

ROHINGYA IN BURMA: SPOTLIGHT ON CURRENT CRISIS OFFERS OPPORTUNITY FOR PROGRESS

Despite an abundance of natural resources, Rakhine State is the second-poorest state in Burma. The simmering tension that exists between the Rakhine and stateless Rohingya communities has been stoked by poverty for decades. However, in June 2012 that tension boiled over. What began as inter-communal violence was followed by a wave of state-sponsored persecution of the Rohingya, along with a refusal to allow humanitarian agencies access to the northern part of the state, where the majority of Rohingya live. In October, Rohingya and other Muslim communities were attacked again, resulting in the destruction of thousands of houses, the displacement of tens of thousands of people, and an unknown number of deaths. In the state capital, Sittwe, tens of thousands of displaced Rohingya are now living in segregated, squalid camps outside of town and cut off from their livelihoods. The conflict has brought much-deserved international attention to the long-neglected situation of Burma's Rohingya. The fact that it is taking place during a period of dramatic change in the country's governance presents the world with a chance to finally put an end to discrimination against the Rohingya and restore their citizenship.

HUMANITARIAN ASSISTANCE SHOULD BE AVAILABLE TO ALL AFFECTED BY THE CONFLICT

After the June violence, by order of Burma's government through the Border Affairs Ministry, only displaced people

were entitled to receive the limited humanitarian assistance offered by the international community. Hundreds of thousands of other people directly or indirectly affected by the conflict are also in critical need of support. Burma's government

POLICY RECOMMENDATIONS

The Government of Burma should:

- Provide protection for all people living in Rakhine State, restore the rule of law and freedom of movement in Rakhine State, and prosecute perpetrators of violence consistent with due process;
- Facilitate full humanitarian access to everyone affected by the conflict – including all areas where the movement of Rohingya is restricted – whether displaced or not;
- Present and fund a sustainable economic development plan for Rakhine State; and
- Extend citizenship to all those born in or with genuine and effective links to Burma, as well as their descendents.

Donor governments, the Organization of Islamic Cooperation (OIC) and the Association of Southeast Asian Nations (ASEAN) should:

- Support a coordinated humanitarian operation in Rakhine State, ensuring that their assistance is distributed among both Rohingya and Rakhine communities, and call for the activation of the United Nations' cluster system;
- Urge Burma's central government to devise a "road-map" for Rakhine State, including reconciliation, return, and reintegration in Sittwe;
- Offer financial and technical support on reconciliation, return, and reintegration; and
- Include as a component of all diplomatic discussions the protection of Rohingya and other minority rights, including the right to nationality.

must immediately lift any restrictions on the provision of aid to these people – including food distributions and medical assistance – and order national, state, and local security to impartially protect the Rohingya and Rakhine from ongoing violence, displacement, and the destruction of homes.

In northern Rakhine State, where 800,000 Rohingya have been subjected to extreme restrictions on their human rights for decades (such as freedom of movement, marriage, and worship), the Border Affairs Ministry shut down medical assistance and food programs in June and refused to issue travel authorizations to humanitarian agencies. Already unable to work or travel freely, the Rohingya had become dependent on these agencies for basic necessities. The four months without assistance coincided with the seasonal gap between harvests, and this has had serious effects on the health, nutrition, and food security of these communities. Moreover, disturbing reports have emerged of people displaced or affected by the conflict receiving little to no assistance in townships of Rakhine State such as Kyauk Taw, Pauk Taw, and Rathedaung.

Refugees International (RI) met with several newly-arrived refugees in Bangladesh who cited a number of factors in their decision to leave northern Rakhine State, including the killing of relatives, the severe restrictions on movement and economic activities during and after the conflict, and the lack of any means to sustain themselves back home. Many said that as of mid-September, violence in northern Rakhine State had subsided to normal levels, but that no humanitarian assistance was available. Some agencies were permitted to resume activities in northern Rakhine State at the end of September, but others are still awaiting permission to restart operations. Full humanitarian assistance must be restored to those in need, whether displaced or not, without further delay.

In and around the state capital, Sittwe, the Border Affairs Ministry is permitting humanitarian agencies some access to displaced populations, but only to those in camps. With the restrictions on freedom of movement for the whole Rohingya community in the Sittwe area, many host communities living alongside the camps also have lost their access to livelihoods, such as selling goods in the markets and fishing. One group of Rohingya villagers presented the RI team with a complaint they had lodged, stating the government had neither requested their consent before building camps on land that local farmers used for cultivating crops, nor offered compensation. Without a harvest, these farmers will not be able to repay loans taken out to buy seeds and fertilizer. Residents of the Aung Mingalar/Inbala quarter of Sittwe (the only one of 12 Rohingya neighborhoods remaining after the inter-ethnic violence) are surviving in a ghetto-like situation –

unable to work downtown and lacking external assistance. Vulnerability assessments must be carried out to determine which other groups are in need of relief outside of camp settings. Absent these measures, there is a serious risk that people currently living in Rohingya villages and neighborhoods will be forced into the camps for survival. Indeed, this is already taking place, even as more people arrive in the camps – and many are refused access to the camps - seeking refuge from the latest outbreak of violence in October.

