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The Human Right to Citizenship

A Slippery Concept

Edited by

Rhoda E. Howard-Hassmann

Margaret Walton-Roberts

Slippery Citizenship

PENNSYLVANIA STUDIES IN HUMAN RIGHTS

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Rhoda E. Howard-Hassmann
and Margaret Walton-Roberts

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Chapter 4

State of Stateless People: The Plight of Rohingya Refugees in Bangladesh

Nasir Uddin

Though the Universal Declaration of Human Rights (1948) ascertains that “everyone has the right to a nationality” (art. 15(1)), globally there are millions of people who can be defined as noncitizens. These are people who are stateless, not recognized as nationals by any state (see Belton this volume).¹ In fact, citizenship is a reciprocal relationship of rights and duties between individuals and states; therefore, stateless people cannot claim any rights from any state. In some cases international human rights law confers equal rights on both citizens and noncitizens.² However, since many countries do not comply with international conventions such as the International Refugee Convention (1951), the Convention related to Status of Stateless People (1954), and the International Covenant on Civil and Political Rights (1966), the rights of stateless people are not ensured everywhere in the world. Refugees and asylum seekers are also considered as noncitizens in host countries and frequently are also deprived of rights conferred by international human rights law. Therefore, the life of a noncitizen refugee or asylum seeker can become critical, due to the lack of food, water, shelter, education, means of livelihood, medical support, sanitation, and any social, political, and civil rights. Such individuals can become objects of exploitation, oppression, torture, and sexual harassment and are even subject to death due to their statelessness. They are dealt with as if they were less than human beings, on the slippery citizenship spectrum; many

stateless people have slid almost as far as they possibly can. Stateless people's condition of vulnerability experienced in everyday life is reproduced by the state's discourse of noncitizenship. In fact, the framework of modern nation-states produces the legal categories of citizen/noncitizen, which reproduces and confirms the status of statelessness, making some people more vulnerable than others. Lack of citizenship and refugeehood are components of this heuristic notion of slippery citizenship. Margaret Walton-Roberts (in this volume) argues that the "slipperiness of citizenship is fast becoming the norm for already vulnerable subjects, and in some cases is also generating further vulnerability."³ This chapter examines one empirical example of such a context through the plight of a group of stateless people known as the Rohingya.

The Rohingyas are an ethnolinguistic and religious minority currently belonging to no state. They have been residents of Myanmar for the last two centuries, but now a large number of them live in Bangladesh and other neighboring countries, as both refugees and illegal migrants. The flight of the Rohingyas from Myanmar to Bangladesh commenced in the late 1970s, but mass migration started in the early 1990s. Oppression, discrimination, and forced labor imposed by the Myanmar authorities triggered an exodus across the border of about 300,000 Rohingya Muslims in 1978 and another 250,000 in 1991/1992.⁴ Over the years, Rohingyas who moved into Bangladesh were officially repatriated to Myanmar under the supervision of the United Nations High Commissioner for Refugees (UNHCR). However, many repatriated refugees returned to Bangladesh since their situation in Myanmar remained unchanged. They became undocumented migrants and thereby started living as unregistered Rohingyas. A riot in June 2012 between Rakhine Buddhists and Rohingya Muslims in the Rakhine state of Myanmar triggered the influx of about 50,000 Rohingyas to Bangladesh.⁵ Currently the number of unregistered Rohingyas, living mainly in south-eastern Bangladesh, is estimated at 350,000.⁶ In addition 30,000 Rohingyas are officially recognized as refugees by the Government of Bangladesh (GoB). They live in two official camps—Kutupalong of Ukhia and Naya-para of Teknaf—under the supervision of the UNHCR and with the help of many NGOs.⁷ Two makeshift camps—Taal in Ukhia and Leda in Teknaf—accommodate about 45,000 unregistered Rohingyas.

Unregistered Rohingyas are forced to lead an inhuman life, since they are illicit residents with no status. Therefore, they are largely unemployed, vulnerable to ill health, random exploitation, and abuse. They do not even

