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Topic

Rohingya Crisis: Role of International Community and Durable Solution under International Law

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In re: Rohingya Crisis: Role of International Community and Durable Solution under International Law.

Dear Sir,

It's a great honor for me to submit the paper titled "**Rohingya Crisis: Role of International Community and Durable Solution under International Law**". While preparing this Research Monograph I have taken necessary measure as well as initiative to maintain and uphold the highest quality standards. I strongly believed that this Research Monograph will reach desirable goal which you desire.

I, hereby, do solemnly declare that this work has done by me which is authenticate in nature and this work doesn't infringe any copyright.

I firmly believed that this Research Monograph will satisfy your desire.

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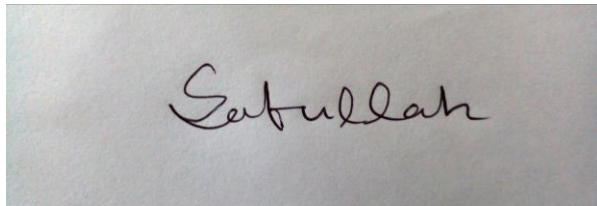
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Declaration

This is solemnly declaring that this Research Monograph titled “**Rohingya Crisis: Role of International Community and Durable Solution under International Law**” has been conducted by Rajes Chakraborti, ID: 221-38-071, student of LL.M (Final) in Daffodil International and hereby I assure that this work is authentic as well as it is his own work. In this paper any information hasn't been copied from anywhere and this paper is completely unique in nature. This research paper has never been published anywhere before.

This research paper is done for LL.M thesis.

A photograph of a handwritten signature in black ink on a light-colored surface. The signature reads "Safiullah" in a cursive script.

.....
Md. Safiullah

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Acknowledgement

At the outset of this paper I would like to acknowledge and express my gratitude to those who have helped and assist me a lot and without whose help and assistance this project would not have been complete and possible.

First of all, I would like to thanks and express my gratitude to my almighty Creator for keeping me healthy during the preparation of this paper and for giving me the ability to finish this paper.

Secondly, I would like to thanks and express millions of gratitude from my heart to my supervisor Mr. Md. Safiullah Sir who had played an important role and helped me to conduct this work with various guidance and observation by spending his valuable time. He has pointed out my various mistake and suggested ways to solve them. Without his help it would have been quite impossible to prepare this research paper.

Lastly, I would like to thanks and express my gratitude to my beloved family specially to my Father and Mother for playing vital role in my life and without their help I would not have been able to take a single step forward. They always support and encourage me mentally and financially.

Rajes

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Dedication

I would like to dedicate my work to my **Parents** who have given me inspiration and courage in every aspect of my life. Without their contribution I would not have been able to complete this paper and would not have reached this stage of life.

List of Abbreviation

ARSA	Arakan Rohingya Salvation Army
ANC	Antenatal Care
UDHR	Universal Declaration of Human Rights
UNSC	United Nation Security Council
UNHCR	United Nation High Commissioner for Refugee
ICJ	International Court of Justice
IIMM	Independent Investigative Mechanism for Myanmar
IOM	International Organization for Migration
ICC	International Criminal Court
NGO	Non-governmental Organization
NIAC	Non-International Armed Conflict
PTDS	Post-Traumatic Stress Disorder

Abstract

This paper explore all about the ongoing Rohingya crisis as well as the present scenario of that crisis in Bangladesh along with all over the world and its probable expecting ending. Generally, Rohingya crisis is not only confined in between Myanmar and Bangladesh rather now its become the worldwide problem. This crisis lead to the severe violation of several human rights of Rohingya civilian in India and Bangladesh where they are stayed as refugee. This ongoing Rohingya crisis was the consequence of the aggression of the Myanmar Military in Rakhine state of Myanmar. The huge number of Rohingya civilian fled from Myanmar and they cross Bangladesh border and took shelter in camp situated in Ukhia, Cox's Bazar. In the camp Rohingya civilian lead very miserable life because various basic need is not provided in the camp among that people. In this paper, the author pointed out the role of the International Community like some powerful state of the world, various International Organization including the organization of the United Nation regarding this Rohingya crisis and here the author also makes an observation that what would be and what should be the role of that community to solve this crisis. The author of this paper also find out a probable as well as effective solution under various International Law through determining the liability of the Myanmar. Author makes recommendatory remarks to find the way of light of hope for the vulnerable Rohingya civilian who lead their uncertain life in the refugee camps in Bangladesh.

Keywords

Rohingya Crisis, International Community, International Law, Refugee, Human Right, Non-refoulement, Probable Solution, Liability, Genocide, Crime against Humanity.

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Chapter 1

Introduction

1.1 Introduction

Rohingya is the name of a downtrodden and extremely oppressed ethnicity of the world. As a result of the Burmese army's planned attack on the Rohingya for committing genocide, more than ten lakh Rohingya refugees have been forced to flee to Bangladesh for fear of death. Regarding this issue, the human rights organization known as, 'Human Rights Watch' has been use sophisticated satellites to analyze data and able to prove that about 300 Rohingya villages in Rakhine have been set on fire in just two month.¹ But now many international organization and many countries are working in the interest of protecting the human rights of the Rohingya and also trying to find ways to protect the interests of the Rohingya by enforcing various International Law. But harsh reality is that, the international community has so far failed to take any significant steps to resolve the Rohingya crisis. As a step towards resolving the Rohingya issue, international community has so far limited itself to provide some relief as well as some assistance to the Bangladesh government. But they assured many times that they will take swift action to find out permanent solution to the crisis, but in reality, nothing happened to reflect their assurance.

In this situation, through applying and enforcing the various provision of international law the pressure can be increased upon Myanmar to take the Rohingyas back to their own country and ensure their all necessary rights including right to life and personal liberty, right to property, freedom of religion etc. International law here can play an important role by liable Myanmar as to the perpetrator who commit crime against Rohingyas like genocide, crime against humanity etc.²

1.2 Background of the Study

In the current world the Rohingya crisis is the most discussed and serious problem and that problem is not only between the Myanmar and Bangladesh but also it is now become the world problem. Because, that crisis is the consequence of the dirty geopolitics.³ Through the study the author will

¹ Ibrahim, A. (2018). *The Rohingyas: Inside Myanmar's Genocide*. London: Hurst Publication.

² Syahrin, M. A. (2018, July). The Rohingya Refugee Crisis: Legal Protection on International Law and Islamic Law. In *1st International Conference on Indonesian Legal Studies (ICILS 2018)* (pp. 94-99). Atlantis Press. <https://doi.org/10.2991/icils-18.2018.18>

³ Karim, M. A. (2021). Ethnicity and Geopolitics of Rohingya Crisis. In *Risks, Identity and Conflict* (pp. 109-130). Palgrave Macmillan, Singapore.

clearly stand the position of the international community as well as the scope of the international law by which that problem could be solved.

In this similar area of the research, there are many work and research which conducted by several author. But the matter of the concerned is that in their research or respective study there is huge gap as per the present context of the crisis. As example several study try to established the theoretical approach regarding that crisis but they didn't established the practical view to deal with this problem. But the present study will properly covered that practical aspect of that crisis. The present study will mainly divided into two part. In first part the author will establish a sketch on the role of international community in resolving the ongoing Rohingya crisis, which also include the political biased of the country. Second part of the present study will deals with the scope, opportunity and obstacles of the various international law regarding this ongoing Rohingya crisis.

1.3 Literature Review

In order to get some more knowledge and to gather more information I got some research paper as well as books related to the same field of the research.

The book **The Rohingya Crisis: Human Rights Issue, Policy Concern and Burden Sharing** which contain vast information about the Rohingya crisis and though this book analyze about some aspect of the role of international community but this book didn't cover the role of international law properly.⁴ Author **Azeem Ibrahim** in his book **The Rohingyas: Inside Myanmar's Genocide** mainly focus on the concept of genocide which committed by the Myanmar's Army against the Rohingya community. In his book the author mainly emphasis on the crisis in Myanmar but not outside that country.⁵

4 Uddin, N. (Ed.). (2021). *The Rohingya Crisis: Human Rights Issues, Policy Concerns and Burden Sharing*. SAGE Publishing India.

5 Ibrahim, A. (2018). *The Rohingyas: inside Myanmar's genocide*. Oxford University Press.

The work of **SBR Chaudhury** and **R. Samaddar** on their books, **The Rohingya in South Asia** they emphasize to explore the border picture of historical and political dimensions of the Rohingya crisis.⁶

The book of **A. Ware & C. Laoutides Myanmar's 'Rohingya' Conflict** here they mainly focused on the history of the conflict that means the ongoing crisis and the present status of that conflict.⁷

Health Consequences of COVID-19 in Rohingya Camps: Roles Played by NGOs a study conducted by **M Ahmed** and **SKJ Barkha** where they indicated about the situation during the pandemic in the Rohingya camp and the role played by several NGOs. But it didn't cover the all aspect of the role of international community regarding the crisis.⁸

Finding a durable solution to Bangladesh's Rohingya refugee problem: Policies, prospects and politics this study is conducted by **SR Rashid** and in this study author try to find a solution of that crisis through resettlement of the Rohingya people to another state like a third state but it is not ultimate solution.⁹

Burma's Rohingyas in Crisis: Protection on Humanitarian Refugees under International Law this study was conducted by the author **TK Ragland**. Author try to ensure the establishment of the role of international law by theoretical approaches.¹⁰

Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless" this study was conducted by **AKM Ahsan Ullah** and he in his study trying to pointed out how Rohingya people become stateless and also stated about the continuity of the violence but this is not cover the aspect of the role of international community and international law.¹¹

⁶ Chaudhury, S. B. R., & Samaddar, R. (2018). *The Rohingya in South Asia*. London: Routledge.

⁷ Ware, A., & Laoutides, C. (2018). *Myanmar's' Rohingya' conflict*. Oxford University Press.

⁸ Ahmed, M., & Barkha, S. K. J. (2021). Health Consequences of COVID-19 in Rohingya Camps: Roles Played by NGOs. *The Rohingya Crisis: Human Rights Issues, Policy Concerns and Burden Sharing*.

