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## RESEARCH ARTICLE

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# Analysing the Case of Rohingya Refugees in Bangladesh: Different Levels of Solidarity

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**ABSTRACT:** The Rohingya refugee crisis has been a prolonged refugee crisis in Bangladesh. With the first refugee influx having taken place as far back in late 1977, to the latest one in 2017 (MSF, 2022), the protracted nature of the crisis has made the refugees extremely volatile. The Bangladeshi people warmly welcomed the Rohingya refugees in the face of the 2017 Myanmar military crackdown against the minority, citing four main reasons for the feelings of solidarity – (i) religious similarities, (ii) historical cultural and linguistic linkages, (iii) solidarity from political parties, and (iv) the historical experience of Bangladesh during the liberation war. To add to this, one can also cite constitutional and international duties as humanitarian motivation for Bangladesh to host the refugees. This research will focus on indications of solidarity expressed by actors from state actors and non-state actors through their policies and actions at individual, state and international levels. It will view the issue of expression of solidarity with Rohingya refugees in Bangladesh with the multi-focal lens of levels of analyses. In doing so, the study poses the questions: How is solidarity expressed at the individual, state, and international levels in the context of the Rohingya refugee crisis in Bangladesh? Throughout the study, we link how certain policies, actions and narratives are indicative of expressions of solidarity with the Rohingya refugee population in Bangladesh, especially after the August 2017 Rohingya refugee influx. In doing so the illustrates expressions of solidarity towards the Rohingya refugees at different levels, and also explained some of the justifications of such solidarity. Much of the motivations for the expressions of solidarity has come from sentiments of empathy, global community, neighborly affection and respect and sense of duty from religious, cultural, historical, international human rights and legal obligations.

**KEYWORDS:** solidarity, Rohingya Refugee, levels of analysis, local, national, international

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## 1. Introduction

Solidarity is the act of standing together with others to address a common cause or issue. Solidarity, defined as acting for the benefit of the other, is a social norm. Acts of solidarity can be located in ideas and motivations of who, when and how to help, justifications for providing the help, i.e. for fairness, justice, peace, social cohesion, humanity, and so on, and if such help should result into, or is a result of, mutual obligation (Baumann 2019). The concept of ‘solidarity’ has a long history in Western democratic societies where it “has emerged as a powerful piece of rhetoric” (Rorty, 1989, 192). Scholars have also cited it to be a complex, multidimensional, and normative concept (Baumann, 1999; Kapeller and Wolkenstein, 2013, 477). Agustín and Jørgensen (2016, 17) discussing solidarity in the context of migration, view it as an innovative process that develops “new configurations of political relations, political subjectivities and spaces.” Consequently, solidarity is portrayed as a prominent driving factor of political progress (Agustín and Jørgensen 2016). Even though much of the popular discourse around refugees and ‘refugee crises’ in destination states tends to be negative and restrictive (Schwartz and Schwenken, 2020), Meuleman et. al. (2019) hold that the situation is better understood as a ‘refugee reception crisis’ or a ‘humanitarian crisis’. The need for solidarity has come into sharp focus with more and more refugee crises taking place all over the world (see Agustín and Jørgensen 2016; King 2016; Rygiel 2011). . Refugees who have fled their homes due to persecution, war, or violence have left behind everything they have ever known to seek safety in a new country. This is where solidarity comes in. When people, states and transnational bodies stand together in unity, they can provide a safe haven for refugees. Solidarity is not just about providing basic needs, it is also about creating a sense of community and belonging for refugees who have been uprooted from their homes through acts of openness and access, friendship, and support.

The Rohingya refugee situation showcases that solidarity is not just a Western practice. The Rohingya refugee crisis has been a prolonged refugee crisis in Bangladesh. They have been referred to as the “most persecuted minority” (Aljazeera, 2018; Chikera 2021) and for good reason. Bangladesh has hosted Rohingya refugees for decades. Precolonial times marked the movement of many people across the fluid borders of Bengal and areas of Rakhine. This led to the ‘othering’ of certain groups that were deemed as immigrants and discriminated against. Buddhist-Burmese chauvinistic violence has plagued the region during the independence movement in Burma in the 1920s and 1930s. Casted as the ‘other’, as ‘aliens’ and as ‘non-Burmese’, the conflict within the region, the Rohingya people were compelled to flee and move to Bengal. Bangladesh opened its borders to the Rohingya refugees for the first time in 1978 after its own independence from West Pakistan. The state and the people have expressed their solidarity towards the community by welcoming them, protecting them and providing them with the support they need.

The Bangladeshi people have warmly welcomed the Rohingya refugees in the face of the 2017 Myanmar military crackdown against the minority despite initial hesitancy<sup>1</sup> and concerns for possible consequences to allow a large influx of refugees (see Karin et. al. 2020). Nevertheless, the Bangladeshi people eventually expressed solidarity towards the Rohingya people through their initial support and openness. Bangladesh as a state, especially as one that is not participant in the 1951 Refugee Convention and the 1967 Protocol to the

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<sup>1</sup> Much of the hesitancy has emerged from historical fears of domestic instability and non-traditional security threats associated with welcoming large numbers of Rohingya refugees rooted from past experiences of welcoming Rohingya refugees (Rahman 2010). Bangladesh has opened its borders to the Rohingya refugees in the late 1970s, early 1990s, and then in 2017.

Convention, has opened its sovereign territory to the Rohingya refugees and decided to provide refuge to these persecuted people. At an international level, state and non-state actors have showcased solidarity with the Rohingya people through monetary donations as well as through international legal institutions such as the International Court of Justice (ICJ).

