




**Rohingya Repatriation: Myanmar doing little while Bangladesh Facing Challenges**  
*Porimol Palma - is Senior Correspondent at The Daily Star , Bangladesh.*

When Bangladesh continues to bear the brunt of sheltering more than a million Rohingyas, Myanmar is doing little for their repatriation amid the silence of global powers though the Southeast Asian country faces a genocide case, experts and officials said.

About 750,000 Rohingyas -- injured and starved -- fled a brutal military crackdown since August 25, 2017, leaving their homes burnt and relatives killed. Bangladesh generously opened the border and sheltered them, but is now facing tremendous financial, ecological, and security challenges.

Even before 2017, some 300,000 other Rohingyas, who fled earlier waves of violence in Myanmar since 1978, were sheltered here. Bangladesh hastily signed a repatriation deal with Myanmar in November 2017. The next year, UNHCR and UNDP signed a tripartite deal with Myanmar on creating conducive conditions for Rohingya return.



## REFUGEE CRISIS

# THREE YEARS ON

### CONTINUED ASSISTANCE FOR REFUGEES AT CAMPS


- Food security ●
- Nutrition ●
- Healthcare ●
- Water and sanitation ●
- Protection ●
- Education ●

#### BANGLADESH HOSTS 4.7% OF WORLD'S REFUGEES

- > **8,60,365** Rohingyas live in 34 camps in Cox's Bazar
- > More than **2.30 lakh** live outside camps, with host community
- > **80%** of these Rohingyas are women and children

#### COVID RESPONSE FOR ROHINGYAS

- **79** confirmed cases among Rohingyas; **6** die
- **1,500** Covid tests per day
- **1,900** beds for refugees and host communities
- **20** isolation centres
- **12** Severe Acute Respiratory Infection Isolation and Treatment Centres
- **75,000** households provided homebased care



However, none of the demands of the refugees -- guarantee of their safety, basic rights and citizenship -- has been met Myanmar. As a result, two repatriation attempts -- one on November 15 in 2018 and the second on August 22 last year -- fell flat.

Even the provisional order issued by the International Court of Justice (ICJ) in January this year has failed to help make any headway. Dozens of Rohingyas, along with hundreds of Rakhines, were killed and thousands were displaced as fighting between Myanmar military and Arakan Army raged in the recent months.

### REPATRIATION EFFORTS SLOW

The meeting of Joint Working Group -- comprised of officials from Myanmar and Bangladesh -- was not held since May last year though two meetings are scheduled a year, officials concerned said.

"The second meeting was due in the last quarter of 2019. Myanmar pushed it forward to February this year but that also did not happen. Now Myanmar is using coronavirus as a pretext for not holding the meeting," an official told The Daily Star.

In the last three years, Bangladesh sent the information of 6,00,000 Rohingyas to Myanmar, but the latter has provided Bangladesh with verified information of only 30,000.

Again, 30 to 40 percent of the 30,000 names were rejected.

There are cases that one was rejected and others were selected from a family for repatriation, but this proposition is not helpful in any way for the Rohingyas to return to Myanmar, the official said.

Dhaka had proposed Naypyidaw for a bilateral technical committee meeting to sort out these issues, but was responded with indifference, which is indicative of delaying Rohingya repatriation, he said.

Through informal discussion in January this year, the two sides agreed for a targeted approach. The idea is that Myanmar will find out the Rohingya villages least affected and then have a comprehensive plan for repatriation.

Accordingly, all the families of the villages concerned will be repatriated. A meeting was scheduled in February, but Myanmar did not show interest.

"Now Myanmar's attitude is that you return our people, we will do what's needed. Myanmar now seems more emboldened. This is because the global powers don't have any coordinated approach to address the Rohingya issue. So, Myanmar can get away by doing anything," the official said.

Nay San Lwin, a co-founder of Free Rohingya Coalition, said Myanmar also has made no attempt to amend discriminatory laws, including the citizenship, freedom of movement and education, which is very basic reforms required.



## MYANMAR BENEFITS

Foreign policy experts say though there were sanctions from western countries on some military officials, the global powers are still largely divided over the Rohingya issue because of their geopolitical and business interests.

For example, the UN Security Council has failed to adopt any resolution yet in the last three years because of opposition from China and Russia, two veto powers. Regional powers China, India, and Japan -- all good friends of Bangladesh and Myanmar -- want a bilateral solution to the Rohingya issue without putting pressure on Myanmar. The approach has not worked until now, analysts said.

