

JUSTICE FOR THE ROHINGYA: HOW BANGLADESH AND THE INTERNATIONAL COMMUNITY CAN UPHOLD HUMAN RIGHTS

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The Rohingya crisis stands out as one of the most severe humanitarian emergencies of recent times. Since Myanmar's military crackdown in 2017, over 700,000 Rohingya have fled to Bangladesh, escaping violence that meets the criteria for genocide and ethnic cleansing under international law. This issue brief delves into the historical and political roots of Rohingya persecution, including the impact of Myanmar's 1982 Citizenship Law, which left them stateless and excluded from basic rights. It also highlights the limitations of international legal frameworks like the UN Genocide Convention and the Responsibility to Protect (R2P), which have struggled to ensure accountability or address mass displacement. Bangladesh has faced significant environmental and social challenges due to the influx of refugees, while the international community has largely failed to provide effective solutions. Addressing this crisis requires accountability for Myanmar's actions and durable measures to uphold Rohingya rights and dignity.

Introduction

The Rohingya crisis, one of the largest humanitarian emergencies in recent decades, epitomizes the tension between state sovereignty and international obligations to uphold human rights. Since Myanmar's military crackdown in 2017, more than 700,000 Rohingya have fled Rakhine State, seeking refuge in Bangladesh. These events align with the United Nations' definition of "ethnic cleansing" and "genocide," with widespread reports of massacres, sexual violence, and the systematic destruction of over 350 Rohingya villages.¹

The legal response to such crises involves multiple frameworks. The 1948 UN Genocide Convention requires states to prevent and punish genocide, obliging the international community to intervene when genocidal acts occur.² Meanwhile, the Responsibility to Protect (R2P) doctrine advocates international intervention to prevent atrocities, including genocide, crimes against humanity, and ethnic cleansing.³ Yet, the principle lacks the enforceability needed to overcome sovereignty barriers, as illustrated by the Security Council gridlock over Myanmar.

Adding complexity, Bangladesh is not a party to the 1951 Refugee Convention, which formally recognizes refugee rights, including the right of non-refoulement—protecting refugees from returning to territories where they face danger. Despite these legal frameworks, the Rohingya crisis underscores a gap between the establishment of norms and the challenges of enforcement, highlighting the limitations of current international law in addressing state-led persecution and mass displacement.

Reasons for the Persecution of the Rohingya

The Rohingya, a predominantly Muslim ethnic group in Myanmar's Rakhine State, have faced systematic persecution for decades and they are often referred to as the most persecuted minority in the world.⁴ Understanding the root causes of their plight is critical to crafting effective international responses.

The origins of Rohingya persecution can be traced to their historical presence in the Burmese state of Rakhine and the colonial policies of the British Empire. Although the Rohingya have lived in the region for centuries, their presence became contentious during British rule (1824–1948), which

encouraged labor migration from Bengal—modern-day Bangladesh—to Burma. While some of this migration occurred during the colonial period, the Rohingya's roots in Rakhine State predate British rule, undermining the claim that they are “foreigners.”⁵

However, post-independence nationalism in Myanmar reframed the Rohingya as “outsiders,” aligning them with colonial exploitation. For instance, the 1978 Operation Dragon King, organized by the Tatmadaw—Myanmar's military—and Burmese immigration authorities, aimed at labeling individuals as either regular citizens or “illegal immigrants”, further contributing to the Rohingya alienation. The 1982 Citizenship Law institutionalized their marginalization, rendering them stateless and denying their identity by labeling them “Bengalis.” This law excluded them from Myanmar's list of 135 recognized ethnic groups, stripping them of basic rights and creating a foundation for systematic persecution.⁶

From a religious point of view, Myanmar's identity is deeply tied to Buddhism, and the majority Bamar ethnic group views itself as the custodian of the nation's Buddhist heritage. Radical Buddhist nationalist movements, such as Ma Ba Tha, have portrayed the Rohingya as a demographic and cultural threat, framing Islam as an existential challenge to Myanmar's Buddhist character. This narrative has been weaponized to justify discriminatory policies and violence.⁷

Moreover, the Rohingya have been used as political scapegoats by Myanmar's military to consolidate power. By stoking anti-Rohingya sentiment, the Tatmadaw gained popular support among nationalist groups, diverting attention from internal dissent and other ethnic conflicts. The 2017 crackdown was framed as a response to a perceived security threat from the Arakan Rohingya Salvation Army (ARSA), despite the vast majority of victims being unarmed civilians.⁸

Finally, Rakhine State is rich in resources and strategically located along Myanmar's coast.

