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International-domestic linkages in a developing-country context: the case of the Rohingyas in Bangladesh

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ABSTRACT

Since 1978, the Rohingya have been fleeing Myanmar and taking refuge in Bangladesh. The state of Bangladesh is not a signatory to the Geneva Convention and does not recognize refugee rights, but the initial experiences with the Rohingya refugee population led the government to create a temporary and ad hoc domestic policy advisory and refugee management system, which eventually became highly politicized. There was also some degree of slow "externalization" of policy advice through the involvement of international organizations from 2006–2007 onward, mainly through the participation of the United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM). Over 2017–2018, there was a massive influx of refugees from Myanmar to Bangladesh. The domestic advisory and refugee management system lacked the capacity to manage the crisis and had to quickly and greatly externalize policy advice and refugee management. The UNHCR and IOM came in with a host of international organizational networks and coordinated with each other and the state through a multi-sectoral approach to manage the crisis. This externalization led to the systematization and institutionalization of the state's domestic advisory system. However the effect of externalization on politicization is equivocal; on the one hand it decreased politicization of the domestic policy advisory system, but on the other hand, it created new levels of politicization.

Introduction

The concept of "policy advisory systems", introduced by Seymour-Ure (1987) and later expanded on by Halligan (1995), is crucial for understanding the dynamics of policymaking (Campbell and Pedersen 2014). A policy advisory system is a complex, interlocked system of actors and organizations that provides policymakers recommendations for action (Halligan 1995; Hustedt and Veit 2017). These actors and organizations are based both within and outside the government apparatus (Mitchell 2005). The system has unique configurations in each sector and jurisdiction (Halligan 1995); the configuration of actors and their relationships is unique for each jurisdiction and may vary in

each jurisdiction by policy sector (Craft and Howlett 2012). The system is interconnected and multi-layered, but there is no universal structure. It depends on a country's trajectory of development and political economic transformation. Also, a system's composition and functioning can change over time.

The literature on policy advisory systems has experienced a revival in recent years, but its empirical focus is mainly on the classical Anglo-Saxon Westminster family of countries (such as Canada, Australia, New Zealand, and the UK) or on other embedded Anglophone democracies such as the US or EU countries (Craft and Halligan 2016). We know little of the variation in systems between countries or over time (Hustedt and Veit 2017), or of their evolution in non-Anglophone systems over the past decades, or how policy advisory systems evolve and why they change over time. Long-established advisory systems have increasingly become polycentric over the past few decades in various countries (Craft and Howlett 2013). The literature focuses on changes in policy advisory systems in Western democracies, most prominently the externalization of advice (Howlett and Migone 2013; Veselý 2013) and its politicization (Craft and Howlett 2013), and it discusses the implications of these changes for the policy process (Craft and Wilder 2015). Contemporary policymaking relies considerably on policy advice from a variety of actors and sources, and the privileged position of the permanent bureaucracy in providing policy advice is increasingly being challenged by external advisers, i.e. externalization of policy advice.

There has been a shift from reliance on public service to other sources of advice and a professionalization of policy competence outside the domestic arena towards international actors. Internationalization can be seen in the eroding territorial boundaries of the substance of many policy issues, and it has been a focus of various lines of research into policy advice and policy advisory systems (Craft and Howlett 2012). Supranational layers of governance, in particular within the framework of the European Union (EU), increasingly allow members of domestic policy advisory systems to help shape the intergovernmental policy advisory system (Braun and van den Berg 2013). Increasingly, members of supranational policy advisory systems influence the collective policy discourse on and within domestic systems (Van den Berg, Braun, and Steen 2015), and national policymakers use advice by intergovernmental organizations and international policy experts, consultants, and NGOs to inform domestic policy (Adler and Haas 1992; Bakvis 2013).

Another, recent line of research has been the increased politicization of policy advice as elected political actors try to reassert the primacy of politics in the policy process (Howlett 2013; Craft and Howlett 2013; Savoie 2015). Current research sketches how various exogenous processes affect policy advisory systems. In the case of Bangladesh, the Rohingya refugee crisis has been the driver of change in the domestic advisory system of refugee management in the country.

In the literature, problems such as this have been called, ambiguously, "wicked problems" (Head 2008). Turnbull and Hoppe (2018) have problematized the concept of "wickedness" and proposed the alternative of "problematicity", or the distance between those who question or enquire into a policy problem. Primarily, it is a political distance, and it is articulated in terms of ideas, interests, institutions, and practices. High problematicity arises only when wide political distances are explicitly maintained such that partial answers cannot be reached. The Rohingya issue is most certainly highly politicized and affected by a high degree of political distance – on the one hand, between the Myanmar

government and the Rohingyas at an absolute level, and on the other between the Myanmar government, international organizations, and states such as Bangladesh, which is affected by an influx of refugees.

