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Research Monograph

On

"Ethnic Cleansing: An Empirical Study on the Instances of Such a Heinous practice Focusing on Rohingya Issue".

This Research Submitted for the partial fulfillment of the award of the degree in LLM (Masters) Department of Law Sonargaon University (SU).Dhaka

Submitted To:

Hosne Zannat Brity

Lecturer

Department of Law

Sonargaon University (SU). Dhaka

Submitted By:

Sardar Saidul Islam

ID No: LLM2202026001

Batch: 26th

Course Code: LLM919

Program: LLM (1 Year Masters)

Department of Law

Sonargaon University (SU). Dhaka

Submission Date: 11 -June-2023

Letter of Transmittal

Tob

Hosne Zannat Brity

Lecturer Department of Law

Sonargaon University (SU), Dhaka.

Subject: Submission of Research Monograph on "Ethnic Cleansing: An Empirical study on the Instances of Such a Heinous Practice Focusing on Rohingya Issue".

Dear Sir,

I do herby please to submit the Research Monograph on the topic "Ethnic Cleansing: An Empirical study on the Instances of Such a Heinous Practice Focusing on Rohingya Issue". It is a great pleasure to work on such important topic. This Research work has been done according to the requirements of the Sonargaon University for the fulfilment of my LL.M (Masters) course under the Department of Law.

I respectfully acknowledge your guidance, leadership and help for the preparation of this paper. It is worthwhile to mention that there might be some errors and mistakes in my report due to limited time and knowledge. I am still at learning stage. So I respect that you will pardon my unintentional mistakes in preparing this paper.

Sincerely Yours,

.....

Sardar Saidul Islam

ID No.: LLM 2202026001

Batch: 26th

Program: LL.M (Masters)

Department of Law

Sonargaon University (SU), Dhaka.

Solemn Affirmation

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.....

Sardar Saidul Islam

ID No.: LLM 2202026001

Program: LL.M (Masters)

Department of Law

Sonargaon University (SU), Dhaka.

Supervisor‟s Certificate

This is to certified that the Research Monograph on **“Ethnic Cleansing: An Empirical study on the Instances of Such a Heinous Practice Focusing on RohingyaIssue”**is prepared by Sardar Saidul Islam , ID No.: LLM 2202026001 for partial fulfillment of the requirement of the Program: LL.M (Masters) from Sonargaon University, Dhaka. It also certified that the research work has been carried out under my supervision and intensive guidance.

It is to be certified that this research work is original and suitable in its style and contents for submission and fulfillment of his LL.M (Masters).

.....

Hosne Zannat Brity

Lecturer

Department of Law

Sonargaon University (SU), Dhaka.

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Sardar Saidul Islam

ID No.: LLM 2202026001

Program: LL.M (Masters)

Department of Law

Sonargaon University (SU), Dhaka.

Abstract

This paper attempts to analyze the situation in Rakhine state of Myanmar with reference to Rohingya ethnic community. The paper primarily focuses, the ethnic cleansing empirical study state Rohingya issue since its inception with Rohingya community. Moreover, the role of counterpart agencies such as major political parties and military are also discussed in the paper. It argues that government machinery as a whole is systematically involved in weakening and expelling the Rohingya community. This systematic weakening is indirectly pushing the said community out from the country, which is called as ethnic cleansing. While the conceptual framework used in the paper is "exclusionary concept" which is derived from the theory of national integration. In addition to this, the study includes structured heinous practice focusing on Rohingya issue, which is conducted from international scholars and researchers as well, which are well up on the issue. These whereas, the purpose of paper is to understand the issue from its core, as it is one of the burning issues, due to which large number of Rohingya are assuming the status of Rohingya. Thus, the research will play significant ethnic cleansing empirical Rohingya issue recommendations/formulations disk with regard to understanding and solving the long disagreement. This research paper is the topic of "Ethnic Cleansing: An Empirical study on the Instances of Such a Heinous Practice Focusing on Rohingya Issue" The purpose of this research is to provide an understanding of the condition of the Rohingya refugee now and over the last two decades. "Human Rights" are those of legal and moral rights which can be claimed by any person for the very reason that he is a human being. These rights come with birth and are applicable to all people throughout the world irrespective of their race, colour, gender, language or political or other opinions. These rights are inherent in human person without which human being cannot live as, Human being. Besides, during many military regimes human rights were violated. The research will first look briefly at the past, providing a short history of the Rohingya Muslim group and reasons for their flight from Myanmar. Ethnic and religious minorities in Burma/Myanmar, especially stateless Rohingya, continue to face the threat of mass atrocity crimes. Finally, it will ponder the future of the refugees and what their options are available and a lasting solution.

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Introduction

Chapter 1

Introduction

Myanmar's Rohingya crisis became worldwide news in August and September 2017 after an astonishing number of Rohingya refugees fled Myanmar into Bangladesh UN Urges Myanmar 2017 within this period, in less than three weeks, up to 400,000 Rohingya refugees fled Myanmar. From August 2017 to August 2018, the United Nations High Commissioner for Refugees (UNHCR) estimates that over 723,000 Rohingya fled Myanmar. In 2014, 1.4 million Rohingya were living in Rakhine state in Myanmar; estimates place only 150–350,000 remaining in Myanmar. Those who remain are confined in detention camps, ghettos, and prison villages. The mass exodus of the Rohingya from Myanmar was caused by their subjugation to mass human rights violations and atrocities, including the burning of villages and crops, executions, and sexual violence.Yet the Rohingya refugee crisis is not new. The Rohingya have been persecuted in Myanmar for decades. More than one million Rohingya have fled Myanmar since the 1970s. In 1978 and 1991, over 200,000 and over 250,000, respectively, Rohingya fled Myanmar after being attacked by the military, subject to killings, rape, and burning villages. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has declared that "discrimination against the Rohingya [in Myanmar] has been endemic for decades". Previous waves of displacement and return were marked by violence and growing suspicion towards Rohingya by the Rakhine-based Buddhists and the national (military and civilian) governments.One of the issues surrounding the crimes committed against the Rohingya is whether these crimes amount to genocide. This very question is being asked in a case brought by The Gambia against Myanmar, in the International Court of Justice, a ruling that, if it finds genocide has been committed against the Rohingya, will be momentous, and confirmation in the legal arena that the crimes are genocide. In the meantime, the debate continues, with Myanmar arguing that any crimes that may have been committed may be war crimes or crimes against humanity,

but certainly not genocide. This article will briefly address the question of whether or not the crimes amount to genocide, framed in the broad context of the Rohingyavictimization in Myanmar, but also the narrow context of the Rohingya refugee lived experience in Malaysia. The authors contend that what is occurring to the Rohingya is genocide, and this is in part evidenced by the destruction of the Rohingya culture, including through assimilation (and therefore loss of group identity) in refugee destination countries such as Malaysia. This analysis is based on the consideration of the theories of genocide process and definition, international law, and qualitative data collected during extensive anthropological fieldwork by the author Hofstadterwith urban refugees in peninsular Malaysia. While this article refers only to a small number of individual stories, the anthropological interviews and observations carried out over a 10-year period revealed that the experiences outlined in the examples in this article are reflective of the experience of the vast majority of the interview subjects and families observed. Thus, the examples contained in this article are representative of the experience of at least the majority of Rohingya refugees in Malaysia. These interviews were conducted over a period of several extensive field visits from 2009, and include a one-year extended period of fieldwork from 2015–2016. During this time around 80 people were interviewed, oral histories collected, and participant observation conducted at family gatherings, community events, and everyday activities, such as going shopping or attending workplaces. Extensive semi-structured interviews with individuals, families, and community organizers and participant observation with Rohingya refugees were conducted in the Klang Valley, Johor, and Penang. Initial contacts were made through community organizations and refugee service providers, with the snowballing technique utilized to expand the sample size. In order to find a wider distribution of experiences, the author also attended numerous community activities and events to inform a range of Rohingya refugee communities across peninsular Malaysia about the research project and recruit interviewees. Working with refugees always engender several ethical and practical issues, such as the potential danger to refugees working with a foreign researcher and making sure participants understand the confines of a research project and the limitations of researchers to help refugees. We therefore continually worked with and trained refugee community research assistants to assist with interviews, translation, and interviewee recruitment.

