





RESEARCH ARTICLE

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Navigating Legal and Humanitarian Challenges Regarding the Rohingya Refugee Crisis in Bangladesh

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Abstract

Despite international legal frameworks designed to protect them, the Rohingya refugees in Bangladesh face a critical situation characterized by a severe lack of legal status and inadequate humanitarian aid. This research uses a qualitative approach to examine the gap between these international laws and their actual implementation, focusing specifically on the Rohingya crisis. The study identifies significant deficiencies in the application of international refugee law, particularly the failure to grant the Rohingya adequate legal recognition, which has led to systemic denial of basic human rights such as education, healthcare, and legal protection. The findings highlight the limitations of both international and national legal frameworks in addressing the statelessness of the Rohingya, exacerbating their vulnerability. This research concludes with strategic recommendations for reforming legal frameworks at both international and national levels to enhance the protection mechanisms for the Rohingya and similar vulnerable groups.

Keywords: Rohingya Refugee, Legal Challenges, Repatriation, International Refugee Law, Bangladesh

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1. Introduction

Refugees flee their homes due to fears of persecution based on race, religion, membership in a particular social group, or political ideology (Islam et al., 2024). Often, these individuals remain unrecognized as nationals by their home or host countries, leaving them without the protection typically provided by citizenship. This lack of recognition under international law strips them of access to fundamental human rights such as legal identity, education, healthcare, and employment (Milton et al., 2017). The Rohingya, a religious minority from Myanmar's northern Rakhine state, exemplify this reality. Deprived of citizenship since 1982, they have faced systemic human rights abuses, including forced labor, arbitrary detention, and severe restrictions on movement and basic freedoms (Faisal & Ahmed, 2023). These conditions have driven many Rohingya to seek refuge in Bangladesh, where they continue to live without legal recognition (Md Shah, 2022).

This study focuses on the legal status of the Rohingya in Bangladesh and examines this issue through the lens of international law from a Third World perspective. It investigates the complexities of international legal frameworks in addressing the rights and needs of refugees like the Rohingya. By exploring the roles of international organizations and the Bangladesh's government, this research seeks to understand how these entities interact with and support the Rohingya population. Furthermore, the study evaluates the provision of essential amenities to the Rohingyas by the government of Bangladesh, highlighting the gaps between international legal standards and their application.

Through a detailed analysis of these dynamics, the study aims to identify and suggest pathways for enhancing the legal and humanitarian responses to refugee crises, specifically reflecting on the broader implications for international law and the rights of stateless individuals. The research questions explore the adequacy of refugee rights as practiced in Bangladesh, the scope of international law in mitigating such humanitarian issues, and the potential strategies to better establish these rights in similar contexts.

2. Literature Review

Table 1 provides a detailed overview of the key legal and humanitarian challenges that have been identified in the literature concerning the Rohingya refugee crisis. This table is crucial for contextualizing the broader discussion in this paper, as it consolidates the major findings from previous studies and highlights the persistent issues that continue to affect the Rohingya population. By systematically categorizing these challenges, the table allows for a clearer understanding of the multifaceted nature of the crisis, emphasizing the gaps in international protection mechanisms and the ongoing humanitarian needs.

Table 1

Key Studies on the Legal and Humanitarian Challenges Faced by Rohingya Refugees

Study Reference	Key Findings	Gaps	Relevance
Sakib (2023), Rahman (2010)	Highlights security challenges, including terrorist activities, regional stability threats, and internal stability concerns.	Limited discussion on solutions and long-term security measures.	Directly relevant as it addresses comprehensive security concerns in Bangladesh due to the refugee crisis.
Jeffries et al. (2021), Lewis (2019)	Detailed achievements and challenges in health and humanitarian sector coordination, including mental health services.	Needs further assessment on long-term impacts and integration of services.	Highly relevant for understanding the health and humanitarian responses and the evolving role of civil society.
Khuda (2020), Md Shah (2022)	Discusses socio-economic, legal impacts, and human rights issues in Bangladesh, highlighting demographic and resource allocation pressures.	Less focus on international legal perspectives and comprehensive policy solutions.	Essential for exploring socio-economic and human rights challenges, central to understanding the broader impacts of the crisis.
Chowdhury et al. (2022)	Analyzes involvement of local vs. international actors and environmental challenges, emphasizing sustainability in humanitarian operations.	Limited exploration of long-term sustainability and local involvement impacts.	Relevant for assessing the effectiveness and sustainability of local vs. international humanitarian responses.
Arif (2020), Mia (2021)	Analyzes legal obligations under national and international law, focusing on non-refoulement and repatriation challenges.	In-depth exploration of practical legal enforcement and effective repatriation strategies is missing.	Core relevance as it delves into legal frameworks governing refugee protection and the complexities of repatriation.
Shoeb and Mumu (2022), Rahman and Sakib (2021)	Comprehensive management challenges and geopolitical impacts of the refugee crisis, including education and healthcare provisioning.	Evaluation of long-term outcomes and regional geopolitical analysis needs enhancement.	Pertinent for understanding comprehensive management challenges and geopolitical impacts in refugee camps.
Faruque (2020), Parnini et al. (2013)	Examines the United Nations High Commissioner for Refugees (UNHCR)'s response and the strained bilateral relations, highlighting the need for effective international negotiations.	More comprehensive analysis of UNHCR strategies and bilateral negotiations effectiveness needed.	Crucial for evaluating international humanitarian responses and diplomatic challenges in the crisis.

Source: Authors compilation, 2024

As illustrated in Table 1, the most pressing challenge faced by the Rohingya is their statelessness, which has been perpetuated by discriminatory policies in Myanmar, such as the 1982 Citizenship Law. This legal disenfranchisement not only strips the Rohingya of their rights but also exacerbates their vulnerability to human rights abuses. Furthermore, the table

underscores the inadequate international response to the crisis, which has often been reactive rather than proactive, failing to address the root causes of displacement. These findings are critical for understanding the complexities of the Rohingya situation and for formulating more effective international interventions.

While existing studies have largely focused on the humanitarian challenges faced by the Rohingya, this research provides a unique contribution by integrating an analysis of both legal and humanitarian dimensions within the framework of international refugee law. Unlike previous studies that may have treated these aspects separately, this study offers a comprehensive approach that reveals the interconnectedness of legal recognition, access to basic rights, and the effectiveness of international protection mechanisms. By addressing the gaps in the current application of international refugee law, particularly in the context of statelessness, this study contributes to the literature by proposing specific legal reforms and humanitarian strategies that could enhance the protection of stateless populations like the Rohingya.