This problematicity of the protracted refugee crisis in Bangladesh has challenged policy-making as it involved considerable coordination among a wide range of actors within government (from different sectors and levels) and outside. It is the government that included a wide variety of actors and interests in looking for potential solutions. It is interesting to see how the dynamics of domestic and external policy advisory systems evolve in conditions of rapid transformation (rapidly evolving socio-political crises) and times of massive forced migration of stateless and refugee Rohingyas from Myanmar to Bangladesh. It is interesting also to see how the two aspects of externalization and politicization of policy advisory systems become apparent in a dynamic and changing relation with each other.

International organizations have been playing an increasingly influential role in policy advisory systems in producing policy knowledge and in providing policy advice to governments. Policy advice from international organizations (soft laws) may not be binding, but experts of international organizations interact with local state and non-state actors, and may directly influence policymakers or local policy advisers (Fang and Stone 2012). Such influence on local experts and on the distribution of policy knowledge may transform domestic policy advisory systems (Fang and Stone 2012); therefore, international organizations are members of and participate in a dynamic policy advisory system (Craft and Howlett 2012).

The analysis of the case of Rohingya refugee crisis in Bangladesh focuses on domestic and external policy advisory services and on their interaction and evolution. The ministries of the Bangladesh government and its central public service agencies that manage the refugee population constitute the domestic policy advisory system, and intergovernmental organizations and INGOs make up the external policy advisory system. The external policy advisory system brings other national and international organizations and independent consultants into its network to manage the problem. The interaction between the domestic and external policy advisory systems thus creates provisions of high-level substantive expertise (rationalization) and enables the representation of different societal groups (legitimization) in the system.

Since August 2017, the Rohingya have been fleeing Myanmar en masse for Bangladesh. Bangladesh is not a signatory to the 1951 Geneva Convention, but it has solicited the help of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) in managing the refugee crisis. In conjunction with the internal policy advisory system of Bangladesh, the UNHCR and IOM (and their extended civil society networks) have been playing key advisory roles in managing this influx. Their involvement has rendered the refugee management system in Bangladesh more humane. The Government of Bangladesh (GoB) correctly thought that the solution to this problem of the protracted refugee crisis needs the participation and representation of a multiplicity of voices to provide informed policy advice. This paper analyses the role of UNHCR and IOM role in managing this crisis.

The specific contribution that this paper makes is that it analyses the policy advisory system in a non-western country; the interaction of the domestic and external policy advisory system and their dynamic evolution; and the role of international organizations in making national policy.

The conjectures or hypotheses are that:

- states with lower "policy capacity" increase externalization (and internationalization) of policy advice in dealing with emergency cases and cases with high problematicity;
- with increasing externalization (and internationalization) of policy advice, the domestic (and international[1]) policy advisory systems evolve dynamically (i.e. new norms are accepted, and organizational proliferation and institutionalization or systemic formalization of practices (or units) takes place within the advisory system; Fleischer 2009); and
- the effect of externalization on politicization is equivocal; it reduces the politicization of the domestic advisory system, but leads to new levels of politicization due to the participation of international organizations.

The methodology of this study entails analysing in-depth interviews with officials in different GoB ministries and in national and international civil society organizations involved in managing the Rohingya refugee crisis. These interviews have been conducted through fieldwork in Dhaka and Cox's Bazar district of Bangladesh. I have analysed and interpreted various extant policy documents issued by the GoB, UNHCR, and IOM working in Bangladesh, which are mostly available on these organizations' websites.

The (recent) refugee crisis in Bangladesh

Bangladesh has a long history of hosting Rohingya refugees from the Northern Rakhine State of Myanmar. In recent times, Bangladesh has witnessed three large influxes of refugees. The earliest arrivals were recorded in 1948 during the independence of Burma (now Myanmar) when the territory now known as Bangladesh was called East Pakistan.

The second influx was provoked in 1978 by repressive state practices in Myanmar, which forced 200,000 persons to emigrate. This movement was relatively brief; the vast majority were repatriated in a short time (Roy Chowdhury 2016).

In the third influx, over 1991–1992, some 250,000 Rohingya fled serious state repression in the Northern Rakhine state of Myanmar (UNHCR 2007).

The violence that began on 25 August 2017 triggered a mass exodus of the Rohingya to Bangladesh. This was the most recent, and the fourth, influx. In the space of eight months, an estimated 700,000 Rohingyas fled Myanmar citing lack of safety and security, arbitrary arrests, and restrictions on movement and livelihoods. They joined the 300,000 Rohingyas already in Bangladesh following earlier waves of displacement. As of April 2018, more than a million Rohingyas are estimated to be sheltering in Bangladesh in Cox' Bazar district in a vulnerable and traumatized condition (ISCG 2017a, 2018a; IOM 2018).

