

# CHINA AND INDIA IN THE ROHINGYA CRISIS: EXPLORING A SUSTAINABLE SOLUTIONS IN THE GEOPOLITICAL CONSIDERATIONS AND LEGAL FRAMEWORK

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## ABSTRACT

*In 2017, the Rohingya people experienced a brutal crackdown at the hands of the Myanmar military, called Tatmadaw. In the face of the crackdown, Rohingya people took shelter in Bangladesh. Despite nearly seven years passing of this crisis, a sustainable solution remains elusive. Presently, more than 1.1 million Rohingya individuals are living in camps located in Bangladesh, where they endure a lack of essential rights and services. The Rohingya camps have also become a source of internal and external security threats, intensifying the critical nature of this refugee crisis and raising geopolitical concerns. The neighbouring states, China and India, holding significant interest and influence over Bangladesh and Myanmar, have critical responses to the crisis. Considering the complex geopolitical landscape and legal grounds, this article explores potential resolutions to the Rohingya crisis.*

**Keywords:** Refugee, Rohingya Crisis, Forced Migration, China, India, Bangladesh

## INTRODUCTION

The most recent military crackdown and genocide began in the Arakan (Newly named Rakhine) state against the Rohingya community in August 2017. Currently, over 1.1 million Rohingya are living in refugee camps in Bangladesh. Despite this significant influx of Rohingya refugees, there has been no apparent solution to the Rohingya crisis for over seven years. Presently, the Rohingya issue has transformed into a geopolitical tool. Influential neighbours like China and India have responded to the Rohingya crisis based on their interests, further exacerbating the situation.

The geopolitical features of Myanmar encourage powers like China and India to take the side of Myanmar in the Rohingya crisis. In terms of geopolitical and geostrategic interests in Myanmar, India and China are safeguarding Myanmar from accusations on international platforms.

As a state with limited resources, Bangladesh cannot host Rohingya refugees for a long time. This article explores the geopolitical puzzle of the crisis and discusses the features that Bangladesh can leverage to solve the Rohingya crisis. This article examines the geopolitical importance of Bangladesh, which is not less than Myanmar's to China and India. In contrast to Myanmar, Bangladesh can emphasise its importance

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in convincing China and India of a regional solution to the Rohingya crisis within the regional security framework.

The New York Declaration of Refugee and Migration does not uphold the protection of Rohingya refugees. Bangladesh has the opportunity to advocate for the protection of Rohingya refugees on the global stage, citing the principles outlined in the New York Declaration. The International Court of Justice, an organ of the United Nations, could also provide legal protection to the Rohingya community. So, this research also focused on explaining the Rohingya crisis within the framework of the New York Declaration, aiming to explore solutions.

The unique part of this research is that it explores the solution to the Rohingya crisis from multiple angles. It focuses on a sustainable solution to the Rohingya crisis, with regional states considering the geopolitical puzzle of the crisis. It explores the current refugee protection declaration and international law to examine the possible solution to the Rohingya crisis.

## **LITERATURE REVIEW**

Geopolitical interests and regional power dynamics often hamper the solution to the refugee crisis. A significant number of Afghan refugees have been residing in Pakistan for about two decades since the U.S. invasion of Afghanistan in 2001. According to the UNHCR, approximately 1.3 million Afghan refugees are registered in Pakistan (Gluck, 2023). It's also an unofficial discussion that there are significant unregistered Afghani refugees in Pakistan.

In 2021, the Taliban took control of Kabul and formed a government that lacked international recognition. In the current regional geopolitical context, Pakistan is pressuring so-called undocumented Afghan refugees to leave, accusing them of hindering Pakistan's security.

Regional geopolitics like Pakistan-Afghanistan relations and the lack of recognition of Kabul's government ultimately exacerbated this refugee crisis.

Refugees are increasingly becoming tools of geopolitical and geo-economic gain in different parts of the world. However, host states do not always ensure justice for refugees or consider hosting them as a humanitarian action. Host states also utilise refugees as tools in conflicts. Many states allow refugees to be used against a regime, aiming to 'embarrass or discredit adversary nations' (Teitelbaum, 1984). G. Tsourapas (2019) explained how hosting Syrian refugees became a foreign policy strategy for Turkey.

In the Rohingya crisis, Bangladesh, as a hosting country, is itself becoming a victim of the crisis. On the other hand, Myanmar is not inclined to take back its citizens due to a lack of international pressure. In the regional political dynamics, India and China remain silent on the Rohingya crisis but support Myanmar.

India and China's foreign policy on the Rohingya refugee crisis is solely based on their domestic interests. Kenneth Waltz's 1979 book, 'Theory of International Politics,' was the most influential theoretical book on structural realism for decades. In

his work, Waltz argues that International Relations constitute a domain of anarchic political structures. Every state is a unique political unit that ultimately focuses on self-interests (Donnelly, 2000, p. 16, 17).

So, China and India's stance on the Rohingya crisis is based on political realism, prioritising their respective self-interests and gains.

