



***FIVE YEARS AFTER THE ROHINGYA
EXODUS, NO SIGNIFICANT
DEVELOPMENT***

BY MUFASSIR RASHID

MD Mufassir Rashid (mufassir.emil199@gmail.com) is an Independent Researcher. He has completed his BSS in International Relations and MSS in International Political Economy from the University of Dhaka.

On Aug. 25, 2017, Myanmar’s military launched a full-fledged “clearance operation” against the Rohingya community in Rakhine state, burning villages to ashes and forcing the Rohingya people to flee to neighboring Bangladesh. Over 745,000 Rohingya fled there and started living in the camps in precarious conditions. Since then, five years have passed without any justice. The genocidal intent and crimes against humanity have been acknowledged worldwide, yet the perpetrators are still at large, even after staging a coup last year that destabilized Myanmar. The Rohingya issue has been marked by geopolitics, deteriorating camp conditions, and decreasing international attention for the last five years. The only ray of hope is the legal process developing gradually in the International Court of Justice (ICJ), International Criminal Court (ICC), and the Argentine court under universal jurisdiction.

However, as the repatriation process lingers, the Rohingya are becoming more frustrated. The recent media coverage of the Go Home campaign—led by Rohingya stranded in Bangladesh who hope to return to Rakhine state—and United Nations’ Rights Chief Michelle Bachelet’s visit suggests the same.

Precarious camp condition and deteriorating law and order

Since the exodus, the Rohingya have been living in the hilly terrain of Cox’s Bazaar, a border district of Bangladesh. They live in makeshift houses and are confined within the camp. It is also one of the densest camps in the world. Around 1.1 million refugees live within only 27 square kilometers with a density of 40,000-70,000 per square kilometer. Women and children largely make up the demography of the community. Even though Bangladesh has created temporary camps in Bhasanchar that provides better living standards, the capacity there is only 100,000.

As these refugees are living within the camp indefinitely without a proper repatriation plan, they are becoming increasingly frustrated. The precarious camp conditions and uncertainty about their future make them more vulnerable and exposed to gang politics and transnational crimes, such as violent extremism, drugs, and arms peddling. Around 14 gangs are now active within the camp, and the recent murders and violent attacks revealed the presence of terrorist outfits. The deteriorating law and order also claimed the life of the top Rohingya leader, when Mohibullah, a top pro-repatriation leader, was killed in his office within the camp last year.

Geopolitics, decreasing international attention, and “Go Home” campaign

As years passed and several conflicts, like Ukraine, emerged worldwide the international community’s attention has also been diverted. The international community has failed to take any significant steps for repatriation and justice. The geopolitical calculations of great powers crippled the United Nations Security Council. It also allowed the Junta perpetrators to carry on with their draconian measures. The same perpetrators also staged a coup last year. But they hardly faced any strong counter-measure from the great powers. Since then, the repatriation process has also halted indefinitely.

As the great powers failed to fulfill their humanitarian responsibility and international attention decreased, the Rohingya also lost their faith in them. Through the recent “Go Home” campaign, the Rohingya displayed their frustration and called out for international attention. The “Go Home” campaign also revealed the

political consciousness of this persecuted community as they reiterated Rakhine as their homeland. During the recent visit of the UN Rights Chief Bachelet, the Rohingya [told](#) her that their current stay in Bangladesh is temporary, and they wanted to go back to Rakhine, their ancestral home. This suggests that the international community's responsibility doesn't end with providing them with temporal shelter in Bangladesh. Instead, their safe and dignified repatriation to Rakhine should be the goal.

Developments in the legal processes—a slight ray of hope

The most significant developments have come through the legal process. Currently, two cases have been filed, in the ICC against the Myanmar military, and in the ICJ against Myanmar. Another case has been filed in the Court of Argentina under universal jurisdiction. The ICC prosecutors are [gathering](#) evidence on allegations of war crimes and crimes against humanity. The prosecutors also [visited](#) Bangladesh this year.

Perhaps the most significant development in the last five years was the ICJ's [ruling](#) on jurisdiction. In 2019, Gambia filed a case against Myanmar over genocidal intent and criminal atrocity. Myanmar authorities rejected the case arguing that the court has no jurisdiction as Myanmar is not a party to the Rome Statute that established the ICJ. Additional objections advanced by Myanmar included that Gambia has no ties with the Rohingya and serves as a proxy for the Organization of Islamic Cooperation. The judge dismissed Myanmar's arguments stating that Gambia, as a party to 1948's Genocide Convention, could act to prevent it and the ICJ has jurisdiction over the case.

In 2021, a Rohingya organization under universal jurisdiction filled another case in an Argentine court. The court accepted the case and agreed to investigate.

The United States finally [acknowledged](#) the genocide, even though it already had the very same conclusion in 2018 through the [Fullerton Commission](#). Hence, a ray of hope for justice is still present for the Rohingya.

In Myanmar, the Rohingya also received acknowledgment for the first time in history as the [National Unity Government](#) and [Arakan Army](#) both acknowledged Rohingya rights.

However, these legal processes and enforcements are also dependent upon the efforts and proactive role of great powers. History suggests that the Bosnians only found justice because great powers and key stakeholders got involved.

Five years after the crisis began, emphasis should now be on repatriation and justice. The international community must increase its role and responsibility to ensure safe and dignified repatriation. Great powers should also hold Junta leaders accountable to the courts. Junta leaders should not be given a free pass, as this will only inspire future perpetrators.

PacNet commentaries and responses represent the views of the respective authors. Alternative viewpoints are always welcomed and encouraged.