This research focuses on the justifications of actions and policies undertaken by actors at three different levels—namely local, state and international levels—in regard to the 2017 Rohingya refugee influx into Bangladesh. We view the expression of solidarity with Rohingya refugees in Bangladesh through such multi-layered levels of analyses. In doing so, we pose the questions: How is solidarity expressed at the local, state, and international levels following the 2017 Rohingya refugee issue? This article investigates the first two levels of solidarity in the context of Bangladesh as it has been the point of entry of the largest number of Rohingya refugees in 2017 following the Myanmar military crackdown against the ethnic group.

The paper is grounded in qualitative research analysis. The study utilizes secondary source data to highlight underlying indications of solidarity with the Rohingya refugees. The paper takes up document analysis as its central method. Document analysis is a methodical process for studying or evaluating documents, both printed and electronic. Document analysis, like other qualitative research methodologies, necessitates the examination and interpretation of material in order to understand the meaning, interpreting, and develop empirical knowledge (Bowen, 2009). The data sources include three fields of past articles: first, it has drawn from scholarly articles revolving around the Rohingya refugees and the local people in the Cox Bazaar region of Bangladesh to record some of the existing debates on local solidarity towards the refugees. Second, the study has borrowed from journal articles, news articles, and official state documents (such as the Constitution of the Republic of Bangladesh and other official documents) that have recorded the state-level and political reaction to the Rohingya refugee issue. This includes state policy-reactions, and political party narratives. Third, the study has analyzed and borrowed from journal articles and news articles that have focused on the international reaction towards the Rohingya refugee issue. This study has mainly focused on articles that have shed light on reactions of both state and non-state actors in the international arena. While not many articles directly focused on displays of solidarity towards the Rohingya refugees, this study draws from the few direct and indirect indications of local, national or international expressions of solidarity.

This study is dissected in five main parts. The first part briefly discusses the concept of Solidarity and levels of analysis. In doing so, we highlight why assessing these two concepts together is important. The second part focuses on the definitional aspect of the cross-border displaced Rohingya people as refugees. It compares the situation and circumstances under which the majority of Rohingya people faced cross-border displacement to the international refugee framework definition of who are refugees and what it means to be a refugee. The section lays an important base for the fourth section. The next part locate various reasons for solidarity towards Rohingya refugees at a local level. The fourth part of the paper discusses why Bangladesh, having labelled the Rohingya people in its territory as ‘Forcibly Displaced Myanmar Nationals’ (Salsabeel, 2022) (which is problematic in its own right and warranting its own study of the issue), hosts Rohingya refugees despite not being a signatory to the international Refugee Convention. The fifth part examines the expressions of solidarity with Rohingya refugees at an international level through illustrations of the Gambia’s case against Myanmar at the International Court of Justice (henceforth ICJ). Throughout the study, we link how certain policies, actions and narratives are indicative of expressions of solidarity with the Rohingya refugee population in Bangladesh, especially after the August 2017 Rohingya refugee influx.

## 2. Conceptualizing Solidarity and Levels of Analysis

### 2.1 Solidarity

Douwes, Stuttaford and London (2018) identify solidarity as a human characteristic emphasizing the cohesive social bond that binds a group together. It is understood, appreciated and reciprocated by all members of the group, despite different possible motivations, ranging from shared norms and beliefs, to self interest (p.187). As such, there is no consensus regarding the motivations of solidarity. For example, Oosterlynck et al. (2016, p.766) identify four ‘main sources’ of solidarity: interdependence, shared norms and values, struggle, and encounter; Agustín and Jørgensen (2018) differentiate between autonomous solidarity, civic solidarity, and institutional solidarity, while Gaztambide-Fernández (2012) distinguish between relational solidarity, transformative solidarity, and creative solidarity; Straehle (2020) combines social relations and liberal-democratic principles to tease out associational solidarity.

Gould (2007) locates empathy as the central motivation for solidarity. In doing so, she elucidates that solidarity is reflected through an empathetic understanding of issues faced by others and supporting them from a shared perspective with them (p. 252). Contrasting Gould’s notion of solidarity based on empathy, Avery Kohlers (2016) identifies the motivation of solidarity as duty. He suggests that solidarity defines the community to which we have obligations. Kolers (2016) defines his account of solidarity as “political action on others’ terms” (p.5), and denotes that obligations to show solidarity are “individual to constitute the collective in pursuit of something else” (p.45). In Kantian vein, Kohler’s pursuit of solidarity is rooted in the duty to prevent others from coming to harm, as opposed to emotional investment in the general wellbeing of others, or a specific group of others (Straehle 2020).

In such context, solidarity showcases unity through duty towards “a singular ‘community of us all’ rather than bearing on fractured and contested political struggles and communities’ (Featherstone 2012, 37–38). This echoes the idea that solidarity is an international obligation to be a “good citizen of the world” (Malkki 2015, 25). Therefore, this follows that solidarity is a universal moral obligation.

### 2.2 Levels of Analysis

Levels of analysis is an approach of looking into an issue from different ‘levels’. It is used to indicate the location, size, or scale of a research target in social science. Different fields within social science distinguish between different ‘levels’ or ‘units of analysis’<sup>1</sup>, i.e., the actor of entity to be studied. There are three general levels or units of analysis in the levels of analysis in the field of social science. The three units of analysis—macro, meso and micro— provide information about the issues at three separate levels in order to paint a holistic picture of the research issue in question. The macro level analysis investigates research issues from a large-scale level; it analyzes research issues from perspectives of global and national systems, policies, processes as well as large corporate structures, programs, and organizations. It also includes the examination of large-scale social institutions including political and legal systems and processes, military systems and orders, economies, social welfare systems and processes, religions, educational systems and programs, and communication media (Bruhn and Rebach 2007).