The interviews were conducted with the original purpose of learning more about the everyday lives of those in legal limbo in Malaysia, but the data emerging from the interviews revealed a lived experience directly connected with the violence perpetrated in Myanmar and a distinct loss of Rohingya identity that forms a continuation of the genocide process begun in Myanmar.The discussion of the destruction of culture in genocide is not new, although the popularity of the notion in law,practice, and scholarship has had peaks and troughs. However, we present a novel argument: that the loss of culture experienced by refugees from a genocidal state is part of the genocide process. This article presents one group of Rohingya refugees (those in Malaysia) as a case study, on which to test the theory that genocide refugees continue to lose their group identity in their refugee state.

Land and People of Myanmar

Myanmar is an Asian country with a long history, which couldbe trace from the ancient Pagan Kingdom of 839 [10]. The modernMyanmar liberated itself from the British colonial rule in 1948. TheCapital is Naypyidaw, population is 52.89 million people and area is676,579 Sq. km. It borders with China, India, Laos, Thailand and Bayof Bengal.The country is having a parliamentary system with a bicameralLegislature. In addition to this, the country is divided into somewhat14 administrative units. Furthermore, Myanmar is an ethnically muchdiverse country with officially 135 recognized races dwelling in it, whilefew are unrecognized like Rohingya. The ethnic breakdown in thecountry is, Burman’s 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese3%, Indian 2%, and Mon 2% and 5% other. While on other hand, Buddhismwith 87% is the largest religion in Myanmar, second come Christianity6.2% and then Islam with 4.3%.

A Short History of Rohingya

The available literature traces the history of Rohingya somewhatfrom 8th century, where they were living in an independent kingdomcalled Arkan, the present day name for Arkan is Rakhine. Whilethe people of Arkan state came into a contact with Islam between 9thto 14th centuries through Arab traders, which sailed for trade purposesfrom Bengal to Arkan. Meanwhile, strong relations developed betweenthe people of Bengal and Arkan state. In 1784, the

then army of BurmanKing Bodawpaya captured Arkan and ruled it in a very tyrannical manner as a result thousands of Rohingya fled to Bengal andestablished a town. Later on, in 1790 British Diplomat, Hiram Cox was send to the said town to assist Rohingya refugees and the town was later named after him. Event today large number of Rohingya is living inCox bazaar.Interestingly, Arkans politics entered into a new phase in 1824, when British captured Myanmar and made it part of United India. While during the Second World War, Japan invaded and pushedout British forces from Burma in 1942, with the retreat of British fromMyanmar, Burmese attacked Muslim community because they viewedthat Muslims benefited and privileged during colonial rule. After periodof three years, British again retook Burma with the help of Rohingyaand Burmese nationalist's fighters which led by Aung San. On the otherhand, Rohingya were promised by British, that an independence statusof Arkan state would be restored at the time of granting independenceto Burma but British retreated and declared it as a province of newlyIndependentstate in 1948. However, Rohingya resisted against thisDesign and wanted an independence status for their state this was inFact the first point from where gulf emerged between Rohingya andother communities of the Myanmar. Meanwhile Rohingya showed them as a rebellious while government decided to supress them.The first punishment on the behalf of government was seen as theRemove from civil services. Later on in the year 1962 General Ne WinOf Burma Socialist Programmed Party took over the government, his too adopted very stern approach in dealing with Rohingya. After fewyear rule of military junta General Ne Win in 1977, launched operation

National League for Democracy

National league for democracy founded in September 1988, right after the 8888 uprising. It is the one of the liberal democratic platformin Myanmar, which advocates nonviolence towards multipartydemocracy, national reconciliation and rule of the law. The NLD partywas formed by Aung San SuuKyi and had played very importantrole in the pro-democracy movement of the country. The partyparticipated in the country's 1990 parliamentary elections and won 392seats out of 492, on other hand the governing National Unity Party merely won 10 seats. It was generally expected that the party willassume the office of Prime Minster, but the ruling Junta refused to handover power to the party in order to form government in Myanmar. Notonly this, government also started arresting members and crackdownsover the offices of NLD. Whereas large number of members fled fromthe country while others were put under house arrest. As a result ofthis, the exiled members of the party formed National CoalitionGovernment of the Union of Burma (NCGUB) in December 1990, withitsheadquarter in New York, USA. Later on, after period of somewhat 10 years, finally in 2001 the government allowed NLD to reopen their officers throughout the country. However, despite of it, the blindsman's bluff continued for several years between government and themembers of NLD. During this period, dozen of the party memberswere shot down and some resigned due to pressure and harassmentfrom armed forces (Tatmadaw).General election was held in the country in November 2010 butNLD boycotted because many of its members were not allowed tostand. While on other hand a splinter group emerged from NLD andwhich was National Democratic Front, it participated in the electionsand secured only 3% votes. That time a newly formed party knownas Union Solidarity and Development Party won the election withlandslide victory. It was largely stated that military backed USDP inwinning the election. Finally, after a series of negotiations, several ofits members were freed an NLD re register itself in 2011. The nextyear in 2012, again general election was held, in that election NLD won4 seats and assumed the role of opposition in the parliament. Duringthis period party made their position and the people of Myanmar inConfidence as a result of this, the party won the general election ofNovember,

2015 with landslide victory in the both houses. Thus,NLD formed majority government under the leadership of Aung SanSuuKyi as the first state counsellor of the Myanmar. The party is inthe government for last two years, However, it has taken no practicalsteps for the solution of Rohingya issue. Even Rohingya is facing theworst type of migration since last August. While their hopes for havinga peaceful atmosphere in Rakhine in the government of NLD tarnishedaway. So, the present government rather than providing protection tothe affected community is having allegations of supporting the groups,which persecutes Rohingya.

The Rohingya refugee crisis begin

The Rohingya have suffered decades of violence, discrimination and persecution in Myanmar Their largest exodus began in August 2017 after a massive wave of violence broke out in Myanmar's Rakhine State, forcing more than 700,000 people half of them children to seek refuge in Bangladesh. Entire villages were burned to the ground, thousands of families were killed or separated and massive human rights violations were reported

The Rohingya seeking refuge

Today there are 980,000 refugees and asylum seekers from Myanmar in neighboring countries. Approximately 919,000 Rohingya refugees are living at the Kutupalong and nayapara refugee camps in Bangladesh's Cox's Bazar region which have grown to become some of the largest and most densely populated camps in the world approximately 75 percent of those living in the Cox's Bazar region arrived in September 2017. They joined more than 200,000 Rohingya who had fled Myanmar in previous years. More than half of those who have arrived are women and children.

Happening to Rohingya refugees in Bangladesh right now

Chapter 2

Happening to Rohingya refugees in Bangladesh right now

In late July 2021 devastated the Cox's Bazar region of Bangladesh, killing six Rohingya refugees and affecting more than 21,000 more. An estimated 3,800 shelters have been damaged or destroyed and 13,000 refugees have been forced to temporarily relocate.More heavy downpours are expected with the monsoon season stretching through October. The situation is further compounded by the COVID-19 pandemic there is currently a strict national lockdown in response to rising cases across the country.UNHCR has deployed it's to assess the damage, collect data, provide immediate assistance and support refugee volunteers and partners. 1,600 volunteer refugee and host community emergency responders trained in flood and monsoon response are active throughout the camps assisting families and individuals. Together, UNHCR and volunteers are distributing shelter materials, tarps, solar lamps, water containers and clean water; and community health workers are identifying and referring refugees who require medical and psychosocial support to health facilities and doing disease surveillance.

Rohingyarefugees in Bangladesh need help.

UNHCR is on the ground providing lifesaving humanitarian support to hundreds of thousands of Rohingya refugees. However, they need your help. Becoming a monthly donor is the most efficient and effective way to help those fleeing conflict. Make a difference in the lives of refugees by becoming USA for UNHCR's newest monthly donor.

Role of military and Rohingya

Military is one of the main actor in Myanmar and its role in politics cannot be undermined. Whereas it entered in the politics of the country right after few years of the independence and continued ruling country till the year 2010. Generally, military do not have a satisfactory record in terms of relations with civilians. The minority groups living in the country always criticize military for maltreatment towards them, similarlyRohingya is also one of the main ethnic community to whom military have adopted very anti approach.When asked that why Myanmar's army have adopted a very punitive approach towards Rohingya. She stated that I disagree with the military's approach to the Rohingya and believe that they should grant citizenship to native born Rohingya and stop discriminating against thiamin fact, Military in Myanmar do not only want to run the country, they also want to maintain their current position in the country. Therefore, they are trying to slow down the process of reforms, because to remain in touch with the certain benefits and privileges, which they are enjoying since 1962. On the basis of this, experts view that in fact, military is the real power in the country's politics, on other hand the political parties are having very nominal role. So, if one talks about its approach towards people of the country, one would not be wrong to say that military have adopted overall very stern approach in dealing with the masses. Military is also pursuing a long-term strategy to consolidate political support and control by scopegloating the Rohingya and promote a form of Burmese nationalism centered on Buddhism. He has so far, launched several military operations against Rohingya, with the pretext of eliminating militants, who attacks government institutions for example, police stations. During the latest spark of violence that erupted in 2017, the commander in chief on his Facebook account also refused to accept Rohingya as their indigenous citizens. He has used the word "extremist Bengalis" to Rohingya. Not only this, military have been accused of heinous crime and atrocities such as rape and gang rape. The special envoy of United Nations, Pramila Pattern, who had visited the camps of Rohingya in Cox Bazaar, said that the country soldiers had Systematically targeted" Rohingya women for sexual violence during the ethnic clashes.

