



**An Examination on the Situation of Undocumented Muslim Refugees from Rakhine State:
A Case Study of Two Refugee Camps in Bangladesh**

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ABSTRACT

This thesis examines and analyzes the real situation of undocumented Muslim Refugees from the Rakhine state (Arakan) of Myanmar (Burma) who have been in two unregistered refugee camps (Leda and Kutupalong) in Bangladesh, without recognition by the government of Bangladesh. It studied how the documented and undocumented refugees have been facing different human rights violations. This thesis focuses only the real situation of the refugees with three objectives. The government of Bangladesh does not recognize these people as refugees and prevents service providers from assisting them. Only few INGOs are allowed to assist in medical services, water pumps, bathrooms and toilets. The assistance is very limited and local people also repress the refugees. In fact, the refugees have been facing discrimination and violation of minimum core rights to fulfill the basic needs and legal rights for their protection.

Keywords: Muslims of arakan, Undocumented refugees, Violation of human rights, Legal protection
in Bangladesh

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Introduction

According to the history of Rakhine state (Arakan), there was anti-Muslim riot in 1942 during the Second World War. Few thousands of Muslims were massacred and few thousands of Rakhine Buddhists were also killed where the Muslims population was higher (in Northern Rakhine state). Since then, the unity between Rakhine Buddhists and Muslims was broken and hatred began. After General Ne Win seized the power in Burma in 1962, the King Dragon (Nagar Min) Operation in 1978 was launched and drove the number of 167,000 Muslims into Bangladesh as refugees; however they were repatriated later on (BISS, 2009).

Before the 1990 election, the Muslims had more rights in all fields. During the 1990 election, all adult people could participate in the election. After the 1990 election, the military regime began repression upon the Muslims in Rakhine state. Around 250,000 Muslims mostly from Northern Rakhine state fled to Bangladesh to avoid forced labour and other activities forced by the military during 1991 and early 1992 (MSF, 2002). Between 1992 and 1997, over 230,000 refugees were repatriated to Myanmar (Burma) (UNHCR, 2007). 236,599 undocumented refugees were repatriated to Myanmar started from 1992 and ended in 2005 (Azad, Ashraful & Jasmin, Fareha, 2013). There were estimated 28,000 documented Muslims refugees from Rakhine state in two registered camps (Nayapara and Kutupalong). The two unregistered camps in Kutupalong and Leda were constructed in 2008 (The Arakan Project, 2010). Around 200,000 undocumented Muslim refugees or migrant workers who left from Rakhine state between 1991 and today

stay in Bangladesh, with additional figures continuing to join the undocumented refugees each year.

42,000 to 50,000 undocumented refugees stay in both makeshift camps in Cox's Bazaar District. Some of the undocumented refugees from Bangladesh have been fleeing to Southeast Asia by boats. Undocumented refugees (Muslims of Arakan) in Bangladesh have been facing insecurity and discrimination. This research focuses only on the situation of the undocumented Muslim refugees in two refugee camps: Leda and Kutupalong.

Objectives of Research

-To analyse the violation of the rights of basic needs and legal rights of the Muslims of Arakan (also-called Rohingya) refugees in Bangladesh.

-To identify the challenges to the protection of the minimum core rights of these refugees.

-To evaluate the impacts of services provided to the refugees.

Research Methodology

This research was conducted through a qualitative approach. The primary data was collected through the interviews with the related people such as undocumented refugees, local authorities, UNHCR and INGOs. The secondary data was collected through the materials published on websites which have been collected by the UNHCR, INGOs and International Media. The following is how researcher interviewed related people including INGOs and government related people.

Table 1 Interviews in Leda and Kutupalong Unregistered Camps

Type of interviewees	No. of people	Type of interview and remark
Leda		
Refugee Men	19	Face to face interviews
Refugee Women	10	1 face to face interview and two phone calls interviews
Refugee Children	7	Just asking some questions
Kutupalong		
Refugee Men	20	7 Face to face interviews and 3 phone calls interviews
Refugee Women	18	1 face to face interview and 4 phone calls interviews
Table 1 Interviews in Leda and Kutupalong Unregistered Camps (Cont.)		
Refugee Children	6	Just asking some questions
Local people and officers		
Local people (male)	7	Face to face interview and discussion
Local people in DC office	2	Face to face discussion
Local people in Chittagong	3	Face to face discussion
Officer of UNO	1	Face to face discussion
Officer of RRRC	1	Face to face discussion
Officers of UNHCR	2	Face to face interview and discussion
Staff of UNHCR	1	Face to face discussion
Officer of WFP	1	Face to face interview and discussion
Officer of Muslim Aid	1	Face to face discussion
Staff of ACF	1	Face to face discussion
Interview in Thailand		
Documented refugee who came from Bangladesh by boat	2	Several interviews and discussions both face to face and phone calls
Undocumented refugee who came from Bangladesh by boat	2	Several interviews and discussions both face to face and phone calls
Total people	104	



Description and Analysis

This thesis has described background history of Arakan of former Burma and how refugee exodus started after 1990 election in Chapter II. It categorized historical periods as Muslims in Arakan and Burma in the past, Muslims before independence of Burma, the situation of the Muslims after independence, the situation of Muslims during Ne Win's administration, the situation of the Muslims during the military regime and the situation of the Muslims after 2010 election.