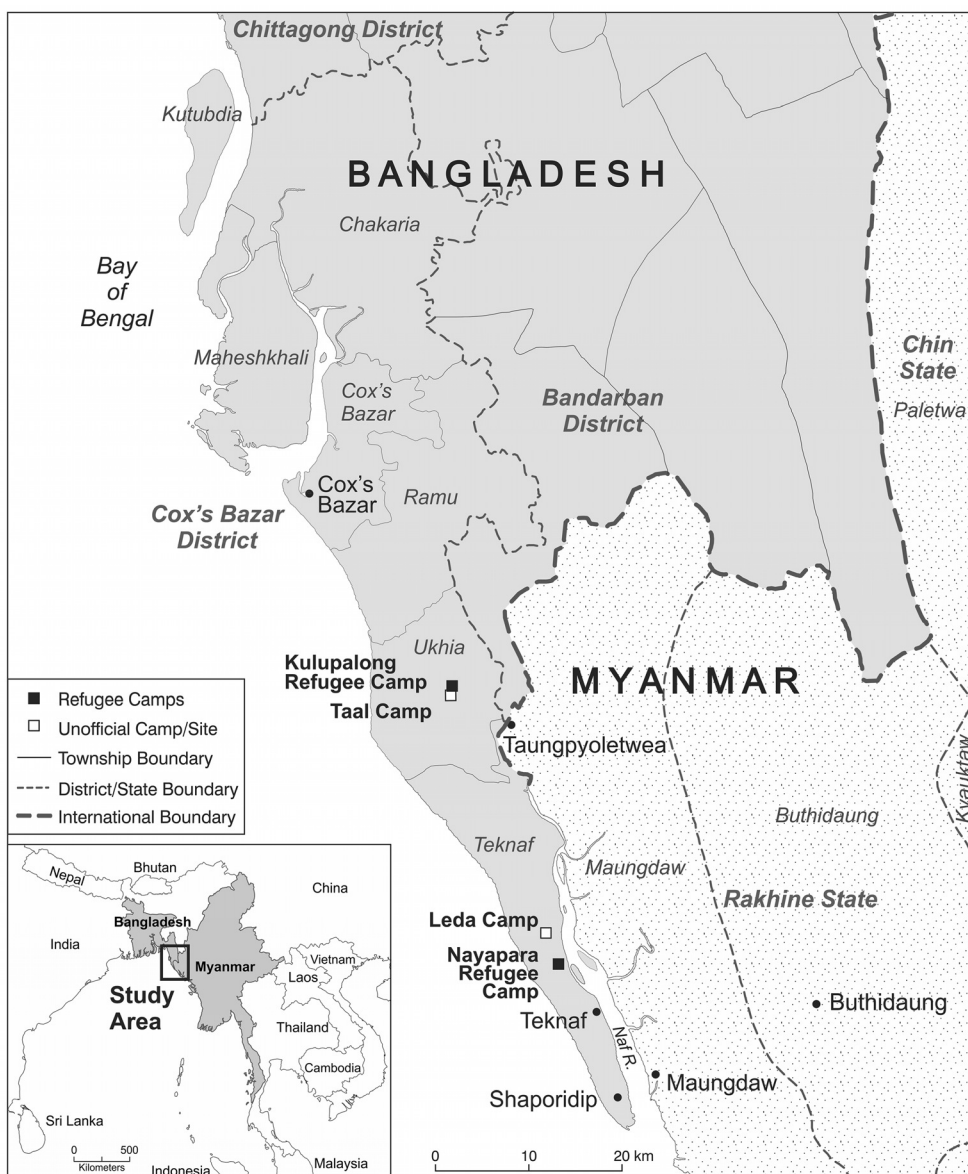


Figure 4.1. Location of official and unofficial Rohingya refugee camps in Bangladesh. Cartography courtesy of Pam Schaus, Wilfrid Laurier University.

enjoy the basic and minimum standard of life to which the registered refugees in the UNHCR camps are entitled. The UNHCR is mandated to protect refugees worldwide, but makes no significant protests against the injustices committed against the unregistered Rohingyas who live outside the camps. Even national media, rights activists, and civil society actors in Bangladesh have been reluctant to raise the Rohingya issue. Local Bangladeshis do not welcome the presence of the Rohingya, since the local communities of Ukhia and Teknaf that host the unregistered Rohingyas are themselves overcrowded and resource poor. Consequently, thousands of self-settled Rohingyas are perceived as a burden and competitors for already scant resources. Their vulnerable position makes them an easy punching bag for unscrupulous local politicians wishing to score political points. They are treated by both locals and state institutions—civil administration, law enforcement agencies, and local government bodies—as illegal migrants, unwelcome outsiders, and socially disordered settlers. This chapter explains the plight of Rohingyas in Bangladesh and details their treatment and lack of access to basic rights, all of which are contrary to the internationally endorsed law of human rights and the individual right to citizenship.

Entering the Field: Methodology

This chapter is the outcome of ethnographic research on both Rohingya refugees and unregistered Rohingyas who live in Bangladesh. The data discussed are comprehensive, descriptive, and qualitative in nature. I undertook fieldwork in the communities of Teknaf and Ukhia for a period of ten months—two months each in 2008, 2009, and 2010, three months in 2011, and one month in 2012. Of the many villages cohabited by unregistered Rohingyas and local Bengalis in Teknaf and Ukhia, I selected two, “Vasan Para” (pseudonym) of Teknaf and “Pasan Para” (pseudonym) of Ukhia.⁸ These two villages often appeared in newspaper reports on violent clashes between Bengalis and Rohingyas.⁹ Vasan Para has 330 households (population about 1,650), and Pasan Para has 410 households (population about 2,050).¹⁰ In Vasan Para, the ratio of Bengalis to Rohingyas is 72 percent to 28 percent, whereas in Pasan Para, the ratio is 69 percent to 31 percent. I conducted unstructured interviews with 100 informants, 40 Bengalis and

60 Rohingyas of both sexes from each village. I also conducted 20 key informant interviews, 10 with Bengalis, 10 with Rohingyas, and five focus group discussions (FGDs) in each village. In addition, I recorded 30 case studies and documented 20 life histories of both Bengalis and Rohingyas in each village. I also visited the Kutupalong and Nayapara refugee camps and the Taal and Leda makeshift camps many times between 2008 and 2012.