She further adds that the incidents of gang-rape compelled Rohingya to migrate to Bangladesh. “I heard horrific stories of rape and gang-rape, with many of the women and girls who died as a result of the rape, Patten told to media in Dhaka.

National Census and Rohingya

National census is one of the important elements for the prosperity and development of a state. The very word census means “a periodically, systematic process of recording and acquiring information about population in a state”. The government of Myanmar has so for conducted only few national censuses in the country. Prior to the census of 1983, government of Myanmar introduced the Emergency Immigration Act of 1974. That act officially deprived Rohingya people from the citizenship rights, in addition to this government then launched Operation Nagamin. The said operation was aimed to expel Rohingya community indirectly from the census, which was going to be held in the upcoming years. So, before lunching operation, government allegedRohingya for supporting the armed groups. Therefore, this was an excuse for government to start operation against Rohingya. So the said act as well as the operation paved the way for the census of 1983 in whichRohingya were not counted.Whereas the last census took place in collaboration with UN in the year 2014, in fact it was conducted after a period of 30 years. In that census, the Rohingya ethnic group was allowed to participate in it, but the Buddhists monks and other nationalist’s groups warned the government that they would boycott the census if Rohingya were allowed to identify them with the same tag. As a result, the government gave the option to Rohingya to register them as “Bengali” only, otherwise they will not be counted in census So,Rohingya were unable to participate unless they voluntarily identified as “Bengali”. As a result, Rohingya registered them as temporary citizens and were granted white cards. However, in February 2015, government took the decision and repelled the white cards of Rohingya. Thus, not allowing Rohingya to national census and election in Myanmar means that government is denying their rights. Furthermore, it again clarifies that state is not ready to accept them as their indigenous citizens.

Urgently address the security situation in the campsthrough enhanced coordination, investigation, and accountability among Bangladeshi law enforcement. Investigation and apprehension of armed actors in the camps must be improved through enhanced coordination among Bangladeshi law enforcement inside and outside of the camps and through authorization of APBn officers in the camps to directly receive reports from Rohingya and carry out investigations in the camps. Charges of corruption and abuse among the APBn must also be addressed and due process guaranteed for Rohingya detained in mass arrests.

Improve protection of Rohingya in the camps through safe houses and enhanced community engagement. Camp officials must engage the Rohingya community to improve protection measures including the use of unarmed refugees in night patrols or to find alternative solutions. Officials must also provide safe houses outside of the camps to human rights defenders and other Rohingya refugees identified as particularly vulnerable and at risk of attack.

Expand access to quality education for Rohingya. The government should enhance training and recruitment of Rohingya teachers through increased limits on stipends and dedicated capacity-building for female Rohingya teachers. It should support community-based learning initiatives and also allow two-story buildings to be used for schools. The government should provide and facilitate access to higher education for Rohingya refugees both in Bangladesh and abroad through scholarships and online opportunities.

Expand livelihood opportunities for Rohingya. The government should expand programming under the new skills development framework, increase the upper limits of stipends for Rohingya volunteers, expand livelihood opportunities to the main camps, and engage regional governments toward temporary work opportunities for Rohingya.

Support and open space for Rohingya civil society. The government should allow gatherings and provide capacity-building support, official registration, and access to bank accounts and mobile financial services for community-based organizations.

Refrain from further movement of refugees to Bhasan Char until ongoing questions of voluntariness and sustainability are properly addressed. Refugees currently on the island should be provided opportunities to visit or return to the main camps if they choose.

Refrain from repatriation of Rohingya to Myanmar until conditions are conducive for safe, voluntary, dignified, and sustainable returns, in line with international standards.

Scale up resettlement of Rohingya refugees to the United States and other third countries.

Urge and support the government of Bangladesh to do more to protect refugees and address the insecurity situation within the refugee camps. UN agencies should expand trainings of APBn and other camp officials on humanitarian protection principles and community safety. They should also work with the government to improve protection services and provide safe houses for human rights defenders and other refugees facing imminent threats.

Prioritize commitments on Bhasan Char in meetings with the government of Bangladesh, towards truly voluntary and informed relocations, planning and preparation for potential natural disasters and disruptions of supply lines, and increased opportunities for refugees to return to the main camps.

Empower Rohingya and improve representation in the camps and on the global stage.

UN agencies should work with the government of Bangladesh to restart and expand the pilot representation program for electing Rohingya camp leaders. Rohingya community representatives should be included in important fora including the Global Refugee Forum.

Engage and support the government of Bangladesh toward improved policies on access to quality education, skills building and livelihood opportunities, freedom of movement, and voluntariness of any further relocation to Bhasan Char.Sustain and cultivate robust humanitarian support through a global pledging conference.

Donors should maintain robust funding, particularly for psycho-social support, and seek further support through engagement of the private sector and hosting of a global pledging conference for the Rohingya response and broader Myanmar response as was done in 2019.

Offer a significant number of resettlement spots to Rohingya in Bangladesh and elsewhere in the region.

The United States should offer to settle at least 50,000 Rohingya in the coming years and urge other countries to enhance that number.

Work with like-minded countries, especially in Southeast Asia, to coordinate further pressure on the Myanmar junta to create conditions for safe return of Rohingya.

Key steps include placing a global arms embargo on the junta, additional targeted sanctions on military leaders and military-owned, support for accountability including the genocide case before the International Court of Justice, and diplomatic and humanitarian support for opposition groups and civil society within Myanmar.

Current Situation in the Camps in Bangladesh

In October 2022, Refugees International visited the Rohingya camps in Bangladesh and spoke with dozens of refugees, humanitarian workers, and UN and government officials. Efforts to improve conditions in the camps since the first chaotic months are readily observable. Roads and bridges have been reinforced with bricks and concrete drainage. Trees and bushes that had been decimated as refugees sought fuel to burn have been largely reforested. Fires that ravaged the camps, particularly in 2021,

have been minimized through better response training and preparation. Innovations in wastewater treatmentand e-vouchers for World Food Program (WFP) markets, allowing greater diversity in food selection, are other noteworthy improvements.But beneath the surface, several challenges have been percolating, ranging from increased insecurity to a growing sense of despair tied to uncertainty about the future and inability to access educational and livelihood opportunities.Rohingya refugees, many with family or friends still living in Myanmar, want above all else to return, but recognize that it is not currently safe to do so. One refugee told Refugees International, "I want to be in Myanmar tomorrow. But relatives and friends in Myanmar know no peace.Further, Rohingya see little opportunity to provide for themselves and for their children to access quality education, and this is having a direct effect on their mental health. A humanitarian worker involved with psycho-social support in the camps told Refugees International that there has been a shift from the trauma of directly experienced or witnessed atrocities during the genocidal attacks in 2017 to a cumulative trauma based on lack of education opportunities and increased hopelessness.A sense of despair and lack of opportunity threaten to worsen both mental health and the security situation in the camps. Without more positive alternatives, Rohingya youth are far more vulnerable to turning to negative coping mechanisms ranging from child marriage, human smuggling and trafficking, and involvement in the drug trade to joining gangs or turning to extremist militancy.Finally, several humanitarian officials raised concerns over the risk of rising tensions between theRohingya and the host community, especially as the lead up to parliamentary elections in 2023 may incentivize scope gloating of the Rohingya. OfRohingya refugees have already been prevalent in local and national media and efforts to counter this will be important in the year ahead.Within this backdrop, refugees and humanitarian workers with whom Refugees International spoke identified a number of ongoing challenges in the camps, but also some promising solutions.

