A comparative analysis between the Rohingyas and Urdu-speaking population in Bangladesh: Repatriation or Statelessness?

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Most Rohingyas are not considered Myanmar's citizens. The infamous 1982 Citizenship Act does not accept the Rohingyas as a qualified ethnic group and strips them of their citizenship. It confirms the state's narrative that they are 'foreigners, 'illegal migrants', or 'Bengalis.' The precariousness of their legal identity continues to loom large even though they took refuge in Bangladesh, crossing international boundaries. The host government has not recognized them as refugees, denying access to basic human rights in the process. It comes up with a new jargon to identify the Rohingyas as 'Forcibly Displaced Myanmar Nationals or 'FDMN.' To address the needs of this vulnerable group, Bangladesh has conducted bilateral discussions with Myanmar and formalized a repatriation agreement in November 2017. Both attempts of repatriation made in 2018 and 2019 completely failed, largely due to Rohingya survivors' unwillingness to go back to their homeland, which they believe is still not secure for them. This complication has made the Rohingya's prospect for repatriation with their original citizenship identity bleak and uncertain. This article examines the uncertainties surrounding repatriation by comparing the legal struggle of Biharis living in Bangladesh. Approximately 300,000 Urdu-speaking Biharis have resided in Bangladesh since the partition in 1947, but were not recognized as citizens of Bangladesh due to their controversial position during the 1971 war. Unlike the Rohingyas, Biharis have mostly wanted to repatriate to Pakistan, which made possible voluntary repatriation of around 178,069 Biharis officially. Additionally, 100,000 Biharis were unofficially sent to Pakistan between 1973 and 1993. However, the problem arose for those who lived in Bangladesh without a citizenship identity and access to basic human rights for years. Abid Khan case in 2003 and the Sadaqat Khan case in 2008 officially declared all the Biharis as citizens of Bangladesh, including those born and minors in independent Bangladesh. This article attempts to explore the implications of the uncertain legal status of Rohingyas in the absence of any voluntary repatriation, comparing it with the instance of the Bihari community in Bangladesh.

KEYWORDS

Rohingya, refugees, repatriation, geopolitics, Biharis in Bangladesh

1 Introduction

Persecution, conflict, violence, and human rights violations resulted in the forced displacement of a record 117 million people across international borders by 2019 (UNHCR, 2024). Conventionally, the globally recognized and long-term solutions to the refugee crisis involve voluntary repatriation to the country of origin, integration into the host country, or resettlement to a third nation. These solutions are collectively called the "holy trinity" (Long, 2013: 08). However, only an insignificant portion of these displaced individuals returned to

their country of origin or found a "durable solution" in the last decade (Zetter, 2021: 08). The reason is simple; people sometimes experience displacement in several forms, but repatriation entails far more intricate measures than the displacement process.

Given this global scenario involving displaced persons or refugees, Bangladesh's experience is no different. Bangladesh has been experiencing several waves of refugee influx since its independence in 1971 (Uddin, 2024: 1). Importantly, the Bangladesh state came into existence, inheriting the Urdu-speaking Bihari community that migrated to East Pakistan from India during the partition in 1947. Many of them did not take advantage of the government-declared policy of becoming Bangladeshi citizens under Presidential Order 149 adopted in 1972 and thus sought repatriation to Pakistan (Haider, 2018: 32). Almost half of the total 1 million Biharis preferred to stay in Bangladesh and wanted to be its citizens. The rest of them appealed for repatriation to Pakistan registering with the International Committee of the Red Cross (ICRC) accordingly (Haider, 2024: 3). But they did not have their official refugee identities and so came to be known as "stranded Pakistanis" or "stateless Biharis" (Haider, 2024: 4; Bashar, 2006: 1). For the Biharis, the words "statelessness" or "stranded Pakistanis" came into use to indicate that they did not have any clear citizenship status in the host country (Farzana, 2009: 226).

Between 1974 and 1992, the government of Pakistan accepted the repatriation of 175,000 Biharis, and the rest of them remained stranded/stateless in Bangladesh (Mantoo, 2013: 124). But, the Bangladesh Election Commission's decision not to register them as voters in 2001 compelled a group of them to challenge it in the country's Supreme Court (Hussain, 2016). The court confirmed that living in the Geneva camp does not bar the Urdu-speaking people from becoming Bangladeshi citizens and instructed the commission to register them as voters (Hussain, 2016). The registration process encountered challenges in 2007 regarding the permanent addresses of prospective voters, prompting some of them to petition the Supreme Court. The court responded next year by ordering the election commission to register Urdu-speaking individuals as voters and issue them national identity cards. This decision paved the way for them to integrate locally. It was not the end of the story. The Ministry of Foreign Affairs of Pakistan, on the other hand, made it clear in March 2015 that the remaining Urdu-speaking population, after the repatriation of more than 170,000 of them, was no longer their concern, and the onus was on the government of Bangladesh (Muquim, 2023: 692). They now live in abysmal conditions in 116 makeshift settlements in different urban areas in Bangladesh (Muquim, 2023: 692).

After gaining independence, Bangladesh inherited the challenge of the "stateless/stranded Bihari" community and subsequently experienced multiple waves of mass exodus from the Rohingya community in Myanmar. The first wave occurred in 1978, when approximately 250,000 Rohingyas fled to Bangladesh. However, many returned home after Bangladesh and Myanmar signed a repatriation agreement. In 1991 and 1992, Bangladesh received another influx of 250,000 refugees from Myanmar. By 1997, most of these refugees had been repatriated, with only around 20,000 remaining (Human Rights Watch, 2018). During this time, Bangladesh also welcomed a small number of urban refugees and asylum seekers from countries such as Somalia and Afghanistan. According to UNHCR records, Bangladesh currently hosts 68 registered urban refugees and 47 asylum seekers (UNHCR, 2021).

The most recent influx occurred in 2017, when an additional 700,000 Rohingyas sought refuge in Bangladesh, bringing the total number of Rohingya refugees to nearly one million, all awaiting repatriation (UNHCR, 2024). The districts of Cox's Bazar and Teknaf now house the largest refugee camps in the world (UNHCR, 2024). However, the repatriation process remains complex and uncertain due to various factors, including geopolitical competition in the region involving China, India, and the USA, the ongoing civil war in Myanmar, and Bangladesh's diplomatic challenges. These issues have significantly complicated the resolution of the Rohingya refugee crisis.

The country has been involved in various repatriation processes for refugees and displaced persons residing in Bangladesh. However, there has been limited investigation into the roles of national, regional, and global initiatives and their implications for the repatriation process in Bangladesh. This paper identifies this gap and aims to explore the roles of different actors that can impact the repatriation process over the long term. By focusing on the Rohingya displaced communities in Bangladesh, the discussion will provide contemporary insights into the possibilities and challenges of the repatriation process for this community.