State of the Rohingyas: Traveling Through History

The Rohingyas inhabit the northern part of Rakhine State (Arakan) in current-day Myanmar.¹¹ They comprise 25 percent of the state's total population of 800,000.¹² Arakan was an independent kingdom until 1784, when it encompassed the Chittagong region in the southern part of today's Bangladesh. The Arakanese had their first contact with Muslims in the ninth century, when Arab merchants docked at an Arakan port on their way to China. "The Rohingyas are [claimed to be] the descendants of [this first group of Muslims] Moorish, Arab and Persian Traders, including Mughal, Turk, Pathan and Bengali soldiers cum migrants, who arrived between the 9th and 15th centuries, married local women, and settled in the region."¹³ The Burmese king Bodawpaya conquered and annexed Arakan in 1784, triggering a long guerrilla war in which the Burmese allegedly killed more than 200,000 Arakanese. A failed attempt was made in 1796 to overthrow Burmese rule, resulting in the exodus of two-thirds of the Muslim Arakanese into the neighboring Chittagong area.¹⁴ This marked the start of an influx of Arakanese Muslim refugees into Bengal. When the British incorporated Arakan into its empire in 1885, many refugees returned. For centuries, the Buddhist Rakhine¹⁵ and Arakanese Muslims lived together in the territory until World War II. However, the advance of the Japanese army in 1942 sparked both the exodus of thousands of Muslims and the evacuation of the British from Arakan, creating a political void; "Communal riots between the Rakhine Buddhists and Rohingyas erupted, and some 22,000 Muslims fled to adjoining British Indian territories [now Chittagong]."¹⁶

Shortly after Burma became independent in 1948, some Muslims carried out an armed rebellion, demanding an independent Muslim state within the Union of Burma. Though the rebellion was quashed in 1954, Muslim distrust of the Burmese administration remained, and a backlash ensued that echoes today. For example, "Muslims were removed and barred

from civil posts, restrictions on movement were imposed, and property and land were confiscated.”¹⁷ Even so, the Rohingyas, as Muslims, were close to having their separate ethnic identity and autonomy formally recognized in the 1950s under the democratic government of U Nu, but these plans were thwarted by the military coup of General Ne Win in 1962.

Shift of Status: From Statelessness to Refugeehood

Since 1962, the history of the Rohingyas has been rife with exploitation, persecution, and discrimination. General Ne Win (1962–1988) and his revolutionary council adopted a policy to suppress and oust the Rohingya Muslims from the country by banning all Rohingya activities and sociocultural organizations. In 1978, he launched “Operation Dragon”, which forced 300,000 Rohingyas to enter Bangladesh, causing tremendous economic and political problems. Though most Rohingyas returned to Myanmar in 1979 under an agreement between the two countries, returnee Rohingyas became outsiders, despite living in their homeland. Finally, they were rendered stateless by the Myanmar Citizenship Law of 1982, which conferred the right of citizenship on members of 135 nationalities listed by the government of Myanmar (GoM), which excluded the Rohingyas. Thus we can see how the laws of the modern nation-state are implicated in the condition of Rohingyas today: “Denial of citizenship is the key mechanism of exclusion, institutionalizing discrimination and arbitrary treatment against this group.”¹⁸ The Rohingyas fled Myanmar for a number of reasons, including atrocious living conditions, forced labor by military junta, unexplainable persecution, confiscation of land and material resources, restrictions on movement that virtually confined them, restrictions on marriage and education, frequent communal riots by Rakhine Buddhists against them, and various other restrictions on their freedom of choice and liberty. The distinction between a refugee fleeing persecution and one seeking a better life does not mean much to the Rohingyas, since both are true.¹⁹

Hundreds of thousands of stateless Rohingyas fled brutal oppression in Myanmar and migrated to Bangladesh, the neighboring state, where linguistic (Chittagonian language)²⁰ and religious homogeneity (Islam) exist with the people of the Chittagong region. How many Rohingyas live in Bangladesh is unknown because the exodus has never stopped and new

arrivals have no access to the refugee camps; therefore, there is no official record of unregistered Rohingyas.

State of Stateless People: The Plight of Rohingyas in Bangladesh

The plight of Rohingyas in Bangladesh can be understood by analyzing how the state and host society deal with them. Institutional engagement, at both national and international levels, is also imperative to understanding the condition of Rohingyas in Bangladesh. I will discuss the plight of the Rohingya refugees in Bangladesh in two separate sections: relations with the state and relations with the local people.

Relations with the State

In the late 1970s and early 1990s, Bangladesh took every emergency measure to assist Rohingyas entering Bangladesh, to ensure their minimum standard of living. Therefore it can be stated that the “commitment undertaken by the GoB to assist these refugees, despite the fact that the state was not a signatory to the UN convention, was notable.”²¹

Soon after the Rohingyas migrated, four Bangladeshi ministries—Home Affairs, Health and Family Welfare, Foreign Affairs, and Food and Disaster Management—became actively involved in providing their basic human needs and monitoring the refugee situation. Bangladesh established 20 refugee camps for the Rohingyas along the road to Teknaf. While Bangladesh was providing administrative support for monitoring the refugee situation and camp management, UN agencies—UNHCR, WFP, UNICEF, WHO—were providing financial support. The GoB coordinated this massive refugee settlement and gradual repatriation to Myanmar with the help of the UN and UNHCR. The remaining registered Rohingyas live in two official camps in Cox’s Bazar, but their living conditions are little better than those of the unregistered Rohingya.²² Crabtree explains that “the refugee camps have been ranked among the world’s worst; there have been reports of rape and corporal punishment by the local population, and shelters are shoddily maintained by random pieces of tarp, plastic, and bamboo.”²³ Concern

regarding the state of these camps is further highlighted by the number of spontaneous and makeshift camps established in Teknaf and Ukhia.