The meso-level investigates the networks, communities, organizations, and groups associated with, influenced by or influencing the research issue in question. This level represents government organizations, enterprises, universities, and tiny secondary groups such as departments, units, or clubs (Bruhn and Rebach 2007). This level of analysis assesses a network's, community's, or organization's internal and external efficacy, change, adaptation, and intergroup relations. Lastly, the micro-level looks into small social units in which the individual serves as the social focus as a member of a particular social system (Bruhn and Rebach 207). Micro level analysis is used to identify interactions among individuals and relationships among group members in order to better comprehend the individual. This level focuses on understanding individual responsibilities in groups, group member connections, hierarchy and dominance structures of individuals within groups, and the socialization process of individuals to learn and develop group norms and acceptance. Individuals and small groups; motivation, self-esteem, and socio-emotional intelligence are also studied using microanalysis (Hochschild 1979).

Temby (2015) defines 'levels' as 'social structures', that are relational to one another. This means that each unit of analysis is characterized in terms of other associated units of analysis. Consequently, a change in one unit of analysis would ripple across other units of analysis. Contributing to the debate around the utility of 'levels of analysis', Yurdusev (1993) identifies three basic levels of analysis: "1) the individual human person as an actor, 2) the society or groups of individuals (agglomeration of actors), and 3) the universe or humanity (the all-inclusive actor)" (p.80). Similarly, Waltz (1959) noted that it issues in the field of international relations can be better understood through breaking them down in three different levels of analysis: individual, state, and international. He too locates how personal knowledges and skills can impact leaders at an individual level, motivating them to take specific domestic and foreign policy decisions at the state-level, which later impacts the international level. Knappert, Dijk and Ross (2018) note that analysing individual, organizational and country-level influences dependent nature of each unit of level and establish a relational framework to better understand the inclusion of refugees to work in the Netherlands. 1 The phrases 'levels' and 'units of analysis' are synonymously used. The relational and dependent nature of the different levels makes analysis of research issues through examining the different levels crucial in order to understand the complex nature and influence of a specific research topic. It is important to analyse the solidarity expressed towards Rohingya refugees in Bangladesh following the 2017 at the local and state levels, as well as the international level as such a multi-level analysis can help us understand the different motivations behind solidarity in the context of a refugee issue in the Global South. Furthermore, the nexus between levels of analysis and locating the various motivations behind expressions of solidarity towards the Rohingya refugee population also showcases how different scholarly debates around solidarity can be applied in the analysis of reaction to refugee issues. Therefore, this research is important because (a) it contributes to the existing literature around expressions of solidarity towards Rohingya refugees by local Bangladeshi people, the Bangladeshi government and the international community; (b) it showcases the practicability of the different theoretical debates discussing the motivations of solidarity.

### 3. Locating 'Refugee': Where Do the Rohingya Stand Internationally and in Bangladesh

The increasing number of displaced persons claiming international refugee has led to the renewed attention to definitional aspects of refugee, refugee criteria and refugee law following the end of the Cold War. The periods of 1980s and 1990s marked a significant paradigm shift in identifying refugees and refugee studies as a whole. This period was marked by increased refugee flows from and within the Global South countries, and by evident differences in the nature of these refugees (Chimni, 1998).

The definitional aspect of 'refugee' has always been a contentious issue in both academic and policy arenas. Goodwin-Gill proposes that "any definition or description of the class of refugees is to facilitate, and to justify, aid and protection" (Goodwin-Gill, 1996, p. 2). However, the 1951 UN Convention Relating to the Status of Refugees (Geneva Convention) and the 1967 Protocol Relating to the Status of Refugees, which still stand as the only global refugee mechanism, define refugees as follows:

"owing to 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 his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

Three main traits characterize refugees according to this definition: (1) they are, physically, outside the borders of their own country of origin; (2) the fear of persecution makes them unwilling to return back to their country of origin; (3) the fear of being persecuted is based on grounds of race, religion, nationality, membership of a particular social group or political opinion.

The Rohingya people first sought refuge in Bangladesh in late 1977 to early 1978, when over 200,000 ethnic Muslims identifying as Rohingya fled persecution in Myanmar (Salsabeel, 2019). The Rohingya people have fit the conditions of refugeehood according to the 1951 Geneva Convention and the consequent 1967 Protocol ever since. Starting from their pre-colonial immigrant status, their support for the British due to the tyranny they faced from their Buddhist rulers during colonial times, their failed attempts to lobby annexation into Pakistan, along with their racial, religious as well as linguistic differences, the Rohingyas have always faced subjugation for these reasons, even though they are never said out loud (Salsabeel 2019). The religious background of the minority has been a source of much agitation due to the past ideas of impurity within a Buddhist nation, and is fueled even more so due to the modern concept of Islamophobia (Wade, 2017; Ullah 2011; Ahmed 2010). Their linguistic features, which are the similar to the Chittagonian dialect of neighboring Bangladesh, has time and again played a key part in debates made by those who do not want them to live in Myanmar, disposing the origins of the Rohingyas as "illegal Bangladeshi immigrants" (Bhonsale 2015; Farzana 2017). Likewise, the racial identities of the Rohingyas have added fuel on the fire to their victimization in Myanmar. Furthermore, the 1982 Burma Citizenship Act identified 135 national ethnic groups, but excluded the Rohingya, effectively rendering this ethnic group stateless. The exclusion of the Rohingya people has been debated to be rooted in the belief that the Rohingya people are Bengali immigrants and are not one of the ethnic groups of Myanmar (Kipgin 2014; Wade 2017). The historical 'otherization', discrimination, and persecution based on racial, linguistic and religious differences (Ansar and Khalid 2023) ultimately culminated into the

August 2017 military crackdown on the Rohingya people by Myanmar, and the latest influx of Rohingya refugees to Bangladesh.