⁹ Rashid, S. R. (2020). Finding a durable solution to Bangladesh's Rohingya refugee problem: Policies, prospects and politics. *Asian journal of comparative politics*, 5(2), 174-189. <https://doi.org/10.1177/2057891119883700>

¹⁰ Ragland, T. K. (1994). Burma's Rohingyas in Crisis: Protection on Humanitarian Refugees under International Law. *BC Third World LJ*, 14, 301. Available at: file:///C:/Users/DCL/Downloads/4.pdf

¹¹ Ahsan Ullah, A. K. M. (2016). Rohingya crisis in Myanmar: Seeking justice for the "stateless". *Journal of Contemporary Criminal Justice*, 32(3), 285-301. <https://doi.org/10.1177/1043986216660811>

The work of **K Kittichaisaree** on his book **The Rohingya, Justice and International Law**, he emphasis on the domestic law more than international law to solve the ongoing Rohingya crisis. But the concerning matter is that that crisis is not domestic or a mere national crisis rather it spread extended to the international boundary.¹²

1.4 Conceptual Understanding

The Title of the proposed research is “Rohingya Crisis: Role of International Community and Probable Solution under International Law”. Important three concepts are observed here, those are Rohingya crisis, Role of International Community and Role of International Law.

At first **Rohingya Crisis**, is now a very familiar term in the world but that crisis was originated in Northwest Arakan state of the Myanmar. Where Rohingya’s people were persecuted and discriminated from the very beginning. An armed group known as The Arakan Rohingya Salvation Army (ARSA) organized by the Rohingya people conduct an attack on the targeted military based of the Myanmar army. In the consequence of that attack, the Myanmar army in the name of eradicating terrorism, started the brutal killing of the innocent Rohingya population and the ethnic cleansing was the main target.¹³ From then the concept of Rohingya crisis was rise.

Secondly **Role International Community**, the international community has so far failed to take any significant steps to resolve the Rohingya crisis. As a step towards resolving the Rohingya issue, international community has so far limited itself to provide some relief as well as some assistance to the Bangladesh government. Here the geopolitics is the main factor. Because some state for their respective interest, they do not exert pressure on Myanmar. The role of United Nation was not so significant.¹⁴

1.5 Problem Statement

The present research deal with the overall issue regarding Rohingya crisis, the role of international community and also the role of international law to solve that problem. The Rohingyas, persecuted

¹² Kittichaisaree, K. (2021). *The Rohingya, Justice and International Law*. Routledge.

¹³ Prasse-Freeman, E. (2017). The Rohingya crisis. *Anthropology Today*, 33(6), 1-2. <https://doi.org/10.1111/1467-8322.12389>

¹⁴ Ibrahim, A. (2021). Roles of the International Community to Redress the Rohingya Crisis. *The Rohingya Crisis: Human Rights Issues, Policy Concerns and Burden Sharing*, 255.

by the Myanmar Army, fled to Bangladesh to save their lives and became refugees. The government of Bangladesh has given them shelter by extending two arms of humanity and tried to ensure their food and shelter as much as possible. Since Bangladesh government tried their best to provide the maximum facility to the refugees but it is too hard to provide the maximum facility to almost one million refugees. So, there is still a lack of proper medical care, enough food, quality education and hygienic accommodation, that is the why the Rohingyas are not well in their camp.¹⁵

Rohingya community are willing to go back to their homeland but they do not want to go back for fear of further repression and lack of security. So, this community is now unanimously seeking a permanent solution to this crisis in an international way. But the international community is not so concern in favor of Rohingya refugees because the United Nation Security Council call on a resolution on Myanmar to ensure the return of all refugees and commanded them to granted full citizenship but China and Russia were strongly opposed that bill and they were vetoed it.

This research only concentrate on the ongoing crisis of Bangladesh regarding the Rohingya issue along with this research also disclose the role of international community as well as international law to resolve or settle that crisis through compel the Myanmar government to take back the Rohingyas refugee.

1.6 Research Question

- (a) What are the factors that emerged the ongoing Rohingya refugee problem?
- (b) What should be the role of the international community in a fair neutral solution to the ongoing Rohingya crisis?
- (c) How can the Rohingya crisis be resolved through various international law?
- (d) Is Bangladesh obligated under international Law to provide certain rights and asylum to the Rohingya people who are currently staying in Bangladesh?

¹⁵ Rayburn, A. (2020, March 31). Covid-19 and the Rohingya refugee crisis. *The Daily Star*. Retrieve from https://www.thedailystar.net/opinion/human-rights/news/covid-19-and-the-rohingya-refugee-crisis-1887787?fbclid=IwAR1jiCzo4IISXncQSyuoC_gKDJOmHmnAN5rfzOZzm4Jt1907hiONqNsMczk

1.7 Objective of the Study

The primary objective of this study is to highlight the Rohingya crisis as well to find out durable solution of this crisis under the shape of International legal arena.

In this study there also is some specific objective such as,

- (i) To analyze overall issue of Rohingya crisis and to highlight the dividing world in two side like for and against Myanmar.
- (ii) To find out the changes of their lifestyle in the new destination like Rohingya camp, Cox-Bazar, Bangladesh and how the Bangladesh government treat them and what was the reaction of the international community.
- (iii) To find out the direct or indirect role of the international community regarding the Rohingya crisis and the measure to settle or resolved that crisis.
- (iv) To find out the probable future of the Rohingya refugees including their live, homeland, citizenship and their permanent education as well as job.
- (v) To find out the probable solution under various International law.

1.8 Methodology

It is the most important part for a researcher as well as a research to use the technique regarding which method is used in research. So, in this present research the qualitative descriptive study method is used. Here also some important books of the area of international law, some international case analysis, some article published in famous journal be use in that study. This methods also include following sub titles-

1.8.1 Area of the Study

The present study mainly conducted on the Rohingya crisis in Bangladesh. So, the study area is determined in Kutupalong refugee camp, Ukhia, Cox's Bazar, Bangladesh. Which is the largest refugee camp of the world. The reason behind to selecting that are for research is that, since it is the world largest refugee camp therefore various research, some books and many journal publication is take place on this issue. The present study is enough informative and helpful to understand the ongoing crisis.

1.8.2 Population and Unit of Analysis

Since, the present study is conducted on the ongoing Rohingya issue and the role of international community to peacefully settle the crisis, so the Rohingya refugee is the population of the present research. Further, taken steps of the international community and the refugee camp is the unit of analysis for the proposed study.

1.8.3 Data Collection

To conduct the proposed research mainly the secondary source of data has been collected. Data has been collected by the researcher himself for the present study. In case of collection of data from secondary source its include various published and non-published article, well known journal, books, periodicals, monograph, government report, several web-sites, various research reports, some NGO reports, various daily or weekly published magazine etc.

1.8.4 Data Analysis and Interpretation

In this proposed study the qualitative analysis methods of data is ensured and in case of interpretation of each data maximum care has taken by the researcher. Under this stage, both the analysis and interpretation of data has been conducted vary carefully so that any unexpected errors may not take place in the study and no wrong information regarding the collected data is inserted into the proposed research.

So, to ensure the accuracy of the collected data, at first the researcher has been analyzed to the raw data and then find the errors. Secondly, where there is any ambiguity in the collected data, then the researcher has clearly interpreted the term and explain with its real meaning.

1.8.5 Expected Outcome of the Study

This proposed study mainly focus on the ongoing crisis in Bangladesh, which rise by the Rohingya refugees from Myanmar. Further, this study also reflected the active and inactive role played by the international community as well as international law to make a permanent solution to this problem. Therefore, the researcher is quite hopeful that at the end of this study the real scenario of barbaric torture on Rohingyas will emerge and the humanity of Bangladesh government as well as

the positive role by giving shelter, food, medical facility of the Bangladesh government will also be highlighted. Furthermore, Bangladesh as a host country also has to face various challenges.¹⁶

Further, the researcher is also quite hopeful that at the end of this study, the role of various international community and organization like the most powerful nation of then world, united nation, various international law will be emerged.

1.9 Rational of the Study

This present research is so much important because through this study, the present situation of that crisis has been analyzed including the direct and indirect role of international community by which their rights, security, potentiality to return of their own homeland and their permanent citizenships of Myanmar may be ensured. This study has highlighted the silence and inaction of our allies country and that which make them think twice.¹⁷ Since to solve this problem there is large field of opportunity under various International Law, so this study is very interesting and rational to find out the probable solution under various International law.

1.10 Scope and Limit of the Study

The Rohingya crisis is now the most important political issue of all over the world. Already there is various research was conduct on this issue but among them maximum is on the history and the cruelty against the ethnic group related. Therefore the present study on this issue mainly deal with the role of international community regarding this crisis.¹⁸

Since the Rohingya camp area Ukhiya, Cox's Bazar is a conservative area so there is not allowed the outsider except the Bangladesh Administration and various national and international NGO, so it is too hard to collect primary data from that area. Further, the distance from Dhaka to Cox's Bazar is another barrier to collect primary data for the study. Since the Rohingya crisis is current issue so, there is not enough book relating this issue for study.

¹⁶ Kudrat-E-Khuda (Babu). (2020). The impacts and challenges to host country Bangladesh due to sheltering the Rohingya refugees. *Cogent Social Sciences*, 6(1), 1770943. <https://doi.org/10.1080/23311886.2020.1770943>

¹⁷ Gorlick, B. (2019). The Rohingya refugee crisis: rethinking solutions and accountability. *Refugee Studies Centre, Working Paper Series*, (131). <http://dx.doi.org/10.2139/ssrn.3506638>

¹⁸ Shamsuddin, H. M. (2021). *Rohingya Crisis Role of International Community and Regional Countries*. Dhaka: Hasan Shamsuddin Publishers.

1.11 Conclusion

The proposed study regarding the ongoing issue articulated itself that the resolution of the Rohingya crisis are mutually compatible. The Rohingya crisis is gradually becoming a catastrophe for Bangladesh and a speedy solution to this crisis is must needed. For which, it is possible to solve the problem by respecting the international law and abiding by the international law. Further, the international community may play an important role to make a permanent solution of this crisis.¹⁹ In this case, the international community has to play an active role vary quickly and Bangladesh has to be cooperate with them.