Despite the GoB's efforts to assist the refugees, from the very beginning the Rohingyas were regarded as a burden that created additional pressure on local resources. Therefore, from the beginning, the GoB tried to repatriate them to Myanmar. In fact, "voluntary repatriation is the only durable solution available to refugee: ruling out the possibility of local integration."²⁴ Nevertheless, Rohingyas have gradually become more reluctant to be repatriated because the situation in Rakhine State remains unchanged. Hopes of obtaining citizenship rights in Myanmar have been officially ruled out, and many Rohingya families intend to integrate with the local society either by establishing affinal relations or through bilateral trade and employment agreements. With the help of UNHCR and its partner agencies, the GoB is attempting to secure food and daily essentials only for those who are officially registered in the two camps, thereby leaving huge numbers of unregistered refugees without support. Law enforcement agencies, border security, local government, and civil administration function only to catch unregistered Rohingyas as illegal migrants, who are then subject to detention and forced repatriation, which is aimed at long-settled as well as new migrants, as Lewa explains:

unregistered Rohingya refugees have settled among the local population . . . eking out a hand-to-mouth existence without any humanitarian assistance, vulnerable to exploitation and arrest. . . . Bangladesh has generally tolerated their presence, but anti-Rohingya sentiments have steadily grown among the local population, manipulated by the local political elite and the media. . . . In parallel, at the end of 2007, the Bangladesh law enforcement agencies started arresting and pushing back Rohingya across the border to Burma [Myanmar]. Initially, only new arrivals were targeted, but since mid-2009, self-settled refugees have also been deported.²⁵

As with the unregistered, the registered refugees also suffer from forced repatriation. There are many examples of resistance against forced repatriation demonstrated by registered refugees in both Kutupalong and Nayapara camps. Sometimes, security forces physically torture refugees in order to force them to cross the border. At Nayapura camp some 12,000 refugees refused food rations provided by the authorities in 1997 as a form of protest

against forcible repatriation; “Apparently this was in reaction to earlier incidents in which women and children were allegedly hit with batons and forced into boats by Bangladeshi officials prior to making the Naaf River crossing into Arakan.”²⁶ Similar resistance was observed in 2004, 2009, and 2011. Even after two decades, Rohingyas are still denied freedom of movement, the right to work, and the right to education, and thus are denied the chance for self-reliance and self-determination. This creates the conditions that drive the Rohingya into marginal activities, as Phiri explains: “Rohingya refugees of Bangladesh are forced to engage in clandestine activity, working illegally and for low wages.”²⁷

Many unregistered Rohingyas live in the makeshift camps, in crude huts thrown together with bin liners, sticks, and mud. Sanitation is minimal. Sewage facilities, hugely inadequate in the monsoon season, run alongside the housing. A 2009 survey conducted by MSF found that 40 percent of deaths in this unregistered camps were due to diarrhea.²⁸ I have recorded many cases during my fieldwork where Rohingya children died of diarrhea and malaria due to the lack of healthy sanitation, drinkable water, and limited access to minimum medical facilities. One of my key informants, Johir Uddin²⁹ (54), a Rohingya, explained to me:

Since we are considered as illegal residents, we can’t seek help from law enforcing agencies, local administration, government-hospital, and even from UNHCR. We even can’t go to a private clinic for an emergency case as doctors refuse us saying “you are Rohingyas. You are illegal. You are destroying our lives here. We should not help you survive. You better go back to Myanmar.” While we are dying, they are thinking of Rohingya or non-Rohingya. Police, security forces, BGB, para-military and RAB³⁰ quite often raid and arrest to push us back to Myanmar. I was arrested in January 2009 and thrown into the Naf River³¹ to swim to cross the border. When I refused to do so, BGB personnel kicked me on my hip, and I suddenly fell into the Naf. My elder son was shot dead on the spot there while I was swimming to cross the border. On Myanmar side, Nasaka³² arrested us in a group and tortured in unexplainable ways and again pushed us back to Bangladesh. Swimming hours to cross the Naf and walking three days through the jungle, we again came back to Bangladesh. This is the life we lead. To whom we will complain? To whom we will appeal? To whom we will seek

a minimum space for living? We are the people who belong to no state.

These comments reveal how these stateless people experience the cruel, brutal, and inhuman behavior committed by state forces because of their statelessness. Their identity as noncitizens permits them to be seen as less than human. All this happens to Rohingya only because of their status as noncitizens in either Bangladesh or Myanmar. In addition, the violence committed against stateless subjects includes cases of rape of Rohingya girls by local Bengalis and security forces. The victims cannot seek justice from any agency of the state as they are noncitizens; thus their precariousness makes them into objects of the worst exploitation. As Gibney reminds us, citizenship “is a gateway to other rights . . . the stateless are lacking the very right to have rights.”³³ The Rohingyas cannot even file a case with the police, since they are not eligible to do so as illegal migrants and unregistered Rohingyas. Local people, police, and security forces use this space of vulnerability to their own advantage and are frequently reported as raping Rohingya girls during raids and forced repatriations. I recorded one case where a father explained to me:

It is a great shame for me to say that my daughter (19), while I was living in the borderland of Bangladesh and Myanmar with my family, was regularly raped by couple of security personnel in the threat that, if we do otherwise, they would shoot us dead on the spot. Staying for a couple of months, one dark night we left the place and came into Ukhia. Here we started living from 2004. Unfortunately, we had the similar experience here by a local stupid, politically powerful one, who was using the same space in the threat of eviction. We couldn't go to police station, seek justice from the local leader, and lodge a complaint with any law-enforcing agency because we were in fear that they would do the same the local stupid was doing. This is the sad story which many Rohingya girls living in Bangladesh experience in their life-time.

