



POLICY BRIEF

ROHINGYA CRISIS

CURRENT CHALLENGES AND THE WAY FORWARD

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The American Institute Bangladesh Studies (AIBS) is a consortium of institutions of higher learning in the United States aimed promoting scholarly understanding between Bangladesh the United (https://aibs.net/). This is the only umbrella organization in the United States that brings together universities working on Bangladesh. Currently, 28 universities are members of the AIBS. It has also signed memoranda of understanding for cooperation with 25 Bangladeshi universities. AIBS is a member of the Council of American Overseas Research Centers (CAORC). CAORC is a private, not-for-profit federation of twenty-two independent overseas research centers that promote advanced research, particularly in the humanities and social sciences, with a focus on the conservation and recording of cultural heritage and the understanding and interpretation of modern societies.

ugust 2023 marks the sixth year of the most recent Rohingya refugee crisis, in which more than a million people have fled their homeland in the face of a genocide perpetrated by the Myanmar Army. Members of the ethnic Muslim minority group, forced out of their ancestral lands in Myanmar's Arakan province, have taken shelter in neighboring Bangladesh (UNHCR, 2022). While the Bangladeshi government and the international community have responded to the crisis with generous financial, material, and legal assistance, attention to this global crisis appears to be waning as new crises emerge elsewhere (Norwegian Refugee Council, 2022). The flow of international aid is dwindling1; refugees are increasingly frustrated and taking desperate measures²; and there is little progress on voluntary, safe, and dignified repatriation (Office of the United Nations High Commissioner for Human Rights [OHCHR], 2023). Despite shifting global priorities, the plight of Rohingya refugees must not be forgotten or overlooked. It is essential that the international community recommit itself to finding a just and durable solution to the crisis.

This policy paper examines the current state and evolving challenges of the Rohingya crisis. Drawing on literature and expert input from a two-day symposium organized by the American Institute of Bangladesh Studies (AIBS) in conjunction with Georgetown University's Berkley Center for Religion, Peace, and World Affairs in May 2023, it sheds light on potential paths forward for a durable solution to the crisis.

¹ For example, the World Food Programme has to cut food rations twice since March 2023 for the refugees—from US\$ 12 per refugee per month to only US\$ 8—due to a funding shortfall, resulting in aggravating humanitarian situations in the refugee camps (OHCHR, 2023a).

² Only in 2022, at least 348 Rohingya died while attempting sea crossings (OHCHR, 2023b)

THE BACKGROUND

Though the plight of the Rohingya first received international attention in 2017, the Rohingya people have experienced a long history of persecution in Myanmar. The 1982 Citizenship Law (Parashar & Alam, 2018) nullified the Rohingya's citizenship status, effectively rendering them stateless and laying the groundwork for further mistreatment and persecution. Since then, the Rohingya community has been deprived of healthcare, economic opportunity, education, and freedom of movement (Mahmood et al., 2017).

In August 2017, Myanmar's security forces launched a brutal crackdown in Rakhine State under the pretext of fighting an insurgency. The military campaign featured widespread human rights abuses, including extrajudicial killings, sexual violence, arson, and forced displacement (Human Rights Watch, 2016). At least 24 thousand of Rohingya were killed, more than 18,000 women and girls were reportedly raped, and 36,000 Rohingyans were allegedly thrown into fires (Mohsin et al., 2018). An estimated 740,000 Rohingya fled across the border into Bangladesh, seeking refuge from the violence (United Nations, 2018).

This influx of Rohingya refugees into Bangladesh created a humanitarian crisis of monumental proportions. Bangladesh is the most densely populated country in the world and already struggles with scant resources; as such, the country faced enormous challenges in providing adequate shelter, healthcare, and humanitarian assistance to displaced Rohingya. Cox's Bazar, a city in southeast Bangladesh, became home to one of the largest and most densely populated refugee settlements in the world, stretching the resources and capacities of both the Bangladeshi government and international aid organizations (UNHCR, 2022).

2021 MYANMAR COUP AND ITS IMPACTS

On February 1, 2021, a military coup ousted the civilian government in Myanmar, sparking significant changes in the political landscape of the country. The military, known as the Tatmadaw, detained key political leaders and declared a state of emergency. The subsequent military crackdown on pro-democracy forces has mired

the country in a fratricidal civil war, with profound implications for the Rohingya crisis.