3. Methodology

This study uses a qualitative research approach to investigate the legal status of the Rohingya in Bangladesh through the lens of international law, particularly from a Third World perspective (Yadav, 2022). Emphasizing comprehensive legal analysis, the research involves meticulous examination of existing literature, legal documents, and secondary data to evaluate how international law addresses the rights and protections of stateless individuals and refugees like the Rohingya (L. Haven & Van Grootel, 2019).

The primary source of data for this research comprises an extensive review of secondary sources. This includes academic journal articles, legal documents, international treaties, reports from human rights organizations, and news articles. These sources provide a rich basis for understanding the legal frameworks that are supposed to govern the protection of refugees and stateless persons globally and specifically in the context of the Rohingya crisis. The study uses a thematic legal analysis approach to dissect the collected documents (Michalakopoulou et al., 2023). This method involves identifying, analyzing, and reporting patterns (themes) within the data. By analyzing the content of relevant legal texts and contrasting them with the actual conditions and treatments reported in the case of the Rohingya, the research aims to uncover gaps between the theoretical frameworks of international law and their practical application (Gibson & Sullivan, 2012).

4. Current Status of Rohingya Refugees in Bangladesh

As of 2024, the situation for Rohingya refugees in Bangladesh remains dire (T. Islam, 2024). Over 900,000 individuals reside in overcrowded camps in Cox's Bazar, the largest refugee settlement globally, while approximately 30,000 have been relocated to the remote island of Bhasan Char (Shohel, Ashrafuzzaman, et al., 2024). Conditions have significantly deteriorated due to substantial reductions in international aid. While the initial influx of refugees received significant international attention and support, the crisis has turned into a long-lasting problem

characterized by decreasing resources and growing desperation (Uddin, 2024). In 2023, the UN Joint Response Plan for the Rohingya crisis received less than one-third of the \$876 million required, leading to severe cuts in essential services, including food rations, healthcare, and education (Islam & Şahin, 2023). These reductions highlight the study's focus on understanding the adequacy of refugee rights in practice.

The reduction in aid has profoundly impacted refugees' well-being. The World Food Programme (WFP) had to reduce food rations from \$12 to \$8 per month per person, worsening malnutrition, and health problems (Shoeb & Mumu, 2022). Basic necessities such as clean water, sanitation, and shelter remain inadequate, worsening already precarious living conditions (Islam & Ahmed, 2024). The lack of educational opportunities and livelihood options has created hopelessness and despair, particularly among the youth (Nilsen et al., 2023). Violence within the camps has increased due to armed groups and criminal syndicates (Chowdhury et al., 2021). The Arakan Rohingya Salvation Army (ARSA) and other factions are involved in drug trafficking and other illegal activities, leading to frequent territorial conflicts and insecurity (Halim, 2023). This violence has made the camps unsafe and added to the refugees' sense of hopelessness (Mosaddek, 2023). It highlights the gap between the protections of international law and the harsh realities on the ground. In Cox's Bazar, refugees live in overcrowded and inadequate shelters, vulnerable to natural disasters such as monsoons and landslides (Shoeb & Mumu, 2022). On Bhasan Char, refugees face restrictive conditions, limited freedom of movement, and inadequate access to healthcare and education, raising concerns about the island's safety and sustainability as a long-term solution (Shohel, Rashedujjaman, et al., 2024).

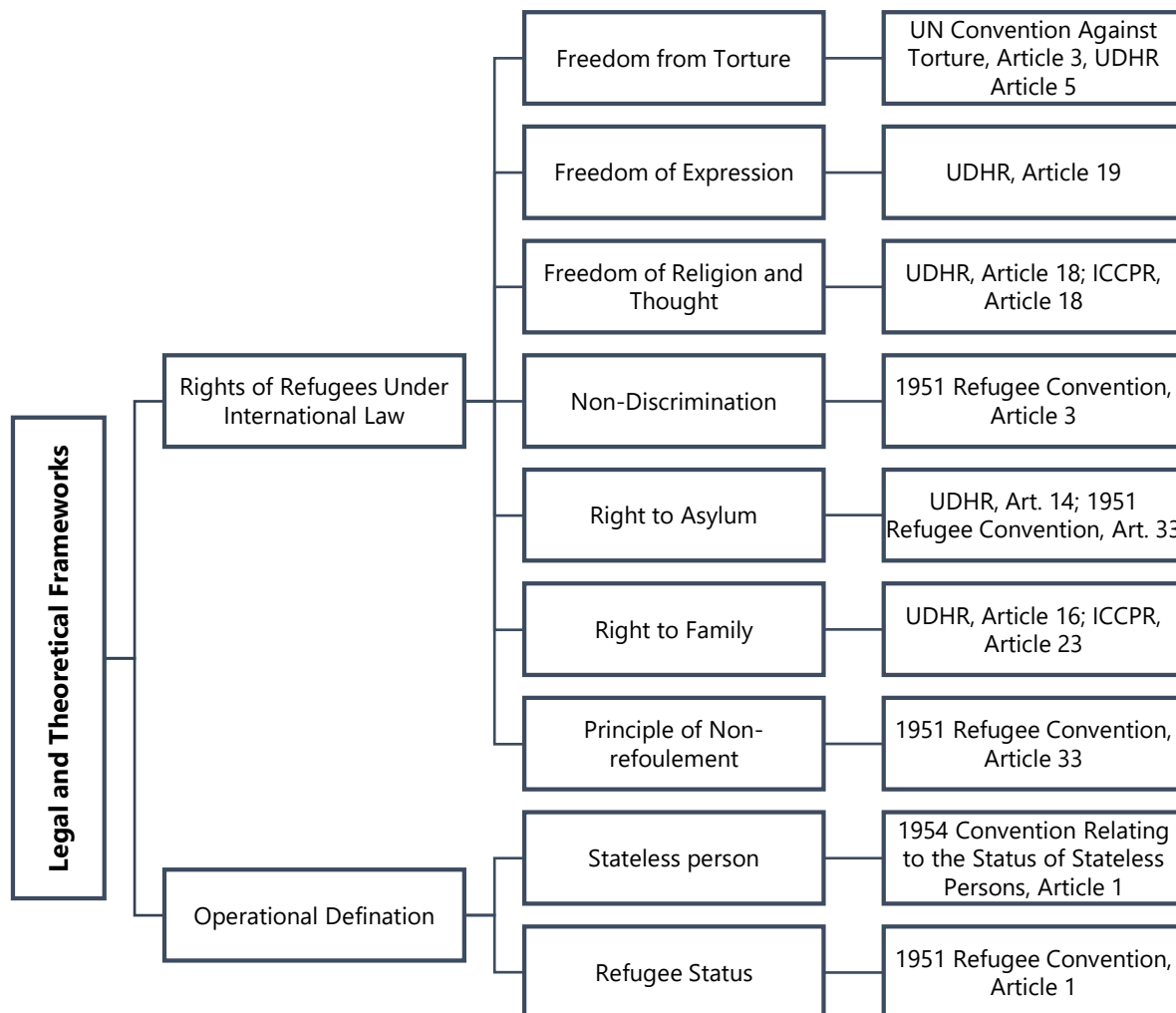
5. Legal Frameworks and Theoretical Foundations

