

# Report

Special Issue The Newsletter of the FIDH

## International Mission of Inquiry

# Burma

## repression, discrimination and ethnic cleansing in Arakan

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**In memory of Yvette Pierpaoli**

## **Repression, discrimination and ethnic cleansing in Arakan**

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## **Repression, discrimination and ethnic cleansing in Rakhine**

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### **Introduction**

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During the spring of 1991, the first Rohingyas left once again for Bangladesh. They were fleeing an unbearable situation: summary executions, disappearances, rape, violence and ill treatment, forced labour, religious persecution, land confiscation... A rapid and massive exodus was about to follow: within a few months, 260,000 Rohingyas (about a quarter of this Muslim minority) left Burma in order to find refuge on the other side of the border.

Eight years later, a great majority of the refugees have gone back home - most of them forced by the Bangladeshi authorities or strongly encouraged by the United Nations High Commissioner for Refugees (UNHCR). But meanwhile, tens of thousands of Rohingyas were headed back in the opposite direction. A new exodus began soon after the return, once again to avoid the policy of terror and exploitation by the Burmese military forces.

“The Nasaka<sup>1</sup> seized my land and we no longer had any resources to survive. I had to do two or three days of forced labour a week. I had to chop wood in the forest, do force portorage and was assigned a guard duty around the village by the Nasaka, to report any Rohingya movement. If I refused, I was taken to the camp and beaten. The Nasaka forces told us that if we did not want to work for the Burmese, we had to go to Bangladesh. They would repeat: Arakan is not your land.”

Mohammed S. arrived two years ago in Cox's Bazaar. Some others have just arrived, like Saleh B.: “My father refused to give up his land. The Nasaka came to take him to the camp, where they killed him. I got scared and crossed the border”. Mohammed and Saleh are among the approximately 100,000 Rohingyas who have found refuge in Bangladesh since 1996.

Unlike the large-scale and visible arrival of Rohingyas in Bangladesh in 1991 and 1992, which forced the international community to react (with the UNHCR's help in the repatriation process), this new exodus is a deep, sustained trickle of low visibility. The Rohingyas progressively leave Burma, in small groups, families or individuals. In spite of several reports issued in the past years<sup>2</sup>, there is a lack of concern about this growing movement. And yet, little by little, the population is being forced to leave Arakan because of a deliberate policy of ethnic cleansing.

In spite of restrictions imposed on missions by international observers in Arakan, the FIDH managed to collect firsthand data in several dozens of villages situated in the eastern and northern part of this state. The names of people who agreed to speak and of

villages will not, allowing for exceptions, be mentioned due to the obvious risk of reprisals. Furthermore, the FIDH managed to obtain some testimonies from Rohingya refugees in Bangladesh.

This report deals with a twofold dynamic of repression affecting specifically the Muslim Rohingya population on the one hand, and more generally the minorities located on the periphery of the Union on the other. In this respect, the Arakan State represents an example as well as an illustration of what is currently happening in Burma.

This enquiry illustrates precisely the nature and the mechanisms of the repression which is driving the Rohingyas to a final exile. It also reveals the worrying situation of the whole Arakanese population. This population, representing a majority in the State but a minority within the Union, is also massively exploited and repressed by the military forces.

After a short presentation of the situation in Arakan, this report dwells on the conditions of the Rohingyas' return and resettlement in Arakan, which have a direct impact on the new departures to Bangladesh. The first cause of this new exodus is repression and discrimination, with human rights violations such as the denial of citizenship, forced labour, the absence of freedom of movement, forced relocations, land confiscation, religious discrimination. We will then explain the new Rohingya departures in greater detail, on the basis of numerous testimonies collected both on the Burmese and Bangladeshi sides.

The report will also deal with the ambiguous role played by the UNHCR in the repatriation and resettlement process of the Rohingyas in Arakan, as well as its stance regarding the ongoing exodus.

