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Executive Summary

Bangladesh (formerly East Pakistan) has been hosting the Rohingya people fleeing from persecution in their homeland Myanmar (formerly Burma) for decades. While records of the Rohingya crossing the River Naf to enter East Pakistan date back to the 1950s, the most recent and arguably, the most significant instance of the Rohingya fleeing in large numbers and taking refuge in Bangladesh took place in 2017. At the time of writing this Interim Report, over one million Rohingya live within and beyond 34 refugee camps in the south-eastern region of Bangladesh. In three parts, this Report explores three areas, namely, the status of the Rohingya, their vulnerabilities, and their right to work in Bangladesh. The following paragraphs of this Executive Summary identify key findings.

'Precarious' is the word that best describes the status of the Rohingya in Bangladesh. The Bangladesh Government identifies the Rohingya as 'Forcibly Displaced Myanmar Nationals', while UN agencies and international organisations and NGOs call them 'refugees'. This Report sheds new light on why the Bangladesh Government does not grant 'refugee status' to the Rohingya. It argues that alongside reasons identified by Nasir Uddin, there is scope to believe that Bangladesh's refusal to grant refugee status to the Rohingya may also stem from the assumption that doing so would close the door to their voluntary repatriation to Myanmar.

Although Bangladesh is not a State Party to the 1951 Refugee Convention and is yet to enact a law addressing refugee matters, it is not entirely devoid of a framework to protect refugees. The Bangladesh Constitution and the Foreigners Act 1946 are the two fundamental laws that shape the 'precarious' status of the Rohingya people in Bangladesh. Although the Bangladesh Constitution guarantees several inalienable and fundamental rights to the Rohingya, many of these rights are violated through the enforcement of the Foreigners Act 1946 against them.

In the absence of 'refugee status' for the majority of the Rohingya, a range of support is channelled through 'smart ID cards', which were issued by the Bangladesh Government (BG) and the UNHCR in exchange for biometric data. While these smart ID cards have served as a stepping stone toward them regaining their human dignity and restoring their identities, gaps in the refugee protection regime remain, and the "voluntary and safe repatriation [of the Rohingya] to Myanmar" overshadows the need to enhance the rights of the Rohingya in Bangladesh. In fact, the biometric registration of the Rohingya has

emerged as a double-edged sword, particularly in light of the alarming reality that the biometric data was shared - without the consent of the Rohingya - with the Myanmar Government to facilitate repatriation.

For obvious reasons, the Rohingya in Bangladesh are repeatedly described as 'vulnerable' or 'most vulnerable' populations. In light of the multi-faceted vulnerabilities of the Rohingya, multiple categories of vulnerabilities have been identified by key partners engaged in the refugee response. These include specific vulnerable groups such as families with separated children, unaccompanied children, a member with a disability, an older person at risk with children, severe medical conditions, people with specific needs, single male parents with infants, and single female parents. More generalised forms of vulnerability relating to hazardous weather conditions and COVID-19 impacting refugee camps have also been identified.

Key partners of the refugee response conduct vulnerability assessments to provide a more nuanced response to the needs of the Rohingya. The 'Refugee Influx Emergency Vulnerability Assessment' (REVA) conducted by the WFP is one of the more well-known 'vulnerability assessments' which monitors food security and overall vulnerabilities. Nevertheless, a dearth of academic literature overshadows the topic of 'vulnerability assessments' carried out by these key partners. The most recent REVA, known as REVA-4, conducted through an extensive quantitative household survey, focus group discussions and key informant interviews, identified as "most vulnerable" households (in descending order) with elderly members, those led by women or children, and those with a person with a disability. REVA-4 also found that the absence of economic opportunities exacerbated the vulnerabilities of the Rohingya and that the "high vulnerability" of Rohingya households living inside camps declined over time, implying that so-called 'new arrivals' in camps were far more vulnerable.

In addition to the above, this Interim Report offers important insights on vulnerabilities and vulnerability assessments of actors representing local and international NGOs and UN agencies, all of whom were closely engaged with the ongoing Rohingya refugee response. According to interviewees, there is a dearth of a streamlined process through which vulnerability assessments are carried out, and the impact of these assessments is stunted by limited follow-up and some unscrupulous NGOs that allegedly exploit the Rohingya to attract funds. As a result, some NGOs were in effect increasing the vulnerabilities of the Rohingya by "selling" them as vulnerable "products" to donors for the sole purpose of

getting funds and then using a very small portion of those funds to address the needs of the Rohingya people. One other significant weakness was multiple organisations offering the same kind of support to the Rohingya in the same camps. In one particular refugee camp, this led to three organisations giving psycho-social support of various forms to children, which an interviewee described as a "wasteful duplication".

The Rohingya do not have the formal right to work in Bangladesh. This, of course, does not mean that the Rohingya do not 'work' and, in turn, earn money for their services. In addition to taking part in informal business activities within and beyond camp boundaries, the Rohingya are also engaged by 'humanitarians' as volunteers for which they get paid for their services. However, this does not mean that the kind of work the Rohingya are engaged in qualifies as 'decent work' or that the Rohingyas' work-related opportunities available at present existed when many of them arrived in 2017. Early on, when the Rohingya fled in large numbers from Myanmar in 2017, UN agencies shared with the Bangladesh Government (BG) the idea of standardising the process of engaging the Rohingya in paid labour within the camps. At the time, the BG rejected the idea due to three reasons. First of all, it believed that engaging the Rohingya as paid labourers would obstruct the economic opportunities of Bangladeshis from the host community. Secondly, it argued that engaging the Rohingya in paid labour would encourage them to prolong their stay in Bangladesh. Finally, the Bangladesh Government maintained that creating the possibility of Rohingya refugees earning money would empower them to leave the camps altogether and integrate with the local community. Within this context, UN agencies and local NGOs "fought" with the Bangladesh Government to allow employing the Rohingya as paid "volunteers" and give them "loose cash" for their services.

The Bangladesh Government's rigidity towards the prospect of allowing the Rohingya to work thawed for several reasons. It came to terms with the reality that during the chaotic arrival of the Rohingya and the humanitarian response that soon followed, many organisations had already begun to employ the Rohingya as paid labourers without its blessings. Furthermore, the UN agencies pledged to employ only those Rohingya living within the camps and pay them at rates below what a Bangladeshi would be paid for the same job. It was assured that the so-called employment opportunities would be run on an ad hoc week to week basis to remove any sense of 'job security'. These work opportunities were described as a form of 'volunteerism' through which the Rohingya could contribute to their community and, in exchange for their contributions, earn some loose cash. Most

importantly, such a system would, in effect, streamline the wages of the Rohingya to a minimum rate that would, on the one hand, not be sufficient to empower them financially but on the other hand, be just enough to sustain themselves.