In Bangladesh, they stay in 28 collective sites and 99 locations dispersed in host communities. There are 28 collective sites in Ukhia and Teknaf,[2] comprising 22 new spontaneous sites, three makeshift settlements, two refugee camps, and one collective setting in the host community area. The 99 dispersed sites within host communities include 41 locations in Teknaf, 25 in Ukhia, 20 in Cox's Bazar Sadar, and 10 in Ramu (IOM 2018).

Immediate response

This emergency is constituted of multiple sectoral problems: protection, water, hygiene and sanitation, site management and site development, women's participation and

gender-based violence, health problems, shelter/non-food items, resilience, and environment management. Protection interventions and outreach have been scaled up and referrals are needed to ensure the safety of these refugees.

The population in need is over 1.3 million (300,000 existing Rohingyas in Cox's Bazaar; 700,000 new arrivals; 91,000 contingency; and 300,000 host population). The existing Rohingya population includes those living in camps and those living outside illegally. The Bangladesh–Myanmar border is porous and lets refugees cross undetected, especially through the forested areas in Teknaf and Tamu sub-districts and settling in spontaneous sites (UNHCR 2007, 2018). The GoB designed the Rohingya Refugee Crisis Response Plan to save the lives of the most vulnerable and protect and assist them. The plan prioritizes the provision of life-saving assistance; improving the conditions and management of settlement areas; and protecting Rohingya refugees and giving them dignity and respect. The GoB has triggered a response across its ministries, agencies, and the military, and allocated 2000 acres of land for the establishment of new camps in 2017. Food and basic items for new arrivals are being provided by local host communities, who are at the frontline of the response. National and international organizations, humanitarian agencies, and civil society organizations have responded rapidly in support of the GoB's efforts (ISCG 2017b).

Bangladesh state policy capacity

Bangladesh is a developing country with a small land mass but a large population (over 147 million) and affected by acute poverty, lack of literacy and basic services. The GoB has had experience in dealing with refugees of war (of independence from Pakistan) in and after 1971, and later with the Rohingyas, and therefore had a domestic policy advisory and refugee management system – before the current crisis developed – although it was at an underdeveloped stage and, to some degree, politicized. The existing policy capacity and internal policy advisory system of Bangladesh is not adequate to deal with the current, huge influx; the country needs a coordinated, multi-sectoral approach to safeguard refugees and scale existing resources (ISCG 2017a).

Following Moore (1995), Wu, Ramesh, and Howlett (2015) identify three key types of skills and competencies needed for policy capacity: analytical, operational, and political. Each of these competencies requires resources or capabilities at the individual, organizational, and systemic level. These levels are interconnected. The systemic-political capacity is the most important capacity, and it can shape other policy capacities. Woo, Ramesh, and Howlett (2015) terms political competence at the systemic level as "legitimation capacity" at the policy context, which needs both system-level resources and political skills. The most crucial element driving this capacity is trusted across the political, social, economic, and security spheres. But legitimation capacity has two dimensions: "internal legitimacy", which signifies the relation between the state and society, and "external legitimacy", which the state requires to develop trust at the regional and international levels.

Though initially reluctant to manage the refugee crisis (UNHCR 2007) due to lack of policy capacity, the Bangladesh state needed the help of international organizations to bring resources to manage the Rohingya refugee crisis; it also needed to build external legitimacy in the eyes of powerful states and international donor organizations. Moreover, the scale of needs of the current refugee crisis so dramatically exceeds the current policy

capacity of GoB to deliver that a rapid scale-up and comprehensive humanitarian response is necessary that can only be provided by international organizations.

That is why in recent years the GoB has shown increasing openness to working with international partners in resolving the crisis and decided to "externalize" policy advice and expand the existing refugee management system. This, in turn, led to the dynamic development of the domestic advisory system to manage refugees and of its analytical and organizational capacity.

The role of non-state actors such as international organization rarely features in the discussion and conceptualization of policy capacity. Historically, the social development landscape in Bangladesh has been characterized by the strong presence of NGOs, which emerged following the war of liberation in 1971, to help communities in distress as part of post-war rehabilitation. Many of these NGOs were international; the domestic ones also had international connections (Haider 2011). The UNHCR and IOM have long been involved in refugee management in Bangladesh, but this emergency needed an expansion of their role and concerted effort. They formed an external policy advisory system by involving domestic and international NGOs and CSOs. This system and involvement progressively made the domestic advisory system more organized and institutionalized, decreased its "politicization", and led to an overall improvement in policy capacity.

National legal and administrative refugee protection framework

Bangladesh has not acceded to the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, or to any regional instrument relating to refugees. There is no national legislation governing the administration of refugee affairs in Bangladesh. The legislation applicable to foreigners (the Foreigners Act 1946) and admission (the Control of Entry Act 1952) make no explicit reference to refugees. There is no law regulating the administration of refugee affairs in Bangladesh or guaranteeing the realization of refugee rights. The absence of a legal and administrative framework for refugees and asylum seekers in Bangladesh exposes them to serious protection risks.