Last February, two FIDH representatives met with Mr. François Fouinat, director for Asia Pacific at the UNHCR headquarters in Geneva, who rejected this report. The FIDH evidently and firmly stands by all its conclusions which are the result of an independent and thorough investigation.

#### **Notes :**

1. The Nasaka is a military force of the Burmese junta deployed all along the Bangladeshi border. See part I - B/ 2
2. Among others, see Human Rights Watch, "Burma: the Rohingya Muslims; ending a cycle of exodus?", sept. 1996; Refugees International and HRW, "Bangladesh/Burma; Rohingya refugees in Bangladesh: the search for a lasting solution", aug. 1997.

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### **I. Arakan**

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#### **A. Presentation of Arakan - A buffer State**

Arakan, a long strip of land along the Bay of Bengal, represents the western periphery of Burma. The Rakhine Yoma mountain range peaks at almost 2,000 metres and forms a natural barrier between this State and the centre of the country where Rangoon, the capital, and Mandalay, the second city, are located. The Arakan State is isolated due to both geographical and political reasons. Like the other states situated on the periphery of the Union (Kachin, Karen, Shan, Karenni and Mon States) and lining the central plain where the vast majority of Burmese live, Arakan is populated by minorities who are specifically targeted by the central government's policies of discrimination and repression. With about three million inhabitants, Arakan accounts for about 6% of the total population of the country, two thirds of which are Arakanese and less than one third, Rohingya. The former are Buddhists from a minority considered by the Constitution as a national group: they are thus full citizens, whereas the Rohingyas Muslim are not considered as citizens of Burma. The rest of the State is made up of small minorities (Khami, Mrau, Thet, Hindu, Dynet...), representing a very small part of the population.

The outlying States of the Burmese Union are difficult to get to and often only partially accessible, as the authorities impose severe restrictions for foreigners. The first foreign presence since the independence dates back to 1994 with the arrival of UNHCR followed by several international NGOs. Tourists do not have access to the northern end of the State beyond Mrauk-U.

In terms of national security, the Burmese power sees the Arakan State as crucial, being the last bastion before the Hindu and Muslim world, a buffer state supposed to help protect the country against risks of invasions from an overpopulated West. Beyond the protectionist and often xenophobic rhetoric of the Burmese junta, there is no doubt that Arakan holds a major geopolitical position: apart from being at the outermost bounds of the Indian sub-continent and of South-east Asia, Arakan also represents a meeting point between a Muslim and Hindu Asia and a Buddhist Asia, as well as between the Indian and Tibetan-Burmese populations. Finally, Arakan and more generally Burma represent an important potential outlet for China towards the Indian Ocean.

Stuck between the two Asian giants, Burma has developed a protectionist - even autarkic - policy over the years. Since the 1980s, the situation has evolved, with China becoming the main trading partner of the junta (mainly through the massive sale of weapons). In the

West, Burma has tried to develop its trade with its Bangladeshi neighbour, which entails certain concessions, namely concerning the Rohingya problem. With the view of escaping several decades of political and economic isolation, the military junta knocked on the door of the main regional organisation, ASEAN (Association of South-East Asian Nations), which finally agreed to welcome Burma in 1997.

#### **B. Historical background of the Muslim presence in Arakan**

“In actual fact, although there are 135 national races in Myanmar today, the so-called Rohingya people are not one of them. Historically, there has never been a “Rohingya” race in Myanmar... Since the first Anglo-Myanmar war in 1824, people of Muslim faith from the adjacent country illegally entered Myanmar Naing-Ngan, particularly Rakhine State. Being illegal immigrants they do not hold immigration papers like other nationals of the country”.<sup>1</sup>

This is the official historical version which the Burmese government constantly refers to in order to justify its policy of discrimination and exclusion. If the last wave of immigration, triggered by the British, is indeed important, one must nonetheless point out that the arrival of the Muslims in Arakan goes back to a much earlier time.