According to interviewees, the opportunity to earn loose cash as 'volunteers' or by taking part in informal businesses gave the Rohingya a degree of dignity. That said, many interviewees working for organisations that hired the Rohingya as 'volunteers' conceded that the income generated through these activities was not enough to improve their living standards. It was also acknowledged that none of the work opportunities of the Rohingya qualified as 'decent work'. Nevertheless, interviewees felt that the decision which allowed the Rohingya to get loose cash through work reduced their vulnerabilities, albeit minimally. When asked about the positive outcomes of the Rohingya being informally granted the opportunity to work, several interviewees felt that it empowered Rohingya females for the first time because doing a job meant being able to get out of their homes.

Introduction

Historically, the geographical regions now called Bangladesh and Myanmar have shared a porous border, allowing people to travel back and forth for familial, social, and economic reasons.[1] That said, the geographical region now recognised as Bangladesh, a country that emerged as an independent nation-state in 1971 and is yet to ratify the 1951 Refugee Convention, has hosted the Rohingya in varying numbers for decades, not just for the reasons mentioned in the previous sentence but more so to protect the Rohingya from systematic exclusion and international crimes committed against them in their homeland, Myanmar. Therefore, this Interim Report relates to the Rohingya, at the moment numbering more than of one million, the majority of whom fled from Myanmar following a ruthless crackdown by Myanmar's Army in 2017. According to the Operational Update on

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[1] The River Naf forms an integral part of this 'porous border between southeastern Bangladesh and western Myanmar. For decades, across this river, hundreds and thousands of Rohingya have undertaken risky journeys to flee persecution in Myanmar. One of the earliest instances of this occurred in 1959 when 10,000 Muslims fled Arakan and entered the then East Pakistan (now Bangladesh). See, 'Moslems Flee Burma - 10,000 Enter East Pakistan - Persecution Is Charged' (New York Times, October 25, 1959) https://nyti.ms/3H6eVCK

Bangladesh published by the UNHCR in September 2021, 902,947 Rohingya refugees reside in 34 "extremely congested"[2] camps located in the Ukhiya and Teknaf Upazila's of Cox's Bazar, a district placed in the south-eastern tip of Bangladesh.[3] There are also 18,846 Rohingya (4,724 families) living in *Bhasan Char*,[4] a 13,000-acre island in the Bay of Bengal.[5] The Report focuses mainly on the status of the Rohingya in Bangladesh, their vulnerabilities, and their right to work.

Methodology

The findings of this report draw from desk-based research, and the first phase of the WP4 fieldwork (Round 1), which encompassed 20 interviews of persons,[6] of whom 16 were either working for or had in the past worked for national and international organisations engaged in the Rohingya refugee response, and four Rohingya, all of whom arrived in Bangladesh in 2017. These 20 interviews took place during fieldwork in Bangladesh over 45 days in Ukhiya and Cox's Bazar in January, February and March 2021. Some of the interviewees were interviewed multiple times. The interviews were based on a common questionnaire developed by the WP4 coordination team to ensure consistency across themes and issues covered across country reports. For the purposes of this Interim Report,

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[2] See, '2021 Joint Response Plan Rohingya Humanitarian Crisis (January – December 2020)' page 10 https://reporting.unhcr.org/sites/default/files/2021%20JRP.pdf

[3] https://data2.unhcr.org/en/situations/myanmar_refugees; The '902,947' figure includes the 35,519 Rohingya previously registered as 'refugees' in the 1990s, and 751,862 Rohingya who arrived from Myanmar after August 25, 2017. It is worth noting that this total figure does not include the Rohingya refugees living in host communities and beyond camp boundaries. According to Sheikh Hasina, the Prime Minister of Bangladesh, the country hosts 1.1 million Rohingya. See, 'Hosting 1.1m Rohingyas a big burden' (The Daily Star, July 31 2019) https://www.thedailystar.net/frontpage/bangladesh-pm-sheikh-hasina-says-11-million-rohingyas-big-burden-1779535

[4] Bhasan Char falls under the Hatiya Upazila of the Noakhali District in Bangladesh. https://www.aljazeera.com/news/2021/10/11/un-bangladesh-deal-rohingya-refugees-bhasan-char-island-aid

[5] See, '2020 Joint Response Plan Rohingya Humanitarian Crisis (January – December 2020)' page 27 https://reliefweb.int/sites/reliefweb.int/files/resources/jrp_2020_final_in-design_280220.2mb_0.pdf

[6] See Annex 1 at the end of this Interim Report. 19 interviews were conducted in person. One interview was conducted online.

the questionnaire was used in full during the first phase of the WP4 fieldwork. The analysis presented in this Interim Report places emphasis both on private interpretations of official actors engaged in various levels of the Rohingya refugee response in Bangladesh and refugee interpretations. The interviews were conducted in Bengali and/or English. In Ukhiya, the offices of a local university were used to conduct individual refugee interviews, as it provides a safe meeting space for the Rohingya. Prior to the beginning of interviews, interviewees were given an 'Information Letter' relating to the ASILE Project the contents of which were explained and an 'Informed Consent Form' which the interviewees signed. In light of the sensitive nature of the research, most interviewees agreed to be interviewed anonymously. In line with the ASILE data management plan, all audio recordings of interviews were stored in TSD, a platform for researchers at the University of Oslo and other public research institutions in Norway, which collects, stores and analyses sensitive research data in a secure environment as part of an integrated solution for collecting sensitive data (Nettskjema), and can be accessed from anywhere in the world.

The second phase of the WP4 fieldwork (Round 2) due to begin in Spring 2022 shall be premised on collecting data from actors involved in multiple geographical layers of the Rohingya refugee response, in Dhaka[7], Cox's Bazar/Ukhiya/Bhasan Char,[8] and refugee camp offices (administrative 'heart' of refugee camps). This is because it will be important to note the variances of interpretations of actors from the same organisations working across these multiple layers. Drawing from the ASILE Work Package 4 Fieldwork Plan prepared by Lewis Turner, interviews will be conducted to achieve the following aims:

- Conduct further interviews of persons either working for or had in the past worked for organisations engaged in the Rohingya refugee response, and Rohingya refugees. These interviews will focus on themes not covered sufficiently during Round 1 but emerged as important from the analysis of the data from Round 1. For

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[7] Dhaka is the capital of Bangladesh and home to the headquarters of national and international organisations and state agencies giving leadership to the Rohingya refugee response.

[8] Cox's Bazar, Ukhiya and Bhasan Char are significant for several reasons. These places are home to the regional offices of national and international organisations and NGOs involved in the Rohingya refugee response. The Refugee Relief and Repatriation Commissioner (RRRC) offices are also based in Cox's Bazar. Most importantly, all refugee camps are spread across these three regions.

instance, one of the themes not adequately covered during Round 1 was 'vulnerabilities of the Rohingya' and how those vulnerabilities are assessed.

- Conduct interviews with Bangladeshi Government officials and Rohingya refugees.

- Conduct follow up interviews with selected interviewees from Round 1.