Considering this context, this paper addresses a specific question: Will the Rohingya refugees end up facing the same fate as the Bihari community, who were classified as "stranded/stateless" and received recognition from the Supreme Court in 2008 for their right to Bangladeshi citizenship and local integration?

The paper begins by examining the concepts of repatriation and statelessness within the framework of international law. It then explores Bangladesh's historical experience with refugees since its independence. The author compares the repatriation possibilities for the displaced Rohingya people living in Bangladeshi camps with those of the Urdu-speaking community.

After discussing the historical context, the paper focuses on the identity dilemma faced by the Rohingya population, which the Government of Bangladesh recognizes as Forcibly Displaced Myanmar Nationals (FDMN). It then analyzes the role of neighboring countries and regional organizations in sharing the burden of the Rohingya repatriation process.

Finally, the paper presents assumptions regarding the future of the Rohingya people, considering the current complex realities surrounding potential repatriation or local integration in Bangladesh.

2 The concepts of repatriation and statelessness in international law

The right of every displaced individual to return to their country of origin is acknowledged under international law. Several international instruments, including the Universal Declaration of Human Rights [Article 13(2)], the International Covenant on Civil and Political Rights [Article 12(4)], the International Convention on the Elimination of All Forms of Racial Discrimination [Article 5(d)(ii)], the African Charter on Human and Peoples' Rights [Article 12(2)], and the American Convention on Human Rights [Article 22(5)], serve as important references for countries dealing with large numbers of displaced persons seeking refuge from persecution worldwide.

The Convention on the Rights of the Child explicitly establishes the rights of children and their parents to enter and exit their

homeland [Article 10(2)]. This right has also been extended to individuals born abroad (Human Rights Committee, 1999). The return of displaced individuals to their homeland is internationally recognized as a crucial component for achieving lasting peace and security in affected areas (Rosand, 1998, p. 1136). Thus, the acceptance of repatriation as a sustainable solution has become increasingly prominent in the public sphere. While the inclination toward repatriation began to find expression in the UN General Assembly resolutions during the 1970s, it was not until 1983 that repatriation was clearly identified as the primary element of "the most desirable and durable solution to refugee issues" (UNGA Resolution, 1983). Since then, the UN General Assembly has recognized it as the "optimal solution to refugee issues" (UNGA Resolution, 1994).

Refugee status is meant to be temporary and ends when the threat to the individual decreases and conditions in their home country improve enough for a safe return. A refugee has the option to return home or agree to repatriation under certain conditions. This repatriation must be a voluntary choice, as this leads to a higher chance of creating a lasting and stable situation for the returnee. The ability to freely choose is influenced by the circumstances in both the host country and the country of origin, as stated in Article V (1) of the OAU Convention on Refugees.

The concept of repatriation is not explicitly addressed in the 1951 Convention Relating to the Status of Refugees. However, the Convention contains the principle of "Non-refoulement" (Article 33), which prohibits a state from sending a refugee back or expelling them in any manner that puts them at risk of persecution. Relying on this principle, repatriation should occur under safe and dignified conditions. "Safety" should include legal, physical, and psychological security. Meanwhile, "dignity" entails ensuring displaced individuals' respect and protecting their sensitivity, including the restoration of their rights. Relevant authorities must implement proper preparedness and social security measures to instill confidence in the repatriation process for displaced individuals.

In the case of Cambodia, the repatriation of Cambodian refugees and displaced persons was viewed as a crucial element of the comprehensive political settlement of the conflict, as stated in Article 20 of the Peace Agreement. However, relocating individuals to an already impoverished area could exacerbate their vulnerability (Jackson, 1994).

It is crucial to address both safety and dignity in the context of repatriation, while also recognizing the increasing discussions surrounding its moral and political aspects through a rights-based framework (Bradley, 2013). This approach emphasizes the need to not only evaluate the feasibility of repatriating displaced individuals who wish to return to their homelands but also to ensure the effective implementation of a well-structured repatriation program (Johansson, 2010: 122). By adopting this comprehensive legal perspective, both national and international stakeholders can more effectively determine whether repatriation is not only viable but also sustainable for the displaced populations seeking to go home.

International law provides essential protections for stateless individuals through two significant instruments: the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. These conventions are vital in safeguarding the rights and dignity of stateless individuals worldwide. According to Article 1 of the 1954 Convention, a stateless person is defined as "a person who is not considered a national by any State

under the operation of its law." This convention offers crucial guarantees of fair treatment, dignity, and security. It ensures that stateless individuals have access to courts, housing, education, social security, and the opportunity to engage in economic activities.

In the same vein, the 1961 Convention seeks to significantly reduce statelessness by granting nationality to children born in the receiving state. It establishes a clear obligation for signatory states to protect the rights and well-being of stateless individuals, emphasizing our collective responsibility to foster inclusivity and compassion.

Bangladesh has not yet signed any of the conventions concerning the rights of refugees and stateless persons. Furthermore, government officials, research institutions, and numerous scholars have referred to the Rohingya as Forcibly Displaced Myanmar Nationals (FDMN), seemingly to evade the legal responsibilities owed to refugees (BIDS, 2020; BRAC, 2017; The Daily Star, 2017).

The situation is similar for the Urdu-speaking community in Bangladesh. Before receiving a court ruling, they were often labeled as "stranded Pakistanis" or "Biharis" and were denied citizenship. However, both the government and the Urdu-speaking community found it politically convenient to identify themselves as "stranded Pakistanis," as this maintained the possibility of migrating to Pakistan after the Liberation War. The 1982 International Convention on Biharis referred to them as "non-Bangladeshis" or "stranded Pakistanis," while in Pakistan, they are known as "Muhajir," which means the followers of the Prophet Muhammad who fled their home country to escape persecution. Although they were not officially declared stateless, they lived in Bangladesh without citizenship (Haider, 2024: 3).

Considering the legal interpretations related to repatriation, stateless individuals, and Bangladesh's legal stance, the following sections examine the actions taken by the Bangladesh government concerning refugee repatriation since its independence. It provides a critical comparison to the current situation of the Rohingyas.

3 Historical experiences of Bangladesh: repatriation of the displaced/stateless population

Like many other nations, Bangladesh has faced significant refugee crises since its independence in 1971, which remain largely underexplored and inadequately studied in contemporary literature. After gaining independence, Bangladesh had the challenge of reintegrating its citizens who had sought refuge in India during the liberation war. It is widely recognized that during the nine-month violent independence war against Pakistan, around 10 million Bangladeshis fled to India to escape horrific genocidal assaults by the Pakistani security forces (Saha, 2003; Dutta, 2012). Following the successful independence, many refugees were repatriated to their homeland, and many of them were also systematically integrated into the newly established Bangladesh, despite the destruction of their former homes and the looting that occurred during the war. Additionally, Bangladesh has been hosting the "stateless" Bihari community, often referred to as stranded Pakistanis or Urdu-speaking refugees, since its independence. The country also welcomed back the Pahari indigenous people from the Chittagong Hill Tracts, who had sought shelter in Tripura, India, crossing international borders (Uddin, 2010).