The Rohingyas have been present for several centuries in Arakan, where they settled in three successive waves. The first Muslim sailors (originating from Persia, Arabia, Turkey, Bengal...) settled in the region in the seventh century, and integrated with no difficulty. During the 12th and 13th centuries, larger groups arrived in Arakan and rapidly integrated as well. The second wave of Muslim immigration into Arakan began in the 15th century. The Muslim influence lasted until 1784, when the Burmese king Bodawpaya conquered Arakan. This expansionist policy at the edge of the British Empire resulted in tensions which led to the first Anglo-Burmese war in 1824. The British victory was enshrined in the 1826 Yandabo Treaty. Arakan was annexed and the third and massive wave of “immigration”<sup>2</sup> was launched, which lasted until the 1940s. Under British rule, the population of Arakan increased from less than 100,000 inhabitants to more than one million, as a result of a deliberate policy of relocating Muslim and Hindu Indians in the East. This large-scale arrival of Indians led to the first communitarian tensions, worsened by the economic recession.

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The second World War and the Japanese invasion (1942) saw an aggravation of these tensions, and several thousands of Muslims left the centre of the country for Arakan. Within Arakan, the growing violence between the communities caused the Buddhists to leave the North, where on the other hand the Muslims were settling. With the northern part mainly inhabited by Muslims and the rest of the region almost exclusively by Buddhist, a new ethnic and religious division emerged in Arakan, which still exists today and is a source of ever-present resentment between Buddhists and Muslims.

The Independence of Burma (1948) failed to improve relations between the two communities, as the authorities played in favour of the Buddhists: indeed, Muslims were replaced by Buddhists in the administration, the lands lost by Buddhists in 1942 in favour of Muslims were recovered, the freedom of movement of Muslims was limited and 13,000 refugees who were still living in camps located in Eastern Pakistan were refused re-entry.

In the 1950s the regime changed its approach regarding the Rohingyas. Prime Ministers U Nu in 1954<sup>3</sup> and U Ba Swe in 1959<sup>4</sup> gave the first signs of recognition of the Rohingya people. In 1961, the new U Nu government created the Mayu Frontier Administration Area (MFA), a special region covering the Maungdaw, Buthidaung and Western Rathidaung districts, directly run by Rangoon and thus sidelining the regional authorities of Sittwe, who were dominated by Arakanese Buddhists. In 1962, the creation of the Arakan State (and hence, the end of the MFA) was adopted when General Ne Win took power and dissolved both Houses of Parliament.

The coup d'Etat shattered all hope for the Rohingyas who went on to lose their meagre rights one by one during the 26 years of Ne Win's dictatorial rule. The arakanese administration regained control of the north once the MFA formally suppressed in 1964. In 1974, a referendum led to the adoption of the new Burmese Constitution: Arakan became a State.

This definitive control of the Muslim north by the Buddhist administration in Sittwe occurred soon after the arrival in the region of a new wave of Muslims fleeing the war of independence in Bangladesh as well as economic difficulties. Until 1977, large numbers of Muslims crossed the Naf River to settle in Arakan, a flow of immigration which the Ne Win government decided to stop with the Nagamin (King of the Dragons) operation. The goal was to "inspect any individual living in the country in order to designate the citizens and foreigners according to the law and to take measures against foreigners who infiltrated themselves illegally..."<sup>5</sup>.

In Arakan, the Nagamin operation took a tragic form. Identity checks often turned into manhunts. Hundreds of