The incomparable juridical-legal framework in Bangladesh and Myanmar limits their opportunities for a permanent solution to their plight. Asylum seekers and refugees intercepted attempting to enter Bangladesh without authorization are treated as illegal entrants and face the risk of detention (and deportation). The GoB does not engage in systematic refoulement; however, there has not been until now a government body tasked to determine refugee claims or making formal referrals to the UNHCR. Though there are general provisions (articles in the Constitution) of Bangladesh law that apply to refugees in principle, they are not necessarily observed in practice. This vulnerability of "illegal migrants" has brought about the politicization of the system (UNHCR 2017, 12–13).

Domestic policy advisory and refugee management system

Administratively, the Ministry of Food and Disaster Management (MFDM), along with some other ministries, is responsible for managing refugee-related issues and coordinating activities in relation to camp-based refugees.

The MFDM has delegated responsibility to the Office of the Refugee Relief and Repatriation Commissioner (RRRC) for matters of camp administration (management,

delivery of assistance, health care, water and sanitation, and camp maintenance). The RRRC is leading the project along with the Site Management Taskforce, which includes the UNHCR, IOM, and other key implementing agencies (UNB 2017).

In turn, the RRRC has appointed one Camp-in-Charge (CiC) in each camp to supervise the *Mahjees* or the refugee community representatives. The government selected all the *Mahjees* in 1994; now, the refugees elect them. A handful of camp volunteers assist the Mahjees. A few members of the local police work with the CiCs and *Mahjees* to manage law and order in the camps.

In 2001, block communities were established in the camps. These were to be led by a small group comprised of a *Mahjee,* teacher, a religious member *imam*, and a male and a female refugee, but the *Mahjee* power structure, which dominates the camps, has severely limited their effectiveness (UNHCR 2007, 21).

Politicization of the domestic policy advisory and refugee management system

The slow and protracted nature of the refugee crisis from 1978 onwards led to the creation of a domestic policy advisory system and administrative structure that simultaneously provides policy advice and manages the refugee population. The involvement of the IOM and UNHCR since 1992 led to a degree of externalization, but this process was slow, as the political grip on refugee management was higher. The state does not recognize refugees, so there is no proper system for enumerating and registering them. The many refugees and "self-settled" Rohingyas live in a precarious situation (UNHCR 2007, 36). The Rohingyas share their language and culture with the local population in Chittagong, and many self-settled Rohingyas in Bangladesh have integrated with local communities, but the absence of legal recognition leaves them open to economic and sexual exploitation, harassment, and extortion. Several such incidents have been recorded.

The present *Mahjee* system is not accountable. The *Mahjees* do not protect the rights of camp residents; instead, they are key abusers of human rights and make up a large part of the reason that the camps are not secure. They operate in complicity and engagement with the CiCs and local police. *Mahjees* are known to physically abuse and arbitrarily detain refugees; sexually abuse and exploit women; impose taxes for entering and leaving the camps for employment; tithe earnings of refugees; and collude with local villagers and police in other forms of economic exploitation and extortion of refugees both within and outside the camps. The UNHCR is trying to get rid of this system.

There was pressure from the government to clandestinely convert a large number of refugees into citizens for the sake of vote bank politics. A large number were also given a Bangladesh passport during this period and sent to third countries without any enumeration or proper procedure.[3]

The influxes of the Rohingyas have put considerable economic and ecological pressure on Bangladesh. There is an increasing social crisis of turf conflict between the host community and the Rohingyas. An ecological crisis is ensuing due to the clearing of massive swathes of forest area for setting up camps and using forest resources for food, fuel, and shelter. Security risks are increasing, including the free flow of drugs through the Bangladesh–Myanmar border and increasing religion-based radicalization. This has created a crisis of internal legitimacy for the government and a crisis of trust between citizens and the elected government (Aslam 2018).

These circumstances together are believed to have led to a nexus of political parties, the police, the bureaucracy, and *Mahjees* that exploits refugees and also to have contributed to the secondary movement of the Rohingyas out of Bangladesh to other countries in search of protection. There are involvements of local criminal gangs in facilitating such irregular movements. Those who have moved out of Bangladesh in search of a more favourable protection environment have largely been from the population not based in camps. The Rohingya have migrated irregularly throughout the region and beyond: India, Pakistan, Thailand, Malaysia, Japan, Australia, Saudi Arabia, United Arab Emirates, and the Gulf states.[4]The issue of onward movement is a matter of great concern. Often facilitated through illegal channels managed by criminal gangs, Rohingya are vulnerable to many forms of abuse and exploitation: being charged exorbitant fees, and subjected to poor treatment and left without recourse if intercepted and detained *en route* by authorities of transit or destination states. Many states deny admission to Rohingyas, and some have engaged in systematic refoulement, to avoid creating pull factors to their territory.

