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Say 'NO' Racism towards Rohingya Refugee

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Abstract

Racism is a global question. It is now happening in many countries of the world. Many poor and needy people are now getting tormented and conflicted due to racism and military conflicts. In this individual proposal, I would like to talk about a racial conflict currently happening at Rakhine and Arakan States in Myanmar. I would argue that the Rohingya Refugee Crisis should be banned at any cost by the influential global leaders since it is a big challenge for two neighboring countries, like Bangladesh and Myanmar. According to the United Nations, the Rohingyas are the most persecuted minority groups in the globe. From 2012 to the present, the whole world has witnessed Myanmar's renewed waves of full-fledged genocide campaign, hate crimes, and ostracizing against the most vulnerable and unarmed Rohingya population in the name of national security. Myanmar is responsible for the worst sufferings of the Rohingya. Consequently; it has failed to perform its obligation under the International Law to protect its citizens, which amounts to internationally wrongful acts. According to Articles 31 and 41 of the UN Draft Articles on Responsibility of States for Internationally Wrongful Acts, the responsible state is under an obligation to make full-reparation for the injury caused by its internationally wrongful acts. Are the Rohingya Refugees not the nations of the states? Don't they have Human Rights? How long will the tormented and downtrodden communities tolerate such cruelty and injustice? What sorts of role will International Law and the UN play for the Rohingya refugees? For this purpose, I would like to motivate the world's intellectual figures so that the Rohingya Refugee crisis must be protected through an everlasting solution. No people of the world must be neglected like the Rohingya refugees. All human beings are equal in the eye of the law; they have the same blood and same body. Anyway, the light talk aims to focus on the conflicting senses of the minority groups in the light of Racism and taking precautionary steps.

Keywords: Rohingya Refugee Crisis, International Law, Genocide, Racism, UNHCR, and UN.

Introduction

The Rohingya refugee crisis is a globally political issue in the 21st-century age. Many poor of the poorest people are significantly victims of the refugee crisis. Now Rohingya refugee crisis is seen in both Bangladesh and Myanmar. More than ten million Rohingya minority groups are displaced and persecuted by the Myanmar Government, the military, and the Buddhist extremist communities. Due to their persecution, oppression, genocide, displacement, racial conflict, many Rohingya organizations are compelled to leave their homes, lands, and properties from the Rakhine and Arakan states of Myanmar, of course, an unbelievable and intolerable issue all over the world. According to many political thinkers, lawyers, judges, and the world's head figures, this Rohingya refugee crisis is a significant challenge for the Bangladesh Government. Many international organizations, along with the UN, are trying utmost to provide humanitarian supports and aids in many ways, like education, food, medicine, cloth, etc., intending to lessen the current Rohingya refugee crisis. Many of us expect that the United Nations, the International Law, and the UNHCR must find a permanent solution by enforcing the Myanmar Government and the army. For this purpose, this paper aims to look at the racial conflicts between the Muslims and Buddhists in Myanmar. It would like to focus on human rights violations, natural disasters, and global politics. Many Rohingya minority groups take shelter in Ukhia and Teknaf of Cox's Bazar district by crossing the Naf River via boats. Climate change, natural calamity, war and civil war, persecution, gender and sexual violence, poverty and hunger, river erosion, eviction, and, above all, displacement are mainly responsible for creating the refugee crisis in Bangladesh. The country severely falls victim to AIDS and health risk, socio-economic and political risk, and economic crisis on account of the helping hands for the Asylum seekers. In this regard, this paper would like to show a new International Law dimension so that the lawbreakers must be punished with an iron rod. As a role of the UN, this paper aims to focus upon public awareness, maintenance of international peace and security, protection of human rights, the deliverance of humanitarian aids, and promotion of sustainable development to solve the Rohingya refugee crisis. Through some essential precautionary steps, this paper wants to inspire the globally political leaders, UN, USA, Russia, China, India, France, and the UK, for ensuring the Rohingyas' national safety, livelihood, and citizenship opportunities after they go back to Myanmar. All and sundry will have to be seen as an equal eye and law. There would be no racial conflict, no zealot, no caste, no color among men and women on earth to establish a beautiful tomorrow. Finally, the researcher's slogan regarding "No Racism toward the Rohingya refugees" is the prime focus of this study.

Rethinking Racism

Racism is an umbrella term. It is very much difficult to define politically or sociologically. Many critics, scholars, and political thinkers define this in many ways. Here, I would like to define the word 'Racism' as follows:

The *Oxford English Dictionary* (2008) defines racialism as "An earlier term than racism, but now largely superseded by it." The term 'racism' is poorly understood. However, this dictionary defines it as "Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that one's race is superior."

Racism is seen in the superiority of one race over another, which results in discrimination and prejudice towards people based on race or ethnicity. (Garner, 2008, p. 11) Racism is a global reality. So, we should start by understanding Racism as a worldwide phenomenon that requires a worldwide response. We must address Racism in the forms that manifest themselves in our lives, societies, cultures, and communities. (Dimensions of Racism, p.2)

According to Cheng (2017), "If there is no legally defined way to oppose Racism towards Muslims, people must find other ways to talk about it, identify it, and contest it. [...] How do the politicians construct Racism against Muslims without referring to the category of the race?"