If there was a lack of political will from the civilian authorities to repatriate Rohingya refugees, the military coup effectively halted any progress. This is primarily due to the Tatmadaw's historical denial and justification of human rights abuses against the Rohingya, which raise doubts about their commitment to addressing the crisis in a just and sustainable manner (MacLean, 2019).

An immediate consequence of the coup was the disruption of humanitarian efforts and aid to the Rohingya still living in Myanmar. Political instability and new restrictions imposed by the military government hindered the work of international organizations, non-governmental organizations (NGOs), and humanitarian actors in providing vital assistance (Human Rights Watch, 2021).

Furthermore, the coup raised concerns about the safety of the Rohingya population, both within Myanmar and beyond. The volatile political situation and heightened tensions among ethno-religious groups exacerbated the Rohingya's vulnerability to further persecution and forced displacement, making it ever more challenging to ensure their protection and well-being (Hossain et al., 2021).

The impact of the coup on diplomatic efforts and international engagement in the Rohingya crisis is another area of concern. As the international community grapples with the fallout from the coup and its implications for Myanmar's democratic transition, global attention has shifted away from the Rohingya. This change of focus may impede efforts to maintain pressure on Myanmar's authorities and sustain momentum in pursuing justice, accountability, and a durable long-term solution to the issue (Refugees International, 2021).

CURRENT STATE AND EVOLVING CHALLENGES

The military coup in Myanmar, the gradual decline in international aid for the Rohingya refugees in Bangladesh, and the lack of progress on repatriation talks have created new and complicated realities on the ground. In this section, we examine these

developments and highlight the evolving challenges that require immediate attention.

Humanitarian Situation

The 2017 influx of Rohingya refugees into Bangladesh has created immense pressure on host communities and strained existing resources (Ansar & Khaled, 2021; UNHCR, 2022). The provision of adequate and timely humanitarian assistance is essential to address the immediate needs of the Rohingya population and prevent further suffering.

International organizations, NGOs, and humanitarian actors have worked to offer essential services and support in refugee camps. However, significant gaps persist in refugees' access to healthcare, clean water, sanitation facilities, and education (Hossain, Ullah, & Mohiuddin, 2022). The most severe challenge is inadequate funding. Following funding cuts in March 2023, the World Food Programme reduced its food rations in Bangladeshi refugee camps from US\$12 to US\$8 per refugee per month (OHCHR, 2023a). There is also a lack of access to education in the camps, which perpetuates cycles of poverty and marginalization for future generations (M. Mahruf, 2022; Robin, Kendra, & Saleh, 2022). Rohingya women and girls face additional challenges, including gender-based violence, trafficking, exploitation, and limited access to healthcare and reproductive services (UN Women, 2022).

Security, Factional Politics, and Gender

As in other refugee settlements, Rohingya refugee camps face security challenges, including armed groups and criminal elements. In addition, the Arakan Rohingya Salvation Army (ARSA), a Rohingya insurgent group active in northern Rakhine State fighting for the liberation of the persecuted Rohingya people, and other insurgent groups have frequently clashed with Myanmar's military across the Bangladesh-Myanmar border, leading to a significant deterioration in security (Hossain et al., 2022). Maintaining a secure environment is crucial for safeguarding the well-being of the Rohingya population and preventing further violence and instability.

Factional politics within camps also pose challenges to

effective governance and coordination. The alleged presence of different Rohingya factions, each with conflicting positions regarding how to respond to the crisis and deal with the Myanmar authorities, complicates decision-making processes and hinders the implementation of cohesive strategies (A.S.M. Ali, 2021).

As in other conflicts, the Rohingya crisis has disproportionately affected women, girls, and other vulnerable groups. According to UN Women Bangladesh (2018), sexual and gender-based violence (SGBV) has been used as a weapon against men, women, and children in Myanmar as part of a systematic genocide against the Rohingya population. These problems persist in refugee camps; a leading Rohingya feminist activist noted that trafficking, abuse, and violence against women are rampant (AIBS Symposium, 2023). She also highlighted how Rohingyas in general and women in particular are excluded from decision-making processes that affect them. A young Rohingya activist who lived in the camp exposed the subhuman treatment of women and girls, describing how camp conditions often force women and girls to take dangerous and sometimes lethal journeys at sea (AIBS Symposium, 2023).