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Displacing the Rohingya has facilitated land grabs and resource exploitation by military-backed elites. Internationally, the crisis has been shaped by geopolitical dynamics, including the reluctance of neighboring powers like China and India to criticize Myanmar's government.⁹ Myanmar has used these alliances to shield itself from accountability while framing the Rohingya as aligned with foreign interests.¹⁰

Legal and Humanitarian Violations

The persecution of the Rohingya involves extensive violations of international law, with Myanmar's government and military accused of crimes against humanity. The denial of citizenship under Myanmar's 1982 Citizenship Law marked the onset of the Rohingya's statelessness, depriving them of rights to work, education, health, and freedom of movement. This law, which explicitly excludes the Rohingya from Myanmar's official ethnic groups, violates the UN Convention on the Elimination of Racial Discrimination, as it discriminates based on ethnicity.¹¹ Evidence from Human Rights Watch and Amnesty International reveals Myanmar's coordinated "clearance operations," marked by atrocities such as mass killings, systematic sexual violence, and forced displacement. These actions, defined under the UN Genocide Convention as genocidal acts, include "killing members of the group" and "deliberately inflicting conditions of life calculated to bring about physical destruction."¹²

It is also important not to forget the profound environmental impact of forced displacement. Bangladesh, as the recipient of over one million refugees, has witnessed deforestation, depletion of resources, and increased landslide risks in the city of Cox's Bazar, where refugee camps have been hastily established, making it the world's largest refugee settlement.¹³ These impacts invoke the "no-harm rule," which under customary international law obliges Myanmar to prevent harm extending beyond its borders. The environmental consequences illustrate that state-led persecution can have extraterritorial impacts, further complicating legal redress.¹⁴

Unfortunately, the UN Security Council (UNSC) has been hamstrung in responding to the Rohingya crisis, blocked by vetoes from permanent members. Attempts to bring Myanmar's military officials to the International Criminal Court (ICC) have faced similar challenges due to Myanmar's non-membership. Despite mechanisms like R2P and ICC, practical enforcement has been weakened by political interests, exposing the vulnerabilities of international law when powerful states prioritize sovereignty over human rights.¹⁵

Implications for Stakeholders and Concerned Parties

The Rohingya crisis has significant implications for three primary groups of stakeholders: the Rohingya themselves, Bangladesh as their host country, and the international community. Each faces distinct challenges and responsibilities in addressing the humanitarian, legal, and political dimensions of this crisis.

Implications for the Rohingya

The Rohingya are evidently the most directly affected by the crisis, enduring extreme vulnerabilities both during their displacement and in their stateless existence.

The Rohingya refugees live in some of the most overcrowded and resource-strained camps in the world, concentrated in Cox's Bazar, Bangladesh. The living conditions in these camps are dire, with limited access to basic necessities such as clean water, healthcare, and adequate food. Diseases such as cholera and respiratory infections spread easily in these unsanitary environments, while malnutrition rates remain high, particularly among children. Moreover, the migration journeys they had to face are also terrible: treacherous routes and human trafficking add to their woes.¹⁶

Another factor that further compounds the crisis is the lack of formal education for Rohingya children. While some informal learning initiatives exist, these are insufficient and do not adhere to a structured curriculum, leaving children unprepared for any

future integration or employment opportunities.¹⁷

These agonies go together with the severe psychological trauma due to the atrocities the Rohingya refugees witnessed in Myanmar, including mass killings, sexual violence, and the destruction of their homes. Living in limbo without prospects for repatriation or meaningful resettlement exacerbates their mental health challenges.

Without citizenship or legal recognition, the Rohingya remain in a state of perpetual marginalization. Statelessness denies them basic rights and opportunities for self-determination, trapping them in cycles of poverty and exclusion.¹⁸

Implications for Bangladesh

Bangladesh has shown remarkable humanitarian leadership in sheltering nearly one million Rohingya refugees, but the strain on its resources, infrastructure, and social fabric has been immense.