Present Situation of Rohingya People in Bangladesh

There are more 300,000 Rohingyas living in Bangladesh who fled in earlier waveviolence from the Burmese government over the last three decades. Despite theenormous costs and risks associated with hosting such a large refugee population,Bangladesh did so with relative patience and compassion so far, with help from othercountries, international aid agencies, and local NGOs. There are nearly a dozen refugeecamps and settlements in Cox's Bazar housing the refugees at this moment. Add to thatis landingNoakhali that Bangladesh plans to turn into a temporarysettlement for 100,000 refugees. The USD 280 million projects, which would be complete by 2019, came under criticism from aid workers who raised objection to itslocation, remote,flood-prone island that they say is "all but uninhabitable" becauseof the nature of its formation the conditions ofthe existing camps have been reported to be dire.

Social Situation:

Rohingya people are suffering from four types of need WASH, health, nutrition andfood security and shelter Bangladesh Humanitarian Situation report Wash supply lacks of soaps, buckets and bathing facilities. Onlyone latrine is available for 100 people in average.They are vulnerable, having fled conflict and experienced severe trauma, diarrhea and cholera. An estimated 564,000people are in urgent need of nutrition services and among them, 16,956 children

Economic Condition:

Chapter 3

Economic Condition:

Registered refugees living in camps have had limited livelihood opportunities due to noformal right to work and restriction of movement which limits them from seeking workoutside the camps.Unregistered refugees have been much more economically activethan registered refugees, due to fact that they could not receive assistance, pushing themto engage in livelihood activities for survival.More than 394,000 girls and boys stilllack access to safe and protective learning environment. Many Rohingya refugees inBangladesh facing diminished income are supplementing their needs with work in thecamps. Some Rohingyas are working as hawker, shopkeeper and small businessmen.So, it can be said they aretrying to be financially self-reliant but the scope of their job is limited.

Political Situation:

Rohingya people don't have citizenship. So they are devoid of all types of state facilitiesof Myanmar. They don't have right to vote and no participation in national policymaking of Myanmar government. So there is no policy in favor of them by theMyanmar government. Technically the Myanmar government keeps them aside from allstate affairs and even they are unrecognized in Myanmar.

Physical and Health Situation:

They have used most their savings on transportation and constructing a shelter, oftenout of no more than bamboo and thin plastic. They are now reliant on human Italian assistance for food, and other life-saving needs. Most of the rohingya people arephysically exhausted and suffering from various types of diseases. Children and old agepeople are suffering more. Some people with HIV virus are unidentified. Sanitation andother health facilities are not sufficient for them now. Communicable disease risks remain high due to crowded living conditions, inadequate water and sanitation facilities and low vaccination coverage.To develop the solution, 90,797 childrenreached with psychosocial support.Around 53 teachers and staff of local partnersreceived training on inter-personal communication and key messages.A total of 759(Rohingya community leaders) and Imams participated in advocacy meetingsfromcamps where discussions on hygienepromotion, nutrition, child protection were held. Majhis and Imams will disseminatethe key messages to communities in respective blocks and on Friday prayers. Around555 people were reached through community dialogues on topics related to hygienepromotion, child protection and nutrition.

Psychological Condition:

Mentally they are frustrated. Because they are rooted out from their own habitation andliving far from it. They also don't know when and how they will return to their own landand live a happy life. Even they have no idea about their future that what will happentomorrow where will they live rest of their life.

Factors of Rohingya Crisis

There are factors behind repetition of the Rohingya refugee crisis. The factors aredescribed here in brief.

Statelessness of Rohingya

In 1977, when the army launched a national driveto register citizens, the Rohingyawere considered illegal. More than 200,000Rohingya fled to Bangladesh at the timebecause of further atrocities. Authorities pointed to their flight as purported evidence of their illegal status. The citizenship Actof Myanmar, enacted in 1982, formally deniedthe group citizenship rights. Today the Rohingya are the single largestStatelesscommunity in the world. Theirstatelessness or lack of citizenship increases their vulnerability because they are notentitled to any legal protection from the government. Without citizenship, they aredeprived of basic rights such as access to health services, education and employment.

Geo-Politics

The second factor which made the routing of the Rohingya Muslims possible was theunequivocal support from China, Russia and India, which emboldened Myanmar's generals and sheltered Myanmar's international position.China is Myanmar's mostimportant political, security and economic partner.Beijing's support is essential if Myanmar's many intractable conflicts are to be resolved, as peace buildingwith allbut the Rohingyasis a priority ofClose observers of Myanmar's domestic and international developments cautionedagainst overstated enthusiasm over Myanmar's turnaround in its alliances. In fact,Myanmar never quite turned its back on Beijing. Although India has accepted a fewthousandRohingyas in the past and China has committed to covering part of the costsBangladesh is incurring in the current crisis, both New Delhi and Beijing have firmlyembraced the official narrative of Myanmar's government. Likewise, Russia is alsokeen on sheltering Myanmar from any international sanctions.

Internal Terrorism

Chapter 4

Internal Terrorism

In 1950, some Rohingya staged are bell ion against the policies of the Myanmargovernment. They demanded citizenship; they also asked for the state that had beenpromised them. Ultimately the armycrushedthe resistance movement. Much like today's terrorists, the rebels at the time were called or engaged incallingthose foreigners, the army killed, tortured and raped.They closedRohingya social and political organizations. They also transferredprivateRohingya businesses to the government, debilitating the group financially. Further, theRohingya sufferedforced labor, arbitrary detention and physical assaults. In 1991 and1992, more than 250,000attempted to escape to Bangladesh.

Religion

Rohingyas are a people with distinct culture and civilization of their own. They tracetheircestry to Arabs, Moors, Pathans, Moghuls, Bengalis and some Indo-Mongoloidpeople. Early Muslim settlements in Arakan date back to 7th century AD. Burma is ahome to Nemours ethnic groups and about 60% of the area is inhabited by nearly 140ethnic races and Rohingya is one of them. Burma has a population of about 50 million of which nearly 8 million are Muslims. Of the Muslim population about 3.5 million(both at home and at the places of refugee) are Rohingyas of Arakan. The Rohingyasare a majority community in Arakan.

Cultural identity

Rohingyas are staunch followers of Islam. Most of the elderly Rohingya grow beardsand the women wear hijab. All Rohingya houses are surrounded by high bamboo walls.There are mosques and Madrassahs (religious schools) in every quarter and village. Themen pray in congregation, whereas the female pray at home. There is still in existence of a social bond in every village calledSamaj all social welfare activities like*Adhah*imeat distribution, helping the poor, widows, orphans and needy, marriage and funereal functions are done collecting by the.

Lack of Practicing Politics among Rohingya

Prior to 1962 the Rohingya community has been recognized as an indigenous ethnic nationality of Burma. They have their representatives in Burmese parliament and some of them have been appointed as ministers, parliamentary secretaries and in high government positions. After the military take-over they have been systematically deprived of their political rights. With the promulgation of the most controversial anddiscriminatory citizenship law of 1982 they are declared asnon-national or foreignresidentsvery much contradictory to their declaration. The military could not disallowtheRohingyas to participate in multi-party elections held in 1990, the result of whichwas not implemented by the military junta. Today the Rohingyas are living in sub-human condition with uncertain future. They are declared a people fit to beexterminated.

Consequences of Rohingya Crisis on Bangladesh

Bangladesh faces serious challenges in managing the influx of Rohingya. Contrary tomost opinion view is the impact is limited on both politics and economics. The politicalimpact will be modest and largely improve the reputation of the government. Theeconomic impact will be mildly expansionary. There will be a large impact locally onCox's Bazaar for the next few years. There are security concerns but the security forceswill contain this. Of course all will not go well. There will be serious epidemics, muchhuman suffering, and severe psychological damage to the Rohingya children. But theBangladesh nation will survive this challenge with honor. Major impact of Rohingya crisis is described here in brief.

Problem regarding Location

While the Government will do a reasonable job of issuing ID cards and trying to keeptheRohingya in the designated areas inevitably there will be a lot of people who leavethe camps and move into other areas. One should remember that there are perhaps 3-400,000 Rohingya were already in Bangladesh before the current problemsstarted. Most of these men and women have drifted north and have found some kind of life.Hence there are plenty of contacts around the country that the new refugees canmake. Bangladesh has managed 4000 acres forest area of Cox's Bazar which is 0.05%loss in total national forest area.

Food Availability

The rice prices have stabilized with the realization that there is plenty of food andstocking up at present high prices is foolish. The amount of food required for theRohingya is not enough to disturb the market. Total rice consumption by Rohingyawouldbe less than 0.2 million mts per year. This can easily be managed

withinthe availability of rice in the country and will not influence the rice prices in the national economy. Food for vulnerable groupspregnant women, women nursing infants, under3 year's old infantswill have to be handled by NGOs.