Travel authorizations for humanitarian operators are vital, but they will not resolve the whole problem of access, since agencies lack sufficient national staff willing to visit affected areas. The fear and distrust present in both communities also exists within humanitarian agency staff: many Rakhine employees are too scared to travel to Rohingya areas because they fear reprisal by their own community. Furthermore, some members of the Rakhine community have stirred up resentment toward the United Nations and international NGOs, alleging that they are partial to the Rohingya and have not equally employed or assisted the Rakhine community. While these agencies have in fact been acting according to humanitarian principles by assisting those in the greatest need, all donors and agencies must show greater sensitivities to the perception of preference when assisting both sides, regardless of the fact that the greatest humanitarian need is currently in the Rohingya population. Knowledge of this dynamic is particularly important for newly arrived donors, who may be acting in good faith by limiting their assistance to one community without realizing that this is exacerbating relations for other humanitarian actors in the state.

END THE SEGREGATION OF THE COMMUNITIES IN SITTWE

Issued after an assessment of the conflict's damages, the UN/NGO "Rakhine Response Plan" states that: "the Government has indicated a timeframe of up to 2-3 years" before the displaced in Sittwe may return. Such a long-term separation plan is likely to become permanent segregation if donors do not vocalize their objections. Donors must advocate strongly and in a coordinated manner for the desegregation of the communities in order to avoid the construction of a permanent ghetto that entrenches marginalization and permanently cuts off the Rohingya from their livelihoods. Alongside its funding of humanitarian assistance, the international community should insist that the Burmese government present a "road-map" including concrete steps to progressively move the communities toward reintegration and reconciliation. One of the first measures undertaken should be to facilitate freedom of movement for all Rohingya and ensure security in Rakhine State.

RI talked to displaced Rakhine and Rohingya who expressed great fears of the other community. While a majority of the Rakhine said they would never be able to live with the Rohingya again, most Rohingya said they wished to return to their home quarters and believed that, if security was re-established, the communities could soon live together again. While it is unclear if the government actually issued an order restricting their movement into the town (apart from the curfew affecting all communities), Rohingya whom RI spoke with maintained that if they were attacked after leaving their own area, the security forces would not assist them. Some Kaman Muslims, who are Burmese citizens living in Aung Mingalar, told RI that they are also no longer able to move freely. RI noted that members of the small Hindu community (whose physical appearance could be confused for Rohingya) faced no movement restrictions but were wearing tags around their necks indicating that they were Hindus – issued by their ward head to protect them from attack.

As yet, the government has not put forth plans to rebuild Rohingya houses burned down during the violence or compensate them for their land if they are not permitted to return. Rohingya businesses in the town have been closed down, Rohingya students have had to leave schools and universities they used to attend, and Rohingya cannot easily access healthcare in the state's main hospital. Conversely, the Rakhine community does not have limitations on its freedom of movement, their businesses are open, students have returned to school, and the hospital remains accessible to them.

The current situation in Sittwe is unsustainable. It leaves formerly self-sufficient Rohingya communities totally dependent on assistance in camps, or stuck in a neighborhood where they cannot easily access work and do not receive assistance. This system of segregation is also damaging Sittwe's economy. The central government must take responsibility for the consequences of the June violence by resolving critical issues in a fair and transparent manner, including land ownership for destroyed properties, safety and security, and accountability for criminal acts committed during the inter-communal violence.

It is also vital that the central government welcome the presence of humanitarian actors, publicly condemn violence and impunity in Rakhine State, protect equal access to justice, and demand that state and local authorities be held accountable if they fail in their responsibilities to protect all the residents of the state.

IMPROVE CAMP CONDITIONS

The prospect of funding segregation is of grave concern to many donor nations and has resulted in a tepid reaction to the Rakhine Response Plan. But the needs of the displaced cannot be held hostage while the policy debate continues. Out of \$32.5 million requested for the Rakhine Response Plan, donors have disbursed or pledged only \$14.9 million, \$4.8 million of which came from the UN's Central Emergency Response Fund. The conditions in the Rohingya camps, which are unacceptable and fall well below international standards, are a direct manifestation of that funding gap. In particular, water and sanitation facilities are wholly inadequate, resulting in life-threatening illnesses. Disturbing levels of child malnutrition are present, assessed as 23.4% global acute malnutrition in the camps in July (significantly above the World Health Organization 15% emergency threshold). An August assessment on health and nutrition identified 2,000 acutely malnourished children who were at a high risk of mortality. No washing areas, let alone private washing areas, exist, which raises particular concerns for women. Access to health care is deficient, and the medical evacuation system is not functioning adequately. Education is not available in most of the camps and, because movement is restricted, children can no longer attend their former schools. Some similar problems exist in the camps hosting Rakhine displaced people, but they are not experiencing the same level of destitution because they are able to move freely, resume their livelihoods, and have their children attend school. Even so, they are suffering from trauma caused by the conflict. A few thousand Rakhine remain displaced in the state, and overall the Rakhine community is still largely impoverished.

