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Author(s): Khan, Abdul Kadir

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Constrained Humanitarian Space in Rohingya Response: Views from Bangladeshi NGOs

Abdul Kadir Khan

1 INTRODUCTION

This chapter explores the main characteristics of the constrained humanitarian space that shapes the Rohingya response in Bangladesh. Over a million Rohingya refugees rely on humanitarian assistance in the camps in Cox's Bazar, Bangladesh, putatively the largest refugee complex in the world; however, these Rohingya mega-camps remain spaces of exception where refugees are strategically kept in spatiotemporal limbo by the Bangladeshi authorities and the international “aid complex” (Khan & Minca, 2022). In 2022, a total of 136 partners and multi-mandate organizations under the coordination of the Government of Bangladesh (GoB), including 74 Bangladeshi non-governmental organizations (NGOs),¹ 52

A. K. Khan (✉)
University of Jyväskylä, Jyväskylä, Finland
e-mail: abdul.k.khan@jyu.fi

¹ In this section, the terms Bangladeshi NGOs and local NGOs (LNGOs) are interchangeable.

international NGOs (INGOs), and 10 United Nations (UN) agencies, were working as both appeal organizations and implementing partners in the Rohingya camps in Bangladesh (JRP, 2022).

In the immediate aftermath of the 2017 influx, the GoB faced shortages in the domestic advisory and refugee management system (Chowdhury, 2019). As a result, the two building blocks of international migration governance, the International Organization for Migration (IOM), and the United Nations High Commissioner for Refugees (UNHCR), along with international organizational networks, began to coordinate a multi-sectoral approach to the Rohingya response under the leadership of the GoB. This meant that the international organizations became involved in Bangladesh's domestic advisory system, an "externalization" of policy advice that led to a new level of politicization (Chowdhury, 2019). Moreover, due to the immediate repatriation policy of the host Bangladesh, humanitarian actors and the Rohingyas are required to comply with several restrictive policies set by the host government in the tightly squeezed humanitarian space.

Predominantly the term "humanitarian space" is used to reference three principal fields: respect for humanitarian law, the relative safety of humanitarian workers, and the access of humanitarian actors to the population at risk (Brassard-Boudreau & Hubert, 2010). These aspects are crucial to analysis of the dynamics of humanitarian space in the Rohingya response, along with consideration of the amalgamation of multiple organizations providing humanitarian services and relief and their access to affected populations in the constrained settings.

Hilhorst and Jansen (2010) defined *humanitarian space* as an "arena" where a wide range of actors seek to shape the nature and form of humanitarian action through the "everyday realities" of action. In this formulation, the humanitarian arena encompasses empirical variety in humanitarian operations, while humanitarian space is an idealized picture of what humanitarian action should be about (Sezgin & Dijkzeul, 2015). Therefore, by shedding light on humanitarian space as an arena of social negotiations between multiple humanitarian actors over their access to the affected communities (both Rohingyas and host communities) in the Rohingya response, this chapter seeks to explore the main characteristics of the constrained humanitarian space that has resulted by capturing the experiences of the Bangladeshi NGOs participating in it. Based on

an analysis of twenty interviews, the study reveals three defining characteristics: (a) discrepancies in localization discourses; (b) institutional multiplicity; and (c) disparities in accountability mechanisms.

The chapter proceeds as follows. In the next section, I discuss conceptualizations of humanitarian space, while in the ensuing one I provide an overview of the Rohingya influx. After that, I briefly introduce the research methods used and then present the findings of my thematic analysis. Finally, in conclusion, I argue that, despite Bangladeshi NGOs' repeated calls for locally led aid initiatives, they are mostly side-lined in the constrained humanitarian space of the Rohingya response. Furthermore, the institutional multiplicity, constituting a form of *parallel governance* circumscribed by the GoB's repatriation-oriented approach on one side, and the international humanitarian agencies' domination of the aid chain on the other, often leads to collective action dilemmas and disparities in accountability mechanisms.