International policy advisory system: UNHCR and IOM

In 2007, the GoB agreed to invite NGOs and other UN agencies into the programme, so a number of civil society organizations work for refugee management in Bangladesh now.

The UNHCR is the principal partner of the GoB for providing protection, including assistance, to camp-based refugees. This relationship was formalized in a 1993 Memorandum of Understanding (MoU) between the two parties. The UNHCR, which works in close collaboration with many international and national actors, has scaled up its implementing partnership network to 23 partners, including nine national NGOs. The UNHCR plans to increase national and local sourcing of goods and services in 2018.

The UNHCR leads the protection response for all refugees and closely coordinates the delivery of assistance with other UN agencies and partners. The Ministry of Disaster Management and Relief (MoDMR) is the main government counterpart of the UNHCR. In Cox's Bazar, the UNHCR cooperates with the RRRC, the local MoDMR representative, and the Camps-in-Charge of the settlements (UNHCR 2018). A number of specialized agencies work within this framework. The World Food Programme, which has a MoU with the UNHCR, is responsible for food security and related assistance. The Bangladesh Legal Aid and Services Trust (BLAST) provides legal assistance to Rohingyas and UNHCR-mandated "urban" refugees (UNHCR 2017, 14). The IOM is the second most important partner of the GoB in managing refugees (and the migrant and labour populations) through various working groups of the Inter-Sector Coordination Group (ISCG) and also in tracking and enumerating refugees.

Systematizing tracking, enumeration, and registering refugees (jointly by UNHCR, IOM, and GoB)

The GoB does attempt to keep abreast of influxes of the Rohingyas but before the 2017–2018 crisis, there was no institutionalized system for enumerating and identifying refugees among broader migration movements in the rural or border regions. No specialized government authority was responsible for determining protection claims. There was no formal mechanism for a referral to the UNHCR (a mechanism through which an

organization can refer an individual or group to UNHCR to be identified as displaced). In urban areas, generally, BLAST, an implementing partner of the UNHCR, refers asylum seekers to it for status determination.

In 1992, the GoB stopped registering refugees, and it stopped letting its officials or the UNHCR conduct new registrations. Therefore, the Rohingyas who arrived after 1992 have not been able to register formally. In the absence of formal governmental recognition, some 5000 camp-based refugees are unable to access their rights. Food security is a particular problem, as registered refugees have access to food distribution, but the rest do not.

The UNHCR administers the Rohingya refugee camps (RC) in Kutupalong and Nayapara since 1992. New refugees have settled in these camps. Now, Kutupalong hosts more than 586,000 refugees; it is the world's largest refugee settlement. There are also "self-settled" Rohingyas living illegally outside the camps throughout Cox's Bazaar district and the Bandarban sub-district of Chittagong (UNHCR 2017).

The responsibility to register refugees lies with the GoB. Some 5,000 refugees who reside in RCs legitimately but without GoB recognition lack protection. A high proportion of the vulnerable "unregistered" group is made up of children and, now, women (UNHCR 2017). The GoB recognizes some 21,255 refugees on the basis of its 1992 registration, but a UNHCR profiling exercise that was conducted once in 2007 showed 26,317 refugees legitimately residing within the camps. The UNHCR provided the GoB this new demographic information and advocated for the urgent registration of those who do not enjoy official recognition. The UNHCR has also established the present breakdown of family units within the camps to facilitate the issuance of family cards and access to food distribution and other entitlements to those without formal recognition (UNHCR 2007).

Earlier, the GoB did not issue individual identity documents to refugees and asylum seekers. The temporary documents issued by the GoB are insufficient to protect against abuse. The GoB and UNHCR have reached an agreement to abolish the "family book" system in favour of ration cards, which will be made available to female and male household heads; it is awaiting implementation. There is also a need to issue marriage certificates to married couples in the camps (UNHCR 2017).

Refugees are housed in semi-permanent structures built in 1992, many of which are overcrowded and in serious need of repair. Until 2006, the GoB allowed only minimal repair and maintenance; however, recent agreements have enabled the construction of larger, more permanent shelters in accordance with international standards (UNHCR 2017).

Starting in October 2017, after the new crisis ensued, the UNHCR and the Ministry of Home Affairs jointly conducted a family counting exercise through the RRRC to collect household-level information of the entire refugee population, including gender- and age-disaggregated data and protection needs, and issued them a card with a unique identifying number (UNHCR 2017). This card was delivered by Bangladeshi authorities.

The Bangladesh Army is also conducting an on-site registration exercise; the results can be used to revise the estimates and present more accurate data. Family counting helps to identify vulnerabilities and specific needs among the refugee population. It will also generate useful baseline data for site planning, for instance on location density.