Chapter 2

Historical Background of the Rohingya Crisis

2.1 Introduction

There is a long history of that crisis. The Rohingya community is one of the most unfortunate ethnic group who have only had to go through oppression and struggle from creation to present. From that very beginning to till now they have not been able to secure ensured any certain or fixed place of residence to reside. The most unfortunate thing is that this current crisis has rendered to Rohingya community completely stateless. Even, almost the millions of Rohingya people leading an uncertain life and even they don't know about their future how they lead their lives, where they would be settled, what would be their occupations. So the fate of Rohingya refugee in different countries of the world now pending only on the hand of the international community.

2.2 Origin of the Rohingya Community

Generally, the origin of the Rohingya community is deemed in Indian subcontinent. But mainly the Rohingya community originated from the Arakan province of the Myanmar. The term 'Arakan' was emerged from the term 'Roang' and 'Rohang' which inspired from the Arabic term 'Raham' which means blessing.²⁰ But in later some Turkish navigator called Arakan as Rakan and which at last called as Rakhine. Since then the Sate of Rakhine was the main homeland of the Rohingya

¹⁹ Talukder, S. (2019, May 23). Bangladesh bearing burden of Rohingya crisis. *The Daily Star*. Retrieved from <https://www.thedailystar.net/letters/news/bangladesh-bearing-burden-rohingya-crisis-1747384>

²⁰ Yunus, M. (1994). *A history of Arakan: Past and present*. University of Chittagong, P.15.

Community. In the Rakhine state there was two main ethnic group of people which is Rohingya Muslim and Rakhine Buddhists. Among almost fifty lakh population there was fifteen lakh Rohingya people in that Rakhine state.²¹ In third century many Arabian started to coming in Rakhine for the purpose of trade and from then they also started to introduce the Islam. Some Arabian was married with local women and stayed permanently to their. In that way the Islam was introduced in Rakhine and the followers of Islam Known as Rohingya in Myanmar. Before 15th century the Rakhine province was ruled by the non-Muslim ruler but in later he adopt the Islam religion and he was the last ruler of Rakhine who belong to the Islam religion.²²

2.3 Origin of the Rohingya Crisis

The Rohingya people is one of the most oppressed, suppressed and neglected ethnic group of people in the history of the world whose history has been in crisis since the very beginning. During 15th century, after the death of the last Muslim king Solaiman Shah, some Mongolian people was came to Rakhine who was belong to the Buddhist religion and gradually they established their power and declared that are as Burma. For the first time of the history they conduct invasion on Rohingya Muslim for three time during 1406 and 1784.²³ During second world war, when Japan conduct an invasion in Burma more than twenty thousand Rohingya fled from Burma to Bangladesh although then it considered as Bengal ruled by British Empire.²⁴ This was the first movement of the Rohingya civilian. The military rule in Burma was at first began in 1958 but that military rule was strongly and completely established when General Ne Win captured the power 1962 and since then the Rohingya have been subjected to all sorts of atrocities.²⁵ Further in 1978 the Myanmar military government conduct an operation known as Nagamin in northern Arakan, at present known as Ralhine against the Rohingya Muslim to suppress them. To save their

21 Ullah, AKM, A. (2016). Rohingya Migration: Is It a Function of Persecution. Retrieved from <http://web.isanet.org/Web/Conferences/HKU2017-s/Archive/dd088865-65b9-4133-8f49-525700574b98.pdf>

22 Siddiqui, H. (2008). *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*. Amazon Digital Services.

23 Siddiqui, H. (2019, January 1). *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*. Amazon Digital Services. Retrieved from <https://www.amazon.com/Forgotten-Rohingya-Their-Struggle-Rights/dp/1793010080>

24 Kais, K. (2020, November 28). *Rohingya Crisis in Bangladesh: History, Consequences and Solution*. Academia. Available at

https://www.academia.edu/35995775/Rohingya_Crisis_in_Bangladesh_History_Consequences_and_Solution

25 Devi, K. S. (2014). Myanmar under the military rule 1962-1988. *International Research Journal of Social Sciences*, 3(10), 46-50.

respective life almost two lakhs Rohingya civilian fled to Bangladesh for sought shelter.²⁶ At last, in 25 August 2017, some Rohingya militia from Arakan Rohingya Salvation Army (ARSA) attacks on several police and army posts in Myanmar, as a result the state security forces of Myanmar launch a campaign of horrific violence and terror targeting the Rohingya community in the name of suppressing terrorism. During this incident more than 700,000 Rohingya flee from Myanmar to Bangladesh.²⁷

2.4 Relation between Myanmar Government and Rohingya Community

From the very beginning of the origin of the Rohingya community the relation between the higher authority or the government of the Burma which in later consider as Myanmar was not stable or good. The historical review shows that the Myanmar government has never been sympathetic to the Rohingyas. Rather, the Myanmar government has been discriminating against the Rohingya community since its inception and has been depriving them of the privileges which they deserve and has been and continues to repress them at various times. In 1962 the Military rule was established in Myanmar and from then that military government try to suppress and discriminate the Rohingya civilian at various time. Before 1962 that means the military rule, the civilian government did a list of 144 ethnic group including Rohingya ethnic group of people, those who were covered by some special privileges and also considered as the citizen of Burma.²⁸ But after 1962 when the military rule the Burma then that 144 list was become short and include 135 ethnic group and they deliberately exclude the Rohingya ethnic group as a result they become stateless.²⁹ In 1982 Burma brought the Citizenship Law under which one provision was that, those who are not currently considered as citizens under this law but if they can established that their ancestors lived in Myanmar before the country's independence, will be granted citizenship. So under this provision, all the Rohingya civilian should be considered as citizen, because the Rohingya community has been living in the Rakhine region of Burma since many years before the

²⁶ Ullah, A. K. M. A. (2011). Rohingya refugees to Bangladesh: Historical exclusions and contemporary marginalization. *Journal of Immigrant & Refugee Studies*, 9, 139-161. <https://doi.org/10.1080/15562948.2011.567149>

²⁸ Head, J. (2017, October 11). *Rohingya crisis: Finding out the truth about Arsa militants*. BBC NEWS. Retrieved from <https://www.bbc.com/news/world-asia-41521268>

²⁸ Ahsan Ullah, A. K. M. (2016). Rohingya crisis in Myanmar: Seeking justice for the “stateless”. *Journal of Contemporary Criminal Justice*, 32(3), 285-301. <https://doi.org/10.1177/1043986216660811>

²⁹ Cheesman, N. (2017). How in Myanmar “national races” came to surpass citizenship and exclude Rohingya. *Journal of Contemporary Asia*, 47(3), 461-483. <https://doi.org/10.1080/00472336.2017.1297476>

independence. But at that time the Rohingyas didn't have sufficient documents to prove their status and for this mere reason a large section of the community was excluded from the citizenship law. Although the Rohingya community has been living in Myanmar for almost 100 years, the Myanmar government and Buddhist monks who hold political powers continue to claim that Rohingyas are citizens as well as immigrants of Bangladesh. As a result, the Myanmar government intentionally and brutally persecuted the Rohingya people many time from 1962 to 2017 and compelled them to leave Myanmar. To implement that intention in 2017, in the name of counter-terrorism, they showed terrible brutality on the innocent Rohingya community and forced them to fled from Myanmar.³⁰

2.5 Nature of the Crisis

Primarily, it is to be deemed that the nature of the of the Rohingya crisis just confined into the matter of forced displacement of the vast number of the Rohingya civilian to Bangladesh. But the reality is completely different because that crisis was made by intentionally planned invasion to the innocence Rohingya for the purpose of ethnical and religious cleansing to the Rohingya community of Myanmar Government along with the military and Buddhists Monks extremist. From the above mentioned analysis it is clear that in this crisis the Myanmar Military played active role on behalf of their government by committing persecution, murder, rape, extermination, arson etc. but the question has raised that whether the conflict Non International Armed Conflict (NIAC) or not. So here after the observation of this conflict it can be said that in Myanmar there was a conducted the non-international armed conflict. Because this conflict fulfill both the characteristic of a non-international armed conflict that is, the intensity of that conflict was widespread goes beyond the national disturbance and this conflict was taken placed between the state armed group and the ethnic group of organization which is a non-state armed group.³¹ In this crisis another question has raised that whether the nature of this crisis is national or transnational. So, here at the very beginning of this crisis it is to be deemed that this crisis is limited under Myanmar's sole

³⁰ Rohingya genocide. (2022, October 15). In *Wikipedia*.
https://en.wikipedia.org/wiki/Rohingya_genocide#:~:text=In%202017%2C%20the%20vast%20majority,countries%20because%20of%20the%20violence.

³¹ Correspondent author. *Non-international armed conflicts in Myanmar*. RULAC. 2022. Accessed on November 29, 2022. Retrieved from
<https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-myanmar#collapse2accord>

internal disturbance or just some isolated incidents which highest may take the form of the national crisis. But gradually the severity of this crisis began to emerge, which spread to neighboring countries, by compelled a large number of Rohingya refugees to flee from Myanmar to Bangladesh and India. So, when consequence of this crisis spread to other countries then that crisis turned into the transnational crisis and it was no longer as a national crisis. This crisis is now affected the whole world.

2.6 Conclusion

The term 'Rohingya' which refers the most oppressed ethnic group of people in the world. Those who suffered the most neglect and abuse so far from their own homeland. Rohingya is the name of that ethnic group who had lived in their own country for more than 100 years but still considered as a stateless. Because Myanmar still denied that the Rohingya as a citizen of their country, rather the government and Buddhist extremist claimed that the Rohingya is the citizen of Bangladesh and they immigrate to Myanmar. Since the origin of the of the Rohingya community was correlated to the Arabian traders that's why the Rohingya's belong to the Muslim religion and which is the main reason to suppress as well as oppressed them. Because the Buddhist extremist as well as the Myanmar government also had that malafide intention to cleansing that certain religious ethnic group of people. History testified that, the relation between the Myanmar government and the Rohingya community was not so satisfied rather the Myanmar government has always sought or intended to dominate the Rohingya population and always trying to illegally occupy to the land, residence of the Rohigya community.

