

CHAPTER V

CONCLUSIONS, LIMITATIONS, AND RECOMMENDATIONS

A. Conclusions

After the elaboration and in-depth discussion in the above chapters, there are some conclusions that can be concluded to this research with the title of The Implementation of International Laws on the Human Rights of Rohingya Refugees in Thailand and Bangladesh as follows:

1. Thailand has not yet fulfilled its international obligation in protecting refugees and breached ICCPR articles such as article 2(1) regarding basic rights of all individual; article 7 regarding prohibition of exposing cruel, inhuman or degrading treatment; article 9(1) regarding arbitrary detention; article 9(4) regarding proceedings before courts; article 10 treatment with humanity and respects; and article 12 regarding freedom of movement and in residence. It has also breached some ICESCR articles such as article 17, 18 and 19 regarding employment provisions. Thailand has also violated international customary laws which are the principle of non-refoulement, the principle of R2P, and principle of international solidarity law. Even worse, Thailand has found guilty with human trafficking issues which put the international community in alarmed.

2. Bangladesh has not yet fulfilled its international obligation in protecting refugees and breached ICCPR articles such as article 2(1) regarding basic rights of all individual; article 7 regarding prohibition of exposing cruel, inhuman or degrading treatment; article 9(1) regarding arbitrary detention ; article 9(4) regarding proceedings before courts; article 10 treatment with humanity and respects; and article 12 regarding freedom of movement and in residence. It has also breached some ICESCR articles such as article 17, 18 and 19 regarding employment provisions. Bangladesh has also violated international customary laws which are the principle of non-refoulement , R2P, and principle of international solidarity law.

3. The international sanctions for violating international laws are enshrined in UDHR article 41-42 including complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. It may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations. Even so, the sanctions that can be implemented at the moment is international pressure, moral sanctions such as excommunication and international criticism.

B. Limitations

This research may still be far from being perfect, particularly because:

1. The limitation of books and references the researcher can get regarding to this research.
2. The limitation of time for the researcher to do the research, because the research takes more time than the researcher thought it would be.
3. The limitation in preparing good and correct grammar in English.
4. The case that is still on-going that's why researcher can't get accurate data on the number of refugees.

C. Recommendations

Based on the result of research conducted by the researcher, the researcher gives some recommendations regarding to the title of this research, as follows:

1. Thailand and Bangladesh must become a signatory of both the Refugee Convention 1951 and the Protocol to clearly prove they want a durable, beneficial solution in resolving the Rohingya issue. Thailand and Bangladesh are not signatory to the 1951 Convention and they never accepted the notion of refugees permanently resettling. It does not recognize settlement in both countries as an

option or durable solution and therefore will only aid refugees in terms of short protection.

2. Rohingya arriving in Thailand and Bangladesh should have access to status determination procedures to be recognised as refugees.

3. Durable solutions must be sought for the Rohingya and all refugees in Thailand and Bangladesh.. For the Rohingya, repatriation is not an option as it would violate the principle of *non-refoulement*.

Repatriation can be done if disputes in Myanmar are settled. While the international community should accept more refugees from Thailand and Bangladesh for resettlement, both should work towards more flexible solutions for the Rohingya and allow local integration, especially for Rohingya children born in the country.

4. It is very important for both countries to keep in mind that principle non-refoulement, international solidarity and responsibility to protect are very crucial principles and they should respect and implement it in every way.