The response of India and China to the Rohingya crisis has been controversial and criticised in academia and the global media. However, as an influential neighbour of both countries, Bangladesh has also been deeply affected by the crisis. Despite Myanmar gaining geopolitical advantages, the discussion often overlooks how Bangladesh can negotiate comparatively with China and India. This article introduces a new argument to academia, highlighting Bangladesh's potential role in the complex geopolitical landscape.

In the crisis of refugees and migration, border-side refugee hosting exacerbates the risk of human trafficking, drug trafficking, and arms trafficking. In the contexts of Rwanda and Pakistan, humanitarian aid to refugee camps fuelled violence by providing legitimacy and support to militants (Lischer, 2003). So, failure to solve the refugee crisis and allow it to persist for an extended period has led to a regional security crisis and a rise in extremism. The refugee crisis could be solved in the sense of regional security and well-being.

So, in the Rohingya crisis, Bangladesh can also focus on regional security concerns involving India and China, which could serve as a bargaining chip for Bangladesh. This discussion represents a unique aspect of this article.

The New York Declaration for Refugees and Migrants emphasises refugee rights and the support of host states on a global scale. Bangladesh can utilise this framework to address the Rohingya crisis. Therefore, exploring how Bangladesh can manage the Rohingya crisis in line with the New York Declaration is a valuable addition to this article.

## **METHODOLOGY: DATA COLLECTION AND ANALYSIS**

This article primarily relies on secondary data sources published in newspapers, international organisations, journal articles, and books published in both English and Bengali. The data gathered from various credible sources is explained here. The paper emphasises qualitative analysis and relies on a data analysis process. The article's results are justified through a geopolitical theoretical framework and a comparative study of other relevant global events.

Merriam & Tisdell discussed the limitations of data analysis, noting that many documents are not readily suitable for research purposes, and their authenticity and accuracy are questionable (Merriam 2015). Since many sources of this article's data are obtained from newspapers, emphasis is placed on cross-checking and verifying the credibility of the sources. As this research pertains to the Refugee Crisis, care is taken to exclude sensitive language from the writing. The article aims to explain the Rohingya refugee crisis towards a sustainable solution solely through an academic lens.

## CHRONOLOGY OF THE ROHINGYA CRISIS

The Rohingya is an ethnic community that lives in the northern part of Myanmar. They have a distinct language, culture, and literature belonging to the religion of Islam (Uddin 2017, p. 43). According to a demographic analysis by Al Jazeera, approximately 2.6 million Rohingya people live around the world, with the majority of them (1.1 million) now residing in refugee camps in Bangladesh. The remaining population is distributed among Arakan (newly named Rakhine) in Myanmar, Saudi Arabia, Pakistan, Malaysia, India, and Thailand ("Who are the Rohingya?" 2022).

The genocide faced by the Rohingya in 2017 was horrible, and a large portion of Rohingya forcibly migrated to Bangladesh in the face of genocide committed by the Myanmar military, Tatmadaw, and the Rakhine community. Mohammad Jamjoom, an Al Jazeera reporter, said that he has covered many war crimes, but he has never seen such a scene as what he observed in the Rohingya camp in Bangladesh (Al Jazeera English, 2020).

When examining the timeline of the Rohingya crisis, we can identify four distinct phases. The first layer is the post-military period (1948–1962), followed by military rule (1962–1977). The third layer encompasses waves of genocide and forced migration (1978–2017), and finally, the fourth layer involves global attention to the Rohingya crisis (2017–Present).

After Burma (Myanmar) gained independence, multiple individuals from the Rohingya community held influential positions within the government structure. The Rohingya nation actively participated in politics, elections, and administrative roles in Burma (Dulal A, 2017).

However, after the military coup in 1962, the Myanmar military Tatmadaw started denying the Rohingyas citizenship and labelling them as "Bengali intruders." In 1982, the military dictatorship implemented a controversial citizenship law that intentionally denied the citizenship rights of the Rohingya people, deliberately avoiding all historical documents (Ahmed, 2010, p. 17).

As citizens of Myanmar, Rohingya have been facing the most severe discrimination concerning their essential human and citizenship rights and access to resources compared to other ethnic groups in Myanmar since 1962. The manufacturing of propaganda has made them subjected to genocide. Even Buddhist religious leaders from Myanmar justified the acts of genocide, rape, and ethnic cleansing committed against the Rohingya community (Sumon, 2019).

The Rohingya faced the largest military crackdown in independent Myanmar, first in 1978. In 1978, at least 300,000 Rohingya refugees sought shelter in Bangladesh from Myanmar as a result of the army's intervention in the Rohingya majority region (Ahmed 2010, p. 16). Bangladesh was compelled to host another Rohingya influx in 1992, and there were 250,877 refugees (Ahmed 2010, p. 27).

In 2017, in the accusation of an attack by the Arakan Rohingya Salvation Army (ARSA), the Myanmar military and Rakhine community killed Rohingya children and youth, and thousands of Rohingya women were raped. In the province of Rakhine (Arakan), international media has no access, so nobody knows precisely what happened

inside. But the satellite images showed village after village burning in the Rakhine province ("Rohingya Villages 'Destroyed' in Myanmar, Images Show", 2016). Rohingya people who sought shelter in Bangladesh have reported losing their family members, with many women being victims of rape. According to UNHCR, in the face of a military crackdown, around 742,000 Rohingya people fled to Bangladesh in 2017 (UNHCR 2023, March). It was labelled as ethnic cleansing by the United Nations (U.N. News, 2018).