Since gaining independence, Bangladesh has faced several refugee crises, primarily due to the resettlement of returnee Bangladeshi refugees from India. Additionally, it has dealt with significant refugee influxes from Myanmar, its neighboring country, over the past 54 years. Although Bangladesh is not a signatory to the 1951 Refugee Convention, it continues to confront various refugee challenges. Each category of internationally displaced communities has distinct socio-political dynamics influenced by their historical backgrounds, social cohesion, and the solutions provided by governments over time. In this part of the article, we will compare the experiences of the Bihari and Rohingya communities regarding repatriation in the following two parts of this section.

3.1 Revisiting the repatriation process of the Urdu-speaking community and their ultimate reintegration

The history of the Urdu-speaking community in Bangladesh is closely tied to the partition of British India in 1947. Following the division of undivided British India into India and Pakistan, over one million Urdu-speaking Muslims migrated to what was then East Pakistan, now known as Bangladesh. Many of these migrants came from regions such as Bihar, Assam, Orissa, Nagaland, Manipur, Tripura, and Sikkim (Arif and Hasan, 2018: 3). They moved to eastern Pakistan primarily to escape communal violence, particularly the "Great Bihar Killing" in India, which claimed the lives of around 30,000 Muslims. The migrants sought to preserve their Islamic way of life peacefully in the new homeland (Arif and Hasan, 2018: 2; Mantoo, 2013: 123). The Pakistani government recognized the Urdu-speaking community as its citizens in the Pakistan Citizenship Act adopted in 1951 (Muquim, 2023: 695). Article 3(d) of the Act reads:

> At the commencement of this Act every person shall be deemed to be a citizen of Pakistan: who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories.

The role and status of the Urdu-speaking community in East Pakistan during the Bangladesh Liberation Movement became complex due to their unwavering support for the Pakistani military forces during the 1971 conflict. This support ultimately led to tense and contradictory relations between the Bangladeshis and the Urdu-speaking community following independence. After the war, the new government of Bangladesh declared that non-Bangladeshis would be considered equal citizens, provided they pledged their allegiance to the newly formed government (Siddiqi, 2013: 165).

Although there is no official legislation regarding refugees in Bangladesh and the country lacks systematic policies to address the refugee crisis since its independence, it has taken careful steps to manage the situation of the Urdu-speaking community. This effort has occurred despite ongoing political turmoil, which has been significantly impacted by the actions of India and Pakistan regarding repatriation issues.

One year after Bangladesh gained independence, the intolerable conditions faced by the Urdu-speaking community prompted the Prime Minister to bring the issue before the United Nations. He sought assistance from the Secretary-General to facilitate the repatriation of those who were trapped. The Pakistani administration was initially reluctant to repatriate the Urdu-speaking community due to internal opposition and political considerations, as they did not have diplomatic relations with Bangladesh (Mantoo, 2013: 125).

Article 6 of the 1972 Simla Agreement, signed between Pakistan and India, provided an essential diplomatic framework that indirectly laid the groundwork for establishing a durable peace and normalizing relations between the two countries. This agreement included provisions for the repatriation of prisoners of war and civilian internees, aiming to improve bilateral relations and create opportunities to address pending trilateral issues involving Bangladesh, Pakistan, and India during discussions in New Delhi on 28 August 1973 (Ministry of External Affairs, India, 1972; Arif and Hasan, 2018: 6). As a result, the governments of India and Pakistan, with the consent of Bangladesh, executed the agreement. This stipulation involved the transfer of a significant number of non-Bengalis in Bangladesh who opted for repatriation to Pakistan in exchange for the return of Bengalis living in Pakistan and the repatriation of Pakistani prisoners of war and civilian internees held in India (Whitaker, 1982: 20).

To facilitate this process, the UN High Commissioner for Refugees (UNHCR) adopted procedures for a repatriation program, working closely with the International Committee of the Red Cross (ICRC) to implement it. Individuals involved were gathered in several camps to ensure their safety and to record their details for their eventual return to Pakistan.

Bangladesh demonstrated its commitment by being ready to accept all 128,000 Bengalis who sought repatriation from Pakistan. In stark contrast, Pakistan was only initially prepared to welcome 83,000 Biharis, undermining the urgency of the situation. By the conclusion of the UNHCR repatriation operation in June 1974, 108,750 Biharis had successfully relocated from Bangladesh to Pakistan (Sen, 2000: 55). Notably, the ICRC reported that 470,000 Biharis had requested return via the UN airlift, leaving an alarming 350,000 stranded without support. Throughout the summit between the Prime Ministers of Pakistan and Bangladesh held in Dhaka in June 1974, Pakistan's refusal to engage in substantial dialogue was evident. During this crucial meeting, Bhutto made it clear: "I have not come to Bangladesh with a blank cheque" (Bird and Goldmark, 1974). This refusal to address the plight of the stranded individuals illustrates the broader challenges in achieving a just resolution for all affected.

After the Sheikh Mujib administration, General Ziaur Rahman's military regime renewed diplomatic efforts with the Pakistani government to address the challenges faced by the stranded Urdu-speaking community. Following his visit to Pakistan in 1977, the Foreign Secretary of Pakistan traveled to Dhaka and agreed to assist 25,000 "hardship cases" in collaboration with international organizations. As a result, 4,790 Biharis were repatriated out of the total 25,000 identified. However, the entire process was once again halted due to political turmoil within Pakistan (Hafiz, 1985).

In the domestic political landscape of Pakistan, the government led by Zulfikar Ali Bhutto and his Pakistan People's Party (PPP) implemented a series of reforms following the Liberation War of Bangladesh. These reforms aimed to create more employment opportunities for the Sindhi population (Shah and Sareen, 2019: 4). Consequently, around 1,000 Urdu-speaking officers were either

removed from their positions or demoted, with many also facing forced retirement.

The passage of the Sindhi Language Act, which declared Sindhi as an official language alongside Urdu, along with the introduction of a job quota system for rural Sindhis, further intensified tensions (Shah and Sareen, 2019: 5). These actions led to a significant deterioration in relations between the Muhajirs and the Sindhis, culminating in riots that resulted in numerous fatalities (Shah and Sareen, 2019: 5).

In March 1978, the Pakistan Citizenship (Amendment) Ordinance was enacted, leading to the revocation of citizenship for the Urdu-speaking community that had been living in Bangladesh since its independence. The ordinance stipulated that individuals who were citizens of Pakistan and resided in East Pakistan before December 16, 1971, would no longer be recognized as citizens. Additionally, the government denied Pakistani nationality to those who did not register for repatriation, chose to stay in Bangladesh, or had migrated there (Farhat, 2019: 62–63). As a result, the Urdu-speaking community in Bangladesh became stateless.