Thesis has described livelihoods of undocumented refugees in Leda and Kutupalong refugee camps in Bangladesh and also described security of the undocumented refugees. It has analysed basic needs, minimum core rights and legal rights of the undocumented refugees and about Universal Periodic Reviews of Bangladesh in Chapter III. It described about service providers such as UNHCR and INGOs in Chapter IV. It has analysed the impacts on the refugees, political and economic interests of Bangladesh.

Undocumented refugees can enjoy their rights of basic needs, minimum core rights under some articles of ICCPR (International Covenant on Civil and Political Rights) (Rehman, 2003:64). It is said that a state can adopt legislation within domestic jurisdiction if it is necessary to protect and provide the rights of the people given in ICCPR as described in the Articles 2 (2) and 2 (3) (M. Dixon, 2000).

Results

The number of undocumented refugees in Kutupalong camp is around 44,000 and 15,000 in Leda camp. Undocumented refugees cannot get any legal assistance through UNHCR and INGOs in both unofficial camps. The refugees have to struggle for their survival. (Danish Immigration Service, 2011). In fact, the refugees have to do hard labour for their survival. They can only have very limited unofficial assistance through INGOs.

From the year 2006 to 2010, only 920 registered refugees were resettled in some countries such as Canada, Norway, Ireland, Sweden, UK, USA, Australia and New Zealand (Azad, Ashraful & Jasmin, Fareha, 2013). Undocumented Muslim of Arakan refugees in Bangladesh have been facing both deportation to the border and denying legal humanitarian assistance. Third country resettlement was suspended by the government of Bangladesh and the government of Bangladesh emphasized that resettlement in third countries would give more incentives to the Muslims of Rakhine state (Arakan) and more people will come to Bangladesh as undocumented refugees (Human Rights Watch, 2013).

Table 2 Service providers in both Leda and Kutupalong unregistered camps

Service Providers (2008-2015) in Leda Unregistered Camp		
Name of INGO/NGO	Sort of Assistance	Remark
Islamic Relief	Houses	In 2008
Islamic Relief	Roads	In 2008-2009
Islamic Relief	Bathrooms & Toilets	In 2008-2009
Islamic Relief	Health Care	In 2008
Solidarities International	Water Pumps	In 2008-2009
Muslim Aid	Medical Assistance	Started in 2008 and terminated its works in early 2015
Service Providers (2008-2015) in Kutupalong Unregistered Camp		
Name of INGO/NGO	Sort of Assistance	Remark
MSF-H	Medical Assistance	Clinic in registered camp, since 2008
ACF	Water Pumps	Added and repaired after 2012
ACF	Bathrooms & Toilets	Repaired after 2012
IOM	Water Pumps & Toilets	In 2014-15 provided 10 water pumps and some toilets

Conclusion

We found undocumented refugees have been suffering from the violation of minimum core rights to fulfil basic needs and suffering from the violation of legal rights for the protection under the law. UNHCR and INGOs are not openly allowed by the government of Bangladesh to work on the issue of the refugees. Undocumented refugees are fleeing to Southeast Asia by boats and some are being deceived by human traffickers. Human Rights violations in Rakhine state of Myanmar and Human Rights violations in Bangladesh refugee camps will increase undocumented migrant workers and refugees in Southeast Asia if Myanmar and Bangladesh do not resolve the problems.

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References

- Azad, Ashraful, Jasmin, Fareha, Durable solutions to the protracted refugee situation: the case of Rohingyas in Bangladesh, *Journal of Indian Research*, [Online]. Available at: http://www.academia.edu/5886047/Durable_Solutions_to_the_Protracted_Refugee_Situation_the_Case_of_Rohingyas_in_Bangladesh (Accessed 20 April 2014). 2013.
- BIISS. *Penal Discussion on the Rohingyas: from Stateless to Refugee*, (22 July 2009). Available at: http://www.biiss.org/seminar_2009/papers/rohingya.pdf (Accessed 10 January 2011). 2009.
- Danish Immigration Service. *Rohingya Refugees in Bangladesh and Thailand, fact finding mission to Bangladesh and Thailand*. (n.d. May 2011). Available at: <http://www.nyidanmark.dk/NR/rdonlyres/B08D8B44-5322-4C2F-9604-44F6C340167A/0/FactfindingrapportRohingya180411.pdf> (Accessed 15 April 2013).
- HRW. *Universal Periodic Review: HRW submission on Bangladesh*, (18 April 2013). Available at: <http://www.hrw.org/news/2013/04/18/universal-periodic-review-hrw-submission-bangladesh> (Accessed 15 April 2015). 2011.
- Javaid Rehman, *International Human Rights Law; a Political Approach*. London: Pearson Education Limited. 2003.
- Martin Dixon, Ed. *The Nature of International Law and The International System, Human Rights, ICCPR*. Fourth Edition. London: Blackstone Press Limited. 2000.
- MSF-H. *10 years for the Rohingya refugees in Bangladesh: Past, Present and Future*, (March 2002). Available at: <http://www.rna-press.com/data/itemfiles/5ae98e43d068cb749b3060b002601b95.pdf> (Accessed 14 March 2011). 2002.
- The Arakan Project, *Unregistered Rohingya refugees in Bangladesh: Crackdown, forced displacement and hunger*. Available at: <http://www.burmalibrary.org/docs08/Bangladesh-Crackdown.pdf> (Accessed 6 Feb. 2011).
- UNHCR. *Bangladesh: Analysis of Gaps in the Protection of Rohingya refugees*, (May 2007). Available at: <http://www.unhcr.org/46fa1af32.pdf> (Accessed 15 April 2011). 2007.