2 CONCEPTUALIZING HUMANITARIAN SPACE

This section discusses the notion of humanitarian space and the diverse meanings it has accrued in humanitarian action. Until now, a generally accepted legal definition of *humanitarian action* has not been formulated, and even the four Geneva Conventions and the additional protocols that constitute the core of humanitarian law have not defined the key term *humanitarian*. Addressing this lacuna, Sezgin and Dijkzeul (2015) delineate humanitarian action in two ways. First, under international humanitarian law it materializes in activities that supply those in need with food, water, shelter, medicine, and physical protection, among other life-sustaining requirements. Thus, both humanitarian assistance and humanitarian protection are part of humanitarian action. Their second approach is to draw from the guidelines developed by the International Committee of the Red Cross (ICRC) to direct the behavior of humanitarian organizations and facilitate humanitarian activities in crisis zones (Sezgin & Dijkzeul, 2015: 5). This image of humanitarian action is epitomized by the concept of humanitarian space as an operating environment (Collinson & Elhawary, 2012) wherein humanitarians' work adheres to the humanitarian principles of humanity, impartiality, and neutrality (Hilhorst, 2018).

The term *humanitarian space* gained momentum in the 1990s, when the former MSF president Rony Brauman coined the term *espace humanitaire*, or *space for humanitarian action* (Brassard-Boudreau & Hubert, 2010) to describe a symbolic space in which aid agencies are “free to evaluate needs, free to monitor the delivery and distribution of goods, free to have a dialogue with the people” (Collinson & Elhawary, 2012). However, the definitions of the concept of humanitarian space vary in the interpretations of different actors and organizations. It can, for example, be defined as “agency space”, which delineates an agency’s ability to operate freely, assisting in the fulfillment of humanitarian needs and adhering to the principles of humanitarian action (Collinson & Elhawary, 2012). However, Abild (2010) opposes this idea, claiming that humanitarian space should primarily be about agencies’ accessibility rather than that of people in need. He refers to Andrew Bonwick’s (2003) definition that “humanitarian space is often described as agencies’ ability to access communities in need, but this is faulty, as it should be about communities’ ability to access relief” (Bonwick, 2003: 9). Thus, it can be defined as an affected community’s space to access aid that addresses the humanitarian imperative in a way that enhances the capabilities of those in need (Abild, 2010), thus placing the affected community at the center of the definition of humanitarian space.

From the international humanitarian law perspective, it includes the responsibilities of warring parties (Wagner, 2005) to meet humanitarian needs or allow impartial humanitarian organizations to provide relief and protection to civilians. In addition, humanitarian space can be defined as a complex political, military, and legal arena and humanitarian needs as the product of the dynamic and complex interplay of political, military, and legal actors and their interests, institutions, and processes (Collinson & Elhawary, 2012). Further, in the refugee camps, humanitarian space is characterized as a hybrid space—serving both humanitarian and political purposes (Janmyr and Knudsen, 2016), mixing multiple humanitarian actors, and amalgamating diverse institutional norms (Acharya, 2004).

Hilhorst and Jansen (2010) similarly characterize humanitarian space as an “arena” wherein humanitarian assistance is shaped by the social negotiation of multiple actors along the aid chain; this highlights the everyday policy practices and implementation of different actors as they develop their understanding and strategies using with the shared vocabularies, aims, and realities of aid (Hilhorst, 2018). From this point of view, humanitarian space is more attuned to civil society actors located in

civic spaces: the physical, virtual, and legal spaces where people exercise their freedom of association, expression, and peaceful assembly. Indeed, in some accounts, civic space is treated as a synonym for humanitarian space (Roepstorff, 2020), as many civil society organizations are active in humanitarian aid with different objectives for the respective spaces of humanitarian action. Hence, local NGOs (LNGOs) are deeply embedded in the respective civil societies of their countries and a shrinking civic space naturally affects their ability to maneuver within humanitarian space (Roepstorff, 2020).

Linking humanitarian space to civic space, Cunningham and Tibbett (2018) observe that a humanitarian crisis will add a layer of complication to the underlying, pre-crisis, civic space due to the enactment of new NGO laws and regulations, often causing state-civil society relations to deteriorate, and generally decreasing the quality of the operating environment for NGOs. The restrictive governmental policy settings for NGO registration processes and work permits create difficulties for international humanitarian workers, which directly affects local humanitarian workers and civil society organizations due to national laws and the government pressure that result from restrictive practices. For example, in 2019 the parliamentary standing committee of the foreign ministry of Bangladesh banned 41 NGOs working in the camps including Islamic relief, Islamic aid, Bangladeshi Chasi kalyan somiti, and the Nomijan Asthaba foundation, alleging that these organization increased awareness among the refugees of human rights and impeded the second bid for their repatriation. Notably, these organizations were involved with INGOs and UN agencies in the Rohingya response (Alam, 2021: 75). Hence, as INGOs often seek partnership with local CSOs in the humanitarian context, they need to understand the restrictive environment of civic space to avoid governments curtailing their activities and hindering their working with certain national and local NGOs (Cunningham & Tibbett, 2018).

