



States of denial

A review of UNHCR's response to the protracted situation of stateless Rohingya refugees in Bangladesh

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Executive Summary

In December 2008, the UN High Commissioner for Refugees launched a Special Initiative on Protracted Refugee Situations, intended to promote durable solutions and improvements in living standards for the world's growing number of long-term refugees.

Several refugee situations were identified for particular attention in the context of this initiative, including Afghan refugees in Iran and Pakistan, refugees in Croatia and Serbia, Eritrean refugees in eastern Sudan, Burundian refugees in Tanzania and Rohingya refugees from Myanmar in Bangladesh.

UNHCR's Policy Development and Evaluation Service (PDES) is currently reviewing the progress that has been made in the implementation of the special initiative, focusing on the extent to which UNHCR has been able to (a) exercise its mandate for durable solutions; (b) play a catalytic role in relation to the engagement of other actors; and (c) improve the quality of life for refugees while the search for solutions continues.

While all of the protracted refugee situations under review have proven to be complex, UNHCR's ability to address the situation of Rohingya refugees in Bangladesh has proven to be particularly challenging.

In the recent past, Bangladesh has experienced two influxes of refugees from Myanmar, the first in 1978 and the second in 1991-92. Around 250,000 people were involved both times. Both influxes were followed by large-scale repatriation exercises whose voluntariness was seriously questioned. Some of those who were repatriated subsequently fled again to Bangladesh, but many were unable to recover their former and government-acknowledged refugee status.

Bangladesh is currently host to some 29,000 recognized refugees who are accommodated in camps and an estimated 36,000 unrecognized refugees who have congregated in makeshift sites to which UNHCR and other international and national humanitarian actors have limited access. In addition, there are thought to be at least 200,000 undocumented Rohingya living in host communities and who are also considered to be of concern to UNHCR.

Bangladesh is not well placed to cope with this protracted refugee situation. The country is confronted with extreme poverty and high rates of population growth, and is increasingly affected by natural disasters and climate change. The refugees are to be found primarily in remote and impoverished areas of Bangladesh which have not benefited from the modest economic growth that has recently taken place in some other parts of the country.

From the government's perspective, there has been a lack of concerted international action to address the circumstances that forced the Rohingya to leave Myanmar and which now obstruct their repatriation. Bangladesh also considers there has been inadequate international understanding and support with respect to the refugee impact on host communities.

The presence and general tolerance of such large numbers of Rohingya in Bangladesh derives in part from the social, ethnic, linguistic and religious characteristics that they share with the host community, particularly their common adherence to Islam. Even so, political

and public opinion in Bangladesh is generally not well disposed towards the refugees. And although UNHCR has sponsored a range of projects that are intended to bring tangible benefits to the host population, they have done little to gain popular goodwill or to create additional protection space for the Rohingya.

Unsurprisingly in these circumstances, the operational environment is a very challenging one. UNHCR and other humanitarian actors are able to access and assist only 10 per cent of the estimated refugee population. Those residing in the makeshift sites are living in emergency-like conditions, while UNHCR has not been able to develop an effective advocacy strategy for the 200,000 unregistered Rohingya beyond acknowledging them as persons of concern in 2010.

A number of the administrative practices which caused the Rohingya to leave Myanmar – including restrictions on movement, secondary education, marriage, livelihoods and the acquisition of skills – are mirrored by the restrictions placed upon them in their country of asylum. In areas such as health and education, as well as the supply of food, water and fuel, the refugees are poorly served.

Refugee self-reliance initiatives have not attained their intended goals. Without freedom of movement and the ability to pursue educational and livelihoods opportunities outside the camps, it has proved very difficult for the Rohingya to generate additional income. As a result, refugees are increasingly driven to adopt negative coping mechanisms. The absence of any durable solution adds to the frustration of the refugees and the demoralization of the humanitarian personnel who work on their behalf.

While fully recognizing the intractable nature of this refugee situation, there are a number of areas in which UNHCR could take some constructive steps.

First, as the three traditional durable solutions appear so elusive, alternative approaches should be considered. More specifically, there may be scope to advocate on behalf of a framework which provides refugees with a formal status that would allow them access to employment opportunities and government services. The fact that Bangladesh is itself highly dependent on income from migrant labour, and has recently signed the International Convention on the Rights of Migrant Workers, is relevant in this respect.

Second, while the country's principal political parties have tended to vie with each other in arguing for tough refugee and asylum policies, there is scope for other voices to be heard in this discourse. Bangladesh, for example, has an educated elite, a vigorous civil society, NGO and human rights movement, as well as a strong corps of journalists and media representatives, all of whom could be mobilized on behalf of the effort to address this protracted refugee situation. Given the respect with which the UN is regarded in Bangladesh, the active involvement of the UN Country Team in refugee-related advocacy should be sustained.

Third, it should be recalled that the Rohingya refugee situation is now a truly regional one, affecting not only Bangladesh but also countries such as Thailand, Malaysia, Indonesia and Australia as well as India and the Middle East. This argues very strongly in favour of an Asia-Pacific approach to the issue, involving not only those states that are hosting refugees, but also countries such as China and India that have considerable influence throughout the region, as well as resettlement countries outside the region. A comprehensive plan of action

is required, incorporating short, medium and long-term interventions and the active involvement of all relevant stakeholders.

Finally, it should not be forgotten that the Rohingya are one of the world's largest and most prominent groups of stateless people, an issue which has attracted considerable international attention as a result of UNHCR's recent advocacy efforts in this area. The organization should immediately capitalize on this renewed interest, reminding the international community that the Rohingya are trapped not only in a protracted refugee situation, but also in a protracted situation of statelessness. The former problem will not be resolved without a resolution of the latter.

In this respect, it should be noted that Bangladeshi nationality law is based on the principle of *jus solis*, allowing all persons born in Bangladesh to acquire citizenship at birth. Refugee children currently represent 59 per cent of the camp population, more than half of them born in Bangladesh.

An Action Plan with detailed recommendations is presented in Annex 1 of this report and should be used by the UNHCR office in Bangladesh to introduce and report on new activities, to measure progress towards the organization's objectives and to maintain institutional memory. Finally, the Annex should also be a useful complement to the compendium of operational assessments and mission reports compiled by UNHCR in Bangladesh, and which captures all of the assessments made between January 2007 and January 2011.

Introduction to the review

1. In December 2008, the High Commissioner launched a Special Initiative on Protracted Refugee Situations, intended to promote durable solutions and improvements in living standards for the world's growing number of long-term refugees.
2. As a part of the Initiative, the High Commissioner requested UNHCR's Policy Development and Evaluation Service to review the organization's progressing in addressing a number of protracted refugee situations around the world, including those in Croatia and Serbia, eastern Sudan, Tanzania and Bangladesh.
3. This review examines the protracted refugee situation in the last of these countries, focusing on UNHCR's activities in relation to Rohingya refugees from Myanmar living in the official refugee camps of Nayapara and Kutupalong, both of which are to be found in the Cox's Bazar District of south-eastern Bangladesh.
4. At the same time, the review takes account of those Rohingya living in unofficial or makeshift camps in the sub-districts of Teknaf and Ukhia, as well as the 200,000 Rohingyas living outside of these camps. The latter group were identified as refugees by UNHCR in January 2010, but are regarded by the government of Bangladesh as undocumented migrants.
5. The evaluation team comprised three members, two from PDES and an independent consultant. Following a detailed review of relevant programme documents and secondary literature, the team undertook an 11-day mission to Dhaka and Cox's Bazar.
6. The team met a wide range of stakeholders, including UNHCR staff members, registered and unregistered refugees, members of host communities, national and local government officials, diplomats, heads of UN agencies, national and international NGOs and academics. Prior to and after the mission, interviews were conducted with senior UNHCR staff both in Geneva and the organization's Regional Office in Bangkok.
7. The review was conducted to the extent possible in accordance with UNHCR's Evaluation Policy and the UN Evaluation Group's Norms and Standards. The principal constraint encountered by the review was the team's limited access to the unregistered Rohingya population.
8. The team wishes to thank all of those individuals and organizations who have supported, facilitated and contributed to this review, especially UNHCR staff members in Dhaka and Cox's Bazar.