houses were requisitioned by military forces in Sittwe, the capital; and more than 1,700 Muslims were assassinated when they could not present any identity papers. The murders, arrests and violence led to a reign of terror, with the participation of the Arakanese population, aimed at forcing the Muslims to leave the territory. In May 1978, more than 200,000 Muslims crossed the frontier into Bangladesh. This large-scale movement forced the UNHCR to intervene after a complaint was lodged by Muslim-country members of the United Nations. The UNHCR took part in the 1979 Shwe Hintha (Golden Bird) operation, which helped all the refugees to return. The situation they faced upon their return was no better, and actually became worse after 1982, when a new citizenship Law was promulgated (replacing the 1948 Law), by which the Rohingyas were excluded from Burmese citizenship (see below, III – A/ 1). The political take-over by the junta in 1988 brought little change for the Rohingyas. Surprisingly, they were given the right to vote in the 1990 parliamentary elections and could even be represented by two parties (the National Democratic Party for Human Rights and the Mayu Party) which polled 80% of the vote in Northern Arakan - but this victory was of no great help to them, as the SLORC (ruling junta) refused to acknowledge the overwhelming victory of the opposition party (Aung San Suu Kyi's NLD). Massive demonstrations ensued - a scapegoat had to be found: the Rohingya population.<sup>6</sup> The military presence was reinforced in northern Arakan, which led to an increase of the violations against Rohingyas: land confiscation, forced labour, as well as torture, rape, summary executions... Between 1991 and 1992, 260,000 Rohingyas fled Burma to settle in refugee camps on the other side of the frontier, in Bangladesh.

### **C. Administration organisation, repressive forces and armed resistance**

Although it was developed by the British, who built roads and railways to link Burma with the rest of the colonial Empire, Arakan has become one of the poorest states in the country, and has not drawn any benefit from the opening up of the economy. On the contrary, the population has been exploited through forced labour for the construction of roads or other infrastructure which do not benefit them anyway. Through this exploitation, the government aimed at maintaining the region in a situation of chronic underdevelopment, and controlling the population by keeping it socially and economically vulnerable.

The administration represents an essential instrument of control over Arakan's populations. As it is in the rest of the country, the authority of the State Peace and Development Council (SPDC)<sup>7</sup> is present at all levels of society.

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Arakan is in the hands of the West Commander, a member of the SPDC, who oversees the administration as well as the state's armed forces. Directly under his command are the DPDC (District Peace and Development Council), in charge of the State's districts, the TPDC (Township Peace and Development Council), responsible for controlling the 17 townships of Arakan, and the VPDC (Village Peace and Development Council), which runs and oversees on a local level the "Village tract", the equivalent of a big village, grouping several hamlets. The VPDC consists of a president and several assistants, and relies on chiefs who control between 10 and 100 households each. The VPDC reports to the township, to the regional and military intelligence authorities, as well as to the police and sometimes to the Nasaka. Furthermore, each hamlet has informers from the Military Intelligence (MI) and in certain cases from the Nasaka (see below).

The VPDC president is Muslim only if the population of the village tract is entirely Muslim; otherwise he is Arakanese. The president is not elected: he has to "buy" his function from the TPDC or from the DPDC. An "election" might be arranged in the village tract in order to formalise the president's nomination and generally depends on the amount of money proposed, which can reach up to 500,000 Kyats.<sup>8</sup> It is such an investment that the president must take advantage of his situation, even more since he is not paid for the job and can easily be replaced by a higher bidder. The president receives army or Nasaka instructions for the forced labour and appoints the families. He also collects some of the taxes and delivers authorisations (to Muslims) for limited movements. Most of the time, the VPDC president is feared in the village tract because of his links with the civil and military authorities, and often tends to abuse his power to enrich himself. Thus, local abuses encouraged by the system are added to the violations of human rights perpetrated in the name of government policy.

Arakan is divided into three military regions : Southern Arakan, Kyauktaw and Maungdaw-Buthidaung-Rathidaung.<sup>9</sup> In this last northern region, 10 companies of 1,200 men are posted, one third being Arakanese and two thirds coming from other regions of the Union. None of them is Muslim. It is also in the North, in fact only in the districts of Maungdaw and to a lesser extent in Buthidaung, that the Nasaka is present.