Marginalization and human rights crisis in the Rohingyas

The state of Myanmar is yet to fully recognize the rights of Rohingyas. The Rakhine state remains one of the most underdeveloped areas of Myanmar. The government of Myanmar considers them Bengali immigrants; thus, these people find themselves 'stateless'. Restrictions placed on them include limitations on marital and childbearing rights. Successive regimes have marginalized these minorities by impeding their access to education and employment, described in the vignettes below. Their freedom of movement is also curtailed, drawing heavy fines if they venture out of their villages without prior authorization Mahmood. A study by Mahmood noted that access to aid and healthcare services provided by international agencies such as the UN and the Medicines Sans Frontiers (MSF) is restricted and fluctuates with the prevalent sociopolitical climate. Rohingya children in Myanmar suffer from high malnutrition a rate, which in turn makes them susceptible to infectious disease, while obstetric care to expectant mothers is limited. The authors quoted a 2014 Myanmar's government report which estimated that in Rohingyapredominate townships, there was one physician per 158,000 people while in non-Rohingya predominate areas, the figure was one physician per 681 persons Mahmood. The UN High Commissioner for Human Rights in September 2020 spoke of the continued human rights violations in Myanmar perpetrated against the Rohingya population Schlein, 2020. She highlighted the rampant destruction of civilian property, torture and custodial deaths and extrajudicial killings of these natives of the Rakhine state. Recent satellite images also show parts of the Rakhine state having been burnt down 'UN Warns of 'Further War Crimes' against Rohingya in Myanmar, 2020. The Myanmar's government has also subjected the Rohingya to economic-political subjugation.

The government is said to have restricted access of Rohingya children to education. This has created an illiteracy rate of nearly 80% amongst them. Ever since their independence from British- colonial rule, the Rohingya were banned from military service. Those in the civil services were replaced and their political rights restricted. However since the 1990s, Rohingya leaders have been imprisoned and their political party banned, further curbing their voices and subterfuging their chances at emancipation, within their own country. Furthermore, global events over the past two decades have fostered discrimination along religious lines, more specifically an air of anti-Muslim racism or Islam phobia. The Rohingya being predominantly Muslim, Islam phobia is thought to have stoked much of the animosity against them. Bakali in his paper on Islam phobia in Myanmar speaks of dialectical Islam phobia. He describes dialectical Islam phobia as the situation where there is an interrelationship between structural (state-mandated) and private Islam phobia. Private persons embolden by the state's stance, and amidst an aura of fear propagated by the state against Muslims, take matters into their own hands by imposing measures such as a boycott of Muslim businesses. Buddhist extremist groups are said to have added to the discrimination against the Rohingya. Moreover, the former democratic government is also accused of turning a blind eye to their fate. The author also suggests that the neglect of provision of healthcare to Rohingya predominant areas, and the restriction of their reproductive rights was perpetuated by unfounded fears of ‘Islamisation’ of what is otherwise a Buddhist majority nation Bakali, 2021. Stories from fleeing refugees stand testament to this grim ground reality. A case report speaks of a refugee woman who failed to disclose her pregnancy to authorities as mandated. Subsequently, the woman's husband was allegedly murdered, and their property burnt down, causing her to flee Myanmar. During her subsequent time in a refugee camp, the ensuing perils lead her to lose her child only a couple of days after birth Mahmood. Reports show that this is not a case in isolation, and that the Rohingyas pathway to asylum is fraught with peril. Recent maritime misadventures involving the human trafficking of Rohingya refugees fleeing Myanmar has attracted much global attention. Dangers faced by fleeing Rohingyas include facing the elements, overcrowding on vessels, starvation and the risk of repatriation if caught by the authorities. In these dire situations, they also find themselves at the mercy of traffickers, often sold into slavery and flesh trade Mahmood.

Psychosocial challenges among the Rohingya population: peering through the medical lens and beyond

As with any other refugee population, the Rohingyas struggle with a traumatic past, diabolical present and an uncertain future. Even after fleeing persecution in their native land, they continue to endure hardships. Much of the refugees living in neighboring countries are undocumented. A recent study by Milton and colleagues found that there were nearly 63,000–80,000 Rohingya living in Bangladesh as undocumented refugees. The authors reviewed documents on the Rohingya crisis, visited registered refugee camps, collected reports, and conducted several meetings with various stakeholders involved in the Cox's Bazar district, Bangladesh. Within these refugee camps, access to healthcare and education is limited to the registered refugees alone. Available data regarding other welfare parameters are pessimistic; the amount of potable water available per person ranged from 16 to18 liters/day, and the number of refugees using a single latrine was around 16–20. There is a scarcity of fresh food as well. Unemployment is rampant in camps, and these camps prohibit the refugees from leaving the camp to seek work. Workers are paid less than the standards for minimum wage in these areas. More recently, a report by the Human Rights Watch, an international, non- governmental organization, details how perilous life on the new silt island-turned refugee camp ofBhasan Char could potentially be. Located off the coast of Bangladesh, in the Bay of Bengal, this new island camp was created to overcome the overcrowding of Cox's Bazar. Authorities claim that refugees were given the ‘option’ of ‘voluntarily’ moving to this new camp, however, reports from the ground suggest otherwise. Moreover, this island is in an area that is frequently subject to cyclones and storms. There is much concern that facilities aren't adequate to evacuate the population here, in the event of an impending catastrophic storm. Furthermore, even in this new encampment, there are reports of food shortage, few employment opportunities and insufficient health care facilities. Infective disease outbreaks are commonplace and tend to overwhelm the healthcare infrastructure. Like in their native, here as well there is a restriction on the freedom of movement and those attempting to flee are taken to task by authorities.

This has earned Bhasan Char the unenviable epithet of 2021.While the burden from communicable disease is the maximum, the mortality and morbidity from psychiatric illness seem comparable to that from non-communicable diseases. Among psychiatric illnesses, a majority is accounted for by psychosis and epilepsy, though systematic data on the prevalence of depression and anxiety is lacking.In 2017 attempted to provide a systematic review of the mental health crisis faced by the Rohingya. The study estimated a high prevalence of depression (89%) and PTSD (36%). 2013 has reported that 13% of Rohingya individuals have suicidal thoughts from a general community sample of Bangladesh. In yet another cross-sectional sample taken from two Rohingya settlements in Bangladesh, the authors found the subjective quality of life was rated as ‘very poor’ or ‘neither poor nor good’ by an overwhelming 95% of the participants. This is not surprising given how apart from the stressors of war and conflict and having to live in foreign lands, refugees have to also face ‘daily stressors’. These daily stressors include factors that are not directly linked to war and trauma but are prevalent in these refugee camps, including paucity of basic necessities such as food and shelter, overcrowding and unemployment. Other such stressors include concerns over one's safety and privacy. Such daily stressors have been shown to independently lead to poor mental health outcomes. Moreover, these stressful factors seemed to have a greater bearing on depressive symptomatology than a history of trauma.InForced Migration of Rohingya. An Untold Experience the authors report qualitative research findings from 3221 Rohingya households within the makeshift camps of Cox's Bazar, Bangladesh. Perceived discrimination, witnessing neighbor’s death/injury, witnessing others' homes being burnt and witnessing friends/relatives being sexually assaulted was reported by 93%, 97%, 85% and 59% respectively. 115,000 Rohingya individuals were allegedly beaten, whereas 42,000 of them received gunshot wounds. An estimated 18 500 adolescents and women were raped. More than half of the Rohingya refugees are two types of food (rice and vegetable) only inside the camp, and almost all of them suffered from malnutrition. More than 96% of the individuals demanded citizenship rights for re-establishment in Myanmar Habib. Further, female gender, older age and repetitive daily stressors have been shown to be positively correlated with the risk of depression and PTSD Hossain and Purohit, 2018. Gender-based violence is also quite high among them, averaging around 8–12%,