The operational context

9. Bangladesh has experienced two major influxes of Rohingya refugees from Myanmar, the first in 1978 and the second in 1991-92. On both occasions some 250,000 people were involved, and on both occasions the influxes were followed by large-scale repatriation operations that were not wholly voluntary in nature.

10. Twenty years after the last of these operations, Bangladesh continues to host large numbers of Rohingya. Some are members of the 'residual caseload' who were able to avoid repatriation when the majority was induced to return. Some are people who previously returned to Myanmar but who have had to flee back to Bangladesh due to a well-founded fear of persecution. Others are first-time arrivals, those who have left Myanmar during the past two decades in order to escape from the very difficult political and economic situation in their place of origin.

The Rohingya

11. Rohingya is a generic term referring to the Sunni Muslim inhabitants of Arakan, the historical name of a Myanmar border region which has a long history of isolation from the rest of the country. Since 1989, this region has been officially designated as the Rakhine State. However the majority of people of concern are from the northern part of the Rakhine State, from the three townships of Maungdaw, Buthidaung and Rathedaung.

12. It is thought that the Rohingya are of mixed ancestry, tracing their origins both to outsiders (Arabs, Moors, Turks, Persians, Moguls and Pathans) and to local Bengali and Rakhine. They speak a version of Chittagonian, a regional dialect of Bengali which is also used extensively throughout south-eastern Bangladesh.

13. The Rohingya are virtually friendless amongst Myanmar's other ethnic, linguistic and religious communities. They were not formally recognized as one of the country's official national groups when the country gained independence in 1947, and they were excluded from both full and associate citizenship when these categories were introduced by the 1982 Citizenship Act.

14. As well as being stateless, Myanmar's Rohingyas are confronted with other forms of persecution, discrimination and exploitation. These include (but are not limited to) forced labour, extortion, restriction on freedom of movement, the absence of residence rights, inequitable marriage regulations and land confiscation. The Rohingya also have limited access to secondary and tertiary education as well as other public services.

15. As a result of such deprivations, large numbers of Rohingya have left Myanmar and taken up residence elsewhere. While there is a general lack of precision with respect to the number of people involved, there are estimated to be up to 400,000 in Bangladesh, a similar number in the Gulf states, some 200,000 in Pakistan, 20,000 in Thailand and 15,000 in Malaysia. UNHCR estimates some 750,000 Rohingya remain in northern Rakhine state and other parts of Myanmar.

16. Those Rohingya currently living in Bangladesh can be divided into four principal groups:

(a) An unknown number who can trace their origins to Rakhine State but whose families have been long settled in Bangladesh and who enjoy Bangladeshi citizenship. As such, they are not of concern to UNHCR.

(b) Some 29,000 recognized refugees in camps (around 11,500 in Kutupalong and 17,500 in Nayapara), most of them from families who did not repatriate during the large-scale returns of the late 1970s and early 1990s. Almost one in five of them, 5,473 people do not appear on the government's and are therefore not entitled to receive food or other assistance or, prior to its suspension, eligible for consideration for resettlement. Around 60 per cent of this group is thought to have been born in Bangladesh.

(c) An estimated 22,000 unrecognized refugees who have congregated since April 2008 in a makeshift camp on the fringes of Kutupalong camp, as well as another 14,000 who in July 2008 were relocated from a dangerous site on the bank of a river in Teknaf to a safer location in Leda, seven kilometres from Nayapara.

(d) Undocumented Rohingyawho are living in host communities and who are engaged primarily in the informal labour market, especially but not exclusively in the Cox's Bazar area. Numbering at least 200,000, they are considered to be of concern to UNHCR. While the majority of them are concentrated in the areas of Ukhiya and Teknaf (both south of Cox's Bazar), large numbers can be found in all other parts of the district as well as in the whole of neighbouring Bandarban district (part of Chittagong hill tracks).

17. Some sources report that many of those living in makeshift camps and host communities is that they were once recognized by both the government and UNHCR as registered refugees, but lost this status when they repatriated to Myanmar and were unable to reacquire it on their subsequent re-arrival in Bangladesh.

Bangladesh

18. As with many other countries in Asia, Bangladesh is not party to the 1951 Refugee Convention or its 1967 Protocol. Neither is it party to the 1954 and 1961 Statelessness Conventions. It is however party to a number of human rights conventions, including, most recently, the Convention on the Rights of Migrant Workers and Their Families.

19. Nationality issues in Bangladesh are dealt with through the *jus soli* provisions of the 1951 Citizenship Act, according to which every person born in Bangladesh acquires citizenship automatically at birth. The Act also recognizes citizenship by descent and, as a result of amendments adopted in 2009, guarantees equal rights for male and female citizens to transmit their nationality to children. Bangladeshi law does not, however, allow dual citizenship.

20. There is no domestic law in Bangladesh to regulate the administration of refugee affairs or to guarantee refugee rights. UNHCR's legal status in the country is based solely on a Memorandum of Understanding that was concluded in 1993 and which was originally intended to remain valid for a year, with a second year's extension if required. Strongly

focused on repatriation, it requires registered refugees to remain in camps and to refrain from engaging in economic activities.

21. UNHCR operations in Bangladesh are coordinated with the Refugee, Relief and Repatriation Commission (RRRC) which is located in the Ministry of Food and Disaster Management (MFDM) but outposted to Cox's Bazar. The MFDM has been the largest recipient of financial support from UNHCR, with allocations reaching 20 per cent of UNHCR's operational budget in 2011. UNHCR pays mission allowances to MFDM personnel seconded to the RRRC office in Cox's Bazar as well as the salaries of some 130 RRRC personnel hired locally in the Cox's Bazar area.

22. Two other ministries play pivotal roles in relation to refugees. Lately, the Ministry of Foreign Affairs has come to play an increasingly assertive role in all aspects of refugee policy. The Ministry of Finance's Economic Relations Division also has an influential coordination role, and no refugee-related project, however modest, can proceed without its authorization. Health-related matters are coordinated closely with the Ministry of Health through staff supported by UNHCR under the MFDM project.

23. The MFDM appoints managers (known as Camp in Charges or CiCs) to the two refugee camps. CiCs are senior civil servants who are frequently rotated, typically serving for a year or even less. CiCs, like other civil servants, rotate between ministries and may be appointed without having any previous experience of refugee policy or rights.

