Local Integration of Rohingyaas in Bangladesh

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Local Integration

Local Integration is one of the durable solutions for refugees under the maximum number international instruments for the protection of refugees, as well as under the Constitutional Laws and Statutory Laws of some states. In the usual “formulation” of solutions to refugee-hood, reference is made to the possibility of “Local Integration”. Local Integration means in essence that a refugee is granted some form of durable legal status that allows him or her to remain in the country of first asylum on an indefinite basis, a fully to participate in the social, economic and cultural life of the host community.¹

Local integration is the solution in which the country of asylum provides legal residency. The country of asylum offers refugees permanent residence with the possibility of eventual citizenship. Although in certain countries naturalization of recognized refugees after a period of time is standard practice, many States have concerns about allowing refugees to stay indefinitely on their soil. They fear the impact on scarce resources, the risk of security problems, and potential antagonism towards refugees. They may also be concerned about controlling migration.²

Processes of Local Integration

Local integration is a gradual process that takes place on three levels:

a. Legal: Local Integration is a legal process whereby refugees are granted a progressively wider range of rights and entitlements by the host State that are broadly commensurate with those enjoyed by its citizens. These rights include freedom of movement, access to education and the labor market, access to public relief and assistance including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of local integration. Over time the process should lead to permanent residence rights and in some cases the acquisition, in due course, of citizenship in the country of asylum.³

³ Supra Note 1
b. **Economic**: Local integration is clearly an economic process. Refugees become gradually less dependent on aid from the country of asylum or on humanitarian assistance and are increasingly self-reliant so that they can support themselves and contribute to the local economy;\(^4\)

c. **Social and Cultural**: interaction between refugees and the local community allows refugees to participate in the social life of their new country without fear of discrimination or hostility.\(^5\)

### Legal Status of Refugees in Bangladesh

International instruments such as the 1951 Convention is binding upon the signatory states. However, even when the states are not party to any convention, they follow some internationally accepted and recognized standard which is often termed as the customary international law.\(^6\) For example, at present, Bangladesh is offering shelters to thousands registered refugees from Myanmar. They are not being pushed back and the principle of *non-refoulement* is being honored even though Bangladesh is not a party to the Convention of refugee.\(^7\)

### Protection of Refugees in Bangladesh

Bangladesh like other South Asian countries, is neither a party to the UN convention relating to the status of refugees 1951 nor its protocol of 1967. There are no national laws, which define and regulate the status of refugees in the countries of South Asia.\(^8\) Bangladesh has acceded to a number of international human rights treaties, whose provisions indirectly promote the rights of refugees. However, in reality, the international human rights are not enforceable in courts of law unless, specific provisions are incorporated into existing municipal laws or given effect through separate

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\(^4\) Supra Note 2

\(^5\) Ibid.


legislations. Even then, Bangladesh has some major international human rights instruments. Some of those major international instruments are discussed below.\(^9\)

- Universal Declaration of Human Rights (UDHR) 1948
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)
- International Covenant on Civil and Political Rights (1966)
- Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (1948)

The constitution of Bangladesh upholds the right to life and liberty of all individuals. Not only are the lives of Bangladeshi citizens guaranteed, but the lives of everyone who inhabit this country are assured protection with respect to liberty. However, despite several legal instruments guaranteeing the right of people living within the country, there has still not been any particular legal instrument aimed at stateless peoples alone, despite the fact that such groups have been living in Bangladesh since its independence. However, the followings are the rights through which the Rohingyas are getting protection:

- The Right to Protection of Law (Art-31)
- Protection of Right to Life and Personal Liberty (Art-32)
- Safeguards as to Arrest and Detention (Art-33)
- Prohibition of Forced Labor (Art-34)
- Enforcement of the Fundamental Rights (Art-102)

**Implementation of International Refugee Law in Bangladesh**

As has been already mentioned, Bangladesh is not a party to the 1951 Refugee convention or the protocol 1967, and there is no specific domestic law or national policy governing the protection of refugees in Bangladesh. In most of the cases, the powers to grant residential permits have been

