Rohingya Repatriation: A Socio-Legal Appraisal from the Registered and Unregistered Camps, Cox's Bazar

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Abstract

The Rohingyas, being subjected to decades of persecution and state-sponsored violence, fled from Myanmar to Bangladesh recurrently since 1978. However, the last Rohingya influx of 2017 has posed complex and multifaceted challenges in the repatriation drive. This research investigates the barriers surrounding repatriation, the socio-economic effects on the host community for their protracted stay, and various stakeholders' perspectives on the feasibility of repatriation. A mixed-method approach has been used in this paper, encompassing narrative inquiries, informative interviews, focus group discussion, and participant observations through field visits to both registered and unregistered Rohingya camps, Cox's Bazar, in 2024. The research found that lack of political will, multi-ethnic conflict, and the denial of citizenship are the fundamental barriers to sustainable repatriation. Compromised resources and services in Cox's Bazar, disparities between camps, and lack of legal protection complicate the situation more and are potentially generating radicalization risks. Hence, this research underscores the importance of adopting a trauma-informed approach to develop a strong legal framework and social support mechanisms that ensure dignified and sustainable repatriation. The findings advocate for an expanded dialogue on refugee repatriation, while emphasizing the necessity of ethical responsibility and international cooperation in addressing the Rohingya crisis.

Keywords: Rohingya, Repatriation, Bangladesh, Myanmar, Sustainable Solutions, *etc*.

1. Background of Study

Myanmar, the predominantly Buddhist state, has systematically adopted discriminatory policies, which turned into acts of genocide. They are motivated by the intent to erase the existence of Rohingya ethnicity in the Rakhine state,

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where they have been living since the 8th century (Albert and Maizland, 2020). The Rohingya community, historically, is the most persecuted ethnic minority in the world (Blakemore, 2019). The dominant part of the history of the Rohingyas advocates the national struggle for independence, the formation of post-colonial states, and nation-building (Uddin,2019). In 1962, the military took over the power

and advertently allowed discriminatory government policies that made the Rohingyas 'stateless' by denying their 'recognition of ethnicity' and 'citizenship' under the Citizenship Act of 1982. The authoritarian regime of Myanmar, by classifying Rohingyas as 'illegal immigrants' from Bangladesh (Islam and Khatun, 2024), forced hundreds of thousands of Muslim Rohingyas to leave their state, and in effect, Bangladesh has been the largest recipient so far. But recently, Bangladesh has been facing the 'fastest growing refugee crisis in the world' (Rahman and Kabir, 2023). Moreover, in 1978, to expel so-called "foreigners," '*Operation Naga-min'* or '*Operation Dragon King'* was planned by the socialist government of Ne win (Human Rights Watch, 2000).

For the first time, more than 200,000 Rohingyas fled their homes (Smith, 1991) and came to Bangladesh. However, under immense international pressure, the Myanmar government agreed to sign and execute a repatriation agreement, and 180,000 Rohingyas were repatriated to their homeland.

In 1991-1992, 2012, 2016, and most recently, 2017, Bangladesh welcomed four major influxes of Rohingyas residing in 33 camps of Cox's Bazar. The 'Kutupalong' in Ukhia and 'Nayapara' in Teknaf are the registered Rohingya camps where the United Nations has granted "refugee" status to 39,5888 Rohingyas of these two camps (Skretteberg, 2019). Following the massive influx of 2017, those who fled away from Myanmar started living in temporary unregistered camps. They are officially termed 'FDMN' (Forcibly Displaced Myanmar Nationals) (Uddin, 2024).

The brutal experience of post-migration joblessness, the uncertainty of life, vulnerable situations in camps, being a victim of sexual violence and harassment led to engaging in various illegal activities, fraudulence, smuggling including drugs, arms, and human trafficking, and so on, ultimately emerged as "security threat" for the host country (Rahman and Kabir, 2021). The presence of Rohingya has a detrimental impact on the quality of public services, agriculture, and environmental resources (forests, land, water, wildlife, flora, and fauna) (Habib and Chowdhury, 2024). UNHCR reported that the livelihood and health of both host and Rohingya communities is under threat. Since 2017, bilateral

efforts, visits, and exchanges to repatriate Rohingyas have failed, as sustainable repatriation needs citizenship and security of life (Tayeb, 2024).