The state's denial to recognize the Rohingya produces extreme vulnerabilities, which are then exploited by locals and local agents of the state. The vulnerability of Rohingya life is a demonstration of how “Citizenship is central to the space in which a person is empowered to exercise rights, and

this geographical framing of citizenship is central to the differential rights various subjects can access in all areas of life.”³⁴ Since the Rohingya do not have any space within the geographical framing of citizenship in either Bangladesh or Myanmar, they are a people without rights, and their life is rendered miserable and inhuman.

Relations with the Local People

The relationship between Rohingyas and the local people has changed over the years. In the early years, migrant Rohingyas were received warmly by the local people for humanitarian reasons, as a symbol of sympathy for their neighbors and feelings of Muslim brotherhood. One of my Bengali informants, Jalil Mian (78) of Vasan Para, explained to me;

When they first came, we felt it was our duty to stand beside them since they were oppressed and tortured by the military government of Burma and forced to leave their homeland. We gave them shelter because we thought it was our duty as they were our neighbors and Muslim brothers. As human beings, it was our moral duty to help others in crises, and we did it for the time being, but not for life long. We even didn't think that those people would become the crucial factors of our boundless miseries.

Analyzing the information I accumulated, I found six principal reasons why the brotherly relationship between Rohingyas and local Bengalis became confrontational. These were the sharing of scarce resources; inter-ethnic marriage between Rohingyas and Bengalis; Rohingyas' intervention in a limited local job market; pressures on the local environment; domestic and international security issues; and criminal offenses reportedly committed by Rohingyas.

The local people have to share already insufficient resources with the Rohingyas, including agricultural crops, farm goods, vegetation, poultry, and fishing. Rohingyas are considered an added burden and competitors for these limited resources. Whenever local people fall into crises, the presence of Rohingyas is perceived as the main cause. It is indeed a huge burden, as many Bengali informants explained to me, to feed more than 400,000 additional people with the same scarce local resources.

Interethnic marriage between Rohingyas and Bengalis are another factor. Interethnic emotional affairs, premarital sexual relations, elopement, and marriage regularly take place. Younger Rohingyas become romantically involved with Bengali youths. Some interpret this as an effort to gain legitimacy among the locals. As Moriam Khatun (32), a Rohingya woman, explained to me, “I fell in love with Kabir [a Bengali], got married, and gave birth to three children. I am now well settled and treated as one of Bengali family members, unlike the treatment prior to marriage. Before marriage, I was living without any status, but now I have my own identity, husband, and family.” She is happy because, by marriage, she has gained identity and status as human being that belongs to a household, even though, as she also explained to me, “My parents in law quite often don’t forget to remind me that I am a Rohingya, meaning a bad girl.” However, inter-ethnic marriage is still not accepted by all the locals. They consider it emotional exploitation and sexual blackmail by Rohingya women. Golam Kuddus (51), a local Bengali, expressed his feelings about this matter:

Rohingya girls are very cunning. They sexually exploit Bengali youths to serve their purpose. They don’t have any character even. One girl has a couple of boyfriends and maintains regular sexual relations with more than one. She convinces one of them . . . [to] elope and marry. As parents, after marriage we have nothing to do but to accept them. My eldest son married a Rohingya girl who became our family member. But she couldn’t finally live with us. She got out of my house taking my elder son away. Now they live in a separate household. The Rohingya girls are breaking our family ties and kinship bondage.

Golam Kuddus’s narrative reveals the common attitude of locals toward Rohingyas. These kinds of events—love, elopement, and marriage—challenge the distance between Rohingyas and local Bengalis, and thus are subject to deep resentment by many locals.

Unemployment among the locals has also become an acute issue of contention since Rohingyas have entered an already limited job-market. Day labor, construction, agriculture, carpentry, weaving, handicrafts, the dry-fish business, fishing at the seashore, boat fishing, making fishing nets, small-scale cottage industry, rickshaw pulling, working in brick fields, and wood chopping are the sectors where local people of Teknaf and Ukhia are

employed. In these sectors, the Rohingyas sell their labor at a cheaper rate than the locals do, so are preferred by employers. Kabir Mian (47), a Rohingya, told me: “If we don’t sell our labor cheaper than the locals, why will other people, who themselves are locals, employ us? We indeed get what we are paid off, since we don’t bargain. In fact, whether we are getting a job is more important than how much we are earning because we have to survive with our family members at any cost. We just can’t let our family members die of starvation.”

Another important issue is the environmental pollution allegedly committed by the Rohingyas. The allegations are that the Rohingyas are involved in illegal wood logging and trafficking; destroy the forest resources by using firewood for cooking; use open space for urination and defecation; building temporary shelters by cutting forests; and are “living on forest resources which they use unsustainably by damaging the natural resources for the near future.”³⁵ Against these accusations, Rohingyas have their own explanation. Mr. Kalimulla (50), a Rohingya, told me:

What can I do for our survival other than using the natural resources that surround us? Where will I go with family members, having a wife, three daughters, and two sons, without making a little space for living in this jungle? The GoB is not recognizing us as refugees. Therefore, UNHCR is not providing us with food and any other assistance. Even no NGOs are providing us with any assistance. We can’t go back to Myanmar since the junta doesn’t recognize us as Myanmar’s citizens. Myanmar’s Rakhine Buddhists are always ready to kill us there. Where will we go? How will we survive? Is our fault that we were born in this world?