This section explores the international legal frameworks designed to protect stateless persons and refugees, focusing on how these laws apply to the Rohingya crisis. As depicted in Figure 1, examining the principles of non-refoulement and other key legal protections, the analysis supports the study's objective of assessing the alignment between international norms and the treatment of the Rohingya in Bangladesh.

To understand the rights associated with refugee status, it is crucial to examine the legal definitions that categorize individuals as either stateless persons or refugees. According to Figure 1, statelessness occurs when a state does not recognize a person as a national under its operation of its law. As defined in article 1 of the 1954 Convention Relating to the Status of Stateless Persons as someone who is "not considered as a national by any state under the operation of its law (Convention relating to the Status of Stateless Persons, 1954). This status highlights the lack of national affiliation and the accompanying legal and administrative challenges. Article 1 of the 1951 Refugee Convention describes a refugee as an individual who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality and is unable or, owing to such fear, unwilling to avail themselves of the protection of that country" (Refugee Convention, 1951). This status provides a framework for protection primarily centered around the threat of persecution.

Figure 1

Legal and Theoretical Frameworks



Source: Authors creation, 2024

5.1 Key Legal Protections

The legal protections available to refugees are comprehensive and grounded in various international conventions (Henry, 2023). These include the right to be free from torture, as enforced by the UN Convention Against Torture (Article 3) and reinforced by Article 5 of the Universal Declaration of Human Rights (UDHR), which states that no person shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Refugees are also entitled to freedom of expression under Article 19 of the UDHR, allowing them to express their opinions freely (Pustorino, 2023; UDHR, 1948). Moreover, Article 18 of the UDHR and the International Covenant on Civil and Political Rights (ICCPR) guarantee the freedom of religion and thought, ensuring refugees can practice their beliefs without interference (Weber, 2024).

The principle of non-discrimination, as outlined in Article 3 of the 1951 Refugee Convention, ensures that refugees receive equal access to rights and services without discrimination (Parida, 2023; Refugee Convention, 1951). Additionally, the right to asylum, upheld by Article 14 of the UDHR and reinforced by Article 33 of the 1951 Refugee Convention, provides refugees with

protection from persecution. The right to family, emphasized in Articles 16 of the UDHR and 23 of the ICCPR, highlights the importance of family unity for refugees (ICCPR, 1966; Karaçay, 2023). Central to refugee protection is the principle of non-refoulement, enshrined in Article 33 of the 1951 Refugee Convention, which prohibits the return of refugees to countries where they would face serious threats to their life or freedom (Refugee Convention, 1951). These legal frameworks collectively aim to safeguard the fundamental rights of refugees, ensuring their protection across different jurisdictions.

5.2 Legal Analysis Depth

The relationship between international legal frameworks and Bangladesh's national policies reveals significant gaps in the practical application of international norms, particularly in the treatment of the Rohingya (Mosaddek, 2023). Despite global advocacy and diplomatic efforts shaping Bangladesh's humanitarian commitments, the nation struggles to fully align with international legal standards due to its non-signatory status to key refugee conventions. This misalignment impacts the Rohingya's access to legal identity, education, healthcare, and employment, highlighting the tension between global norms and national sovereignty (Islam et al., 2024).

6. International Legal Frameworks and Refugee Protection

The role of international law in addressing the global refugee crisis, focusing on the evolution of legal frameworks, the impact of universal treaties, and the enforcement of non-refoulement principles (Tania et al., 2023). The aim is to clarify how these legal mechanisms collectively work to safeguard refugees' rights across various jurisdictions.

6.1 Expansion of International Law in Addressing the Refugee Crisis

The expansion of international law concerning refugees has been significantly shaped by the human rights movement that emerged after World War II. The 1951 Refugee Convention, along with its 1967 Protocol, marked a fundamental shift in addressing refugee issues globally. These instruments provided a clear definition of who qualifies as a refugee, outlined their rights, and established the legal obligations of states toward refugees (M. Z. Rahman, 2024). The significance of the 1951 Convention cannot be overstated; it created a legal and institutional framework that has since guided international efforts to protect refugees (Islam & Khatun, 2024).

In addition to these global instruments, regional agreements have played a crucial role in adapting international refugee law to address specific regional challenges. The 1969 OAU Refugee Convention in Africa and the 1984 Cartagena Declaration in Latin America are key examples of how international refugee law has been tailored to meet regional needs (Cintra et al., 2023). The OAU Convention expanded the definition of a refugee to include individuals fleeing external aggression, occupation, and events seriously disturbing public order, reflecting the realities of conflict and displacement in Africa.

Similarly, the Cartagena Declaration extended refugee status to those fleeing generalized violence and massive human rights violations in Latin America. These regional frameworks demonstrate the adaptability of international law in responding to diverse refugee crises across the globe (Felix Ferdin et al., 2022).

Despite these advancements, the application of international refugee law continues to face significant challenges. The rise of populism and the implementation of stricter immigration policies in many Western countries have created substantial barriers to the protection of refugees, undermining the principles enshrined in the 1951 Convention (Uzun, 2022). Moreover, the increasing burden on countries in the Global South, which host the majority of the world's refugees, has highlighted the limitations of current legal frameworks. These countries often lack the resources and infrastructure necessary to meet the needs of large refugee populations, leading to inadequate protection and support. The evolving nature of global conflicts and displacement patterns underscores the need for further expansion and adaptation of international refugee law (Masuku, 2024). It is imperative that the international community continues to develop legal frameworks that are flexible and responsive to the changing dynamics of refugee crises, including new challenges such as climate-induced displacement and the protection of internally displaced persons (IDPs).