Racism is a developed set of attitudes that include antagonism based on one group's supposed superiority or on the supposed inferiority of another group based upon skin color or race. (Beswick, 1990) Racism is distinct from racial discrimination and inequality. Racial discrimination concerns the unequal treatment of race, whereas racial inequality concerns unequal outcomes. While Racism is implicated in both processes, contemporary racial inequalities and forms of discrimination are not always the immediate result of contemporary Racism (Pager and Shepherd, 2008).

However, it may be mentioned here that racial conflicts are found in many countries of the world. Of course, it is a major political concern all over the world, especially for ethnic or minority class who suffer from racial conflicts, for instance- Rohingya Refugee Crisis in Bangladesh. Due to Racism, all sorts of Rohingyas are compelled to leave their houses, lands, and, above all, mother country. Now, they live under the scorching sun without having any shade or shelter. Children, men, and women are victims of racial conflicts by the Myanmarian military and civilians—their current predicament is not possible to express in word or language. Rohingyas are disenfranchised or deprived of basic human needs. They have to rely on the mercy of another man. We know that conflicts have mainly occurred between the two races, Muslims and Buddhists, psychologically in the two states of Myanmar: Arakan and

Rakhine. Then, the army gets involved in their racial conflicts. They attack the Rohingya communities by taking the powerful weapons. They are killed; their homes are burnt into ashes, like the then Pakistani army's aggression-policy during the liberation war of Bangladesh.

Human Rights Violation, Natural Calamity, and Global Politics

Rohingya is one of the most persecuted and oppressive groups of people in the world. Genocide on the Rohingya is not a new issue; the Myanmarian army has been killing and persecuting the Rohingya refugees intentionally and decisively since the year 1960. Since August 25, 2017, approximately seven or eight lakhs of displaced Rohingya refugees enable to leave their homes, lands, and property and take shelter in the coastal part of Bangladesh in fear of death. Human Rights Watch enables to collect information and data through the latest Satellite that about 300 Rohingya villages are burnt into ashes within only three months times, which will remain a glaring example of decisively minority attack and genocide of the postmodern period. Hundreds and thousands of Rohingya children and women drown in the Naf River's water, and, not merely that, approximately ten thousandsof children lose their lives in Myanmar while taking shelter in Bangladesh. This number may be increased. Due to becoming Muslim in Myanmar, most Rohingya refugees fall victim to persecution, maltreatment, discrimination, rape, and genocide. (Human Rights Watch, 2017)

Though present Myanmar (former name Burma before the year 1989) do not acknowledge the citizenship of Rohingyas, in 1799, Francis Buchanan, a Scottish Surgeon, highlights their history. According to Buchanan, at that time in Burma, a Muslim group named Mohammad lives for a long time in the Rakhine state, Rohingya. According to Historians, in 1826, many farmers and labourers go to Rakhine for livelihood due to the British colony in Burma. Later they are called Rohingya. In 1948, the British colonial rule was ended; and, Burma is born as an independent state in the atlas. After this time, in 1962, the military government starts in Burma, and, since then, Rohingyas begins to fall victim to different types of persecution and oppression. For example, in the national election of 1974, Rohingyas are not given any voting rights. In February 1978, approximately two lakhs of Rohingyas fled from Rakhine to Bangladesh due to the Burmese army's brutal attack. In December of the same year, about ten thousand of Rohingyas die of diarrhoea and malnutrition after entering Bangladesh. In 1982, Rohingya citizenship was taken away officially; and, then, Rohingya turns into a stateless minority group.

In 2012-2013, approximately one lakh and forty thousand Rohingyas were compelled to flee from Rakhine state due to the clashes between the Buddhist and the Muslim. Many Muslims take shelter in the temporary rehabilitation center; later, many flee away from Myanmar mainly because of the brutal attack by the Buddhists.

According to the published information, about one lakh of Rohingyas flee away from Myanmar to the neighboring countries on the sea-route due to the fear of aggression, persecution, and oppression least, one thousand Rohingyas die of a boat sinking into the sea. In 2013, the Myanmar Government superimposed on the Rohingya related international relief goods and donor organizations in many ways. And, in 2014, the government imputes on the 'borderless doctor' of the international NGO. In March 2014, the Buddhist extremists attacked the International Welfare Organizations because of helping the Rohingyas. The Myanmar Government prohibits restrictions on those international organizations. About three thousands of welfare workers of international organizations are banished from the country. In 2015, approximately four lakhs of Rohingyas fled away from Myanmar to the neighbouring countries on the sea-route. The government determines the time between two children on the Rohingyas; and, it imposes on the birth of children. Moreover, the government imposes restrictions on them in this sense that any Roginhya is not permitted to get married with another communities and societies. In November of 2015, in the national election, the voting rights of the Rohingyas are discounted. The present State Adviser and the Leader Aung San Suu Kyi of the National League for Democracy are elected. Three lakhs of Rohingyas live in the Kutupalong Refugee Camps of Cox's Bazar district before seven lakhs of Rohingyas enter Bangladesh due to the recent brutal attack. At present, there are more than ten lakhs of Rohingya refugees living in the southern part of Bangladesh. Kutupalong is one of the most fabulous refugee camps in the world. (Mahmood et al., 2017)