He explained in detail how miserable he is, leading his life with seven family members. This is not a unique story but a common plight of Rohingyas in Bangladesh. In fact, statelessness has created these vulnerabilities and uncertainties in the life of Rohingyas, since neither Bangladesh nor Myanmar accepts them as citizens, thereby denying them their basic human rights of food, clothing, shelter, medical care, and education.

The Rohingya are allegedly involved in different militant activities in Bangladesh. Many Arakanese rival groups—namely Rohingya Solidarity Organization (RSO), Arakan Liberation Party (ALP), and National United Party of Arakan (NUPA)—are said to be now established in Bangladesh.

They are said to have established their training camps in Teknaf and Ukhia and the nearby region, the Chittagong Hill Tracts, and to use this region for safe passage of arms trafficking. Many Rohingyas are allegedly members of Islamic militant groups in this region, which are regarded as a serious security threat by the GoB. Meanwhile, Bangladesh intelligence forces have arrested and detained many Rohingyas, claiming that they are actively involved with militant Islamist groups. Involvement of Rohingyas in militant activism is instrumental in shaping the structure of relations between the state of Bangladesh, Rohingyas and the locals. Their lack of citizenship and their sense of deprivation as stateless people are part of the reason some Rohingyas may be involved in militant activities. Amartya Sen argues that citizenship is integrally connected with the enhancement of human capabilities and, therefore, the granting of citizenship removes some of the “unfreedoms” that place people at risk from want and fear.³⁶ Without such basic rights, it is understandable how some Rohingya may become involved in militant activities that proclaim that they seek alternative futures.

Finally, the Rohingyas are accused of various criminal offenses at the local level—mainly hijacking, snatching, robbery, and stealing. Different local and national dailies regularly publish news of offenses allegedly committed by Rohingyas. Police records also justify this allegation as an increasing number of criminal offenses have occurred in Ukhia and Teknaf that seem to be connected with Rohingyas.³⁷ Rohingyas also admit to such allegations against them, since many told me that they do so for their survival. Sometimes they may starve for a few days, and, finding no other alternative, they feel compelled to steal goods and property to survive. Such admissions can be contextualized by the theoretical premise of Jacobsen³⁸ and Loescher³⁹ who acknowledge that poor living conditions and lack of access to basic supports often compel refugees to commit social crimes. Since unregistered Rohingyas are not supported or aided by any governmental organizations or NGOs, they have to provide for their own survival.

Conclusion

Based on this discussion and analysis of the structure of relations between the state, local people, and the Rohingya, we can conclude that the role of the Bangladesh state in handling the Rohingyas in its territory is influenced

by four factors. First, as a nonsignatory state of the 1951 Refugee Convention, Bangladesh is not legally obliged to host refugees in its territory. Therefore, the Rohingyas cannot claim any refugee rights from Bangladesh and cannot lodge any complains with any authority for any sort of mistreatment. Second, Bangladesh itself is a resource-poor country and is struggling to feed its own population of 160 million; therefore more than 400,000 Rohingyas are regarded as an added burden on its limited resources. Third, Bangladesh does not have good diplomatic, bilateral, or trade relations with Myanmar. Instead, Bangladesh's border is frequently used for illegal trade, smuggling, and human trafficking by Myanmar-based groups. Fourth, many Myanmar so-called terrorists groups are said to have been active inside Bangladesh territory and to use it as a safe passage for arms trafficking. It is also widely discussed that such practices promote militant activities inside Bangladesh, regarded as a serious security threat for the country.⁴⁰ Therefore, Myanmar is regarded as a security threat to Bangladesh, and the Rohingyas are thus seen as an extension of this threat.

Despite this picture of the relationship between the two countries, the Rohingyas deserve to be treated as human beings who have every right to lead a life of dignity. Myanmar's policies first rendered them stateless and later forced them to flee their homeland, the Myanmar state created these refugees. When they were compelled to cross the border, Bangladesh regarded them as illegal migrants and an economic burden. Where will they go? How will they survive? As human beings they also have the right to citizenship, one of the most basic human rights endorsed by Universal Declaration of Human Rights. The Rohingya issue must therefore be reckoned with as a question of basic deprivation of rights, especially the individual right to citizenship endorsed by international law and jurisprudence. In that context, serious human rights violations are taking place, atrocities are being committed, basic human needs are left unfulfilled, and essential human necessities are unmet for the Rohingyas, particularly for unregistered Rohingyas in Bangladesh. Bangladesh is now serving the in-camp Rohingya refugees through the active support of UNHCR and its local and international partners, while the larger number of out-camp Rohingyas are left unassisted, unsupported, and uncounted in the state's policy, projects, and planning for rehabilitation or lawful repatriation through bilateral contact with Myanmar. These unregistered Rohingyas try to integrate with the local population, which creates tensions and conflict in local societal dynamism, for example, crisis in the local job market, a burden on scare

resources, inter-ethnic marriage, and threats to law and order in the locality. Consequently, the social distance between the local people and the Rohingyas is gradually increasing. Therefore, the Rohingya refugee issue demands the urgent attention of the international community to resolve it through the framework of international jurisprudence ratified by the United Nations. As member countries of the UN, Bangladesh and Myanmar could also be brought under a legal obligation of the UN Charter in an attempt to save the Rohingyas as human beings from inhuman sufferings and to uphold the spirit of humanity.