2. Statement of the Problem

Since 2017, three attempts to repatriate Rohingyas in 2018, 2019, and 2023 were initiated. Still, they could not see the light due to the escalation of conflict in Myanmar as well as their unwillingness to take back Rohingya (Palma and Molla, 2024). On the contrary, the protracted Rohingya crisis is significantly disrupting the peaceful living of 600,000 local people around camps and 2.7 million inhabitants of Cox's Bazar and indirectly affecting the whole nation (Sattar, 2019). There are contested claims from host communities that with limited resources, Rohingyas are provided with better opportunities compared to them. However, camp life is frustrating mainly as there is acute uncertainty, fewer opportunities in life, and full of suffering. Hence, considering *inter alia* overcrowding refugee camps, lack of resources, growing hostility with the local populace, inter-camp conflicts, and persistent human rights issues, the government of Bangladesh has taken the initiative to relocate them to Bhasan Char partially. However, this relocation raises debate as Bhasan Char faces significant risks due to global warming and climate change, including rising sea surface temperatures, sea levels, precipitation patterns, and frequent storms (Singh, 2007).

The Rohingyas' registration status has led to a new issue. The residents of unregistered camps are experiencing significant disparities in terms of food, housing, healthcare, security, employment, access to legal status, and necessities compared to those in registered camps, as UNHCR has not granted them official 'refugee' status (Sultana et al. 2023). The fierce competition is the derivative of global diminishing funding support compared to the initial influx. According to a UN report, in 2023, Bangladesh appealed for USD 876 million in aid, but only 24.6% has been funded.

On the other hand, repatriation without sustainable changes in Myanmar's political and social landscape can potentially roll back entire phenomena. Hence, the reintegration of the Rohingya community after the repatriation is also a cause for concern. 'Sending them back' without proper precautions has a possibility of prolonged suffering for their entire community. Post-repatriation procedures are crucial for the forcibly displaced and challenging for the host country. Under these backdrops, robust field research has been conducted in registered Kutupalong Camp and unregistered Camp No 07 (seven), which intends to examine key variables associated with the repatriation process. In the broader

perspective, besides the socio-economic crisis, the research seeks to identify legal barriers and solutions to facilitate the repatriation of Rohingya.

3. Methodology of the Study

This research has been shaped by using a 'mixed methods approach.' It allows researchers to combine qualitative and quantitative data with quantitative research methodologies effectively. A field visit was conducted in two selected Rohingya camps, namely Kutupalong camp (registered refugee camp one)[2] and camp number 07 (unregistered camp)[3] Ukhia, Cox's Bazar district. The research team closely interacted with FDMNs (Rohingyas) and observed their struggle for survival. The team has consulted with various stakeholders to understand their perspectives on Rohingya repatriation. Members of the team employed Narrative Inquiry (NI), Key Informant Interviews (KII), Unstructured Interviews, Case Studies, Focused Group discussions (FGDs), and participant observation techniques to understand the ongoing crisis. The research team conducted an intensive reading of existing literature and reviews to develop an analytical lens. Finally, the team did a descriptive analysis of the collected data, ensuring accuracy through multiple verifications. Explicit consent was obtained from the stakeholders by sharing detailed information about the research's purpose and the potential benefits and risks associated with participation.

3.1. Sampling Technique

The research team utilized snowball and chain-referral samplings to gather as many participants as possible to gain information about the community. The team used a random sampling strategy to select FDMNs (Rohingyas) for the survey to ensure high internal validity. A judgmental frame is used in registered and unregistered camps within the random sampling strategy. In the Kutupalong camp and camp seven, the team selected adolescents, youth, and elderly male and female Rohingyas willing to participate. FDMNs younger than seven or older than 75 were excluded from the sampling frame to ensure accurate and reliable data.

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[2] The research team purposedly chose one registered and another unregistered camp to examine the difference of living conditions between two different camps and its effects on aspirations to return to homeland. Kutupalong camp, started in 1991, is selected as the data source due to it is one of the oldest registered camps.

[3] This camp in ukhia cox's Bazar is unregistered camp which was started after the immediate 2017 influx.

Additionally, the research team used purposive sampling to collect data from Government stakeholders, NGOs, journalists, local representatives, and advocates. The Camp in Charge (CIC) of Rohingya camps was interviewed as a significant data source, as they are government representatives responsible for overseeing humanitarian actors and coordinating security in the camp area. The FGD with RRRC provided valuable data to help us understand the government's perspective on repatriation. The research team has also collected data from diverse stakeholders, including NGOs, such as BRAC, Handicap International Humanity, Action Against Hunger, legal representatives, journalists, and host community members. Along with firsthand data, this research has used various scholarly materials, including theoretical frameworks, archival records, empirical studies, and prominent authors' writings to identify the existing literature gap and analyze the current scenario.