Now, it is thought that about sixteen lakhs of Rohingyas live all over the world. Including them, three lakhs of Rohingyas live in Myanmar and ten lakhs in Bangladesh. Moreover, they live in other countries of the world. For example, about more than two lakhs of Rohingyas live in Saudi Arabia; about ten thousand in United Arab Emirate; about three and fifty lakhs in Pakistan; forty thousand in India; five thousand in Thailand; about one and a half lakhs in Malaysia; and about one thousand in Indonesia. Considering the overall situations, it can be said that the Rogingya race group live in Arakan state before the 16th-century. In 1824, owing to the British colonial rule in Myanmar, many people as farmers are shifted to tackle the then food crisis. According to the Citizenship Law of 1982, Rohingyas' forefathers who live permanently in Myanmar before the year 1823 are given citizenship. Butthose who live after the year 1823 are not given any citizenship. This strict law is enforced to displace the Rohingyas from the country. The Myanmar Government and the Army never accept the Rohingya race group. Subsequently, from the year 1960 to the present, Roginhya Muslims are planned tormented, inhumanly tortured, and persecuted in different ways based on the lame excuse in Rakhine state. In February 2018, in the report of Human Rights Watch, it was published that about fifty villages are burnt into ashes; and, then, they are mixed with the soil with the help of a bulldozer. As a result, the Myanmarian army's allegations are imposed; that information and data are devastated. The military and the

local mob of the Buddhist communities together participate in the genocide and cruel attack. Its report is published in the Thomson & Reuters. For this reason, the Myanmar Government detains the two reporters in jail. The United Nations mentions this type of military attack as genocide. This planned attack and persecution of the minority group are regarded as barbaric and uncivilized symptoms, which seems very rare in human history.

In these circumstances, killing, rape, child and woman persecution, firing the house, kill a man by shooting, killing man and woman by keeping ground mine underground, to kill man falling from a helicopter, etc, all sorts of illegal activities are done by the Myanmar Government, the Buddhist extremists, and the army. As a result, the Rohingya communities take shelter in Bangladesh intending to get rid of their brutal attack and persecution. Many of them drown in the water of the Naf River. (Lone et al., 2018)

It is not a new issue; subsequently, Rohingya communities endure such persecution and brutal attacks for more than six decades. In Myanmar, the minority Rohingya group is deemed as either Muslim or Bangladeshi. In this sense, Rohingyas are brutally attacked, killed, and slaughtered like beasts. Overcoming extreme uncertainty and human rights disaster, Rohingyas are enabled to reach Teknaf and Ukhiapazila of Cox's Bazar by crossing almost two weeks to a remote journey from Rakhine state to the Naf River. These men and women are regarded as Rohingya Refugees in Bangladesh. The Rohingya Refugees cannot get Bangladeshi citizenship. As a result, they have no state, and even they don't belong to any country.

Ethnic cleansing on the Rohingya Muslims in Rakhine is a complicated question for us all; it is a crop in the historical context. This issue is not the result of any single individual or any single process; somewhat hundred years' history, racial riot, conflict, colonial rule impact, socio-economic and religious value are dealt with this long history. It is a complicated process to provide state and human dignity for Rohingya communities. Since this problem is not created in a single day, its solution is not feasible overnight. (UNHCR, 2017)

In these circumstances, all sorts of conscious states of the world, UN, the concerned human rights organizations, and their authorities, along with the concerted efforts would come forward to solve this problem; and, planned, the long-term and short-term objectives have to be carried forward. It is not possible for Bangladesh alone to solve the Rohingya refugee crisis. Even it is not feasible for Myanmar. In this stage, based on the global and consensus effort, all have to work together to ensure safety for the minority Rohingya group.

Reasons for Recent Refugee Crisis

Every minute 24 people around the world are being forced to flee their homes. Thirty-four thousand people in a day leave everything behind in the hope of finding the safety and a better tomorrow. There are more than 70 million refugees in the world today. A refugee is forced to flee his or her country on account of persecution, war, or violence. A refugee has a well-founded fear of persecution owing to race, religion, nationality, political opinion, or membership in a particular social group. War and ethnic, tribal, and religious violence are the leading causes of refugees. (Visit: <https://www.care.org/emergencies/global-refugee-crisis>)

A refugee crisis is a human crisis. Behind the statistics are people filled with unique life experiences and dreams for the future. They are mothers longing to return home, fathers yearning to work again, children searching for childhood. We are witnessing a massive shift in humanity. More than 70 million people around the world are displaced from their homes.

In recent times, climate change is one of the biggest causes of the refugee crisis. According to CARE International, approximately 65 million people are forced out of their homes into a foreign place or country known as refugees or Internally Displaced Persons (IDPs). Therefore, the refugee crisis is the forceful mass displacement of people from their original homes due to persecution, human rights violation, conflict, violence, and the effects of climate change, natural calamities, and displacements.

For this purpose, this paper would like to highlight the recent causes of the world's refugee crisis. These are discussed as follows:

Climate Change, Natural Disaster, and Displacement

Climate change is a significant cause of the refugee crisis. Although people being displaced by climate change effects do not fit into the UN definition of refugees, they are deemed, climate refugees. Approximately 25 million people can be referred to as climate refugees. The United Nations estimates that 200 million to 1 billion people are at risk of becoming climate refugees in the next 40 years due to the impact of climate change, natural disasters, and displacement. Millions of people around the world live in places that are vulnerable to the effects of climate change. Frequent drought and floods threaten their livelihood by forcing them to leave their homes and move to other locations within the country or across the borders.

