:

- a. The consequences of having so many human beings in a static state include wasted lives, squandered resources and increased threats to security.
- b. Camps save lives in the emergency phase, but, as the years go by, they progressively waste these same lives. A refugee may be able to receive assistance, but is prevented from enjoying those rights – for example, to freedom of movement, employment, and in some cases, education – that would enable him or her to become a productive member of a society.
- c. Protracted refugee situations also waste lives by perpetuating poverty. The World Bank notes three dimensions of poverty: lack of income and assets; voicelessness and powerlessness in the institutions of State and society; and vulnerability to adverse shocks, linked to an inability to cope with them. Very often, being a refugee involves all three dimensions, ensuring that refugees are not only without national protection, but also desperately poor. Poverty can lead refugees, as well as others, to resort to a range of negative survival tactics, such as child labour, the degradation of the environment or prostitution.
- d. The prolongation of refugees’ dependence on external assistance also squanders precious resources of host countries, donors and refugees. Spending on long-term situations is often characterized by what has been termed the ‘*plastic sheeting syndrome*.’ Limited funds and waning donor commitment lead to stop-gap solutions, such as the provision of plastic sheeting instead of more durable shelter materials. Spending on short-term fixes, however, yields only fictitious savings. Spending on care and maintenance, rather than on solutions, while often necessary, is a recurring expense, and not an investment in the future. It can only ensure that such situations are perpetuated, not solved.
- e. Another consequence of protracted refugee situations is that they can serve as incubators for future problems. Festering crises can nurture instability and conflict. Large, disaffected and alienated populations relying on subsistence-level handouts are prime targets for recruitment into armed groups. And the frustration of being a refugee can lead persons to commit dramatic actions that draw attention to a cause.

## DURABLE SOLUTIONS IN INTERNATIONAL LAW AND PRACTICE

A durable solution for refugees is one that ends the cycle of displacement by resolving their plight so that they can lead normal lives. Traditionally, three durable solutions have been practiced to end refugee crisis: voluntary repatriation, local integration and resettlement.

The durable solutions have been discussed below following the UNHCR (2005) Report published *An Introduction to International Protection* and other key literatures.

### ***Voluntary Repatriation***

Repatriation means the way in which the refugees can return to their country of origin in safety and dignity. But the return must be voluntary. The *1951 Convention* does not explicitly address the issue of voluntary repatriation, although the cessation clauses are indirectly related:

- i. Article 1C (4) of the *1951 Convention* stipulates that refugee status ceases if a refugee voluntarily re-establishes him- or herself in the country or origin;
- ii. In relation to the 'ceased circumstances' cessation clauses in Articles 1C (5) and 1C (6), the successful completion of a voluntary repatriation programme can indicate that the circumstances that initially caused flight no longer exist.

Therefore, voluntary repatriation ultimately leads to the cessation of refugee status, whether on an individual or group basis. Drawing on the above legal framework, UNHCR considers that the core components of voluntary repatriation are return in safety and with dignity. This involves the return in and to the conditions of physical, legal, and material safety, with full restoration of national protection as the end result.

Aspects of *physical safety* include:

- i. The overall security situation and assurances from the authorities about the safety of returnees;
- ii. Specific safety issues, such as the presence of mines and unexploded ordnance.

Aspects of *legal safety* include:

- i. The adoption and implementation of amnesty laws to protect returnees from discrimination or punishment on the sole ground of having fled the country;
- ii. Legislation to ensure a returnee's citizenship status, plus access to documentation related to personal status;
- iii. Measures in place to ensure recovery of property or, if this is not possible, entitlement to adequate compensation.

Aspects of *material safety* include:

- i. Access to means of survival and basic services, such as drinking water, health services, and education;
- ii. Income-generating opportunities.

Often the basic requirements for return – safety and the restoration of national protection – are not in place. Without these conditions, return may not be sustainable and the refugees concerned may move back to the country of asylum. Creating conditions conducive to voluntary repatriation is a major challenge, primarily for the country of origin but also for the international community, whose support is often crucial. This is particularly true in post-conflict situations, where the expense, effort, and time required to establish peace, ensure respect for human rights, rebuild infrastructure, restore normal political, economic and social life, rehabilitate the judicial system, and foster long-term stability is daunting, to say the least. This difficult reality is weighed against the desire of many countries of asylum for voluntary repatriation to take place as soon as possible, particularly when they have been hosting refugees for a long time. The States concerned may have seen a decline in international support for their protection efforts, raising fears about a long-term strain on their resources. With its mandate for identifying durable solutions, UNHCR must often work to temper unrealistically high expectations from States about the potential for voluntary repatriation when the necessary conditions do not appear to be in place. Unfortunately, refugees often find themselves in a precarious position, caught between inadequate protection and assistance in the country of asylum and continuing insecurity in their country of origin.