Sample Size

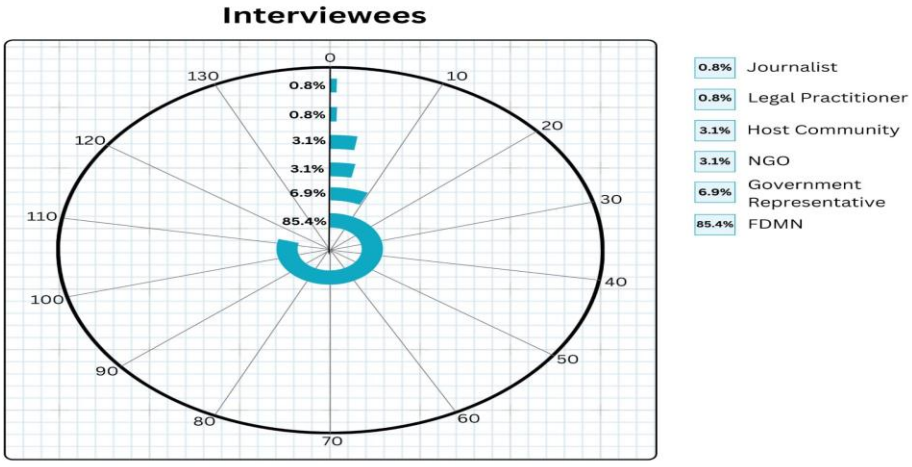


Figure 1 Type of Interviewees

130 Rohingyas (27 from registered Kutupalong camp one) and 93 from unregistered camp 07) were selected as the sample size. The research team conducted interviews with 120 male and 10 female participants. Other stakeholders were nine government representatives, four NGO representatives, four host community members, one legal practitioner, and journalists. Fourteen focus group discussions (FGDs) were carried out, each comprising five to ten participants.

3.2. Methods of Interview

The research team prepared semi-structured questionnaires and conducted in-depth interviews of various stakeholders to collect qualitative, open-ended primary data by asking their opinions, experiences, and perspectives. Based on existing literature, semi-structured questionnaires have been prepared. These are further examined through conducting in-depth interviews and FGDs. An interview session was conducted with Refugee Relief and Repatriation Commissioner (RRRC) officials in Cox's Bazar Office. The team also conducted semi-structured interviews with NGO representatives, legal practitioners, and host community members. The team used an unstructured interview method to develop a natural conversation with Rohingyas. It brings out detailed, insightful, and genuine responses from the victims. The open-ended qualitative questions enlightened the team and helped us understand the crisis deeply, and the close-ended queries helped us draw out quantitative figures.

3.3. Data Interpretation Formula

The primary data was interpreted by keeping in mind the overall objectives of the research. The interview transcripts, surveys with open-ended questions, audio recordings, and observational transcripts were duly translated into the English language. Descriptive data analytics were used to evaluate qualitative data. In this study, quantitative data analysis is done by identifying patterns, trends, and relationships between variables. Graphical representations have been used as interpreting tools for quantitative data.