- Fill in 'knowledge gaps' that emerged after analysing data from Round 1. This will include, but not be limited to, conducting interviews of persons that could not be arranged during Round 1, or persons belonging to organisations that were underrepresented in Round 1.

- Ensure that the final report on Bangladesh is empirically up-to-date.

This Interim Report is structured into three sections. The first section looks at the legal status of the Rohingya in Bangladesh. In light of the overarching reality that Bangladesh has not ratified the 1951 Refugee Convention, it sets out the legal framework that governs the relationship between Bangladesh and the Rohingya and offers insight into their rights. It also looks back at the joint registration exercise carried out by the Bangladesh Government and the UNHCR, which resulted in the issuing of 'smart ID cards' to nearly a million Rohingya and the sharing of their biometric data with the Myanmar Government. Drawing from limited data reasons, which are later explained, the second section explores the various categories used to highlight the multifaceted vulnerabilities of the Rohingya and offers insights from key interviewees on alleged blind spots in the system of governance relating to identifying vulnerabilities and responding to such vulnerabilities in practice. Finally, the third section looks at the Rohingya's right to work, a right which Bangladesh has not formally granted. It shows how the Rohingya have involved themselves in informal labour and paid 'volunteer' work for key partners of the Rohingya refugee response, both exploitative forms of work and failing to reach the benchmark of 'decent work'.

Status

The word that best describes the status of the Rohingya in Bangladesh is the word 'precarious'.[9] According to Vincent Chetail, "the longer the refugee remains in the territory of a State Party, the broader becomes the range of entitlements."[10] Although Bangladesh is not a State Party to the 1951 Refugee Convention, the presence of the Rohingya in Bangladesh spans decades and their entitlements have also slowly increased with the passage of time. As of now, these entitlements are channelled through 'smart ID cards' which were provided to the Rohingya by the Bangladesh Government and the UNHCR in exchange for their biometric data. Nevertheless, many gaps in the refugee protection regime remain, and the "voluntary and safe repatriation [of the Rohingya] to Myanmar"[11] overshadows the need to enhance the rights of the Rohingya.

Despite the formal disconnect between Bangladesh and the 1951 Refugee Convention and Bangladesh's lack of national laws addressing refugee matters, it is not entirely devoid of a framework to protect refugees. The Bangladesh Constitution and the Foreigners Act 1946 remain the two fundamental laws that shape the status of the Rohingya in Bangladesh.

The Bangladesh Constitution guarantees several inalienable and fundamental rights to the Rohingya which include, the right to protection of the law (Article 31), the right to life and personal liberty (Article 32), safeguards to arrest and detention (Article 33), prohibition of forced labour (Article 34), protection in respect of trial and punishment (Article 35), and the freedom of thought, conscience and speech (Article 39). Unlike the remaining rights guaranteed under Part III of the Bangladesh Constitution, the abovementioned rights apply

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9   See, Md. Mostafa Hosain, 'Rohingya Refugees' in Mohammad Shahabuddin (ed) Bangladesh and International Law (Routledge 2021); Ashraful Azad, 'Legal Status of the Rohingya in Bangladesh: Refugee, Stateless or Status Less' in Legal Protections for Rohingya in Bangladesh, Malaysia and Thailand (Equal Rights Trust 2016); Md Kamrul Hasan Arif, 'The Rohingya Refugees in Bangladesh: Non-refoulement and Legal Obligation under National and International Law' (2020) 27 International Journal on Minority and Group Rights 855-875.

10   Vincent Chetail, International Migration Law (Oxford University Press 2019) 178

11   ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 9 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

not just to citizens but to all persons residing in Bangladesh.[12] Unfortunately, many of these rights are repeatedly violated through the enforcement of the Foreigners Act 1946 against the Rohingya. Over the years, many Rohingya have been detained and sentenced under the Foreigners Act 1946 after being found beyond the boundaries of refugee camps where the Bangladesh Government directs them to stay. Alarmingly there are also cases where Rohingya victims of human trafficking have also been detained under the Foreigners Act.[13]

In practice, the status of the Rohingya in Bangladesh is shaped by the key partners responsible for coordinating the Rohingya refugee response. These partners include the Bangladesh Government and its subordinate ministries and bodies such as the Refugee Relief and Repatriation Commissioner (RRRC), as well as the Strategic Executive Group (SEG), and the Inter-Sector Coordination Group (ISCG), where the UNHCR and IOM play significant roles. In addition to this, the other important body is the Bangladesh Rohingya Response NGO Platform which comprises more than one hundred local and international NGOs. During fieldwork, it became apparent that interviewees working or had worked for UN agencies and NGOs referred to themselves as "humanitarians". The other significant entity that has shaped the status of the Rohingya is the Supreme Court (SC) of Bangladesh. In a recent contribution to the Forced Migration Review (FMR), the author of this report presented the SC "as an entity that clearly has the potential to assist and protect refugees" because on several occasions, it has come to the aid of the Rohingya by upholding the principle of non-refoulement.[14]

The Bangladesh Government does not recognise the majority of the Rohingya as 'refugees'. Instead, it identifies them as 'Forcibly Displaced Myanmar Nationals'. The only Rohingyas to be granted 'refugee status' were the 33,600 Rohingya acknowledged as such in the early 1990s. According to Nasir Uddin, the Bangladesh Government justifies its

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[12]   See, the Constitution of the People's Republic of Bangladesh http://bdlaws.minlaw.gov.bd/act-details-367.html

[13]   Tribune Desk, 'মালেশিয়ার কথা বলে সমুদ্রে ঘুরিয়ে চট্টগ্রামে!' (Bangla Tribune, May 31, 2021) https://bangla.dhakatribune.com/bangladesh/2021/05/31/34961?fbclid=IwAR38YjzTbmvbAoV_PpGjyVoyS X_7vmjfH__TYC6xbrAQ29q4twpQxY2U0FY

[14]   M Sanjeeb Hossain, 'Bangladesh's judicial encounter with the 1951 Refugee Convention' (2021) 67 Forced Migration Review https://www.fmreview.org/issue67/hossain

decision not to grant refugee status to the majority of the Rohingya based on the following three reasons: 1) Bangladesh is not a state party to the 1951 Refugee Convention; 2) Bangladesh is a developing and over-populated country and cannot host nearly a million refugees, and 3) if given 'refugee status, the Rohingya will claim various rights guaranteed under international law, none of which the Bangladesh Government intends to provide.[15]