Findings also differ from one aspect of activities to another when assessing the dynamics of humanitarian space in the Rohingya response, given that multiple humanitarian actors are intermingled in the camps, with diverse norms and interests in joint response efforts. Therefore, to avoid the looseness of the term humanitarian space, I conceptualize it as an arena hosting multiple actors, while highlighting everyday policy and implementation practices in the constrained settings of the Rohingya response from the perspective of Bangladeshi NGOs.

3 A RECURRENCE OF THE ROHINGYA EXODUS IN BANGLADESH: PAST AND THE PRESENT TREATMENT

In this section, I provide a brief historical overview of the past and the present treatment of the Rohingya refugee reception crisis in Bangladesh. Predominantly, Rohingyas are a *de facto* stateless group, as the Myanmar government does not recognize them as Myanmar citizens (Milton et al., 2017). In August 2017, hundreds of thousands of Rohingyas were accommodated in makeshift camps in Bangladesh as a result of systematic violations of human rights by Myanmar's military junta (Faye, 2021). Consequently, humanitarian actors called for a Level 3 Emergency Response in Cox's Bazar (Bowden, 2018). It is noteworthy that the Rohingya refugee exodus in Bangladesh is not a new phenomenon, as the country has recently witnessed three massive influxes. The earliest arrivals in East Pakistan (now Bangladesh) were recorded in 1948 around the time that Burma (now Myanmar) gained its independence (Chowdhury, 2019).

Bangladesh became independent in 1971, and Rohingyas have been fleeing Myanmar and taking refuge in the country since 1978. During the Burmese military junta's Operation Nagamin (dragon king) (Chowdhury et al., 2022), foreigners and registered citizens in Myanmar were screened out and around 200,000 fled from Myanmar to Bangladesh in 1978 (Faye, 2021); however, after a bilateral repatriation agreement between Bangladesh and Myanmar, almost all were repatriated to Myanmar within sixteen months.² After that, due to a similar clearance known as *Pyi Thaya* (operation clean and beautiful nation) in 1992, around 200,000 Rohingyas again took refuge in Bangladesh. By November 1997, all but around 26,832 refugees were still in the Bangladesh camps waiting for repatriation (Saha, 2000), later staying in the Bangladeshi registered refugee camps in Kutupalong (Uddin, 2020). These groups also crossed the Bangladeshi border several times due to sectarian violence in Myanmar from 2012 until 2016 (Lewis, 2019). After the recent

² Chowdhury R. Abrar, 1998. "Issues and Constraints in the repatriation/rehabilitation of the Rohingya and Chakma refugees and the Beharis." Paper presented to the conference of scholars and other professionals working with refugees and displaced persons in South Asia, Rajendrapur, Dhaka, Bangladesh, February 9–11, 1998.

2017 influx, currently approximately 918,841 Rohingya refugees³ (as of January 2022) are registered in thirty-three⁴ overcrowded camps (JRP, 2022). Unlike the past repatriation agreements of 1978 and 1992, the government of Bangladesh and Myanmar signed a memorandum of understanding immediately after the 2017 Rohingya influx for the safe, voluntary, and dignified repatriation of the Rohingyas, excluding the international community and their mandates from the discussion (Cook & Ne, 2018). The repatriation arrangement, however, has not been a success, thus enhancing the frustration and antagonism of host country Bangladesh. Moreover, due to presence of an overwhelming number of Rohingyas in Cox's Bazar, the local host communities face enormous socioeconomic and environmental challenges, giving rise to a crisis of turf conflict between the host communities and refugees (Chowdhury, 2019).

At present, the Rohingya response consists of two components, with the GoB responsible for administration and policing, and the Inter Sector Coordination Group (ISCG), a UN-led umbrella organization for the NGOs, which is responsible for humanitarian assistance (Chowdhury et al., 2022). In line with the strategy, the Ministry of Foreign Affairs also set up the National Task Force (NTF), which includes 22 ministries (Chowdhury, 2019) and UN agencies. The Refugee Relief and Rehabilitation Commission (RRRC), under the NTF, mandated by the Ministry of Disaster Management and Relief (Chowdhury et al., 2022) coordinates the operations in Cox's Bazar. The ISCG works closely with the RRRC, as it regulates and permits the access of national and international NGOs to the camps, and the ISCG then coordinates the service deliveries. It is noteworthy that the GoB rejects the refugee status of the Rohingyas and, consequently, the rights related to refugees. Therefore, Rohingyas are excluded from decision-making forums and, due to the government's tight control on humanitarian operations, humanitarian actors encounter difficulties relating to operational constraints, such as delayed

³ Although Rohingyas were not given refugee status in Bangladesh, we use the term "refugee" interchangeably with "forcibly displaced Myanmar nationals" (FDMN) to refer to the Rohingyas in this chapter.