Pitaway (2008) argues that the nature of the voluntariness of the repatriation is a major point of contention and a barrier to identifying solutions to the current situation. Voluntariness is not mentioned in the Refugee Convention, which discusses instead the principle of 'safe return', implying that returnees will be protected by the state (Goodwin-Gill, 1996). Some scholars have argued that 'once a receiving state determines that protection in the country of origin is viable, it is entitled to withdraw refugee status' (Hathaway, 1997). The notions of subjective and objective assessment of 'safe return' have become central to the argument. Chimni (1999) argues that one of the most important principles of voluntary repatriation and non-*refoulement* is that 'refugees cannot be returned against their will to a home country that in their *subjective* assessment has not appreciably changed for the better'. UNHCR insists that decisions must be made based on *objective* facts. However, it can be argued that the very determination by UNHCR and states of what is 'objective' is in fact a subjective interpretation to suit their current actions (Ighodaro, 2002). Chimni argues that this 'objectivism' disenfranchises the refugee voice in decision making about whether or not it is safe to return home.

### **Local Integration**

Local integration is the solution in which the country of asylum provides legal residency. In local integration, the country of asylum offers refugees permanent residence with the possibility of eventual citizenship. Its potential as a durable solution is recognized in both the 1951 *Convention* and UNHCR's *Statute*. Although in certain countries naturalization of recognized refugees after a period of time is standard practice, many States have concerns about allowing refugees to stay indefinitely on their soil. They fear the impact on scarce resources, the risk of security problems, and potential antagonism towards refugees. They may also be concerned about controlling migration.

Local integration is a gradual process that takes place on three levels:

- a. Legal: refugees are granted a progressively wider range of rights, similar to those enjoyed by citizens, leading eventually to permanent residence and perhaps citizenship;
- b. Economic: refugees become gradually less dependent on aid from the country of asylum or on humanitarian assistance and are increasingly self-reliant so that they can support themselves and contribute to the local economy;
- c. Social and cultural: interaction between refugees and the local community allows refugees to participate in the social life of their new country without fear of discrimination or hostility.

The commitment to local integration comes from the government of the country of asylum. UNHCR can facilitate the process and bring together a range of actors, including donor States and other United Nations agencies, to design and implement coordinated programmes to assist the refugees' integration.

### **Resettlement**

Resettlement involves the permanent movement of refugees to a third country. Although comparatively small numbers of refugees benefit from resettlement, as acknowledged in *ExCom Conclusion No. 90 (LII) 2001*, it nevertheless serves three equally important functions.

Resettlement is:

- a. A protection tool for individual refugees whose life, liberty, safety, health, or other fundamental rights are at risk in the country of asylum;
- b. A durable solution for larger numbers or groups of refugees;
- c. A mechanism for burden- and responsibility-sharing among States.

Precedence is given to resettling those individuals with specific and immediate protection problems, such as people at risk of *refoulement* or physical attack, including sexual violence when it is used as a protection tool. Individuals who have been tortured or who have a pressing need for medical or psychological care are also considered for the resettlement if they are not in a country with adequate facilities to assist them. As a strategic function, resettlement of groups or categories of people can be part of a comprehensive response to a refugee situation. For example, when voluntary repatriation or local integration is not an option for a particular ethnic group because of a continuing risk of persecution that applies only to them and not to their compatriots, collective resettlement of that group may be appropriate. By its very nature, resettlement is a form of burden- and responsibility-sharing, whereby the pressure on the country of asylum is shared by other States offering permanent place for some of the refugees.

An individual must meet the resettlement criteria of both UNHCR and the potential country of destination to qualify for resettlement. UNHCR's criteria are made in line to use resettlement as a protection tool. UNHCR works with resettlement States to refine and harmonize resettlement criteria and processes. As resettlement is often highly valued by refugees, it is important that its management is transparent, to prevent corruption and to reduce the risk of resettlement becoming a pull-factor for new arrivals.