despite many experts suspecting that such figures are an underestimate owing to fear, and stigma among the victims. The same study by Riley and colleagues also found that more than 90% had witnessed violence while around 50% of the interviewed sample had been exposed to torture and violence. These repeated waves of the humanitarian crisis in the Rohingyas induced by mass displacement, violence and turmoil in daily living have been termed as 'ethnic cleansing', which form a major risk for PTSD and other stress-related disorders. Apart from the well expounded mental health concerns of PTSD and depression, studies also report high levels of unexplained somatic symptoms, including body pain, headache and back ache, and gastrointestinal symptoms. Also, many respondents express mental health concerns via local idioms of distress, such as being the victims of black magic or being processed by an evil spirit. As a consequence of the psychological morbidity, the studies looked at the resulting functional impairment. Over half the respondents subjectively reported significant functional impairment, and health concerns were thought of as the main cause of functional impairment.In another study by the MSF, who play a key role in delivering healthcare to this population, the MSF Mental Health and Psychosocial Team (MHPS) programmers was proposed to deal with the unmet needs of this marginalized population. The project was to consist of two teams, each with a psychiatrist, psychologist and psychosocial counselor, to serve two MSF out-patient clinics that were already serving nearly 170 000 individuals in seven camps. Both the refugees and primary health workers/volunteers working with them were trained in the areas of community awareness, psychiatric case identification, encourage help-seeking, reduction of stigma, basic problem-solving skills, communication, psychological first-aid and reproductive health. The authors found more than 1/3rd of those attending their out-patient clinic suffered from psychosis, with a lot of these patients have had a long duration of untreated psychosis. About 26% of those surveyed during the course of this study had received prior psychiatric treatment as well. Anxiety disorders were next, accounting for around another third of the cases. A large majority of those who needed treatment for mental health concerns had received medications from pharmacies or were attended to by spiritual healers. This study also found a low follow up rate. Yet another recent study done in the post-COVID-19 pandemic era, targeted at older adults amongst the Rohingya, found the prevalence of depressive symptoms to be 42%, with a higher prevalence amongst the women.

This compares well with previous research done in other refugee populations such as the Bosnian and Syrian refugees, which too showed a preponderance of depressive symptoms in elder women mystery. While mental health morbidity is quite high, help-seeking behavior among the Rohingya is quite low. Research shows that less than half the population is aware of the availability of mental health resources reasons for not approaching mental health services range from shame, stigma to more geopolitical issues such as language barriers, lack of documentation and inability of western relief missions to understand the local idioms of distress Dyer and Biswas.This leads to more reliance on culturally appropriate traditional healing approaches. Religion and spirituality have been shown to be a primary source of strength and resilience for the RohingyasShakespeare-Finch. Severe mental disorders, epilepsy and dementia, are considered to be 'socially unacceptable behaviors and often perceived as 'punishment for their sinsChen 2018 mentions different types of traditional healers among the Rohingyas, namely spiritual fortune tellers, religious scholars, holy text reciters and unlicensed practitioners of Western medicine. The local communities are keen to seek their help as it involves lesser stigma, and they mainly deal with sleep problems, psychosomatic complaints, possession, depression and common physical conditions. Possession by the 'evil eye' (Jinn or spirit) with an insidious intent is believed to lead to developmental delay, hallucinatory behavior, somatic complaints, and appetite loss and sleep disturbances. This is often considered to be a culture-bound syndrome in the RohingyasBounty, 2015, with children and pregnant women being most affected.Yet another emerging social as well as a health concern, is the involvement of the Rohingya in the drug trade. Recent reports indicate the involvement of Rohingya refugees in illegally transporting the popular methamphetamine like drug 'Yaba' into Bangladesh, often even as drug mules. Although it is understood that the Rohingya take up this trade out of desperation, this drug problem, if unaddressed, will only add to the mental health morbidity of these people and further complicate their road to asylum-seeking in their new countries.

Social suffering of the Rohingyasconceptual models of distress

It is, however, reductionist to understand the psychosocial distress of the Rohingya population just by the prevalence of psychiatric disorders. Diagnosed depression, anxiety, sleep disturbances and PTSD are but only the 'tip of the iceberg'. Like any other vulnerable group, the emotional and social challenges of the Rohingya individuals can be conceptualized through **'minority stress'** that cause various dimensions of their social suffering. Members of stigmatized minority groups (age, gender, racial, ethnic, etc.) are exposed to long-term high levels of stress due to poor social support, low socioeconomic status, income inequality, discrimination and interpersonal prejudice. This leads to physical and mental health disparities in these vulnerable groups Dohrenwend, 2000; Meyer, 2003. Rohingyas face a similar situation, compounded by compromised healthcare access, political violence and societal apathy. Their socio-cultural peculiarities have specific 'idioms of distress' which vary in expression and are frequently unrecognized by mental health professionals (MHP) from outside their communities. According to, there exists limited familiarity with ideas of mental health and counseling among the Rohingya groups, both due to a lack of appropriate information related to healthcare and feelings of shame Individuals with severe mental illness in their community are mostly taken care of by their families, and professional help is not sought due to the 'fear of ostracization. There also exist separate linguistic terms for various aspects of existence (brain, mind, soul, body) as well as emotional distress, suicide and depression, which are rarely appreciated outside the community. Some of these culturally specific terminologies used by the Rohingyas to describe various aspects of mind and body are summarized. Importantly, the traditional body-mind dichotomies of the dominant psychiatric and psychological models are less accepted among the Rohingyas, and there is scant literature on this ethno-psychological idea related to mental health among them. Like racial and sexual minorities, Rohingyas also suffer from marginalization as a result of minority stress, making them susceptible to both proximal and distal stressors and, in turn to adverse health outcomes and Profit,2019The various facets of their psychosocial challenges are highlighted in.

Citizenship Law and Rohingya Children in Bangladesh

Chapter 5

Citizenship Law and Rohingya Children in Bangladesh

The context of Partition reminds us of Bangladesh. At the very outset, it is perhaps pertinent to remind the audience that "the genesis of Bangladesh's post-colonial citizenship regime dates back to the Pakistan Citizenship Act 1951 that later became part of the corpus of Bangladeshi law upon independence of the country. The Citizenship Act 1951… along with the Citizenship Rules 1952, framed by the then Pakistan Government under it, was adopted as an 'existing law'. Immediately after independence, however, the President promulgated a new citizenship law, the Bangladesh Citizenship (Temporary Provisions) Order 1972."14Along with this historical background lies the current reality that Bangladesh, like most South Asian nations, has not acceded to the 1951 convention, the 1954 Convention relating to the status of stateless persons, or to the 1961 convention on the Reduction of Statelessness. Currently, it is only a party to the Hague Convention. On the one hand, Article 7(2) of the Constitution of the People's Republic of Bangladesh provides that the constitution is the 'supreme law of the Republic, and if any other law is inconsistent with this constitution and other law shall, to the extent of the inconsistency, be void.'15 On the other hand, the fact that international laws, treaties, and conventions should be incorporated in the domestic legislation of the country before they can be legally enforced has been upheld in various judgments like Hussain Muhammad Ershad vs. Bangladesh and Others (2005).Thus, it has remained a norm that human rights laws, humanitarian laws, refugee law, and what is known as 'customary international law' are only applicable as long as those are in consonance,

and do not conflict with the domestic and municipal laws of Bangladesh.16Talking about national legislation, it can be seen that there is an absence of a common national legal framework for adjudicating the legal status of large number of refugees and stateless children currently residing in Bangladesh. With such a complex legal background, few instruments of assessing citizenship and citizenship rights on a case-by-case basis are the 1972 Constitution of the People's Republic of Bangladesh, the Citizenship Act of 1951 and the Rules of 1952, the Citizenship Order of 1972, the Bangladesh Citizenship (temporary provisions) Rule of 1978, the Foreigner's Act of 1946, the Naturalization Act of 1926 and the Rules of 1961, and 5 other legislative and administrative rules and orders and judicial pronouncements. However, the Foreigner's Act of 1946 and the Control of Entry Act of 1952 do not explicitly talk about refugees. Further, like most other South Asian nations, Bangladesh does not provide for jus soli citizenship and neither do Rohingyas are considered as refugees in Bangladesh. Currently, Bangladesh hosts the largest number of Rohingya refugees. Among them, 4,51,662 Rohingya children have been found to be in existence as of May 2021.17However, hosting the Rohingya, the de facto stateless people of South Asiais not something new. With systematic persecution gaining ground in Burma even before the passage of the 1982 Citizenship Law, a large number of Rohingya started fleeing Burma. Bangladesh provided refuge to around 200,000 Rohingyas in 1978 and 250,877 Rohingyas in 1991 on a 'prima facie' basis.18However, there is no legal framework governing the citizenship status of the Rohingy as in Bangladesh. In this condition, decisions about the legal status of Rohingya children are made on an ad-hoc administrative basis and on the basis of a diverse interpretation of existing national laws and policies. Children born to a Rohingya father and Rohingya mother in Bangladesh within or outside the camps are not recognized as citizens of the country, although Article 4 of the Constitution of the People's Republic of Bangladesh provides that 'every person born in Bangladesh after the commencement of this Act shall be a citizen of Bangladesh by birth'.19The appellate division of the Supreme Court of Bangladesh has upheld in cases like Bangladesh vs. Professor GolamAzam and others(1994) that citizenship, though not mentioned in as a fundamental right in our constitution,