Chapter 3

Crisis of Rohingya Refugee

3.1 Introduction

Rohingya is the name of a nation who suffering from infinite misery. Myanmar's government as well as the military and the Buddhist extremist monks are anathema to the Rohingya. Because the invasion by that Myanmar military was the main reason behind that infinite misery. Because of that frequent attack the well founded fear is established in the mind of the innocent Rohingya community in Rakhine state of Myanmar. So, well founded fear create the fear of persecution and which cause the displacement of the Rohingya population to the Bangladesh. Despite the proper

efforts of the Bangladesh government, it is not possible to ensure adequate facilities here. The main crisis of the Rohingya is, now they have become a stateless community in this world because Myanmar has never recognized and acknowledge the Rohingya population as the citizen of their own country while now Bangladesh also reluctant to give shelter to the Rohingya because as a developing country it is huge burden for Bangladesh to give shelter of that huge number of Rohingya people.³² On the other side in India there also some Rohingya refugee that's why they also strictly controlled their border area to prevent infiltration of Rohingya.

3.2 Persecuted by Myanmar Military

The term persecution refers the torture, invasion or ill-treatment on the basis of race, national, religion or different political belief. The persecution by Myanmar military against the Rohingya community is the very common things from the very beginning because of their religion and political belief also. The current Rohingya crisis is the consequence of the persecution by the Myanmar military. The history stated that, in 1784 the Burma King started the attack on the Muslim in Arakan area. In 1974, the military government of Burma changed the name of Arakan to Rakhine and that was the starting point of that persecution.³³ In 1978 in the name of checking identity paper in Rakhine state the Myanmar military conduct operation Nagamin with the intent to killed, raped and destroy the several mosque of the Rohingya community. On the middle of 199-1992 the Myanmar government appoint some new regiment of their military to the border area and the purpose of that appointment to conduct harassment to the Muslim ethnic group and that time for this planned harassment almost two lakhs Muslim Rohingya people was flee to Bangladesh. On between 4-8 June 2012 the persecution directly converted to the riot against the Muslim Rohingya people in Rakhine state by the Military and the Buddhist extremist. The reason behind that riot was stated by the Myanmar authority that in Rakhine state a Rakhine Buddhist women were raped and killed by the Rohingya Muslim men and then the Buddhist extremist monk started protest against Rohingya community and spread the hate speech against them, they also instigate other people to attack on Rohingya Muslim. As a result serious clash take place between that two

³² Petersen, H. E. (2019, March 1). Rohingya crisis: Bangladesh says it will not accept any more Myanmar refugees. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2019/mar/01/rohingya-crisis-bangladesh-says-it-will-not-accept-any-more-myanmar-refugees>

³³ Ray, S. B., Chaudhury, & Samaddar, R. (2018). *THE ROHINGYA IN SOUTH ASIA: People Without a State*. Routledge. P.10.

group and 88 casualties also take place and huge number Rohingya's become displace.³⁴ The final blow of the persecution by the Myanmar government and military along with Buddhist extremist Monks was taken placed in 2016 by the Myanmar army in the name of eradicating terrorism, started the brutal killing of the innocent Rohingya population and the ethnic cleansing was the main target.³⁵

3.3 Lost Citizenships and become Stateless

Before independence of the Myanmar, the population of Myanmar was divided various ethnic group in different states or are and the Rohingya community was one of them. But the disappointing matter is that the Rohingya Muslim community has never been recognized and considered as the citizen of the Myanmar by the Myanmar government. But after independence in 1948, the first independent Prime Minister of Myanmar U Nu, under the Union Citizenships Act considered Rohingya community as ethnic race and ensured their nationality.³⁶ But after 1962 when the Military ruling was started in Myanmar the previous status of the Rohingya community was removed. In later, in 1982 Burma brought the Citizenship Law under which one provision was that, those who are not currently considered as citizens under this law but if they can established that their ancestors lived in Myanmar before the country's independence, will be granted citizenship. But in the name of showing the document the Myanmar government deliberately excluded Rhoingya's from citizenship.³⁷ From then the Rohingya population become indirectly stateless. Because since, Myanmar didn't recognize them as citizen then they are not officially the citizen of that country. Even the government of Thein sein and Suu Kyi instead of giving citizenship or considered Rohingya as the citizen of Myanmar, they stand on the opinion that the Rohingya's are the citizen of Bangladesh and the Rohingya community who is in Myanmar is the illegal immigrants from Bangladesh.³⁸ By the citizenships law, 1982 the Myanmar government

³⁴ 2012 Rakhine State riots. (2022, November 25). In *Wikipedia*. Retrieved from https://en.wikipedia.org/wiki/2012_Rakhine_State_riots

³⁵ Prasse-Freeman, E. (2017). The Rohingya crisis. *Anthropology Today*, 33(6), 1-2. <https://doi.org/10.1111/1467-8322.12389>

³⁶ Rahman, M. K. (2021, August 24). Citizenship of the Rohingya in Myanmar: A historical account. *The Daily Star*. Retrieved from <https://www.thedailystar.net/law-our-rights/news/citizenship-the-rohingya-myanmar-historical-account-2159176>

³⁷ Ahsan Ullah, A. K. M. (2016). Rohingya crisis in Myanmar: Seeking justice for the "stateless". *Journal of Contemporary Criminal Justice*, 32(3), 285-301. <https://doi.org/10.1177/10439862166608>

³⁸ Rahman, M. K. (2021, August 24). Citizenship of the Rohingya in Myanmar: A historical account. *The Daily Star*. Retrieved from <https://www.thedailystar.net/law-our-rights/news/citizenship-the-rohingya-myanmar-historical-account-2159176>

not only denied and excluded the citizenships of the Rohingya community but also this law was the important weapon to commit genocide against the innocent Rohingya community as well as this law was the best tool by which Rohingya people become stateless.³⁹

3.4 Health Crisis

In the consequence of frequent persecution by the Myanmar military and the Buddhist extremist, huge number of the Rohingya civilian was fled from Myanmar to Bangladesh. On 25 August 2017 Myanmar military conduct an operation known as ‘clearance operation’ for the purpose of ethnic cleansing to the Rohingya community. That’s why to save the life since then more than 723000 Rohingya people came into Bangladesh.⁴⁰ That huge number of population is stayed in the Kutupalong refugee camp which is in Ukhia, Cox’s Bazar. But the environment of that camp is not healthy. There is serious threat for their health. In this camp area there was not enough tube-wells water supply for the all the people in that camp and that’s why the Rohingya people in that camp drink the shallow tube-wells water, so they remain susceptible to arsenic exposure.⁴¹ Due to this scarcity of clean drinking water, diarrhea, dysentery, cholera and other various diseases are common among children in the Rohingya camps but worryingly, adequate measure for treatment is still becoming feasible for them.⁴² A statistic stated that during 2018 almost fifty thousand women in the camp was pregnant but unfortunately they weren’t able to get antenatal care because in the camp area this facility wasn’t adequately available.⁴³ A medical study stated that in Rohingya Camp 36% of children of that camp is post-traumatic stress disorder because of the panic environment which they were passed and a large portion of the Rohingya youth possessed

³⁹ Finnigan, C. (2018, November 2). *Myanmar 2020 – Rohingya Citizenship: Now or Never?* South Asia@LSE. Retrieved from

<https://blogs.lse.ac.uk/southasia/2018/11/02/rohingya-citizenship-now-or-never/>

⁴⁰ Rohingya refugees in Bangladesh. (2022, October 8). In *Wikipedia*. Retrieved from

https://en.wikipedia.org/wiki/Rohingya_refugees_in_Bangladesh#:~:text=The%20history%20of%20the%20Rohingya,estimated%20900%2C000%20refugees%20to%20date.

⁴¹ World Health Organization. (2019, May 20). *Rohingya Crisis in Cox’s Bazar District, Bangladesh: Health Sector Bulletin 9*. Health Sector, Cox’s Bazar. Retrieved from

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/health_sector_bulletin_no.9.pdf

⁴² Banerjee, S. (2019, July 15). *The Rohingya crisis: a health situation analysis of refugee camps in Bangladesh*. Observer Research Foundation. Retrieved from

<https://policycommons.net/artifacts/1346762/the-rohingya-crisis/1958908/>

⁴³ Joarder, T., Sutradhar, I., Hasan, M. I., & Bulbul, M. M. I. (2020). A record review on the health status of Rohingya refugees in Bangladesh. *Cureus, 12*(8). Available at: doi: 10.7759/cureus.9753

symptom of depression and suicidal mentality.⁴⁴ So there also serious mental and physical health threat in the Rohingya camp. Government of Bangladesh is trying its best to ensure the health safety but it is not possible for the Bangladesh government alone to ensure the health care of such huge population in the camp.

3.5 Violation of Several Human Rights

Where survival is difficult, enjoying human rights is a luxury. This quotation is perfectly matches with the current situation of the Rohingya people. Human rights of Rohingyas have been violated at every step by the Myanmar Government and their military. **Right to life** is the first and most important human rights of a human being but that rights of the Rohingya people was violated by committing genocide, extermination by the Myanmar. Myanmar government also tried to incite the Buddhist people to killed Rohingya and they also tried to convince the Buddhist people that Rohingya Muslim is the terrorist as well as Rohingya also the threat for the Myanmar.⁴⁵ **Right to freedom of religion** is another important which also frequently violated by the Myanmar Government. As per the various national international law and convention this right to religion even ensured to the refugee of any state, but in Myanmar, they didn't provide this right to the Rohingya community as a citizen of their country. In this ongoing crisis the Rohingya community also deprived from the right to freely movement throughout the country, that means in Bangladesh they are not allow to move outside the camp area. On the other side in Myanmar Rohingya also completely deprived from the right to freedom of speech. In the Rohingya camp, there also take place of severe violation of some human rights like, in this camp area right to health is not properly ensured. Because the lacking of health safety was seen during Covid-19 pandemic, while there was not taken any proper steps to prevent that pandemic and it was not basically possible.⁴⁶ Recently, Bangladesh government also trying to take some initiative to sent back the Rohingya to Myanmar. But maximum Rohingya refugee refused that proposal because they felt the fear of

⁴⁴ Riley, A., Varner, A., Ventevogel, P., Taimur Hasan, M. M., & Welton-Mitchell, C. (2017). Daily stressors, trauma exposure, and mental health among stateless Rohingya refugees in Bangladesh. *Transcultural psychiatry*, 54(3), 304-331. <https://doi.org/10.1177/1363461517705571>

