
International Responsibility and Burden Sharing in Refugee Protection: Lessons from the Rohingya Crisis in Bangladesh

Name-Syed Abul Hossain

PhD Scholar

Mangalayatan University, India

ABSTRACT

The Rohingya refugee crisis has emerged as one of the most significant humanitarian and human rights challenges of the twenty-first century. Following decades of systematic discrimination, statelessness, and mass atrocities in Myanmar, more than one million Rohingya refugees have sought protection in Bangladesh. This situation raises critical questions regarding international responsibility and burden sharing in refugee protection. While international human rights and refugee law emphasize collective responsibility, the practical implementation of burden-sharing mechanisms remains weak and uneven. This article critically examines the concept of international responsibility-sharing within the framework of international refugee and human rights law, using the Rohingya crisis in Bangladesh as a case study. Through doctrinal legal analysis and review of secondary sources, including UN reports, academic literature, and policy documents, the study highlights the failure of the international community to equitably distribute responsibility among states. Bangladesh, despite limited resources and absence of formal obligations under the 1951 Refugee Convention, has borne a disproportionate burden. The article argues that the lack of binding international mechanisms, political interests of powerful states, and inadequate resettlement and financial support have undermined effective refugee protection. It concludes that without a rights-based and enforceable burden-sharing framework, refugee-hosting states in the Global South will continue to face excessive humanitarian and economic pressures. The article proposes legal and policy reforms aimed at strengthening international cooperation, accountability, and sustainable solutions for refugee protection.

Keywords: Burden Sharing, Refugee Protection, Rohingya Crisis, International Responsibility, Human Rights, Bangladesh

1. Introduction

Forced displacement has become a defining feature of contemporary global politics. According to the United Nations High Commissioner for Refugees, the number of forcibly displaced persons worldwide has reached unprecedented levels, driven by armed conflict, persecution, ethnic violence, and systematic human rights violations. Among these crises, the Rohingya refugee situation stands out both for its scale and for the stark illustration it provides of the failure of international responsibility-sharing mechanisms. International refugee protection is founded on the principle that displaced persons should not be left without protection due to the inability or unwillingness of their home states to safeguard fundamental rights. However, refugee protection is not solely the responsibility of host states.

International law, humanitarian norms, and ethical principles all emphasize the importance of collective action and equitable burden sharing. Despite this, refugee-hosting responsibilities remain overwhelmingly concentrated in developing countries. Bangladesh's experience with the Rohingya crisis exemplifies this imbalance. Following the mass influx of Rohingya refugees in 2017, Bangladesh opened its borders on humanitarian grounds, providing shelter and basic assistance to a population that had fled extreme violence and persecution. This response was widely praised by the international community. Nevertheless, international support has largely remained limited to humanitarian aid, while long-term responsibility-sharing measures such as resettlement, sustained financial assistance, and political accountability have been insufficient. This article seeks to explore the gap between international legal commitments and actual practice in refugee burden sharing. It argues that the Rohingya crisis reflects a broader structural weakness in the international refugee regime, where responsibility is rhetorically shared but practically avoided by many states. By examining legal frameworks, international responses, and Bangladesh's experience, this study aims to contribute to the scholarly debate on equitable refugee protection and international solidarity.

2. Conceptual Framework: International Responsibility and Burden Sharing

2.1 Concept of Burden Sharing in Refugee Law

The concept of burden sharing refers to the equitable distribution of responsibilities among states in providing protection and assistance to refugees. Although the term is frequently used in international policy discourse, it lacks a precise legal definition. Nevertheless, burden sharing is deeply embedded in the spirit of international refugee law and human rights principles.

The 1951 Convention Relating to the Status of Refugees recognizes that granting asylum may place unduly heavy burdens on certain countries and emphasizes the need for international cooperation. Scholars argue that this acknowledgment implies a collective obligation rather than a purely voluntary humanitarian gesture (Goodwin-Gill & McAdam, 2021).

2.2 Human Rights Foundations of Responsibility Sharing

International human rights law reinforces the principle of shared responsibility. The Universal Declaration of Human Rights affirms the right to seek and enjoy asylum from persecution. Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights impose obligations on states to respect, protect, and fulfill fundamental rights without discrimination.