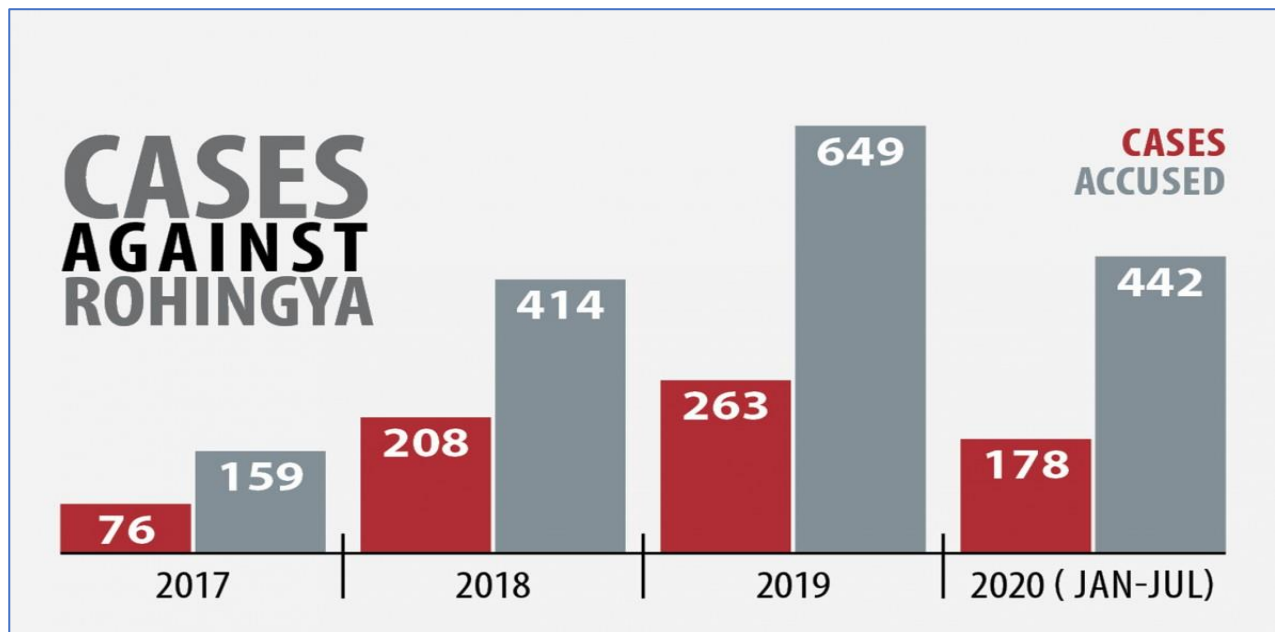
Meanwhile, US imports from Myanmar have increased from \$366 million in 2017 to \$821 million in 2019. US exports also went up from \$211 million in 2017 to \$347 million in 2019, according to US Census Bureau.

Myanmar benefits from the European Union's Generalised Scheme of Preferences (GSP), namely the "Everything But Arms" scheme that grants duty-free and quota-free access to the EU market.

According to the European Commission, Myanmar's exports increased from €573 million in 2015 to an estimated €2.8 billion in 2019. Also, according to UN Comtrade data, Myanmar's exports to UK went up from less than \$300 million in 2017 to \$536 million in 2019.

The businesses between Myanmar and other countries flourish though a UN fact-finding mission last year appealed for targeted sanctions, as well as an embargo on weapons sales to Myanmar, warning that a web of businesses run by Myanmar's army is financing military operations on the Rohingyas.

The mission's report identified at least 59 foreign companies -- including firms from France, Belgium, Switzerland, Hong Kong, and China -- that have dealings with army-linked ventures. It also named at least 14 companies that have sold arms to the Myanmar military, including state-owned entities in Israel, India, South Korea, and China.



## **BANGLADESH LOSES**

With no repatriation in sight, Bangladesh is counting losses. A study by the Centre for Policy Dialogue (CPD) showed, the estimated cost of hosting the Rohingyas \$1.2 billion a year in the first five years if there is no repatriation for sheltering and providing them humanitarian assistance.

"Gradually, the cost will increase given the decline in foreign funding, population growth and inflation," CDP Executive Director Dr Fahmida Khatun told this correspondent on August 21.