The Nasaka (acronym for Nay-Sat Kut-kwey Ye) was set up in 1992, soon after the Rohingya exodus. In charge of immigration, customs and more generally of frontier issues, the Nasaka has ruled for seven years over nine sectors along the Bangladeshi frontier (eight around Maungdaw and one around Buthidaung). Made up of several government bodies (police, military intelligence,

Lon Htein -anti-riot forces- and customs), the Nasaka plays a very important role in local political, social and economic issues. It controls the movements of the Rohingya population, organises forced labour, rules over the local economic sectors (wood exploitation, shrimp farming, brick-making etc.), taxes on most activities (such as sea fishing), and it organises all the exports, legal or illegal, towards Bangladesh. Directly controlled by the military junta and by the military West Commander located in Sittwe, the Nasaka does not exist in any other part of the country. According to testimonies given by Maungdaw and Buthidaung villagers, the Nasaka acts as an absolute ruler over the Rohingya population and has committed most of the abuses since 1992.

Two Rohingya armed resistance movements have been set up in response to Burmese oppression. The Rohingya Solidarity Organisation (RSO) was formed in the early 1980s in reaction to the new discriminations affecting the Rohingyas and to the 1978 expulsions. It switched from political activism to armed struggle soon after the 1991-92 persecutions. The RSO essentially acts by infiltration and attacks in Northern Arakan from Bangladesh. The other, less important, armed group is the Arakan Rohingya Islamic Front (ARIF), created in 1987. Its activity seems to have ceased over the past few years. Generally speaking, the armed Rohingya resistance is not very active and constitutes above all a pretext for the militarization of the region as well as a way for the Burmese junta to keep a close watch on the population.

### **Notes :**

1. U Ohn Gyaw, Foreign affairs minister, February 21st 1992, quoted by HRW / A, op. cit.
2. Actually a transfer of population within the British Empire.
3. "Arakan State is situated in the Southwest of the Union. In Sittwe District there are two towns called Maungdaw and Buthidaung. They are connected with East Pakistan geographically. The majority of the population are Rohingya Muslims", 25 September 1954.
4. "Rohingya is a race like Shan, Chin, Kachin, Kayin, Kayah, Mon, Arakanese. They have equal rights. According to Myanmar history, they lived in Myanmar many years ago. They are Islam worshippers. They are faithful and well behaving with other races", November 1959.
5. Declaration of the Minister of the Interior and of Religious Matters, 16 November 1977.
6. See : "Divisionary Tactics : Anti-Muslim campaign seen as effort to rally Burmans", Bertil Linter, Far Eastern Economic Review, 29 August 1991
7. SPDC stands for the military junta in power, formerly SLORC, which was renamed in November 1997.
8. Amount quoted in "Analysis of the livelihood situation of the Muslim population in Northern Arakan State", by Lisbeth Garly Andersen, Consultant, UNHCR, 31 July 1997.
9. The Maungdaw and Buthidaung districts were grouped together in the spring of 1999. Rathidaung is the under direct control of Sittwe, which thus reinforces the far North's isolation, where a vast majority of Muslims (in comparison with the rest of the Buddhist State) is to be found.

## **II. The forced return and the reinstallation of the Rohingyas: hypocrisy and constraints**

### **A. The conditions of return from Bangladesh after the 1991-92 exodus**

“No contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

Convention relating to the Status of Refugees of 1951, Article 33, § 1.

The arrival of the Rohingyas in Bangladesh in 1991-92 initially triggered a movement of solidarity, which was soon replaced by a rejection of the newcomers; the government in Dhaka decided to repatriate the refugees as soon as possible and by any means necessary - through violence in the camps if need be. The operation of repatriation soon followed, and proceeded in two phases: the refugees were originally forcibly repatriated; it was only later on that the UNHCR took part in the repatriation process, in theory with the view of guaranteeing the rights of the refugees, particularly that of a voluntary return. In fact, prodded by a Bangladeshi government impatient to be rid of the refugees, the UNHCR apparently soon ignored its principles and, by any means deemed necessary, began to incite the Rohingya population to return to Burma.

Of the initial 260,000 Rohingyas who fled to Bangladesh during the 1991-92 exodus, 20,000 remain today in two large camps, waiting either to be repatriated or to be finally granted the right to settle in the country.