is to be considered as the right of all rights as on it depends one's right to fundamental rights expressly provided for a citizenship in Part III of the constitution and his right to seek Court's protection of those rights.20 However Article 4 does not seem to provide for unconditional jus soli citizenship. There seems to be no existing provision about the citizenship of a child with unknown parentage. Bangladesh currently provides citizenship to children at least one of the parents of who is a citizen of Bangladesh. Thus, the shifting to and laying emphasis upon jus sanguinis principle is evident in the fact that a child born to foreign parents generally or to non-citizen Rohingya parents in Bangladesh in particular do not acquire citizenship.21 As far as citizenship by descent is concerned gender inequality made it impossible for the mother to confer her Bangladeshi citizenship to the child if the father was a non-national. This provision as underlined in Section 5 of the 1951 Citizenship Act was challenged in the case of Sayeeda Rahman Malkani vs. Bangladesh (1997) with failure in bringing about any change in law, despite international obligations of Bangladesh under the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) being in operation at that time. However, this was amended after a decade under Section 2 of the Citizenship (Amendment) Act, 2009, with effect from 31st December 2008. Nevertheless, this amendment didn't bring much success in the case of the Rohingya children as the amendment is not retroactive. In other words children born to a Bangladeshi mother prior to 31st December 2008 are not entitled to Bangladeshi citizenship. In particular, when the father is stateless, this increases the risk of the child becoming stateless as well. 22 further, as of now, no available data is there about any Rohingya child getting citizenship despite this amendment brought into place. Further, as Joppke says, newer conditions of granting citizenship have made citizenship more of a privilege that must be earned rather than something which should be granted automatically as a matter of right. In a neoliberal state, these newer conditions are often compounded by the privilege of citizenship being offered as an 'incentive' for investing under liberalized industrial policy an instance of which may be found in the case of Bangladesh. Under this policy which is aimed at increasing Foreign Direct Investment, citizenship is provided in lieu of a minimum of US $500,000 investment or by transfer of US $1,000,000 to any recognized institution. In other cases,

permanent 6 resident ships is also provided through an investment of a minimum of US $75,000.23 For the poor and stateless Rohingya including the Rohingya child, affording this privilege of earned citizenship (emphasis mine) is even beyond imagination. Earned citizenship or this sort of a 'citizenship on sale' in turn becomes precarious citizenship for them and consequently a source of ultimate sightlessness. 'A close examination of earned citizenship demonstrates that, while ideologically heterogeneous it is predominantly neoliberal and punitive in orientation; it disciplines the putative citizen through expectations of economic productivity and moral self-governance and under threats of various sanctions…earned citizenship implicitly subscribes to the core claim of destructionists–namely that undocumented immigrants have committed moral transgressions that require some form of moral recompense. 24 Article 8 of the United Nations Convention on the Rights of the Child (UNCRC) provides for the right to an identity. However, identity, just like citizenship, is what is being decided by state sovereignty. Further, in reality, these rights largely remain unenforceable in an alien land that may provide shelter to the people without a nation, but not much beyond that. And, this is more likely if the Rohingya refugee situation eventually turns out to be a 'protracted refugee situation', when the donor fatigue sets in, as it happened in the case of the Lhotshampa refugees in Nepal. "We lost our freedom. We lost our identity", said Tosmin, a Rohingya teenager of 16 years old who fled Myanmar and came to Bangladesh in the event of the exodus of 2017. "I've always admired my father's profession. I want to establish my own tailoring shop, just like him, and earn enough money to return to my country and claim my nationality." Around half a million Rohingya children including Tosmin now reside as stateless people in Bangladesh.25 Deprivation of rights, citizenship, and identity is further strengthened by difficulties in birth registration, including delays on the part of the administration. The UNCRC (1989) in Article 7(1) lays down that, 'the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.' For the first time, the convention treats children not merely as victims,

but as independent individuals, having an agency of their own, and having the right to preserve their identities, without any unlawful interference. However,

the ground realities are quite different in the overcrowded refugee camps in Bangladesh. The laws and normative principles may be there, but their enforceability remains in question. Talking about registration after birth as a cardinal principle of the UNCRC, the reality shows that there is a large number of undocumented Rohingya children lacking any legal document which makes them languish in a state of legal limbo. For instance,The district administration of Cox's Bazar stopped issuing birth certificates since August 2017 and resumed it from September 1, 2020, after the High Court 'asked the respondents to show cause, why their inaction to resume birth registration at Cox's Bazar, Chakoria, Maheshkhali, and Teknaf municipalities and 71 unions of the district, should not be declared illegal. 26 Apart from deprivation of citizenship, difficulty in enrolment in schools, lack of access to secondary and higher education, higher chances of falling prey to child labour and early marriage, sexual violence and trafficking are some of the risks to which the Rohingya children remain exposed on account of lack of documents and identity papers. Further, despite the introduction of the Online Birth Registration System in 2010, the prevalence of digital illiteracy and lack of access to the internet among the squalid camps in Bangladesh jeopardize the birth registration, citizenship, and the rights accruing to citizenship which all work like interrelated factors in the entire system of rights. In this regard, Australia: Administrative Appeals Tribunal in case no. 1606601 (2016) observed the following

Adoption and the Non-Citizen Rohingya Child

Acquiring citizenship through adoption is also interwoven with legal complexities in the case of Bangladesh, as Bangladeshi law permits application for guardianship of children rather than actual legal adoption, which again is guided by the colonial Guardian and Wards Act of 1890. Further, this issue is governed by family law rather than civil law and all these legal nuances have made adoption and citizenship for the Rohingya child a more complex phenomenon. NayanikaMookherjee, in the context of the "war-babies" in the aftermath of 1971 in her work traces the historical roots of 8 adoption laws in Bangladesh. She points out that, '…

in contrast to the prevalent Muslim personal law and Shariat law, which forbids adoption, the Inter-Country Adoption Law (Habiba, 1997) and the Bangladesh Abandoned Children (Special Provision) Order were passed hastily on 23 October 1972 to facilitate the adoption process….The Adoption Law was however repealed by Ordinance no. 5 in 1982…with the repeal of the law, a 19thcentury colonial law known as the Guardian and Wards Act 1890 was reinstated…The aim was to ensure adoption of children by Bangladeshis instead of foreigners. The process of appointinga guardian was also deemed to be consistent with Muslim personal law and by birth the child belonged to the latter...henceforth, religious laws would predominate over secular laws in the case of acquiring guardianship (instead of adoption) of a child.31 Currently, there is no legal provision governing adoption in Bangladesh. While adoption is forbidden in prevalent Shariat law, Hindus and Christians may opt for adoption. Contrastingly, these rights less Rohingya Children God are being considered as God's gifts by the Rohingya women themselves, and many of them have been accepted by them very willingly, especially in the aftermath of the exodus of 2017.