War and Civil War

Throughout human history, the refugee crisis is a product of war. The UN reports that war alongside prosecution is the leading cause of the refugee crisis. Both Africa and Asia record the highest number of refugees owing to war and civil war. Today, millions of Syrians have been fleeing their country because of civil war since 2011. Over 6.3 million Syrians are displaced internally, and another 5 million cross the border, which is known as the Syrian Refugee Crisis. Civil wars, such as Liberia, Burundi, Sudan, Sierra Leon, and Guinea, displace millions of people, with Kenya hosting the largest number of refugees in Africa.

Persecution

Persecution is a major cause of the refugee crisis in the world. Persecution comes in different forms, like racial, political, religious, and social persecution. Religious refugees are found everywhere worldwide, from the Muslims facing prosecution in Myanmar to Hindus in Pakistan and Christians in the Central African Republic. Political leaders and their supporters who differ with the government of the day seek refuge in other countries due to the fear of persecution.

Human Rights Violation

In countries where there are outright violations of human rights, greed, and massive corruption, especially by those under the authority, people move from their homes in masses in quest of a better life in foreign countries. The powerful people and the corrupt government accumulate wealth at others' expense by grabbing property and using their authority to murder the innocent. In many countries, qualified citizens do not get employment opportunities because the leaders only employ their favourites. The poor are usually exploited since they are not able to fight for rights. When people become tired of the situation, they leave their homeland in search of better living conditions.

Gender and Sexual Harassment

The UNHCR updates its guidelines to include refugees for the reasons of gender and sexual orientation. The UN Refugee Agency (UNHCR) issues some international protection guidelines for people seeking refugee status due to persecution based on sexual violence and gender identity. Guidelines-is intended to assist governments, legal practitioners, judges, and UNHCR staff in conducting refugee status determinations- are an innovative step.

The new guidelines state that LGBTI (Lesbian, Gay, Bisexual, Transgender, and Intersex) individuals are the targets of killings, sexual and gender-based violence, physical attacks, torture, arbitrary detention, accusations of immoral or deviant behavior, denial of the rights to assembly, expression, and information, and discrimination in employment, health and education in many countries of the world. (UNHCR)

Poverty and Hunger

In Asia and Africa, many poor people live from hand to mouth. Most of the people live below under poverty line. They have no land of their own. However, it can be stated here that poverty and hunger are one of the main reasons for the refugee crisis in the 21st-century globe.

River Erosion

River erosion is on the increase day by day around the world. For those who live near the seas or coastal areas, houses and cattle are being drowned in the river; lands are devastated, and crops are damaged. People living in the coastal regions become homeless, jobless, foodless, and shelters. They have nothing to do. They leave their houses and roam about aimlessly. Thus, river erosion makes the lives of refugees vulnerable, miserable, and unpredictable. As a result, they are compelled to follow the unexpected path of refugees.

Eviction

Many poor people are forcibly evicted from their birthplace by the usurpers in many countries of the world. Consequently, eviction causes refugee crisis due to poverty, hunger, racial conflict, clash, corruption, dirty politics, etc.

Rohingya Refugee Crisis in Bangladesh

The Rohingya refugee crisis is a constant disrupting factor in the bilateral relationship between Myanmar and Bangladesh since the late 1970s. The concern is composed of various clusters of the past and present human rights violations in Myanmar, which causes their forced migration to neighboring countries, including Bangladesh contributing to security and socio-economic risks. Bangladesh is the most vulnerable country facing the Rohingya refugee crisis, although it resists eviction in 1978 and 1992 through repatriation. Recently, the Arakan Rohingya Salvation Army (ARSA) attacked the Rohingya extremist group, the Myanmar government, and the Buddhist extremists persecute the race. As a result, estimated 603,000 refugees fled

Rakhine for Bangladesh in 2017; and, the United Nations regards the departure as a textbook example of ethnic cleansing.

More than ten lakhs of Rohingyas live in Bangladesh who fled in earlier wave violence from the Burmese government over the last three decades. Despite the enormous costs and risks associated with hosting such a large refugee population, Bangladesh does so with relative patience and compassion with the help of other countries, international aid agencies, and local NGOs. There are nearly a dozen refugee camps and settlements in Cox's Bazar housing the refugees at this moment. Adding to the island Thengar Char in Noakhali, Bangladesh plans to turn into temporary accommodation for 100,000 refugees. The USD 280 million project, which would be completed by the year 2019, comes under criticism from aid workers who object to its location, a remote, flood-prone island what they say is all but uninhabitable due to the nature of its formation (*The Daily Star*, January 1, 2018).

Bangladesh offers refuge to Rohingya for humanitarian reasons. But, due to this humanity, the country is at great risk now. The crisis will not be solved overnight. As a result, the Rohingyas are likely to spread across the country. There are many AIDS affected Rohingyas. In Bangladesh, there is no cholera, but the Rohingyas are among those problems too. Forests are being destroyed by cutting hills. There are also long-term financial risks. Socio-economic and political problems can also be manifested, security risks may increase. Analysts say that the government will have to take long-term plans with the Rohingyas. Otherwise, the country may have to face turbulent situations.