6.2 Universal Treaties and Their Impact on Refugee Protection

UDHR and international covenants like the ICCPR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), are foundational to establishing the legal framework for refugee protection. These documents enshrine fundamental human rights, including the right to life, freedom from torture, and the right to work and education—rights that apply universally, including to refugees (McClain et al., 2022). The integration of these universal human rights norms with refugee-specific protections creates a robust legal and moral foundation for the international community's efforts to assist refugees. For instance, the UDHR's principles of equality and non-discrimination are essential in ensuring that refugees receive the same rights and protections as other individuals, without prejudice based on their refugee status.

Similarly, the ICCPR and ICESCR extend crucial rights, such as the right to education and the right to seek employment, to refugees, thereby supporting their ability to rebuild their lives in host countries (Rahman, 2010). The synergy between these universal treaties and refugee-specific laws ensures a comprehensive protection regime that addresses both the immediate safety needs and the long-term human rights of refugees. However, the effective implementation of these treaties is often contingent on the willingness and capacity of states to uphold their commitments. In many cases, political considerations, economic constraints, and social pressures challenge the consistent application of these legal standards, leading to gaps in protection.

6.3 Principles of non-Refoulement

At the core of international refugee protection is the principle of non-refoulement, which is enshrined in Article 33 of the 1951 Refugee Convention. This principle prohibits the return of refugees to countries where they face serious threats to their life or freedom and is recognized as a norm of customary international law, binding even on states that are not signatories to the Convention (Parnini et al., 2013). Non-refoulement is a cornerstone of refugee protection because it ensures that individuals are not forced back into situations of persecution, violence, or other severe threats.

Over time, the principle of non-refoulement has evolved to address a broader range of threats beyond direct persecution. For example, contemporary interpretations of non-refoulement include protection against return to countries where refugees might face indirect threats, such as famine, civil war, or severe poverty, which could result in severe human rights violations (Othman et al., 2015). This evolution reflects a growing recognition of the complex and multifaceted nature of modern displacement, where refugees may be fleeing a combination of political, economic, and environmental factors. The application of non-refoulement has also been expanded through international jurisprudence and treaties, requiring states to conduct comprehensive assessments of conditions in the countries of origin or transit before making deportation or expulsion decisions.

This ensures that states fulfill their obligations under international law to protect refugees from harm. The principle of non-refoulement, along with universal treaties and specific refugee conventions, forms a robust legal framework that underpins international refugee protection (Kaur et al., 2024).

6.4 Emerging Challenges and the Need for Legal Adaptation

While the existing legal frameworks provide a solid foundation for refugee protection, new and emerging challenges necessitate further adaptation and expansion of international law. Issues such as climate-induced displacement, which is not currently covered under the traditional definition of a refugee, are becoming increasingly pressing. As environmental degradation and natural disasters displace more people, there is a growing need to develop legal mechanisms that provide protection and assistance to these individuals, who fall outside the existing refugee frameworks (Atapattu, 2020).

Additionally, the rise of mixed migration flows, where individuals may be fleeing a combination of persecution, economic hardship, and environmental stress, challenges the binary distinctions traditionally made between refugees and migrants. International law must evolve to address these complexities, ensuring that all individuals in need of protection receive adequate support, regardless of the specific causes of their displacement. The international community must also address the issue of burden-sharing more effectively. The current system disproportionately places the responsibility for hosting refugees on countries in the Global South, which often lack the resources to provide adequate protection and support.

7. Analysis of Humanitarian Displacement and Legal Challenges

The phenomenon of humanitarian displacement presents unique and complex challenges, particularly within the framework of international law. Displacement often results from a combination of factors, including conflict, persecution, environmental disasters, and economic instability, making it difficult to apply a one-size-fits-all legal solution. This section explores these challenges, focusing on the specific difficulties faced by Third World countries, the legal and institutional gaps that hinder effective protection, and the need for robust international support mechanisms.

7.1 Displacement in Third World Contexts and International Law

The prevalence of humanitarian displacement in Third World countries poses unique challenges within the framework of international law. These regions, characterized by political instability, economic constraints, and limited resources, struggle to manage large-scale humanitarian crises effectively (Blair et al., 2022). While international law aims to provide protection and relief through various conventions and treaties, its application is often hampered by inadequate local infrastructure, governance issues, and insufficient international cooperation and funding.

7.1.1 Forced Human Displacement and International Law

International laws addressing forced human displacement have developed in response to significant global challenges, particularly in the realm of human rights. Historically, these laws have often emerged after catastrophic events that highlighted gaps in the existing legal frameworks (Draper, 2023). For example, the Holocaust led to the creation of the Genocide Convention and the UDHR, which emphasize the state's responsibility to prevent genocide and uphold human dignity (Hébert, 2020). However, the issue of forcibly displaced individuals has not been comprehensively addressed historically. Forced displacement, caused by conflicts, persecution, environmental disasters, or other factors, requires a robust international legal response. The primary instruments for safeguarding displaced individuals are the 1951 Refugee Convention and its 1967 Protocol (Fair, 2018). These documents define refugee status and state obligations to protect refugees. Despite this framework, implementation remains inconsistent, with states often interpreting refugee qualifications restrictively based on national interests rather than humanitarian considerations (Chowdury, 2018). This selective application of international law undermines the effectiveness of these protections, particularly in Third World countries where resources are limited and political stability is often tenuous.

The effectiveness of international law is further undermined by the non-participation of some states in refugee protection treaties and inconsistent implementation by others (Ibrahim & Nordin, 2015). In Third World contexts, the principles of international humanitarian and refugee law face significant obstacles. Many Third World nations lack the resources, infrastructure, and governmental frameworks necessary to fully implement international legal obligations toward refugees, resulting in inadequate reception conditions and limited protection mechanisms (Mia, 2021). Additionally, non-signatory status to the Refugee Convention in many Third World countries creates legal gaps, leaving refugees vulnerable.

Moreover, the existing international legal framework addresses only specific subsets of forced displacement (Benhabib, 2020). However, as legal scholar Guy Goodwin-Gill notes, the Convention does not mandate admission, obligate states to grant asylum, or enforce responsibility-sharing (Grace, 2022). Beyond the Refugee Convention, rules addressing forced displacement are fragmented across international humanitarian, criminal, and human rights law. Key examples include the 1949 Geneva Convention IV and its Protocol II, which prohibit forcible displacement in armed conflict but allow exceptions for “imperative military reasons” (Jaythoum, 2020).