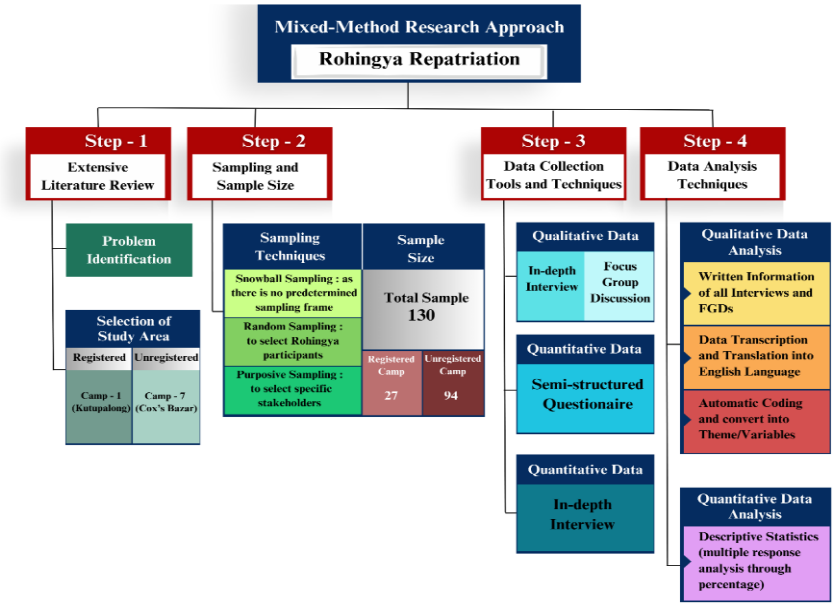


Figure 2 Details Methodology adopted in this Study

3.4. Theoretical Framework

This research has explored relevant repatriation theories to locate underlying socio-legal aspects of the Rohingya repatriation from Bangladesh. Everett S. Lee's push-pull model (1966) posits that migration is driven by factors pushing individuals away from their origin and pulling them toward a destination (Lee, 1996). Political violence, curtailment of freedom, genocide, ethnic cleansing, and tyranny are significant push factors compelling individuals to flee. The push and pull factors can profoundly impact the success and voluntariness of repatriation efforts. On the other hand, Martha Nussbaum's transnational justice theory (2006) focuses on human excellence and necessary capacities for rebuilding lives (Nussbaum, 2006). According to Nussbaum, repatriation is about transferring people and ensuring justice by enabling returnees to regain lost capacities. Both sending and receiving states must provide education, healthcare, and economic opportunities to fulfill their obligations under this framework. This approach emphasizes the importance of a supportive environment for repatriation to be genuinely successful, ensuring that returnees can rebuild their lives with dignity and security.

Moreover, Judith Herman's trauma-informed approach (1992) emphasizes the importance of safety, empowerment, and mental health support in repatriation

(Herman, 1996). Repatriation should avoid re-traumatization and include comprehensive psychological and social support services. This approach highlights the need for addressing the mental and emotional well-being of returnees, ensuring that they can reintegrate into society without the burden of unresolved trauma.

Furthermore, the social contract theory of Rousseau (1762) attempts to explain the connection between people in the government and those governed with the aim that authority is based on the people's consent (Rousseau, 1762). This means that measures must be undertaken to guarantee the safety of refugees once they have returned. The government will have to abolish structures, uproot' the root ideology that condones violence, and punish the lawbreakers. Moreover, the same treatment should be applied to them, and access to full citizenship, education, and healthcare, among other things, should be equal. Fundamentally, constructing a social agreement compatible with the desired peaceful and just society is a precursor to ensuring successful repatriation.

Conversely, RSCT (Regional Security Complex Theory) offers several advantages. Unlike grand theories that paint the world with a broad brush (unipolarity, for example), RSCT provides a more nuanced view (Buzan and Waver, 2003). The core idea is that some groups of states are bound by interconnected security concerns that form a "regional security complex." Olé Weaver made a statement when he explained repatriation and how people could be returned to their original countries. Conventional ideas hold that security is all about protecting what exists as a nation. On the other hand, Securitization Theory contests this point by stating that security does not exist without a manipulative populist narrative. In other contexts, it may not even come from a particular leader but also can come from the general narrative created by the brutal nature of realpolitik. Lastly, according to Michel Foucault's governmentality theory (1978), power operates not through laws but through shaping behavior using ideas (Foucault, 2010). This theory explains how sending countries' language influences receiving governments to portray refugees as burdens, encouraging repatriation. Camps and economic incentives guide refugees towards repatriation, highlighting power disparities and the subtle coercion inherent in governmentality. Refugees may feel pressured to return to unsafe environments, underscoring the complex power dynamics (Hedman, 2008). Additionally, international bodies, NGOs, and refugee communities shape repatriation narratives, further complicating these dynamics of power and control.

4. Findings of the Research

The underpinnings of the theoretical framework have been instrumental in identifying barriers against sustainable repatriation ventures. At the outset, this study acknowledges the nuances that any utopian ideals need to be set aside to ensure the successful return of Rohingyas (Thomas, 1995), and the focus should only be on stark realities. If we understand the dynamics between the advent of displacement and the process of repatriation, only then can we mitigate the consequences of humanitarian conflict like the Rohingya crisis.