24. Since it gained independence in 1971, Bangladeshi politics has been dominated by coalitions coalescing around two parties, the Awami League and the Bangladesh National Party (BNP), punctuated by periods of military-led caretaker governments. Both the Awami League and BNP have consistently opposed the local integration of refugees and pressed for their repatriation or resettlement.

The host and humanitarian communities

25. Bangladeshi society does not generally perceive the Rohingya in a very positive manner. In Cox's Bazar, for example, an earlier spirit of accommodation has given way to local resentment over the refugees' presence. As many Rohingya quietly co-exist with Bangladeshi in communities throughout Cox's Bazar District, much of this resentment appears to have been induced by politicians who are competing for votes, coupled with a host community misperception that refugees in the camps are provided with superior services and are taking jobs away from local people.

26. Regrettably, there is evidence of increased tension between the registered refugees, the local population and unregistered Rohingya, particularly in and around the makeshift camps, where basic resources are in short supply. Firewood collection as well as access to water area constant source of conflict and there are persistent reports of refugee women and children being assaulted while searching for firewood.

27. Within the humanitarian community (and even within UNHCR) some people express the opinion that the Rohingya have low self-esteem, a limited capacity for the development of communal activities and a propensity to enter into protracted disputes with each other.

28. The evaluation team did not see strong evidence to support such views. And even if such evidence could be found, it would hardly be surprising in view of the persistent human rights violations to which the Rohingya have been subjected in their country of origin, not to

mention the very limited opportunities available to them for education, work and recreation in their country of asylum.

Programme evolution

29. It is sometimes forgotten that the relationship between UNHCR and Bangladesh dates back to the 1971 war of liberation, well before the first major influx of Rohingya refugees. At that time, an estimated ten million people – one in seven of the population – fled to India. UNHCR provided the displaced Bangladeshis with food and other assistance and subsequently supported the massive post-war repatriation.

30. UNHCR subsequently re-established a presence in Bangladesh in 1978, to deal with the first Rohingya influx, but closed its operations again in 1980. A further re-opening of the UNHCR office took place in 1991, in response to the second Rohingya influx. Since that time, the following key developments have taken place in relation to UNHCR's efforts to address and resolve the protracted refugee situation in Bangladesh.

- 1993: UNHCR signed a Memorandum of Understanding (MoU) with the government of Bangladesh (which continues to be the only legal basis of UNHCR operations in the country) focusing on repatriation and the provision of care-and-maintenance assistance to refugees who were required to remain in camps.
- 1994: UNHCR committed itself to the promotion of large-scale repatriation, arguing that it was safe for the Rohingya refugees to return, although this assertion was challenged by many commentators.
- 1997: UNHCR contemplated withdrawal from Bangladesh, urging the government to consider the local integration of some 21,000 Rohingya refugees who had not repatriated. The proposal was not accepted.
- 2002: in the absence of local integration and other durable solutions for the Rohingya, UNHCR suggested that residents of the camps should at least be assisted to become economically self-reliant. The agency also explored the possibility of applying the cessation clause to Rohingya refugees in Bangladesh, a step that was ruled out by the significant number of those who had returned to NRS but who had subsequently re-crossed the border into Bangladesh because of adverse conditions in their country of origin.
- 2005: UNHCR estimated in an internal document that some 200,000 unregistered Rohingya refugees has taken up residence in Bangladesh (in addition to the camp population) but continued to be publicly silent about the number and needs of people in this category.
- 2006: on the basis of improved relations with the government, UNHCR was allowed to promote self-reliance in the camps, to rehabilitate shelters and latrines, to initiate refugee education and resettlement programmes and to advocate on behalf of unregistered Rohingya. At the same time, the organization started discussions with other UN agencies in relation to the formulation of a UN Joint Initiative (UNJI) that would provide services to both unregistered refugees and host communities.

- 2008-2010: In cooperation with the government, UNHCR issued individual identification documents to all registered refugees over the age of five, a total of 21,784 persons. A nine-month profiling exercise also allowed the collection of accurate biodata, which in turn provided the refugees with better access to education, enabled proactive protection monitoring and improved outreach to the most vulnerable Rohingya.
- During this period the government also committed in principle to the registration of Rohingya outside of camps, although this was never undertaken. In 2010 UNHCR did, however, add an estimated 200,000 of these people to its acknowledged population of concern.
- In the course of 2010, the UN and UNHCR's relations with the authorities deteriorated, leading to a suspension of income-generating and skills-training activities, as well as the resettlement programme. In January 2011, the government formally declined any help through the UNJI.

The UN Joint Initiative

31. As indicated by the timeline presented above, the relationship between UNHCR and the Bangladeshi authorities has not been a particularly easy one. While this situation can be attributed to a variety of different factors, an important consideration is to be found in the government's longstanding perception that UNHCR and the UN system as a whole have not given sufficient attention to the impact of the Rohingya's presence on local populations.

32. Significantly, the 1993 MoU signed by UNHCR recognized the organization's "willingness to provide technical assistance and financial support to the communities where the influx of refugees has caused negative impact on environment and other infrastructures." In practice, however, substantive attempts to address the refugee impact on host communities started only in 2006. Prior to that, UNHCR's interventions were generally modest, *ad hoc* in nature, inadequately publicized and consequently failed to gain any significant dividend in terms of refugee protection and solutions.

33. UNJI represented an important opportunity to address the situation of refugees and their local hosts in a more positive manner. First mooted in 2006 and supported by the caretaker government that was in power at the time, the initiative was based on the notion that UN agencies which had developed individual programmes for the Cox's Bazar District could and should coordinate their planning and bring improved assistance and services to the most vulnerable communities, whether they be Bangladeshi or Rohingya. In this respect, it should be noted that poverty levels have been increasing by three percent annually in Teknaf and Ukhiya, that unemployment and illiteracy rates there are in excess of 50 percent and that both birth and malnutrition rates are well above the national average.

34. UNHCR played a leading role in the initial development of UNJI, but as the planning process went forward the organization kept a relatively low profile, given the sensitivity of the refugee issue. Tentative pledges of \$33 million were made by the European Union and Australia, while UNJI also received strong support from the informal Dhaka Steering Group (an amalgam of donor states and UN agencies) who were eager to enhance the otherwise remote prospects of meeting the Millennium Development Goals in Cox's Bazar.

35. Despite its strong endorsement from the UNCT as well as key humanitarian and development actors in Dhaka, the GoB rejected UNJI. Accusing the UN of “*mala fide* intentions,” the Ministry of Foreign Affairs claimed that the initiative was an underhand attempt “to rehabilitate refugees in Cox's Bazar district under the pretext of poverty reduction for locals.”¹

36. The authorities also suggested that they had been side-lined during the UNJI needs assessment and planning process. According to one official interviewee, “we never had the full picture. For four years we did not know what was going on... and UNHCR seemed to be stepping out of its mandate and getting involved in development initiatives.” Others said that by pushing UNJI rather strongly, the UN had “overplayed its hand” and resorted to “megaphone diplomacy” that was unsuited to the local culture.

37. In addition to these characteristics of the UNJI process itself, there is also evidence to suggest that the initiative was rejected as a result of other issues that had created differences of opinion between Bangladesh and other members of the international community. These included disagreements with respect to the peace process in the Chittagong Hills Tracts, the government’s insistence on removing Nobel prize winner Muhammad Yunus from the leadership of the Grameen Bank, as well as allegations by certain actors that Bangladesh was too slow in its efforts to combat corruption. As this experience suggests, efforts to address and resolve a protracted refugee situation, however well intended, may ultimately be constrained by political considerations that lie well beyond the control of UNHCR.