Nationality-based persecution consists of negative views and actions intended towards a national, ethnic, or linguistic minority (Fripp, 2016, pp. 2–28) United Nations High Commission for Refugees (UNHCR) (1979) lays persecution as discrimination against groups that leads “to consequences of a substantially prejudicial nature [such as] serious restrictions on the right to earn livelihood, right to practice religion, or access to normally available educational facilities” (UNHCR 1979, p.21). The Rohingya people, deprived of Myanmar citizenship and their homes, often faced experience severe and “substantially prejudicial” exclusion. And because the Rohingya were deprived of their citizenship and the rights that came with such entitlement, the Rohingya people had been rendered stateless ever since the independence of Myanmar from its colonial masters. As a matter of fact, was never listed among the 135 official ethnic groups in the country (Farzana, 2016).

Currently, there are over 900,000 Rohingya people who have found safety in the Cox Bazar region of Bangladesh from the persecution and violence they had faced in Myanmar. These refugees had fled to Bangladesh throughout the years due to multiple acts of discrimination, violence, persecution, and injustice they had faced, including (but not exclusive to) the Myanmar government’s national cleansing process called Operation Nagamin in 1977, which had aimed to screen out foreigners from Myanmar (Salsabeel 2019), the military crackdown during 1989 to 1991 following a popular uprising after a failed election (Reid, 2023), and the 2012 religious uprising against the Muslim Rohingya people spearheaded by an extremist movement called the 969 Movement by Buddhist chauvinists (Crossette, 2013). The most recent military crackdown on Rohingya civilians took place on August 25th, 2017. These attacks were based on allegations of attacks against police outposts in Rakhine by terror group Arakan Rohingya Salvation Army (ARSA) in late May 2017. The Myanmar military, along with extremist Buddhist people in Rakhine, resorted to ritualistic practices of violence, rape, destruction of properties as well as mass killings as a reaction to the attacks. This compelled over 700,000 Rohingya people flee their homes in Rakhine state, Myanmar and seek refuge in Bangladesh (Albert and Lindsay, 2020).

Singh (2010) recorded how national security has often been justification of many South Asian states’ reluctance to host refugees. Bangladesh, like its other South Asian counter-parts, has refused to recognize the cross-border displaced Rohingya people as refugees. This reluctance, however, is not new. And since Bangladesh is not a signatory to the 1951 Refugee Convention and the consequent 1967 Protocol Relating to the Status of Refugees it is not compelled by any form of compulsory or customary international legal mechanisms to recognize the Rohingya people as ‘refugees’. It has denied the Rohingya people refugee status despite repeated requests by UNHCR . As a matter of fact, the Government of Bangladesh has termed the Rohingya refugees in its territory as ‘Forcibly Displaced Myanmar Nationals’ (‘FDMNs’) even after more than five years of the greatest influx of refugees in the country (Salsabeel, 2022).

#### 4. Local Level: Local Solidarity and Resistance

In their work, Ansar and Khaled (2021) located three phases of solidarity showcased by local Bangladeshi people in the Cox Bazar region. The first phase marked acceptance and assistance towards the refugees by the local communities. The second phase was marked by eroding local solidarity as local communities were faced with new increased socio-economic strains, coupled with rising crime rates. And, as the Rohingya refugee crisis marks its sixth year (since 2017) with no signs or possibilities of repatriation, the local community's solidarity has slowly burnt out in the third phase. More and more locals express strong resentment towards the Rohingya refugees and have raised accusations against international and local NGOs and aid organizations, claiming that they have disregarded the problems of the poorer hosts left-behind, as the needs of the local communities affected adversely by the refugee crises remain unattended and underfunded. Uncertainty regarding the future, increased awareness of local hosts' rights, and opposition to refugee-centric policies have been defining features of this period (Yasmin and Akhter 2019; Ansar and Khaled 2021).

A vast majority of the Rohingya refugees sought refuge in the coastal region of Cox Bazar, Bangladesh. A central reason for this is the proximity from the Rakhine state of Myanmar to the Cox Bazar region of Bangladesh (Husein and Khan 2017). Much refugee scholarship has illustrated that resource-poor, overpopulated communities are usually resentful towards refugees moving into their regions (Benard 1986; Chambers 1986). The Cox Bazar's host community's showcase of solidarity and critical humanitarian support to the refugee arrivals in 2017, however, had created new grounds for academic investigation geared toward explaining the phenomena. The Cox Bazar people's solidarity with the Rohingya refugees can be pointed out to have been rooted in the religious similarities, cultural and linguistic similarities, and historical experiences of refugeehood, ie. the experiences of being refugee, of the Bangladeshi nation-state in 1971.

Prior research has indicated that religious affinity plays a big role in bridging an identity gap between refugees and host populations (Hoffstaedter 2017; Palmer 2011). However, the proximity between the Rohingya people and the local people of Cox Bazar was further closed by the cultural proximity, resemblances in physical attributes and similarities in linguistics (Ansar and Khaled, 2021). Therefore, the similarities between the two groups go above and beyond a single attribute. Addressing these as some of the central reasons, most locals asserted that accepting the persecuted Rohingya people into their spaces and providing them with immediate humanitarian necessities, like food, clothes and monetary donations, etc. before the arrival of local and international non-state humanitarian actors to the scene, was the right decision to take (Ansar and Khaled, 2021, p. 4).