#### **1. Repatriation, phase I**

In March 1992, more than 260,000 Rohingyas lived in twenty camps located in the far South of Bangladesh, between Teknaf and Cox’s Bazaar. After an appeal by the Bangladeshi government to the international community, the UNHCR took charge of emergency assistance for the refugees. An assistance programme was put in place by the Bangladeshi authorities, the UNHCR, the WFP (World Food Programme) and some non-governmental organisations. As early as April 1992, the Bangladeshi and Burmese governments signed a bilateral agreement on the repatriation of the Rohingyas. Despite being mentioned in the agreement<sup>1</sup>, the UNHCR was de facto excluded and had to confine its help to the refugees within the camps. The “voluntary and safe” return, which according to the agreement was supposed to start in May 1992, became an operation of forced return to Burma. The first departures did not actually take place before the autumn, because of a strong resistance from the refugees, coupled with international

protests concerning the danger of repatriation in such conditions. Camp authorities nonetheless increased the pressure through violence or by confiscating the ration cards (necessary to obtain food or to get healthcare), in order to encourage refugees to “volunteer”. When refugees dared to protest, the clampdown came immediately – and violently: 15 people were killed, 40 injured and 119 imprisoned during a riot.<sup>2</sup> A Maungdaw inhabitant testifies:

“We went to Bangladesh to find refuge but they hated us over there. The Bangladeshi authorities started to send the refugees back to Burma. Anybody who refused to leave was locked up in a dark room, worse than a jail. I stayed there for eight days. We did not receive any protection because the Bangladeshi authorities prevented us from having any contact with the UNHCR. Those of us who managed to speak to the UNHCR were arrested afterwards. We got information that the situation had worsened in Burma, because of the Nasaka. We therefore tried to stay, but the Bangladeshi authorities forced us to leave.”

Another Maungdaw villager evokes the pressures he endured:

“We left because the Bangladeshi authorities forced us to do so. At first, they told us that the situation had become safer in Burma, as they wanted to convince us to leave. Then, they confiscated our ration cards to prevent us from getting food: this was blackmail aimed at urging us to leave. When the UNHCR came to visit the camp, we told them about our situation and they promised that we would get the ration cards back. After the UNHCR left, the camp authorities looked for the spokesmen who had talked to the UNHCR and they were beaten. The next time the UNHCR came to visit the camp, we told them about the violence. Once again, those who spoke were beaten. The Bangladeshi authorities threatened us: “You’ll get into big trouble if you do not go back to your country. Nobody can protect you here”.”

In November 1992 the UNHCR, which did not have full access to the camps, decided to withdraw from a process which did not offer enough guarantees to the refugees. From September 1992 to January 1993, 15,000 Rohingyas were forced to leave the camps and return to Burma without any protection. Finally, an agreement was signed in May between the UNHCR and the Bangladeshi government, granting the UN agency



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access to the refugees in order to ensure the return was voluntary. The refugees identified by the Bangladeshi authorities as willing to return were then transferred to a transit camp, where they were to be interviewed individually by the UNHCR. These interviews show that only 40%<sup>3</sup> of the interviewees really wished to go back to Burma. In spite of the HCR/Bangladesh agreement, the forced returns proceeded until December 1993, when the second phase of the repatriation began, in accordance with the agreement signed a month earlier by the UNHCR and the Burmese government.

Very few of the 50,000 Rohingyas who went back during this first phase of repatriation managed to have an individual interview with the UNHCR. And the current condition of their lives back in Northern Arakan is unknown, since the Burmese government bans all access to this region to foreign observers.

### **2. Repatriation, phase II**

The Memorandum of Understanding (MoU) was signed in November 1993 by the UNHCR and the Burmese government. It is worth noting that it was kept secret: the refugees did not have access to it, and the UNHCR never made it public.<sup>4</sup> The MoU states that the two parties resolved to “carry out the voluntary repatriation and reintegration in conformity with the principles of safety and dignity”. It expressly states that the government will give identity papers to all repatriated individuals, who will furthermore be granted the same freedom of movement as other citizens of Arakan. The MoU further mentions that the Burmese government will grant the UNHCR full access to all returnees in Arakan State.