⁴ In 2021, out of 34 camps, the Government of Bangladesh closed Camp 23 (Shamlapur) (JRP, 2022).

project approval, systematic scrutiny of project implications, and restrictions including the prohibition of cash-based aid,⁵ denial of refugee rights to Rohingyas, and building camps with barbed wire fences to control their security. Further, the draft Volunteer Social Welfare Organizations (Registration and Control) Act 2019⁶ has raised serious concerns about the civic space of NGOs delivering their mandate independently, while the Digital Security Act 2018 is used against the media and civil society groups to curtail their freedom of speech and expression (Sarkar 2020). The Foreign Donations (voluntary activities) Regulation Act 2016 (Act no. 43),⁷ introduced by the NGO Affairs Bureau (NGOAB), tightened controls over funding and enhanced registration processes for INGOs, delaying project approvals, slowing down implementation, and severely restricting international engagement with Bangladeshi LNGOs.

4 CAPTURING THE VOICES OF BANGLADESHI NGOS

In order to explore the main characteristics of the constrained humanitarian space of the Rohingya response, twenty in-depth, semi-structured interviews were conducted with participants who were purposively selected (Given, 2008) to represent national organizations, regardless of their origin—whether Cox’s Bazar or other districts of Bangladesh—but working in the Rohingya response. A few interviews took place through snowball sampling, as some participants referred to other experts during interviews. The interviews were conducted in Bengali via Skype and Zoom (voice telephony and video chat) services and lasted between 40 and 60 minutes. Informed consent was ensured at the beginning of each interview, and the participants’ responses are quoted anonymously. The interviews were carefully transcribed and translated into English, and then the data was coded with the help of analysis software Atlas.ti (9), followed by a data-driven inductive process (Braun & Clarke, 2021) based

⁵ Framework for NGOs, Government of Bangladesh, see http://ngoab.portal.gov.bd/sites/default/files/files/ngoab.portal.gov.bd/notices/7158baa6_dac4_4f3b_8ff1_9ef680d32f71/Framework-for%20NGOs.pdf.

⁶ NGOs protest proposed social welfare law, see <https://archive.dhakatribune.com/bangladesh/law-rights/2019/06/30/ngos-decry-proposed-social-welfare-law>.

⁷ Foreign Donations (Voluntary Activities) Regulation act 2016, see http://www.parliament.gov.bd/images/pdf/acts_of_10th_parliament/acts_of_12th_session/43.pdf.

Table 1 Focused codes and their allocation to generate main themes

<i>Focused codes</i>	<i>Themes</i>
Locally led response	Discrepancies in localization discourses
Local CSOs partnership	
Local capacity	
Operational constraints	Institutional multiplicity
Government involvement	
INGOs' involvement	
Coordination	Disparities in accountability mechanisms
Power inequalities	
Humanitarian funding	
Accountability	
Transparency	

Source Author (2022)

on thematic analysis. In the course of this, 32 initial codes were identified, and then eventually developed into themes by identifying 11 focused codes (Table 1).

When analyzing the relationships between the characteristics relevant to the study's objective, three broad themes emerged, illustrating the critical characteristics of the constrained humanitarian space in the context of the Rohingya humanitarian response: (a) discrepancies in localization discourses; (b) institutional multiplicity; and (c) disparities in accountability mechanisms.

5 FINDINGS AND DISCUSSION

In this section, I discuss the three main themes identified in the analysis of the constrained humanitarian space of the Rohingya response, positioning them in dialogue with previous literature producing similar observations.