7.1.2 Non-Refoulement and Safe Third Country Concepts

The principles of non-refoulement and the safe third country concept are central to international refugee law, ensuring the protection of refugees from being returned to places where they face serious threats (Akal, 2023). Non-refoulement, from Article 33 of the 1951 Refugee Convention, prohibits returning refugees to places where they face serious threats (Morgades-Gil, 2020). This principle is recognized as customary international law, binding even non-signatory states. The safe third country concept allows transferring asylum seekers to a third country deemed safe for fair asylum processing (Graf & Katsoni, 2021). Examples include the EU’s Dublin Regulation and U.S. agreements with Canada and Guatemala. However, implementation raises concerns when countries lack adequate human rights protections or asylum procedures (Graf & Katsoni, 2021). Human rights groups criticize U.S. agreements with Central American countries for inadequate legal frameworks, and the EU faces scrutiny over the Dublin Regulation (Karaçay, 2023). The UNHCR stresses that the safe third country concept must align with the 1951 Convention, ensuring fair and thorough asylum processes (Mosaddek, 2023). This includes legal representation, the right to appeal, and monitoring compliance with international standards. However, the practical application of these principles often falls short, particularly in regions with weak legal institutions and limited resources. The discrepancy between the theoretical protections offered by international law and their implementation in practice underscores the ongoing challenges in safeguarding the rights of displaced persons.

7.2 Legal and Institutional Gaps in Third World Countries

In many Third World countries, the protection of displaced persons, including refugees and IDPs, is significantly hindered by a combination of weak legal frameworks, insufficient enforcement mechanisms, and institutional inefficiencies. For instance, in Bangladesh, despite hosting over a million Rohingya refugees, the absence of legal recognition under the 1951 Refugee Convention has left these refugees without access to basic rights such as education, employment, and healthcare (Faisal & Ahmed, 2023). This legal vacuum not only exacerbates their vulnerability but also limits their ability to seek legal redress or integrate into the host community. Similarly, in South Sudan, the ongoing civil conflict has not only displaced millions internally but has also overwhelmed the country’s legal institutions, which are ill-equipped to handle the complexities of refugee law (Morrison-Métois, 2017). The judiciary and law enforcement agencies in such contexts are often under-resourced and lack the training necessary to effectively implement international legal standards, resulting in widespread impunity for human rights violations.

Moreover, in Lebanon, the influx of over a million Syrian refugees has placed enormous strain on the country's already fragile infrastructure. The legal framework in Lebanon is not equipped to handle such a large refugee population, leading to a fragmented response where many refugees lack legal residency status, thereby rendering them vulnerable to exploitation and arrest (Beaujouan & Rasheed, 2020). Corruption and bureaucratic inefficiencies further obstruct the fair processing of asylum claims, as seen in Uganda, where reports have surfaced of asylum seekers being forced to pay bribes to secure refugee status. This systemic corruption not only delays the processing of claims but also undermines the integrity of the legal process, leaving many without the protection they are entitled to under international law.

Additionally, the limited international support and cooperation exacerbate these challenges, particularly in protracted crises where resources dwindle over time. In Kenya, for example, the Dadaab refugee camp, one of the largest in the world, has faced chronic underfunding, leading to severe shortages in food, medical care, and education for its residents (Chkam, 2016). The lack of sustained international funding and support forces host countries to shoulder an overwhelming burden with inadequate resources, resulting in deteriorating living conditions and limited access to legal protection. These examples emphasized the critical need for legal reforms, enhanced enforcement mechanisms, and sustained international collaboration to address the significant gaps in protection that continue to leave displaced populations in Third World countries vulnerable and inadequately supported.

8. Understanding the Rohingya Crisis: Context and Implications

8.1 Causes of Rohingya Deportation from Myanmar

Table 2 highlights the key factors that have contributed to the Rohingya crisis in Myanmar, focusing on the historical, political, and social dynamics that have led to their forced displacement. This table serves as a foundational element in the analysis of the crisis, as it provides a comprehensive breakdown of the contributing factors that have been documented in various academic and policy-oriented sources. Understanding these factors is essential for developing a nuanced perspective on the crisis and for identifying potential avenues for resolution.

The data presented in Table 2 reveal the deep-seated roots of the Rohingya crisis, particularly the role of Burmese nationalism in shaping exclusionary policies. The table clearly demonstrates how the historical marginalization of the Rohingya has been reinforced by successive governments, which have systematically stripped the Rohingya of their rights and portrayed them as outsiders in their own land. This analysis is critical as it points to the need for addressing not only the immediate humanitarian concerns but also the underlying political and historical narratives that sustain the crisis.

Table 2
Factors Contributing to the Rohingya Crisis in Myanmar

Category	Factor	Explanation	Examples
Historical and Identity-Based	Contested Origins and Identity	Rohingya viewed as "Bengali" immigrants despite a long history in the region, fueling denial of citizenship and rights.	British census records from the colonial era document Rohingya presence, but these are contested by those who support the "illegal immigrant" narrative.
	Construction of Buddhist-Centric Nationalism	Post-independence Myanmar defines nationality in a way that excludes the Muslim Rohingya and other minorities.	Laws enacted prioritizing Buddhism, restrictions on religious practices for Muslims, and a focus on Bamar ethnicity in national narratives.
State-Sanctioned Discrimination	Burma Citizenship Act of 1982	Legal basis for systematic denial of Rohingya citizenship, rendering them stateless and vulnerable.	Rohingya cannot vote, hold many jobs, or travel freely, making them easy targets for abuse.
	Discrimination on basic rights	Restrictions on the Rohingya's movement, education, and employment violate the human rights of every human being	Rohingya require special permissions to travel even short distances, severely limiting their access to healthcare, higher education, and economic opportunities.
Social and Political Dynamics	Dehumanizing "Illegal Immigrant" Narrative	State propaganda and hate speech portray Rohingya as a demographic threat, justifying violence and discrimination.	Pamphlets distributed labeling Rohingya as "animals" or "invaders," spread of misinformation on social media about Rohingya violence.
	Scapagoating and Cycles of Violence	Outbreaks of violence or militant attacks used to justify brutal crackdowns targeting the entire Rohingya population.	The 2012 and 2016-2017 violence saw widespread destruction of Rohingya villages and mass atrocities, labeled "clearance operations" by the military.
Power and Exploitation	Military's Use of the Crisis	The Tatmadaw frames itself as the protector against the Rohingya "threat," hindering democratic reforms and justifying its power.	The military citing the Rohingya situation as reason for a continued role in governance, even under partial civilian rule.
	Civilian-Military Power Balance	Fear of destabilizing power-sharing likely hindered bolder action by civilian leaders to address the Rohingya's plight.	Aung San Suu Kyi's defense of the military internationally weakened calls for accountability regarding the Rohingya's treatment.
Global Dynamics	Economic Exploitation of Rakhine State	Natural resource extraction (gas, timber), and land grabs in Rakhine worsened Rohingya displacement, benefiting the military and its associates.	Land confiscation in the wake of expulsions paved the way for development projects linked to the military and its allies.
	Geopolitical Shielding	Nations with interests in Myanmar (like China) dilute international efforts for accountability and intervention.	China blocking stronger UN resolutions and providing diplomatic cover for Myanmar.
Impunity and Lack of Justice		Slow progress in international courts allows those responsible for atrocities to act without fear of consequences.	The International Court of Justice (ICJ) and International Criminal Court (ICC) cases drag on, and the Myanmar government refuses to cooperate, indicating they sense little immediate threat of consequences.

