



Moving towards a normative refugee regime

NIRBHAY PRAKASH

THE United Nations today commemorates 61 years of refugee protection in the world. The 1951 Convention on the Status of Refugees was adopted to protect the refugees displaced as a result of the Second World War. The temporal and geographical limitation of the 1951 convention was removed with the adoption of the 1967 Protocol which brought the refugees originating in any part of the world under the protection net of the international refugee regime.

Refugee protection in South Asia has posed an unprecedented challenge to international law in general and the international refugee law in particular as South Asia has become a flash point of human displacement owing to reasons beyond the mandate of UNHCR. Since 1947, more than 30-40 million people have crossed the borders of South Asian states in search of refuge and almost every country has produced and/or received refugees. In a conference deliberating on refugee protection in South Asia, Tapan Kumar, Secretary General of The South Asian Forum for Human Rights opined: "When you have no law, everything becomes arbitrary." Precisely this has been the overall situation in all the South Asian countries which have been criticised vehemently for inadequacy of law on one of the greatest problems facing the world.

The 1951 Convention and the 1967 Protocol relating to the Status of Refugees provide a basic framework of refugee protection in the world. They provide rights for asylum seekers and a set of obligations for member states to follow. Its wide acceptability has transformed its position from just being a convention to be treated as 'Bill of rights for refugees' and sometimes even adorned with the status of 'Magna Carta' for refugees. Despite its wide acceptability, none of the South Asian countries except Afghanistan are party to the existing regime. It is amazing to note that a region which holds one fifth of the world population does not have any binding standards and norms for refugee determination and protection.

South Asian countries have been critical about the fact that existing refugee regime is Eurocentric and designed as a cold war instrument, which makes it unsuitable for the region. The socio-economic situation of the countries further discourages them from ratifying the instruments and becoming bound to follow the international standards. This, however, should not become a reason for not following the best international practices on refugee protection and taking a cold approach towards the human rights of the refugees with 'non-refoulement' (a binding principle of refugee law that prohibits states irrespective of being a party to the 1951 convention from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened) being recognised as a principle of international customary law. Refugee issues in the region are considered as an interstate policy and are usually governed by the bilateral relations between the countries. Instead of considering refugee issues from a human rights perspective, such issues are regarded as a matter of national security. The countries follow an ad-hoc arrangement in granting protection to the asylum seekers, which is influenced more by the bilateral relationship governing the states and less by humanitarian considerations.



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In recent years there has been rise in regional consciousness with regard to refugee protection, in form of consultations and negotiations. Many non-governmental organisations have been trying to promote cooperation among the states in the region for promulgating national

legislations on refugees. Such initiatives advocated that South Asia should develop its own regional instrument. States in different parts of the world have evolved policies for granting asylum and refugee status, which are wider than the five grounds of fear of persecution (race, religion, nationality, membership in a particular social group and political opinion) enumerated in the 1951 refugee convention (for example gender based prosecution, people fleeing from armed conflict etc) taking cue from regional instruments like OAU convention in Africa and Cartagena Declaration in Latin America. South Asian countries have taken initiatives at the regional level in form of Colombo Consultation (1995), New Delhi Consultation (1996) and Dhaka Consultation (1997) where the countries have agreed on a model law requiring South Asian states to draft domestic legislation in accordance with the model law. However, nothing concrete is being heard of or has been achieved owing to political reasons and animosity between the states.

In this backdrop, it is suggested that South Asian countries should address the regional refugee problem with humanitarian concern rather than treating it as a security threat. The countries can take action along the suggested lines, which have been almost agreed by the scholars working on refugee protection in South Asia. They are (i) acceding to international refugee instruments, (ii) developing a regional instrument for South Asia and/or (iii) framing national legislation.

South Asian countries should formulate a legal mechanism in form of convention/treaty at the regional level to provide a durable solution to the refugee problem in South Asia. Emphasis should be given on ensuring peace and stability in the region by the Saarc countries for avoiding the growing number of the refugees in the region. Further constructive cooperation between the member states in form of bilateral and multilateral relationships can help to ease the refugee problem in South Asia and at the same time provide a platform for burden sharing.

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AFP

Helping the hapless

GOLAM ABBAS

WHAT is the one thing you would bring if you have to flee in one minute? This is the question UNHCR is asking in this year's World Refugee Day campaign. Although everyone's choice might differ, one thing we would all bring is our families.

Family has a central value in Bangladeshi culture. The close links extend beyond nuclear families, and connect extended family members on all occasions, weddings, religious occasions or traditional festivities. With 10 million people displaced from home in the 1971 war, people in this country understand the pain of losing family and family members more than any other country.

Fortunately, the huge displacement from Bangladesh ended within one year. Unfortunately, the tragedy goes on in other parts of the world.

The past two years have been some of the most challenging in UNHCR's history --. Multiple concurrent emergencies have forced more people to flee across borders than in the previous seven years combined.