The study also said around 7,000 acres were deforested due to the Rohingya settlement -- having long term ecological implications in the region, a tourist district of the country.

A study by COAST Trust, an NGO working in the country's coastal belt, says transport cost went up by 35 percent and house rent by 60 percent since the Rohingya influx, while wages for laborers went down because of more labour supply from the Rohingya community.

"These issues have given rise to Rohingya-local tension," said COAST Trust Executive Director Rezaul Karim Chowdhury. Also, lack of any income-generating activities and education facilities gave rise to crimes like drug trafficking, human trafficking, and prostitution, he said.

"It is very likely that militant elements will grow in the camps if the provisions of education, income, and better housing are not created."

Prof Imtiaz Ahmed, director of the Centre for Genocide Studies at Dhaka University, said lingering of repatriation means the rise of human trafficking through the sea and extremist ideologies -- that will ultimately affect the entire region's development.

China, Japan and India -- all have their large investments both in Bangladesh and Myanmar -- and they should come forward to creating conditions conducive for Rohingya return at the earliest, he said.

"Myanmar may use fighting between Arakan Army and its military as a pretext. In that case, a combined force of China, Japan, India, and ASEAN can help create a safe zone as sought by the Rohingya," said Prof Imtiaz, who teaches international relations.

## **LIGHT OF HOPE?**

Prof Imtiaz said the good thing is that the ICJ in its verdict acknowledged the ethnic identity of the Rohingya. Myanmar State Counsellor Aung San Suu Kyi also used the word "Arakanese Muslims" in the ICJ hearing in December last year -- it's a step towards Rohingya's recognition.

"Justice at the ICJ may take time, but must happen. Germany paid reparations for genocide against the Jews. Eventually, Bangladesh also should claim reparations from Myanmar for the enormous cost it's bearing for Rohingya influx," Prof Imtiaz said.

Rezaul Karim Chowdhury said Dhaka must go for creative diplomacy, involving the regional civil societies, academia and media, apart from state actors, to create a broader consensus on the Rohingya repatriation and justice.

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# Never-ending road to justice

## *ICJ order offers hope but progress little*



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The situation of 6,00,000 Rohingyas still living in Myanmar's Rakhine State has worsened -- a reality that mocks the International Court of Justice order to prevent the acts of genocide, legal experts and Rohingya activists have said.

They said though the Rohingya genocide case at the top UN court generated high hopes, it may take long for them to get justice, and that too will depend on the global powers that are divided over business interests and geopolitics.

In its landmark ruling on January 23 this year, the ICJ made clear that genocide remains a serious risk for the 600,000 Rohingyas in Rakhine and asked Myanmar to prevent acts of genocide, stop destroying evidence, and report back within four months, and then every six months after that.

The ruling came after the Gambia, with support from the Organisation of Islamic Cooperation (OIC), filed a genocide case against Myanmar in November last year, more than two years after about 7,50,000 Rohingyas fled a brutal military campaign that left Rohingya villages burnt and thousands killed, injured and women raped.

Myanmar took genocidal policies decades back -- stripping the Rohingyas of citizenship and enforcing discriminatory policies including on health, education, marriage, birth, property rights and freedom of movement. They fled to Myanmar since the 1980s, with the latest facing the most brutal military campaign.

The ICJ order gave a lot of hope, for the first time in Rohingya history, but more than six months after it, they find no progress at all. "Rather, the Rohingya situation in Rakhine has deteriorated. Killings, tortures and hate speech against them continues," said Nay San Lwin, co-founder of Free Rohingya Coalition.

Myanmar is going for national elections in November, but all the Rohingya candidatures, except for one, were rejected, denying a fundamental right that they enjoyed until 1990s. Also, Myanmar authorities are now using fights between its military and Arakan Army as a pretext to persecute the Rohingyas, he said.

"Sadly, the international community is not speaking out against it." Lwin's statements were corroborated by the Human Rights Watch (HRW) that said hundreds of ethnic Rakhine and dozens of Rohingya civilians have been killed in the increased fighting where the military used air and artillery strikes. As many as 160,000 civilians were displaced across Rakhine state.

UN's Special Rapporteur on Myanmar Yanghee Lee too said the attacks may amount to war crimes and crimes against humanity and called for investigating the Myanmar military. Param-Preet Singh, associate director for International Justice Programme at the HRW, in a report published on July 23, said preventing genocide is not just about preventing further violence.