During this period, General Mohammad Zia-ul-Haq, who had overthrown Bhutto in 1977, used Islamic identity-based politics to establish his political legitimacy in Pakistan. This environment allowed the Muhajirs, primarily residing in Karachi within the Sindh province, to engage in political mobilization. As a result, the All-Pakistan Muhajir Students Organization was formed the following year to advocate for the rights of the Muhajirs (The Editors of Encyclopaedia Britannica, 2023). Notably, Jamaat-e-Islami (JI) and Jamiat-i-Ulema-Pakistan (JUP), two religion-based political parties, provided essential political support to the Muhajirs in Karachi during the early years of their settlement (Shah and Sareen, 2019: 4).

In July 1978, during a visit to Pakistan, the Foreign Secretary of Bangladesh urged the authorities to resume the repatriation process for the Urdu-speaking community. In light of the domestic political situation, the Pakistani government reduced the number of Urdu-speaking individuals eligible for repatriation from 25,000 to 16,000 (Haider, 2003: 534). Accordingly, in September 1979, with assistance from the UNHCR and funding from Saudi Arabia and Libya, an additional 2,800 Urdu-speaking individuals were repatriated. Later, with the help of Lord Ennals, a former.

British parliament member, another 7,000 individuals were returned to their homeland (Mantoo, 2013: 126).

The resumption of the repatriation process prompted the stranded Urdu-speaking community to voice their strong desire to return to Pakistan during the Geneva conference in December 1982. In 1984, 6,000 of them were resettled in Lahore with financial support from Lord Ennals' Resettlement Trust. Benazir Bhutto also expressed her intention to address the repatriation issue; however, she faced domestic challenges that hindered her ability to take effective action (Kaushik, 1994: 196). The political influence of the Muhajirs continued to grow as their numbers increased with each round of repatriation.

In response to this situation, Sindhi nationalist organizations such as the Sindh National Alliance, the Awami National Party, the Sindh Student Federation, and the Democratic Students' Federation opposed the repatriation of the Urdu-speaking individuals from Bangladesh, which exposed the polarization of Pakistan politics along ethno-nationalist lines. The opposition leader and Chief Minister of Punjab, Nawaz Sharif, took advantage of Benazir's predicament, forcing Benazir's government to subtly avoid addressing "the stranded

Pakistani issue" during her visit to Dhaka in 1989, referring to it as a complex issue (Kaushik, 1994: 196–197).

During this period, the Muhajirs, who had previously aligned themselves with Jamaat-e-Islami (JI) and Jamiat Ulema-e-Pakistan (JUP), established the Mohajir Qaumi Movement (MQM). This movement often engaged in confrontations with local Sindhis and newly arrived Pashtun refugees from Afghanistan, reflecting a militant stance (The Editors of Encyclopaedia Britannica, 2023). Eventually, the MQM became a significant power broker by winning two out of the thirteen seats allocated for Karachi in the national parliament in 1988. They supported the Pakistan People's Party (PPP), which enabled Benazir Bhutto to become Prime Minister, as she promised to protect the interests of all communities in the Sindh province (The Editors of Encyclopaedia Britannica, 2023). However, when ethnic tensions escalated in 1990, the MQM withdrew from the coalition that had led to the downfall of the PPP. With its growing political influence, the MQM then allied with the Pakistan Muslim League, led by Nawaz Sharif (The Editors of Encyclopaedia Britannica, 2023).

The domestic political developments in Pakistan, including the fall of the BNP government led by Ziaur Rahman, as well as the anti-Ershad movement in Bangladesh that led to his downfall, significantly hindered the progress of repatriation for the Urdu-speaking community. During Prime Minister Nawaz Sharif's tenure, the resolution of the Bihari issue became increasingly complex. A consensus was reached to repatriate an initial group of 325 Biharis from 63 families, with plans to begin the "symbolic repatriation" by December 31, 1992. However, this process could not commence due to domestic protests. In 1993, after a prolonged wait, a contingent of 325 Biharis was finally repatriated to Pakistan. Unfortunately, this effort was quickly halted following the ousting of the Nawaz Sharif administration later that year (Kaushik, 1994). As a result, the issue of repatriation remained unresolved in the foreign policy discussions of both Bangladesh and Pakistan.

The settlement of the Bihari issue became more complex during Prime Minister Nawaz Sharif's regime. Despite facing domestic opposition, Nawaz Sharif expedited the repatriation process within a year of taking office. To facilitate the repatriation process, the Rabita Trust Board (RTB), chaired by Nawaz Sharif, established three committees on November 11, 1991. The goal was to expedite the return of displaced individuals. It was agreed that an initial batch of 325 Biharis from 63 families would be repatriated to begin a "symbolic repatriation" by December 31, 1992. Following this initial phase, further repatriations would occur in stages as funds became available.

Nawaz Sharif assured that the August 1992 accord would be implemented, aiming to settle an average of 8,000 repatriates in each district of Punjab.

Due to growing domestic protests regarding repatriation, the government of Pakistan was unable to fulfill its commitment to initiate "symbolic repatriation" by December 13, 1992. Additionally, on December 28, 1992, the Pakistan High Commission in Dhaka notified the Bangladesh Foreign Ministry that extensive flooding in the Punjab province would delay the repatriation process until January of the following year. The Chief Minister of Punjab also postponed his previously scheduled visit to Bangladesh. Consequently, a "symbolic repatriation" occurred on January 10, 1993, facilitated by Rabita Al-Alam-Al-Islam, during which a small group of 325 Biharis were repatriated to Pakistan after a lengthy wait. However, this "symbolic repatriation" was merely the tip of the iceberg. The process was soon

halted following the dismissal of Nawaz Sharif's government in 1993 (Kaushik, 1994).

The repatriation process suffered a significant setback due to Mrs. Bhutto's hardline approach during her second term in office. From her previous tenure, the stranded Bihari community became increasingly wary of Pakistan's genuine commitment to their repatriation. The issue remained unresolved during Nawaz Sharif's second term, and progress completely stalled after General Pervez Musharraf took power. he Bangladesh government's decision to grant citizenship to Biharis born in Bangladesh, as determined by a court verdict in 2008 (Parveen, 2023), marked a significant step in addressing a pressing humanitarian issue. The Bihari population in Bangladesh has long faced deprivation of fundamental rights, prompting the government to view citizenship as the most viable solution. This decision will be complemented by an informal process of integration with the Bangladeshi people.

The governments of Bangladesh and Pakistan, along with international organizations, are collaborating to address the repatriation of the Bihari population. However, this process has faced significant challenges, including diplomatic efforts at both national and global levels, funding issues, and various geopolitical complexities. As a result, many Biharis have remained in Bangladesh, managing to reintegrate into society through a lengthy and difficult process.