The UNHCR is increasing its community-based approach to protection. In December 2017, the UNHCR and its partners launched a community outreach programme, which empowered refugees to act as first responders to support their peers, provided assistance

and support directly to more than 760 refugees, and referred over 410 people to UNHCR's partners Technical Assistance Inc. (TAI) and Bangladesh Rural Advancement Committee (BRAC). On 30 January 2018, the Protection Working Group launched a unified referral system. It identifies individuals with protection needs and refers them to specialized service providers at different locations. This is a significant achievement; it will make referrals more coherent and case management more efficient and effective.

Simultaneously, figures are sourced from site assessment needs and population monitoring (NPM) done by the IOM (2017), which are triangulated estimates based on the observation of key informants; new arrivals have not been verified at the household level. These site assessments are accompanied by daily flow monitoring, which records inflow and outflow at the major displacement sites (ISCG 2017b). The NPM site assessment is a regular round conducted monthly to establish the baseline figures of the Rohingya population in Cox's Bazar, Bangladesh. It collects primary data on population and multi-sectoral needs in sites hosting the Rohingyas (ISCG 2017b).

To track the continuing cross-border and internal movement dynamic of the Rohingya population, a daily emergency tracking-flow monitoring (ET-FM) system is deployed as part of the NPM. Permanent tracking hubs have been setup at strategic locations in larger sites and at the crossing point at Shahporir Dwip (island) in Teknaf, where the flows are still active daily. Key network informants have been strengthened along the border and inside sites, and ET-FM mobile teams have been setup and kept on standby to do rapid verification, as information comes in from various sources regarding possible sudden cross-border flows (RW 2018).

Daily data and information from the ET-FM system will be used to update the baseline figures, which have been set through monthly site assessment. Figures will be reconciled and revised during the subsequent round of the NPM site assessment. The UNHCR-organized family counting and the IOM-organized NPM will continue to monitor and triangulate the population figures and report these independently based on their individual and complementary methodologies.

The UNHCR registration data is systematically updated using the ProGres software package for registering the urban refugees. It has not yet been introduced for the Rohingya refugee group, causing delays in registering new cases. A need has been identified to provide BLAST more technical training and to complete the transformation to ProGres for registering the Rohingyas (UNHCR 2007, 16–17). By 25 February 2018, the Bangladeshi Immigration and Passports Department had registered 1.07 million people through biometric registration (ISCG 2018a).

Advisory commission on Rakhine state (Myanmar)

The source of the problem is Myanmar, where the Rohingya have been persecuted for over four decades. To propose concrete measures for improving the welfare of all people in Rakhine State, the neutral and impartial Advisory Commission on Rakhine State was founded in September 2016 at the behest of Aung San Suu Kyi, then the Minister of the Office of the State Counsellor of the Republic of the Union of Myanmar and in collaboration with the Kofi Annan Foundation. The commission – composed of six local and three international experts, and chaired by Kofi Annan – is mandated to examine the complex challenges facing the Rakhine State and to propose answers to those challenges.

In August 2017, the commission presented its final report "Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine". The report addresses in depth a broad range of structural issues that impede the peace and prosperity of the Rakhine State. The report suggests four measures: invest heavily in infrastructure to help lift both communities out of poverty; lift all restrictions to the Rohingya people's human rights; review Myanmar's 1982 citizenship law; and instigate a calibrated approach to security. But insurgency and counterinsurgency took place in Myanmar the same month that the report was submitted (August 2017), state repression continued, and the process failed (ACRS 2016). The UNHCR is now promoting the report in various podiums.

Right to repatriation policy

The 1993 MoU between the GoB and UNHCR stipulates that the UNHCR should provide protection to refugees from Myanmar and cooperate with the GoB to ensure their safe and voluntary repatriation. The GoB has explained its inability to absorb a large refugee population and, therefore, its reluctance to integrate Rohingya refugees. Existing government policy assumes that voluntary repatriation is the only durable solution available to refugees; it rules out the possibility of local integration. The use of resettlement as a strategic tool to provide durable solutions to vulnerable refugees was first employed by the UNHCR in 2006.

On 23 November 2017, the governments of Myanmar and Bangladesh signed a bilateral "arrangement" on the return of refugees to Myanmar. Both governments committed to ensure the voluntary, safe return of refugees to their place of origin in Myanmar. The agreement provides for the participation of the UNHCR, which – though not a party to the bilateral arrangement – stands ready to engage with both governments to ensure adherence to international standards of safety and voluntariness if repatriation takes place. During the Security Council briefing on Myanmar held in New York on 13 February 2018, the UNHCR made clear that the implementing modalities of the agreements between Bangladesh and Myanmar must be in line with international standards. Conditions are not yet conducive for the voluntary repatriation of refugees –many "illegal migrants" from Myanmar reside in Bangladesh – and restoration of rights is key strategy for their voluntary, safe, and sustainable return. The UNHCR has called for unhindered humanitarian access in the northern part of Rakhine State and for the implementation of the recommendations of the Rakhine Advisory Commission, stressing that its offer to support both governments in finding sustainable solutions for refugees stands (UNHCR 2018).

