

Humanitarian Crisis and Legal Accountability: Bangladesh's Role in the Rohingya Refugee Response

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Abstract

The Rohingya crisis, marked by its severe humanitarian consequences and human rights abuses, has become a global focal point. This research seeks to comprehensively evaluate the crisis by scrutinizing the effectiveness of humanitarian responses, the adherence to international legal obligations, and the role of Bangladesh within the framework of international law. The Rohingya crisis, marked by its severe humanitarian consequences and human rights abuses, has become a global focal point. This research seeks to comprehensively evaluate the crisis by scrutinizing the effectiveness of humanitarian responses, the adherence to international legal obligations, and the role of Bangladesh within the framework of international law. Through thoroughly examining relevant literature, legal conventions, and empirical data, the study reveals a complex landscape of achievements and challenges in humanitarian efforts, underscoring the urgency of improved coordination, resource allocation, and the protection of Rohingya rights. It also casts a discerning eye on the legal obligations of states and international actors, assessing their commitment to upholding the rights and welfare of the Rohingya community. Furthermore, the study delves into Bangladesh's unique role, highlighting its humanitarian assistance, shelter provisions, and services while critically examining its legal and policy framework for crisis management. This investigation reveals the intricate array of obstacles facing Bangladesh and delves into the broader consequences of the crisis on the country's socio-economic, political, and security landscape. It firmly emphasizes the pivotal requirement for accountability and justice when addressing human rights violations, underscoring the critical role of international mechanisms in establishing accountability and tackling the attendant challenges. This original research makes a distinctive contribution to the discourse on the Rohingya crisis and offers pragmatic recommendations to enhance humanitarian responses, ensure legal compliance, and strengthen Bangladesh's role within the international legal framework. It also casts a discerning eye on the legal obligations of states and international actors, assessing their commitment to upholding the rights and welfare of the Rohingya community. Furthermore, the study delves into Bangladesh's unique role, highlighting its humanitarian assistance, shelter provisions, and services while critically examining its legal and policy framework for crisis management. This investigation reveals the intricate array of obstacles facing Bangladesh and delves into the broader consequences of the crisis on the country's socio-economic, political, and security landscape. It firmly emphasizes the pivotal requirement for accountability and justice when addressing human rights violations, underscoring the critical role of international mechanisms in establishing accountability and tackling the attendant challenges. This original research makes a distinctive contribution to the discourse on the Rohingya crisis and offers pragmatic recommendations to enhance humanitarian responses, ensure legal compliance, and strengthen Bangladesh's role within the international legal framework.

Keywords: Rohingya Crisis; Humanitarian Responses; Legal Obligations; Bangladesh; International Law

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1. Introduction

The Rohingya crisis stands out as a prominent contemporary humanitarian challenge, capturing the world's attention due to its devastating impact on the Rohingya, a Muslim minority group, and the intricate complexities surrounding their predicament. Stemming from Myanmar's Rakhine state, the crisis has given rise to extensive displacement, severe human rights transgressions, and an immediate humanitarian imperative. Amidst a complex historical backdrop marked by deep-seated tensions, intricate political dynamics, and ethno-religious divisions, the Rohingya population has endured systemic discrimination, a denial of citizenship[1], and a litany of human rights violations. These transgressions have encompassed violence and government-enforced displacement, culminating in the compelling exodus of hundreds of thousands of Rohingya people from their homes[2]. Extensive periods of human rights abuses have rendered the Rohingya one of the most distressed refugee communities in South and Southeast Asia[3]. In search of safety and protection, they have found solace in neighboring countries, with Bangladesh emerging as the foremost host, shouldering the substantial burden of providing refuge for Rohingya refugees. Since 1978, Myanmar's military junta government has been violating the human rights of the Rohingya. Local Arakanese residents and Buddhist monks have expressed their opposition to international aid for the Rohingya, physically impeded aid deliveries, and issued threats to aid workers[4]. In 1978, around 2 lakh Rohingyas fled Bangladesh due to their Operation Dragon King-Nagamin[5]. From 1991 to 1992, around 2.5 lakh more Rohingyas entered Bangladesh[6]. After 12 years of negotiations between the two governments, 226,576 Rohingya were repatriated. However, there were cases of Rohingyas returning to Bangladesh even after being sent back to Myanmar, and sporadic influxes of refugees into Bangladesh continued[7]. In February 1996, during the repatriation of 23,000 Rohingya refugees, 5,000 more entered Bangladesh due to similar concerns. The apparent decrease in the refugee flow did not signify an end to persecution, as it persisted, and Rohingyas remained trapped with limited mobility[8]. In April 2009, around 1,000 Rohingya Muslims arrived in Bangladesh, citing increased persecution by Myanmar's military[9]. Beginning on August 25, 2017, deliberate acts of violence directed at Rohingya communities in Myanmar's Rakhine State have displaced 671,000 individuals, predominantly women and children, from their residences[10]. This mass migration has become one of the most rapidly escalating refugee emergencies globally[11]. Since then, approximately 1.1 million Rohingya people have sought refuge in Bangladesh, placing immense strain on the nation's resources, infrastructure, and social fabric[12]. This influx has created challenges in managing refugee camps, providing essential services, and addressing the long-term repercussions of the crisis within Bangladesh's borders. Rohingyas have also sought refuge in Malaysia, Thailand, Singapore, India, Pakistan, and some countries in the Middle East[3]. This mass exodus might not find a warm embrace in Bangladesh[13]. So, the Rohingyas were unwelcome in both Myanmar and Bangladesh[14].