Economic relations

Bangladesh-China's overall relations are predominated by economic relations cooperation and collaboration. Economic cooperation and collaboration between 262 Jagannath University Journal of Arts Bangladesh and China have multiplied since the beginning of the 20th century. With common economic goals and fastest-growing GDP two countries trade relation is growing rapidly; where China aims to continue its economic superiority and Bangladesh hopes to alleviate its position from lower-income country to a middle income country. Bangladesh is now China's third-largest trading partner in South Asia. China has overtaken India and USA in export-oriented trade with Bangladesh. In the last five years, trade between Bangladesh and China has increased by 64 percent while with India 28 percent and with the USA just 15 percent. Five years ago, in the 2012-13 fiscal year, while Bangladesh's total trade with China was US$ 6.78 billion, in 2016-17 fiscal year, it has increased to US$ 11.14 billion So,

it has increased by about 4 billion which means both exports and imports have increased. In Fiscal Year 2016-17, Bangladesh's total import was around US$ 48.21 billion while export was around US$ 34.85 billion. China accounts for a big portion of this total export and import of Bangladesh. Currently, it is the largest exporter to Bangladesh.5A concern in Bangladesh-China economic relations is the trade imbalance, as exports to China are relatively less than imports from China. In fiscal 2015,China's imports to Bangladesh totaled $13.9 billion, while Bangladesh's total exports to China amounted to $840 million.6 Moreover the feasibility of establishing a china-Bangladesh free trade area can be illustrated, while China's support for new industrial zones in the country. The joint unveiling, inauguration, and laying of the foundation stone of projects such as the multi-lane Karnaphuli River Tunnel in Chittagong, the Shah Jalal Fertilizer Company in Sylhet and several thermal power plants dominated the Chinese president's visit.7 It has been projected that the two-way trade between Bangladesh and China will surpass 30 billion USD by 2021. Since 2011, imports from China have grown by about 20 percent and exports from Bangladesh by 40 percent. China has eliminated tariff barriers to 84 types of imported goods under the Asia-Pacific Free Trade Agreement (AFTA).However, while China has granted Dhaka duty-free access to multiple goods, Bangladesh's exports to the country have not exceeded even US$1 billion.8 It has also invested heavily in infrastructure development, mainly in transportation and communications. Asian Infrastructure Investment Bank (AIIB), a China-led initiative approved loans of USD 165 million for infrastructure projects to Bangladesh panned or in the construction phase. The major achievement of the last decade in the cooperative behavior of two states is collaborative and joint venture projects in infrastructure sector. Until the last quarter of 2016, several infrastructures and technical Projects were initiated by the countries with the help of loans pumped by Chinese companies.9 In June 2016 Asian Development Bank (ADB) had provided worth 165 million to Dhaka for a power distribution system upgrade and expansion program. On March 28, 2017, The Asian Infrastructure Investment Bank (AIIB) provided a loan of $60 million to address Bangladesh's energy deficit and enhance natural gas production.

As Bangladesh is a disaster-prone region, China has added another 83 million USD for Disaster Emergency Operation Centre and Information Platform. In addition, the much-anticipated the Padma railway bridge connects from Dhaka to Jessore, a project with 4.4 billion USD developed by China Construction Railway Co., Ltd. (CRCC). Railway connection project includes the construction of 66 main bridges, 244 small bridges, 14 new stations, and100 trained passengers.

Strategic relations

Bangladesh- China perceives win-win strategic calculations in its strategic move on. Both the countries feel the necessity of maintaining close relationships to overcome its geopolitical vulnerability and security questions. The geopolitical reality of Bangladesh is: it has been surrounded three sides by India where India's territorial superiority is overwhelming. India, with its giant diamond shape, "Form a compact landmass in the [South Asia] center, and other nations of [the region] are in the ocean with unfavorable shapes and borders, widely separated from each other by the greater part of India but contiguous with all of them"11which creates stress in the strategic thinking of Bangladesh. Secondly Bangladesh shares Common River and big borders both inland and sea. Bangladesh-India stuck with many bilateral problems include common resource sharing and some issues like Border killing, encroachment of border by entering Bangladeshi water, setting damps and bridges unliterary. India's unwillingness and upper hand approach to resolve these bilateral problems fuel antiIndian stance among people which perceives as direct threat to Bangladeshi interest by the policymaker. This vulnerability seeks Bangladesh to keep good strategic relations with China- a big power and potential rival of India. With growing economic demands China looks forward to bolstering its presence in global waters by launching a policy of seeking naval facilities and strategic partnerships with the littoral states. In this mounting effort to strengthen its maritime capability and stimulate its maritime diplomacy, Indian Ocean is one of China's top priorities.12 But China faces deep strategic imperatives in Indian Ocean which is not only difficult to overcome,

Conclusions

Chapter 4

Conclusions

Crimes of destruction against the Rohingya are carried out within Myanmar but the process continues when victims become displaced as refugees as refugees, they are rendered stateless and without a cohesive social unit that is their group namely the Rohingya. This is no more evident than in the example of Malaysia where the Rohingya no longer exist as a cultural entity separated as a group and individually subsumed within a different culture and social network. In some genocides preservation of cultural rituals in targeted groups continued where possible not only for normality and routine but also as a form of resistance, in the broad sense of the word Safeguarding culture and rituals function a means of survival through the perpetuation of that group's existence as a separate and distinct cultural entity In Myanmar, the Rohingya are denied the ability to preserve their culture notably through prohibitions on education religious practice, and the commonplace social and communal traditions of their society. Outside of Myanmar the need to survive on a daily basis, as well as pressure to assimilate continue the destruction of Rohingya culture and identity this loss of language culture and education may occur in Malaysia and other destination countries but this loss is only taking place because of the need for the Rohingya to flee Myanmar, escaping physical and cultural destruction. Thus, genocide in the source country has direct impacts and effects on the lives of displaced Rohingya in transit or refuge countries with the situation in these third countries potentially contributing to the genocide process as is occurring to the Rohingya in Malaysia. Malaysia remains a site of ongoing displacement, precisely because Rohingya remain without protection, status, or the tools to organize, be represented and have a voice of their own to maintain their cultural linguistic and social identity as Rohingya. This article has explored the case study of Rohingya refugees in Malaysia, but it opens an opportunity to apply the approach presented here through further research into the circumstances of other Rohingya refugee groups in states other than Malaysia,

and from a larger perspective into the circumstances of refugees from other genocides throughout history This approach would also lend itself to more specific studies: for example it would be worth exploring a comparison between the situation of genocide refugees in democratic, human rights-oriented states, and refugees from the same group in non-democratic, authoritarian states. There is a compelling obligation to look beyond torture and killing to other crimes within the genocide context, which have frequently been neglected under prosecution in favor of the crimes of torture and killing. The focus on physical destruction in prosecutions ignores the seriousness of crimes that destroy the very fabric of a group, crimes that are a deliberate attempt to change the identity of the survivors by modifying relationships within a given society The social process of genocide of the Rohingya has been taking place for decades and has now escalated to the point where physical destruction and cultural loss are reaching a crescendo. The distinct identity of the Rohingya as a group is disappearing and to some extent, has already disappeared due to the assimilation and survival processes detailed in this article. Only a concerted regional effort will reverse this process. Immediate efforts must include: stabilization of the Rohingya population in places of asylum like Malaysia, providing them with the necessary resources to survive and, beyond that, maintain their culture when they are displaced. These entails recognizing the broader concept of the destruction of a group as part of genocide to place earlier pressure on regional governments to act before physical destruction occurs as well as safeguard displaced populations that may be assimilated and their culture lost forever. Using the term genocide to categories the atrocities against the Rohingya is helpful in understanding and acting to improve the plight of the Rohingya in Malaysia because (a) using the term clarifies what the Rohingyaare experiencing and that destruction of Rohingya culture is a substantial aspect of that experience and (b) ‘genocide’ triggers state obligations under international law through the Genocide Convention and customary international law, where states are obligated to protect genocide victims and hold perpetrators (states and individuals) accountable Using the term has,at the very least led to the Malaysian government being more vociferous on the international stage and domestically about the need for action on the Rohingya genocide, including calls for

Myanmar to grant the Rohingya citizenship it has also led to the former Malaysian government declaring an intention to ratify the Refugee Convention and to allow refugees to work legally in its 2018 election manifesto although these actions are yet to occur In contrast to Malaysia's strong calls, the Association of Southeast Asian Nations (ASEAN), the most important regional organization capable of acting against Myanmar, avoids using the term genocide instead referring to it as the humanitarian situation or conflict Despite specifically being tasked with promoting and protecting human rights in the region ASEAN's response to date is weak, focusing only on repatriation, with no contextualization for example, the need for citizenship for the Rohingya or mention of accountability This may change if the International Court of Justice rules that Myanmar has committed genocide against the Rohingya, a ruling that would prevent states from denying that it is a genocide being committed. An ICC case would result in charges against individual perpetrators, whom state parties to the ICC's Rome Statute would have to surrender if those individuals are found in state parties' territory. Such a restriction on perpetrators' ability to travel would curtail their power, ultimately resulting in loss of political power and subsequent cessation of atrocities. Thus, with rulings from the ICJ and/or the ICC, there would be more pressure on states and entities such as the UN Security Council to take action against Myanmar, forcing them to reverse the situation of the Rohingya so the Rohingya can return home with their rights reinstated. This would also likely push Malaysia to take the promised actions, to ratify the Refugee Convention and provide more rights to Rohingya refugees, who, if they still cannot return home to Myanmar, could then at least live freely as Rohingya in their country of asylum. The term genocide as the truth of the atrocities committed against the Rohingya, delivers stronger political and legal responses which can lead to greater protection for the Rohingya refugees.

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