Supplementing Uddin's findings, there is scope to believe that Bangladesh's refusal to grant refugee status to the Rohingya may also stem from the assumption that doing so would close the door to their voluntary repatriation. During an interview with a senior representative of a local NGO,[16] it was claimed that Bangladesh's reluctance is based on the experience of recognizing as refugees Rohingya persons who fled from Myanmar in the early 1990s at the insistence of the UNHCR. According to the interviewee, this created greater obligations towards these refugees, but did not result in their repatriation to Myanmar. At the time, despite UNHCR's assurances to the then Bangladesh Government that recognizing them as refugees would allow for the UNHCR to be better placed to negotiate for their repatriation, they remained in Bangladesh indefinitely. The interviewee explained that this was the reason why the Bangladesh Government decided against recognizing the Rohingya who arrived in large numbers in 2017 as refugees, as it was perceived that refugeehood would act as a bar to voluntary repatriation. It is worth noting that organisations such as the UNHCR and IOM address the Rohingya as 'refugees' and treat them as 'refugees'. This is evident from the Joint Response Plan 2021, which reads:

> *The Government of Bangladesh refers to the Rohingya as "Forcibly Displaced Myanmar Nationals (FDMN)." The UN system refers to this population as Rohingya refugees, in line with the applicable international framework. In this Joint Response Plan document, both terms are used, as appropriate, to refer to the same population.*[17]

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[15] Nasir Uddin, The Rohingya – An Ethnography of 'Subhuman' Life (Oxford University Press, 2020) 114-115.

[16] Interview with BD11, a senior representative of a local NGO, Dhaka, 18 March 2021, on file with the author.

[17] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 2 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

Regarding labelling the Rohingya as FDMN or refugees, several impressions emerged during fieldwork. First, the FDMN and refugee labels are not of great concern to the key partners engaged in the refugee response. Secondly, most interviewees felt that even if 'refugee status' were granted to the Rohingya now identified as FDMN, they would not necessarily receive more than the degree of support they are receiving now. This 'feeling', of course, is incorrect.

After the Rohingya fled from persecution in Myanmar and entered Bangladesh in large numbers in 2017, the UNHCR convinced the Bangladesh Government of the value of registering all Rohingyas above the age of 12. This resulted in a "registration exercise" jointly administered by the Bangladesh Government and the UNHCR which began in June 2018 and came to an end in 2019. Representatives of the Bangladesh Government have expressed some concern with regards to the total number of Rohingyas residing in Bangladesh. In October 2020, Md. Shahriar Alam, the Bangladeshi State Minister for Foreign Affairs, claimed that Bangladesh was hosting nearly 1.1 million Rohingya since the latest mass arrivals in 2017.[18] It is, therefore, likely that the joint registration drive by UNHCR and the Bangladesh Government targeted the 'visible' Rohingya and did not include several hundred thousand Rohingya who over the years fled across the border and integrated themselves into local communities outside formal camps.

In a situation where the majority of the Rohingya residing in Bangladesh do not have 'refugee status', biometrically registering with the UNHCR formed an important step which "produce[d] information about numbers of people seeking international protection, and the data that is deemed the most authoritative account of 'people of concern' to the agency, and of numbers living in host states."[19] According to the UNHCR, while biometric registration did not result in the Rohingya gaining 'refugee status', it served as a stepping stone towards them

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[18] Bangladesh Ministry of Foreign Affairs, 'Statement to be delivered by H.E. Md. Shahriar Alam, MP, Hon'ble State Minister for Foreign Affairs at the Virtual Conference on "Sustaining Support for the Rohingya Refugee Response"' (25 October 2020) <https://mofa.gov.bd/site/page/6ed6a8ce-91dc-44c0-9f03-789ca71eaee1> accessed 29 June 2021.

[19] Cathryn Costello, M. Sanjeeb Hossain, Maja Janmyr, Nora M. Johnsen, & Lewis Turner, 'Refugee Recognition and Resettlement' (ASILE Working Paper, July 2021) 44.

regaining their human dignity and restoring their identities which allows them access to fundamental rights, a range of services and durable solutions.[20]

With time the biometric registration of the Rohingya has emerged as a double-edged sword. When the registration drive was set in motion in 2018, some of the Rohingya people protested the overall lack of transparency and for not being consulted when the ID was being designed.[21] They felt that the 'smart card' should have recognised their Rohingya ethnicity and expressed concerns over the prospect of their biometric data being shared with the Myanmar authorities. They were legitimately fearful of the possibility that their biometric data would be used against them after being repatriated to their homeland.[22] At the time, the UNHCR representative confirmed that the collection of biometric data was not linked to repatriation efforts and that the Bangladesh Government and UNHCR jointly maintained the data.[23] According to a Rohingya refugee interviewed during fieldwork, the initial resistance to taking part in the registration drive was met with an informal message from both the Bangladesh Government and UNHCR authorities that refusal to participate would result in the denial of food rations.[24] In essence, the Rohingya had no choice but to register. Therefore, while biometric registration facilitated essential assistance and ensured the protection of the Rohingya, the data has also been used to limit their right to movement by making sure that they stay within refugee camps. Biometric registration has also materialized to 'catch out' any Rohingya trying to apply for Bangladeshi passports. As has been argued elsewhere, it remains unclear whether this was

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[20] UNHCR, 'Data of millions of refugees now securely hosted in PRIMES' (UNHCR Blogs, 28 January 2019) https://www.unhcr.org/blogs/data-millions-refugees-securely-hosted-primes

[21] Institute on Statelessness and Inclusion, Locked In and Locked Out: The Impact of Digital Identity Systems on Rohingya Populations (November 2020) 17f
 https://files.institutesi.org/Locked_In_Locked_Out_The_Rohingya_Briefing_Paper.pdf

[22] Mohammad Nurul Islam, 'Bangladesh faces refugee anger over term "Rohingya", data collection' (Reuters, 26 November 2018) https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-idUSKCN1NV1EN

[23] Mohammad Nurul Islam, 'Bangladesh faces refugee anger over term "Rohingya", data collection' (Reuters, 26 November 2018) https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-idUSKCN1NV1EN

[24] Interview with BD2, a Rohingya refugee, Ukhiya, 19 January 2021, on file with the author.

one of the goals of the registration drive or whether it was a side effect.[25] A recent ASILE Working Paper touched upon an alarming development concerning biometric registration which unfolded earlier this year when Human Rights Watch "found that the biometric data that was collected during the joint registration process was submitted to the Myanmar government by the Bangladesh Government for assessment of repatriation."[26]

In light of the abovementioned situation, there are reasons to believe that although the UNHCR claimed that taking the biometric data of the Rohingya "was primarily aimed at providing protection, documentation, and assistance to Rohingya refugees", the concerned data may well be used if the Rohingya are repatriated to Myanmar. This belief is reinforced if one reads the four key pillars comprising the protection framework for the Rohingya refugee response stated in the Joint Response Plan 2021 (JRP 2021) produced by the Inter Sector Coordination Group (ISCG). Intriguingly, three of the four pillars emphasise the sustainable return or repatriation of the Rohingya refugees to Myanmar.[27] Nevertheless, irrespective of their status either as 'Forcibly Displaced Myanmar Nationals' or as 'refugees', both the Bangladesh Government and the UNHCR have clarified that the principle of non-refoulement will be upheld and the Rohingya will not be forcibly returned to Myanmar.