The strong religious beliefs held by the local people of Cox Bazar normatively motivated them to assist the Rohingya people and provide them with emergency support. Besides some small minority exceptions, most of the Rohingya refugees that arrived on Cox Bazar soil were Sunni Muslims, same as the local community members. This shared identity with the overwhelming number of the local populations has been a driving factor in the host population's sympathetic behavior (Mim, 2020; Palmer, 2011). Ansar and Khaled (2021) showcase that a large portion of the helpful locals believed that the Rohingya people were their Muslim 'brothers' and 'sisters' and were motivated to help them out of religious obligations. Besides showcase of solidarity through welcoming the Rohingya refugees, the host community made monetary and material donations that were incentivized by Islamic teachings and guidance. Such a faith-inspired refugee-host relationship served as a bridge between the two groups, greatly assisting refugees in settling in and navigating



the local social system (Ansar and Khaled 2021). Many of the refugees that arrived were injured or ill, and the host community assured dignified burials in accordance with Islamic regulations to those who died after their arrival (Holloway and Fan 2018).

The contemporary contention around the cultural and ethnic identity of the Rohingya people is intricately related to the geographic proximity of the Rakhine state in Myanmar. Bengal and the Rakhine state have enjoyed good commercial, political and cultural ties from the eighth century to the nineteenth century, marked by robust cross-border movement and cross-border marriages between locals of each region and travelers that passed through Bengal and arrived at Rakhine (Bhonsale 2015). Therefore, the two regions enjoyed sweet relations even before the colonial period and this contributed to the molding of the ethnic and social fabric of the Rakhine state (Ansar and Khaled 2021; Bhonsale 2015; Minahan 2016). People from the neighboring Bengal were encouraged to travel to the rich Arakan valley as farm laborers during the colonial era following the British acquisition of Arakan in 1826, due to the abundance of agricultural land and the high labor requirement in the region (Alam 2019). Therefore, some researchers have established that the Rohingya people come from an ancestry of Arab, Bengali and Burmese people (Bhonsale 2015; Minahan 2016).

This historical connection between the two regions can also be located in the regional folklore, music, and other cultural practices. Alaol, a prominent poet of Bengali literature's early modern period, romanticized the relationship between the people of Chittagong and Arakan, two regions intertwined by the same linguistics and culture, in his poetry as well (D'Hubert 2005). These linguistic and cultural linkages have made it possible for these two neighboring regions to maintain a steady and stable interconnectedness. As a result, due to the pre-existing cross-border movement of people between the two regions and family connections on both sides of the border, the Rohingya refugees have found it simpler to negotiate the host communities' social structure. Additionally, the shared memory of being refugees held among the Bangladeshi people served as another very important factor in understanding the solidarity of the local host community towards Rohingya refugees. Almost 10 million Bangladeshi were displaced to neighboring India, as they escaped the military crackdown by the Pakistani armed forces in 1971 (Schanberg 1971). As such, many of the political and urban elites used this shared sense of past experiences of being refugees to convince the local populations that the Rohingya too were faced with similar persecution, and just as the neighboring India had hosted the Bangladeshi refugees, it was now the Bangladeshi people's turn to host the Rohingya refugees.

However, the sense of solidarity among the host community has eroded since then. In fact, following the August 2017 Rohingya refugee influx, many areas of the Cox Bazar region saw the locals being outnumbered by the refugees, putting them in a competitive socioeconomic situation in an already deplorable one. Locals argued that they had been outnumbered by a ratio of 1:3, corresponding locals to Rohingya, in favor of the latter (Yasmin and Akhter, 2019). The president of Cox Bazar district unit of Al Sirajul Mostofa mentioned in 2017 that there were 1.1 million Rohingya refugees whereas the local population was only 600,000 (The Financial Express, 2017). It is estimated that around 30,000 pregnant Rohingya women escaped to the Cox Bazar region during the 2017 Rohingya refugee influx, and there have been 60 babies born in Rohingya camps every day since then (Time, 2018). Inadequate healthcare resources coupled with diseases not seen in Bangladesh for several decades brought by the Rohingya people (like diphtheria) have made the region dangerous for the locals. In addition, there has been an exponential rise in criminal activities in the region, with a rise in activities such as arms smuggling, drugs smuggling, and underground political activities.

The arrival of refugees resulted into certain economic stresses as well, such as reduction low-skill job opportunities, lowered daily low-skill job wages, condensed natural resources and opportunities to generate income from land-based work like farming, gathering and fishing, and higher prices of basic necessities such as food, rent, and transportation (UNDP 2018; Yasmin and Akhter 2019; Ahmad and Naeem 2020; Ansar and Khaled 2021). Additionally, streams and canals that have been vital sources of irrigation, consumption and household chores for decades have been polluted and unusable since 2017, because of the poorly-planned refugee camps (Ansar and Khaled 2021). According to the Bangladesh Forest Department, a total of 8,001 acres of forest including 6,164 acres inside camps and 1,837 acres outside, were lost due to the impacts of the influx (Khan 2022). Furthermore, locals are discontented by the insufficient funds directed towards their own communities which have been negatively impacted, and in some cases displaced, by the arrival of the refugees. They shed light on how the impoverished local people, especially those living in remote areas of the region and dependent on natural resources, low-skill daily wage jobs, small farmers, and other resource-dependent occupations strongly object to the relief organizations' predominant focus on the Rohingya refugees in general only (Ansar and Khaled 2021).