¹Govt turns down \$33m UN Rohingya project’, Financial Express, 29 April 2011.

In and around the camps

38. Those Rohingya who have moved to Bangladesh in order to escape from the difficulties of life in their place of origin continue to be confronted with serious hardships in their country of asylum. This is not a completely unique situation, as refugees in many parts of the world are obliged to take up residence in areas which are characterized by high levels of poverty, low levels of development, limited local capacity and poor socio-economic indicators.

39. Even so, it is difficult to avoid the conclusion that the Rohingya refugees are particularly disadvantaged in terms of the assistance they receive, the services they can access and the risks that they encounter. As this chapter indicates, particular gaps exist in relation to a number of human rights and needs.

Protection

40. A public document issued by UNHCR in 2007 acknowledged that there are major gaps in the protection of Rohingya refugees.² Those gaps do not appear to have closed in the past four years, and in fact may even have widened. According to evidence collected by the evaluation team, the principal protection risks for Rohingya living in the camps include:

- wife-beating and wife abandonment;
- rape, and a lack of safe shelters for the victims of rape;
- early and non-consensual marriage;
- child labour and trafficking ;
- detention for illegal presence;
- restrictions on freedom of movement; and,
- extortion and exploitation.

41. In accordance with its efforts to improve the quality of life for refugees in protracted refugee situations, even if solutions cannot be found for them, UNHCR has taken a variety of steps to address these problems.

42. The incidence of rape in the camps has declined as a result of the installation of solar lighting around latrines and washing blocks. UNHCR protection staff in Cox's Bazar have established an effective system whereby protection incidents and the organization's response to them can be recorded, tracked and analysed. Another commendable initiative has been the recent revision of UNHCR's generic Standard Operating Procedures for SGBV response, so as to make them more locally relevant.

²Bangladesh: *Analysis of Gaps in the Protection of Rohingya Refugees*, UNHCR, 2007

43. Idleness among refugee children and youth is another serious protection concern. The Boy Scouts initiative is a good practice which has been regularly publicized both by the government and UNHCR, but which has recently suffered from restrictions on activities outside the camps. At the time of the evaluation mission the need to expand this initiative to include girls, and to provide young refugees with more meaningful activities in general, was also discussed. The evaluation team has recently been told that a Girl Scout troop was formed and that it participated in the International Coastal Clean-up that was held in Cox's Bazar on 24 September 2011. UNHCR had advocated for such an initiative for well over a year, and it is to be hoped that the authorities will not impose restrictions on it.

44. UNHCR is currently entering into a new partnership with some local organizations, so as to strengthen its work in the area of community-based conflict resolution and peacebuilding. There is an evident need for this initiative, given the extent to which violence is regarded as normal in Rohingya-populated areas and used as a means of social control by community leaders, security personnel, teachers and parents.

45. With respect to detention, UNHCR has developed a system of monitoring detention centres and collecting data on refugees who have been apprehended. The organization also has an active training programme in order to sensitize the police and judiciary to the rights of refugees. The refugees nevertheless lack adequate access to legal services and representation, a problem that UNHCR hopes to address by linking up with national NGOs and professional bodies that can work on a *pro bono* basis. It should be noted, however, that it took UNHCR three years to convince legal aid organizations to expand their legal aid services to refugees in Cox's Bazar, a small but significant step forward.

Documentation

46. Rohingya refugees in Bangladesh are affected by a number of issues related to documentation. First, photo identity cards have been issued by UNHCR to all camp refugees above the age of five. These cards have provided some form of protection outside the camps, but they are not officially endorsed by the government and so do not prevent refugees from being detained for illegal presence. Though not immune to arrest and detention outside camps, those with valid UNHCR identity cards have better chances of being released and/or granted bail once charged.

47. Second, birth registration cards for refugee children are issued by health clinics within the camps. As with the identity documents, however, they are not recognized by the authorities. Another lingering issue in this respect is the non-registration of refugee children with a Bangladeshi father or mother, despite the fact that the Bangladesh Citizenship Act since 2009 allows both Bangladeshi men and women to pass on citizenship. Because of this gap in the implementation of existing national laws, UNHCR keeps track of such children by entering their data into ProGres, as there would otherwise be no record of their existence. Unregistered refugees are unable to register their newborn children.

48. Third, the camp authorities are empowered to authorize or reject marriage applications from registered refugees. The mission learned that applications for marriage between registered and unregistered refugees or between registered refugees and members of the host community are usually disallowed.

49. Fourth, in order to leave their camp refugees are required to request an official pass, which is in principle issued free of charge for one day to allow travel for medical care or to

visit refugees residing elsewhere. Passes of longer duration appear to be only infrequently issued and it is alleged that refugees are often required to pay, even for the regular one-day pass.

Shelter

50. Since 2006 there has been a considerable improvement in the quality of shelter in both of the Rohingya camps. While the majority of huts have been substantially rehabilitated, however, they are dingy and lack privacy. The shelter space available to each person is also considerably below that of the Sphere Standards.

51. During the evaluation mission, a severe storm removed the roofs of substantial numbers of huts in Kutupalong, forcing thousands of people to spend a sleepless sodden night. UNHCR efficiently repaired the roofs but no agency was able to provide any assistance to the considerable number of people in the adjoining makeshift camp who had also lost their homes.

52. There is a potential for even greater disaster. Around 150,000 people were killed by a cyclone in Cox's Bazar in 1991 and the district is also affected by the longer-term process of rising sea levels. The extent to which refugees, whether in official camps, makeshift camps or host communities, are included in disaster preparedness planning is unclear. With nowhere else to live, many Rohingya are already camping out along the beach south of Cox's Bazar, defenceless against storm surges.

Water and food

53. Water in Nayapara is in short supply due to shortage of groundwater. Rainwater is channelled into a basin, cleaned and then pumped – for two periods of two hours each day – to distribution points. It is reported in UNHCR internal and external documentation that refugees in Nayapara camp receive 19 litres of potable water per person per day. However, women in a focus group informed the mission of regular water shortages, alleging that average *per capita* availability was only around six litres.

54. The mission was also told that women line up their pitchers expecting water to be available for the full two hours, but that they may not receive water as the pump is switched off, allegedly allowing the operator to purloin supplies of diesel.³ The mission was unable to obtain verification of this claim, to learn what monitoring procedures are in place and to confirm UNHCR's belief that recommended international levels of provision (20 litres per person per day) are very nearly met.

55. Food can only be distributed to those refugees who are officially recognized. The current food basket, which has been in place since 2001, provides only limited access to fresh goods, key vitamins and minerals. Each registered refugee receives around 2,200 kcal of food each day, with 10.6 per cent of this energy being provided by fat. The Sphere Standards, however, state that at least 17 per cent of energy should be provided in this way.

56. Refugees collect their ration directly from distribution centres by presenting their 'family book'. Provided to refugees soon after their arrival in Bangladesh, these family books

³ See AhsanUllah, 'Rohingya refugees to Bangladesh: historical exclusions and contemporary marginalization', *Journal of Immigrant & Refugee Studies*, 9, 2, 2011, p. 153.

have been used to record all forms of assistance, including food, non-food items and vaccinations. The front page of the book contains the names of all family members and their relationship to the head of household.