3.2 Ambiguity in Rohingya repatriation, geopolitics, and the uncertainty

The Rohingyas in Myanmar are regarded as the most oppressed ethnic minority in the world, due to the historical injustices inflicted upon them by the government and the predominant Buddhist community (Uddin, 2020: 3). The history of Rohingya displacement includes five major waves of migration to Bangladesh.

The first significant wave occurred in 1978 when the Burmese military launched "Operation Nagamin" (or Operation Dragon King), which forced approximately 250,000 Rohingyas to seek shelter in Bangladesh (Ahmed, 2010; Ibrahim, 2016). In 1982, Myanmar enacted a new Citizenship Law that granted citizenship to 135 nationalities but excluded certain minorities, including the Rohingyas, rendering them stateless within the legal and constitutional framework of the state (Uddin, 2022).

After this constitutional exclusion, Myanmar conducted another severe military campaign known as 'Campaign Clean and Beautiful Nations' in 1991–92, which compelled around 200,000 Rohingyas to migrate further to Bangladesh (Ibrahim, 2016: 52). Following these initial two influxes, approximately 236,000 Rohingyas were repatriated to Myanmar, but they were not welcomed back.

Bangladesh currently accommodates 1.3 million Rohingya refugees, comprising both former residents and recent newcomers, over 34 temporary camps located in Ukhiya and Teknaf, two southeastern sub-districts of Cox's Bazar, as well as on Bhashan Char Island (Islam and Siddika, 2021). Though Bangladesh offers basic humanitarian support to the Rohingya population, it identifies them as "forcibly displaced Myanmar Nationals (FDMN)" and not "refugees," on the pretext that it is not a signatory state of the 1951 Refugee Convention. This non-recognition of their refugee identity deprives them of several basic human rights that they could have exercised otherwise (Human Rights Watch, 2018; Saha, 2001).

The repatriation process for the Rohingya population remains bleak; they refuse to return to Myanmar unless Rakhine State is made a safe and livable environment, where they would be recognized as citizens by the government (The Guardian, 2019). In November 2017, the governments of Bangladesh and Myanmar signed an agreement regarding the repatriation process, but details of the agreement were never made public, and its implementation was later suspended (Albert and Chatzky, 2018). After visiting the camps in 2019, Myanmar's foreign secretary announced that they were prepared to repatriate the Rohingya, suggesting the possibility of offering partial citizenship (Mahmud, 2019). However, they agreed to accept only 3,450 Rohingyas from a list of 22,000 individuals submitted by the Bangladeshi government (Harmer and Alam, 2019). Efforts to facilitate repatriation in 2018 and 2019 were unsuccessful, as no Rohingya individuals consented to return to Myanmar under the current conditions.

The Bangladesh government has asserted that the 'bilateral solutions' established in the 1970s and 1990s have been 'mostly unproductive indicating that the Myanmar administration is not earnest concerning its obligations (Xchange Foundation, 2018). The most recent virtual bilateral meeting was held on 14 June 2022 without reaching any tangible conclusions.

Still, Bangladesh has focused mainly on humanitarian assistance as a temporary measure so that the Rohingya population could eventually return to Myanmar (Venugopal, 2018). Bangladesh and Myanmar have a historical legacy of border disputes and maritime boundary conflicts. The continued presence of the Rohingyas has intensified the pre-existing issues in their bilateral relations. This situation may deteriorate if the repatriation of the Rohingyas to their homeland is not executed expeditiously. Moreover, Rakhine State is not at all conducive for living right now, as the civil war between the ARSA and the Tatmadaw continues.

Bangladesh's overall experience of hosting the Rohingya community for more than five decades (1978–2025) brought international appreciation without much of a burden sharing by the international community and Myanmar. As a result, the Rohingya refugee crisis has found no durable solution for them, including several failed repatriation processes in the last few years. Myanmar does not acknowledge them as citizens, and Bangladesh does not regard them as refugees. The likelihood of reinstating any third-country resettlement program is not encouraging (Uddin, 2023). International support for sustaining 34 camps housing 1.3 million refugees is progressively diminishing (The Daily Star, 2023).

This complicated scenario involving the repatriation process of the Rohingya community from Bangladesh to Myanmar leads to a pertinent query: why is the repatriation process not finding any success in sending back the Rohingyas to their homeland? The answer to this question depends more on exploring the geopolitical constraints (if there are any) and the repatriation diplomacy that Bangladesh has, so far, followed to bring an end to the refugee influx. Countries like China, India, the United States, Britain, and Russia influence the small countries in South Asia, with varying economic and geostrategic calculations (Zahed, 2023: 644).

However, the United States and Great Britain appear to be in favor of strong UNSC action against Myanmar, but their seriousness remains mainly limited to verbal pledges (Khan and Ahmed, 2019: 4). For example, in 2018, the USA imposed sanctions on four army and police personnel and two army units at Myanmar because they took

part in "ethnic cleansing" (Khan and Ahmed, 2019: 5). Not only that, but its humanitarian assistance for the Rohingya refugees has now reached US\$ 121 million, which includes both kind and financial support (WFP, 2024; cited in Khan and Ahmed, 2019: 5). But the USA did not take any measure against the topmost Myanmar army officers for their alleged crimes for the crimes against humanity or genocide (Khan and Ahmed, 2019: 5). It can also be explained in terms of the USA's limited economic and strategic interests in Myanmar (Khan and Ahmed, 2019: 5). Myanmar ranks 106th as a bilateral trading partner of the USA (Office of the United States Trade Representatives, n.d.).

The USA's strategic concern in Myanmar is mainly restricted to offsetting the growing influence of China to maintain the status quo in the region (Khan and Ahmed, 2019: 5). The story is the same for its ally, Britain, which withdrew its financial aid to the Myanmar army worth £300,000 immediately in response to the refugee crisis in 2017 (Khan and Ahmed, 2019: 5). Given the situation, repatriation of the Rohingyas appears to be a less important issue for the United States and Britain given their low strategic and economic interests in Myanmar (Khan and Ahmed, 2019: 6). On the contrary, Russia is with the directly benefits by taking the side of the Myanmar government as enhances the bonding between China and Russia, and opens new opportunities for Russian weapons sales (Khan and Ahmed, 2019: 6). Myanmar purchased arms worth US\$1.45 billion of arms in 2016 (Khan and Ahmed, 2019: 7). The following year, Russia financed US\$38.3 million in oil and gas projects in Myanmar (Wishnick, 2018: 375). The reason for its engagement in East Asian matters is to weaken the American alliance (Wishnick, 2018: 363).