Source: Authors creation, 2024

8.2 Impact of the Rohingya Crisis in Bangladesh

Table 3 outlines the socio-economic impacts of the Rohingya refugee crisis on Bangladesh, particularly in the Cox's Bazar region. This table is significant as it encapsulates the various dimensions of the crisis's impact on the host community, including economic strain, social tensions, and infrastructural challenges (Jahan et al., 2024; Kamruzzaman et al., 2024). The information in Table 3 is vital for understanding the broader implications of the refugee influx and for designing interventions that address both the needs of the refugees and the host population.

Table 3

Socio-Economic Impacts of the Rohingya Crisis in Bangladesh

Issues	Specific Impact	Real Scenario	Authors Comments
Economic Impact	Labor market shifts	The influx of NGOs has led to a 60% increase in labor shortages in local sectors like fishing and agriculture (M. R. Islam, 2024).	Employment policies need to balance aid work with support for traditional industries to maintain economic stability.
	Decline in tourism	Tourism revenues in Cox's Bazar plummeted by over 30%, impacting businesses dependent on tourist spending (Khuda, 2020).	Strategic initiatives to boost security and promote tourism could revitalize this crucial economic sector.
Social Impact	High market prices due to increased demand	The influx of refugees has led to increased demand for basic goods, pushing up prices and affecting local affordability (Faisal & Ullah, 2020).	Monitoring and regulating market prices can help prevent inflationary pressures that impact both refugees and local communities.
	Criminal activities	Increased incidences of crime in areas surrounding the camps. Police reports indicate a 30% increase in theft and assaults in the area since the camps were established (T. Islam, 2024).	Enhanced security measures and community policing are required to maintain law and order.
Health Impact	Sanitation and hygiene challenges	Only one latrine is available for every 40 people in the camps, far below the humanitarian standard. In one camp, over 500 people share a single water source (Shohel, 2023).	Improving sanitation infrastructure is crucial to meet international health standards and prevent disease.
	Trauma and lack of specialized care	Many refugees suffer from trauma with limited access to specialized mental health care. A survey found that over 60% of adult refugees exhibit symptoms of PTSD yet have limited access to mental health care (Jahan et al., 2024).	Developing comprehensive mental health services and trauma care within the camps is crucial for long-term rehabilitation.

Source: Authors creation, 2024

The socio-economic impacts outlined in Table 3 highlight the profound challenges that the Rohingya crisis has imposed on Bangladesh, especially in terms of resource allocation and

social cohesion. The table shows how the massive influx of refugees has strained local resources, leading to shortages in essential services such as healthcare and education. Additionally, the increased competition for jobs and the resultant social tensions underscores the complex dynamics at play, where humanitarian concerns must be balanced with the well-being of the host community. These insights are crucial for developing a comprehensive response that mitigates the negative impacts on both refugees and the host country.

8.3 Legal and International Implications of the Rohingya Crisis

The Rohingya crisis exposes the complexities and shortcomings of applying international legal principles to extreme human rights violations. The systematic denial of citizenship and basic rights to the Rohingya by Myanmar lies at the heart of this tragedy, prompting international legal scrutiny (Hossain, 2023). Two key legal frameworks are critical: The 1951 Refugee Convention and its 1967 Protocol, which Myanmar has not signed, and the Convention on the Prevention and Punishment of the Crime of Genocide (1948), which Myanmar is accused of violating (Simpson & Farrelly, 2020).

The Gambia's case against Myanmar at the ICJ, supported by the Organization of Islamic Cooperation (OIC), marked a significant development. On January 23, 2020, the ICJ mandated Myanmar to prevent genocidal acts against the Rohingya and preserve related evidence (Becker, 2020). While the ruling was a crucial step, it highlighted the limitations of international legal interventions in resolving deep-rooted humanitarian crises (Leggett, 2022). The ICC has also authorized investigations into alleged crimes against humanity and potential genocide against the Rohingya, adding pressure on Myanmar's leaders.

However, the slow pace of international justice and the challenges of enforcement underscore the difficulties in addressing large-scale human rights violations through legal mechanisms (Van Boven, 2009). The principle of non-refoulement, recognized as a jus cogens norm under international law, prohibits the forced return of individuals to a country where they face serious threats to their life or freedom. Although Bangladesh is not a party to the Refugee Convention, it initially upheld this universally binding principle by providing refuge to the fleeing Rohingya. The UNHCR's General Conclusion No. 25 on International Protection (1982) further affirmed that non-refoulement has acquired the character of a mandatory international rule, binding on all states regardless of specific treaty obligations. Yet, without formal legal protection, the Rohingya remain vulnerable. The ICC's investigations offer a path to accountability but face significant challenges (Islam et al., 2024).

8.4 Legal Status and Observations of Refugees in Bangladesh

Despite not being a signatory to the 1951 Refugee Convention or its 1967 Protocol, Bangladesh is bound by customary international law, including non-refoulement, which prohibits forcibly returning refugees to danger (Arif, 2020). Bangladesh demonstrates its commitment by hosting over a million Rohingya refugees fleeing persecution in Myanmar.

