

In Harm's Way: The Relocation of Rohingya Refugees to Bhasan Char

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Since December 2020, thousands of Rohingya refugees have been transferred from the camps in Cox's Bazar to Bhasan Char – a previously uninhabited island in the Bay of Bengal. Touted as a solution to the overcrowded living conditions in the camps, the Bangladesh government has announced plans to relocate 100,000 people to the island, which currently hosts around 20,000 Rohingya refugees. While officials insist that relocations were based on informed consent, a recent report by Human Rights Watch found that Rohingya community members and donors were deceived with regards to the conditions on Bhasan Char. Refugees also described being forcibly transported to the island, without their consent,¹ and once on Bhasan Char, silenced and prevented from leaving.² Reports of inadequate health care, food shortages, movement restrictions, lack of access to education and livelihood opportunities, and of abuse committed by security forces on Bhasan Char, have raised further concerns about the safety and habitability of the island.³ In addition to this, humanitarian experts have sounded the alarm over the lack of independent technical assessments, disaster preparedness, and measures to mitigate environmental disasters.

Bangladesh is extremely vulnerable to sudden-onset weather-related disasters and slow-onset environmental hazards, such as sea level rise, drought, erosion, landslides, and flooding. It is estimated that by 2050, Bangladesh could lose 11% of its territory, with one in seven people displaced due to the impacts of climate change and global warming.⁴ Bangladesh's coastal region, part of the Bay of Bengal, has furthermore been described as a hotbed for the world's most deadly cyclones.⁵ Located in the most cyclone-vulnerable part of the Bay's disaster risk zone, Bhasan Char is highly susceptible to extreme weather, rising sea levels, and flooding.⁶ Experts have warned that the measures in place, including the 13-km embankment around the island, are insufficient to protect island residents from tropical cyclones and tidal surges.⁷ Cut off from the mainland, there is no easy transportation to Bhasan Char. This, moreover, risks leaving Rohingya refugees without sufficient provisions for food, water, medical care, and essential medicines – and without transportation for timely evacuation in the event an environmental emergency.⁸

While the threats of climate change and linked extreme weather event on lives and people's livelihoods is devastatingly apparent – the question and scope of state liability for natural disasters and resultant harms far from clear. Through the case study of Bhasan Char, this article will analyse applicable obligations for assessing climate change impacts, averting disasters, and making protection decisions, and potential liabilities in the event of an environmental emergency, in the context of (1) an involuntary population transfer to a high-risk disaster zone, (2) state organisational deviance and reasonable foreseeability, and (3) a state's non-refoulement obligations under international law and international human rights law. This analysis is posited within the scope of 'the right to life' under article 6(1) of the International Covenant on

¹ 'Bangladesh: Halt Plans to Relocate Rohingya Refugees to Isolated Island' (Fortify Rights, October 2019), accessible [here](#); "An Island Jail in the Middle of the Sea": Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (HRW, June 2021), accessible [here](#).

² 'Fourteen Rohingyas were arrested while fleeing Bhasan Char' (VOA Bangla May 2021), accessible [here](#); "An Island Jail in the Middle of the Sea": Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (HRW, June 2021).

³ "An Island Jail in the Middle of the Sea": Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (HRW, June 2021).

⁴ 'Climate Displacement in Bangladesh' (Environmental Justice Foundation), accessible [here](#).

⁵ 'A Brief History of Deadly Bay of Bengal Cyclones That Have Caused 80% of World's Cyclone-Related Deaths' (The Weather Channel, May 2021), accessible [here](#).

⁶ 'Rohingya refugees live in fear of cyclones on Bangladesh island' (The Third Pole, June 2021), accessible [here](#).

⁷ "An Island Jail in the Middle of the Sea": Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (HRW, June 2021).

⁸ 'Bangladesh Rohingya relocation to isolated island criticized by rights groups' (DW, December 2020), accessible [here](#); "An Island Jail in the Middle of the Sea": Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (HRW, June 2021).

Civil and Political Rights (ICCPR) in emerging and established jurisprudence, and against the applicable test of a 'real risk of irreparable harm' to the right to life and to the enjoyment of the right to life.