⁴⁵ Shalihah, F., & Fiqri, M. R. (2020, March). Overview of human rights violations against Rohingya ethnicity in Burma and Uighur tribe in China in international law perspectives. In *International Conference on Law Reform (INCLAR 2019)* (p.50). Atlantis Press. <https://doi.org/10.2991/aebmr.k.200226.010>

⁴⁶ Rohingya children at heightened risk. (2020, June 22). *The Daily Star*. Retrieved from <https://www.thedailystar.net/city/news/rohingya-children-heightened-risk-1918349>

further persecution in Myanmar and this also violate their human rights which ensured under Refugee Convention 1951 as principle of **non- refoulement**.⁴⁷

3.6 Conclusion

The Rohingya community now going through the serious tough time and if the national and international authority doesn't try to solve this problem immediately the solution of this crisis will gradually become difficult. It can be said from the above discussion that Rohingya people now considered as a stateless ethnic group in the world who have been frequently persecuted by the Government of the Myanmar and their military and the consequence of that persecution was that almost one millions of Rohingya people leave Myanmar to save their respective live and arrived in Bangladesh and took shelter in a refugee camp. In that refugee camp the violation of their right to life with human dignity is violated every day. Although the government of Bangladesh is trying its best to ensure the security and other rights of Rohingya people, but since Bangladesh is a developing nation, it is not possible for it alone to deal with the enter crisis. So, in this case, a permanent solution to this problem should be found and other countries should help Bangladesh regarding to deal with this crisis.

Chapter 4

Roles of International Community

4.1 Introduction

In the very beginning of this Rohingya crisis seems to be a problem of Myanmar and Bangladesh, but now its influence is spreading all over the world on the basis of economically and geopolitically. The only way out of this crisis is a peaceful permanent solution and that is possible only with the help or intervention of the international community. But the role of

⁴⁷ No Rohingya repatriation amid risk of human rights violations: Amnesty. (2017, October 4). *The Daily Star*. Retrieved from <https://www.thedailystar.net/rohingya-crisis/no-rohingya-repatriation-amid-risk-human-rights-violations-myanmar-amnesty-international-1471627>

international community regarding this crisis is not so much fruitful. Behind this weakness of the international community there is matter of geopolitics.⁴⁸

4.2 Initiative of India

The relation between India and Bangladesh have been mutually friendly since the creation of Bangladesh. On the other hand India and Myanmar are also the neighboring countries and India has good trade relationship as well as diplomatic relation with them. So here India has bit of sweet problem to take any decision. But here India playing a somewhat passive role regarding take any direct action against Myanmar because of their economic interest between with Myanmar.⁴⁹ Although India has not directly pressured on Myanmar to take back the Rohingyas but when the Rohingya repatriation agreement was signed between Bangladesh and Myanmar on 23 November 2017 then the Indian authority also signed an agreement with the Myanmar to give 25 million dollar for the development of the Rakhine state as well as improve the life standard of the Rohingya people would be back to their homeland.⁵⁰ But the direct create of pressure on Myanmar by India is not possible because of their huge investment in Myanmar and if they creat pressure on Myanmar then Myanmar will lean towards China which will adversely affect India's geopolitics also became the threat for itself. But India argues to the world to humanitarian assistance to the Rohingya refugee and to stand with the Bangladesh to solve this problem.⁵¹ Based on the relationship between Bangladesh and India, Bangladesh expect something more from India to resolve the Rohingya crisis. But it can be considered as a diplomatic weakness of Bangladesh.

⁴⁸ Bhuiyan, A. (2022, February 15). *Rohingya Crisis: The Complex Geopolitics behind the Delayed Repartition*. Perspective. Retrieved from

<https://perspectivebd.com/archives/4806>

⁴⁹ Gorlick, B. (2019). The Rohingya refugee crisis: rethinking solutions and accountability. *Refugee Studies Centre, Working Paper Series*, (131). P.17. <http://dx.doi.org/10.2139/ssrn.3506638>

⁵⁰ Yhome, K. (2018). Examining India's stance on the Rohingya crisis. *ORF issue brief*, 247, 1-16. Retrieved from [https://www.researchgate.net/profile/Khriezo-](https://www.researchgate.net/profile/Khriezo-Yhome/publication/326317165_Examining_India's_stance_on_the_Rohingya_Crisis/links/5b45a8bea6fdcc66191722f7/Examining-Indias-stance-on-the-Rohingya-Crisis.pdf)

[Yhome/publication/326317165_Examining_India's_stance_on_the_Rohingya_Crisis/links/5b45a8bea6fdcc66191722f7/Examining-Indias-stance-on-the-Rohingya-Crisis.pdf](https://www.researchgate.net/profile/Khriezo-Yhome/publication/326317165_Examining_India's_stance_on_the_Rohingya_Crisis/links/5b45a8bea6fdcc66191722f7/Examining-Indias-stance-on-the-Rohingya-Crisis.pdf)

⁵¹ Sakib, S. N. (2019, August 3). *Rohingya crisis: India urges world to help Bangladesh*. Anadolu Agency.

Retrieved from https://www.aa.com.tr/en/asia-pacific/rohingya-crisis-india-urges-world-to-help-bangladesh/1548878?fbclid=IwAR1Ys7wvnCSiz1E_Qt30j8-gGdyMkPMM8rpw5hZrBnTQirzZZ4Ly8IfiMxA

4.3 Role and Obligation of Bangladesh

In this ongoing crisis, in the beginning, Bangladesh gave the shelter to the Rohingya refugee by considering the humanitarian aspects, but gradually it is becoming a burden and a curse for Bangladesh. Because Bangladesh is not a developed country and not well equipped to face that crisis in one hand. But Bangladesh is the first country to support and aid the Rohingya people and take some proper steps in its level best. Bangladesh established one of the most large refugee camp on 3000 acre land. Even the local people of the Cox's Bazar also gave shelter to one or two Rohingya family.⁵² In this crisis not only the Bangladesh government and authority but also the local people also trying their level best to provide adequate assistance to the hopeless and stateless Rohingya civilian. Although Bangladesh is not a signatory state of the Refugee Convention 1951, but as per the Human Rights law aspect Bangladesh has an important obligation, which is to comply with the principle of Non- Refoulement.⁵³ Which refrain a hosting country to forcibly sent back the asylum seekers to their country of origin where they felt the fear of persecution.

4.4 Role of Russia

Bangladesh has had good as well as friendly relation with Russia since its inception. But in this present Rohingya crisis Russia didn't played active role so far against Myanmar. Even in some event Russia directly stands with the Myanmar. Behind this inactivity of Russia the main reason is the trade relation. Because Russia day by day increase its armed trade in Southeast Asia and Myanmar also gradually become a major buyer of Russian arms. As per the report of the SIPRI recently Myanmar brought almost 247 million dollars arms from the Russia.⁵⁴ So, Russia wouldn't go directly against Myanmar to maintain this healthy armed trade. But the problem is Russia now stands directly with Myanmar on some issues. Recently Russia also join in the annual military parade in Myanmar by the invitation of Myanmar. The significance of which is that Russia wants

⁵² Chowdury, S. R. H. (2018). Humanity and security: Internal and external dynamics behind the Muslim Rohingya refugee crisis, the role of Turkey and Bangladesh. *Balkan and Near Eastern Journal of Social Sciences*, 4(4), 147.

⁵³ Convention Relating to the Status of Refugees, July 28, 1951. Available at: <https://www.unhcr.org/4ca34be29.pdf>
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees#:~:text=1.,2.>

⁵⁴ Hutt, D. (2022, May 4). *Why Southeast Asia continues to buy Russian weapons*. DW. Retrieved from <https://www.dw.com/en/why-southeast-asia-continues-to-buy-russian-weapons/a-61364950>

to make relations with Myanmar much closer.⁵⁵ Other than this in several time Russia used its veto power in United Nation to prevent world from bring and taking action against Myanmar.

4.5 Steps of United States of America

Though the relation of Bangladesh with USA is not like that China and India but in Rohingya crisis the USA played very active role than India and other country in the world. So, in the context of Bangladesh and the Rohingyas, it would not be a question of American's political interest rather the matter is that here USA played active role to solve this crisis from the very beginning of this crisis. Since 2017, when the crisis was started USA observed every moment of this crisis and US State Department provide huge humanitarian assistance to this crisis as a result since 2017 US provide more than 1.7 Billion dollar as humanitarian assistance to this crisis.⁵⁶ USA didn't limited themselves only in financial support rather they also create political pressure. The former US state secretary Mike Pompeo stated that their investigation on this crisis found that the Myanmar military commit atrocities and crime against humanity and in later US impose sanction on three military commander, one border police commander and two division of military, under this sanction the asset of those person in USA become cease and they will not be able to do business and travel in America.⁵⁷

4.6 Role of China

China is the one of the most powerful country of the world both military and economically. So they have responsibility as well as the ability to find out the way of the solution of the ongoing Rohingya crisis. But the real scenario is completely different because in this crisis the stands of China clearly established about their political biasness in favor of Myanmar. The geo-politics also

⁵⁵ Mendelson, A. (2022, March 27). 'Stronger together': Myanmar, Russia parade military relationship. *ALJAZEERA*. Retrieved from

<https://www.aljazeera.com/news/2022/3/27/holdstronger-togethermyanmarrussiaparademilitary-relationship>

⁵⁶ USAID. (2022). THE UNITED STATES ANNOUNCES MORE THAN \$152 MILLION IN ADDITIONAL HUMANITARIAN ASSISTANCE FOR THE PEOPLE OF BURMA AND BANGLADESH. Retrieved from

<https://www.usaid.gov/news-information/press-releases/mar-29-2022-united-states-announces-more-152-million-additional>

humanitarian#:~:text=Today%20the%20United%20States%20announced,Bangladesh%20and%20Bangladesh%20host%20communities.