57. This arrangement is flawed in a number of ways. People living in different households are sometimes recorded in the same family book, while newborns are not always included. One NGO recently reported that almost 34 per cent of the camp households that receive food have at least one family member who is not entitled to food rations. Now some 20 years old, moreover, the family books are easy to forge and may have been pawned, bought and sold several times.

58. Successive UNHCR-WFP Joint Assessment Missions (JAM) have recommended the replacement of the family books, and it is clearly time to introduce the more modern, computerized and tamper-proof registration/ration card system that is widely used by UNHCR elsewhere.

59. This has not happened in large part because of an on-going impasse around the registration of some 5,800 people who are currently residing in the camps but who are not registered with the Government and who consequently do not receive food aid. This issue should be resolved as quickly as possible given the serious implications that it has for the protection and well-being of the Rohingya concerned. UNHCR advocacy efforts to resolve this impasse have been on-going for the last year and this evaluation strongly urges the RRRC to support and expedite the process as *bona fide* refugees are being denied their right to food and assistance in the process.

60. The JAM for 2010 “noted with alarm” that almost one in three of the registered food-receiving children from six to 23 months were malnourished and that in this respect they were in the same situation as Rohingya children who did not qualify for food assistance. One of the reasons why food recipients are not better nourished appears to be because they share it with relatives (both within the official and makeshift camps) and because they sell food items (both to other refugees and to Bangladeshis) in order to be able to buy goods such as vegetables, fish, spices, kerosene and clothes.

61. The 2010 JAM strongly recommended additional research “to have a better grasp of the causes of the high levels of malnutrition and anaemia noted which seem on the surface to be food related.” Such research is currently being undertaken by a joint WFP/UNHCR/Action Contre la Faim causal analysis of malnutrition in the camps.

62. Were such data available, it might then be possible to take forward a proposal that has been made for several years, namely the introduction of vouchers, equivalent to the market value of the food normally received, plus transport and delivery charges. Such a system would allow refugees to purchase items from local tradesmen without having to resort to sale of food in order to do so. The evaluation recommends that the efficacy of such a system be examined.

Fuel

63. UNHCR provides compressed rice husk (CRH) to recognized refugees in Nayapara and Kutupalong camps. The family ration of CRH is 40kg for a family of 1-4 persons, 60kg for a family of 5-7 persons and 80kg for a family of eight or more. Refugees claim that

this is insufficient. They would also like to receive more paraffin, which is needed to combust the CRH, but which is also used needed for the purpose of lighting.

64. UNHCR acknowledges the challenges involved in negotiating adequate supplies of CRH with local merchants, particularly as the fuel deteriorates in humid conditions and thus cannot be stored for long. UNHCR's seasonal CHR sourcing difficulties (which occur between May and August each year) obliges increasing numbers of refugees, particularly vulnerable youths and women, to collect firewood for sale or consumption. This puts them at greater risk of SGBV, of being arrested, having money extorted from them by the forestry authorities or being attacked by aggrieved local people who are dependent on the same source.

65. Lack of CRH also contributes to poor nutrition, because families do not have sufficient fuel to prepare food. In periods of CRH shortage, families may sell some food in order to buy the fuel needed to cook the remaining food.

66. UNHCR has extensively promoted eco-stoves, which are in principle some 30 percent more fuel efficient and which are also less likely to cause or exacerbate respiratory diseases. Roll-out has been slower than anticipated however, and only 15 per cent of the camp population currently use the eco-stoves. In the last review, it was found that the use of eco-stoves does not drastically reduce the quantity of fuel needed. The intended reduction of smoke in the shelters has also been questioned, either because the stoves are not yet properly installed and used or because they are not suitable for conditions in the camps. Additional information and education is needed on fuel conservation and the use of eco-stoves.

Health

67. Both camps have well-equipped clinics and refugees have access to a basic level of free health care (including referrals to specialists in Cox's Bazar and Chittagong) which is better than that available to poor Bangladeshis in surrounding villages.

68. At the time of the evaluation mission there was a shortage of medication and medical supplies due to a delay in the signing of sub-agreements between UNHCR and its partners. The mission was also approached by trained community health workers who complained of having not received their incentive payments for several months. Female health workers are in short supply, a critical protection gap in view of the prevalence of SGBV within and outside the camps.

69. There is also an on-going problem in attracting doctors to work for the Ministry of Health in the camps. This is apparently due to their reluctance to work in a remote location and in an context where they are unable to augment their income by charging patients (a common practice in Bangladesh) as the refugees have very limited access to cash.

Education

70. Education is a key priority for both registered and unregistered refugees, but access remains partial and ad hoc. Although Bangladesh is a signatory to the 1989 Convention on the Rights of the Child, non-camp Rohingya children have no entitlement to education. In practice, however, many seem to have entered the local school system, either by paying for the privilege or because of general good will on the part of education authorities.

71. The mission visited a secondary school in which 10 per cent of students are Rohingya. The head teacher has not only admitted them but has made considerable endeavours to integrate them into his school community. A focus group discussion demonstrated that this objective had been largely achieved. The major fear expressed by the children was what would happen to them when they turned 18 and were required to produce a valid national ID card to access tertiary or vocational education.

72. Within the camps, the formal provision of primary education to refugee children began only in 2006, and did not use the Bangladeshi curriculum (rather than the Myanmar) until 2008. Attendance is high and there has also been good progress towards gender parity in enrolment. There are 21 primary schools in both camps teaching, in late 2010, 3,250 girls and 4,279 boys. Some 60 per cent of the teachers are refugees.

73. Just prior to the evaluation mission, UNICEF announced it had decided to stop supporting in-camp education in 2012. And there is another major cloud looming. By next year, some 2,500 refugee children will have completed five years of primary education and thus hope to take examinations for the Bangladesh primary school certificate. But the law stipulates that only citizens can sit public exams.

74. Each camp has an adolescent and adult literacy school run by an implementing partner. It is however unclear whether the RRRC has given a clear commitment to allow formal secondary education within camps. Considerable numbers of young people regularly leave camps to attend government secondary schools, sometimes under an assumed identity as it is formally forbidden to do so. The parents of such children usually have to make enormous sacrifices to keep them in school.

75. UNHCR has had considerable difficulty in obtaining information on the exact number of refugee children who find themselves in this situation. Such data would help UNHCR to monitor and address the considerable protection risks the children face – from camp security staff, from the providers of transport services and from local police – as they go to and from school.

76. UNHCR should reinforce its efforts to explain to parents and children exactly why this information is so important and how it can be used for advocacy purposes. Advocacy is all the more important as there is a real risk that as official documentation procedures become more robust, refugee children will be increasingly denied access to secondary education opportunities.

77. The mission was surprised to learn of the extent of informal education within the camps. Some is provided by un-recognized madrasas (Islamic school). Others cater to the passion for learning English among young Rohingya refugees.

78. The Bangladesh camps are also among the pilot sites selected for the Community Technology Access (CTA) project, a global programme backed by Microsoft and PricewaterhouseCoopers to provide refugees with information and communication technology skills as “a gateway to self-sufficiency.” Ambitions have had to be scaled back, however, due to the refusal of the authorities to permit internet access to the 1,200 CTA refugee students in Bangladesh. Training is confined to three Microsoft programmes: Word, Excel and Publisher.