5.1 Discrepancies in Localization Discourses in the Rohingya Response

The first theme, discrepancies in localization discourses, addresses how Bangladeshi organizations are side-lined in the constrained humanitarian space despite their persistent demands for access to it and recognition of the “partnership with dignity” (Roepstorff, 2021). In Cox's Bazar, Bangladeshi NGOs compete in bidding for funding from humanitarian projects (Khan & Kontinen, 2022), unlike multi-mandated transnational

organizations. Since the LNGOs do not have competitive organizational capacities and logistical resources, they can barely sustain themselves in the competition, and some perform as implementing partners with international humanitarian organizations. However, following the money and power, most official humanitarian aid allocation is concentrated in the top echelon of the Western governments and a few international organizations (Slim, 2021), thereby excluding non-state humanitarian actors and CSOs. Furthermore, the response is not only concentrated in the humanitarian context but is dispersed to organizations with for-profit or business orientations. Due to reductions in international development funding in Bangladesh, many development-oriented organizations from other districts are moving to Cox's Bazar for Rohingya humanitarian response-related projects. As one of the respondents pointed out:

Due to the fund, the humanitarian space in Cox's Bazar is expanding, but the civic space has shrunk. The role of NGOs has reduced as well as development funding. As of 2026, Bangladesh plans to shift from LDC [least developed country] status to developing nation status and become a developed country by 2041. Because of the country's economic graduation, probably the foreign funding has been deducted 20 years in advance. (Respondent 15)

LNGOs and civil society organizations continuously urge UN agencies and international organizations to provide funding, and response to the agreement made in the Grand Bargain⁸ at the World Humanitarian Summit, and pledges made in the Principles of Partnership⁹ and Charter for Change (C4C)¹⁰ were locally led. Furthermore, the recent Grand Bargain 2.0¹¹ commitments in 2021 also prioritize two objectives: first, providing greater support for the leadership, delivery, and

⁸ The Grand Bargain—A shared commitment to better serve people in need, see http://agendaforhumanity.org/sites/default/files/resources/2018/Jan/Grand_Bargain_final_22_May_FINAL-2.pdf

⁹ The Principles of Partnership (2007), see <https://www.unhcr.org/5735bd464.pdf>.

¹⁰ C4C initiative aims to enable local and national actors to play a stronger role in humanitarian response by reforming the functionalities of the humanitarian system, see <https://charter4change.org/>.

¹¹ The grand bargain 2.0 endorsed framework and annexes, June 2021, see <https://interagencystandingcommittee.org/system/files/2021-07/%28EN%29%20Grand%20Bargain%202.0%20Framework.pdf>.

capacity of local actors and the participation of affected communities in addressing humanitarian needs; second, flexible support with “quality funding” for an effective and efficient response that ensures visibility and accountability.

In the immediate aftermath of the 2017 Rohingya influx, the local people in Cox’s Bazar began to respond with person-to-person support as a form of “everyday humanitarianism” (Lewis, 2019), but after a few weeks the government, army, high-profile UN agencies, and several transnational NGOs (TNGOs) took over the emergency response. Consequently, local forms of small-scale humanitarianism were gradually replaced by large-scale humanitarian action performed by international agencies. As one of the respondents asserts, “In UNHCR’s report, they state that 51% of their partners are local but do not specify how much sharing they funded. They did not mention what percentages were allocated. It is not the same, paying five million dollars to one INGO and five million dollars to fifty LNGOs” (Respondent 14). In a campaign of *localization*, Bangladeshi LNGO and CSO leaders urged INGOs and UN agencies to recognize local partners as not only implementing but also strategic partners (COAST, 2016). However, negotiations among local and national organizations are contested, and due to the reduction of funding, there is competition to become implementing partners with INGOs between LNGOs originating in Cox’s Bazar and the national NGOs from other districts. Indeed, LNGOs from Cox’s Bazar alleged that politics of nepotism is active in partnership-building with international actors. As another respondent asserts, “International NGOs are sceptical about working with the new local partner. Many NGOs select partners with whom they have previously worked in the North Bangladesh region. However, they lack knowledge of the geography, culture, and language of Chittagong. We are local, but we cannot work” (Respondent 10). Cox’s Bazar LNGOs voiced their resentment that, regardless of their local origins, national NGOs from other districts work in the Rohingya humanitarian projects because they have previous experience working in community development projects with well-funded INGOs, who ultimately choose them regardless of their experience in the humanitarian context. Furthermore, local actors need to negotiate with the GoB over the legitimacy of their organizations, as the government has instituted operational restrictions in the camps. For example, the draft Volunteer Social Welfare Organizations (Registration and Control) Act

2019 has raised serious concerns about the civic space of NGOs delivering mandates independently. As one of the respondents stated:

The social welfare law is challenging. The NGOs can no longer work anywhere with their registration, so we now have to renew it every five years. It involves funding, location, project approval, etc., all of which require long processes. If I get funding for a project in Neelfamari [district], where the registration is for Cox's Bazar, I cannot work there – if I do not have prior registration for Neelfamari. Additionally, NGOs are allowed to work in only five districts, so which ones should we choose? (Respondent 17)

Due to tightly governed operational constraints, the Bangladeshi NGOs have to negotiate with the government and the legislative process to ensure their organizational legitimacy for humanitarian funding with foreign donations. Therefore, regardless of the constant demand for a locally led response, the discrepancies in localization discourses, on the ground, are visible in constrained humanitarian space, while shaping the service delivery in the Rohingya response.

