The 'game' of migration: A deadly illusion that we must confront urgently

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A large section of Bangladesh's youth today finds itself confronting a stark reality in which some of life's most consequential decisions are made not on the basis of rationality or safety but are driven by frustration, social pressures, and the dream of achieving rapid success. One such decision is the attempt to reach Europe through irregular sea routes, evading border guards and crossing borders illegally—a process colloquially referred to as "game."

News headlines repeatedly highlight stories of capsized boats (mostly in the Mediterranean Sea), missing young men, and victims of human trafficking intercepted at borders. Yet, the journey of undocumented migrants continues, even as the latest Middle East crisis rages on. In fact, this dangerous journey is expanding further with the emergence of new routes, evolved trafficking networks, and increasingly sophisticated methods. Why do Bangladeshis knowingly take such life-threatening risks? Sadly, there is no simple answer to this question. This is not merely a consequence of economic hardship; rather, it reflects a complex, multi-layered social reality.

First, the lack of sufficient employment opportunities and income instability discourages many young people from envisioning a future within the country. At the same time, it is true that millions continue to work, run businesses, and sustain themselves in Bangladesh. Thus, the issue is not solely the absence of opportunity, but rather a profound gap between expectations and reality. Second, migration has increasingly become a marker of elevated social status. Stories such as "someone went to Italy and became successful" exert a far greater influence than the harsher realities of migration. As a result, the concept of going abroad has transformed from an economic decision into a form of social competition.

Third, the effort, skill, and patience required for legal migration, such as establishing language proficiency, passing standardised tests, maintaining strong academic records, and/or acquiring technical training, can often be avoided in the so-called "game." This gap is precisely what drives many towards irregular migration routes.

Fourth, human trafficking syndicates actively exploit this demand. They do not merely traffic people; they advertise a dream—one in which risks are concealed and success stories are exaggerated. In many cases, these networks operate with political patronage, making effective enforcement difficult.

Finally, there is a deeper psychological dimension: disillusionment and alienation from the state. Many young people believe that they must leave the country "by any means necessary," even if it involves the risk of death. Ongoing political instability and a sense of insecurity fuel this tendency. The "dream of Europe" becomes so powerful that many are willing to step into the deadly waters of the Mediterranean to pursue it.

According to the International Organization for Migration, at least 606 migrants died or went missing along the Mediterranean route in just the first two months of this year. In a recent incident, at least 22 migrant hopefuls died while attempting to cross the sea in a small rubber boat from Libya to Greece, and 18 of them were reportedly from Bangladesh. The boat had left a port in Libya on March 21 carrying 43 people. The passengers on board lost bearings during the journey, spending six days at sea without food and water, according to survivors rescued by a European border agency vessel.

Sadly, these irregular migrations also impact the credibility of the Bangladeshi passport, whose value has effectively deteriorated. Consequently, even travellers with valid visas are now subjected to heightened scrutiny and extensive questioning at immigration checkpoints. Furthermore, several countries have tightened their visa policies and, in some cases, temporarily suspended immigrant visa processing for Bangladeshis.

VISUAL: **ANWAR SOHEL**

To combat human trafficking, Bangladesh enacted the Prevention and Suppression of Human Trafficking Act, 2012. However, despite the existence of this law, trafficking networks continued to expand, irregular migration routes sustained, and cases of fraud remained widespread. Recognising these limitations, the interim government promulgated the Prevention and Suppression of Human Trafficking and Migrant Smuggling Ordinance, 2026 on January 6, which could be an important policy advancement if implemented properly. For the first time, this ordinance addresses previous gaps by formally recognising migrant smuggling as a distinct criminal offence alongside human trafficking.

As a result, the so-called "game" towards Europe is no longer merely an unethical act; it is now clearly defined as a punishable offense, with provisions for long-term imprisonment, fines, and, in severe cases, life imprisonment for organised trafficking syndicates. Not only direct traffickers but also their facilitators, financiers, and intermediaries can be brought within the scope of punishment. Measures such as asset seizure, freezing of bank accounts, and travel bans have been incorporated, targeting the financial foundations of these networks.