79. During the mission’s visit to the Kutupalong CTA centre, young refugees complained about being offered such a limited choice of programmes. Many are familiar with a wider

range of software and the possibilities of the world-wide web, having illegally left camp to go to internet cafes or by illegally using mobile internet access. UNHCR should explore the scope for providing the centres with a wider range of educational software, including English language, typing, mathematics and HTML instruction programmes and should advocate for legalizing internet access.

Refugee representation

80. For most of UNHCR's long engagement in Bangladesh, Rohingya refugees have had no opportunity to choose their leaders and interlocutors with the camp authorities. The authorities have instead managed the camps by means of what became known as the *majee* system - using state-appointed refugee leaders to carry out official policy, and, more specifically, to encourage repatriation. This system was also used to punish recalcitrant refugees by removing or reducing their rations.

81. It is to the great credit of UNHCR's advocacy efforts that this refugee control regime has been formally abolished in the two official camps, although it remains in place in the makeshift camps. In the latter locations, the mission was informed, *majees* are still a dominant force.

82. In the official camps, the replacement system - a Camp Management Committee (CMC) supported by Block Management Committees (BMCs) - is far from ideal. UNHCR has consistently advocated for the members of these Committees to be democratically elected, but it is not clear whether the authorities are committed to such an arrangement. The system currently in place, which is an improvement on the previous one, involves a selection of CMC and BMC members engrained in a community-based consultation mechanism to ensure broader participation by persons of concern. The goal, however, should be the establishment of a democratic election mechanism.

83. UNHCR has provided training for CMC and BMC members and has also sent CiCs for training abroad. It would be useful to follow up on these initiatives and to determine whether training leads to changed behaviour. At the same time, UNHCR should continue to advocate for the democratic election of committees members, and their tenure of office limited to one year.

Solutions and partnerships

84. As with other protracted refugee situations, the essential problem for the Rohingya refugees is that they have nowhere to go. They are unable and unwilling to return to Myanmar. Their current prospects for resettlement are very minimal.

85. And while the Bangladesh authorities have generally tolerated the long-term presence of a very large Rohingya population on their territory, they have always made it clear that this refugee situation should be resolved by repatriation rather than local integration. According to one informant, “UNHCR lives with the daily paradox of its mandate (and earnest desire) to help the refugees, together with the reality of its inability to alleviate the root causes of their suffering.”

Repatriation

86. The last organized repatriation movement from Bangladesh took place in July 2005. Other applicants for voluntary repatriation were turned down by Myanmar as they included at least one family member who was not “re-admissible” under the 1993 MOU. The mission heard repeated regrets from the government that UNHCR had not done enough to promote repatriation to Myanmar, given that the MoU focuses on the establishment of “a viable framework for progressive cooperation on the repatriation of Myanmar refugees.”

87. UNHCR has acknowledged in one publication that “premature or coercive repatriation” took place amongst the Rohingya in Bangladesh in 1991-1992, and there is an evident need to prevent any repetition of this scenario. In order to ensure that voluntary return, whenever possible, could indeed be sustainable UNHCR should continue to closely monitor the situation in Myanmar and keep refugees informed on the situation in the various areas of potential return. In this respect, it should be acknowledged that some significant political changes appear to be taking place in Myanmar. But it needs to be seen whether these developments will have a sustained and positive impact on the living conditions and status of Rohingya in Myanmar.

88. A reaffirmation of the principles of voluntary repatriation would serve two purposes: further consolidating positive relations with international NGOs and human rights agencies and, more importantly, indicating to the authorities that UNHCR cannot again be party, implicitly or explicitly, to any repatriation process that is not based on informed consent.

Resettlement

89. Resettlement from Bangladesh started in 2006 and peaked with 465 departures in 2009. As these numbers suggests, it was restricted to a relatively small number of compelling cases. By the time that the government suspended resettlement in November 2010, UNHCR had been able to resettle less than half of the refugees whose cases were submitted to resettlement countries (920 out of 1997 persons).

90. The mission was surprised to be approached by refugees whose families have been selected for resettlement. They seemed unaware of the fact that the resettlement programme has been closed at the government’s request. It would be advisable for UNHCR

to regularly inform resettlement candidates of the reasons for the current freeze and subsequent delays.

91. Resettlement for individual protection cases was stopped by the authorities in November 2010. This was despite the fact that a group of recognized refugees had been identified and interviewed and accepted by resettlement countries. Some of them had only completed their medical examination but others had gone through the pre-departure cultural orientation programme facilitated by IOM.

92. During focus group meetings, the refugees who had been directly affected by these developments were clearly in a state of depression. The evaluation team was informed that UNHCR had initiated discussion with the Ministry of Foreign Affairs on this issue, and had even agreed to form a joint committee to look into the issue, but action was still pending at the time of the mission. Every effort should be taken to allow this group to complete the process and to continue to advocate for the resumption of resettlement. Resettlement being a 'pull-factor' for new arrivals should not be an issue as it would only be made available to formally recognized refugees who are already in the camps. Moreover, resettlement would support the government's call for international burden-sharing.

93. Despite the official freeze, a number of officials interviewed by the evaluation team expressed the opinion that resettlement should actually be ramped up. In this respect, they mentioned the recent large-scale resettlement of Bhutanese refugees from Nepal, appearing to believe that this experience could be replicated in Bangladesh. UNHCR is advised to explain to its official counterparts the considerable dissimilarities between the two contexts.

Livelihoods and self-reliance

94. It has become a central component of UNHCR that refugees who are trapped in protracted situations and who cannot benefit from any of the three classical durable solutions should at least be able to establish livelihoods and become self-reliant in their country of asylum, an objective which often depends on refugees having freedom of movement and the ability to access local markets.

95. Very little progress has been made in these respects in relation to the Rohingya refugees in Bangladesh, primarily because of official concerns that any movement in this direction would open the floodgates to new arrivals from Myanmar. Refugees are thus required to seek permission before leaving the camps and have no formal right to work.

96. Even so, Rohingya workers play a vital role in the local construction and fishing industries, providing a source of cheap (and in many cases exploitable) labour. At the same time, the refugees do not have access to Bangladesh's micro-finance institutions and are therefore unable to gain access to the credit required to establish small-scale enterprises.

97. A considerable number of assessments and evaluations have pointed to the importance of changing this scenario. In the words of UNHCR's 2011 protection assessment, "after 18 years of a confined and sometimes repressive camp environment, a severe dependency syndrome within the camp community has developed which is difficult to reverse."

98. Responding to this situation, there were several modest attempts in the past to promote what UNHCR referred to as "productive activities," including vegetable gardening, poultry farming and tree planting, together with limited skills training programmes in areas

such as sewing and knitting. But the process of developing a formal self-reliance strategy did not start until March 2009, when UNHCR and the International Labour Organization (ILO) jointly published a livelihood assessment of refugees in the Kutupalong and Nayapara refugee camps. The following year established a detailed self-reliance roadmap, titled *Self Reliance Strategy for Rohingya Refugees and the Host Community, Cox's Bazar District, Bangladesh, 2010 – 2013*.

99. Unfortunately, there is very little scope for the effective implementation of this strategy. Indeed, in 2010, apparently on the instructions of Dhaka, a series of actions were taken to stop projects and activities which enabled the refugees to earn an income and acquire skills.