The influx of refugees has stretched Bangladesh's economic resources. Hosting such a large refugee population requires significant investment in food, healthcare, shelter, and security. The strain is particularly acute in Cox's Bazar, where the local economy struggles to meet the demands of both refugees and residents.¹⁹

As for the environment, the rapid establishment of refugee camps has led to deforestation, soil erosion, and depletion of natural resources in the region. The fragile ecosystem of Cox's Bazar has been severely impacted, increasing the risk of landslides and other environmental disasters.

Additionally, local Bangladeshi communities in Cox's Bazar have experienced increased competition for jobs, land, and resources, leading to growing resentment against the Rohingya. This has occasionally sparked conflicts between refugees and host communities.²⁰

However, Bangladesh's position as a middle-income country with limited diplomatic leverage complicates its ability to pressure Myanmar or secure adequate international support. While international aid has been significant, it is insufficient to sustain

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the long-term care and management of the refugee population.

Implications for the International Community

The Rohingya crisis challenges the efficacy of international human rights frameworks and tests the resolve of global institutions in preventing and addressing mass atrocities.

The failure to effectively address the Rohingya genocide raises questions about the enforceability of international law. The inability of the UNSC to take decisive action, primarily due to vetoes by powerful states like China and Russia, highlights the weaknesses of the current international system in holding perpetrators accountable.²¹

The principle of global responsibility-sharing, foundational to refugee law, has been inconsistently applied in the Rohingya crisis. While countries like Bangladesh bear the brunt of hosting refugees, wealthier nations have been slow to provide adequate resettlement opportunities or sufficient financial aid.²²

Moreover, this crisis underscores the fragility of norms such as the Responsibility to Protect (R2P). Without tangible actions to prevent atrocities or hold perpetrators accountable, R2P risks being perceived as symbolic rather than actionable. This erodes trust in global institutions and weakens international consensus on human rights protections.²³

Geopolitical interests have often outweighed humanitarian priorities in the Rohingya crisis. China and India, both with significant economic and strategic interests in Myanmar, have refrained from pressuring its government, prioritizing bilateral relations over human rights advocacy. This has hindered collective international action, setting a troubling precedent for future crises.²⁴

The crisis also highlights the interconnected nature of its impacts, starting from regional instability to the establishment of global precedents. In fact, the displacement of nearly one million people has implications for regional stability. The prolonged presence of Rohingya refugees in Bangladesh risks destabilizing its border regions and could potentially fuel transnational tensions if the crisis remains unresolved.²⁵

Additionally, the lack of accountability for Myanmar's actions could embolden other states

to commit similar atrocities without fear of international consequences. The erosion of norms around state responsibility and accountability thus poses a broader threat to global peace and security.

Looking at the crisis from another point of view, the Rohingya crisis also serves as an opportunity for the international community to reaffirm its commitment to human rights. Expanding protections for stateless populations and reforming international legal frameworks to enforce accountability could help prevent future crises. A sustainable resolution requires addressing the root causes of Rohingya persecution, including ensuring citizenship, safety, and dignity for their return to Myanmar. The international community must work with Myanmar and regional stakeholders to create conditions for safe and voluntary repatriation.²⁶

Neighboring countries should seize the opportunity to promote regional cooperation. For example, the ASEAN, often criticized for its non-interference policy, could play a more active role in fostering regional solutions, including monitoring the situation in Myanmar and supporting refugee protections.²⁷

Conclusion

The Rohingya crisis underscores the failure of global systems to prevent and address mass atrocities, exposing critical gaps in protections for stateless populations and the enforcement of international law. While frameworks like the UN Genocide Convention and Responsibility to Protect exist, their implementation is hampered by political interests, lack of enforcement mechanisms, and inadequate global responsibility-sharing.

To address this crisis effectively, the international community must prioritize accountability, responsibility-sharing, and durable solutions. First, it should establish mechanisms such as a special tribunal or universal jurisdiction prosecutions to hold Myanmar's military accountable for crimes against humanity.

Second, wealthier nations should share the burden by increasing financial aid, expanding resettlement

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opportunities, and supporting Bangladesh's efforts. Third, it is important to strengthen protections for stateless populations, limit UNSC veto power in cases of genocide, and enhance regional organizations' roles in conflict resolution. Finally, the international community should push for the repeal of Myanmar's discriminatory laws, restoration of Rohingya citizenship, and international oversight to ensure safe, voluntary repatriation.

The Rohingya crisis is a moral and legal challenge for the global community. By addressing its root causes and strengthening protections, the international community can reaffirm its commitment to human rights and prevent future atrocities.

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