4.1. An Esoteric Pattern of Realpolitik in Myanmar

The idea of repatriation, which involves returning displaced individuals to their home countries, often clashes with the realities of realpolitik (Greenhill and Adamson, 2023). While the ideal scenario envisions a safe and respectful return for displaced individuals, national interests and power dynamics frequently take precedence (Bagheri and Bisset, 2022). Realpolitik, meaning "politics of reality," highlights the importance of interests and power in global relations (Bew,2016). States prioritize their security, economic prosperity, and political influence, sometimes overlooking other considerations. The emphasis on realpolitik can hinder repatriation efforts in many ways (OHCHR, 2023). Unlike past repatriations that often followed a clear resolution to the conflict, today's Rohingya's repatriation has reached to situations where peace is shaky, security is uncertain, and infrastructure is severely damaged (Bradley, 2019). The root problem lies in the ambiguity in communication between the states. An understanding followed by continuous efforts to start a repatriation process gets stalled if there isn't even any ideological common ground (Kerem,2023). This pattern is often fueled by religious or ideological extremism, which manifests itself into genocide and ethnic cleansing. Unless this root cause is uprooted, there can only be a 'band-aid' fix, whereas a permanent solution is needed (United States Commission on International Religious Freedom)

4.2. Disparity between Registered and Unregistered Camps Rohingyas

The disparity between registered and unregistered forcibly displaced populations is common worldwide. Registered people often get better living conditions and even potential relocation opportunities. Meanwhile, the unregistered population faces a harsher reality and an uncertain future. The Unwillingness of a significant number of forcibly displaced people to repatriate can impact repatriation efforts, especially voluntary repatriation. For example, Venezuelan refugees with official registration in Colombia can access government services more quickly than those who haven't gone through the formal process. This makes the repatriation issue more complex.

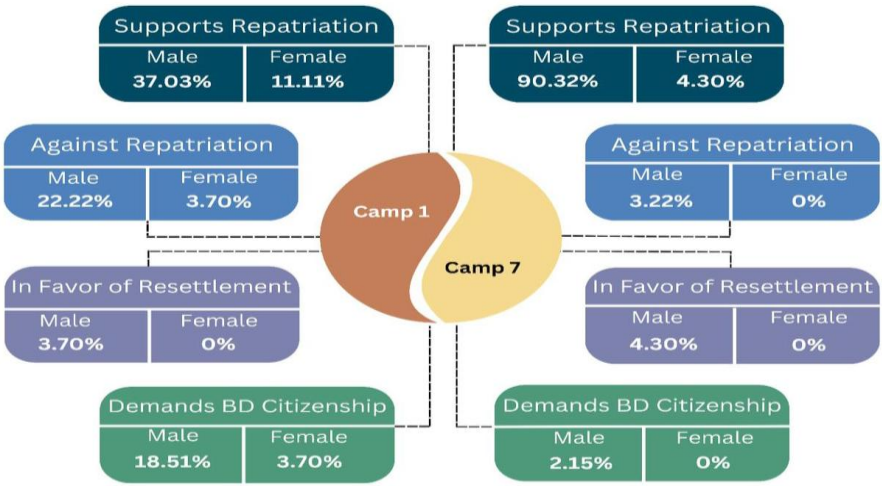


Figure 3 Key Patterns of Rohingya Responses

Figure 3 shows that the rate of opposing repatriation is higher in registered camp one. 25.92% of participants from the registered Rohingya camp don't want to be repatriated. Thus, they are becoming an obstacle to the overall voluntary repatriation process. As they have grown accustomed to the socio-political environment of Bangladesh mainly, they demand citizenship in Bangladesh. Their root connections with the motherland are very fragile. Figure 3 also shows that 22.21% of registered camp residents want Bangladesh citizenship. One of them is Md. Romin (25), a Rohingya "refugee" from a registered Kutupalong camp, demands citizenship of Bangladesh, refuses to go back to their homeland, and clarified that,

> "*We have been living here for over 35 years; we were born there. Why are we not getting citizenship in Bangladesh? Why have the boundaries been made recently? Can any person humanely live here with such density!" Muhammad Sarker (29), a Rohingya shopkeeper at Kutupalong Camp, explained to us: "I would rather love to stay here in Bangladesh if the government gives us the citizenship of Bangladesh. But if the Bangladesh government denies giving me citizenship, then I must go back to Myanmar or other countries.*"

4.3. Security, Stability, and Radical Identity

Security issues in the home country, such as concerns about renewed violence or instability, deter the acceptance or voluntariness of Rohingyas in Myanmar. This renewed violence can come from the Rohingyas themselves upon arrival, which alarms the Myanmar government about not engaging in any actual repatriation process (European Commission, 2024). On the other hand, the overly long conflict, instability in politics, or disregard for human rights responsibilities are factors that act as disincentives for Rohingyas who try to get their lives back on track. Then again, states prioritize repatriation as the cost-effective solution, especially in countries (here Bangladesh) that are economically inept (Şahin-Mencütek and Tsourapas, 2023). It has been observed that a group of Rohingyas believe that, in Bangladesh, repatriation is a way to restore their population and enhance their legitimacy. At the same time, Myanmar views it as a burden. This emphasis on state interests leads to a situation where that group of Rohingyas considers repatriation as fundamentally inept in realizing their plight of emancipation. Thus, along with conditions often escalated by realpolitik (Greenhill and Kelly, 2016), the ideologies associated with this plight are becoming more and more radical.