Humanitarian responses are indispensable in addressing the immediate needs of afflicted populations and delivering vital aid during crises. In the context of the Rohingya crisis, the international community has galvanized diverse humanitarian initiatives, encompassing the provision of shelter, sustenance, healthcare, and other essential services. However, the crisis's sheer magnitude and the intricate challenges associated with reaching and providing assistance to remote regions have posed formidable hurdles to efficacious humanitarian action. Comprehending these responses' strengths, limitations, and lacunae is paramount for augmenting their effectiveness and influence. With support from 116+ partners, including 10 UN agencies and 106 NGOs, Bangladesh has been aiding one million Rohingya refugees and half a million Bangladeshi host communities for a lasting solution since August 2017. On March 7, 2023, the 2023 Joint Response Plan (JRP) for the Rohingya Humanitarian Crisis was initiated under the guidance of the Bangladesh Government[15]. As reported by UNICEF, over 960,000 Rohingya individuals require humanitarian aid[16]. For thirty years, Bangladesh has provided shelter to Rohingya refugees, with 918,936 Rohingya refugees residing in Cox's Bazar[17].

Moreover, the Rohingya crisis engenders profound inquiries concerning the legal obligations of states and international actors in protecting and assisting displaced populations. International law, enshrining principles and accords such as the UN Charter, 1945[18]; Universal Declaration of Human Rights, 1948[19]; and the Refugee Convention, and its 1967 Protocol[20] furnishes a framework for the guarantee of the rights and well-being of refugees and displaced persons. Compliance with these legal obligations is imperative for upholding human rights principles, the non-refoulement principle[21], and ensuring access to essential services and protection for Rohingya refugees. In 2007, the UNHCR stressed the importance of states upholding the non-refoulement principle. Immigration officers in the host country must ensure the safety of refugees to prevent human rights abuses. The UNHCR offers two options: voluntary repatriation to Rakhine state or creating new relocation sites for integration with local communities through mutual consent. This prevents forced migration and its potential harms[2].

The role of Bangladesh in the Rohingya crisis is especially pivotal. Serving as the primary host country for a substantial Rohingya refugee population, Bangladesh grapples with multifaceted challenges in supplying humanitarian aid, managing refugee camps, and addressing the enduring implications of the crisis. An exhaustive examination of

Bangladesh's response and scrutinizing its legal and policy framework within international law is essential for comprehending its contributions and identifying potential areas for refinement. Bangladesh has achieved significant progress in addressing the refugee crisis through efforts in fundraising, providing protection, and constructing refugee camps—another notable accomplishment involved relocating refugees to a third country, although this resettlement initiative was halted. Given the immense numbers involved, the UNHCR recognized that this approach is not a sustainable solution for the Rohingya refugees[22].