While, according to the growing consensus among the local people, an unprecedented mass influx of Rohingya refugees have shifted the socio-economic and security balance in the region, it must also be registered that limited state capacity, as well as the lack of humanitarian attention on the local people are important factors in the current disparities they face. As the Rohingya refugees crisis crosses the threshold of six years (since the 2017 influx), more and more members of the local community are faced with uncertainties about the future.

## 5. State Level: Refugee Admission and Justifications

As mentioned above, Bangladesh is not a signatory to the 1951 Refugee Convention and the 1967 Protocol to the Convention<sup>2</sup>. Hence, the state never ratified the customary regulations that came with the Convention and the Protocol. As a result, Bangladesh has never had the obligation to host Rohingya refugees. However, the newly independent state found itself welcoming approximately 250,000 Rohingya refugees following the launch of Operation Nagamin in February 1978. The operation involved the persecution of falsely accused indigenous Rohingya people on the grounds of allegations of violation of national laws through 'illegal immigration' (Salsabeel 2019). This showcases that Bangladesh is not completely devoid of a framework supporting and protecting refugees even though it is not a signatory to the Convention and the Protocol.

The Rohingya crisis provides an intriguing case study for examining the positions of Bangladesh's major political parties. Despite always harbouring opposing views and policies, the two main political parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP), as well as one of the most prominent Islamic movements, Hefazat-e-Islam (Protection of Islam), in Bangladesh all expressed support for the Rohingya

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<sup>2</sup> There are a few reasons why Bangladesh is yet to sign the Refugee Convention. One of the main reasons Bangladesh has yet to sign the Convention is because of the country's limited capacity to manage significant numbers of refugees. As such, it will not be able to bear the burden of large refugee crises. Signing the Convention would make it responsible, as one of the signatory countries to host, refugees unconditionally. Additionally, Given Bangladesh has already hosted millions of refugees as a result of the 1971 struggle for independence, the Government of Bangladesh (GoB) is weary of possible pressures from the international community to increase its commitment to the international refugee regime and host more refugees should it become a signatory country to the Convention.

refugees and agreed that they should be provided refuge in the state in the face of their persecution (Ansar and Khaled, 2021; Joehnk, 2017)<sup>3</sup>.

Coincidentally, the massive 2017 Rohingya refugee influx took place less than a year ahead of national elections. Taking a stance against accepting the mass influx of Muslim refugees who also have a deep cultural and somewhat linguistic connection with the Bangladeshi people, especially when great masses of the local Bangladeshi were supportive of accepting the Rohingya refugees, would have been a massive blow against any political party at such a delicate time. Hence, the mainstream parties took a unanimous position to accept the Rohingya refugees. The state's Prime Minister Sheikh Hasina welcomed the Rohingya people in the face of the August 2017 refugee influx by saying, "If we can feed 160 million people, we can feed another two or five or seven hundred thousand people." (Dhaka Tribune 2017). Furthermore, referring to the 1971 experience of the Bangladeshi people being refugees, she said "We, too, were forced to seek refuge in India in the face of Pakistan's attack" (Bass 2017) to justify hosting the Rohingya refugees.

However, this did not mean that had the Bengali people of the future to be South Asian nation-state not experienced refugeehood in 1971, they would not be motivated to host the Rohingya refugees. There are some statutory laws in Bangladesh, such as civil and criminal laws, that provide legal protection to refugees. Civil and criminal courts are also tasked with looking into the interests of refugees. The Constitution of People's Republic of Bangladesh is referred to as the supreme law of the land. Part III of the constitution enumerates fundamental rights in order to ensure equality before the law.

Article 31, and 32 indicate the constitutional right of the legal protection of life, liberty and property that non-citizens have when within the sovereign territory of the state, including refugees, even if Bangladesh does not recognize 'refugee(s)'. Article 33 protects citizens and non-citizens alike from arrest and detention. It states that no person who is arrested shall be detained in custody without being informed of the reasons for his arrest as soon as possible. Furthermore, his right to consult with and be represented by a legal practitioner of his choosing cannot be denied. This right, however, does not apply to anyone who is currently a 'enemy alien.' Article 34 states protects all peoples within the sovereign territory of Bangladesh, including refugees. In accordance with Article 102 of the Constitution, any refugee, much like any citizen of Bangladesh, may petition the Honorable High Court Division for the enforcement of the aforementioned rights.

However, Bangladesh still does not have any specific regulations solely dedicated to refugees or refugee protection. The authority to issue residential permits has been delegated to administrators at the district and sub-district levels for the majority of case. The provisions of the Foreigners Act of 1946<sup>4</sup> govern refugees who are considered foreigners under municipal laws. Aside from that, there are some other laws that apply to Bangladeshi non-citizens (Mohammad 2012), including the 1939 Registration of Foreigners Act, 1920 Passport Act, 1974 Extradition Act 1974 and 1926 Naturalization Act.

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<sup>3</sup> The Rohingya refugee issue has been and continues to be in the current government's agenda. It is also important to note that the AL has been the elected governing party of Bangladesh since 2009, having won every general election since December 2008. BNP has continually tried to pressure the AL-led government to get greater international support (New Age Bangladesh, 2022), but has not released any direct statements of support towards the Rohingya refugees. Hefazat-e-Islam has taken an active stance and has publicly called for 'jihad' against Myanmar (Lintner, 2019).

<sup>4</sup> It is indeed worth critiquing why an independent state adheres to the rules and regulations of its past interim government during its membership in the Indian Subcontinent, but this theme is beyond the scope of this paper.