100. These actions included the suspension of training courses in carpentry and the repair of mobile phones, radios, TVs and boat engines, as well as a prohibition on the cultivation of mushrooms, the manufacture of pickles and bags and the raising of fish within the camps. Commercial activities within Kutupalong camp were banned, with the result that 75 refugee hawkers (micro-vendors) had been forced to abandon their businesses. The only authorized retail outlet in the camp is now owned by a non-refugee.

101. As a result of these restrictions, practically the only remaining income-generating activity which is permitted within the camps is that of rickshaw repair. Unsurprisingly in these circumstances, the refugees appear to be increasingly dependent on remittances sent by Rohingya working abroad, primarily in the Gulf States and South-East Asia. At the same time, Rohingya living outside the camps or able to exit the camps on a regular basis are able to benefit from the informal employment opportunities that have been created by the recent expansion of Cox's Bazar as virtually the sole tourist destination for Bangladesh's burgeoning middle class.

A non-traditional solution

102. One person interviewed by the evaluation team remarked "how long do you try one thing before you say it's not yielding results and we should try something else? Is UNHCR destined to be absorbed in putting out the fires, while waiting for the broader political currents to move in the refugees' favour?"

103. As this comment suggests, there are relatively few options for UNHCR to pursue in Bangladesh. Resettlement has been stopped. Voluntary repatriation to Myanmar is currently not foreseeable. Local integration cannot be officially pursued. Self-reliance remains the only option, but without freedom of movement or the right to work, this remains an elusive quest.

104. An alternative approach that UNHCR could pursue is to enter into discussions with the authorities on the issue of providing temporary foreign migrant status to those Rohingya who wish to avail themselves of this opportunity, drawing upon lessons learned in other countries where the organization has advocated for the legal recognition of persons of concern together with access to basic rights such as work and education.

105. Opening up a migration status for the Rohingya, both within and outside the camps, would not only help to reduce the protection risks that many take in the interests of securing their socio-economic survival, but would also enable the authorities to have much better

information with respect to the foreign nationals living in Bangladesh. In addition, it would provide the Rohingya with an opportunity to relocate to other parts of Bangladesh.

106. To facilitate this alternative approach, UNHCR should encourage international development actors to support area-based programmes that would bring jobs, services and other tangible benefits to refugees and local residents alike. At the same time, and as a confidence-building measure between the governments of Bangladesh and Myanmar, UNHCR could, together with IOM and UNDP, discuss the additional possibility of a joint border management action plan.

107. To ascertain how many people would be willing to relocate, it would be advisable for the government, IOM and UNHCR to conduct a survey on the needs and profile of those Rohingya living in local villages and makeshift locations and to examine their interaction with both the local population and camp-based refugees. This might not be an easy task. The mission was warned that the Rohingya are unlikely to want to participate in any identification or registration exercise unless it promises to provide them with a status and entitlements. Otherwise they may prefer to continue to live in the shadows.

108. Note should be taken that the Rohingya refugees in Bangladesh are simultaneously stateless. Any action in relation to them aimed at facilitating durable solutions should take this into account, providing them with a legal status and documentation which in the long run may help them to confirm or acquire citizenship.

Partnerships

109. The current prospects for the voluntary repatriation, local integration or resettlement of the refugees are consequently not at all bright. There is very little indication of any improvement in the situation in Northern Rakhine State, and the Rohingya receive little or no support from the Burmese opposition, led by Nobel Prize laureate Aung San Suu Kyi. In Bangladesh, the authorities remain firmly opposed to the integration of the refugee population, and neither of the main political parties, the Awami League and BNP, wish to be seen making any concessions to international pressure on this matter.

110. In fact, international pressure in relation to the situation of the Rohingya refugees is weak. As Human Rights Watch notes, "because they have no constituency in the West and come from a strategic backwater, no one wants them, even though the world is well aware of their predicament."⁴

111. If the refugee situation in Bangladesh is to be addressed more effectively, UNHCR will have to engage with a variety of different partners in a long-term effort to improve the prospects of finding a resolution to the plight of the Rohingya and, in the meantime, to improve their conditions of life. In this respect, the most important objective must be to recover from the setback of the UNJI and to establish a constructive engagement with the government at all levels and with different line ministries, demonstrating in the process how efforts to promote livelihoods and self-reliance amongst the refugees can be linked to broader local development programmes that bring advantages to the Bangladeshi population.

112. The UN system has an essential role to play in this process. Dhaka is home to a large, longstanding and potentially influential UN presence, which unfortunately in the past year

⁴*Perilous Plight: Burma's Rohingya Take to the Seas*, Human Rights Watch, 2009

has come under attack in a series of negative newspaper articles, criticizing the world body for its stance on a number of issues, including that of the Rohingya refugees. The UN Country Team has decided not to reply in public to these attacks, but, in the words of one UN agency head, “to take the punishment.”

113. Other interviewees expressed surprise at this apparent quiescence, pointing out that Bangladesh highly values its relationship with the UN, especially in view of its extensive participation in peacekeeping missions. The Country Team should take advantage of this relationship, identifying potential allies in government, the media, civil society and the private sector who might be supportive of UNHCR’s efforts to address the Rohingya refugee situation.

114. UNHCR itself should evidently play a central role in this effort. The organization could, for example, influence local attitudes by means of a vigorous public information campaign, taking advantage of the fact that some older Bangladeshis benefited from UNHCR assistance in the 1970s, and that most recently, the organization has played an important role in the evacuation and return of over 5,600 Bangladeshis from Libya, at a cost of some US\$ 6.4 million.

115. Efforts to mobilize support for UNHCR’s efforts in Bangladesh would also be strengthened by the re-establishment of the now defunct Eminent Persons’ Group on Refugee and Migratory Movements in South Asia (EPG). Founded with the encouragement of the then High Commissioner, Sadako Ogata, and consisting of prominent former ministers, jurists, diplomats, academics and other opinion-makers, the EPG promoted durable solutions for refugees in the region, encouraged South Asian states to accede to the Refugee Convention and in 2004 issued a South Asia Declaration on Refugees which included a ‘model national refugee law’. A revived EPG at either the regional or national level, supported with modest UNHCR funding, could play a valuable role in encouraging new efforts to address the Rohingya refugee situation in Bangladesh.

116. Another important partner for UNHCR is to be found in the Dhaka Steering Group (DSG), an informal grouping of a dozen ambassadors and UN agencies which meets several times a year with the objective of supporting and finding solutions for the Rohingya in Bangladesh.

117. The result of an initiative taken by UNHCR, the DSG has the strong backing of the international community but is regarded somewhat suspiciously by Bangladesh, perhaps because it is a largely Western group, with Asia represented only by Thailand. The inclusion of regional powers such as China and India, as well South-East Asian states receiving Rohingya, such as Malaysia and Indonesia, would help to allay such suspicions and foster a truly regional approach to the stateless refugee situation.

118. Another regional mechanism that has a role to play in the search for solutions is the Bali Process, a group of states and organizations that was established by Australia and Indonesia in 2002 to promote regional cooperation on human trafficking and smuggling. Although Myanmar is not a member, UNHCR has a well-established relationship with the Bali Process, and should make use of its influence to promote the Bali process objective of “assisting countries to adopt best practices in asylum management, in accordance with the principles of the Refugees Convention.”