IOM and the inter-sectoral coordination group

The ISCG, hosted by the IOM, is coordinating the Rohingya refugee crisis. The ISCG facilitates timely, coordinated, needs-based, and evidence-driven humanitarian assistance to use resources efficiently and avoid duplication. The ISCG also produces regular situation reports, maps, and data (IOM 2018, 5).

Under the leadership of the IOM and UNHCR, 10 active sectors are managed by different non-governmental and international organizations; for example, health is

overseen by the WHO and other associated organizations, and shelter by the IOM and others (ISCG 2017a, 2018b). Eight working groups are operational: communication with communities (led by IOM); host communities; information management; cash; capacity building; gender in humanitarian action; PSEA Network; and emergency communications working group (ISCG 2018a). All are hosted at the ISCG Secretariat. An Emergency Preparedness and Response Taskforce, has also been set up to create synergy and coordinate with the government in planning for monsoon cyclones, which are prevalent in this region (HR-B 2018).

An ISCG situation report with all sectoral updates was released on 26 November 2017. A monitoring report of the humanitarian response during the period between 25 August and 31 October has been drafted and is currently under review by Sector Coordinators. Since the influx began, the ISCG has been disseminating regular situation updates and key messages, organizing coordination meetings, and developing and updating maps of the expansion areas and spontaneous settlements. Reference maps are being finalized in consultation with the RRRC, Camp-in-Charge (CiC), and the Site Management Sector. Finally, Terms of Reference are being developed for a joint rapid needs assessment in the face of sudden onset emergencies (natural disasters) as part of the overall cyclone contingency plan (ISCG 2018a).

Interacting domestic and international advisory systems for managing refugee crisis

The Rohingya response is led and coordinated by the GoB, which established a National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals in 2013. That strategy established the National Task Force (NTF). The NTF is chaired by the Ministry of Foreign Affairs and includes 22 ministries and entities. The NTF provides oversight and strategic guidance to the response for undocumented Rohingyas. The Strategic Executive Group in Dhaka, which is co-chaired by the Resident Coordinator, IOM, and the UNHCR, provides humanitarian agencies strategic guidance and national-level government engagement (including liaison with the NTF and, for sector-specific issues, with relevant line ministries).

The RRRC, under the MoDMR, had been overseeing only registered refugees. Since the August 2017 influx, the RRRC had its mandate extended to cover operational coordination for the entire refugee population at the district level. The RRRC continues to play the critical oversight role, and it has the primary responsibility for the operational coordination of the response for Bangladeshi host communities.

For humanitarian agencies, the Senior Coordinator heads the Rohingya Refugee Response at the District level, ensuring liaison with the district collector (and the UNOs at the sub-district level) and the RRRC. The Senior Coordinator chairs the Heads of Sub-Office Group, which brings together the heads of all UN agencies, representatives of national and international NGOs, and two representatives of the donor community based in Cox's Bazar. Supported by a Secretariat, the Senior Coordinator also leads the ISCG, thereby guiding the response comprehensively. These coordination mechanisms are intended to ensure that adequate synergy is maintained between all the critical stakeholders and that issues of concern are quickly responded to.

Together with the RRRC and IOM, the UNHCR developed a Macro Settlement Development Plan for Kutupalong refugee camp (Ukhia, and also the makeshift camps surrounding it, known as Kutupalong-Balukhali expansion sites) and for the smaller, older settlements of Nayapara refugee camp (Teknaf). The plan continues to improve refugees' access to assistance and services and to allow all actors of the overall response in Kutupalong to identify gaps and/or address any potential duplication of service provision.

The UNHCR also funded the development of a six-kilometre-long road to connect the north of Kutupalong to the south. The road was implemented by the RRRC and the Armed Defence Forces of Bangladesh. Completed on 12 December 2017, the road allows all actors access to the settlement. It also allows for the delivery of aid and enables movement within the site for refugees (UNHCR 2018, 5).

To meet the immediate needs in Bangladesh, the UNHCR has called for the commitment of international donors. An inter-agency Joint Response Plan for the period from March to December 2018 is presently being finalized (UNHCR 2018).

How externalization affected politicization and policy capacity

Due to the externalization of policy advice in Bangladesh and the resultant increase in a policy capacity, the refugee policy advisory and management system has developed dynamically. This development has had an implication on governance overall and on the policy sub-arena in particular. Externalization and internationalization of policy advice led to the evolution of a robust domestic policy advisory system for refugee management through the institutionalization of proper tracking and settlement processes of refugee enumeration. However, its effect on politicization is equivocal and ambivalent.