Currently, in Bangladesh, the Rohingya community is living in very densely populated camps with limited aid and security. The repatriation of Rohingya refugees with dignity and citizen rights would be the solution to the Rohingya crisis. However, regional geopolitical dynamics and a lack of unified global commitment hamper the process. As the Rohingya crisis has transformed into a geopolitical tool, the solution to the situation and peaceful Rohingya repatriation should be explored with geopolitical consideration.

Arakan (Rakhine), the place of origin for the Rohingya people, and Cox's Bazar, where the Rohingya camps are situated, are both regions that hold significant strategic importance for China and India. Both China and India wield influential power in the area, and their stances play a crucial role in finding a sustainable solution to the Rohingya crisis.

## **CHINA'S INTEREST IN MYANMAR AND ITS IMPACT TO THE ROHINGYA CRISIS:**

China has multiple interests in Myanmar, including border security, energy security, connectivity, and access to the Indian Ocean. China has significantly contributed to Myanmar's economic development, military, and other sectors. The Chinese province of Yunnan is an underdeveloped and landlocked region, and Myanmar's land is crucial if China wishes to extend Yunnan's access to the Indian Ocean. China has constructed the Ruili Development and Experimental Zone (RDEZ) in Myanmar, facilitating trade for the Yunnan province. The government of Yunnan province has made substantial investments in the RDEZ.

China is one of the most energy-hungry states globally, with over 70% of its petroleum and LNG exports shipped through the US-controlled Strait of Malacca (Paszak, 2021). Rakhine province of Myanmar shares a coastline with the Indian Ocean and the Bay of Bengal, making it strategically important to China as an alternative for the Strait of Malacca. China is constructing a deep-sea port in Rakhine province called Kyauk Phyu port, providing it with direct access to the Bay of Bengal and the Indian Ocean. China is also building gas and oil pipelines through Rakhine province, with a combined cost of 2.45 billion USD and stretching from Western China to the Kyauk Phyu seaport, consisting of a 793 km gas pipeline and a 771 km oil pipeline (Islam, 2019). China has already invested 7.3 billion USD in the Kyauk Phyu deep-sea port and around 2.7 billion USD in the Kyauk Phyu Special Economic Zone (Islam, 2019), indicating a total investment of at least 10 billion USD in Rakhine province alone.

From 1988 to 2018, 297 Chinese companies invested a total of 20.3 billion USD in Myanmar, accounting for 25% of Myanmar's total Foreign Direct Investment (FDI)

(Mehzabin & Shuvo, 2021, P. 16). Myanmar possesses 23 trillion cubic feet (TCF) of proven gas reserves as of 2017, ranking 39th in the world ("Myanmar Natural Gas," n.d.). China, one of the most energy-seeking states, is also interested in exporting Myanmar's gas reserves.

Therefore, China has significant geopolitical and geo-economic interests in Myanmar. To safeguard its interests, China is vigorously defending Myanmar against accusations of Rohingya genocide and Myanmar's responsibility for the Rohingya people.

In the Rohingya crisis, China's strategy is to prioritise self-interest over humanity. China has backed Myanmar in the United Nations Security Council (UNSC) and other international platforms. China utilised its veto power to block U.N. efforts to pass resolutions condemning Myanmar's military for the Rohingya genocide. In December 2018, the United Nations Security Council (UNSC) planned to take action against Myanmar regarding the Rohingya genocide, but China boycotted the UNSC plan (Nichols, 2018). In 2020, China again blocked this joint statement when the U.N. sought to issue an order to Myanmar on the Rohingya issue based on the International Court of Justice (ICJ) statement ("U.N. Fails to Take Action on Order Against Myanmar on Rohingya" 2020). China is among the few states offering alternatives to Myanmar amid U.S. sanctions. All of China's efforts in Myanmar serve to safeguard its geopolitical and geo-economic interests and enhance its hegemony in the region.

China is not just a trade partner for Myanmar; Myanmar also heavily relies on China for political, economic, and diplomatic support. Myanmar relies on China's support in international affairs to avoid resolutions, sanctions, and condemnation. With China's backing in the international platform, Myanmar has confidently carried out actions against the Rohingya people, forcibly displacing them from their Rakhine. For the geopolitical puzzle, an internationally acceptable process of repatriation for Rohingya refugees is not visible even after seven years of the Rohingya genocide and migration. The Rohingya community continues to be deprived of their rights to get back their citizenship and homes due to the geopolitical interests of powerful states.