5.2 *Institutional Multiplicity in the Rohingya Response*

The second theme, institutional multiplicity, results from the situation that two distinct institutional settings are associated with parallel governance: one supplied by the GoB and the other by the UN agencies, which can lead to operational complexities in constrained humanitarian space. In Rohingya refugee management, under the leadership of the Government of Bangladesh, a small pool of UN agencies and INGOs lead the ISCG sectors and working groups, limiting the space for local organizations to take on leadership positions in an inter-agency coordination structure. Although the local organizations in Bangladesh have been operating in disaster management for a long time (Cook & Ne, 2018), they face enormous challenges working in the camps. In order to implement a project, local organizations should seek permission from the government first and then again from the UN-referred secretariat (e.g., ISCG) for allotment to a work sector. As one of the respondents alleged:

INGO agencies do not allow us to work freely, as the ISCG team coordinates the process. We do not know when we will receive funding this year but working anywhere or anytime in the camps is impossible. There are at

least five tiers of the process, which overlap each other but are not entirely different. Firstly, we need to get funds from donors, then permission from NGOAB, then permission from the RRRC office, then permission from the Camp-in-Charge [CiC], and finally permission from the ISCG-regulated sector or cluster, focal for working in the camps, and sometimes more. (Respondent 15)

A group of institutions from the Government of Bangladesh and UN agencies coordinate the overall Rohingya humanitarian response. Considering the multiple actors and their mandates, this “institutional multiplicity” can be regarded as *parallel governance* (Van der Haar & Heijke, 2013) in the context of the multiple interfaces in the Rohingya response. This helps to define a situation where systems made up of multiple rules confront economic and political actors that provide distinct and different normative frameworks and incentive structures (Golooba-Mutebi & Hickey, 2016); individuals and organizations often appear to operate simultaneously in multiple institutional systems (Hesselbein et al., 2006) which are governed by different sets of incentives (DiJohn, 2008). According to DiJohn (2008: 33), “institutional multiplicity is a situation in which different sets of game rules of the game, often contradictory, coexist in the same territory, that place citizens and the economic agents in complex, unsolvable situations, but at the same time offering them the possibility of switching strategically from one institutional universe to other”. This view juxtaposes the normative vision of humanitarian space against the reality of institutional multiplicity: the involvement of a wide array of actors with different norms and principles, which often leads to collective action dilemmas (Sezgin & Dijkzeul, 2015: 324).

In the Rohingya humanitarian response, a sector-based coordination structure (ISCG) is responsible for bringing together UN agencies and NGOs to maintain a coherent, rights-based refugee response. It is accountable to a principal inter-agency body, the strategic executive group (SEG), led by the head of the humanitarian organizations and co-chaired by the UN resident coordinator, IOM chief-of-mission, and UNHCR representative (JRP, 2022). The camp coordination is the responsibility of government-appointed Camp-in-Charge (CiC) officers. Since there is no formal guidance or established protocols for camp coordination and site management by the ISCG, the site managers it appoints have difficulty collaborating with the CiCs. There remains some complication in coordinating overlapping interventions by the CiCs, the site management

system, and the area of responsibility, which is divided between the IOM and the UNHCR. However, the coordination structure on Bhasan Char, an island suggested as a holding pen for the refugees, is distinct from the existing coordination structure in Cox's Bazar. In this context, the same respondent added:

Although UN agencies were completely against the Rohingya relocation in Bhasan Char, almost 20,000 Rohingyas [as of May 2020] are currently relocated there. Those NGOs who want to work in the Bhasan Char need three tiers of administrative settings. First, an approval from the NGOAB, then the UN agency, and finally the addition of the Bangladesh navy.” (Respondent 15)

From the Bangladesh side, the coordination of the Rohingya response in Bhasan Char is led by the Additional Refugee Relief and Repatriation Commissioner (ARRRC), the government authorities of Noakhali District, and UNHCR on behalf of the humanitarian community (JRP, 2022). Although the GoB encourages humanitarian organizations to work on Bhasan Char, the interested NGOs need to go through another tier of governance with the Bangladesh Naval Force. Initially, a number of rights groups, including UN agencies, opposed the relocation plan of 100,000 Rohingyas to Bhasan Char (ADSP, 2020) in 2018, claiming that the government was forcing the Rohingyas to relocate without their consent. Yet the Bangladesh Government rejects the refugee rights of the Rohingyas, and they are side-lined from any decision-making process. The rejection of Rohingya rights also poses a dilemma for refugee representation in the constrained humanitarian space.