By the end of 2012, more than 45 million people were in situations of displacement with war remaining as the dominant cause. While Syria, Mali, South Sudan and the Democratic Republic of the Congo are in the spotlight these days, the inter-communal violence in Myanmar's Rakhine State in June last year is still fresh in memory of many people.

One year after the violence, some 140,000 people are still displaced in Rakhine State, mostly Rohingya. Many others who were not directly affected by the violence have lost their livelihoods as a result of restricted movements due to the security situation. On this side of the border, men, women and children have tried to come to Bangladesh in the hope that they could find some sanctuary, if only temporarily and until calm is restored in Myanmar. Many lost their family members on the way.

For decades, the Rohingya in Myanmar have been living in discrimination and extreme difficulties. We hear stories of pregnant women delivering babies on boats at sea, elderly mothers breaking into tears as they cannot pay the smugglers to release their sons, families living in flimsy tents in Rakhine State in the monsoon rains, scared and unable to return home...

The key to a longer-term solution for the majority of the Rohingya lies in Myanmar. It has a vital role to play in finding a solution and the international community must support its efforts in doing so. But a solution will not appear overnight and until then, boats carrying people in distress cannot be continued to remain adrift in the Bay of Bengal. Women and elderly cannot be left alone, struggling to feed themselves after the departure of the husbands and sons. Children should not live in limbo without access to schools.

As solutions are sought in Myanmar, it is important that the usual hospitality in host countries continues.

For decades, the people of Bangladesh have demonstrated remarkable solidarity in hosting Rohingya fleeing persecution in Myanmar. They have done so generously, despite their own resource constraints and problems with overpopulation. It is equally important to address their needs and to develop the refugee-hosting communities when protecting the rights of refugees. As always, UNHCR and the international community stand ready to help the government and people of Bangladesh in addressing these issues.

As we commemorate World Refugee Day, let's not forget that the victims of displacement are mothers, fathers, sons and daughters. Even one family torn apart by violence is too many.

The writer is Representative, UNHCR, Bangladesh.

Rethinking Rohingya policy

C. R. ARRAR

WORLD Refugee Day is observed to draw attention to the plights of the millions of people across the world who have been forcibly displaced. UN figures show that there are as many as 43.3 million people who have been displaced due to conflict and persecution.

Studies have noted that children constitute 46% among the refugees, and those in refugee-like situations.

These figures indicate that forced migration is a stark reality in today's world. However, they do not convey the anguish of individuals and families, whose lives have been devastated and of communities who have been uprooted. The World Refugee Day implores us to reflect on the predicament of the individuals, families and communities who have not been fortunate to enjoy what we know to be a regular life, with a home to return to, and fundamental rights to invoke to live in dignity.

It also creates an opportunity to re-visit the basic principles of international human rights instruments that, as a nation, we have committed to uphold. The day also provides us a good opportunity to ask if we need to re-examine the policies that have been set in place to deal with those who are knocking on our doors and seeking asylum.

After 1992, despite Bangladesh government's refusal to grant asylum, the Rohingyas continued to come here as Myanmar continued to subject them to all kinds of ill treatment. The international community barely took notice of this low-keyed expulsion of the Rohingyas.

The Bangladesh government, in its turn, refused to

engage with the issue and failed to draw attention of the world community to this protracted crisis. Little effort was made to highlight the unacceptable treatment of the Rohingyas in the bilateral discussions with major powers or in the global forums such as the UN and OIC.

Even in the Executive Committee of the UNHCR, of which Bangladesh is a member, the issue of unremitting flow of the Rohingyas into country was not raised with adequate urgency and zest. As a country adversely affected by the flow, Bangladesh failed to alert the international community that all was not well on its south-eastern front.

It appeared that the Bangladesh government was convinced that the Rohingyas who came after 1992 were all economic migrants and did not deserve any support and empathy. For more than two decades no effort had been made by any national or international agency to dig deep into the reasons on why Rohingyas were fleeing the Arakan state until June 2012; when all hell were let loose not only on the Rohingyas of Arakan but also on Muslims in other parts of Myanmar.

The events of 2012 in Arakan drew international focus on this forsaken community, which has been dubbed as the most persecuted minority in the world by the UN. Asean took notice of the gross rights violations of the Rohingyas. OIC took a strong stand against Myanmar and called for bringing an end to violence against the Rohingyas.

The UN made similar calls and urged the countries to

open their doors to those fleeing persecution. The US president also referred to the situation in the Arakan state during his visit to Myanmar.

At a time when the international community was coming to terms with the stark reality of the Rohingyas, Bangladesh's stance on the issue appeared to be out of sync with the rest of the world. Jettisoning its own long held position of allowing entry to the Rohingyas the government sealed the border, mobilised the border guards, intercepted the asylum seekers and pushed them back to absolute uncertainty.