Socio-economic and Political Risks

Local people become a minority group in Ukhia and Teknaf of Cox's Bazar district. Day by day, the situation is getting worsened. In such a situation, regional and international efforts to solve problems are important. Analysts say that if this circumstance gets continued, at one point, the country will be at significant risk of security. If the crisis is long-term, the international community will forget it at one time. It will become a major issue when it rises to another problem.

It is known that necessary everyday things at Cox's Bazar become scarce. As a result, the expected life of the local population is getting hampered. As per rules, the refugees will not be able to get engaged in any work, but they are involved in various activities, including saline grounds, shrimp hatchery, cultivation work in exchange for a small fee. For this situation, the low local workers get unemployed. The education system around the shelters of Ukhia and TeknafUpazila gets worsened.

Asylum centers are established in many educational institutions, some of the educational institutions, including the army and other army personnel, are staying. There is less than half of the students' presence. There are allegations that local hardliner political parties are dragging many Rohingya youths to provide their workers. If the Rohingyas engage in politics, the situation will be even worse. Besides, Rohingyas are feared to spread throughout the country. For this, they collect the fake birth certificate and national ID card with local brokers' help in exchange for paying only 14 thousand takas.

Economic Pressure

According to the Bangladesh Bureau of Statistics estimation, in the 2016-17 fiscal year, Bangladesh's per capita income is US \$1,602. Seven million Rohingya income per person is 11 billion dollars or 8 thousand and 971 crores. But they have no source of income as Asylum seekers. According to a UN report, the per capita expenditure of the Bangladeshi is about \$700.

As a result, 7 million Rohingyas will spend approximately 4 billion dollars or 3,992 crores in the government's annual budget, which is a major hindrance in keeping the economy wheel active. It is difficult to ascertain whether there will be any long-term help to continue even when any service is possible. It is Bangladesh, which will have to bear money for Rohingyas while any help is not available.

However, "Bangladesh will not be under the great pressure on the Rohingya issue." The Executive Research Institute of Policy Research Institute (PRI) Dr. Ahsan H Mansur comments: "It would be better if the Rohingyas do not come out of that area." He says in Deutsche Welle: "There is no need to provide much help for them. We will get these costs from the international community. We have some special management system in advance to ensure their health protection and safety. For this, the administrative expenses may be on the increase."¹

Role of International Law

The role of International Law in protecting the Rohingya refugee crisis is very important. Everybody expects that International Law Commission ought to take adequate steps to stop persecution, injustice, oppression, and genocide without making any delay. In the unfortunate circumstances of Rohingya refugees, those who kill innocent people of Rakhine and Arakan states indiscriminately must be punished. Therefore, the International Law Commission is established by the General Assembly in

¹ I have translated from Bengali to English version of Samir Kumar Dev's "Bangladesh is at a Multi-dimensional Risk of Sheltering Rohingya." Samir wrote his article on 19 December 2017 in the Bengali language.

1947 to undertake the mandate of the Assembly under article 13 (1) (a) of the Charter of the United Nations to initiate studies and make recommendations to encourage the progressive development of International Law and its codification. Refugee Law is the branch of International Law dealing with the rights and duties. States have vis-a-vis refugees. There are different opinions among International Law scholar-critic regarding the relationship between Refugee Law and International Human Rights Law. The discussion forms part of a debate on the fragmentation of International Law. (Koskenniemi, 2002) While scholars-cum-critics regard each branch as a self-contained regime distinct from other branches, others regard the three branches as forming a larger normative system that seeks to protect human beings' rights. The latter conception's proponents follow this holistic regime as including norms only applicable to specific situations, such as armed conflict and military occupation, or specific groups of people, including refugees, children, and prisoners of war. (Yun, 2014)

Generally, International Law means the created law, which different states form; and, it determines the relation of one state or nation with other state or nation. International Law is not the creation of a single state. This law is created through consensus and participation of different forms of the world. Each state can protect its interest and sovereignty through this law by maintaining a better relation with other states. Each state is compelled to abide by the rules of International Law with due respect. This law is mainly created through peace agreement for the interests of more than two states. Contracted states are bound to follow this law. International Law is different from state law characteristically; it is not for the people of any single state; rather, it is for all states of the world. Some organizations are established to ensure International Law.² International Law for Refugee Protection, which is the source of many exceptions, comprises a range of universal and regional conventions or treaties, rules of customary international law, general principles of law, national laws, and the ever-developing standards in the practice of states and international organizations, notably the Office of the United Nations High Commissioner for Refugees (UNHCR).