Therefore, it is more imperative to investigate the role of China and India, as these two neighboring and competing countries got involved in the repatriation diplomacy either as a "mediator" or as a 'humanitarian relief' provider in the name of "Operation Insaniya" (*The Daily Star*, 25 September 2025; Indian Ministry of External Affairs, 14 September 2017). The importance of their role is well-recognized in many respects. For example, all three countries agreed to develop a "tripartite joint working mechanism" to assess the ground situation for Rohingya repatriation (The Daily Star, 25 September 2019). Accordingly, China held a tripartite virtual meeting with Myanmar and Bangladesh on the issue of repatriation in January 2021 (TBS, 18 January 2021).

Not only so, but even the UNHCR contemplated engaging India and China in the repatriation process (TBS, 16 May 2024). Dhaka was also no different in this regard, as it emphasized the role of two regional powers to resolve the Rohingya crisis (The Dhaka Tribune, 10 May 2024). Not only are the roles of the two countries pivotal compared to many other countries in settling the Rohingya crisis, but the state of governance in Myanmar, currently witnessing a civil war and the prospective Balkanization of the state, needs to be examined. Under the circumstances, the next part of this section contains the assessment of this aspect.

3.2.1 The role of China and its Rohingya repatriation diplomacy

In addressing the Rohingya repatriation issue, China emphasizes the importance of Myanmar's sovereignty and works with the Myanmar government to seek a peaceful resolution to the crisis (Hossain and Obaidullah, 2024: 12). Consequently, China's diplomatic initiatives regarding the Rohingya crisis aim to balance its foreign policy without jeopardizing its economic investments and geopolitical

interests in the region (Obaidullah and Hossain, 2024; Mahmud and Rai, 2023). Regardless of the specific diplomatic approach, it is evident that China has taken on a leadership role in regional matters through its humanitarian assistance and mediation efforts (Mahmud and Rai, 2023; Obaidullah and Hossain, 2024). Furthermore, it is crucial not to overlook China's expanding economic interests in Myanmar, as they have significant geopolitical implications. These interests help solidify China's dominance in the region, and access to the Indian Ocean is essential for its economic prosperity (Roy, 2022).

The Rakhine state holds significant economic importance for China, particularly due to two major Chinese investments: the Kyaukphyu Deep-Sea Harbor and the Special Economic Zone in Rakhine. These projects are set to be completed in three stages, with a total cost of USD 7 billion (BNI, 2022; MI News Network, 2024). Additionally, the oil and gas pipeline project consist of two pipelines that will transport natural gas and oil from Kyaukphyu to the Chinese province of Yunnan (Russel and Berger, 2020). Since 2018, Myanmar has become China's top supplier of these resources (Chaudhury, 2022).

China and Myanmar have signed bilateral economic agreements to enhance their economic collaboration. Significantly, China considers Myanmar to be strategically important because of its geographic location and its proximity to the Indian Ocean and China's borders. This positioning enables China to counterbalance the influence of the United States in Southeast Asia.

As part of its act of balancing, China treats the crisis as a domestic matter of Myanmar and has consistently obstructed initiatives in the United Nations Security Council that aimed at implementing more stringent measures to force the Myanmar government to tackle the issue with more urgency. Simultaneously, it positions itself as a mediator through a "three-phase solution," comprising an urgent termination of violence, the subsequent return process of refugees, and the durable economic growth of Rakhine State (Alam, 2021; Yuan and Lee, 2023).

China has reiterated its dedication to fostering Myanmar's prosperity and peace through its official statements. During bilateral discussions between China and Bangladesh, the Chinese delegation consented to aid with the repatriation of the Rohingyas and underscored the significance of durability for regional development. China's diplomatic safe-play has invited condemnation from countries and human rights organizations for the way they are playing its role in dealing with the Rohingya problem.

3.2.2 The role of India and its repatriation diplomacy

Like China, India considers the Rohingya refugee crisis as Myanmar's "internal affairs," siding with the Myanmar government. Its role is relatively restricted to offering humanitarian assistance, which broadly found its expression in the "Operation Insaniyat," and the MoU signed for the Rakhine State Development Programme worth USD 25 million to facilitate "safe, speedy, and sustainable return of displaced persons" (Yhome, 2018). On the other hand, from its security concerns emerging from militant activities of the ARSA, India brands the Rohingya refugees as "illegal immigrants" that may satisfy the government of Myanmar. More so, its policy toward the Rohingya crisis is more influenced by its economic and strategic interests. For example, India has made significant investments in commercial projects and infrastructural initiatives in Myanmar, aiming to ensure a holistic

prosperity of its northeastern region, which shares an extensive land border with Myanmar. India has also funded the Kaladan multi-modal project to create a sea-river-land connection to its distant northeastern region through Myanmar's Sittwe port. Again, taking China's unequivocal support of Myanmar's military and government into account, India perceives limited geopolitical alternatives and feels compelled to align with the Myanmar government (Sahoo, 2017).

Considering the above discussion, it is evident why both China and India are reluctant to the repatriation process of the Rohingya community to their homeland. This ultimately makes the whole process uncertain for the distressed Rohingya population. It also contributes to further complexities for the government of Bangladesh to initiate a successful repatriation process for the Rohingyas. The reason is that, without the active cooperation of superpowers like China and India, Bangladesh cannot put any pressure on the Myanmar government to show its willingness to bring the Rohingyas back to their homeland. Though international organizations like the United Nations have been actively acknowledging the plight of the Rohingyas, and UNCHR, especially, have been giving aid and awareness to the camps in Bangladesh, it is significant to see whether this brings any positive impact on the repatriation process as well.

3.2.3 The civil war in Myanmar and the intricate uncertainty over the Rohingya repatriation

The election victory of the National League for Democracy in Myanmar in 2020 created apprehension among top military officials, who feared their prospect of governing the country was at risk. This nervousness finally led to a military coup staged in the following year that saw the detention of senior leadership of the NLD and the fleeing of some of the parliamentary members from the country. In protest of the coup, there were processions around the country, and the military violently suppressed the protesters, killing more than six hundred people (The Centre for Preventive Action, 2025). This violent act of the military regimes eventually resulted in the emergence of the National Unity Government (NUG) for transforming Myanmar into a "federal democratic republic," on the one hand, and an armed group, the People's Defense Force (PDF), on the other, in the subsequent years (The Centre for Preventive Action, 2025). Many of the 25 active ethnic armed groups collaborated with the PDF, including the Kachin Independence Army (KIA), Shan State Army, and Karen National Liberation Army (KNLA). Another coalition of three ethnic militant groups formed the Three Brotherhood Alliance, comprising the Arakan Army (AA), the Myanmar National Democratic Alliance Army (MNDAA), and the Ta'ang National Liberation Army (TNLA).