Press reports say that some asylum seekers perished in the sea. The government's policy of exerting pressure on international NGOs, such as the Administration for Children and Families (ACF), Médecins Sans Frontières (MSF)/Doctors without Borders, and Muslim Aid, not to provide basic services of safe drinking water and immunisation to those who managed to sneak through, cannot be justified on any ground.

Statements of the chief executive and other senior functionaries of the state, including the ministers of foreign and home affairs, lead us to draw the conclusion that national security, not humanitarian considerations, contributed to this reversal of policy of benign neglect to heightened securitisation.

The government's attempts to link the entire asylum seeking Rohingya populace with Islamic fundamentalism and terrorism were unwarranted. Even before instituting

any enquiry, blaming the refugee population for the Ramu tragedy only exposed the extent of prejudice that existed against the Rohingyas.

It in this context that one is not surprised when the Chair of the National Human Rights Commission endorsed the position of the state when the latter was in breach of the principle of non-refoulement and denied entry to the asylum seekers. He did so on a flawed interpretation of international refugee law and construed that actions of non-state actors did not provide ground for granting asylum.

While a strong case may be made against the international community for not doing enough for the Rohingyas, that should not be the ground for Bangladesh to abandon its humanitarian principles.

Bangladesh has a high international standing for being a tolerant and kind nation. Despite being a relatively resource-poor country, Bangladesh can be proud of the way it has treated the Rohingya asylum seekers in the past. It is about time that reason prevails on the state.

Those in the decision-making process should acknowledge the reality that exists in the Arakan state, assess the Rohingya issue with compassion and take due stock of Bangladesh's international legal obligations under the Universal Declaration of Human Rights, Convention against Torture and Convention against Rights of the Child.

Let us reclaim the country's true image as a rights respecting and generous nation. It is never too late to embark on such a journey.

The writer teaches International Relations and coordinates the Refugee and Migratory Movements Research Unit (RMMRU) at Dhaka University.

ACROSS

1 Sacred wading bird

5 Suitable

8 Morse "T"

12 Meadow

14 Erstwhile Peruvian

15 Series of missed calls

17 Celebrity

18 Pair

19 Consequence with oil

21 Cognizant

24 Huffed and puffed

25 Shrewd

26 Lunch holder

30 Tokyo's old name

31 Canonized one

32 Beer-like brew

33 Joke that won't work on radio

35 On the briny

36 Thy

37 Theater staffer

38 Treeless

41 Blond shade

42 Ark

43 Long-popular jazz tune

48 Shrek, for one

49 Piquette

50 Car

51 German city

52 Finish

53 Encourter

DOWN

1 Mischievous tyke

2 "Humbug!"

3 Altar affirmative

4 Guard

5 Chorus

6 Loaf of French bread

7 Wild party

8 Annoying follower

9 Opposed

10 Read cursorily

11 Rodgers collaborator

16 Lamb's mama

20 Salamander

21 Dogfight participants

22 Guilty

23 Awestruck

24 Pipe type

26 Loaf of French bread

27 Wild party

28 Sheltered

29 Paraphernalia

31 Halt

34 It's handy if you have to break your word

35 Religious retreat

37 Handle

38 Uplity one

39 Takeout phrase

40 Deserve

41 On in years

44 Charged bit

45 Regret

46 Corroded

47 Obtained

Solution time: 21 mins.

YESTERDAY'S ANSWER 5-14

CRYPTOQUIP

X' O B U G M P L E D U R D P L B P F

H Q U Y G G R O C P L Y G N Q B J H C

G K H G J D G O X C Z I H D P P F

C K P E I I G Y L B X Z P M P E G Y H I E

Yesterday's Cryptquip: YOU MAY ADD GLITTER TO A CRACK-FILLING COMPOUND IF YOU FEEL LIKE MAKING YOUR SPARKLE SPARKLE.

Today's Cryptquip Clue: Equals 1.

QUOTABLE Quotes

"New refugees, new internally displaced, unfortunately represent much more than those able to find an answer to their plight."

The Daily Telegraph

China MDT Experts Group

Members of Bangladesh

The Success of Interventional Therapy.

Interventional therapy is a applied vastly in tumor diagnosis and treatments under the guidance of medical image equipment. It mainly has two categories: vascular interventional therapy and non-vascular interventional therapy or diagnosis. With a 1-2 millimeter cut, paracentesis could be performed with the lead of medical image equipment like CT. Then the special tube, transcend or other sophisticated apparatus are introduced into human body for diagnosing the conditions or draw some tissues for topical therapy at the same time or any other time. Interventional therapy is anti-cancer medicines into tumor that mitigating effect would happen in tumor.

To consult about therapies please contact: 0177-5105555, 0177-5106666, Saturday 1 pm. to 5 pm. Sunday to Thursday 9 am. to 5 pm. or visit us in 9/C, Navana Tower, Gulshan-1, Dhaka-1212. Also you can visit our website: <http://www.asiancancer.com>, Log in: <http://www.facebook.com/cancerhealthcare>