However, the Rohingya lack formal refugee status, limiting their access to work, education, and healthcare (Uddin, 2024). This absence increases their vulnerability. Bangladesh's approach balances national sovereignty and international humanitarian obligations. Article 25 of the

Bangladesh Constitution aligns with international law but emphasizes peaceful dispute resolution and respect for other states’ policies, complicating robust advocacy and intervention (Jubaida Auhana & Md. Rafiqul, 2023). As a dualist state, Bangladesh requires international treaties to be incorporated into domestic law through Article 145A, but the process is often inconsistent, affecting enforceability (M. M. Rahman, 2024). The situation in Bangladesh exposes gaps in refugee protection under international and domestic law.

8.5 Repatriation Challenges of Rohingya Refugees

Repatriating Rohingya refugees from Bangladesh to Myanmar is highly complex (Islam & Haque, 2024). Safe and voluntary return is hindered by significant barriers, including safety concerns, unresolved citizenship rights, and Myanmar’s persistent denial of these rights (Susetyo & Chambers, 2020). Table 4 below outlines the specific challenges, real-world examples, and implications.

Table 4

Key Challenges to Rohingya Repatriation

Challenges Category	Specific Issues	Examples and Implications
Safety and Security	Ongoing violence and persecution in Rakhine State (arson attacks, killings, sexual violence).	Documented atrocities fueling Rohingya fear of renewed violence upon return.
	Restricted freedom of movement (confinement to camps, checkpoints).	Restrictions on movement severely impact livelihoods and access to basic necessities, creating a sense of imprisonment.
	Harassment and discrimination by authorities and local communities.	Rohingya traumatized by past experiences distrustful of Myanmar’s promises of safety.
Legal and Citizenship	Myanmar’s 1982 Citizenship Law denying Rohingya nationality, classifying them as illegal “Bengali” immigrants.	Rohingya historically excluded despite generations of presence in Myanmar.
Legal Status and Protection	Lack of clear legal pathways for repatriation or local integration.	Bangladesh’s policies on refugees are ad-hoc and subject to change, fueling anxiety.
International Coordination	Failure of bilateral agreements (Bangladesh-Myanmar) due to lack of implementation.	Past agreements on repatriation faltered on Myanmar’s lack of action and accountability.
	Limited sustained international pressure on Myanmar.	Geopolitical factors (China’s support of Myanmar) hinder effective UN action.
Rohingya Participation	Lack of Rohingya representation in negotiations.	Rohingya voices absent in decisions about their future, eroding trust in authorities.

Source: Authors creation, 2024

The challenges in Table 4 show that repatriation alone is insufficient. Without fundamental changes in Myanmar, the Rohingya risk being displaced again. Sustainable repatriation requires addressing root causes, ensuring safety, citizenship recognition, and inclusive development.

8.6 Steps Taken for Rohingya Repatriation

The Bangladeshi government has made several attempts to repatriate Rohingya refugees to Myanmar, with a new pilot project proposed in 2023 to repatriate 1,176 refugees supported by Myanmar and China. In March 2024, a Myanmar delegation visited Cox's Bazar to verify refugee identities. In May 2024, Rohingya representatives and Bangladeshi officials inspected facilities in Myanmar. Despite plans to begin repatriations before the monsoon season, challenges persist, including inadequate safety and citizenship guarantees (Mallick, 2020).

Since the 2021 coup, Myanmar's military junta has proposed a pilot repatriation project for Rohingya refugees, lacking citizenship and security guarantees (Uddin, 2024). Despite claiming UN and ASEAN involvement, UNHCR is not participating. The exclusion of the Arakan Army and ongoing human rights abuses undermine the plan. The junta's efforts appear aimed at easing international pressure and defending against ICJ genocide accusations, rather than addressing Rohingya needs. Consequently, prospects for a safe and dignified return remain bleak (M. Z. Rahman, 2024).

Rohingya refugees are willing to return to Myanmar only if granted safety, freedom of movement, and full citizenship, rejecting Myanmar's National Verification Cards, which they see as discriminatory and a continuation of their systematic abuse and statelessness under the 1982 Citizenship Law and military junta (Erameh & Ojajorotu, 2021).

9. Recommendations for Legal and Humanitarian Interventions

This research identifies several critical areas where targeted interventions are necessary to address the complex legal and humanitarian challenges faced by the Rohingya refugees in Bangladesh. The recommendations provided herein are designed to bridge the gaps in protection and services that have been highlighted through thematic analysis and case studies. These recommendations are directed toward a broad spectrum of stakeholders, including international legal bodies, the government of Bangladesh, non-governmental organizations (NGOs), and international partners.

9.1 Advocate for International Legal Reforms

One of the fundamental issues identified in this research is the statelessness of the Rohingya, which severely limits their protection under current international frameworks. It is imperative that forums such as the UN General Assembly and the UNHCR's Executive Committee advocate for reforms to international refugee law that explicitly include stateless individuals within the scope of protection. This expansion would ensure that individuals who do not fit the traditional definition of a refugee, yet face similar threats and vulnerabilities, are afforded the same rights and protections. Such a reform would address the legal vacuum that currently leaves stateless

populations like the Rohingya without adequate recourse or protection under international law.

9.2 Incorporate the 1951 Refugee Convention into National Law

The absence of domestic legal recognition for refugees in Bangladesh has been a significant barrier to providing the Rohingya with basic rights and services. Therefore, it is crucial for Bangladesh to ratify the 1951 Refugee Convention and its 1967 Protocol and to incorporate these international standards into national legislation. By doing so, Bangladesh would formalize the recognition of refugee status, thereby enhancing the legal protections available to the Rohingya under domestic law. This incorporation would also align Bangladesh's legal framework with international norms, facilitating more consistent and humane treatment of refugees within its borders.

9.3 Mobilize Enhanced Financial and Logistical Support

The research highlights the severe strain on Bangladesh's infrastructure due to the influx of Rohingya refugees. To address these challenges, there is an urgent need to mobilize greater financial and logistical support from developed nations and international financial institutions. This support should be directed toward improving infrastructure in refugee camps, including the construction of durable housing, water and sanitation facilities, and healthcare centers. Enhanced funding would also support the expansion of educational and vocational training programs, which are essential for improving the livelihood opportunities of refugees and reducing their dependency on humanitarian aid.

9.4 Strengthen Institutional Capacities

Effective management of the refugee crisis requires strengthening the institutional capacities of both government agencies and local NGOs in Bangladesh. This can be achieved through international training programs focused on human rights, refugee law, and camp management. Such capacity-building initiatives would empower local actors to better manage refugee camps, protect the rights of refugees, and deliver essential services more efficiently. Furthermore, strengthening institutional capacities would help mitigate the risks of corruption and bureaucratic inefficiencies that have historically hindered the effective delivery of aid and services.