This paper addresses fundamental research inquiries critical to humanitarian response, legal responsibilities, and Bangladesh's role within the framework of international law. The essential research queries that steer this investigation are outlined below:

- How effectively have humanitarian efforts met the needs of Rohingya refugees, and what are the main achievements and challenges in this context?
- What do international laws and conventions stipulate as the legal obligations for states and non-state actors in addressing the Rohingya crisis, and how have these obligations been met or neglected?
- What role does Bangladesh play in the Rohingya crisis, particularly in hosting many refugees, and to what degree does this align with its responsibilities under international law?
- What possibilities exist for sustainable solutions to the Rohingya crisis, including the safe and voluntary repatriation of refugees to Myanmar?

This research paper hypothesizes that the humanitarian responses to the Rohingya crisis have been inadequate, that Bangladesh has met its legal obligations to Rohingya refugees, and that refugees' safe and voluntary return to Myanmar represents the only long-term solution to the crisis.

This research paper adopts a comprehensive approach to examine the Rohingya crisis, encompassing legal and humanitarian perspectives. It conducts humanitarian responses to the crisis, investigates the legal obligations of Bangladesh and other countries under international law, and scrutinizes the role of Bangladesh in hosting and supporting Rohingya refugees. By delivering an extensive analysis of these interrelated aspects, the study intends to make a meaningful contribution to the existing literature, facilitate informed policy discussions, and put forth recommendations for enhancing humanitarian responses, strengthening legal compliance, and improving Bangladesh's role in crisis management. This research strives to provide valuable insights and guidance for addressing the Rohingya crisis and similar future humanitarian challenges by meticulously exploring these critical dimensions.

2. Literature Review

The Rohingya crisis, characterized by widespread violence, forced displacement, and human rights violations, has garnered significant attention from scholars, policymakers, and humanitarian organizations due to its grave humanitarian implications and violations of international law. This section presents a review of existing literature that explores various aspects of the Rohingya crisis, including humanitarian responses, legal obligations, and the role of Bangladesh under international law.

Numerous studies have explored the humanitarian responses to the Rohingya crisis, highlighting international and local actors' challenges, successes, and shortcomings. Khaled[23] underscored the significance of adopting a conflict-sensitive approach and the obligation of humanitarian agencies to minimize unintended harm while advancing the welfare and peace of Rohingya refugees and host communities. He also highlighted the formidable challenges inherent in delivering international humanitarian aid to Rohingya refugees in Bangladesh, particularly underscoring resource limitations, coordination hurdles, and restricted access to vulnerable populations. Additionally, Goodman and Mahmood[24] highlighted the collaborative and multifaceted nature of humanitarian responses to tackle Gender-Based Violence (GBV) in the Rohingya crisis. Their research highlighted the critical roles of diverse humanitarian actors, local organizations, and community engagement in the comprehensive GBV response. They also advocated involving Rohingya refugees in decision-making for more effective and sustainable solutions. Moreover, Khan and Kontinen[25] explored the Rohingya crisis, identified challenges in implementing the localization agenda, and highlighted the need to understand the dynamics within the humanitarian space. Ansar and Md. Khaled[26] highlighted the importance of considering the socio-economic context and advocated for addressing host community needs through comprehensive humanitarian engagement in Bangladesh. This approach should focus on service delivery, capacity development, and integrated refugee-host support programs to maintain social cohesion and relationships between hosts and refugees.

Scholars have extensively analyzed the international legal frameworks that apply to the Rohingya crisis. Alam [27] critically evaluated the Rohingya minority crisis within the framework of international law, particularly concerning

their status and protection. He explored various legal frameworks, including the United Nations Charter, Universal Declaration of Human Rights, and Refugee Convention, which underscore the responsibilities of states in safeguarding refugees and their rights. He also emphasized the significance of adhering to international legal obligations to address the humanitarian needs of the Rohingya population. Building upon this, Nartey[28] delved into the UN Security Council's inaction regarding the Rohingya crisis despite evidence of genocide and other crimes against humanity. He scrutinized the constraints within international human rights law, highlighting the necessity for reforms in this area. He also underscored the international community's role in advancing accountability for the crimes committed against the Rohingya population.