From a human rights perspective, failure to share responsibility undermines the protection of refugee rights, particularly in protracted displacement situations. When host states lack adequate support, refugees often experience restricted access to education, healthcare, employment, and legal protection.

2.3 Global Compact on Refugees and Its Limitations

The Global Compact on Refugees, adopted in 2018, represents a significant normative development aimed at strengthening international cooperation and responsibility sharing. It promotes mechanisms such as financial assistance, resettlement, and development support for host communities. However, the Compact is non-binding and relies heavily on voluntary commitments, limiting its effectiveness in addressing large-scale refugee crises such as that of the Rohingya.

3. Historical Context of the Rohingya Crisis

The Rohingya are a Muslim ethnic minority primarily from Myanmar's Rakhine State. Despite their historical presence in the region, the Rohingya have been systematically excluded from Myanmar's national identity framework. The 1982 Citizenship Law effectively rendered them stateless, depriving them of legal recognition and access to basic rights. Decades of discrimination, movement restrictions, and periodic violence culminated in the 2017 military crackdown, which forced more than one million Rohingya to flee to Bangladesh. International investigations documented widespread atrocities, including killings, sexual violence, and destruction of villages. These events have been widely characterized as crimes against humanity and genocide. The forced displacement of the Rohingya was not a sudden humanitarian emergency but the predictable outcome of long-standing structural discrimination and international inaction. The failure to address root causes has transformed the crisis into a protracted refugee situation.

4. Bangladesh as a Host State

Disproportionate Burden Bangladesh's response to the Rohingya influx reflects a humanitarian commitment grounded in moral and customary international law considerations. Despite not being a party to the 1951 Refugee Convention, Bangladesh has adhered to the principle of non-refoulement and provided refuge to the Rohingya population. However, hosting such a large refugee population has imposed significant economic, social, and environmental costs. Overcrowded camps in Cox's Bazar have strained local infrastructure, contributed to deforestation, and heightened security concerns. Host communities have also faced competition for resources and employment opportunities. The international community's support has largely focused on short-term humanitarian aid rather than sustainable responsibility-sharing strategies. As a result, Bangladesh continues to shoulder the long-term consequences of a crisis it did not create

5. International Community Responses and the Reality of Burden Sharing

The international community's response to the Rohingya refugee crisis has been marked by a significant gap between rhetorical commitment and practical responsibility sharing. While humanitarian assistance has been mobilized relatively quickly, long-term and equitable burden-sharing mechanisms remain largely absent. International organizations, particularly the UNHCR, have played a central role in coordinating emergency relief, camp management, and protection services in Bangladesh. Donor states have contributed financial aid to support food, shelter, healthcare, and sanitation. However, scholars argue that humanitarian aid alone does not constitute meaningful burden sharing (Betts, 2011). Burden sharing, in its substantive sense, involves not only financial assistance but also responsibility redistribution through resettlement, development cooperation, and political engagement aimed at addressing root causes (Goodwin-Gill & McAdam, 2021). In the case of the Rohingya, resettlement opportunities have remained extremely limited. Only a small fraction of refugees have been offered third-country resettlement, reflecting a broader reluctance among developed states to accept refugees from the Global South (Gibney, 2018). Moreover, international funding for the Rohingya response has been inconsistent and often insufficient. UN Joint Response Plans for the Rohingya crisis have repeatedly faced funding shortfalls, forcing humanitarian agencies to scale back essential services, including education and healthcare (UNHCR, 2023). This funding gap directly affects the realization of refugees' economic and social rights, placing additional strain on Bangladesh as the host state.

The lack of predictable and sustained international support underscores a structural weakness in the global refugee regime. While international law emphasizes cooperation, it does not

impose binding obligations on states to share responsibility, allowing political interests to override humanitarian commitments (Hathaway, 2005).