9.5 Implement Educational and Vocational Programs

The lack of access to quality education is one of the critical issues facing the Rohingya refugee population. To address this, it is essential to implement educational programs within refugee camps that meet international standards. These programs should not only provide basic education but also include vocational training tailored to the needs of the refugee population. Vocational training programs would equip refugees with the skills needed to secure employment, thereby enhancing their self-reliance and contributing to the economic

development of the host community. This approach would also help to address the long-term socio-economic impacts of the crisis on Bangladesh.

9.6 Expand Health Services

The research underscores the importance of comprehensive health services that go beyond immediate medical needs to include mental health and psychosocial support. Many Rohingya refugees have experienced severe trauma due to the violence and persecution they faced in Myanmar. Expanding health services to include mental health care and psychosocial support is essential for addressing the long-term psychological impacts of this trauma. These services should be integrated into the existing healthcare infrastructure within refugee camps, with trained professionals providing culturally sensitive care.

9.7 Develop Legal Aid Services

The establishment of legal aid services within refugee camps is critical for assisting the Rohingya with various legal issues, including citizenship, property rights, and access to international protections. Legal aid services would provide refugees with the necessary support to navigate complex legal systems, ensuring that their rights are upheld under both national and international law. These services could also play a pivotal role in advocating for the legal recognition of Rohingya refugees and in supporting efforts toward voluntary repatriation or resettlement in third countries.

9.8 Facilitate Bilateral Repatriation Negotiations

Voluntary repatriation remains one of the most contentious issues in resolving the Rohingya crisis. To facilitate this process, there must be structured bilateral negotiations between Bangladesh and Myanmar, with international oversight to ensure transparency and fairness. These negotiations should establish clear and humane protocols for the voluntary return of refugees, including guarantees of safety, property restitution, and the recognition of citizenship rights upon their return. The success of such negotiations depends on the willingness of both governments to engage in dialogue and on the involvement of international actors to monitor and enforce agreements.

9.9 Establish International Monitoring for Repatriation

To ensure that the process of repatriation is conducted in a manner that respects the rights of returnees, independent international monitoring bodies should be established. These bodies would oversee the implementation of repatriation agreements, ensuring that Myanmar adheres to its commitments and that returnees are not subjected to further persecution or discrimination. The presence of international monitors would also help to build confidence among the refugee population, encouraging those who wish to return to do so voluntarily and safely.

9.10 Intensify Pressure on Myanmar for Citizenship Law Reform

One of the root causes of the Rohingya crisis is Myanmar's 1982 Citizenship Law, which effectively renders the Rohingya stateless. To address this, the international community must intensify pressure on Myanmar to amend this law, eliminating discriminatory practices and recognizing the Rohingya as full citizens. Diplomatic efforts should be coupled with economic and political incentives to encourage compliance. Reforming the citizenship law is essential for ensuring that the Rohingya can return to Myanmar with full rights and protections, thereby reducing the likelihood of future displacement.

9.11 Support Documentation Programs

The lack of legal documentation has been a significant barrier for Rohingya refugees in accessing services and exercising their rights. Supporting the development of documentation programs is crucial for providing Rohingya individuals with identity papers that are recognized both domestically and internationally. These programs should be designed to ensure that all Rohingya, whether in refugee camps or elsewhere, have access to the necessary documentation to claim their rights, access services, and participate in any future repatriation or resettlement processes.

10. Conclusion

This study has rigorously explored the complex legal and humanitarian challenges that the Rohingya refugees face in Bangladesh, revealing critical gaps between the protections theoretically afforded by international law and their practical applications. The findings indicate a profound disconnect, particularly in the implementation of key legal principles such as non-refoulement and the rights enshrined in universal treaties, which remain inadequately upheld. This lack of effective enforcement exacerbates the plight of the Rohingya, leaving them vulnerable to ongoing human rights abuses and without basic legal protections.

Politically, there is an urgent need for structured and sustained diplomatic negotiations between Bangladesh and Myanmar, underpinned by international oversight, to ensure that any repatriation efforts are safe, voluntary, and respectful of the Rohingya's rights. International bodies, including the United Nations, should play a more active role in facilitating these negotiations, ensuring that Myanmar adheres to international human rights standards, and providing guarantees for the safety and citizenship rights of returnees.

Legally, the research emphasizes the necessity for Bangladesh to incorporate international refugee law, including the principle of non-refoulement, into its national legal framework. Despite Bangladesh not being a party to the Refugee Convention, recognizing the Rohingya's legal status under national law would significantly enhance their protection and access to basic rights. Moreover, the establishment of legal aid services within refugee camps is crucial to help the Rohingya navigate their complex legal challenges, including issues of citizenship and human rights.

The study also emphasizes the need for increased international cooperation and support, particularly in enhancing healthcare, education, and legal assistance within the refugee camps. Comparative analyses with other protracted refugee situations, such as those in Syria and South Sudan, reveal that coordinated international efforts, coupled with robust legal frameworks, are essential for ensuring the protection and eventual resolution of refugee crises. These comparisons highlight successful strategies that could be adapted to the Rohingya context, particularly the importance of sustained international funding and the development of comprehensive integration and resettlement programs.

Moving forward, future research should focus on conducting longitudinal studies to monitor the long-term impacts of policy interventions on the Rohingya refugees. Additionally, exploring the effects of specific legal reforms at both international and national levels will provide valuable insights into how these changes can be implemented to better protect stateless populations. Comparative studies across different refugee crises will continue to be essential in identifying best practices and tailoring interventions that address the unique challenges faced by the Rohingya.

In conclusion, this research highlights the critical need for immediate political, legal, and humanitarian reforms to address the complex challenges faced by the Rohingya refugees. Effective resolution will require a concerted effort, with actionable changes in policy and practice, to improve the living conditions and secure durable solutions for this vulnerable population. The findings of this study aim to inform and inspire such efforts, paving the way for more effective protection and support for the Rohingya and similar stateless groups worldwide.

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ETHICS

The authors declare that this article complies with ethical standards and rules.

AUTHOR CONTRIBUTION

Md Syful Islam  | Concept/idea; Literature review; Design; Interpretation of data/findings; Drafting; Critical review; Funding; Supervising; Final approval and accountability.

General contribution rate: 55%

Md. Emon Mia  | Concept/idea; Literature review; Data collection/analysis; Interpretation of data/findings; Drafting; Funding; Final approval and accountability.

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CONFLICT OF INTEREST

The authors declare no conflict of interest.

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