## **DURABLE SOLUTIONS TO ROHINGYA REFUGEES IN BANGLADESH:**

### ***Voluntary Repatriation: Not a Viable Option***

Though Myanmar government does not accept Rohingyas as citizen, the Rohingya people living in Bangladesh regard Arakan/Northern Rakhine state as their natural place of residence. Even a young Rohingya people born and grew up in Bangladesh wants to go back to Myanmar if provided safety and dignity. After the exodus in 1991-92, repatriations had begun in September, 1992 under a bilateral agreement between the government of Bangladesh and Myanmar.

Initial repatriation of the refugees was not voluntary in nature. Both the governments and UNHCR were involved in involuntary repatriation which amounts to *refoulement*. Between September, 1992 and the end of 1993; virtually all repatriations of Rohingya refugees were forceful ones. During this period the UNHCR was not present in Arakan and it had no agreement with Myanmar to provide assistance to returnees. *Human Rights Watch Asia* (September, 1996) in a document entitled '*Ending a Cycle of Exodus*' is critical of the authorities concerned for failing to prevent serious abuses in the refugee camps, including beatings of refugees by security guards, and the denial of food rations by camp officials that apparently point out coercive measures aimed at pushing refugees into returning to Arakan. Indeed, as many as 50,000 refugees returned back across the border involuntarily and without the UNHCR being able to trace their whereabouts (*Grundy-Warr and Wong, 1997*).

Later in July 1994, UNHCR activated promotion sessions and mass registration (in place of information sessions and individual interviewing) for repatriation. The organization declared December, 1995 as the deadline to return remaining 190, 000 refugees. It should be noted that the organization violated its mandate in many cases in order to promote quick repatriation. 'Aggression reached a height in mid-July 1997, when 350 refugees – mostly women and children –were rounded up overnight at gunpoint and deported. This set off a 14-month long strike in Nayapara by the refugees, involving some militant elements, in which the refugees took over the camps and boycotted humanitarian services' (*MSF, 2000*). After that the repatriation process became slower and the last repatriation happened in 2005.

**Table 1: Year Wise Repatriation of Rohingya refugees**

<b>Year</b>	<b>Number of refugees</b>
1992	5962
1993	46129
1994	82753
1995	61504
1996	23045
1997	10073
1998	106
1999	1128
2000	1323
2001	283
2002	760
2003	3231
2004	210
2005	92
<b>Total</b>	<b>2,36,599</b>

**Source:** Refugee Relief and Repatriation Commissioner's Office, Ministry of Food and Disaster Management, Dhaka (Quoted in *Ahmed, 2010*)

Currently, UNHCR has acknowledged that return is not a viable option for the Rohingya refugees (UNHCR, 2007c). Reports by Amnesty International (2004) and stories of persecution of Rohingyas in Burma present credible evidence that refugees who are forcibly returned to Burma will find their life and freedom threatened. However, under pressure from both the Bangladeshi and the Burmese governments, UNHCR is still exploring the possibility of future repatriation. Many refugees do not understand the political positioning of UNHCR and see their continued consideration of repatriation as an act of betrayal (Pittaway, 2007; quoted in Pittaway, 2008).

Eruption of renewed violence against Rohingyas in Myanmar since June, 2012 created another wave of displacement of Rohingyas. In the current situation and in the foreseeable future there is little light of hope for the voluntary return of Rohingya people to Myanmar.

### ***Local Integration: Unspoken Reality***

‘Local integration’ is a legal, economic and political process by which refugees progressively become members of the host society (UNHCR, 2001). The government of Bangladesh continues to reject local integration as a durable solution for the Rohingya refugees, leaving UNHCR with very limited options. Bangladesh is not well placed to cope with this protracted refugee situation. The country is confronted with extreme poverty and high rates of population growth, and is increasingly affected by natural disasters and climate change. The refugees are to be found primarily in remote and impoverished areas of Bangladesh which have not benefited from the modest economic growth that has recently taken place in some other parts of the country. From the government’s perspective, there has been a lack of concerted international action to address the circumstances that forced the Rohingya to leave Myanmar and which now obstruct their repatriation. Bangladesh also considers there has been inadequate international understanding and support with respect to the refugee impact on host communities. The presence and general tolerance of such large numbers of Rohingya in Bangladesh derives in part from the social, ethnic, linguistic and religious characteristics that they share with the host community, particularly their common adherence to Islam. Even so, political and public opinion in Bangladesh is generally not well disposed towards the refugees. And although UNHCR has sponsored a range of projects that are intended to bring tangible benefits to the host population, they have done little to gain popular goodwill or to create additional protection space for the Rohingya (Kiragu, Rosi and Morris, 2011).