The international community should be committed to both meeting the urgent needs of the displaced while simultaneously pressing the Burmese government to develop concrete measures to prevent permanent segregation.

Adding to the complexity, the Myanmar Red Cross Society, UN agencies, and the government are providing humanitarian assistance to displaced populations – sometimes in the same IDP camps – without properly coordinating their actions. The result is that donations are being distributed without an overall plan, with duplication in some areas and no assistance in others. As the lead on humanitarian assistance, the government is not managing the response effectively through the current system of coordination, wherein government departments head up each sector of the response. This means that the agencies are not able to operate efficiently because they have no clear data, no overall needs analysis, and little up-to-date information about which agency is doing what and where.

Further, some UN agencies are failing to deploy appropriate staff experienced in emergency response coordination – particularly in the health and water and sanitation sectors. Given that Burma currently faces two major crises – in Rakhine and Kachin States – the UN cluster system should be re-activated, as it was during cyclones Nargis and Giri. This would enable UN actors to secure more coordination resources, deploy staff experienced in emergency response who could offer their expertise to help build the government’s capacity, and generate a clear line of accountability for agencies.

RECONCILIATION IS A PROCESS AND AN END

Although problematic for a variety of reasons (including the absence of a Rohingya member), the establishment of the Rakhine Investigation Commission is a nascent step toward building central government credibility in Rakhine State. Appointed to investigate the root causes of and document the violence that took place in June, the Commission is also tasked with forming both short- and long-term recommendations to bring about reconciliation and lasting stability between the Rakhine and Rohingya. Depending on the outcomes of the commission’s investigation, and whether it is viewed as credible by communities in Rakhine State, a further external commission of inquiry could be necessary.

The government should be commended for co-organizing with the UN a large meeting in Naypyidaw in mid-September that included an array of international and national stakeholders. Focused on seeking a resolution to the problems of Rakhine State, a number of working groups were created to move reconciliation forward. This, however, must be only the beginning of an ongoing process.

Fears about the provision of employment, the distribution of resources, political representation, and land ownership are central to the tensions present in Rakhine State. Any meaningful reform must include a long-term economic strategy focused on alleviating poverty and unemployment, and improving the socio-economic lives of all residents of Rakhine State. Improvements to shelter, education, health care, and infrastructure should be considered essential parts of the plan, and the international community should provide technical and financial assistance. However, economic development is not a cure-all given the longstanding grievances of both communities. Easing both the ethnic and religious tensions between Rohingya and Rakhine is critical to the growth of a functioning economy. To have a long-term impact and attract interest from industry, the state must be perceived as a safe and stable environment for investment. It will not be viewed as such if almost a million of its residents are stateless. For Rakhine State to thrive, the Rohingya minority should be formally recognized as Burmese citizens.

There has been some debate recently about the best process toward recognizing or conferring citizenship – not only for the Rohingya, but also for many other groups in the country who cannot effectively access Burmese citizenship. In its review of current legislation, the Parliament’s Committee on the Rule of Law should address the 1982 Citizenship Law and clarify that it provides citizenship to all those born in or with genuine and effective links to Burma, as well as their descendants. At the same time, the law should be amended to include a provision that prevents statelessness and provides a remedy to current stateless populations in Burma, consistent with international law. The legislative review should also recommend the abolition of current provisions that create different categories of citizens with different levels of rights, and it should promote respect for the unique identities, languages, religions, and customs of more than 100 ethnic groups in Burma.

CONCLUSION

Long one of the most persecuted peoples in the world, the stateless Rohingya community has endured even greater suffering since the June inter-communal violence and subsequent displacement of tens of thousands of people. Violence is already recurring, with further deaths and over 1,000 more houses destroyed by fire in October. This crisis could even de-rail the Burmese government’s overall reform process if the underlying structural discrimination against Rohingya, including their lack of citizenship, is not addressed. In the short-term, there is a humanitarian imperative to urgently improve the conditions in the displacement camps and to allow humanitarian access to all communities in need of assistance. The rule of law in Rakhine State must be restored, the segregation of communities in Sittwe must come to an end, and the Rohingya should be recognized as citizens of Burma. For the long-term, Burma’s government must commit to the robust economic, social, and political development of Rakhine State. But that will not be enough. While a functioning economy, political representation, and land ownership will go a long way toward reconciliation, hostilities will not end until Burma’s government commits to promoting and protecting the human rights of both communities.

Melanie Teff and Sarnata Reynolds, with Chris Lewa of the Arakan Project, assessed the humanitarian situation of displaced Rohingya and Rakhine in Burma in September 2012.