International law is mentioned twice in the People's Republic of Bangladesh Constitution. Firstly, Article 25 (part of the Constitution's judicially unenforceable Fundamental Principles of State Policy) discusses how Bangladesh shall base its international relations principles of respect for national sovereignty and equality, non-interference, peaceful settlement of international disputes, and respect for international law and the principles of the United Nations Charter. Secondly, Article 145 discusses the adoption and codification of international regulations in domestic law. Accordingly, international regulations and treaties must be presented to the President for examination before it can be debated for ratification, ratified and enforced by the Parliament (Hossain, 2021).

The Bangladesh Constitution requires the government to support oppressed peoples' fight against racism in all parts of the world<sup>5</sup>. Part II of the Constitution contains the Fundamental Principles of State Policy, which adhere to international law principles, including those outlined in the United Nations Charter. Bangladesh has signed a number of international human rights treaties, the provisions of which indirectly promote refugee rights. However, international human rights are not legally enforceable unless specific provisions are incorporated into existing municipal laws or given effect through separate legislation. Even so, Bangladesh is a signatory to a number of major international human rights treaties. Some of the most important international instruments include the 1948 Universal Declaration of Human Rights, which mandates that Bangladesh cannot arrest detain or exile any individual arbitrarily, including refugees, and cannot constrain the movement of individuals within its territory; the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, according to which Bangladesh must ensure that no harm will befall the Rohingya refugees within or outside its territory should it even get involved in a war or any other conflict; the 1984 Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment, which prohibits Bangladesh from expelling Rohingya refugees, or force them to leave its sovereign territory through force, persecution or violation of human rights; the 1989 Convention on the Rights of the Child, according to which Bangladesh must take necessary steps to ensure that a child who is applying for refugee status or who has been deemed a refugee, i.e. having fled or “outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection” (United Nations, n.d.), receives appropriate and adequate protection, and humanitarian assistance.

The aforementioned instruments contain provisions requiring states to provide protection to asylum seekers and refugees. However, beyond those, Bangladesh must uphold the principle of non-refoulement as it is a member of the Executive Committee of the UNHCR. Moreover, all states, including Bangladesh, are obligated to promote and protect a common set of rights in accordance to the principle of *erga omnes*<sup>6</sup>, which is part of international human rights jurisprudence (Mohammad 2012).

Bangladesh has hosted Rohingya refugees for decades and has refrained from mass forced exile of these persecuted people. Instead, the resource-constrained small state has provided humanitarian assistance through shelter and helping the construction of makeshift refugee camps for the Rohingya people. The August 2017 Rohingya refugee influx marked a new open-armed welcome to the minority group despite the dangers of over-burdening the limited resources and capacities of the small, developing South Asian state. Therefore,

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<sup>5</sup> See Article 25 of the Constitutions of Bangladesh

<sup>6</sup> *Erga omnes* refers to fundamental human rights such as the right to life, food, shelter, healthcare, freedom of worship, thought, and conscience, and so on, from which no state can deviate and must respect.

even though it is not a participatory state to the 1951 Refugee Convention and its subsequent Protocol of 1967, Bangladesh has showcased solidarity with the Rohingya people by holding up the spirit of the customary values and the principle of non-refoulement<sup>7</sup> of the refugee Convention and its subsequent Protocol.

## **6. International Level: International Solidarity and Gambia**

The sense of support towards the Rohingya refugees has been demonstrated on an international level as well. However, it remains contested as to whether it has been enough (Faye, 2021). Although this study does not necessarily hold that the international community always acts as a cohesive body, many state and non-state actors have shown solidarity towards the Rohingya refugee. UNHCR as an international organization acted actively on the crisis. Reuters reported in May 1978 that UNHCR's Paul Hartling had put aside US\$500,000 for the 200,000 Rohingya refugees who had fled to Bangladesh. At the same time, the Organization of Islamic Cooperation also recognized the plight of the Rohingya people and attempted to pave the way for peaceful negotiations between Bangladesh and Myanmar, which later failed its purpose (Parini, 2013). The Association of Southeast Asian Nations (ASEAN), for example, has been familiar with the predicaments and persecution the Rohingya people face in Myanmar, as well as the implications Malaysia and Thailand must face since they are both recipients of large numbers of Rohingya refugees. However, neither of them have done much beyond condemning Myanmar (Parini, 2013; Rahman, 2015). Additionally, many state and non-state actors have condemned Myanmar for their persecution against the Rohingya people and have made humanitarian donations for the Rohingya refugees across the globe. However, little is being done to address the issue at the root cause—that is addressing the injustice and identifying the members of the Myanmar military junta responsible for the atrocities against the Rohingya people.

As much as the western world and other countries criticized Myanmar for its poor record of human rights it took the international actors a very long time to actively react against it. The small West African nation of The Gambia as an international actor has expressed a commendable effort in showing solidarity towards the Rohingya community by filing a lawsuit against Myanmar for being responsible for genocide against Rohingya at the ICJ. They filed a memorial worth 500 page including 5000 pages of supportive materials in their lawsuit in 2019.

Previously, during the 2019 OIC summit in Makkah, The Gambia was appointed by the OIC to utilise all international legal instruments to hold Myanmar accountable for being the perpetrator of crimes against the Rohingya community (Faye, 2021). The Gambia's attempt to bring Myanmar to justice was backed by all the 57 member countries of the Organization of Islamic Countries. The former Justice Minister Abubacarr Tambadou of The Gambia in a press conference in the Hague said: 'It is a shame for our generation that we do nothing while genocide is unfolding right under our own eyes' (Berg 2019).