By August 2024, this alliance had captured the Northeastern Regional Military Command (RMC) in Lashio and taken control of an economic access point to China (The Centre for Preventive Action, 2025). Again, at the end of the year, the Arakan Army (AA), an ethnic Buddhist militant group, won the battle in the city of Maungdaw in Rakhine State. With the growing violence in Rakhine State, many more refugees are crossing into Bangladesh, and as a result, 1.13 lakh Rohingyas have taken shelter in Bangladesh (The Daily Star, 29 April 2025). The Rohingyas are now the victims of both the Junta and AA, forcibly capturing the young Rohingyas and compelling them to fight for them (Rahman, 2025). Finding no other way, Bangladesh has now established an unofficial channel to communicate with the AA to deal with the issue since the central government lost its control over

Rakhine State (The Irrawaddy, 2025). Therefore, this new reality has made the whole process of repatriation more complex and uncertain.

It is not the only issue. The state of mind, even of the democratic leaders, is also worsening the possibility of Rohingya repatriation. For example, Aung San Suu Kyi, during the International Court of Justice hearings during the Gambia case submission, sought to evade discussions of reparations, believing that ethnic reconciliation constituted a protracted and arduous endeavor (Howe, 2018: 261). Again, to facilitate the return of the Rohingya population to their homes in Arakan state, the government has not arranged anything. But homes for the Buddhists living in the Rakhine State are being built in the abandoned Rohingya settlements (Mallick, 2020: 215). The provisional measures made by the ICJ (ICJ website) in protecting the rights of the Rohingyas and evidence of the persecution have also not been maintained by the Myanmar government. The Myanmar government is reportedly planning to detain the returning Rohingya refugees in newly built Rohingya-only settlements. Since 2018, a few of the Rohingyas who tried to return to their homes in Myanmar have been either imprisoned or kept in segregated camps (Albert and Chatzky, 2018). More sadly, since January 2019, the Myanmar government has further restricted the movements of all humanitarian and development agencies in five main cities (Kyauktaw, Ponnagyun, Buthidaung, Maungdaw, and Rathedaung in Rakhine State) (Norwegian Refugee Council, 2019).

More so, the AA has already taken control of 13 of the 17 townships in the Rakhine State, and they are still fighting to seize Sittwe, the capital, and Kayukpyu, the port city. They have now seized all the townships along the Bangladesh border. If it continues, the AA will ultimately take over Rakhine State, which has implications for the future of Myanmar. They have already established local governments in the areas of the Rakhine township. But it is still uncertain whether AA wants to join a reformed democratic Myanmar. There is the possibility that they may declare Rakhine State an independent country (Martin, 2025).

The other side if the story is that when the military junta was outperformed by the AA in the northern Rakhine State, the military forcibly drafted the Rohingya youths to fight against them. Many Rohingya did not want to align with the Myanmar military, but the AA's alleged hate speech and abuses of Rohingyas encouraged them to consider the ethnic armed group as a bigger threat than the military. Their "harmony" agreement, signed in November 2024 and "unity" rally held in the following month, remained relatively ineffective in forging a relationship of trust, making the repatriation "more elusive" (International Crisis Group, 2025: 1).

4 Will the Rohingyas embrace the fate of the leftover Biharis in Bangladesh?

The repatriation process of Rohingya refugees from Bangladesh to Myanmar's Rakhine State is still not being accelerated by other international and regional organizations, including the Organization of Islamic Cooperation (OIC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), and the South Asian Association for Regional Cooperation (SAARC).

Despite the Rohingya refugee crisis garnering attention from the United Nations, human rights organizations, and global media, it failed to prompt involvement from the world's most powerful states in

regards to settling this complex situation. Given that the two predominant regional powers, India and China, exhibited minimal interest in engagement, other great powers beyond the region, including the USA, Russia, and the European Union, refrained from involvement, except for offering superficial support regarding the issues of repatriation and human rights abuses (Mallick, 2020: 214). However, it would be practically impossible to repatriate the Rohingya population from Bangladesh to their homeland without a concerted effort by the major powers of the globe. At the same time, the situation is becoming increasingly complex and unsustainable for everyone as the conditions in the refugee camps are worsening over time. The geopolitics of regional powers India and China, involving the Indian Ocean and their economic interests and huge investments in Myanmar, as already discussed in earlier sections, are deterring them from taking a clear position on the issue of repatriation. Under the circumstances, it is less likely that the Rohingyas will go back to their homeland any sooner. Again, with the prospect of the Balkanization of Myanmar, the fate of the Rohingyas is now in the hands of the AA, making them more vulnerable to repression and conscription. Now the question is: are they going to embrace the same fate of eventual social integration like the Bihari community?

To answer this question, we need to take the case of the Biharis into account. Approximately 25,000 to 300,000 Bihari speakers have resided in Bangladesh since the partition in 1947. The Caretaker.

The Government of Bangladesh decided in September 2008 to provide citizenship to some people born after 1971 by an interministerial resolution (Lynch, 2007). Consequently, the Election Commission of Bangladesh issued national identity cards and enrolled these individuals as voters. After Bangladesh gained its independence, several Urdu-speaking people, lacking a political voice, established an organization like the 'Stranded Pakistani General Repatriation Committee' to advocate for their return to Pakistan. Afterwards, ten Biharis were granted Bangladeshi citizenship and the ability to vote in 2003 after a High Court decision in Bangladesh. According to the Bangladesh Citizenship Order, 1972, the court declared that anybody born after independence is a citizen of Bangladesh (Kaushik, 1994).

The difference between the Rohingyas and the Biharis is the willingness of the survivors to be repatriated, known as 'voluntary repatriation." Biharis wanted to go to Pakistan, which they manifested right at the Geneva conference, 1982, where the trapped individuals firmly advocated for repatriation to Pakistan (Kaushik, 1994). But in terms of the repatriation process in 2018 and 2019 for Rohingyas of Bangladesh to Myanmar failed, because of their unwillingness due to a lack of confidence in the Myanmar authority. More so, by terming the Rohingyas as FDMN, it has become more difficult to garner support from the international community using the Global Refugee Compact platform. In repatriating the Urdu-speaking community from Bangladesh, the country was more successful.

Conversely, because of the willingness on part of Bangladesh and its initiatives, the Urdu speaking community have been repatriated on multiple occasions following independence in 1971. After the ratification of the New Delhi Agreement in August 1973, multiple repatriation waves transpired between 1973 and 1974, orchestrated by the ICRC, culminating in the return of 170,000 Bihari individuals to Pakistan for the first time (Haider, 2003; Haider, 2018). In 1977, 4,790 individuals were returned, followed by 2,800 in 1979, 7,000 in 1980, and 6,000 in 1984. Regarding the Bihari question, the UN and its agencies have had no formal standing ever since (Mantoo, 2013). The

checkered repatriation scenario coincided with the up-and-down political developments in Pakistan involving the political mobilization of the Muhajir in Karachi and elsewhere, as discussed elsewhere in this article.