⁵⁷ Spetalnick, M., & Brunnstrom, D. (2018, August 17). U.S. imposes sanctions on Myanmar military over Rohingya crackdown. *Reuters*. Retrieved from

<https://www.reuters.com/article/us-myanmar-rohingya-usa/u-s-imposes-sanctions-on-myanmar-military-over-rohingya-crackdown-idUSKBN1L21KL>

here play important role because, China declared their vision by the largest project known as, ‘One Belt, One Road’. The aim of this agenda is to spread the trade by land and maritime to Africa and Europe and the important objective of this initiative is to prevent influence of the America in Asia-Pacific region. Under this initiative China made huge investment in Myanmar for infrastructural development and that’s why China directly stand with Myanmar.⁵⁸ Not only that, but China also stopped the United Nation from taking any action against Myanmar by using the veto power, such as recently UNSC trying to adopt resolution regarding ongoing humanitarian crisis in Myanmar but China stand against this decision.⁵⁹ So, China here played totally inactive role to solve the Rohingya crisis and Myanmar always backed by them which gave the confidence to Myanmar to strongly stand on their current standing.

4.7 Initiatives of United Nation

Various organ as well as organizations of United Nation are playing an angelic role for the Rohingyas in this critical time. They are helping a lot to deal with that ongoing crisis through their efforts and their filed work. In 2017, when that huge number of the Rohingyas was started to coming into Bangladesh then **UNHCR** in the first week of that crisis, provided more that 1500 metric ton life kit including blanket, tents, mat etc.they also appeal to UN 280 million dollar for the assistance of Rohingya refugee. UNHCR also arranged special shelter kit so that landslides do not threaten the lives of the Rohingyas during monsoons season. 300 hundred staff of UNHCR are engaged in serving the Rohingyas in Bangladesh and are providing regular services.⁶⁰ Another important organ of UN is the Security Council they also played active role regarding this crisis. As a part of their activity, 15 members of the **UNSC** visited the northern Rakhine from where the Rohingyas were fled to Bangladesh.⁶¹ The delegated of the UNSC after conducting the visit they found the proof of the horrific atrocities and they also initiated to adopt the resolution against the Myanmar government and military but the UNSC has failed to adopt any resolutions on the Rohingya crisis, because of China and Russia’s political and economical relation with Myanmar

⁵⁸ Chowdury, S. R. H. (2018). Humanity and security: Internal and external dynamics behind the Muslim Rohingya refugee crisis, the role of Turkey and Bangladesh. *Balkan and Near Eastern Journal of Social Sciences*, 4(4), 147.

⁵⁹ Strangio, S. (2022, May 30). China, Russia Again Veto UN Statement on Myanmar Conflict. *THE DIPLOMAT*. Available at: <https://thediplomat.com/2022/05/china-russia-again-veto-un-statement-on-myanmar-conflict/>

⁶⁰ UNHCR. (2022, August 31). Rohingya emergency. Retrieved from <https://www.unhcr.org/rohingya-emergency.html>

⁶¹ UNSC delegation visiting northern Rakhine. (2018, May 1). *The Daily Star*. Retrieved from <https://www.thedailystar.net/rohingya-crisis/unsc-delegation-visiting-northern-rakhine-myanmar-1570333>

and both China and Russia gave veto against the resolution.⁶² So the United nation trying to take some proper initiative regarding this crisis but it is quite impossible because of the veto power of Russia and China.

4.8 Conclusion

From the above mentioned analysis it clearly to be seen that regarding this ongoing Rohingya crisis the world divided into three part. First one is the state who directly stands with the Rohingya refugee and against the Myanmar like, Bangladesh, USA, Canada, Turkey, Gambia etc. On the other side second part is that country who directly stands with the Myanmar government and they considered that crisis as an internal matter of the Myanmar. Lastly the third part is that state who refrain from voting against or in favor of any side in UN but have a mindset of helping the Rohingya refugee like India, Bhutan, Japan and Sri-Lanka. So, to maintain the peace in all over the world the international community should come forward from its respective position and find a permanent and effective solution to the Rohingya crisis.

Chapter 5

International Legal Framework Regarding this Crisis

5.1 Introduction

The solution of any international problem or crisis can be solved mainly in two ways, firstly, a peaceful solution can be possible by discussing with mutual understanding through the activities and cooperation of the international community. Secondly, when it is not possible to solve the problem at the negotiation table, then we have resorted to various international law and the international law shall analyzes each problem as well as raising question before it thoroughly and solved that problem through various international courts. So, in this chapter the role of international law will be described and how the probable solution under that law will be take place that view will be pointed out.

⁶² China and Russia oppose UN resolution on Rohingya. (2017, December 24). *The Guardian*. Retrieved from <https://www.theguardian.com/world/2017/dec/24/china-russia-oppose-un-resolution-myanmar-rohingya-muslims>

5.2 The International Court of Justice

International court of justice determine the liability of a state not to the individual criminal liability. So, under the provision of the article 34 here ICJ can determine the liability of the Myanmar only not to any military commander of Myanmar.⁶³ Under the provision of the article 38 the ICJ shall apply the International Convention as well as customary law etc. and under this article ICJ gets huge jurisdiction regarding this Rohingya crisis.⁶⁴ Under the provision of article 41 of this statute Gambia knock the door of ICJ to ordered Myanmar to take necessary measure to protect the atrocities which committed by the Myanmar government by their military.⁶⁵ The ICJ held that it has jurisdiction and Gambia has the standing regarding this case as per the principle of 'erga omnes' obligation and indicated some provisional measure on Myanmar that, Myanmar has to ensured that the military and other concerning forces would commit any act which is violate the Genocide Convention, the Myanmar government has to take measure to prevent any act which considered as violation of Genocide Convention against Rohingya community and Myanmar also ordered to submit report to the court that they take all that measure.⁶⁶ That decision by the International Court of Justice under the ICJ Statute is one kinds of relief as well as the light of hope for almost one million of hopeless, stateless Rohingya people.

5.3 International Criminal Court

ICC under the Rome statute can determine the individual criminal liability and its can tried five types of crime under article 5 of this statute including genocide and crime against humanity. In 2017, the fact finding organization Amnesty International conduct investigation and got some serious evidence of the systematic and widespread attack against the Rohingya Community in Rakhine state.⁶⁷ But the problem was that Myanmar is a non-signatory state to the Rome Statute and that's why in this case ICC has not the direct jurisdiction to adjudicate this matter. But Pre-

⁶³ The Statute of International Court of Justice, April 18, 1946. Retrieved from https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf

⁶⁴ The Statute of International Court of Justice, April 18, 1946. Retrieved from https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf

⁶⁵ *The Gambia v Myanmar (Provisional Measures)* (n 5) [12].

⁶⁶ Becker, M. A. (2020). The plight of the Rohingya: Genocide allegations and provisional measures in *The Gambia v Myanmar* at the International Court of Justice. *Melbourne Journal of International Law*, 21(2), 428-449.

⁶⁷ Hassan, T. (2017, October 18). *Myanmar: Crimes against humanity terrorize and drive Rohingya out*. Amnesty International. Retrieved from <https://www.amnesty.org/en/latest/news/2017/10/myanmar-new-evidence-of-systematic-campaign-to-terrorize-and-drive-rohingya-out/>

Trial Chamber of the ICC observed that if the consequence of a widespread attack or atrocities has spread into other state who is the signatory state of the Rome statute and if at least one element of those crimes be committed on that state party's territory then in that case the ICC will have the jurisdiction.⁶⁸ In later the team of ICC visit the Rohingya camp in Bangladesh and they found some element of the crime against humanity. So, under article 28 of this statute the commander of chief of the military of Myanmar General Min Aung Hlaing can be prosecuted for Superior command liability or responsibility because that systematic and widespread attack was launched by the order of him and then he has total control on that military forces and during that invasion he know the circumstance even he observed that situation.⁶⁹ So, after analysis above mentioned provision of this Rome statute it is now crystal clear that regarding this ongoing crisis the International Criminal Court has not possessed the ultimate jurisdiction for adjudication even the trial chamber could not ordered to investigate but nevertheless under ICC the crime committed by the Myanmar considered as crime against humanity would be prosecuted and the justice will ensure be ensured to the hopeless Rohingya community.

5.4 Genocide Convention, 1948

The Convention on the Prevention and Punishment of the Crime of Genocide in short genocide Convention is most powerful and effective weapon to solve the ongoing Rohingya crisis by doing liable Myanmar for committing and complicity to committing the genocide against the Rohingya community. Because the purpose of this convention is to prevent is contracting party from committing the crime under this convention as well as to punished that contracting party who commit the genocide, attempt to commit genocide or even complicity and instigate to people to commit genocide under the provision of article 3 of this convention.⁷⁰ Under this convention Gambia filed a case against the Myanmar alleging that in 2017 Myanmar government along with its military conduct atrocities throughout the whole Rakhine state against the Rohingya and also commit mass killing to the Rohingya people which accomplice Genocide under this Convention.

⁶⁸ Plamer, E. (2019, October 3). *Can the ICC bring justice to Myanmar?* Lowy Institute. Retrieved from <https://www.lowyinstitute.org/the-interpreter/can-icc-bring-justice-myanmar#:~:text=much%20narrower%20focus%20is%20not%20a%20party%20to%20the%20Rome%20Statute%2C%20which,Council%2C%20which%20is%20unlikely>).

⁶⁹ The Rome Statute of the International Criminal Court, July 1, 2001. Available at: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

⁷⁰ The Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948. Availabl at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

But Myanmar argued that they had reserved article VIII of this convention which creates a bar to access jurisdiction of ICJ and they also argued against the standing of the Gambia. Because under this article a contracting party can ask to any appropriate organ of United Nation to take any necessary initiative to prevent other signatory country from committing genocide.⁷¹ But under article IX of this convention the establishment of the jurisdiction was strongly established because, under this article any contracting state who has the dispute with the alleged state can appear before the ICJ for the purpose of prosecute to that alleged genocide and Myanmar had not reserved this article. In case of the question of standing before the ICJ by Gambia, the ICJ clarify that under the *erga omnes* obligation as a contracting state Gambia has the responsibility to sought for assistance for the hopeless Rohingya. Here Gambia elaborated that the consequence of that genocidal act spread to the Bangladesh through the Rohingya refugee and who also a contracting state with reservation of article IX for which Bangladesh can't take action under this convention that's why as an *erga omnes* obligation Gambia stands before the ICJ. But finally ICJ stated that it has jurisdiction on the other side Gambia has valid standing before ICJ and ICJ ordered to Myanmar to take proper steps regarding this crisis.