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[25] Cathryn Costello, M. Sanjeeb Hossain, Maja Janmyr, Nora M. Johnsen, & Lewis Turner, 'Refugee Recognition and Resettlement' (ASILE Working Paper, July 2021) 47

[26] Cathryn Costello, M. Sanjeeb Hossain, Maja Janmyr, Nora M. Johnsen, & Lewis Turner, 'Refugee Recognition and Resettlement' (ASILE Working Paper, July 2021) 46; See, Human Rights Watch, 'UN Shared Rohingya Data Without Informed Consent: Bangladesh Provided Myanmar Information that Refugee Agency Collected' (15 June 2021) https://www.hrw.org/news/2021/06/15/un-shared-rohingya-data-without-informed-consent

[27] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 9 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

Vulnerability

This section is drafted in light of two realities. First of all, although the Rohingya are repeatedly and understandably described as 'vulnerable' or 'most vulnerable' populations, a dearth of academic literature overshadows the topic of 'vulnerability assessments'. Secondly, during Round 1 of the fieldwork, 'vulnerabilities' and 'vulnerability assessments' were themes on which the least amount of data was collected. The findings of this section, therefore, draw in part from desk-based research accessing data published on the websites of organisations including but not limited to Humanitarian Response, Reach Initiative, UNHCR, IOM, WFP, various Ministries of the Bangladesh Government, as well as the social media pages of the UNHCR and IOM. It also relies on limited data gained from interviews with representatives of local and international NGOs and UN agencies.

A literature review reveals many categories of vulnerability amongst the Rohingya population, identified by a range of partners involved in the Rohingya refugee response. The Ministry of Health & Family Welfare (MHFW) of the Bangladesh Government, for instance, works with the Armed Forces Division, UN bodies, as well as international, national and local NGOs to deliver health services to the Rohingya. According to the MHFW, vulnerable groups include families *with separated children, unaccompanied children, a member with a disability, an older person at risk with children, severe medical conditions, people with specific needs, single male parents with infants,* and *single female parents.*[28] According to the Joint Multi-Sector Needs Assessment (J-MSNA) published in October 2020,[29] "most vulnerable households" from the Rohingya community included *households without an income or male family members.*[30] In its most recent 'Operational Update' on Bangladesh published in July 2021, the UNHCR described *women, children, older persons*

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[28] Ministry of Health and Family Welfare – Bangladesh Government, 'Forcibly Displaced Myanmar National to Bangladesh Health situation & Interventions Update'
http://103.247.238.81/webportal/pages/controlroom_rohingya.php

[29] The purpose of the J-MSNA was to provide a "comprehensive evidence base of household-level multi-sectoral needs to inform the 2021 Joint Response Plan (JRP)".

[30] MSNA Technical Working Group, Joint Multi-Sector Needs Assessment (J-MSNA) Refugee and Host Communities - Preliminary Findings (01 October 2020) 12
https://reliefweb.int/sites/reliefweb.int/files/resources/bgd_2020_jmsna_preliminary_findings.pdf

and *people living with disabilities* as "vulnerable".[31] The 'Joint Response Plan 2021- Rohingya Humanitarian Crisis' mentions the word 'vulnerable' for the first time when it elaborates on its third protection pillar, which relates to "addressing the living conditions in the Rohingya refugee camps through promoting alternatives to negative coping mechanisms such as dangerous onward movements by sea, child marriage, and domestic violence, and mitigating potential tensions between the Rohingya refugees and the host communities."[32] To this end, the objective of this pillar is to ensure "basic assistance and protection services" for Rohingya men, women, boys and girls as well as "*vulnerable populations*".[33]

In addition to the above categories, more generalised forms of vulnerability affect the Rohingya community. These relate to hazardous weather conditions and COVID-19. In Asia and the Pacific region, Bangladesh is regularly the subject of media attention for its susceptibility to weather-related hazards during the monsoon season in floods, landslides and communicable diseases.[34] Therefore it does not come as a surprise that the 34 camps and adjacent regions which host the majority of the Rohingya are "vulnerable to seasonal cyclones and monsoon".[35] Vulnerabilities of the Rohingya to such hazards were glaringly exposed during the ongoing monsoon when the district of Cox's Bazar was inundated with torrential rain claiming the lives of eight Rohingya and 15 Bangladeshis. Severe floods and landslides inside and beyond the refugee camps displaced 25,000 Rohingya refugees,

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[31] 'UNHCR Bangladesh - Operational Update External - July 2021' https://data2.unhcr.org/en/documents/details/88386?fbclid=IwAR3MSbViTEuEPhwpV1YKDiFpK68xl8o_gpJgotENKheIhR_vSltkzLM5ALM

[32] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 9 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

[33] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 9 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

[34] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 10 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

[35] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 10 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

ravaged many primary health care clinics, distribution points, latrines, and damaged roads, pathways and bridges, impeding humanitarian access to the Rohingya.[36]

At the time of submitting this Interim Report, Bangladesh passed 1,500,000 cases of COVID-19, and 27,000 deaths.[37] This includes 15,778 cases and 212 deaths from the host community and 2,677 cases and 29 deaths from the Rohingya community residing in Cox's Bazar.[38] Since the nationwide vaccination drive began in late January 2021, at least 26,065,757 doses of COVID vaccines have been administered. Although the Rohingya were initially not included in the vaccination drive, in February 2021, the Bangladesh Government signed a revised version of its National Deployment and Vaccination Plan (NDVP) which included the Rohingya as a specific target group alongside the host community in Cox's Bazar.[39] The 'vulnerable' label came to the fore once again when relevant partners including the Bangladesh Government and WHO decided that "the most vulnerable among the Rohingya refugees and their host communities"[40] would be prioritised in the vaccination drive. This was manifested in early August 2021 when the first round of the vaccination drive for Rohingyas aged 55 years and above began.[41] As of now, the plan is to vaccinate 48,000 members of the nearly 900,000 Rohingya refugees.[42]

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[36] WHO - Bangladesh https://covid19.who.int/region/searo/country/bd

[37] WHO - Bangladesh https://covid19.who.int/region/searo/country/bd

[38] WHO, 'Rohingya Crisis Situation Report #16' (19 August 2021) https://reliefweb.int/sites/reliefweb.int/files/resources/who_coxs_bazar_situation_report_16.pdf

[39] Government of the People's Republic of Bangladesh, 'National Preparedness and Response Plan for COVID-19, Bangladesh' (05 March 2020) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/nprp_covid-19_v6_18032020.pdf

[40] ICSG, 2021 Joint Response Plan - Rohingya Humanitarian Crisis (January - December 2021) 11, 21 https://reliefweb.int/sites/reliefweb.int/files/resources/2021_jrp_with_annexes.pdf

[41] As of 18 August 2021, a total of 34, 429 Rohingya refugees were vaccinated. See, https://reliefweb.int/sites/reliefweb.int/files/resources/who_coxs_bazar_situation_report_16.pdf