## **CHINA'S STRATEGIC IMPORTANCE OF BANGLADESH: A COMPARATIVE ANALYSIS WITH MYANMAR**

China is also an essential ally to Bangladesh, extending its engagement in diplomatic matters and critical areas such as trade, economy, and the military sector. Bangladesh is currently positioned as the 24th largest arms importer globally, and China has greatly benefited by exporting to this market. Between 2018 and 2022, Bangladesh imported 74% of its arms from China ("Bangladesh 25th Among Top Arms Importing Nations: SIPRI," 2023). Bangladesh acquired its first fleet of submarines from China. China is also an ongoing development partner of South Asia's most extensive submarine base in Cox's Bazar, Bangladesh (Chowdhury, 2019). This move proves that Bangladesh is one of China's strategic security partners in South Asia and the Bay of Bengal.

Bangladesh holds sovereignty over a vast area in the Bay of Bengal. In the ongoing changing geopolitical landscape of the Indo-Pacific region, significant nations like the United States, Japan, Australia, Canada, France, and the United Kingdom have

separately declared their Indo-Pacific strategies (IPS) in response to China's Belt and Road Initiative (BRI). Bangladesh is situated strategically at the heart of the Indo-Pacific. In the realm of geopolitics, Bangladesh has geostrategic significance in the broader Indo-Pacific region.

Bangladesh is one of the largest partners of China's flagship project, the Belt and Road Initiative (BRI). China announced a minimum investment of 24 billion USD in Bangladesh under BRI (Paul & Blanchard 2016). China has already made significant investments in Bangladesh under the BRI framework. China now invests significantly in Bangladesh's ports, power sector, bridges, tunnels, and expressways.

**Figure 1: China's Export to Bangladesh**



Source: *Trading Economics (n.d.). China Exports to Bangladesh. Retrieved from <https://tradingeconomics.com/china/exports/bangladesh>*

Bangladesh is a fast-growing export market for China, with a rapidly growing economy and a GDP of over 400 billion USD. Trading Economics said China exported more than 24 billion USD to Bangladesh in 2021. Data from the Trading Economics website indicates that China's exports to Bangladesh stood at around 15 billion USD in 2017, which increased to approximately 18 billion USD in 2018 and 2019 (See Figure 1). This upward trend continues, with Bangladesh now being China's 24 billion USD export market.

**Figure 2: China's Export to Myanmar**



Source: *Trading Economics (n.d.). Trading Economics (n.d.). China Exports Myanmar. Retrieved from <https://tradingeconomics.com/china/exports/myanmar>*

The same source also reveals that China's exports to Myanmar reached 10.53 billion USD in 2021. In 2017, the figure was 9 billion USD, which increased to 11 billion USD in 2018 and 13 billion USD in 2019 (See Figure 2). Thus, Myanmar represents a market of approximately 11-13 billion USD for China.

Bangladesh offers China a market that is twice the size of Myanmar, and its demand is continuously growing and expanding. Similar to Myanmar, Bangladesh is also a significant market for Chinese military weapons. Moreover, just as Myanmar provides China with strategic access to the Indian Ocean, Bangladesh holds a position of strategic importance in the Indo-Pacific region. Bangladesh is also a strategically important state in this region, not Myanmar alone. Considering Myanmar's influence over China in the Rohingya issue, driven by its interests, it implies that Bangladesh can play a comparable role. Hence, Bangladesh has the potential to utilise its relations with China to engage in negotiations concerning the Rohingya issue and influence China to attain a rational and humanitarian position in this matter.

## **INDIA'S "ACT EAST POLICY" AND ITS IMPACT ON THE ROHINGYA CRISIS**

Myanmar holds significance in geography, topography, coastal areas, natural resources, and geostrategic location. It shares extensive borders with India in the west. Four provinces in north-eastern India have borders with Myanmar, and India faces some secessionist movements and internal security issues in these provinces.

So, Myanmar is a strategic partner for India to keep its borders secure and manage the internal situation, too.

India declared its "Look East Policy" in the 1990s and updated it in 2014, introducing a new "Act East policy." This update was made in response to the Chinese Belt and Road Initiative (BRI) project, which was announced in 2013. The updated policy aims to foster strong relations with ASEAN states. Myanmar is at the heart of India's Act East Policy, and Myanmar is the only gateway for India to ASEAN.



The strategic location of Rakhine province further elevates Myanmar's significance to Myanmar, the neighbouring state of India. Maintaining connectivity between the North-East provinces and mainland India through the Siliguri corridor is costly and risky. India has initiated the development of the Kaladan Multimodal Transport project through Rakhine provinces and the Indian-Myanmar-Thailand highway within Myanmar's territory (Hossain, 2019, p. 87). The Kaladan project aims to connect Indian North-East provinces to the Indian mainland province of West Bengal by avoiding the Siliguri corridor. As part of this project, India has substantially invested in road infrastructure, river transport, and port cargo in Myanmar, particularly in the Rakhine province.

For the smooth implementation of the Kaladan Multimodal connectivity project and the Indian-Myanmar-Thailand Asian Trilateral Hi, India's top priority is to ensure Naypyidaw's satisfaction in Naypyidaw's national geopolitics.

India's response to the Rohingya crisis is according to Naypyidaw's interest, which overlooks the humanitarian standpoint. After the ARSA attack in Rakhine, the Indian minister stated, "We stand by Myanmar in the hour of its crisis; we strongly condemn the terrorist attack on August 24-25 and condole the deaths of policemen and soldiers. We will support Myanmar in its fight" (Hossain 2019, p. 89). However, India did not mention anything about the Rohingya people's suffering.