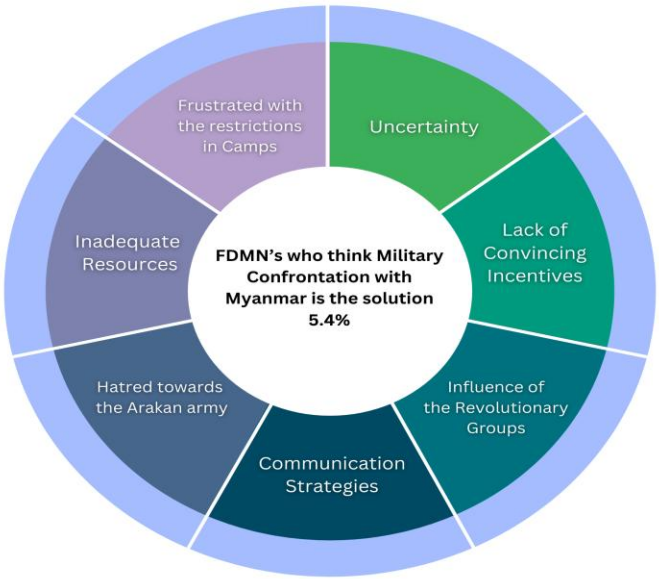


Figure 4 Threat Chart found in the study area

4.4. Salvation through Voluntary Repatriation

Voluntary repatriation, in other words, is favored by the authorities (UNHCR,2024). This happens when the displaced come home, sure of their properties and free to try living independently. Here, the sustainability in returns is enhanced because the displaced often invest in their community. On the other hand, forced repatriation takes place with uneasiness or forcibly when the displaced are resettled in a condition that can be the same security threats or lack of basic needs. This may result in other people moving away or being displaced, too. This sentiment of consensual repatriation was reflected in the testimony of the Rohingyas we interviewed. **Muhammed Ullah (35)** from Kutupalong camp clarified that,

> "*As we are registered, we are supposed to be treated like refugees. But we are not. Internationally, the rights and protection refugees receive don't have any of that. Here, we can read about world politics and the rights that refugees should receive. We have been here for a long time. We are uncertain about our future. We are capable, but we get no opportunity. If the government doesn't upgrade the facilities, they should give us citizenship to earn our bread and butter. We want to repatriate if full protection and assurance are provided against our lives and opportunities."*[4]

However, a key philosophical note here is that an ethnic group will always be a pawn of governments unless and until they have a strong identity they can hold onto. The realist theory (Morgenthau, 1978) and philosopher Foucault (1978) suggest in his 'Governmentality' theory that to oppose forcible repatriation, a community should have social cohesion, community leadership, and a strong identity as an ethnic group capable of standing against any existential threats from any 'ideological push.'

4.5 Role of Host Community in Repatriation

The outcome of repatriation depends on the readiness of community members of the host country to support the displaced who will continue to live within their borders (Crisp, 2019). Cultures, which are long separated, may have diverged in their expectations and standards, leading to friction if returning populations compete for scarce resources or if there are concerns about cultural differences. The key factor in this is to foster social cohesion among the locals and Rohingyas

[4] His remarks have been so emphatic while he was interviewed in the registered camp on 10-13 February 2024.

that will stay after the repatriation process. For example, after years of civil war in Burundi, many refugees fled to neighboring Rwanda. Recognizing the importance of social cohesion, Rwandan authorities encouraged interaction between refugees and locals (Fath et al., 2019). Although it takes place in a semi-stable environment, the reintegration of refugees who will return is slow and laborious. These may give rise to difficulties in property loss, infrastructure destruction, social isolation, or psychological trauma. It is the host country's responsibility to help the refugees return to thrive after going back (Arowolo, 2000).