[42] According to the latest records, there are 32,837 "older persons", i.e. Rohingyas above the age of 59, residing inside the refugee camps. See: https://reliefweb.int/sites/reliefweb.int/files/resources/20210506_jrp2021_summary_2pager.pdf

One of the more well-known 'vulnerability assessments' in the context of the Rohingya refugee response is the 'Refugee Influx Emergency Vulnerability Assessment' (REVA) conducted by the WFP.[43] The main objective of this assessment is to "monitor the food security and vulnerability situation of the Rohingya population in the camps of Cox's Bazar and the host community adjacent to the camps in Ukhiya and Teknaf."[44] The most recent REVA, known as REVA-4, was conducted through an extensive quantitative household survey which was supplemented by focus group discussions and key informant interviews.[45] According to REVA-4, "high vulnerability" was exhibited among households with, 1) a member with a disability or chronic illness; 2) children under the age of 5; 3) adolescent girls; 4) over five members; 5) no working age males; 6) no active income-earning member; and 7) irregular earnings.[46] The focus group discussions identified households (in descending order) with elderly members, those led by women or children, and those with a person with a disability as "most vulnerable". REVA-4 also found that the absence of economic opportunities exacerbated the vulnerabilities of the Rohingya, and that the "high vulnerability" of Rohingya households living inside camps declined over time, implying that so-called 'new arrivals' in camps were far more vulnerable.

Interviewees coming from local and international NGOs, and UN agencies, all of whom were closely engaged with the ongoing Rohingya refugee response offered insights on vulnerabilities and vulnerability assessments in the context of the Rohingya. According to a Psycho-Social Support (PSS) Officer of an international NGO directly who had been engaged

[43] Another significant vulnerability assessment was carried out by the ACAPS-NPM Analysis Hub in partnership with REACH Initiative. See: https://www.acaps.org/sites/acaps/files/products/files/20191220_acaps_analysis_hub_in_coxs_vulnerabilities_in_the_rohingya_refugee_camps_0.pdf

[44] WFP, 'Refugee influx Emergency Vulnerability Assessment (REVA 4) Technical Report' (April 2021) https://api.godocs.wfp.org/api/documents/WFP-0000126925/download/?_ga=2.100094045.2134482101.1630508960-489828061.1630349648

[45] WFP, 'Refugee influx Emergency Vulnerability Assessment (REVA 4) Technical Report' (April 2021) https://api.godocs.wfp.org/api/documents/WFP-0000126925/download/?_ga=2.100094045.2134482101.1630508960-489828061.1630349648 11

[46] WFP, 'Refugee influx Emergency Vulnerability Assessment (REVA 4) Technical Report' (April 2021) https://api.godocs.wfp.org/api/documents/WFP-0000126925/download/?_ga=2.100094045.2134482101.1630508960-489828061.1630349648 14

with the Rohingya refugee response for the past three years, 'vulnerabilities' are heightened by the "situation and circumstances" surrounding a human being.[47] The PSS Officer explained, for instance, that while a range of medical services was made available to Rohingya refugees, the fact remained that trying to gain access to specialised medical support while being restricted to living in camps was in itself a cumbersome process. By the time a Rohingya refugee in need of such a service got specialised medical service or came close to receiving it, their vulnerabilities would increase significantly.

The PSS Officer believed that some NGOs working in the Rohingya refugee response were in effect increasing the vulnerabilities of the Rohingya by "selling" them as vulnerable "products" to donors for the sole purpose of getting funds, and then using a very small portion of those funds to address the Rohingya's needs. The interviewee stressed the absence of an effective mechanism that would allow donors to hold unscrupulous NGOs from further engaging in such activities. "*It all boils down to what is written down in documents, and documents include both truths and lies*", he said. These activities of certain NGOs adversely impacted the "*bhalo kaaj*" or good work of other NGOs and organisations, and gave Bangladeshi Camps-in-Charge (CiCs)[48] an upper hand to refuse 'good' NGOs from doing work that would have otherwise targeted alleviating the vulnerabilities of the Rohingya.[49]

In line with REVA, interviewees representing UN agencies, international NGOs, and a local university reiterated that 'vulnerability assessments' in the context of the Rohingya refugee situation are usually made by arranging household surveys, focus group discussions and key informant interviews. When these assessments are carried out, the word 'vulnerability' or 'vulnerable' or associated Bengali words are never mentioned in front of the Rohingya refugee. According to an interviewee, these words were consciously avoided because it would be counterintuitive to remind a 'vulnerable' human being that he or she is vulnerable. One of the key weaknesses of vulnerability assessments is that the identification of vulnerabilities is often restricted to documentation and limited follow-up. This ties back to several interviewees, according to whom some NGOs packaged vulnerable Rohingyas as products to attract funds.

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[47] Interview with BD14, a Psycho-Social Support (PSS) Officer of an international NGO, Cox's Bazar, 26 March 2021, on file with the author.

[48] Officials employed by the RRRC serve as the administrative head of refugee camps.

[49] Similar conclusions were reached by Daniel P Sullivan of Refugees International in May 2021.

Another significant weakness was multiple organisations offering the same kind of support to the Rohingya in the same camps. For instance, there were cases where three organisations gave psycho-social support of various forms to children residing in the same refugee camp. An interviewee described this as a "wasteful duplication" of support, and prescribed that the process ought to be streamlined whereby the Bangladesh Government and the ISCG would, for example, entrust one organisation with the sole responsibility to render psycho-social support to Rohingyas residing in one camp. This would not just prevent "duplication" but also harmonise the conducting vulnerability assessments.

The purpose of vulnerability assessments is to understand vulnerability beyond "typical humanitarian categories" which would assist humanitarian agencies to "provide a more nuanced response to needs [of refugees] based on evidence".[50] Subject to further research, it can at this point be stated that the Rohingya are vulnerable in many ways and multiple categories of vulnerabilities have been identified by key stakeholders engaged in the refugee response. Consistent with existing understandings of vulnerability in other refugee situations, Rohingya women and children are constantly identified as "most vulnerable".[51] However, it remains to be seen whether there is a "vulnerability contest" in play where highly traumatised people are the ones who remain most neglected.[52] With regards to the Rohingya refugee situation, it can be said that there is a dearth of a streamlined process through vulnerability assessments are carried out, and that their impact is stunted by limited follow-up and unscrupulous NGOs that exploit the Rohingya to attract funds.