Repatriation: The Agreement, its Failures, and China's Interventions

The repatriation of Rohingya refugees to Myanmar is seen as a key component of a durable solution to the crisis. In November 2017, Myanmar and Bangladesh reached a bilateral agreement for the voluntary and safe return of Rohingya refugees to their homeland (Ministry of Foreign Affairs, Bangladesh, 2022). However, there have been numerous difficulties in implementing this agreement. Experts affiliated with international governments and non-governmental organizations have raised concerns about international standards of engagement and the legitimacy of certain partners involved in repatriation efforts (AIBS Symposium, 2023). Moreover, the military coup in Myanmar effectively stalled any progress made by the erstwhile civilian authorities.

The lack of progress in creating conducive conditions for repatriation, including a guarantee of safety for the Rohingya, the restoration of equal citizenship rights,

and a concerted effort to address the root causes of displacement, has undermined the viability of the process (Human Rights Watch, 2023). Moreover, the involvement of China, a key regional actor, in influencing repatriation dynamics complicated this situation (Mahmud & Rai, 2022); China's economic and political interests in Myanmar support the Burmese government. Under Chinese mediation, the junta and Bangladeshi authorities recently renewed repatriation talks and agreed to repatriate six thousand refugees by 2023, although the UN and human rights groups have raised concerns about unfavorable and unsafe conditions in Myanmar's Rakhine State (OHCHR, 2023; Amnesty International, 2023).

Scholars have called for a nuanced geopolitical understanding of the situation. An acclaimed academic shed light on the Chinese and Russian roles in the crisis, noting that China's backing and Russia's supply of arms to the Myanmar junta have aggravated the crisis and undermined justice and accountability in the Rohingya crisis. Both countries have also repeatedly shielded Myanmar from legal and security measures in the United Nations Security Council (AIBS Symposium, 2023).

Justice and Accountability

Several efforts have been made to hold the Myanmar authorities accountable for human rights violations against the Rohingya, including via the International Court of Justice (ICJ) and the International Criminal Court (ICC).

In 2019, the Republic of the Gambia filed a case against the Republic of the Union of Myanmar at the International Court of Justice under Article IX, accusing it of breaching its obligations under the Genocide Convention "through acts against the Rohingya group," marking a significant step toward justice for the Rohingya persecution (International Court of Justice, 2022). The ongoing legal proceedings provide an opportunity to shed light on the crimes committed against the Rohingya population and hold perpetrators accountable. However, numerous challenges must be addressed in order to ensure a fair and effective legal process, not least Myanmar's lack of cooperation and jurisdictional complexities (AIBS Symposium, 2023).

A noted legal expert familiar with the Rohingya genocide case acknowledged that although Myanmar has the option to withdraw from the ICJ, their appearance before the court has provided them with a certain level of legitimacy. However, according to the expert, the consequences are yet to be known if Myanmar fails to file its response within the designated period provided by the court (AIBS Symposium, 2023).

In addition to legal avenues, other measures, such as targeted sanctions, diplomatic pressure, accountability mechanisms, should be explored to achieve justice and deter future human rights abuses (Islam. 2021). Collaborative efforts between international actors, including governments, NGOs, and civil society organizations, are crucial to ensuring accountability for crimes and protecting the human rights of the Rohingya. A noted international human-rights expert called for the application of a mechanism similar to that used in Syria for addressing human rights abuses in Myanmar, leveraging lessons learned from the Independent Investigative Mechanism for Myanmar (IIMM) (AIBS Symposium, 2023).

FUTURE DIRECTIONS

The intricacies of the Rohingya crisis demand a thorough and forward-looking approach that focuses on sustainable solutions, long-term planning, and the empowerment of the Rohingya community. Experts have highlighted three scenarios that may emerge in the future. The first, the best-case scenario, is a change of political regime in Myanmar that works with the international community to put an end to the Rohingya crisis. A political regime with a strong commitment to bringing justice and accountability to the perpetrators of the Rohingya genocide and that commits itself to repatriation would be an ideal outcome. However, such change would depend on domestic political dynamics in Myanmar and would require significant commitments and support from the international community to materialize.

The second, the worst-case scenario, is the prolonging of the current status quo at best, and the worsening of the current situation at worst. Experts noted that the Rohingya crisis has already resulted in a lost generation. They cautioned that a million refugees without any hope of ending the crisis in sight, without

right to education and livelihoods, among others, might create significant humanitarian and security challenges for Bangladesh and the entire region. The third possible scenario is integration and resettlement of the Rohingya in Bangladesh and in any third country willing to accommodate them, with the support of the international community (AIBS Symposium, 2023).