In spite of opposition from the government and local host community, it is a fact that many Rohingyas are being integrated in Bangladeshi society. This is happening in mainly two ways; illegally collecting Bangladeshi nationality documents and inter-marriage with local Bangladeshis. In the past, it was quite easy to ‘buy’ Bangladeshi nationality certificate which is issued by village level Union Council Chairman. It has become difficult now as government has made nationwide database of citizens in 2008. Employment is also a major process of integration. As many Rohingyas are involved in informal jobs, they gradually become economically self-reliant. Many unregistered Rohingyas are seen living in the slums of Cox’s Bazar along with the poor Bangladeshi families. They work in and around Cox’s Bazar in mainly manual jobs including as rickshaw puller, day laborer, fishermen, and domestic workers and in dry fish processing (Azad and Jakea, 2013).

### ***Resettlement: Too little to count***

Resettlement opportunity was not available for Rohingya refugees in Bangladesh until 2006. The government of Bangladesh refused permission for refugee travel and countries offering programmes of resettlement showed no active interest in accepting this caseload. At first, in 2007, only 23 Rohingya refugees departed for Canada. Later, New Zealand, UK, Australia, USA, Ireland, Norway and Sweden came forward to accept some Rohingya people as refugee. Sadly, the selection criteria of those countries resettling refugees from Bangladesh would appear to focus on those most likely to integrate easily into the host communities, rather than those in greatest need. There are concerns about the more intensive on-arrival needs and the poor integration of refugees from protracted refugee situations and the potential cost to the host communities (ATCR, 2007). The poor health status, low levels of education and trauma experienced by this population make it unlikely that they will easily fit into ‘integration’ criteria. It is also feared that the international backlash against groups suspected of being fundamentalist Muslims would prevent some countries from even considering this caseload for resettlement (Pittaway, 2008). In November 2010, Bangladesh government suspended resettlement operation. According to government, it would act as a pull factor for the new waves of refugees from Myanmar.

**Table 2: Resettlement of Myanmar refugees from Bangladesh, 2006 – 2010**

Year	Destination	Submissions	Departures
2006	Canada	28	13
Total		28	13
2007	Canada	204	75
	New Zealand	54	
	United Kingdom	121	
Total		379	75
2008	Australia	151	
	Canada	212	76
	Ireland	112	
	New Zealand	11	23
	Norway	12	4
	Sweden	19	19
	United Kingdom		34
	United States	32	
Total		549	156
2009	Australia	120	108
	Canada	3	122
	Ireland		82
	New Zealand	12	27
	United Kingdom	112	109
	United States	302	17
Total		549	465
2010	Australia	108	134
	Canada		17
	New Zealand		6
	United Kingdom	112	47
	United States	272	7
Total		492	211
<b>grand Total</b>		<b>1997</b>	<b>920</b>

*Source: Kiragu, Rosi and Morris (2011)*

Other governments in the region are reluctant to become involved in the debate around the Rohingya refugees. They are afraid of secondary movement to their territory and do not wish to accept any additional refugee caseload. There has also been reluctance from regional powers to criticize the human rights record of the Myanmar regime, as they do not wish to jeopardize trade with this resource rich country. Rohingya refugees do, however, flee to other countries, including India, Gulf States, Japan, Pakistan, Saudi Arabia, Thailand and the United Arab Emirates. This movement is often facilitated by criminal gangs who charge exorbitant fees, leaving the refugees vulnerable to abuse and exploitation. Many states deny admission to the Rohingyas and some have engaged in systematic *refoulement* to avoid creating pull factors to their countries (UNHCR, 2007a). There is a significant movement of Rohingyas from Bangladesh to Malaysia, with many reports of refugees drowning when inadequate small boats are wrecked. The Malaysian government is unwilling to accept these arrivals, who again find themselves in very difficult circumstances as unregistered refugees (*Pittaway, 2008*).