5.5 Refugee Convention, 1951

This convention is considered as the Oxygen of the refugee through all over the world. Because under this convention the various right of the refugee and the protection of that right is ensured. The main objective of this article is to ensuring the overall protection of the refugee. In this current and ongoing Rohingya crisis various provision of this convention played an important role to protect the Rohingya refugee and which also has a positive effect to solve that ongoing crisis. The most important provision under this convention is the principle of *Non-refoulement*, under article 33 that means once the refugee entered into a third country for the purposes of seeking asylum because of getting persecuted in their country of origin, then the hosting country shall not sent back that refugee to any place including their country of origin where they felt or there exist the possibility of the fear of persecution or being further persecuted.⁷² In this convention there is three standards of the rights of refugee which is, at first, national treatment that means in case of some

⁷¹ The Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948. Available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

⁷² Convention Relating to the Status of Refugees, July 28, 1951. Available at: <https://www.unhcr.org/4ca34be29.pdf>

certain category of rights refugee should be treated as the national of that hosting country like, freedom of religion, right to education, ensured social security, public aid and assistance, patent and copyright etc. Secondly, most favoured nation that means refugee should be provided the same rights which enjoyed by the national of the others foreign country like right to profession, housing, right to engage in non-political organization, right to self employment and earning etc. Thirdly, no less favorable treatment that means refugee also shall be enjoy the same rights which also enjoyed by the aliens under the same circumstance in that hosting country.⁷³ Under this convention various rights are mentioned among them some most important rights are right to freely access the religion under article 4, right to appear before the court for justice under article 16, right to compulsory education under article 22, right to determine the suitable place for residing in the hosting country etc.⁷⁴ So, this convention may considered as one kinds of the deed of emancipation.

5.6 Convention relating to the Status of Stateless person, 1954

This convention were adopted by world community to protect the rights of stateless people worldwide. In this current crisis, Myanmar didn't recognized the Rohingya community as the national as well as the citizens of the country rather Myanmar considered the Rohingya people as the citizen of the Bangladesh and Myanmar also excluded Rohingya Muslim under the Citizenship Act 1982. In later Myanmar started the persecution as a result Rohingya fled from Myanmar and now become the 'stateless'. So, applying the rules of the convention, the right of Rohingya people who also currently stateless, can be protect which will move forward to solve this crisis. As example, (1) grant a temporary asylum; and (2) to ensure respect for and protection of the basic human rights of Rohingyas during this asylum. Under article 3 of this convention any stateless person shall not be subject to any discrimination regarding the religion, race and state of origin.⁷⁵

5.7 Universal Declaration of Human Right (UDHR), 1948

This is the most important and effective deed on universal human rights in all over the world. Although it is not the hard law it is not considered as the domestic law so UDHR has not binding force to the state but many scholar argued that since this declaration passed more than 70 years so

73 Mohammad, N. (2012). Refugee Protection Under the Constitution of Bangladesh: A Brief Overview. *Refugee Watch*, 39, 141-156. Available at: http://www.mcrg.ac.in/rw%20files/RW39_40/12.pdf

⁷⁴ Convention Relating to the Status of Refugees, July 28, 1951. Available at: <https://www.unhcr.org/4ca34be29.pdf>

⁷⁵ The Convention Relating to the Status of Stateless Persons, September 28, 1954

now it should be considered as customary law.⁷⁶ But it has an effective impact on the signatory state and this statute also acted as a supportive or corroborative instrument to ensure justice and protect human rights. Regarding the ongoing crisis, this declaration covered every aspect of the Human Rights of the Rohingya people. Under article 14 of this instrument, the right to seek asylum of the refugee is ensured under which Rohingya people is permitted under this declaration to seek asylum in Bangladesh. Some other important rights under UDHR are as per article 1 every human being is free with dignity and subject to equal rights, right to life including human dignity under article 3, human beings shall be free from any inhuman and cruel punishment, every human being is subject to equal protection of law under article 7, freedom of movement under article 13, right to property according to article 17, freedom of speech under article 19, right to education according to article 26 etc.⁷⁷ Under this declaration several rights are declared for the human being of the world and Rohingya refugee as a human being also subject to those declared rights.

5.8 Conclusion

So, it is crystal clear that regarding this ongoing Rohingya crisis there is a strong legal framework in the world. But the important and main matter is the implementation of this various international law by the community through the International Criminal Court, International Court of Justice etc. The implementation of that international law is very important to solve the Rohingya crisis as well as to ensure justice for the Rohingya people. But here to implement that international law the world community and various organizations must come forward and have to take proper initiative for this. When such legal framework actively comes into the role then the proper solution to this crisis will be found.

Chapter 6

Durable Solution of this Crisis

6.1 Introduction

There is a proverb that, 'where there is life, there is hope' and with that the Rohingyas are still leading inhumane lives in the refugee camp. But the lights of hope are hiding behind the steps of

⁷⁶ R., & Suwaedi, K. (2018). LEGAL PROTECTION AGAINST ROHINGYA ETHNIC IN A HUMAN RIGHTS PERSPECTIVE. *South East Asia Journal of Contemporary Business, Economics and Law*, Vol.17, Issue4, P. 15. Available at: <https://seajbel.com/wp-content/uploads/2019/01/LAW-102.pdf>

⁷⁷ Universal Declaration of Human Rights, December 10, 1948. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

the international community as well as the international law. So, in this chapter the probable durable solution will be discussed in the light of various international law which is mentioned in the previous chapter. An effective and permanent solution will be an end to the Rohingya crisis and that's why in this chapter some effective solution will be identified. In reality, due to the geopolitical and geographical situation of Bangladesh and Myanmar and lack of goodwill from other authorities, solving this crisis is very difficult.

6.2 Determining the Liability of Myanmar

To find out a permanent and effective solution at first and most important things is that to determine the liability and held liable Myanmar under international law then the this problem will automatically be solved. For this, under the current international law there is wide scope to bring strict steps against Myanmar. On that same way, in 2018 international criminal court held that, although Myanmar is not a state party to the Rome statute but Bangladesh is the contracting state of that Rome statute and the consequence of the serious criminal act committed by Myanmar has spread to Bangladesh through fled of Rohingya and crossing the border of Bangladesh. This is the why, ICC has the jurisdiction to this matter and in 2019 ICC approved to investigation against the systematic and widespread attack on certain ethnicity and religious group by Myanmar.⁷⁸ On the other side, ICJ also found the prima facie jurisdiction despite the argument of the Myanmar that they had reserved the provision of article VIII of the Genocide Convention 1948, but the ICJ held that Myanmar had not reserve article IX under which Gambia has the standing before the ICJ and the ICJ has the jurisdiction also. So, under the Genocide Convention ICJ already ordered Myanmar to take provisional measures to protect the genocidal activities in the Rakhine state and the ICC also conducting investigation and there is strong possibility to found Myanmar guilty because from the report of the Independent Investigative Mechanism for Myanmar (IIMM) as well as FFM which submitted to the ICJ is clear contain several evidence about the severe atrocities of Myanmar military which commit the action of genocide and that attack was systematic and with widespread effect which accomplice with the crime against humanity by committing murder, arson, forced displacement of the Rohingya people etc.⁷⁹ Further, since there is a lot of evidence of rape by the

⁷⁸ Simpson, A., & Farrelly, N. (2020). The Rohingya crisis and questions of accountability. *Australian Journal of International Affairs*, 74(5), 486-494. <https://doi.org/10.1080/10357718.2020.1813251>

⁷⁹ Stavrou, K. (2021). Civil Society and the IIMM in the Investigation and Prosecution of the Crimes Committed Against the Rohingya. *Utrecht Journal of International and European Law*, 36, 95-113. <http://doi.org/10.5334/ujiel.525>

Myanmar military against Rohingya women, that rape can be considered as genocide, because in the Akayesu case of ICTR the trial chamber held that genocidal rape also treated as genocide.⁸⁰ Here the not only Myanmar but also the military chief of Myanmar will be liable under the principle of Command responsibility because in Kayishema cases trial chamber held that, this principle will apply while the commander hold total control upon his subordinate and in this crisis the Myanmar's army commander direct that attack and he had overall control upon the military.⁸¹ So, under the above mentioned procedure the liability could be determined and may held Myanmar liable and which will be the best solution of this crisis.

6.3 Repatriation

One of the best effective solution of this ongoing crisis is 'Repatriation' which is permanent in nature. In this present world day by day the refugee problem is rapidly increasing because of the world politics and lack of the goodwill to solve this problem. But to solve this Rohingya crisis there is enough scope under various international law. At first, article 75 of the **Rome statute**, 2002 deals with the reparation to the victims.⁸² Since already ICC found their jurisdiction regarding this Rohingya crisis and they started the investigation, so there is the huge possibility to find guilt of Myanmar and then the provision of this article 75 will be applied. Under the provision of this article the reparation will take place under three principle like, restitution, compensation as well as rehabilitation. Here under restitution the Rohingya people will safely repatriate from the camp of Bangladesh and restored to them of their residence where they reside, under compensation the damage they have suffered from the aggression or invasion will be adequately compensated, under rehabilitation if their previous residence is not habitable, they will be properly accommodated in the new place in Myanmar.⁸³ Since Gambia file the case before **ICJ** so under the statute of ICJ, there also a provision under article 41 that, during the pendency of the suit ICJ can take any provisional measure in the interests of the party.⁸⁴ So under this article if the ICJ deem fit may ordered to Myanmar to take back the Rohingya from Bangladesh for their interests. In some provision of the UDHR also dealt with the repatriation of the refugee. Under article 13(2) of this

⁸⁰ *The Prosecutor Vs Jean–Paul Akayesu* [2001] ICTR-96-4-A

⁸¹ *The Prosecutor Vs Kayishema and Ruzindana* [1999] ICTR-95-1-T, Para 229-231

⁸² The Rome Statute of the International Criminal Court, July 1, 2001.