International legal and humanitarian experts and academics who participated in two-day-long deliberations on the Rohingya crisis in a recently held international symposium have put forward a set of policy recommendations to address the Rohingya crisis (AIBS Symposium, 2023):

First, addressing the Rohingya crisis requires a comprehensive and coordinated approach involving all stakeholders, including governments, international organizations, NGOs, civil society, and faith-based organizations. This approach should comprise immediate humanitarian relief as well as long-term strategies to address the root causes of the crisis. Such efforts would include advocating for the restoration of equal citizenship rights for the Rohingya in Myanmar, addressing systemic discrimination and persecution, and promoting social cohesion and reconciliation. The inclusion of the Rohingya community in decision-making is critical. A civil society leader recommended devising a legal national framework in Bangladesh to manage refugees and creating a job compact arrangement, such as the Jordan Compact³, so that host communities can better support refugees (AIBS Symposium, 2023). Some experts have also called for diversifying the existing funding base and pooling more resources.

Second, the safe, voluntary, and dignified repatriation of Rohingya refugees to Myanmar should be prioritized. As the United Nations and human rights groups express concern about token or hasty repatriation, there is a need for caution and a thorough assessment before repatriation occurs. It is essential to ensure that the necessary conditions for a sustainable return are met, which include restoring rights, guaranteeing security and safety, and addressing the underlying causes of displacement. In order for such efforts to be successful, it is critical to engage regional and

international partners in negotiations. A noted civil society leader called for the involvement of ASEAN in arranging repatriation and resolving the crisis (AIBS Symposium, 2023). He also noted the importance of engaging non-state actors in Arakan Province. An expert leading the international humanitarian effort for refugees raised the potential for a third-country solution and highlighted the role of UNHCR and the global compact on refugees.

Third, empowering the Rohingya community is crucial to their long-term well-being and self-reliance. Providing education and skill-building opportunities for Rohingya children and youth must be prioritized, as quality education can equip them with the knowledge and skills necessary to rebuild their lives and contribute to the development of their communities. Vocational training programs and livelihood opportunities can enable Rohingya individuals to become economically independent and contribute to a better future.

Fourth, the pursuit of justice and accountability for crimes committed against the Rohingya population is a key aspect of resolving the crisis. Continuing ongoing legal processes, including the ICJ case and ICC investigations, are important steps toward achieving justice. If needed, the legal jurisdiction in international legal frameworks to address genocide cases should be expanded, even in the absence of the jurisdiction of the Rome Statute over Myanmar. Doing so would allow for the prosecution of Myanmar and accountability for the nations involved in the Rohingya crisis, such as Bangladesh. Additionally, universal jurisdiction can be applied as a means of holding Myanmar accountable.

Fifth, the international community should strongly support ongoing pro-democracy movements in Myanmar and work towards favorable political change. This would create a conducive environment for the safe and voluntary repatriation of Rohingya refugees as well as greater long-term stability. In addition, international actors should strengthen their commitments to integrating refugees and exploring resettlement opportunities in other countries.

Sixth, members of the Rohingya community should be included in decision-making processes and efforts to

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³ The Jordan Compact has provided the Syrian refugees living in Jordan with a route to legal work, pledged the refugees jobs in Special Economic Zones (SEZs), and given them the right to work in specific sectors through work permits (Barbelet et al., 2018).

find solutions. The engagement of refugees is especially crucial for addressing challenges effectively. Religious networks and organizations can use their platforms to elevate the voices of Rohingya and promote understanding and collaboration across faith lines. Dialogue and cooperation between the Rohingya refugees and host communities should also be promoted to ensure peaceful coexistence in the immediate and long term.

Seventh, the experiences of victims and refugees of the conflict should be documented in order to preserve collective memory and provide a foundation for healing, reconciliation, and the prevention of future conflicts. Governments and NGOs should allocate resources to such efforts.

CONCLUSION

Addressing the Rohingya crisis requires a comprehensive and forward-looking approach focused on sustainable solutions, the rehabilitation of the Rohingya community, and the pursuit of justice and accountability. Such an approach would involve a sustainable repatriation, empowering the refugees through education and livelihood opportunities, and holding the perpetrators to account, which would pave the way for a more safe, inclusive, and dignified future for the Rohingya population.

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