Though the secondary movement of Rohingyas through irregular channels is not supported by any state, the refugees themselves increasingly prefer this way after having lost all hope in legal solutions.

### WHAT SHOULD BE DONE?

Rohingyas are among a dozen of persecuted communities in Myanmar. But the key difference of Rohingyas with



other communities is that while others are citizens and recognized races of Myanmar, the Rohingyas are not. Even if Myanmar becomes a fully democratic country, the future democratic government may not provide full citizenship to Rohingya people. The sour reality can be assumed from the statement of Aung San Suu Kyi, the icon of Myanmar democracy. In a TV interview to the BBC in October 2013, she denied that her country was engaged in ethnic cleansing and suggested that the violence against Muslims was because of fear of global Muslim power. She even could not dare to directly condemn anti-Muslim violence (Ibrahim, 2013; Blair, 2013).

The prospect that democracy will be reinstated in Burma and that the Rohingyas will be safe to return home in the foreseeable future seems extremely unlikely. The international community could consider using internationally brokered Security Council Resolutions, and Conventions other than the Refugee Conventions to seek solutions to the problems of the Rohingyas. If the military junta in Burma continues to be intractable in persecuting ethnic minorities in Burma, the international community could consider activating the potential of UN Security Council Resolution 1674 (UNSC **1674**), a reaffirmation of the 'Responsibility to Protect' (**R2P**) populations who suffer from extreme human rights abuses and lack of protection from their own governments. In January 2007, a draft resolution was presented to the UN Security Council by the United Kingdom and the United States evoking UNSC **1674** in relation to Burma. Amongst other things, it called for the Burmese government to cease all attacks on ethnic minorities, including rape, and to offer unhindered access to humanitarian organizations. China and Russia voted against the resolution, China stated that Burma did not pose a threat to international peace and security in the region. However, this was contested by members of the Association of South East Asian Nations (ASEAN) who expressed dissatisfaction with the slow pace of reforms in Burma (Thompson, 2007; quoted in Pittaway, 2008).

The notion of burden sharing is also highly essential in this case. Developed countries should come forward to resettle a large number of refugees. Bangladesh suspended resettlement operation as it was small-scale and acted as a pull factor. A large scale resettlement like Bhutanese refugees would gain all support from Bangladesh government.

The refugees who are trapped in protracted situations and who cannot benefit from any of the three classical durable solutions should at least be able to establish livelihoods and become self-reliant in their country of asylum, an objective which often depends on refugees having freedom of movement and the ability to access local markets. In the words of UNHCR's 2011 protection assessment, '*after 18 years of a confined and sometimes repressive camp environment, a severe dependency syndrome within the camp community has developed which is difficult to reverse*' (Kiragu, Rosi and Morris, 2011). Current general understanding in Bangladesh is that providing livelihood and educational opportunity to Rohingyas will be a pressure on local and national resources. But leaving them behind of all facilities would be more problematic for Bangladesh as without any way to earn and live, the desperate people may involve in criminal activities.

Many Rohingyas want to travel to other countries to work as migrant worker, if not refugee. One can see the desperation among the people who travel by boat to reach Thailand, Malaysia and other countries. Bangladesh government can provide the Rohingyas special travel documents just to travel to other countries. If they send money back to families in Bangladesh, it would be a contribution to Bangladesh economy.

## CONCLUSION

We have reflected over the uncertain future of the Rohingyas and the ways to find durable solutions to their plight. UNHCR conducted a number of studies to seek the solutions for Rohingyas but most of the recommendations are within the improvement of care and maintenance rather than long term solution. The basic reason of protracted situation is political. The solution should emanate from political prism. UNHCR, which is mandated to protect refugees, is not a political organization; its purpose is merely humanitarian. In the country where the democratic leaders are not supporting human rights, where non-violent monks are leading the politics of hatred; it would be wrong to expect anything from semi-democratic rulers of that country. We strongly believe that the solution lies in international pressure which should also be backed up with credible hard power.

Appalled at the inaction of international community even after long period of persecution, *Human Rights Watch* noted, '*because they have no constituency in the West and come from a strategic backwater, no one wants them, even though the world is well aware of their predicament.*' (HRW, 2009). In this case, humanitarian intervention should be non-biased of narrow national interest. Help should not be for those who can lobby or can give something in return but for those who are in need.

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