While the provision of material assistance—food, shelter, and medical care—is a critically important function of the international refugee regime, the notion of legal protection has a very particular focus. Protection means using the legal tools, including treaties and national laws, which implement the obligation of states that no refugee in search of asylum is penalized, expelled, that every refugee enjoys the full-complement of rights and benefits to which he or she is regarded as a refugee; and, the human rights of every refugee are guaranteed. Protection is dealt with by the law. It may be more comprehensive than rights; but it begins with rights, and rights permeate the whole. Moreover, while solutions remain the ultimate objective of the international

2 I have translated from Bengali to English version from the website: <https://bn.wikipedia.org/wiki/>

refugee regime, this does not mean that the only goal is automatically subsumed within the other. Protection is an end in itself, so far as it serves to ensure the individual's fundamental human rights. Neither the objective of solutions nor the imperatives of assistance, and, therefore, it can displace the autonomous protection responsibility which is borne in its disparate dimensions by both states and UNHCR. (Gill, 2014, p.2) It is questionable whether any state has any substantial obligation under customary international law to offer refugees asylum. The 1951 Convention imposes a duty on the state not to obstruct individuals' right to seek asylum, rather than giving individuals the right to asylum itself. The 1967 Declaration on Territorial Asylum affirms this in Article 1, emphasizing that each state is the sole judge of the grounds upon which it extends protection to asylum seekers. Article 2 tells us that other states shall consider measures to lighten the burden when any state finds it difficult to manage asylum seekers. (Khan, p.58)

From the discussion stated above, it can be said that Rohingya asylum seekers fail to get legal human rights following Refugee Law. Their miserable existence is impossible to describe in words or language. They are psychologically persecuted, tormented, oppressed, and displaced by the Myanmarian mob and the military. International Law has no value to such refugees. Law-makers, pleaders, judges, government, politicians, economists, and bureaucrats did not take pragmatic steps to enforce international law. They live on the verge of poverty, hunger, plague, natural calamity, famine, disease, etc. They have nothing to do except relying on grace and mercy.

Role of United Nations

In the 85049th of the Security Council, the Refugee Agency Chief (April 2019) proposes that the efforts to tackle the global displacement crisis are fragmented; they need to be addressed mere symptoms, which are not the root causes. The United Nations is mandated to lead and co-ordinate international action to protect refugee crises and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of the refugees.

UNHCR is established on December 14, 1950,³ and succeeds the earlier United Nations Relief and Rehabilitation Administration. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally, or resettle in a third country.

UNHCR's mandate is gradually expanded to include protecting and providing humanitarian assistance to whom it describes as other persons of concern,

³ "History of UNHCR: A Global Humanitarian Organization of Humble Origins." *UNHCR*.

including Internally Displaced Persons (IDPs) who fit the legal definition of a refugee under the 1951 United Nations Convention Relating to the Status of Refugees and 1967 Protocol, the 1969 Organization for African Unity Convention, or some other treaty if they leave their country, but who stay in their country of origin. To achieve its mandate, the UNHCR engages in activities both in the countries of interest and in countries with donors. For example, the UNHCR hosts expert roundtables to discuss issues of concern to the international refugee community.⁴

Public Awareness

Several new programs are introduced to support and heighten awareness of the issues being faced by refugees around the world. These two new programs are a product of the benchmarks being set out by the United Nations Millennium Development Goals. The UNHCR works in different regions of the world to raise public awareness regarding the refugee crisis. The UNHCR acknowledges a large presence of migration and refugees, where the refugee crisis remains unreported.⁵ However, migrant laws lack any protections for asylum-seekers, even the ability to be recognized as a refugee or asylum seeker itself. The UNHCR organizes talks with these nations⁶ to bring forward the lack of protections for refugees labeled as illegal and prosecuted as unauthorized migrants.

Maintenance of International Peace and Security

The United Nations comes into being in 1945 following the devastation of the Second World War, with the central mission: maintaining international peace and security. The UN does this by working to prevent conflicts of refugees; helping them in conflicts, make peace and peacekeeping; and creating the conditions to allow peace to hold and flourish refugees. These activities overlap and should reinforce one another to be effective. The UN Security Council has the primary responsibility for international peace and security for refugees around the world. In this regard, both the General Assembly and the Secretary-General should play major, meaningful, and complementary roles in solving the Rohingya refugee crisis.

⁴ *Refugees, United Nations High Commissioner for.* "Building Awareness." www.unhcr.ie.

⁵ "Refugees United Nations High Commissioner for. [UNHCR and Caribbean Partners Work to Raise Awareness of Invisible Refugees.](#)" UNHCR.

⁶ "UNHCR Discuss Plight of Refugees in Caribbean." ftp.jamaicagleaner.com.

Protection of Human Rights

Human rights are mentioned seven times in the UN's founding Charter by promoting and protecting human rights an essential purpose and guiding principle of the organization. In 1948, the Universal Declaration of Human Rights brought human rights into the realm of international law. The organization protects human rights through legal instruments on the ground activities.

Deliverance of Humanitarian Aids

One of the United Nations' purposes is to achieve international cooperation by solving international problems, like economic, social, cultural, or humanitarian, especially the Rohingya refugee crisis. The organization is being relied upon by the international community to co-ordinate humanitarian relief operations due to natural and man-made disasters in areas beyond the national authorities' relief capacity alone.

Promotion of Sustainable Development

From the start in 1945, one of the main priorities of the United Nations is to achieve international co-operation in solving international problems, like economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Improving people's well-being should be one of the main aspects of the UN. The global understanding of development changes over the years. The UN should strictly emphasize that sustainable development promotes prosperity and economic opportunity, greater social well-being, and protection of the environment; and, it offers the right path forward to improving people's lives everywhere. To protect sustainable development for Rohingya refugees ought to be the immediate stepstaken by the UN.