The role of Bangladesh in addressing the Rohingya crisis has received significant scholarly attention. Rahman and Sakib[29] conducted a comprehensive study on Bangladesh's hosting of Rohingya refugees, analyzing the country's policies, legal framework, and challenges in providing humanitarian assistance. The research highlighted the immense burden faced by Bangladesh and the strain on its resources, infrastructure, and social fabric. It emphasized the need for increased international support and burden-sharing to address the crisis effectively. Additionally, Parnini et al[30] explored the social and economic impacts of hosting Rohingya refugees, shedding light on the long-term consequences for Bangladesh's resources, infrastructure, and social cohesion. They underscored the hurdles encountered in crisis management and stressed the significance of continued international support to alleviate adverse consequences. They also identified the substantial Rohingya population as a potential threat to the citizens and the Government of Bangladesh due to concerns such as a heightened crime rate, armed Rohingya groups, and the associated economic burdens.

While the existing literature provides valuable insights into various aspects of the Rohingya crisis, there are notable research gaps that this study seeks to address:

- There is a need for a comprehensive assessment of the effectiveness of humanitarian responses, considering both the immediate relief efforts and long-term solutions.
- There needs to be a more in-depth analysis of the legal obligations of relevant actors under international law and their compliance in addressing the Rohingya crisis.
- Limited research has explored the potential for accountability and justice, examining mechanisms and challenges for holding perpetrators responsible for human rights violations committed during the crisis.

3. Methodology

The research employs a mixed-methods approach to comprehensively assess the humanitarian responses, legal obligations, and the role of Bangladesh in the Rohingya crisis. The study combines qualitative analysis of primary and secondary data sources, including literature review, document analysis, and semi-structured interviews. The literature review examines academic journals, policy reports, and official documents to establish the theoretical and conceptual foundations of the research. Document analysis involves scrutinizing international legal instruments, treaties, and reports from international organizations to identify the legal obligations and policy frameworks about the Rohingya crisis. Thematic analysis is applied to the collected data, allowing for the identification of recurring themes and patterns related to humanitarian responses, compliance with international law, and Bangladesh's role in addressing the crisis. This mixed-methods approach facilitates a comprehensive understanding of the Rohingya crisis's complex issues, incorporating legal and humanitarian perspectives.

4. Findings and Analysis

4.1. Humanitarian Responses to the Rohingya Crisis

The analysis of humanitarian responses reveals several key findings. International humanitarian aid has played a vital role in providing immediate assistance to the Rohingya refugees, including food, shelter, healthcare, and protection services. However, challenges such as inadequate funding, logistical constraints, and restrictions on access to affected areas have hindered the effective delivery of aid. Additionally, coordination among various humanitarian actors has been a persistent challenge, leading to duplication of efforts and inefficiencies in resource allocation. Critiques highlight the need for alternative humanitarianism integrating long-term development and conflict prevention, as current approaches fall short in addressing protracted vulnerabilities like SRHR and environmental impacts in camps[31,32,33]. Despite these challenges, the actions of international and local humanitarian organizations have significantly impacted addressing the immediate needs of the Rohingya population.

4.2. Legal Obligations under International Law

Analyzing international legal obligations related to the Rohingya crisis highlights several significant findings. International human rights law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, sets forth fundamental rights relevant to the Rohingya. Additionally, international humanitarian law, notably the Geneva Conventions, offers protection even in situations that don't fit the conventional armed conflict criteria. Refugee law, governed by the 1951 Refugee Convention, is also relevant, particularly considering Bangladesh's obligations. Customary international law further informs our understanding of the crisis. The principle of non-refoulement, enshrined in international human rights and refugee law, states must protect refugees from being returned to a territory where they face persecution. While Bangladesh has provided refuge to many Rohingya refugees, there are concerns about the displaced population's lack of legal status and access to fundamental rights. There have been violations of these legal obligations by both state and non-state actors involved in the crisis. Furthermore, the analysis reveals gaps in the implementation of international legal instruments, indicating the need for more significant commitment from the international community to ensure the protection and rights of the Rohingya population.