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[50] WFP, 'Refugee influx Emergency Vulnerability Assessment (REVA 4) Technical Report' (April 2021) https://api.godocs.wfp.org/api/documents/WFP-0000126925/download/?_ga=2.100094045.2134482101.1630508960-489828061.1630349648 14

[51] Katie Burton, 'The largest refugee camp in the world: the plight of Rohingya women and girls' (Geographical, 20 September 2019) https://geographical.co.uk/people/development/item/3408-the-largest-refugee-camp-in-the-world; Alexandra Kotowski, 'Four things to know about Covid in the world's largest refugee camp' (Oxfam, 11 March 2021) https://www.oxfam.org/en/blogs/four-things-know-about-covid-worlds-largest-refugee-camp

[52] Dina Baslan and Izza Leghtas, 'We Need to Help Jordan's Other Refugees' (Refugees Deeply, 11 October 2018) https://deeply.thenewhumanitarian.org/refugees/community/2018/10/11/we-need-to-help-jordans-other-refugees

Right to Work

In Bangladesh, the Rohingya have not formally been given the right to work. This, of course, does not mean that the Rohingya do not 'work' and, in turn, earn money for their services. This becomes particularly evident if one visits a refugee camp that is buzzing with activity. According to Filipski and others who assessed economic activities in and around Rohingya refugee camps and published their findings in the Journal of Refugee Studies, the presence of the Rohingya and their interactions with the local community have reshaped the local economy through a wide array of informal business activities.[53] In the course of fieldwork, the sprawling markets, food shops, grocery stores, tailors, and a range of other businesses seen inside the refugee camps supported this view. In addition to taking part in informal business activities, the Rohingya are also engaged by 'humanitarians' as volunteers for which they get paid for their services. However, this does not mean that the kind of work the Rohingya are engaged in qualifies as 'decent work' or that the Rohingyas' work-related opportunities at present were available to them from the outset of the most recent arrivals of Rohingya refugees in 2017. The following paragraphs trace the evolution of the Rohingyas' opportunity to 'informally' work in Bangladesh. They also explain how at the insistence of the Bangladesh Government and with the support of the 'humanitarian' community, this arrangement is intentionally preserved so that the Rohingya are unable to improve their living of living and perpetually remain in a state where they are primarily dependent on aid to sustain themselves.

As discussed earlier, most of the Rohingya currently residing in Bangladesh are categorised not as 'refugees' but as 'Forcibly Displaced Myanmar Nationals' (FDMNs) who do not formally have the right to work.[54] Towards the beginning, immediately after the arrival of the Rohingya in August 2017, a host of 'humanitarian' organisations came to their aid. The response was chaotic and the process of giving aid to the Rohingya took place in the absence of any organisations having Standard Operating Procedures (SOPs). Some of

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[53] Mateusz J. Filipski, Gracie Rosenbach, Ernesto Tiburcio, Paul Dorosh, and John Hoddinott, 'Refugees Who Mean Business: Economic Activities in and Around the Rohingya Settlements the Rohingya Settlements in Bangladesh' (2019) 34(1) Journal of Refugee Studies 1202, 1225.

[54] The 33,600 Rohingya who were granted 'refugee status' by the Bangladesh Government in the mid-1990s are the only ones who formally have the right to work in Bangladesh.

these organisations employed the Rohingya as labourers inside the evolving refugee camps from the outset of the response. These organisations did not hire Bangladeshis at the time because they would have to be paid higher wages.

When 'humanitarians' shared the idea of standardising the process of engaging the Rohingya in paid labour within the camps with the Bangladesh Government, the response from the latter was a straightforward 'no'. The concerns of the Bangladesh Government were that engaging the Rohingya as paid labourers would obstruct the economic opportunities of Bangladeshis from the host community. The Bangladesh Government maintained that the Rohingya should not be engaged in paid labour because it would encourage them to prolong their stay in Bangladesh. It believed that creating the possibility of Rohingya refugees earning enough money would empower them to leave the camps altogether and integrate with the local community. These beliefs were echoed in the words of the Bangladeshi State Minister for Foreign Affairs who said: "If we are offering [the Rohingya] a better life than what they are used to, they will not go back."[55]

Amid the kind of situation described above, 'humanitarians' from UN agencies and a local NGO "fought" with the Bangladesh Government to allow employing the Rohingya as paid "volunteers" and giving them "loose cash" for their services.[56] According to an interviewee representing a UN agency who served in camp management for several years, the Bangladesh Government's rigidity thawed over time for several reasons. First of all, the BG came to terms with the reality that during the chaotic arrival of the Rohingya and the humanitarian response that soon followed, many organisations had already begun to employ the Rohingya as paid labourers without the BG's blessings. Secondly, the 'humanitarians' pledged to employ only those Rohingya living within the camps and pay them at rates below what a Bangladeshi would be paid for the same job. It was assured that the so-called employment opportunities would be run on an ad hoc week to week basis to remove any sense of 'job security'. 'Humanitarians' categorised these work opportunities as a form of 'volunteerism' through which the Rohingya

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[55] Feliz Solomon, '"We're Not Allowed to Dream." Rohingya Muslims Exiled to Bangladesh Are Stuck in Limbo Without an End In Sight' (Time, 23 May 2019) https://time.com/longform/rohingya-muslims-exile-bangladesh/

[56] Interview with BD1, a former representative of a UN agency, Cox's Bazar, 18 March 2021, on file with the author.

would be able to contribute to their own community and, in exchange for their contributions, earn some loose cash. Such a system would, in effect, streamline the wages of the Rohingya to a minimum rate that would, on the one hand, not be sufficient to empower them financially, but on the other hand, be just enough to sustain themselves.

As a consequence of negotiations between the Bangladesh Government, humanitarians, and the Rohingya themselves, an understanding was reached to allow the giving of "direct cash" to the Rohingya only if certain conditions were met. These conditions, which centred around the core decision that Rohingya could be hired as 'volunteers' only if all employment options from the local community had been exhausted, included: 1) the concerned work was work which Bangladeshis would not be able to perform due to a lack of relevant skill; 2) it was not possible to find Bangladeshis interested in doing that kind of work; and, 3) It was unsafe for Bangladeshis to do that kind of work.

Based on this decision, it became possible for the Rohingya to be hired as 'volunteers' by humanitarian organisations. As a result, one UN agency, for instance, began to employ the Rohingya in large numbers in various kinds of "skilled" and "unskilled" labour, and also as "volunteers" or "enumerators" engaged in data collection inside the refugee camps. Skilled and unskilled[57] labour would be paid BDT 75/- and 50/- per hour, respectively. The highest amount a Rohingya family would be able to earn per month would range between BDT 7,200 and 12,000/-. Not more than one person from one Rohingya family would get a job. The same person from one Rohingya family would not work continuously for more than two weeks. After the passage of two weeks, another member from the same Rohingya family would get the chance to work.