6. Legal Accountability, International Justice, and Political Constraints

A crucial dimension of international responsibility in the Rohingya crisis concerns accountability for mass human rights violations committed in Myanmar. International law provides mechanisms for addressing genocide and crimes against humanity, yet the effectiveness of these mechanisms depends heavily on political will. Proceedings initiated before the International Court of Justice under the Genocide Convention marked a significant step toward legal accountability. The ICJ's provisional measures order recognized the plausibility of genocide claims and imposed obligations on Myanmar to prevent further violations. However, the ICJ lacks enforcement power, and compliance depends on state cooperation (Akande, 2020). Similarly, efforts to pursue criminal accountability through the International Criminal Court have faced jurisdictional and political challenges. Myanmar's non-membership in the ICC has limited prosecutorial reach, illustrating how gaps in international criminal jurisdiction undermine justice for victims (Schabas, 2021). Political constraints further weaken accountability mechanisms. Geopolitical interests, regional alliances, and veto power within the UN Security Council have prevented the adoption of binding enforcement measures against Myanmar. This political paralysis reflects a broader trend in which strategic considerations outweigh human rights protection, particularly when violations occur in geopolitically sensitive regions (Milanovic, 2016). The failure to ensure accountability has direct implications for burden sharing. Without addressing the root causes of displacement, refugee-hosting states like Bangladesh are left managing a protracted crisis with no clear resolution. Scholars emphasize that accountability and responsibility sharing are interdependent; durable solutions cannot emerge in the absence of justice (Orchard, 2014).

7. Findings, Analysis, and Policy Implications

7.1 Key Findings

This study finds that the Rohingya crisis reveals a systemic failure of international responsibility sharing in refugee protection. Despite extensive normative frameworks, actual responsibility remains disproportionately borne by Bangladesh. The absence of binding burden-sharing obligations allows wealthier states to limit their engagement to voluntary humanitarian aid. The analysis further demonstrates that non-signatory states to the Refugee Convention, such as Bangladesh, often shoulder greater refugee burdens than states with formal legal obligations. This paradox highlights the inequitable functioning of the global refugee regime (Hathaway & Foster, 2014).

7.2 Human Rights Implications

The concentration of responsibility in a single host state undermines refugees' human rights. Limited access to education, employment, and legal status in Bangladesh is not solely the result of domestic policy choices but also of insufficient international support. Human rights law emphasizes the principle of international cooperation, particularly for the realization of economic and social rights (ICESCR, Article 2).

7.3 Policy Implications

The Rohingya crisis illustrates the need to move from charity-based responses to rights-based responsibility sharing. Financial aid must be complemented by resettlement programs, development assistance for host communities, and enforceable accountability mechanisms. Without such reforms, refugee protection will remain uneven and unsustainable.

8. Recommendations

Binding Responsibility-Sharing Mechanisms:

The international community should develop legally binding frameworks that distribute refugee protection responsibilities more equitably among states.

Expanded Resettlement Programs:

Developed states should significantly increase third-country resettlement quotas for Rohingya refugees.

Sustained Support for Bangladesh:

Long-term development assistance should be provided to both refugees and host communities to reduce socio-economic pressures.

Strengthened Accountability:

International legal mechanisms must be reinforced to ensure accountability for human rights violations in Myanmar.

Conclusion

The Rohingya refugee crisis represents one of the most compelling tests of international responsibility sharing in modern times. While Bangladesh has demonstrated remarkable humanitarian leadership, the international community has largely failed to translate normative commitments into concrete action. The absence of enforceable burden-sharing mechanisms and effective accountability has left refugee protection uneven and fragile. The meaningful refugee protection requires a paradigm shift toward collective responsibility grounded in human rights law. Addressing the Rohingya crisis is not merely a regional concern but a global obligation rooted in the principles of human dignity, justice, and international solidarity.

References

- Akande, D. (2020). The ICJ and the Rohingya genocide case. *Journal of International Criminal Justice*, 18(4), 889–905.
- Betts, A. (2011). *Global migration governance*. Oxford University Press.
- Gibney, M. J. (2018). The ethics of refugee protection. *Journal of Refugee Studies*, 31(1), 1–18.
- Goodwin-Gill, G. S., & McAdam, J. (2021). *The refugee in international law* (4th ed.). Oxford University Press.
- Hathaway, J. C. (2005). *The rights of refugees under international law*. Cambridge University Press.
- Hathaway, J. C., & Foster, M. (2014). *The law of refugee status*. Cambridge University Press.
- Milanovic, M. (2016). Human rights treaties and foreign surveillance. *Harvard International Law Journal*, 57(1), 81–146.
- Orchard, P. (2014). A right to flee?. *Refugee Survey Quarterly*, 33(3), 1–27.
- Schabas, W. A. (2021). *Genocide in international law* (3rd ed.). Cambridge University Press.
- UNHCR. (2023). *Global trends: Forced displacement*. United Nations.