4.3. The Role of Bangladesh in the Rohingya Crisis

Examining the role of Bangladesh in the Rohingya crisis reveals essential insights. Bangladesh has shown commendable humanitarian leadership by opening its borders and providing shelter to many Rohingya refugees. The government, alongside local and international humanitarian actors, has made efforts to provide essential services and support to the displaced population. However, the immense strain on Bangladesh's resources, infrastructure, and social fabric poses significant challenges. Bangladesh has had to navigate diplomatic relations with Myanmar, international organizations, and neighboring countries in addressing the crisis. The analysis also highlights the importance of strengthening Bangladesh's legal and policy frameworks to protect Rohingya refugees, including their access to education, healthcare, and livelihood opportunities. On the other hand, Rohingya insurgents are sourcing funds through cooperation with local and global Islamist groups, and the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya National Organization (ARNO) have been beneficiaries of financial aid from numerous domestic and international entities. These actions raise concerns for Bangladesh [34].

4.4 Challenges and Implications

The analysis of findings identifies various challenges and implications in addressing the Rohingya crisis. The magnitude of the crisis requires sustained and increased international support to ensure adequate humanitarian assistance, including long-term development plans for refugees and host communities. The limited accountability for human rights violations and challenges in ensuring justice demand international efforts to establish accountability mechanisms and facilitate legal recourse. The strain on Bangladesh's resources and infrastructure underscores the international community's need for increased financial and logistical support. Moreover, addressing the root causes of the crisis, such as discrimination and lack of citizenship, necessitates diplomatic and political initiatives to promote dialogue and find a sustainable solution.

These findings shed light on the complexities of the Rohingya crisis, highlighting the successes, challenges, and gaps in humanitarian responses, legal obligations, and Bangladesh's role. The analysis emphasizes the importance of coordinated efforts, strengthened legal frameworks, and increased international support to effectively address the ongoing crisis and uphold the rights and dignity of the Rohingya population.

5. Discussion

The findings of this study shed light on the complex dynamics surrounding the Rohingya crisis, the humanitarian responses, legal obligations, and the role of Bangladesh under international law. These findings offer valuable insights into the challenges faced by both international actors and Bangladesh in addressing the crisis and provide avenues for policy and practice improvements.

One of the key findings of this research is the significant efforts made by the international community in responding to the Rohingya crisis. Although facing challenges, humanitarian aid delivery has been crucial in assisting the affected population. However, it is essential to acknowledge that there have been limitations in the effectiveness of these responses. There needs to be more funding, coordination issues among different actors, and limited access to affected areas have hindered the full potential of humanitarian aid efforts. Future interventions should address these challenges to ensure the timely and effective delivery of assistance. International actors must collaborate, enhance coordination mechanisms, and allocate adequate resources to deliver convenient and practical aid. The Rohingya refugee camps in

Bangladesh, particularly in the Cox's Bazar district, have become one of the world's largest and most densely populated refugee settlements[35]. Exploring the living conditions, healthcare, and education in these camps is essential. Overcrowding, inadequate shelter, and limited access to clean water and sanitation facilities have created dire living conditions for the Rohingya refugees. Malnutrition, disease outbreaks, and limited healthcare services are prevalent challenges. Research should delve into the daily struggles of Rohingya refugees living in these camps and assess the impact on their well-being and overall human rights.

In terms of legal obligations, this research underscores the importance of upholding international law in addressing the Rohingya crisis. The study has highlighted the legal obligations of states under relevant international frameworks, emphasizing the need to protect and enforce the rights of Rohingya refugees. It is crucial to hold those responsible for human rights violations accountable and work towards justice for the affected population. It underscores the need for increased efforts to ensure compliance with international law and hold perpetrators responsible for their actions. States have responsibilities under the Responsibility to Protect (R2P) principle, the non-refoulement principle, and the Genocide Convention. International organizations like the United Nations and the International Court of Justice play roles in addressing the crisis. Neighboring countries, such as Bangladesh and Myanmar, have distinct obligations. Bangladesh must protect Rohingya refugees, and Myanmar should address the root causes of the crisis. Non-governmental organizations (NGOs) also contribute significantly to raising awareness and advocating for Rohingya rights.