Around the same time as the Rohingya genocide in 2017, the World Parliamentary Forum on Sustainable Development was held in Indonesia. As a sign of solidarity with the Rohingya people, a declaration called the 'Bali Declaration' was adopted. However, India refused to join this declaration ("Violence in Rakhine: India Keeps off the Bali Declaration," 2017).

Currently, India has threatened to expel nearly 30,000 Rohingya migrants, among whom 16,000 are registered with the United Nations High Commissioner for Refugees (UNHCR) ("Why is India Threatening to Deport its Rohingya Population?" 2017).

As India is an influential state in the region and has a geopolitical stand on the Rohingya crisis, in the exploration of the solution to the Rohingya crisis, the comparative analysis of Indian interests and points should be examined.

## **INDIA'S "NEIGHBOURHOOD FIRST POLICY" AND BANGLADESH'S STRATEGIC IMPORTANCE TO INDIA.**

India's foreign policy has a prominent principle of prioritising its neighbouring nations by its policy known as the 'Neighbourhood First Policy'. This policy bears the same importance as the 'Act East Policy.'

Among India's neighbouring nations, Bangladesh shares the longest border with India. Moreover, Bangladesh's territory is a geographical limitation between India and its North-Eastern Provinces.

If India wants to escape the Siliguri corridor, Bangladesh's land is also significant. Already, India enjoys transit to the North-Eastern Border through Bangladesh. Bangladesh is crucial in ensuring India's security in the North Eastern Provinces and controlling trans-border terrorism.

So, Bangladesh is also a strategically important state for India, much like Myanmar. Bangladesh is also a significant export market for India.

**Figure 3: Indian Export to Bangladesh**



Source: *Trading Economics (n.d.). Trading Economics (n.d.). India Exports to Bangladesh. Retrieved from <https://tradingeconomics.com/india/exports/bangladesh>*

According to T.E. reports, India exported 14 billion USD to Bangladesh in 2021, compared to 8–9 billion USD annually in 2017 and 2018 (see Figure 3).

**Figure 4: Indian Export to Myanmar**



Source: *Trading Economics (n.d.). Trading Economics (n.d.). India Exports to Myanmar. Retrieved from <https://tradingeconomics.com/india/exports/myanmar>*

The market in India is expanding every day in Bangladesh. Same culture, similar food habits, and numerous border ports offer the potential for these exports. On the other hand, India exported only 839 million USD to Myanmar in 2021, slightly more than 1 billion USD in 2017 and just over 1.2 billion USD in 2018 (See Figure 4).

Myanmar is not a huge or expanding market for India. In contrast, Bangladesh is at least 16 times larger as a market for Indian traders. Additionally, Indian nationals' job engagement in Bangladesh is rapidly increasing. Bangladesh is the leading source of foreign tourists to India, followed by the U.S. and the U.K. In 2022, 1.5 million Bangladeshi got Indian visas to visit India for travel, medical, trade and study purposes. ("Bangladeshis Receive Record 1.5m Visas in 2022," 2022).

India has enjoyed warm regional relations with Bangladesh through several regional initiatives like SAARC, BIMSTEC, BBIN, and SASEC. Additionally, during the 1971 liberation war of Bangladesh, a significant number of Bangladeshis sought refuge in India, forging a historical bond between the two nations. Therefore, Bangladesh possesses the capacity to exert influence on Delhi in regional geopolitical issues.

The Prime Minister of Bangladesh has expressed concerns that Bangladesh's security and stability may be hampered if the Rohingya refugees cannot be repatriated to Myanmar ("Rohingya Crisis May Disrupt Security: PM," 2019).

Bangladesh holds significant importance as India's foremost neighbour. Consequently, Dhaka can engage New Delhi in resolving the Rohingya issue, leveraging its strong bilateral relations, historical bonding, trade relations, geostrategic importance, and influential political standing. Using these strengths, Bangladesh can effectively persuade New Delhi to address the Rohingya crisis with compassion and urgency, considering regional peace, prosperity and humanitarian considerations.

## **IMPENDING REGIONAL SECURITY THREAT: A SUSTAINABLE RESOLUTION IMPERATIVE FOR AL**

Extremist groups such as Harkat-ul-Jihad al-Islami and Harkat-ul-Ansar have claimed to have branches in Myanmar, as mentioned by Osama bin Laden in a 2001 interview with the Karachi-based newspaper Ummat (Singh 2018, p. 141). This reference to Myanmar likely includes the Rohingya people, making the camps potential recruitment hubs for international terrorist groups, thus posing a security risk to the region.

The Rohingya have experienced a genocide, which could potentially lead to a rise in militancy within their community. Terrorist organisations could exploit the frustrations faced by Rohingya youths about their future. The Rohingya camps have already witnessed killings and attacks, making them vulnerable to becoming breeding grounds for terrorism. Within the last six months (January-June 2023), at least 48 Rohingya individuals, including camp leaders and members of ARSA, have lost their lives in clashes and gunfights, instilling fear among the camp residents ("Rohingya Leader Shot Dead Inside Camp "2023). The potential rise of extremists in the Rohingya community would be a concern for Indian security as well. The Indian intelligence agency reported that the ISI allegedly organised arms training for 40 Rohingya individuals in Cox's Bazar (Kaliya, 2021).