Reflection of International Law

The UN Charter, in its preamble, sets an aim: to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. This task can be accomplished by courts, tribunals, multilateral treaties, and the Security Council by approving peacekeeping missions, imposing sanctions, or authorizing force at the time of threat to international peace and security. These powers are given to it by the UN Charter, which is considered an international treaty. As such, it is an instrument of international law. The UN Member States are bound by it. The UN Charter codifies the major principles of international relations from sovereign equality of the states to the prohibition of force in international relations. According to the Charter, the UN should enforce international law against

Myanmar so that Rohingya refugees can return to their own country and can live there in safe and sound.⁷

Moreover, in this paper, we can add some critical clues relating to refugees' status delivered by Prime Minister Sheikh Hasina of Bangladesh at the UN's Convention. The 5 Clues' Proposal by the Prime Minister are discussed below regarding the protection of Rohingya refugee and taking them back to Myanmar:

1. Stop genocide without any conditions immediately and permanently;
2. To send the Representatives of the UN's Investigation under the consideration of the Secretary-General;
3. To ensure the safety of all sorts of citizens without any race, color, caste, and religion; and, in this regard, to build a Safe Zone in the sovereignty of Myanmar under the supervision of the UN;
4. To ensure rehabilitation and return all the Rohingya refugees to their homes in safe and sound who are enforcedly banished and displaced from Rakhine state;
5. To ensure implementation without making any delay and fulfill all the recommendations of the Kofi Anan Commission; ((Imdad, 2017))
6. To stop discriminatory law and policy toward Rohingyas. To investigate the reasons for illegal displacements along with cruelties towards them;
7. To build a favorable environment for Rohingyas through ensuring citizenship and rights;
8. To ensure justice in the light of recommendations of fact Finding under the UN Human Rights Commission. (Hasina, 2018)

Precautionary Steps

The image of recent persecution towards Rohingyas creates revolutionary attitudes throughout the world. Many prominent leaders, religious persons, social workers of the world frequently visit the Rohingya refugee camp. They feel sympathy towards them; they respect Bangladesh's adventurous efforts; and, they call the Myanmar Government to take them back. The government is now under international pressure. As a result, they decide to bring them back to their country. However, it is not clear when they would return ten lakhs of Rohingya refugees. In recent time, a bilateral treaty between Bangladesh and Myanmar is signed to return them. But the Rakhine state villages are not still suitable for them because there is not enough safety there. All the international organizations do not support this treaty. The reason is that there is no favorable environment still now in Rakhine.

⁷ "History of UNHCR: A Global Humanitarian Organization of Humble Origins." *UNHCR*.

On the other hand, Rohingyas do not get enough safety and have no enough opportunity to maintain their livelihood here in Bangladesh. Again, they do not want to go back to Rakhine due to persecution and brutal attack. Though Myanmar is now under international pressure, considering the overall situation, it has become impossible for the country to take them back. Moreover, as a poor and densely populated country, it is not feasible for Bangladesh to feed a large population and take responsibility. Providing food, water, sanitation, and medicine daily is a challenging process for Bangladesh. How long the international organizations would continue their supports seems to be a very suspicious question in our minds.

The following precautionary steps are vital for protecting the Rohingya refugee crisis:

- ❖ At any cost, the Bangladesh government will have to provide daily food, education, healthcare, and other socio-economic opportunities for the Rohingya refugees. It is our humanitarian and social responsibility as a state or as a nation to shelter them. All sorts of supports and prospects will have to be continued through different types of international NGOs and relief goods organizations until the racial conflict is completely solved.

- ❖ At present, the Rohingya camps are precarious for hilly terrain, and the mountain collapsed to the extreme degree due to cutting mountains and trees at random. Moreover, the temporary houses of Rohingya refugees may be wiped out owing to storms and cyclones. The Bangladesh Government will have to take the natural disaster management and master plan very urgently in these circumstances. When any natural calamity is likely to happen, the Rohingya refugees can be moved to a safe shelter.

- ❖ On account of pure water and sanitation foresight, various kinds of water affected disease can spread out during the rainy season. Precautionary steps will have to be ensured overnight.

- ❖ Besides physical health, the government will have to take care of the evolution of the Rohingya refugees; proper education and mental growth will have to be provided for their children.

- ❖ Many Rohingyas are still trapped in the Myanmar and Bangladesh border areas; ample opportunities and safety will have to be ensured.

- ❖ Everyday, Rohingyas enter Bangladesh from Myanmar, and proper management will have to be taken to tackle all the circumstances.

- ❖ For those who are women, children, disabled, adults, physically and physically disabled, damaged, or affected refugees in the camps, exceptional safety and opportunities will be provided.

- ❖ Law enforcement forces must be in the lead role so that terrorism, national safety or local safety, women and children trafficking, any types of unsocial and illegal activities, teenage crime; and, other social, religious, and state crime cannot be spread out throughout the country.

❖ At this moment, the difficult task is to send the Rohingya refugees back to their forefathers' village with safety and respect. But, forcing the Rohingyas to return them or to push them into the face of death knowingly is nobody's expectation. In these situations, the Bangladesh Government, along with the United Nations and taking the advice of other friendly states, will have to stand beside the Rohingyas. Moreover, Bangladesh will have to maintain acordial relationship and international relationsto complete the whole process.

❖ The Bangladesh Government must inform different international organizations of the United Nations and other friendly states, including India, China, and Russia, regarding Rohingyas' safety, livelihood, or citizenship opportunities after returning to Myanmar.