Importantly, the law also addresses contemporary challenges. It brings online recruitment and digital exploitation, through which many young people are lured, under legal scrutiny. It further includes provisions for victim and witness protection, and explicitly recognises other forms of trafficking such as organ trafficking and forced criminality. Therefore, it is crucial that this ordinance be swiftly passed into law by the parliament and, more importantly, effectively implemented.

However, the depth of this crisis means that no single solution will suffice and that a coordinated approach is essential. First, trafficking syndicates must be dismantled through strict and impartial enforcement of the law, without any political concessions. Second, mandatory pre-departure training must be introduced for aspiring migrants, focusing on language, skills, and labour rights. The government must also provide maximum support for students seeking higher education abroad. In this context, the new BNP government's initiative to provide loans of up to Tk 10 lakh as financial support for overseas education—to meet bank guarantee or solvency requirements—deserves commendation. This policy can offer a viable alternative to risky and irregular migration. Pursuing education abroad through legal means, acquiring skills, and entering the global labour market benefits not only individuals but the country as a whole. Third, widespread public awareness must be built regarding the risks of irregular migration, particularly in rural areas.

Finally, it is imperative to establish effective institutional support systems for Bangladeshis in distress abroad. Many migrants who travel without proper documentation face detention, abuse, or legal complications but fail to receive timely assistance. Strengthening embassy capacities, establishing emergency helplines, providing legal aid, and actively protecting labour rights are crucial. At the same time, safe and dignified repatriation mechanisms must be ensured for those wishing to return home.

A mandate for reform is not a blank cheque

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Bangladesh may be standing at a generational moment of constitutional possibility. Few would deny that the country's long history of executive dominance, institutional capture, and weak accountability demands serious reform. On that much, a recent column in this newspaper by Justice M. A. Matin, Dr Mirza M. Hassan, Dr Sharif Bhuiyan, and Dr Asif M. Shahan, published on March 16, 2026, is right. If handled well, this moment could correct structural failures that have damaged democratic life for decades and restore trust in state institutions.

But because the stakes are so high, the arguments used to justify reform matter as much as reform itself. A persuasive diagnosis of political decay does not automatically produce a sound constitutional argument. This is where the column's central claim requires closer scrutiny.

The authors' basic position is clear: the February 12 referendum authorised the implementation of the July National Charter through a Constitution Reform Assembly (CRA), and objections to that path amount to disregard for the people's will. Though a powerful political claim, it overreads what the referendum actually authorised.

The central question is not whether the referendum created a mandate. It plainly did. The real question is: what was the scope of that mandate? A democratic mandate, however strong, is *not* self-interpreting. It must be read *in light of* the procedure through which it was created, the question put to voters, and the institutional limits within which that authority can be exercised.

The argument of Matin et al. rests on a foundational claim: that the fall of the Sheikh Hasina regime rendered the constitution inoperative and returned sovereignty directly to the people. This view echoes a Lockean doctrine: that when a government betrays public trust, the people may alter or abolish it. But the authors blur a critical distinction between the *loss of political legitimacy* and the *collapse of a constitutional order*. Governments can lose moral authority without the constitution itself ceasing to exist or the institutional framework through which authority operates dissolving.

That distinction matters because the rest of their argument depends on it. If the Constitution of Bangladesh truly collapsed, one might plausibly speak of a founding moment in which constituent power returned directly to the people. But that is not what happened. The state did not dissolve. The constitution was not replaced. The interim government was formed through existing institutional channels and later validated within the constitutional framework. These features are difficult to reconcile with the claim that the constitutional order itself had ceased.

At this point, some describe the events of August 5, 2024, as a revolution to ground a claim of constituent power. I do not agree. A revolution strong *enough* to found a new constitutional order normally produces a visible reorientation of the state apparatus towards the new sovereign authority. That did not occur. What took place was a profound political rupture, but not an *unambiguous* constitutional refounding. The language of constituent power, therefore, cannot simply be assumed.