The Rohingya camps in Cox's Bazar are strategically positioned in an area known as the "Golden Triangle," notorious for drug trafficking. This advantage could

further fuel Rohingya extremism and provide financial support to these groups, creating fertile ground for extremist activities.

Frequent escapes from the camps by Rohingya individuals are common in Bangladesh. These escaped Rohingyas used to seek shelter in the Chittagong Hill Tracts due to less administrative control in those areas. Thus, military and extremist tendencies among the Rohingya people could escalate the security threat to the Chittagong Hill Tracts of Bangladesh. The Cox's Bazar region in Bangladesh, where the camps are situated, shares borders with Indian North Eastern provinces and the Rakhine province of Myanmar. Hence, the Rohingya crisis not only endangers Bangladesh's security but also raises concerns for Indian North Eastern provinces and the wider region.

If an international terrorist group manages to recruit the Rohingya community, it would have far-reaching impacts not only for Bangladesh but also for Myanmar, India, and China.

China has made substantial investments in Rakhine, amounting to over 10 billion USD, while India has geopolitical and geo-economic interests in the same region. Myanmar benefits from these two states' tendency to maximise hegemony, particularly in the Rakhine state. However, a conflict zone would not be ideal for trade and investment. The potential rise of terrorism in the Rohingya community would be a threat to connectivity in the region. Any unwanted extremism, ethnic conflict or war in Rakhine could hinder China's extensive investments and India's Kaladan project.

Bangladesh is well-informed about China's and India's critical responses to the Rohingya crisis. Myanmar benefits from the rivalry between China and India in the Indo-Pacific region. Bangladesh can influence India and China to resolve the Rohingya crisis, as Bangladesh maintains good relations with both powers. Bangladesh should convey to China and India that the Rohingya issue is not solely Bangladesh's crisis; any delay in finding a solution could hinder Sino-Indian investments, trade, and regional security.

The article already explains how the comparative responses of China and India contribute to the critical nature of this crisis. It is widely known among the Rohingya people that the delay in their repatriation is due to geopolitical considerations. The Rohingya community may likely develop a phobia against those states. Therefore, it is mutually beneficial and in the interest of China and India to devise a roadmap for Rohingya repatriation that upholds their full rights and dignity. This approach will yield mutual benefits and promote safety throughout the region. Resolving the Rohingya crisis necessitates a solution that protects the human rights of the Rohingya people, ensures the security of Bangladesh and the wider region, and safeguards the investments of China and India.

Bangladesh should approach a regional solution involving China, India, Bangladesh, and Myanmar that will protect the interests of all regional states. Only sustainable repatriation with global and regional commitment has the potential to address the Rohingya crisis effectively. A significant milestone towards achieving a sustainable solution was witnessed in 1978 when a successful Rohingya repatriation initiative took place (Uddin 2017, p.43). This event is evidence of the progress in implementing a long-term resolution to the Rohingya crisis.

## **THE NEW YORK DECLARATION ON REFUGEE**

The New York Declaration on Refugees, based on the 1951 Refugee Convention and its 1967 protocol, serves as the legal framework for refugee rights. In 2016, in a high-level general assembly at the United Nations, world leaders adopted this declaration committed to the well-being of refugees and migrants. The New York Declaration of 2016 represents a set of commitments and holds several valid points for the protection of refugees, including:

- Protecting the human rights of all refugees and migrants.
- Upholding the rights of women and girls and promoting their full and meaningful participation in finding solutions.
- Preventing and responding to sexual and gender-based violence.
- Supporting host states that rescue and receive many refugees and migrants.
- Protecting refugees and supporting the states that shelter them while sharing international responsibilities. (UNHCR, n.d.).

## **REALITY OF THE NEW YORK DECLARATION: GLOBAL CALL FOR ATTENTION**

Bangladesh, being an overpopulated state with a struggling economy, faces challenges in providing sufficient land and privileges for the Rohingya people. Rohingya refugees live in overcrowded camps with limited resources. Consequently, the Rohingya population is concentrated in densely populated areas, leading to adverse effects on the health of Rohingya children and incidents of sexual violence against women (D.W. Documentary, 2023). In the camps, the availability of adequate toilet facilities, particularly for women, is insufficient, posing a significant risk of sexual harassment. Moreover, children are vulnerable to being kidnapped by Rohingya militant groups. On the other hand, hate speech among the host community has increased significantly against the Rohingya community (Hossain, 2023). Now, nearly 1,00,000 Rohingya relocated to the newly established camp in Basan Char are situated in environmentally and climatically risky zones ("U.N., Bangladesh Sign Deal to Aid Rohingya Relocated to Island," 2021).