On Bangladesh front, in Abid Khan and others v. Government of Bangladesh and others (2003) 55 DLR (HCD) 318, the Court ordered the government to register all members of the Bihari community who were born after Bangladesh gained its independence or who were minors during the independence war in 1971, as citizens of Bangladesh under the Citizenship Act of 1951 and the Bangladesh Citizenship (Temporary Provisions) Order of 1972 (Haider, 2003; Haider, 2018).

In the Sadaqat Khan case, 2008, the Court instructed the Election Commission to promptly register the petitioners and other Urdu-speaking individuals seeking inclusion in the electoral rolls and to issue them national identity cards without delay. This implies that since 1971, all Biharis have officially maintained their Bangladeshi citizenship, as they did not forfeit their citizenship status due to any intention to repatriate to Pakistan. Furthermore, they were neither denationalized nor disqualified by the Government of Bangladesh.

Conversely, in the case of Rohingyas, despite Bangladesh's participation in bilateral discussions with Myanmar and multilateral negotiations with the international community to seek an appropriate resolution to the Rohingya problem, there has regrettably been no significant progress in the repatriation process to date (Siddiqi, 2013). Bangladesh requires a durable policy to solve the Rohingya crisis to protect their welfare and deal with any potential crisis (Albert and Chatzky, 2018). The difference between these two communities is that the Bihari community did not have any definite national identity other than religious identity, migrating from India after the partition in 1947. The defeat of West Pakistan did not motivate them all to embrace Bangladeshi identity initially, but eventually, those who could not go to Pakistan had to become Bangladeshi citizens.

The Bihari issue did not have anything to do with the geopolitical and strategic competition and economic interests of the regional powers per se. It became purely a bilateral issue between Bangladesh and Pakistan after independence. But in the case of Rohingya repatriation, it is the opposite of the Urdu-speaking community. It is a globally attention-grabbing issue that involves regional and extra-regional powers. It offers Bangladesh an opportunity to navigate the diplomatic sphere to continue negotiating with the Myanmar government regarding the eventual repatriation of the Rohingyas. Alternatively, Bangladesh ought to develop both short-term and long-term policies to relocate the Rohingyas to its territory or any third country as a cooperative nation. But it is also true that the civil war in Myanmar and the loss of control of the military junta over Rakhine State, the resumption of the repatriation process has become more difficult.

But it is undeniable that many international actors and international laws regard repatriation as the most favorable solution. The United Nations has only lately prioritized the voluntary return of refugees as the main resolution. Historically, after the Second World War, voluntary return emerged as a core principle of the global refugee solution. The General Assembly declared in a resolution passed on 12 February 1946 that any legitimate objection raised by refugees would be taken into consideration regarding their return to their homeland, provided the fear of persecution still existed. It also mentioned that "the future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established." [UN Doc. A/Res/8(1) (1946)]. Afterwards, the Statute of the United Nations

High Commissioner for Refugees (UNHCR) codified the concept of voluntary repatriation, which the General Assembly ratified in its resolution of 14 December 1950. [GA res. 428 (V), UN Doc. A/1775 (1950)] Thus, in the 1970s, a preference for the practice of voluntary repatriation gradually appeared in General Assembly decisions (Chetali, 2004), it became the fundamental component of "the most desirable and durable solution to problems of refugees."[UN Doc. A/ Res./38/121 (1983)]. The General Assembly has endorsed voluntary repatriation as the "ideal solution to refugee problems" (UN Doc. A/ Res./39/169 [1994]). See also UN Doc. A/Res./50/152 (1995); UN Doc. A/Res./51/75 (1996); UN Doc. A/Res./52/103 (1997).

In the latest General Assembly resolution about human rights of Rohingya Muslims and other minorities in Myanmar dated 19 December 2024, it stated:

> *The burning of Rohingya villages, including in Buthidaung and Maungdaw, and the destruction of Rohingya homes and livelihoods, leading to the reported killing, wounding and forced internal displacement of Rohingya Muslims and other minorities, which have aggravated the already precarious human rights and humanitarian situation in Rakhine State and pose serious challenges for creating a conducive environment for the voluntary, safe, dignified and sustainable return of Rohingya Muslims, and expressing grave concern that prolonged uncertainty over the repatriation has been leading Rohingya Muslims temporarily sheltered in Bangladesh to despair, and may be having spillover effects on regional peace and stability."* (GA Res. A/Res/79/182)

This resolution also emphasized regional efforts in this issue, reflecting on the adoption of Security Council resolution 2,669 (2022), which called for an immediate cessation of all forms of violence in Myanmar and urged restraint and de-escalation of tensions, while recognizing ASEAN's pivotal role, including its five-point consensus on Myanmar. (ASEAN five points).

Unfortunately, the UNSC did not undertake any discernible measures to return the Rohingya refugees from Bangladesh to Myanmar, especially considering the potential veto from China and Russia. The UN General Assembly also failed to take any discernible actions to hold Myanmar accountable under the Responsibility to Protect (R2P) philosophy for the massacre and forcible displacement of the Rohingyas from Rakhine State (Khan and Ahmed, 2019). Under the circumstances, the onus is more on Bangladesh and the regional powers to deal with the Rohingya repatriation issue pragmatically, considering its potential to make the region politically and militarily more vulnerable.

5 Conclusion

The fate of the Rohingya refugees concerning repatriation has now become mired in a multilayered complex reality. In each layer, the national interests or interests of the governments are aligned either with the national security of a relatively small neighboring country like Bangladesh, exposing its territorial vulnerabilities, because of the ongoing civil war in Myanmar, or with the geopolitical calculations of the regional power like India, would-be global power like China and globally dominating extra-regional states like the USA, Britain, and Russia or with the uncertainty over the destiny of the Myanmar state. Thus, how the complex reality at the national level of Myanmar, regional level involving China, India, and

Bangladesh, and their triangular relationship, and the global political competition between the USA vs. China, unfolds in the future is more likely to determine whether the Rohingyas will return or not. Compared to the repatriation of the Rohingyas, the repatriation of the Urdu-speaking community of Bangladesh mainly remained entangled at the crossroads of bilateral relations between Bangladesh and Pakistan and their domestic political dynamics, and thus, there were checkered success stories regarding repatriation from Bangladesh. When it became certain that they would not be taken back to Pakistan with its changing political dynamics and election politics, the Urdu-speaking community could resort to the High Court to claim their citizenship for those who were born after 1971 and did not want to go back to Pakistan. Given the diverse reality involving the Rohingyas' repatriation, the uncertainty is more likely to persist in the future. If it persists for too long, like for the next ten to twenty years, the Rohingyas are going to be stateless, which the Urdu-speaking community in Bangladesh often experienced. In that case, the example of the Urdu-speaking community might motivate them to either get socially integrated in various forms or resort to national and international laws to claim citizenship.

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