It was somewhat by chance that Tambadou who as a lawyer worked for many years at the U.N. tribunal focused on the 1994 genocide in Rwanda, went for a visit to the Rohingya Refugee camp the Bangladesh in May 2018 (Africa Insiders, 2019). "As I listened to the horrific stories — of killings, of rape, of torture, of burning people alive in their homes — it brought back memories of the Rwandan genocide," Tambadou said

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<sup>7</sup> Forced exile of asylum seeker(s) or refugee(s) to a state where they face dangers of persecution.

in a phone interview. “The world failed to help in 1994, and the world is failing to protect vulnerable people 25 years later” (Paquette, 2019). The Gambia’s expression of solidarity for the Rohingya community can be truly considered a beacon of hope amidst the moral tragedy of the crisis. The fact that the plaintiff was Gambia, the smallest country of mainland Africa, has proved paramount for the south-south solidarity against violating human rights. (Hunt, 2020).

“The ICJ ruling sends a very strong message that even small countries can use international instruments as leverage to promote human rights, not only in the continent but globally,” says Dr Ismaila Ceesay, senior lecturer in political science at the University of the Gambia. (Hunt, 2020). ‘Gambia v Myanmar’ case became the first case that a country without any direct connection to the alleged crimes have used the fact that it is party to the Genocide Convention to bring a case before the United Nations’ top court in The Hague (Hunt, 2020). In scrutinizing the response from international level towards the atrocities against the Rohingyas, it is absolutely remarkable that a tiny nation like The Gambia having no direct nexus with the tragedy has sought to address the brutally persecuted Rohingya community<sup>8</sup>.

Myanmar stood accused of human rights violations and breaching the genocide convention. It could have been any of the 149 signatory countries instigating the case, but it was The Gambia who took the liberty to take a vocal stand against it. However, as demonstrated by past cases, carrying out credible action against state and other prominent leaders has been a constraint of the ICJ. Therefore, it remains to be seen the extent to which the judicial decision is carried out and those responsible for the persecution of the Rohingya people are really held accountable for their actions.

## 7. Conclusion

The Rohingya refugee crisis has been a constant issue for Bangladesh. Constrained by fewer resources and overpopulation, it has consistently hosted Rohingya refugees since their first influx into Bangladesh in 1978. Despite all constraints, the state opened its borders to the Rohingya refugees out of a sense of solidarity that runs on multiple levels. Having analyzed the existing literature in the field, the study has identified the following:

(i) at the local level, the local communities and people were on the frontlines when the Rohingya refugees first arrived to Bangladesh. They assisted the persecuted people with monetary and material donations, and temporary accommodation. Much of the Bangladeshi people’s solidarity with the Rohingya refugees was rooted in the religious similarities, the racial, cultural and linguistic similarities, as well as historical experiences of refugee-tude, ie., the experiences of being refugee, of the Bangladeshi nation-state;

(ii) at a state level, the solidarity is expressed through allowing the Rohingya refugees to seek refuge in Bangladesh, despite having no formal binding legal obligations, and the justification of this action originates from motivation of political parties to the Rohingya people, constitutional and international expectations, and maintenance of a positive image in the international arena;

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<sup>8</sup> The International Criminal Court (ICC) also declared in 2019 that it had begun an investigation into Rohingya persecution. Unlike the ICJ, which is a civil court and only hears cases between states, the ICC is a criminal court and prosecutes individuals.

(iii) at the international level, the most active expression of solidarity is perhaps that of Gambia. By lodging the case against the Myanmar military junta at the ICJ, Gambia took active steps against individuals who had been long identified as the culprits behind the persecution of the Rohingya people but let go without any consequences. And while it remains to be seen whether the case would be of consequence for the Myanmar military junta generals behind the injustice, the small African state's heroism in the international realm should be commended. It was principally motivated by need to fulfill its humanitarian and moral duties as a member of OIC and as a member of ICJ.

This study, therefore, illustrates solidarity towards the Rohingya refugees at different levels, and also explained some of the justifications of such solidarity. As showcased above, much of the motivations for the expressions of solidarity has come from sentiments of empathy, global community, neighborly affection and respect and sense of duty from religious, cultural, historical, international human rights and legal obligations. And while there are certainly challenges and gaps in the above-illustrated acts of solidarity, current progress needs to be commended for what they have achieved so far. Challenges such as discontent and negativity harbored by the local people towards Rohingya refugees, limited humanitarian funds directed towards the local people impacted by the arrival of the refugees, the gaps in state planning to address the economic and environmental issues in localities where refugee camps are set up, and so on, need to be addressed and ameliorated to ease in a shift of how Rohingya refugees are viewed. Further academic and policy research is needed to address these challenges and their mitigation.

Starting in 2017, the latest major influx of Rohingya Refugees in Bangladesh is looking to step into its 6th year. Given the protracted nature of this crisis, a lot of research has already looked into the different spectrums of the crisis. Much of this research revolves around the local discontent towards the Rohingya refugees and to the humanitarian mission that revolves around them. In retrospect of the present situation of the crisis and the lack of effective dialogue between Bangladesh and Myanmar, it is anticipated that the Rohingya refugees are not going to be able to safely repatriate in the short-term. As such, we believe that it is important to look towards ways of encouraging solidarity towards the Rohingya refugees at local, and national levels. Moreover, the Rohingya refugee crisis is no longer a crisis that can be addressed at solely the local, national or even the regional level. Hence, international assistance and support are crucial to expressions of solidarity towards the refugees and their futures, as well as to help prompt greater sensitivity and solidarity towards the Rohingya refugees at the local and national levels too.

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