In a Focused Group Discussion, ages between (25-40) years from Kutupalong Camp stated in favor of repatriation to their land:

> "Why will I not go back? I have three houses there. Now, we are in Bangladesh, which is not our motherland, and the life we are having here is full of struggles. What are our children getting for their future?"[5]

4.6. Calling Dibs on Reintegration in the post repatriation scenario

Repatriation necessitates *post-ante* reintegration measures by the receiving states with collaborative initiatives of the international actors. This is because forced displacements potentially look for what they already possess and how to use it to improve their lives. They typically lack land, credit, or employment opportunities. Therefore, vocational training programs, microloans for entrepreneurship, and job-creating projects that help local economic integration are significant to the refugee economy. Thus, providing public services like health care and education essential for a long-term stable society is the next thing to do (Deloitte, 2023). One of the interviewees, ***Mohammad Ayub (50)*** from Camp Seven, stated that he owns approximately '22 Kani properties in Myanmar in his native area. He wants to get back that property with the assurance of security by the state. He says,

> "*I'm interested in resettlement to a developed country but not interested in being relocated to Bangladesh because relocating anywhere in Bangladesh can be a barrier to their speedy repatriation or ex-situ resettlement.*" [6]

4.7 Potential Radicalization Threat Inside the Camp

The overall cry for emancipation, grievances, uncertainty, and the plight of this massive population has created a suitable environment for the advent of radical

[5] Interview taken in camp 7 on 12th February 2024
[6] Interview taken in camp 7 on 12th February 2024

ideas among the disenfranchised Rohingyas. The philosophy of self-proclaimed militant groups is also becoming popular from the responses of journalists working for international media.[7] it cannot be flushed out that non-state actor ARSA and the Pakistan-Taliban fraction are not active in the camps. He further argues that according to government records, there are 11 armed groups in the Rohingya community. Among these, four are very active. According to him:

> *"Non-state actors are playing for their own interests and therefore demand that repatriation happen under their active presence and influence to fulfill their agendas. They don't appreciate any third-party leadership and are strongly against anyone trying to become a repatriation leadership figure. For example, even though Mohib Ullah, a spokesperson for the Rohingyas, was recognized as the negotiator by the world community, non-state actors couldn't stand it. There are strong claims that the ARSA conducted the assassination of Mohib Ullah because of their agenda to occupy Myanmar through a revolution which authenticates its roots on religious views."*

Reaffirming his claim, an Anonymous Rohingya interviewee[8] stated that the children (10-16 years old) are being organized to work as informers. They are being used to spread the ideologies and propaganda of the militant groups in the minds of the familiar Rohingya people. This alarming involvement of children in militant activities reflects the depth of radicalization within the community, further complicating the repatriation process. These dynamics create a vicious cycle where the instability and insecurity in both Myanmar and the refugee camps in Bangladesh feed into each other, making it increasingly difficult to find a sustainable solution. As long as these radical elements persist, the prospect of peaceful and voluntary repatriation remains bleak.

4.8. Contested Claims on International Actors Role in Rohingya Repatriation

International organizations are playing an essential part in the process of offering support and facilitation for the missions of repatriation of the Rohingyas. There are no alternatives to UNHCR involvement in the process of repatriation of Rohingyas. UNHCR usually undertakes programs to obtain logistic support, livelihood facilities, psychosocial support services, and infrastructure

[7] For the safety of the participants' name of the journalist is kept anonymous.
[8] Interview conducted in Camp number 7.

development facilities. Besides international donors, they can be critically involved in the money supply of programs; hence, refugees can be successfully reintegrated into communities. Significant Rohingya participants in this research opined that the Bangladesh Government is capitalizing on their vulnerability and claimed that as a host, Bangladesh is receiving a substantial international budget.[9] On the contrary, RRRC, Camp In Charges (CiCs) and INGOs representatives have opined that international funding fluctuates significantly given covid 19, the Ukraine-Russia war and the economic downturn.[10] A key understanding often ignored by global players is that they tend to be ambiguous in their denial of violence. Acknowledging the racial factor and bigotry and addressing it with linguistic completeness is a must and also a responsibility of the international actors.

5. Construing the Legal Implications of Rohingya Repatriation

The entire citizenship regime of Myanmar is the output of the process of racialized denationalization (Rhoads, 2022). Under the law of nationality, 'prohibition against mass denationalization' is a customary rule that attained customary status before 1948 (Boling, 2001). It exists in an authoritative draft of an international convention dating 1930. It prohibits the state from revocation of nationality status as a way to escape its responsibility to accept its own citizens (Myers, 1929). International humanitarian law acknowledges the 'right to return' with safety and dignity for the persons displaced through 'forcible expulsion.' According to The Fourth Geneva Convention, the right is remedial, as it is the only corrective remedy for forcible expulsion (Boling, 2001). Articles 45 and 49 of this convention advocate for "immediate repatriation" of forcibly displaced persons.