The living conditions for the Rohingya in Bangladesh are substandard. The assistance received from the international community falls short of the need. However, The U.N. has reduced its food budget for the Rohingya, apparently two times in a short period. The U.N. declared a reduction in the budget for Rohingya's food assistance to 10 USD per person from 12 USD, starting from March in February 2023, blaming the budget shortage ("U.N. to Cut Food Aid for Rohingya Refugees, Citing Fund Shortfall," 2023). Unfortunately, the U.N. implemented a second cut in food assistance for Rohingya to 8 USD from 10 USD in June of the same year ("U.N. Experts Condemn Cut in Rohingya Food Rations," 2023).

This situation proves that the commitments made in the New York Declaration have not been fully upheld for Rohingya refugees.

One of the core commitments of the New York Declaration is to safeguard the human rights of all refugees and migrants. Unfortunately, Rohingya refugees have faced numerous challenges, including being forcibly turned away at the Indonesian border and being denied entry by other states in the Andaman Sea (Al Jazeera English, 2021). These incidents reflect a failure to protect the human rights of Rohingya refugees, contrary to the principles outlined in the New York Declaration.

The New York Declaration outlines the "Comprehensive Refugee Response and Framework," which focuses on supporting states that host a significant number of refugees. Some key points of this framework include easing the pressure on host states and communities, expanding third-state solutions, and supporting refugees' safe and dignified return to their home countries. (UNHCR, n.d.). When analysing the Rohingya crisis through a comprehensive framework, it becomes evident that the situation remains unresolved and has not made significant progress. The burden on Bangladesh has not diminished, and it continues to face immense challenges. The endeavours of the international community have put insufficient pressure on Myanmar. So, ultimately, there is no visible initiative for Rohingya repatriation.

The New York Declaration for Refugee and Migration in 2016 is a universal declaration aimed at safeguarding the rights of refugees and migrants. Based on this declaration, Bangladesh can raise concerns regarding the Rohingya issue on the global stage. Bangladesh can argue to the world community to alleviate pressure on the host community, find a solution involving a third state, and expand support to facilitate the dignified return of Rohingya to their homeland with their rights intact. Bangladesh can remind the world community about the New York Declaration that the Rohingya crisis is not solely a crisis for Bangladesh alone but rather a global crisis. According to the New York Declaration of 2016 and the U.N. Convention of 1951, it is the responsibility of the world community to provide support to the Rohingya community and work towards a resolution of this crisis. Bangladesh could voice these points and arguments on international platforms to alleviate the pressure on Bangladesh and to influence the world community to find a solution to the Rohingya refugee crisis.

## **REALITY OF THE NEW YORK DECLARATION: GLOBAL CALL FOR ATTENTION:**

Bangladesh, being an overpopulated state with a struggling economy, faces challenges in providing sufficient land and privileges for the Rohingya people. Rohingya refugees live in overcrowded camps with limited resources. Consequently, the Rohingya population is concentrated in densely populated areas, leading to adverse effects on the health of Rohingya children and incidents of sexual violence against women (D.W. Documentary 2023). In the camps, the availability of adequate toilet facilities, particularly for women, is insufficient, posing a significant risk of sexual harassment. Moreover, children are vulnerable to being kidnapped by Rohingya militant groups. On the other hand, hate speech among the host community has increased significantly against the Rohingya community (Hossain, 2023). Now, nearly 1,00,000 Rohingya

relocated to the newly established camp in Basan Char are situated in environmentally and climatically risky zones (Al Jazeera 2021).

The living conditions for the Rohingya in Bangladesh are substandard. The assistance received from the international community falls short of the need. However, the U.N. has reduced its food budget for the Rohingya, apparently two times in a short period. The U.N. declared a reduction in the budget for Rohingya's food assistance to 10 USD per person from 12 USD, starting from March in February 2023, blaming the budget shortage (Reuters 2023). Unfortunately, the U.N. implemented a second cut in food assistance for Rohingya to 8 USD from 10 USD in June of the same year (The Daily Star 2023).

This situation proves that the commitments made in the New York Declaration have not been fully upheld for Rohingya refugees.

One of the core commitments of the New York Declaration is to safeguard the human rights of all refugees and migrants. Unfortunately, Rohingya refugees have faced numerous challenges, including being forcibly turned away at the Indonesian border and being denied entry by other states in the Andaman Sea (Al Jazeera, 2023). These incidents reflect a failure to protect the human rights of Rohingya refugees, contrary to the principles outlined in the New York Declaration.

The New York Declaration outlines the "Comprehensive Refugee Response and Framework," which focuses on supporting states that host a significant number of refugees. Some key points of this framework include easing the pressure on host states and communities, expanding third-state solutions, and supporting refugees' safe and dignified return to their home countries. (UNHCR, n.d.) d. When analysing the Rohingya crisis through a comprehensive framework, it becomes evident that the situation remains unresolved and has not made significant progress. The burden on Bangladesh has not diminished, and it continues to face immense challenges. The endeavours of the international community have put insufficient pressure on Myanmar. So, ultimately, there is no visible initiative for Rohingya repatriation.