As well as affecting humanitarian activities, the administration and policing of the Rohingya response also encounter the difficulties resulting from the institutional multiplicity. In the immediate aftermath of the Rohingya influx in 2017, Bangladesh lacked a domestic advisory and refugee management system, so the government called on a number of different international humanitarian actors and interests in the search for viable solutions, rapidly transforming Bangladesh's domestic and external policy advisory system into one with international linkages. The externalization of policy advice and the participation of international organizations have increased the analytical and operational capacity for refugee

management in Bangladesh; however, it has also undermined the legitimacy of the state at the systemic level, creating governance problems (Chowdhury, 2019).

5.3 *Disparities in Accountability Mechanisms in the Rohingya Response*

The third theme of this study, disparities in accountability mechanisms, is linked to the power inequalities pertaining to humanitarian funding in the aid chain of the Rohingya response. While equality and accountability mechanisms are expected of the humanitarian eco-system, a daunting challenge persists in terms of the power of international agencies at the center of operations and the undermining of local and national actors, leading to inequalities in the aid sector (Hilhorst et al., 2021). Generally, the Western donors and a few international organizations largely dominate global humanitarian policy-making, exercise considerable power in the allocation of aid (Banks and Bukenya, 2022) to local partners and communities, and have strong links with global actors like states and multinational corporations. Benefitting from their extensive experience working with UN structures, many transnational NGOs from the Global North now dominate agenda setting and policy formation processes in many parts of the South (Mitchell et al., 2020).

Furthermore, the accountability for project implementations and funding allocation has not been identical for all humanitarian organizations in the Rohingya response. The international agencies team up with the host government and local organizations when implementing their projects but the relationship with the latter is mainly sub-contracting based while the agencies retain a hierarchical position of power; these are described as a partnerships offering capacity-building to the locals (Slim, 2021). Regardless of power and legitimacy concerns, NGOs are accountable to multiple actors, including patrons, clients, and themselves, thereby entrenching processes connected with keeping them responsible for the consequences of their legitimacy (Hilhorst, 2002) and particular actions (Hilhorst et al., 2021). The accountability mechanism ensures that individuals and organizations are held responsible for their actions and also for shaping their organizational mission and values, and making it available for public scrutiny and assessment of their performance in relation to goals (Ebrahim, 2003).

In general, the Bangladesh NGO Affairs Bureau (NGOAB) is responsible for approving the access of humanitarian actors to the Rohingya camps. Local and national actors registered with the NGOAB are accountable to the GoB, but multi-mandated organizations that receive funds from a UN agency are not. In this regard, one of the interviewees asserted:

UN funding is not controlled by the government, as it is a separate entity. The lion's share [approximately 85%] of the funding is channelled through the UN, with only minimal [approximately 15%] funding with NGOAB. Those NGOs that have projects under the UN banner do not need to be accountable to NGOAB, but an organization working with local NGOs in Bangladesh regardless of funding sources must be accountable to NGOAB. (Respondent 14)

Since accountability is considered a core value in the humanitarian aid context, it is worth following how an accountability arena within the humanitarian space is shaped in the humanitarian response (Hilhorst et al., 2021). Broadly speaking, NGO patron or “upward” accountability refers to relationships with donors, foundations, and governments, and working with the money supplied from these sources for a designated purpose, whereas “downward” accountability refers to the clients to whom NGOs provide services (Ebrahim, 2003). However, due to the Rohingyas’ exclusion from refugee rights, the absence of an accountability mechanism raises questions about their involvement in formal or informal accountability mechanisms. Although Rohingyas are included in the Sector Coordinator’s multiple lines of accountability of agency programming (e.g., complaint response mechanism), and project planning in terms of coordinating the Rohingya response, in practice the Rohingyas have never been included in the sector coordination meeting.