\(^9\) Supra Note 7.
relegated to administrator at district and sub-district level. Under municipal laws, refugees being considered as foreigners are governed by the provisions of the Foreigners Act of 1946.\(^{10}\)

The asylum seekers are accorded refugee status by the Government of Bangladesh under “Executive order”. For Example during 1978 and the time between 1991 to 1992, the Rohingya asylum seekers from Myanmar, were provided refugee status under Executive Orders of the Government of Bangladesh. They were granted prima facie refugee status. This adoption of different approaches by the authority creates problem. Situation gets further complicated as Bangladesh adopts different solutions and varying standards of treatment for the refugees. During the refugee influx from 1991 to 1992, the Government invited the International Refugee Agency UNHCR, to launch their operation in Bangladesh. The Government also allowed NGOs both national and international in the refugee operation.\(^{11}\)

**Local Integration of Rohingyas in Bangladesh**

The government of Bangladesh continues to reject local integration as a durable solution for the Rohingya refugees, leaving UNHCR with very limited options. Bangladesh is not well placed to cope with this protracted refugee situation. The country is confronted with extreme poverty and high rates of population growth, and is increasingly affected by natural disasters and climate change. [Statement made by Bangladeshi Delegation in the 1999 UNHCR Executive Committee meeting] The refugees are to be found primarily in remote and impoverished areas of Bangladesh which have not benefited from the modest economic growth that has recently taken place in some other parts of the country.\(^{12}\)

The official position of the government is that it will not entertain any notion of local integration, because of ethnic affinities, a porous border, and a common history Rohingya have been integrated into Chittagonian society. As is revealed by the large undocumented caseload, the Rohingya have been able to make their way into the economy and, in some instances, play a role in the local

\(^{10}\) Ibid.
\(^{11}\) Ibid.
community. The government apparently fears that institutionalizing what is already happening on the ground would attract still more Rohingya, serving as an additional "pull" factor.\textsuperscript{13}

From the government’s perspective, there has been a lack of concerted international action to address the circumstances that forced the Rohingya to leave Myanmar and which now obstruct their repatriation. Bangladesh also considers there has been inadequate international understanding and support with respect to the refugee impact on host communities. The presence and general tolerance of such large numbers of Rohingya in Bangladesh derives in part from the social, ethnic, linguistic and religious characteristics that they share with the host community, particularly their common adherence to Islam. Even so, political and public opinion in Bangladesh is generally not well disposed towards the refugees. And although UNHCR has sponsored a range of projects that are intended to bring tangible benefits to the host population, they have done little to gain popular goodwill or to create additional protection space for the Rohingya.\textsuperscript{14}

In spite of opposition from the government and local host community, it is a fact that many Rohingyas are being integrated in Bangladeshi society in mainly two ways:\textsuperscript{15}

i) Illegally collecting Bangladeshi nationality documents, and

ii) Inter-marriage with local Bangladeshis.

In the past, it was quite easy to ‘buy’ Bangladeshi nationality certificate which is issued by village level Union Council Chairman. It has become difficult now as government has made nationwide database of citizens in 2008.\textsuperscript{16}

Employment is also a major process of integration. As many Rohingyas are involved in informal jobs, they gradually become economically self-reliant. Many unregistered Rohingyas are seen living in the slums of Cox’s Bazar along with the poor Bangladeshi families.\textsuperscript{17}

They work in and around Cox’s Bazar in mainly manual jobs including as rickshaw puller, day laborer, fishermen, and domestic workers and in dry fish processing.\textsuperscript{18}

\textsuperscript{14} Supra Note 12.
\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid
\textsuperscript{17} Ibid.
\textsuperscript{18} Ibid.
Conclusion

At present, most of the countries in the world have agreed to grant asylum to refugees. Granting asylum means, offering protection in a safe country, to people who are in danger in the country of their origin. The argument has been made that; Bangladesh should not ratify the 1951 convention. But this, however, has not, relieved it of its responsibilities to establish a humane and rights based regime for dealing with asylum seekers and refugees.