The New York Declaration for Refugee and Migration in 2016 is a universal declaration aimed at safeguarding the rights of refugees and migrants. Based on this declaration, Bangladesh can raise concerns regarding the Rohingya issue on the global stage. Bangladesh can argue to the world community to alleviate pressure on the host community, find a solution involving a third state, and expand support to facilitate the dignified return of Rohingya to their homeland with their rights intact. Bangladesh can remind the world community about the New York Declaration, that the Rohingya crisis is not solely a crisis for Bangladesh alone but rather a global crisis. According to the New York Declaration of 2016 and the U.N. Convention of 1951, it is the responsibility of the world community to provide support to the Rohingya community and work towards a resolution of this crisis. Bangladesh could voice these points and arguments on international platforms to alleviate the pressure on Bangladesh and to influence the world community to find a solution to the Rohingya refugee crisis.

**CHECK THE ROHINGYA CRISIS THROUGH ICJ:**

Another solution is to continue the case in the International Court of Justice. Gambia filed a case in the International Court of Justice (ICJ) against Myanmar, accusing it of Rohingya genocide (Berg, 2019). The case is titled "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)." Gambia filed the case in November 2019, and last month in 2019, the court held a public meeting on the case. In the first month of 2020, the court issued an order to Myanmar to prevent genocide against the Rohingya community and to regularly report to the ICJ on the implementation of the court's order (Swar, 2023). The case is ongoing, and the parties have been given time to file documents according to their claims.

According to Article 94 of the United Nations Charter, each member of the United Nations is obligated to comply with the decisions of the International Court of Justice, and the Security Council may take measures to enforce the judgment (United Nations, n.d.). According to ICJ law, the security council can enforce the judgement but does not hold any power or capability to force any state to obey the judgement. However, there is a lesser possibility that the Security Council will be able to take action against Myanmar for the Rohingya genocide when China is using veto power to safeguard Myanmar.

Without regional or international commitment, finding a solution to the Rohingya crisis within a legal framework is challenging. The court cannot compel any state to obey its rulings, but it can raise awareness and provide evidence of the events in Rakhine state. Therefore, continuing the case in the ICJ could serve as another tool to pressure Myanmar into accepting the return of its citizens, the Rohingya, with dignity and their rights intact.

## **CONCLUSION**

The Rohingya community has been facing discrimination, brutal crackdowns, mass killings, and genocide since before the independence of Burma. After the political change in Burma in 1962, unethical behaviour from the state increased. Their citizenship has been denied, and they are subjected to xenophobia and propaganda.

In the face of subjective discrimination and genocide, around 1.1 million Rohingya are now living in the refugee camps of Bangladesh with limited services and privileges. Due to limited resources and capabilities, Bangladesh is unable to fulfil the basic needs of the Rohingya people. On the other hand, international aid is decreasing, and the security threat is increasing in the camps. Therefore, a sustainable solution should be urgently addressed.

As Rohingya are citizens of Myanmar, the sustainable solution to the crisis is Rohingya repatriation with citizenship rights, dignity, and international guarantees.

In the era of global interdependence, where every state's actions can impact others, the Rohingya crisis extends beyond the borders of Bangladesh and Myanmar. Sino-Indian comparative critical response to the Rohingya crisis has complexified the landscape of the crisis.



Rakhine, the region at the heart of this crisis, holds significance for both powerful states China and India and the Rohingya themselves. Both nations, China and India, prioritise their stand in favour of state interest, overlooking the humanitarian ground.

Both China and India's support of Myanmar has left Bangladesh alone in handling the crisis. In this landscape, Bangladesh has the option to play its strategic role to convince China and India in favour of a sustainable solution to the Rohingya issue. Myanmar and Bangladesh are significant strategic states for both China and India. Bangladesh practices deep diplomatic bonds and engages in massive trade with these nations. Mentioning Bangladesh's essential features, Bangladesh can negotiate with powerful nations India and China at the diplomatic table for a supportive solution to the Rohingya crisis.

Failing to address the Rohingya crisis not only puts this region at risk but also risks harm to the entire surrounding area. This security issue might come to the negotiation table for Bangladesh with China and India. So, Bangladesh has the diplomatic advantage of convincing China and India to develop a sustainable solution to the Rohingya crisis for regional well-being.

On the other hand, as the Rohingya community is not receiving sufficient aid in the camps and has become a burden to Bangladesh, Bangladesh can ask for global attention in caring for the Rohingya people within the framework of the New York Declaration for Refugees and Migrants 2016. A case against Myanmar for Rohingya genocide under the Prevention and Punishment of the Crime of Genocide is under review in the International Court of Justice (ICJ). Continuing this case with global support would be another significant strategic tool for Bangladesh, which can provide evidence that the Rohingya community has faced genocide and discrimination in Myanmar, and they have the right to return to their homes in Myanmar with full citizenship rights.

Ultimately, as the Rohingya crisis poses internal and external threats to the whole region, it is imperative that the international community, including Bangladesh, Myanmar, China, and India, come together to find a resolution to the plight of the Rohingya people and ensure peaceful and guaranteed repatriation. Bangladesh has diplomatic tools to convince India and China and legal feedback for global support in a sustainable solution to the Rohingya crisis.

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