The foundation of the 'right to return' in international human rights law is deeply rooted in the UDHR, which is now binding as a part of customary international law. Under Article 13(2) of UDHR, "Everyone has the right to leave any country, including his own, and to return to his country." There can be no "arbitrary deprivation of the right to enter his own country," as stated under Article 12 of the ICCPR. Myanmar is under international pressure and calls to improve its human rights but has not yet become a party to the International Covenant on Civil and Political Rights (Centre for Civil and Political Rights, 2023).

Similarly, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), art 5(d), incorporates the right of return, "the right to leave any country, including one's own, and to return to one's country."

[9] Over 50% of responses on this point is observed in the studied camps.

[10] In 5 different FGDs with RRRC, two CiCs, 3 NGOs such corroboration came out.

The broad interpretation of Article 3 of the Vienna Convention on Diplomatic Relations stipulates that diplomatic relations are responsible for facilitating any necessary repatriation to protect foreign citizens (Vienna Convention on Diplomatic Relations, 1961). Similarly, the Vienna Convention on Consular Relations Art 5 outlines thirteen significant functions of a consular, including assisting sending states nationals and fostering relations between associated states (Vienna Convention on Consular Relations, 1963). However, the primary concern is that states are free to determine when, how, and to which extent they will undertake diplomatic initiatives.

Furthermore, the return must be voluntary under the refuge law principle of nonrefoulement. This principle protects individuals from being sent to a place where they could be persecuted based on factors like race, religion, or political stance (United Nations, 1984).

On the other hand, Bangladesh's legal approach to Rohingya repatriation is complex. While the country isn't a formal party to any international refugee law and lacks a specific domestic law for refugees, there are certain legal precedents of protection for refugees. Since Bangladesh does not have its own asylum and refugee protection law, the 1946 Foreigners Act, which governs the entry, exit, and presence of foreigners in the country, is applied to refugees (Mohammad, 2012). The Bangladesh constitutional mandate to address refugee issues is not clear enough; instead, the principle of international law emanating from human rights doctrine plays a complementary role in the protection of Rohingyas until their fullest repatriation. It is important to note that no court rulings (Refugee and Migratory Movements Research Unit v. Government of Bangladesh, Writ petition no. 10504 of 2016) in Bangladesh specified the exact term '*non-refoulment,'* but this principle was referred to as obligatory for Bangladesh before sending back a place where torture is imminent.

6. Conclusion

The study conducted in the registered and unregistered camp unfolded complex socio-legal dynamics of Rohingya repatriation from multiple lenses. The vulnerable campsites have mixed reactions towards Rohingya's repatriation. The study found contested claims among the host communities and Rohingyas both in registered and unregistered camps, Cox's Bazar. Partial resettlement of Rohingya has received similar acceptance from the Rohingyas. With the shrinking funding flow and augmented radicalization threat, the repatriation of Rohingya is getting bleaker day by day. The government of Bangladesh is consistently advocating for

the unconditional return of the Rohingya, but to what extent that will be possible is a stark question among all relevant stakeholders.

Hence, a successful repatriation plan necessitates a sophisticated approach but also integrates realpolitik perspectives. It must give the Rohingya people basic rights and well-being priority while considering their circumstances and the complicated situation in Myanmar. To do this, the Rohingyas must be at the center of the procedure. It is necessary to develop communication channels to comprehend their goals and concerns. A genuine desire to return home can only arise when they feel safe and think that their rights, including citizenship, will be upheld when they get there. Moreover, providing shelter alone won't suffice to reconstruct the Rakhine state.

A lasting solution requires access to economic opportunities, healthcare, and education. An in-depth analysis of the root cause of this crisis also demands diplomatic actions that address the ideological problems. Without addressing them, this crisis will be a never-ending one.

The legal contour on sustainable Rohingya repatriation analyzed in this study bolsters the notion of having a dedicated commitment from all major stakeholders without further delay. Hence, this study calls for catering facilities to physical and mental well-being as a must during the reintegration of the Rohingya people back to their homeland. The responsibility to ensure that it is not just of the country of origin but also the host country and the international community. By implementing these factors and creating a strong identity for the Rohingyas with the help of community building and social cohesion, this crisis can be mitigated. Eventually, it will come to an end.

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