This reveals a further problem: the referendum is being treated as a blank cheque for institutional redesign. The 2026 referendum was a powerful act of authorisation, but not a constitution-founding moment. It operated through a pre-defined framework. Constitution-founding acts replace prior orders; they do not operate through them. An act that presupposes an existing structure cannot be treated as having silently transcended it.

This leads to a *derivative authority problem*. When authority is exercised through a specified framework, it becomes structured and limited by that framework. Once authority is channelled through defined procedures, it is no longer open-ended but conditioned by the terms under which it was granted. A structured ratification cannot later be reinterpreted as an unconstrained mandate.

The issue of scope follows naturally. A democratic mandate binds only to the extent that it is specific. The referendum bundled together large institutional questions. It did not separately ask voters whether they approved every institutional implication later derived from that endorsement, most notably, the creation of a CRA operating alongside parliament.

This matters more than some critics admit. To raise this concern is not to question the intelligence of voters. It is not "elitist" to insist on a basic democratic principle: consent must track the question asked. The more questions are bundled, the weaker the claim that any specific institutional mechanism has been distinctly authorised.

That is why *mandate specificity* matters. Package endorsement is not component authorisation. This point is reinforced by a further difficulty: the wording of the referendum question itself admits of more than one plausible reading. The ballot asks voters whether they approve the implementation order and the charter *in relation to* the listed reform proposals. But the structure allows that approval to be read in two ways, *either* as extending to the broader implementation framework *or* as confined to the reform proposals themselves.

This is not a merely technical issue. It bears directly on the scope of the mandate. If the ballot does not clearly distinguish between approval of reforms and approval of the mechanisms to implement them, the mandate cannot be treated as determinate. A single vote may be read as authorising both, or only one. That ambiguity cannot be resolved after the fact, nor through interpretation alone.

Ratification confirms a document as presented; it does not erase internal dissents or settle every ambiguity. Where the question admits of multiple reasonable readings, the mandate cannot be treated as precise. It must be interpreted with restraint. Ambiguity in the question cannot produce certainty in the authority claimed from it.

These two features, the procedural boundedness of the referendum and the ambiguity of its wording, reinforce rather than contradict each other, and together limit the authority that can be claimed from it.

This conclusion points to a more general principle. In a constitutional democracy, the people are supreme in source, but that supremacy is *not* self-executing. Matin et al. invoke Article 7, emphasising that all powers belong to the people. But Article 7 also requires that those powers be exercised under, and by the authority of, the constitution. Invoking "the people" while bypassing these procedures weakens, rather than strengthens, democratic legitimacy.

The authors also argue that reform through parliament may not survive judicial scrutiny because of the basic structure doctrine. This is not trivial. Article 142 suggests broad amendment power, but judicial interpretation has imposed limits. But recognising that limitation does not resolve the institutional question; it only shifts it. The move from constrained amendment to a CRA requires further justification. One must show that constituent authority was clearly exercised through the referendum in a way that authorises the specific mechanism proposed.

As the preceding analysis suggests, the referendum did *not* unambiguously present voters with a discrete choice to constitute a separate body exercising founding authority, nor did it clearly confer such authority on the proposed assembly. A general expression of approval cannot perform that institutional work. The deeper question, then, is unavoidable: *who* authorised the CRA, and through *what* mechanism? A limitation on one institution does not automatically confer legitimacy on another. Without that clarification, the problem is not resolved but displaced.

It is also worth noting that the interim government that organised the election did not rely solely on assertion. Its legitimacy was anchored, at least formally, in the constitution, as the president sought the advice of the Appellate Division under Article 106, reflecting an attempt to situate the political transition within a recognisable constitutional framework.

None of this denies the need for reform. Bangladesh requires stronger constraints on executive power, but that does not relieve reformers of the burden of constitutional precision. The people spoke on February 12. The question is not whether their voice matters, but whether it will be interpreted with discipline. A mandate for reform is not a blank cheque. Precisely because this is a rare constitutional opportunity, it must not be converted into a licence for unlimited interpretation.