⁸³ Gorlick, B. (2019). The Rohingya refugee crisis: rethinking solutions and accountability. *Refugee Studies Centre, Working Paper Series*, (131). <https://dx.doi.org/10.2139/ssrn.3506638>

⁸⁴ The Statute of International Court of Justice, April 18, 1946. Retrieved from https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf

declaration there is clearly provide that any refugee has the right to go back or return into his country of origin.⁸⁵ Though the UDHR is not binding upon any state but every state has enact some provision which supported by the **UDHR**. Another international instruments **ICCPR** also deal with the repatriation of the refugee such as, under the provision of article 12(4) everybody is subject to enter into to their country of origin including refugee.⁸⁶ But the most important provision is in the article 33 of the **Refugee Convention** 1951, where the principle of non-refoulement is described as that, the contrasting state shall not repatriation to the refugee without their will to that place where they felt the fear of persecution.⁸⁷ So, there enough provision under various international law regarding the repatriation of the refugee. But now just needed to implement of this instrument.

6.4 Resettlement

This method is another important way to solve the present crisis permanently. Because in this way refugee is being relocated to other area or country except their country of origin. Basically resettlement is take place in two way one is, internal resettlement that means resettlement to other area of the country where refugee took shelter and other is resettlement to third country. Mainly, only when the repatriation and local integration system become failed then the resettlement play the role and in the present context the question of resettlement will rise when Myanmar will not able to take back all Rohingya and generally Bangladesh is not so financially enrich to do local integration and just in that situation resettlement is important solution.⁸⁸ Through the effective resettlement the burden will be shared with other third country and such burden also release from Bangladesh. In 2020 Bangladesh government took an initiative to the internal resettlement of Rohingya refugee in Bhasan Char area and large number of Rohingya also relocated there but the large number of refugee unwilling to go there and that's why under article 31of the Rfugee convention as well as the negative opinion of the various international human rights organization

⁸⁵ Universal Declaration of Human Rights, December 10, 1948. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁸⁶ The International Covenant on Civil and Political Rights, March 23, 1976. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁸⁷ Convention Relating to the Status of Refugees, July 28, 1951. Available at: <https://www.unhcr.org/4ca34be29.pdf>

⁸⁸ Alam, J. (2021). The status and rights of the Rohingya as refugees under international refugee law: Challenges for a durable solution. *Journal of Immigrant & Refugee Studies*, 19(2), 128-141. Available at: <https://www.tandfonline.com/doi/abs/10.1080/15562948.2020.1746872>

this resettlement process lost its motion.⁸⁹ But it is the very pleasing news for both Bangladesh as well as the Rohingya refugee that the Japanese Ambassador Ito Naoki said that resettlement to third country is parallel matter and Japan will help to resettlement of Rohingya people.⁹⁰ It is the very important declaration by the Japan and Bangladesh should move forward with Japan. But the resettlement must be with the consent of the Rohingya refugee otherwise it would be the violation of the refugee convention. To resettlement the Rohingya refugee the UNHCR and IOM is always helpful and provide proper support such as, Malaysia permitted almost one and half lacs Rohingya to reside their country by the supervision of UNHCR and IOM but in the current geo-politics situation to arrange such resettlement of Rohingya would face some challenge.

6.5 Restoration of citizenship

Right to citizenships is the first and most important right by which a person get an identity and considered as the citizen of respective country and enjoy all the rights including fundamental rights which provide by the country through the constitution. But Rohingya is the most unfortunate ethnic group of people in the world who never been consider as the citizen of their country because Myanmar stated that Rohingya is the illegal migrants from Bangladesh.⁹¹ But to solve this long standing crisis there is no alternative to restoration of citizenship because if Rohingya people once get the citizenships status, from then they will be treated as the people of the Myanmar. Then they can easily enter into their country. The refugee rights activist Imran Muhammad stated that the solution of the crisis only depend on the Myanmar Governments goodwill and Myanmar government have to be amend the Citizenships Act 1982 and include Rohingya as a citizen and this steps will be the only solution of this crisis.⁹² Under the 1982 Citizenship Law Rohingya Muslim people was deliberately exclude but their status was pending on only option that citizenships by naturalization but Rohingya community denied and they sought full citizenships and in that time international law frequently emphasis on and promoting that no person shall be

⁸⁹ Nguyen, H., & Lewis, T. (2022, February 8). Bhasan Char and Refugee 'Warehousing'. *The Diplomat*. Available at: <https://thediplomat.com/2022/02/bhasan-char-and-refugee-warehousing/>

⁹⁰ Palma, P. (2022, August 29). Rohingya resettlement in third country not a wise idea: Experts. *The Daily Star*. Retrieved from <https://www.thedailystar.net/news/bangladesh/news/not-wise-idea-3105501>

⁹¹ Yesmin, S. (2018, December 12). Myanmar's irrational denial of citizenship to Rohingyas. *The Daily Star*. Retrieved from

<https://www.thedailystar.net/lifestyle/perspective/news/myanmars-irrational-denial-citizenship-rohingyas-1672324>

⁹² Rohingya diaspora take determined steps to regain their rights. (2020, August 24). *Daily Sabah*. Retrieved from <https://www.dailysabah.com/world/asia-pacific/rohingya-diaspora-take-determined-steps-to-regain-their-rights>

arbitrarily and deliberately deprived from his citizenships as well as nationality.⁹³ So this citizenship law of Myanmar is not standard rather it was made to execute their plan to exclude Rohingya from citizenship. But now the pressure of the world community have to be increase on Myanmar to amend that law and restore the citizenship of Rohingya community. This will be permanent solution of this ongoing crisis.

6.6 Conclusion

A permanent solution is crying need for the hopeless, stateless Rohingya refugee who lead very miserable life in the refugee camp with uncertain future. But from the above analysis it is clear that although the proper solution is possible and exist under various international law but not only by the provision of the law the solution can't be possible but also there must need to the effective role as well as the goodwill of the international community including the powerful country of the world who lead the geo-politics of the world. Because now the geo-politics is the main obstacle to pointed out the permanent solution to this crisis. So, as per the above mentioned study it is clear that to established a permanent solution of this crisis the determination of the liability of the Myanmar is must needed because if Myanmar become liable by the International Criminal Court under Rome statute ten International Criminal Court can impose ordered to Myanmar for the repatriation that means to take back the Rohingya refugee from Bangladesh along with other country where they are stayed as a stateless refugees and to ensure their rehabilitation along with proper compensation. But the last thing is that the international community should come forward to solve the Rohingya crisis without relying only on international law, otherwise this crisis can't be solved.

Chapter 7

Conclusion

7.1 Probable Future

The most uncertain things in this current world is the future of the Rohingya people. In this paper although the various aspect of this ongoing crisis is already discussed including the role of the world community and probable durable solution to this crisis but now that method will have to implemented otherwise it will be considered as not more than provisional. The Rohingya

93 Haque, M. M. (2017). Rohingya ethnic Muslim minority and the 1982 citizenship law in Burma. *Journal of Muslim Minority Affairs*, 37(4), 454-469. <https://doi.org/10.1080/13602004.2017.1399600>

community is now worried about their uncertain future. Mainly, the Rohingya youth is severely frustrated as well as depressed for their uncertain future, because in Bangladesh the Rohingya youth are not getting higher education facilities, not getting any moral education, not getting employment opportunities, all in all they are helpless now as well as worried about their future that's why many youths try to flee abroad illegally for secure future and some of them get involved in several illegal activities such as drug trade into the border area.⁹⁴ The frustrated Rohingya people from the refugee camp in Bangladesh frequently demanded that without providing the proper opportunity by the international community they gradually lose the hope of surviving as well as they are kind of giving up the of thinking or setting the ambition of their future.⁹⁵ But it is clear that the future of the Rohingya people is partly in the hands of the Myanmar government and partly in the hands of the world community as well as in international law. So when all that sides decide with goodwill to resolve the crisis, only then the uncertainty of their future will be removed.

7.2 Implication of Research

The finding of this present study clearly stated that a permanent solution of this ongoing crisis is quite impossible only under the provision of various International Law because that provision is mere theoretical aspect regarding the crisis but there also must needed the cooperation of the world community with goodwill to implement that provision to solve the crisis to give a stable and certain future to the vulnerable Rohingya people. Here without exclusion of the geo-politics any durable solution of this crisis is quite impossible. Since, the Rohingya crisis is currently ongoing subject-matter that's why in this field already huge study has been done and by which the author of this present study has benefited a lot to enrich his study. The present study has some lack of primary data like there is lack of some field work regarding this study and since the case is pending before the international court of justice and international criminal court the mentioned solution is based on probability. The Rohingya crisis is not confined in the aspect of present field of the study rather there is various aspect as well as huge unique field of the study regarding the Rohingya crisis and for which there is the possibility of further studies.

⁹⁴ Talukdar, H. (2021, November 12). *Rohingya Crisis: What is the future of Rohingya youths?* Pressenza. Retrieved from

<https://www.pressenza.com/2021/11/rohingya-crisis-what-is-the-future-of-rohingya-youths/>

⁹⁵ Doyle, B. (2021, December 17). Hope and history – rethinking the Rohingya response. *WhiteBoard*. Retrieved from

<https://whiteboardmagazine.com/2705/hope-and-history-rethinking-the-rohingya-response/>

7.3 Concluding Remarks

Although reviewing the historical background it is to be known that the Rohingya crisis was started with the establishment of the independence Myanmar, but basically this ongoing crisis manifested itself in a terrible form in 2017. In the name of so-called counter-terrorism, Myanmar government along with their military and Buddhists extremist deliberately launched a systematic crackdown against the Rohingya Muslim with the aim of evicting the Rohingya community from Rakhine state and ethnically cleansing them.⁹⁶ The consequence of that persecution against the Rohingya community is that at present nearly one millions of Rohingya people become stateless and taken refuge in refugee camp in Bangladesh.

This paper mainly focuses on the role of international community in solving the Rohingya crisis and its possible solution under various International law. Under international there is wide scope and effective provision to solve the crisis. To respect the human rights as well as humanity the international community should move forward from their respective places to implement the provision of the international law for the purpose of solve this crisis by going beyond state interests and avoiding the geo-politics. This is the best way to solve this ongoing crisis permanently.

⁹⁶ Rhude, K. (2018). *Conflict in Myanmar*. Harvard Divinity School. Retrieved from <https://rpl.hds.harvard.edu/religion-context/case-studies/violence-peace/conflict-myanmar>

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