❖ If there is any illegal Bangladeshi among the Rohingya refugees, they need to be sorted out by checking them out. To provide their citizenship in Bangladesh, they will have to give also livelihood.

❖ The Bangladesh government must be careful of racial conflicts and revenge so that any subversive activities would not spread out throughout the country. The government must emphasize the matter very seriously for national and international safety.

❖ If any Rohingya group is moved into a particular place, the government must be conscious that human rights cannot be violated; and, they can be protected from natural calamity.

❖ After going to Rakhine state, in accordance with the permission of the UN, a Rohingya family can be observed for special safety through using the latest Satellite channel. If necessary, the United Nations Peace Keeping Force can be deployed in Rakhine state.

❖ Since this problem cannot be solved overnight, the Rohingyas will be transferred into a safer place from the rugged hills. In this regard, the city planners, the disaster managers, and the concerned authorities all have to work with their concerted efforts to accomplish the whole process.

❖ Shortly, those who kill, rape, loot, and displace Rohingyas; and burn their villages must have to face a trial in the international court and provide adequate punishment. If such penalties are implemented, it can be expected that nobody will dare to get themselves engaged in genocide and racial conflicts.

Today's Slogan: Say 'No' Racism

Racism is a global question. It is now happening in many countries of the world. Many poor and needy people are now getting tormented and conflicted due to racism and military conflicts worldwide. In this paper, I would like to focus on the racial conflict happening in Rakhine and Arakan States in Myanmar. I think the Rohingya refugee crisis should be banned at any cost by the powerful global leaders, including India, Russia, China, and USA since it is a big challenge for us all.

According to the United Nations, the Rohingyas are the most persecuted minority groups in the globe. From 2012 to 2019, the whole world is now witnessing Myanmar's renewed waves of full-fledged genocide campaign, hate crime, and ostracizing against the most vulnerable and unarmed Rohingya population the name of national security. Myanmar is responsible for the worst sufferings of the Rohingya.

Consequently, the country fails to perform its obligation under the International Law to protect its citizens, which amounts to internationally wrongful acts. According to Articles 31 and 41 of the UN Draft Articles on Responsibility of States for Internationally Wrongful Acts, the responsible state is under an obligation to make a full-reparation for the injury caused by its internationally wrongful acts. We must acknowledge that all the Rohingya refugees are the nation of Myanmar; and, they are not any separate group or nation. They have nationality and nationalism like other countries of the world. They have human rights and suffragette like us. They are not a disenfranchised group. They have identity and existence. The people do not want to see such mental suffering and torture, cruelty, injustice, displacement, persecution, genocide, and ethnic cleansing towards any Rohingyas in the future. They want to see a new change and a new law for such a minority group. In this regard, we all expect that both the international lawmakers and the United Nations leaders should find a permanent solution so that no Rohingya can be displaced, tortured, persecuted, killed, attacked, cleansed, and slaughtered like a beast. They are now like the vagabonds, refugees, and gypsies on the floating boats like the subaltern. They are all victims of the racial conflicts by the Buddhist extremists.

For this purpose, I would like to motivate the globally intellectual figures so that the Rohingya refugee crisis must be protected through an everlasting solution. No people of the world must be neglected like the Rohingya communities. We must bear in mind that all human beings are equal in the eye of the law; they have the same blood and same body. The Myanmar Government and the military personnel must show their sympathy to the Rohingya minority group so that their legal rights and national security can be established. No racial conflicts and riots can spread throughout the country or beyond the border. The government must be conscious of their security and rights. They ought to tackle the chaotic situation among races and nations; the national security of all the Rohingya people must be ensured at all times but not for a temporary period. Without dividing any race, color, religion, and caste; all will have to work together for the country's greater welfare. If the Rohingya group or nation falls victim to turbulent situation, both the Myanmar Government and the army will have to face the dire result. It can be undoubtedly said that the government must solve the Rohingya refugee crisis. The central fact is that all the global leaders are looking at Myanmar and handling the whole situation. However, I would like to propose that: Today's Slogan: Say 'No' Racism towards any race or caste. May it be our only motto?

Conclusion

This paper has elaborately discussed racial conflicts in the light of critical comments made by critics and scholars. Human right violation, natural calamity, and global politics are emphasized. There are many reasons for Rohingya refugee crises, like climate change, natural disaster, displacement, war and civil war, persecution, gender and sexual harassment, poverty and hunger, river erosion, and eviction, apparently described here. This paper has also focused on the Rohingya refugee crisis for which Bangladesh severely faces socio-economic and political crisis, and economic pressure. In this regard, what the role of International Law would-be has been stated here. It has discussed public awareness, maintenance of international peace and security, protection of human rights, deliverance of humanitarian service, promotion of sustainable development, and reflection of international law upon the minority group, which are the United Nations' parameters.

Regarding precautionary steps, this study has emphasized the duty and responsibility of the Bangladesh Government, the role of the global leaders, and the lawmakers so that the Rohingya refugee crisis can be controlled through their concerted efforts. Finally, the paper has upheld the researcher's personal views and opinions regarding 'no racism towards Rohingya refugees.' To reach a permanent solution regarding the racial conflicts between the Muslim and the Buddhists is the prime focus of this study.

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