Generally, the foreign NGOs and the foreign funding allotted to the Rohingya response must go through NGOAB, with short-term, emergency FD7 application forms. Each application is lengthy, with a detailed budget and material information aligned with the project proposal and distribution. Moreover, the NGOs with FD7 funding must report the project enclosure along with several levels of approval from the Upazilla office (UNO), Deputy Commissioner (DC) offices in Cox’s Bazar, and foreign donation audit. In this way, upward accountability has been

assured to the government, which, moreover, monitors the response in a systematic process. As one of the respondents asserted:

Technically, the INGOs need certificates from NGOAB for project implementation. However, many INGOs start working with project implementation without an approved certificate from NGOAB. As a result, many humanitarian NGOs were suspended on the compliance issue. For example, one of the INGOs, the International Rescue Committee [IRC] was suspended by the GoB as it carried out projects without approval from RRRC and a certificate from NGOAB. (Respondent 10)

The accountability process for UN agencies, however, is a different matter. A documentary on national television (Jamuna TV)¹² revealed the dark side of NGO involvement, while a local organization (Lighthouse), working under the UNHCR project for three years, continuously shared fake, health-related data with the UNHCR, including fake funding vouchers that were never used in the camps. Thus, there remain problems with transparency issues associated with channelling donor funds for humanitarian projects to local partners in the Rohingya response (Sundberg, 2019). The local authorities or the government cannot ask for the accountability and transparency of the funding allocated by UN agencies, although a common, open-data standard was a commitment of the Grand Bargain's Workstream 1: Greater Transparency, launched at the World Humanitarian Summit in Istanbul in 2016. Nonetheless, accountability mechanisms are still linked to power inequalities in addressing the plight of the Rohingya refugee response in Bangladesh.

6 CONCLUSION

This chapter has explored the three most prominent characteristics of the constrained humanitarian space in the Rohingya response, based on a series of interviews with representatives of key national NGOs operating in the sphere. First, in discrepancy with and in contrast to localization discourses, local Bangladeshi organizations are side-lined in the space as they need both to negotiate their partnership roles with international humanitarian stakeholders, and also meet the GoB's requirements for

¹² See video: <https://www.youtube.com/watch?v=sIaRzpln-Y&t=11s>.

working in the constrained refugee settings. Although Bangladeshi organizations constantly lobby for a locally led Rohingya response, due to the complementarity and partnerships with international humanitarian stakeholders, very few local NGOs have direct access to the humanitarian space in question.

Second, it became apparent that the parallel governance in refugee management led by the GoB and the UN agencies results in institutional multiplicity which produces collective action dilemmas in issues ranging from voluntary repatriation to serving impartial and neutral humanitarian assistance and protection. Although the overall Rohingya response is coordinated under the leadership of the GoB, humanitarian actors also need to deal with several institutional governances to obtain approval for work in the camps. Since Bangladesh lacked a domestic advisory and refugee management system after the massive influx of more than a million refugees, international agencies with more capacity and resources joined the humanitarian response to the Rohingyas' plight. However, the systematization and institutionalization, which result from externalizing international humanitarian organizations, create a new level of politicization (Chowdhury, 2019) in the policy and administrative settings of Bangladesh.

Finally, the power inequalities in the accountability arena of the Rohingya response perpetuate tensions in both upward and downward accountability in terms of project implementation and distribution of donor funding. In practice, the NGOs with foreign funding must register with NGOAB and report the project enclosures, yet projects with UN funding and their actors are not required to account to the GoB. Nevertheless, the existing accountability mechanism leans toward individual agency results rather than collective performance results in the Rohingya response.

If the constrained refugee settings in Cox's Bazar comprise a humanitarian "arena" in which multiple actors—including the GoB, Bangladeshi NGOs, and international humanitarian stakeholders—shape humanitarian assistance, the absence of representation of the affected Rohingya communities and their voices in the management of the Rohingya humanitarian response is conspicuous. Since Bangladesh denies the Rohingyas refugee rights, there is no refugee-led organization to agitate for Rohingyas' freedom of expression in the camps, nor is there downward accountability to the Rohingyas (except few complaint boxes, advocacy services and the hot-line numbers). Although the overall Rohingya response is

managed by the intervention of the GoB and the international humanitarian stakeholders without Rohingya representation, their efforts and priorities do not always harmonize with the ISCG processes in multiple institutional governances. Indeed, the repatriation-oriented treatment of the Rohingyas by the GoB on the one hand and the stronghold of international humanitarian agencies in the aid chain on the other often lead to collective action dilemmas.

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