Myanmar authorities imposed new restrictions on aid, movement, media, and the internet since January 2019. Humanitarian access has been restricted in eight of Rakhine State's 17 townships, leading to shortages of food, medicine, and shelter for the civilians. These indicate Myanmar's intent to destroy the group in whole or in part, she said.

"These are only a few of the steps Myanmar could take to protect the Rohingya if it was serious about implementing the ICJ's provisional measures order," Singh said, adding: "And these conditions are only getting worse."

International law expert Prof Mizanur Rahman of Dhaka University said Myanmar has not moved a little in amending the laws that discriminates against the Rohingyas, including the 1982 Citizenship Law, which effectively prevents Rohingya from obtaining Myanmar citizenship.

## **MYANMAR'S FIRST REPORT TO ICJ**

As per the ICJ order, on May 23 Myanmar submitted its first report to the UN court on what it has done to protect the minority Rohingya from genocide. The ICJ is yet to make it public.

International legal experts said the report will be sent to the UN Security Council that so far could not take any concrete steps against Myanmar for opposition of veto powers China and Russia since the Rohingya influx in 2017.

Before submitting its first report to the ICJ, Myanmar issued presidential directives to ensure that officials do not commit genocide, prevent destruction or removal of evidence of abuses, and hate speech.

"That is the only thing that Myanmar government did. Nothing else," said Khin Maung, executive director of Rohingya Youth Association in Cox's Bazar. Noting of court martial conviction of three military personnel in

June for crimes against the Rohingya, Param-Preet Singh said it is Myanmar's efforts to evade meaningful accountability, instead of seriously investigating the military leadership who oversaw the atrocity crimes.

The conviction was related to mass killing of Rohingyas. The Associated Press identified at least five mass graves where soldiers piled the bodies before burning their faces off with acid. An estimated 300 to 400 Rohingyas were killed and entire village was burned down at Gu Dar Pying village in Rakhine on 27 August 2017.

"Myanmar's farcical court martial is the latest attempt to feign progress on accountability in an apparent attempt to influence the UN and international tribunals," said Singh, recalling Myanmar's long history of failing to conduct credible investigations into alleged war crimes and rights abuses by its security forces.

Genocide researcher Mofidul Hoque said Myanmar's objective was to wipe out Rakhine's entire Rohingya population, whose ethnicity was not recognised. From that perspective, the ICJ ruling globally established their identity, which is a significant achievement.

However, not many countries supported the Gambia, except for Canada and The Netherlands. The UK welcomed the ICJ decision and European Union called for Myanmar to comply with ICJ order. Actually, the big powers stayed away from supporting the case, but focused on humanitarian support, he said.

The ICJ ruling is binding, but depends on the UN Security Council for enforcement. However, as veto powers China and Russia oppose the Rohingya cause, a stronger international pressure is imperative, he said.

***"More than a million Rohingya in Bangladesh cannot continue to live this way. The world must have a moral obligation to support the Gambia's case and help restore Rohingya rights as human being,"*** Mofidul Hoque said.

## **WHERE IS ICC CASE?**

Hoque said the International Criminal Court (ICC), which has approved investigation in the Rohingya genocide on its own, is very significant for the fact that Myanmar is not its member and that the UN Security Council has not referred Myanmar's Rohingya atrocities to the ICC.

However, it took into cognizance the case considering that the Rohingyas fled to Bangladesh, which is a member of ICC. A genocide researcher in a European country said ICC's approval of investigating the Rohingya case can set new precedence in international judicial system. "ICC approved the investigation considering that it has a moral obligation to ensure justice to a population which has long been facing rights violation," he told this correspondent.

The powerful countries including the US, China and Russia, which are not its members, are not liking the ICC move, because if civil societies of these countries raise voice for any genocidal acts, these countries can also become the subjects of investigation in the cases the ICC sets precedence by investigating the crimes against Rohingyas, the researcher added.

Mofidul Hoque said the UN's Independent Investigative Mechanism for Myanmar has also started working last year, building on the evidences collected by the UN Fact-Finding Mission. "So, global justice mechanisms are working. It will take time for justice, but it must happen. We should continue to work in strengthening global voices for the sake of humanity and civilization," he added.

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