According to an interviewee, there are two reasons behind the imposition of this 'cap'. The first reason relates to ensuring a sense of equity between Rohingya families. The objective was to prevent larger families from earning more money than smaller families. The second reason behind imposing this 'cap' is that humanitarians believed large amounts of loose cash given to a 'vulnerable' population like the Rohingya would inevitably fuel "corruption and terrorism". This is why, after paying Rohingyas for their labour, one UN agency engages in "post-distribution monitoring" which involves its staff visiting Rohingya families and asking them

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[57] Unskilled jobs are referred to as boduilla or gadha khata labour which loosely translates to back-breaking physical work which requires nothing more than rudimentary motor skills.

how they spent the money they earned through their jobs. The only agreement between that UN agency and a Rohingya refugee it employs Rohingya is entered into when a cash payment is made. This agreement entails taking consent from the Rohingya that the UN agency can engage them in work relating to site development, data collection etc. According to an interviewee, this agreement amounted to a 'consent form'. It was the only contractual form the Rohingya had relating to their work inside the refugee camps.

Many interviewees felt that the opportunity to earn loose cash as 'volunteers' or by taking part in informal businesses gives a degree of dignity to the lives of the Rohingya. For instance, working as a skilled labourer entailed receiving training and certification on protection norms, learning how to take surveys, and incorporating incident reports into the KoBo Toolbox. That said, many interviewees working for organisations that hired the Rohingya as 'volunteers' conceded that the income generated through these activities was not enough to improve their living standards. An interviewee formerly representing a UN agency said: "You see, when a Rohingya starts to earn more money, they become a threat to the local Bangladeshis. Humanitarians always have to keep this in mind."[58] Bearing in mind that it was always logistically easier to employ Rohingya camp residents oblivious to work-related rights, the same interviewee agreed that how the Rohingya worked was "exploitative" at the end of the day. This person contended that 'decent work', required, among other things, employing someone in a job that has a contract, a staffing plan and job security, ensuring that there is scope within the job for the employee's development, and allows the employee to be supported by human resources. The interviewee acknowledged that none of the work opportunities for the Rohingya qualified as 'decent work'.

However, not all is lost. The decision which allowed the Rohingya to get loose cash through work reduced their vulnerabilities, albeit minimally. The work opportunities alleviated their day to day suffering to an extent. When asked about the positive outcomes of the Rohingya being informally granted the opportunity to work, several interviewees felt that it empowered Rohingya females for the first time doing a job meant being able to get out of their homes. This was echoed in the words of an interviewee, a representative of a UN agency, who said: "The Rohingya are an extremely conservative community. In the past, girls would not be able to

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[58] Interview with BD1, a former representative of a UN agency, Cox's Bazar, 18 March 2021, on file with the author.

leave their homes. The chance to do some work created the opportunity for Rohingya females to leave their homes. The fact that a Rohingya man would not object to a Rohingya woman doing paid work marked a profound change in their day to day lives and facilitated female empowerment."[59]

Conclusion

Recalling visits to the refugee camps during the first round of fieldwork and drawing from the data shared by interviewees, the overall impression gained about the Rohingya refugee situation in Bangladesh is that when it comes to supporting and protecting the Rohingya, the system set in place by the Bangladesh Government with the crucial support of international UN agencies and local and international NGOs, is no longer "ad hoc, arbitrary and discretionary" as was once described by Pia Prytz Phiri many years ago.[60] While gaps in the refugee protection regime remain, it also would not be an exaggeration to now discount Eileen Pittaway's assertion from 2008 that in the context of having to find a safe haven either in Myanmar or Bangladesh, the Rohingya felt "like deer caught between two tigers". This Interim Country Report on Bangladesh explored the status of the Rohingya in Bangladesh, their vulnerabilities, and their right to work. It showed that despite an increase in the entitlements of the Rohingya, most of whom are not recognised as 'refugees', many gaps remain in the protection regime, which leaves the Rohingya in a perpetually 'precarious' situation with limited rights. This precarious situation enhances their existing vulnerabilities, creates new ones, and sustains an environment where the Rohingya are continuously and easily exploited.

In *Protecting Civilians in Refugee Camps – Unable and Unwilling States, UNHCR and International Responsibility*, Maja Janmyr begins her concluding 'Final Words' with a quote from French philosopher Denis Diderot who is known to have said: "*It is not enough to do good, it must be done well.*" With regards to the Rohingya refugee situation in Bangladesh, what needs to be acknowledged is that while there are clear attempts to do 'good' for the

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[59] Interview with BD8, a representative of a UN agency, Cox's Bazar, 18 March 2021, on file with the author.

[60] Phiri P P, 'Rohingyas and refugee status in Bangladesh' (2008) 30 Forced Migration Review https://www.fmreview.org/burma/phiri

Rohingya, doing those things 'well' remains a far cry. Anyone familiar with the plethora of policy documents published by key partners engaged in the Rohingya refugee situation will feel that the partners form a 'mutual appreciation society' where, for example, UN agencies shower praise on the Bangladesh Government for its generosity as it continues to host the Rohingya, and the Bangladesh Government appreciating UN agencies and other organisations for their involvement and support. In no way is the purpose of this Interim Report to undermine the positives of the Rohingya refugee situation and the role played by key partners in highly challenging circumstances. However, this report attempted to shed some light on the other darker side of this story. One of my interviewees, the PSS Officer, aptly summed up this reality:

> *There are plenty of initiatives through which the Rohingya receive support and services. But so much of all this is being given in name only and not properly. I admit that it's not that the Rohingya are not receiving any support at all. They are. And, if they didn't, the situation would have been much worse. All I want to say is that we could have done more. We should do more.*

Annex 1

No.	Interviewee	Organisation	Place	Date(s) 2021
1	BD1	Former representative of a UN agency	Dhaka and Cox's Bazar	17 Jan, 23 Feb, 28 Feb, 7 March, 18 March,
2	BD2	Rohingya refugee	Ukhiya	19 Jan, 21 Jan, 1 March, 25 March
3	BD3	Rohingya refugee	Ukhiya	19 Jan
4	BD4	Rohingya refugee	Ukhiya	21 Jan
5	BD5	Representative of local NGO	Dhaka	10 Feb
6	BD6	Representative of UN agency	Cox's Bazar	9 March,
7	BD7	Representative of international NGO	Cox's Bazar	11 March
8	BD8	Representative of UN agency	Cox's Bazar	14 March, 18 March
9	BD9	Representative of UN agency	Cox's Bazar	15 March
10	BD10	Representative of international NGO	Cox's Bazar	17 March
11	BD11	Representative of local NGO	Dhaka and Cox's Bazar	18 March
12	BD12	Rohingya refugee	Cox's Bazar	25 March
13	BD13	Representative of local NGO	Cox's Bazar	26 March
14	BD14	Psycho-Social Support Officer of international NGO	Cox's Bazar	26 March

15	BD15	Representative of UN agency	Cox's Bazar	26 March
16	BD16	Representative of UN agency	Cox's Bazar	27 March
17	BD17	Representative of international NGO	Cox's Bazar	27 March
18	BD18	Representative of local NGO	Cox's Bazar	28 March
19	BD19	Representative of international organisation	Cox's Bazar	28 March
20	BD20	Representative of local organisation	Cox's Bazar	28 March