119. Additional opportunities for increased engagement have also emerged from the human rights structures established within ASEAN, including the Intergovernmental

Commission on Human Rights (AICHR) and the Commission on Women and Children. A most recent example of such an engagement can be seen in the regional workshop on Statelessness and the rights of women and children which was co-hosted by the AICHR and the UNHCR Bangkok Regional Protection Hub in the Philippines.

Annex 1: Action Plan

Issue	Recommendations	Implementation	Action taken and comments
Registration and identification	<p>For the GoB and UNHCR to renew their efforts to finalise the harmonization of data, so as to improve camps living conditions and avoid food-sharing among the registered and the unregistered. This will also address the flaws in the current food distribution system, as it will allow for reconciliation of data and an overall reduction in abuses.</p> <p>UNHCR to de-link discussions around harmonization of data from the much needed replacement of family books with the more accurate ration card system.</p> <p>A survey on the profile of the unregistered should be agreed jointly and alternative status should be negotiated with the GoB. This could be some sort of “humanitarian status”, “temporary resident”, or “temporary migrant”. These identities would not alter Bangladesh’s existing commitment to the principle of non-refoulement and voluntary repatriation.</p> <p>GoB, UNHCR and UNICEF should work towards a joint plan on how to tackle the issue of unregistered children, including those born of a Bangladeshi parent.</p>	<p>UNHCR Bangladesh, GoB</p> <p>GoB, UNHCR, UNICEF</p>	
Refugee representation in camps	<p>UNHCR should maintain a monitoring role in relation to the activities undertaken by the refugee leaders and discuss irregularities both with the leaders and the CiC. (This approach should also address the possible differences in views between UNHCR and the CiCs on the roles and responsibilities of refugee leaders.)</p> <p>In order to avoid abuses similar to the <i>majee</i> system, UNHCR and the CiC should ensure that block and camp committees are democratically elected and maintain a strict rotation policy of one year.</p>	<p>UNHCR Cox’s Bazar and the RRRCs</p>	

Legal and physical safety	<p>UNHCR to reinforce community-based structures through the deployment of a gender specialist and a national community services officer.</p>	UNHCR	
Restrictions on freedom of movement	<p>UNHCR to advocate with camp leadership and security personnel not to charge refugees for exit permits and ease conditions for authorizing movements outside the camps.</p> <p>There should be a minimum period of validity for camp passes as is the case in other contexts. Currently in both camps, even a one day's pass is being issued.</p> <p>There should be clear criteria for the issuance of passes known to all the refugees, as currently this is not the case. The wide discretion to issue, reject or determine the length of validity is open to abuse.</p> <p>Advocate for the provision of students camp passes for those children studying in local schools.</p>	UNHCR, CiC, RRRC	
Food	<p>The inaccuracy of family books should be addressed by providing new ration cards to those whose numbers are not been contested, while awaiting the outcome of discussions on harmonization of data</p> <p>UNHCR and WFP to commission a broader study of the local food economy in and around the camps in order to understand the dynamics of food usage and its impact on refugees' health and nutrition status.</p>	UNHCR-WFP	
Education	<p>Expand the computer lab capacity to allow a much higher intake with a more streamlined computer skills education leading to some form of certification.</p> <p>In liaison with the Ministry of Education, facilitate access to examinations for the group of 2,500 who qualify for primary school certificate exams.</p>	UNHCR - GoB	

	<p>Systematically advocate for and promote access and enrollment to government-ran secondary schools for those who qualify, especially to those schools that have benefited from UNHCR support to host communities.</p>		
Livelihoods	<p>In the absence of more durable solutions, livelihood support should be promoted to avoid negative coping strategies and supplement basic assistance.</p> <p>Any livelihood or environmental programmes should be carefully designed to reflect the link between assistance to refugees and the economic development of the local community. The strategy should be discussed and jointly agreed together with the GoB.</p> <p>Work with Government to agree on a policy for skills training without which refugee interest may continue to decline as the government stops training in viable skills.</p>	UNHCR - GoB	
Outreach to local host community	<p>The entry point for assistance to local hosts should be confidence building activities which would eventually increase joint livelihoods opportunities and decrease tensions with locals competing for jobs.</p> <p>Assistance to the local host community and the unregistered Myanmarese should be part of the overall development approach pursued by various agencies including through their development programmes.</p> <p>Develop a project on conservation of the environment to be implemented jointly by refugees and host communities outside the camps.</p> <p>Bilateral development funding by donors could be partially linked to progress in a joint UNHCR-GoB livelihood strategy covering both refugee and locals.</p>	UN - GoB, donors	
Partnerships	<p>UNHCR should advocate more forcefully on particular issues and seek out sympathetic persons in the media in order to present more balanced</p>	UNHCR and key stakeholders	

	<p>coverage of refugee and human rights issues.</p> <p>UNHCR to update the protection gaps analysis report of May 2007 to be used as a guidance tool for UNHCR and a public road map to be implemented jointly with the GoB.</p> <p>UNHCR to revive the Eminent Persons Group to act as a forum to bring together persons of influence.</p> <p>UNHCR, together with other interested parties, to promote confidence building programmes between the GoB and the GoM, involving multilateral brokering of border management controls and possible joint patrols by the two governments.</p>		
Resettlement	<p>UNHCR should renew its efforts to advocate for the most vulnerables completing the process of resettlement, and likewise for the GoB to revisit its stand regarding stopping limited resettlement for protection cases.</p> <p>UNHCR to ensure that those refugees who have been selected for resettlement are made aware of recent developments and the reasons for the current freeze.</p>	UNHCR - GoB	
Programme management	<p>UNHCR to advocate with the GoB for a simplified registration process for NGOs working in Cox's Bazar.</p>	UNHCR - GoB	

Annex 2: Myanmar refugees in Bangladesh, 2006 - 2010

Kutupalong camp	2006	2007	2008	2009	2010
Age group 0-4	1730	1944	2158	2164	2074
Age group 5-17	3974	4090	4340	4475	4646
Age group 18-59	4198	4439	4335	4408	4514
Age group 60+	242	235	214	204	235
Total all age groups	10,144	10,708	11,047	11,251	11,469

Nayapara camp

Age group 0-4	2866	2898	3206	3122	2905
Age group 5-17	6205	6473	6840	6946	7316
Age group 18-59	6560	6939	6704	6713	6962
Age group 60+	379	369	326	310	364
Total all age groups	16,010	16,679	17,076	17,091	17,547

Data as of 2 March 2011

Annex 3: Resettlement of Myanmar refugees from Bangladesh, 2006 - 2010

Year	Destination	Submissions	Departures
2006	Canada	28	13
2006 Total		28	13
2007	Canada	204	75
	New Zealand	54	
	United Kingdom	121	
2007 Total		379	75
2008	Australia	151	
	Canada	212	76
	Ireland	112	
	New Zealand	11	23
	Norway	12	4
	Sweden	19	19
	United Kingdom		34
	United States	32	
2008 Total		549	156
2009	Australia	120	108
	Canada	3	122
	Ireland		82
	New Zealand	12	27
	United Kingdom	112	109
	United States	302	17
	2009 Total		549
2010	Australia	108	134
	Canada		17
	New Zealand		6
	United Kingdom	112	47
	United States	272	7
2010 Total		492	211
Grand total		1997	920

As this information is provided on the basis of nationality, ethnic groups other than the Rohingya may be included.