The management of refugees through the creation of camps and supply of logistics to these places led to a decrease in corruption and in the politicization of the domestic policy advisory system. But the effect of externalization also simultaneously led to other forms of politicization.

In an interview, a government employee[5] accused an international organization (not named here) for operating in restricted zones and taking part in aspects of refugee management without government permission or consent, particularly in areas that jeopardize state security. All this happens somewhat sweepingly in the name of human rights and humanitarian causes. There are accusations that some of these organizations are operating, like republics, with complete autonomy and profligacy. When an RRRC official wanted to conduct an urgent scrutiny of the activities of an international organization, one of the organization's directors refused the official entry to its premises. The GoB asked the director to leave the country immediately. The incident quickly became an international diplomatic scandal.

Since the end of August 2017, some 5300 people have been living in a so-called "no man's land" near the Tombru canal at the Myanmar–Bangladesh border. The UNHCR made a monitoring visit; some Rohingya representatives indicated their fear of returning home and their wish to seek safety in Bangladesh. By UNHCR norms and regulations, any decision to return refugees must be with informed consent and voluntary in nature, so this group of refuges was taken into Bangladesh (UNHCR 2018).

Though in principle this is a humane act, a government official claimed[6] that it was done without taking prior permission from the government. There are not enough

camps to accommodate the existing Rohingya population; any additional influx increases the population living "illegally" outside the camp. This kind of activity actually promotes the "illegal" influx of refugees in the name of humanitarian assistance and puts additional pressure on state resources.

An NGO employee I interviewed[7] said of one international organization (not named here) that it has complete control over the RRRC office; they also give government officials various benefits to implement their policy and run their show without much constraint or oversight.

Therefore the level of politicization in the domestic policy advisory system has become lower, but it has also created a certain class of extremely powerful international organizations who operate in Bangladesh in direct contravention of government rules, domestic policy, and the bureaucracy. This parallel political centre exists almost as a countervailing force to the national political-legal sphere. It has politicized the system, challenged and compromised the state and its governance.

Conclusion

Bangladesh is not a signatory to the Geneva Convention, and it does not recognize refugees. Its domestic policy advisory system was developed through earlier experiences for refugee management and, therefore, was ad hoc. From 2017 onwards, the sudden influx of refugees, and the ensuing crisis led to a massive externalization of policy advice and to the involvement of intergovernmental organizations and international non-governmental organizations. The coordination of domestic and international policy advisory systems led to the formation of a stronger domestic advisory and management system and, through the systematized institutionalization of procedures, a decrease in politicization of the domestic advisory system.

In managing the Rohingya crisis, the participation of international organizations has led to a dynamic evolution of the domestic policy advisory system of refugee management and to the development of the organizational and analytical capacity of the Bangladesh government in the area of refugee and migration crisis management. On the other hand, the participation of international organizations such as the UNHCR and IOM shows the transparency and political will of Bangladesh to manage this crisis in a democratic and inclusive manner by accepting in a most open manner ideas and expertise from external actors. This approach has brought about external legitimacy and highlighted the exemplary achievement of the current elected government in the eyes of regional and international states, non-state actors, and other international organizations. It has also attracted more resources, expertise, and advice into Bangladesh. The external policy advisory system has also evolved considerably through this unique experience, and the institutional and organizational evolution, proliferation, and learning can be applied in other cases of refugee and forced migration crises.

But this approach has come at a price. There has been decay in the internal legitimacy of the government, or a ("legitimation crisis") and an increase in societal pressure due to the pressure on economic and environmental resources. Bangladesh is a poor country, and diverting internal and external resources to manage the Rohingya crisis has started various social, economic, and ecological crises.

The effect of this externalization on the issue of politicization and overall policy capacity is somewhat equivocal. The latest refugee crisis and the accelerated externalization of policy advisory and refugee management systems has reduced this politicization in domestic policy advisory system to some extent by improving the process of registering, enumerating, and tracking refugees and by creating provisions of food and infrastructure for refugee management. But externalization also led to politicization due to the participation of external policy advisory system.

The externalization of policy advice and participation of international organizations has most certainly increased the analytical-individual and operational-organization policy capacity for refugee management, but at the same time decreased the systemic level legitimation capacity of the state by creating problems of governance.

Notes

1. Not covered in this paper; this paper mainly focuses on the transformation of domestic policy advisory systems due to externalization (and internationalization).
2. *Upazila* or Sub-districts of Cox's Bazar bordering Myanmar.
3. Skype Interview with an IOM employee on 2 March 2018.
4. Skype interview with an RRRC employee on 8 March 2018.
5. Interview of A 1 taken in Cox's Bazar Sadar, Bangladesh on 7 May 2018.
6. Interview of A 2 taken in Cox's Bazar Sadar, Bangladesh on 3 May 2018.
7. Interview of A 3 taken in Cox's Bazar Sadar, Bangladesh on 5 May 2018.

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