35. See, for example, National Insurance Institute of Israel, “Grant to Discharged Soldiers Performing Vital Work” (1949); Discharged Soldiers (Reinstatement in Employment) Law, 5709–1949, Passed by the Knesset on 26 Nisan 5709 (25 April 1949) and published in *Sefer Ha-Chukkim*, no. 6 of 27 Nisan 5709 (26 April 1949), 13; the bill and an explanatory note were published in *Hatza’ot Chok*, no. 3 of 21 Adar 5709 (22 March 1949), 7; Consideration of Reports Submitted by States Parties Under Article 9 of the Convention: Concluding Observations of the Committee on the Elimination of Racial Discrimination, Israel, Committee on the Elimination of Racial Discrimination (UN, 14 June 2007), 4, CERD/C/ISR/CO/13.

36. The population as of 1 January 2014 of the West Bank is estimated by UNRWA at 2.4 million, of which a quarter, 727,471, are registered refugees living in 19 refugee camps; UNRWA, “Where We Work: West Bank.” The population of the Gaza Strip as of 1 January 2014 is estimated at 1.5 million, of which 1,221,110 are registered refugees living in 8 refugee camps; UNRWA, “Where We Work: Gaza Strip,” <http://www.unrwa.org>.

37. Birzeit University, “Legal Status in Palestine,” <http://lawcenter.birzeit.edu>.

38. Ibid.

39. Ibid.

40. Ibid.

41. Asem, *Palestinian Nationality and Citizenship*, 14–15.

42. B’Tselem: The Israeli Information Centre for Human Rights in the Occupied Territories, “Gaza Strip,” 1 January 2011, http://www.btselem.org/gaza_strip.

43. Ibid.; B’Tselem, “The Gaza Strip: One Big Prison,” 2007, <https://www.btselem.org>.

44. B’Tselem, “Land Expropriation and Settlements,” 1 January 2011.

45. B’Tselem, “Land Expropriation and Settlements in the International Law,” 1 January 2013.

Chapter 4. State of Stateless People: The Plight of Rohingya Refugees in Bangladesh

1. UNGA, Convention Related to Status of Stateless People, 28 September 1954, art. 1(1).

2. David Weissbrodt, *The Human Rights of Non-Citizens* (New York: Oxford University Press, 2008).

3. Margaret Walton-Roberts, this volume.

4. See Ahmed Ahmed, ed., *The Plight of the Stateless Rohingyas* (Dhaka: University Press, 2010); Kristy Crabtree, “Economic Challenges and Coping Mechanisms in Protracted Displacement: A Case Study of the Rohingya Refugees in Bangladesh,” *Journal of Muslim Mental Health* 5, 1 (2010): 41–58; Nasir Uddin, ed., *To Host or To Hurt: Counter Narratives on Rohingya Refugee Issue in Bangladesh* (Dhaka: Institute for Culture and Development Research (ICDR), 2012).

5. Just after the riot took place in Rakhine State, the government of Bangladesh strengthened its border security to prevent entry of any Rohingyas into its territory. Border guard Bangladesh (BGB) pushed huge numbers of Rohingya asylum seekers back, but about 50,000 entered Bangladesh through various irregular channels. For details, see Uddin, *To Host or to Hurt*.

6. This is an estimate of the number of unregistered Rohingyas, since there is no official record. The actual number seems much larger than the estimates, as the flow of migration has continued.

7. Ukhia and Teknaf are two subdistricts of Cox’s Bazar District (see map).

8. As a local resident of Cox’s Bazar, both villages are familiar to me: three of my relatives live there; therefore, I had easy access to the villagers. The pseudonyms of two villages used here have rhetorical significance. *Vasan Para* means a village where largely mobile (*vasan*) people live and *Pasan Para* a village where local residents are very cruel (*pasan*).