Bangladesh has played a significant role in hosting and providing humanitarian assistance to Rohingya refugees. As a signatory to international human rights and refugee conventions, Bangladesh bears legal responsibilities for refugee safety, well-being, and human rights within its borders. These obligations are centered on the principle of non-refoulement, as outlined in the 1951 Refugee Convention and its 1967 Protocol. Non-refoulement prohibits Bangladesh from forcibly returning refugees to places where they could face persecution, and it plays a critical role in the Rohingya crisis. However, Bangladesh's hospitality is commended, but criticisms include Rohingya refugee camps conditions and repatriation attempts, with calls for enhanced capacity and international burden-sharing to mitigate socio-economic and security impacts. The efforts made by Bangladesh in accommodating a large number of refugees, despite its limited resources, deserve recognition. However, the massive influx of refugees has put immense strain on the country's resources, infrastructure, and social fabric. Sustained international support and cooperation are essential to alleviate the burden on Bangladesh and address the crisis's long-term implications on the host community. The significant Rohingya population poses potential challenges to the citizens and the Government of Bangladesh. These concerns encompass increased crime rates, the presence of armed Rohingya groups, and the resulting economic strains. The Bangladeshi government's and military's roles in the Rohingya crisis have also raised significant concerns. While the government has demonstrated hospitality by hosting refugees, questions persist about its crisis management, including issues related to security operations in Cox's Bazar and the treatment of the Rohingya population. The regions where their camps are situated have experienced notable deforestation, particularly in the Teknaf and Ukhia upazilas of Cox's Bazar. This deforestation has led to soil erosion and landslides, adversely affecting water resources, irrigation, and groundwater preservation. Furthermore, local biodiversity, including marine resources, acoustic surroundings, and air quality, is undergoing unprecedented degradation. The challenges faced by Bangladesh in managing the crisis, including limited resources, security concerns, and potential socio-economic repercussions, require sustained international support and cooperation. Efforts should be made to enhance the capacity of Bangladesh to address the needs of Rohingya refugees while considering the long-term implications for the host community.

The Rohingya crisis is intricately linked to allegations of genocide, with international organizations and experts accusing the Myanmar government of committing acts that potentially meet the legal criteria of the Genocide Convention of 1951. These allegations revolve around the intent to destroy the Rohingya population in whole or partly. The debate over genocide forms a critical aspect of the crisis, impacting discussions on international law, humanitarian responses, accountability, and the international community's responsibilities in preventing and addressing mass atrocities. This complex and contentious issue underscores the urgency of further investigation and justice within the context of the Rohingya crisis. Furthermore, it is essential to consider the broader implications of the Rohingya crisis on regional stability, human rights, and international relations. The displacement of many people, the potential for radicalization, and the impact on neighboring countries call for a comprehensive approach beyond immediate humanitarian assistance. Collaborative efforts among regional and international actors are crucial for addressing the root causes of the crisis, promoting peaceful resolution, and ensuring the safe and voluntary return of Rohingya refugees to their homeland.

6. Conclusion

Addressing the Rohingya crisis requires a comprehensive approach encompassing humanitarian, legal, and political dimensions. The findings of this research highlight the need for strengthened humanitarian responses, increased compliance with international legal obligations, and enhanced support to Bangladesh. Collaborative efforts among international stakeholders, regional actors, and the host country are crucial to finding sustainable solutions, promoting peace and stability, and ensuring Rohingya refugees' safe and voluntary return to their homeland. The implications of the Rohingya crisis extend beyond humanitarian concerns and have broader regional and international ramifications. The international community must address the root causes of the problem, support peacebuilding initiatives, and foster long-term stability in the region. By implementing the recommendations derived from this research, policymakers, practitioners, and stakeholders can work towards resolving the Rohingya crisis, upholding human rights, and preventing similar problems from occurring in the future. While this research provides valuable insights, it is essential to acknowledge that the Rohingya crisis is an ongoing and evolving situation. Further research is needed to continuously monitor developments, assess the effectiveness of interventions, and explore new strategies to address the challenges associated with the crisis. The Rohingya people deserve justice, dignity, and a secure future, and it is the international community's collective responsibility to strive for lasting solutions. However, integrating alternative humanitarian frameworks and legal reforms is vital for accountability and sustainable solutions, particularly in enhancing Bangladesh's alignment with international norms.

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