9. Confrontations over cow stealing from Bengali families by Rohingyas, raping of a Rohingya girl by a local Bengali, arrest of Rohingyas in connection with militant activities, and many other social crimes are the reasons these villages regularly appear in local and national dailies.
10. One household contains on average five family members.
11. The name Burma was changed to Myanmar and Arakan to Rakhine State by the military government in 1989.
12. Agence France-Presse (AFP) report “Myanmar, [and] Bangladesh leaders ‘to discuss Rohingya,’” 25 June 2012.
13. Imtiaz Ahmed, “State and Stateless in South Asia: Reaping Benefits from a Reconstructed Discourse on State and Nationality,” *Theoretical Perspective* (special issue) 9, 10 (2002–3): 5.
14. For details, see Godfrey Eric Harvey, *History of Burma: From the Earliest Times to 10 March 1824* (London: Frank Cass, 1925); Abdul Karim, *The Rohingyas: A Short Account of Their History and Culture* (Chittagong: Arakan Historical Society, 2000); Médecins sans Frontières, *10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future* (MSF-Holland, 2002), <http://www.msf.fr/sites/www.msf.fr/files/2002-03-01-Wiggers.pdf>; Nasir Uddin, “Of Hurting and Hosting: Crises in Co-existence with Rohingya Refugees in Bangladesh,” in *To Host or To Hurt*, ed. Uddin, 83–98.
15. The Rakhine people, believed to be a mixture of an indigenous Hindu group and Mongols, have inhabited Arakan since early historical times. Today, the Rakhine are Buddhist, speak a dialect of Burmese, and constitute the majority ethnic group in Rakhine State.
16. Karim, *The Rohingyas*.
17. Médecins sans Frontières, *10 Years for the Rohingya*.
18. Chris Lewa, *Unregistered Rohingya Refugees in Bangladesh: Crackdown, Forced Displacement and Hunger* (Bangkok: Arakan Project, 2010), accessed <http://www.burmalibrary.org/docs08/Bangladesh-Crackdown.pdf>
19. Scott Mathieson, “Plight of the Damned: Burma’s Rohingya” *Global Asia* 4, 1 (2009): 87.
20. The Rohingya and the people in Chittagong region speak Chittagonian, a dialect of Bengali.
21. “Bangladesh is neither a signatory to the 1951 Convention relating to the Status of Refugees nor to its 1967 Protocol and has not enacted any national legislation on asylum and refugee matters . . . [but] Bangladesh has acceded to several of the existing international rights, Covenants and Conventions and have provisions within its Constitution that uphold the rights and duties within the UN Charter and further safeguard the legal protection of non-citizens within its territory”; Pia Prytz Phiri, “Rohingyas and Refugee Status in Bangladesh,” 1, 2008.
22. The Rohingyas live in sheds in the two camps. The GoB supervised the process of building these sheds funded by UNHCR. There are 852 sheds where 5,112 families are accommodated as each shed contains six families. Information from a field visit, June 2011.
23. Crabtree, “Economic Challenges and Coping Mechanisms,” 42.
24. Delwar Hossain and Faridul Alam, “Response of the State,” in *The Plight of the Stateless Rohingyas*, ed. Imtiaz Ahmed (Dhaka: University Press, 2010), 89.
25. Lewa, *Unregistered Rohingya Refugees*, 2.
26. Carl Grundy-Warr and Elaine Wong, “Sanctuary Under Plastic Sheet: The Unresolved Problem of Rohingya Refugees,” *IBRU Boundary and Security Bulletin* (Autumn 1997): 87.
27. Phiri, “Rohingyas and Refugee Status,” 1.
28. For details, see Hussain Misha, “For Rohingya in Bangladesh, No Place Is Home,” *Time*, 19 February 2010.
29. I have deliberately used pseudonyms of the informants so that none of them can be harassed by any quarter for their contribution to my research. In addition, I have added age to every name so that context of the event could be clearly understood.

30. RAB means Rapid Action Battalion, an elite force in Bangladesh law-enforcing agencies.
31. Naf is a river marking the border of Bangladesh and Myanmar.
32. The Myanmar border security force is called Nasaka.
33. Matthew Gibney, *Statelessness and the Right to Citizenship*, Report by Refugee Study Center at the University of Oxford, 2006, 50.
34. Margaret Walton-Roberts, this volume.
35. Selim Uddin and Arfin Khan, *Comparing the Impact of Local People and Rohingya Refugees on Teknaf Game Forest* (Honolulu: East-West Center, 2010).
36. Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 2001).
37. Per the official records I collected from the local police station.
38. Karen Jacobsen, “Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes,” *International Migration Review* 30, 3 (1996): 655–78.
39. Gil Loescher, “The UNHCR and World Politics: State Interests vs. Institutional Autonomy,” *International Migration Review* 35, 1 (2001), 33–56.
40. The Rohingya Solidarity Organizations (RSO) is allegedly involved with militant activities in southeastern Bangladesh. In 2009 and 2011, Bangladesh security forces and law enforcement agencies found a huge number of arms, guerrillas, and destructive weapons in the deep forest of the Ukhia and Bandarban hill district. For details, see Mahfuzul Chowdhury and Nasir Uddin, “Bar between Brothers: Rohingya-Issue in Bangladesh-Myanmar Relations,” in “Of Hurling and Hosting,” 31–46.

Chapter 5. Mobilizing Against Statelessness: The Case of Brazilian Emigrant Communities

1. Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999).
2. See Belton, this volume, for a discussion on the two conventions.
3. John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000), 5.
4. The term Brazilian Communities Abroad (Comunidades Brasileiras no Exterior) refers, in this chapter, to a set of diverse and distinct associations and gatherings, both formal and informal, that bring together Brazilian nationals residing overseas. The term has been used recently by the Ministry of Foreign Relations as an “institutional catchphrase” that encompasses all groups of Brazilian nationals who are based in foreign territory and have some connection with government policies toward emigrants.
5. Department of Economic and Social Affairs, UN Secretariat, *World Economic and Social Survey: International Migration*, Document E/2004/75/Rev.1/Add.1, 2004.
6. Neide Lopes Patarra, “Migrações internacionais de e para o Brasil contemporâneo: volumes, fluxos, significados e políticas,” *São Paulo Perspec.* 19, 3 (2005): 26.
7. Comissão Parlamentar Mista de Inquérito da Emigração (CPMI), *Final Report* (Brasília, 2006), 21–22.
8. Constitution of the Federative Republic of Brazil, 5 October 1988, Constitutional Amendments 1/1992–64/2010; Revision Constitutional Amendments 1/1994–6/1994, text citations to PP. .
9. See RE 415957/RS, Decision by Min. Sepúlveda Pertence, granted 22 August 2005, according to which “nationality of Brazilian children, born abroad, but resident in the country, is subject to the suspensive condition of judicial homologation of option,” <http://www.jusbrasil.com.br/jurisprudencia/763480/recurso-extraordinario-re-415957-rs-stf>.
10. Ricardo Glasenapp, “O direito à nacionalidade e a EC n.54: a reparação de um erro,” *Revista Brasileira de Direito Constitucional* 11 (2008): 12.