Within a couple of months, the UNHCR had set up two bases, in Maungdaw and Sittwe, and on 30 April 1994 the first returnees arrived in Burma. One cannot but wonder about the timing of the operation: the UNHCR chose to start this new phase of the repatriation programme at a time when its freedom of manoeuvre was most limited. Indeed, several bombs had just exploded in the centre of Maungdaw; the authorities, who blamed the Rohingya resistance, imposed severe restrictions on the UNHCR’s freedom of movement, officially for security reasons. Shut away in their buildings, UNHCR representatives were unable to get to the returnees in their villages – even though this was one of the main conditions of the UNHCR’s participation in the repatriation scheme.

It seems plausible that the decision by the UNHCR to carry on the repatriation in spite of obviously unsatisfactory conditions stems from political reasons: at the same time, the Bangladeshi government was threatening not to renew its agreement with the UN agency because of the slow pace of the return. One can

therefore legitimately conclude that the grounds for the UNHCR’s decision to begin the return process lie neither in an improvement of the situation in Arakan, nor in an evaluation of the refugees’ interests: rather it is more likely the result of political pressure from the other side of the border.

In July 1994, after cyclone damage led to the interruption of the repatriation for two months, the UNHCR conducted a survey among 2,500 families in the camp of Kutupalong. Despite vigorous, months-long campaigns of information, which held that security and protection were now guaranteed in Arakan (by the UNHCR), only 23% of the interviewees were willing to return. Such a result should have made the UNHCR doubt as to the opportuness of carrying on the return process, since repatriation should occur solely when willingly decided. It should also have encouraged the UNHCR to investigate further as to why so many refugees were reluctant to go back. Yet, the UNHCR response was of a wholly different nature: on 23 July 1994 in Dhaka and 28 July in Cox’s Bazaar, an official UNHCR delegation sent from the agency’s headquarters in Geneva declared that “all the conditions are now in place to allow all refugees to return to Myanmar”. The UN agency justified its decision by using the results of a second survey conducted in the same camp of Kutupalong, which showed that 97% of the refugees wanted to go back to Burma. But in the time between the two surveys, three refugees from the camp had been severely beaten (to the extent that they had to be hospitalised) during a riot qualified as “anti-repatriation activities” by a Kutupalong official.<sup>5</sup> This may explain the sudden reversal of opinion; in addition, numerous observers questioned the conditions under which the results of this second survey were obtained (see below).

As early as 31 July 1994, the individual interviews with the refugees (which the UNHCR had obtained after hard-fought negotiations) were suppressed and replaced by a systematic registration for the return. The UNHCR abandoned its information campaign and opted for a strategy of mere promotion, thus fully satisfying the Bangladeshi authorities. In Arakan, the Nasaka security measures limiting the UNHCR’s movements had not all been removed;<sup>6</sup> in Bangladesh, less than a quarter of the refugees had volunteered to return; lastly, an increasing number of objections were being raised by both NGOs and numerous observers (including several embassies). Nonetheless, the UNHCR deemed that for the Rohingyas the “time has come to go home”.<sup>7</sup> It should be remembered that the voluntary nature of repatriation is at the very heart of the UNHCR’s mandate.

An inhabitant of Maungdaw says:

“The UNHCR organised meetings to explain that they had now set up bases in Burma so that they

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could take care of us as they currently did in the camps. The UNHCR told us: “We have an agreement with the Burmese government, you will not be forced to work anymore, no more problems, you will be given the same freedom of movement as the other “nationalities”, everything will be all right. The UNHCR will pay for the reconstruction of your house. We will give you food and other basic products for ten years.” The UNHCR promised us that if the Burmese authorities brought us troubles as in 1991, we could ask them for their protection. Lastly, the UNHCR said: “We will not leave Burma as long as you consider you need us”.

### **An opaque process**

It appears that the refugees were not properly informed about the repatriation process, especially as regards the registration phase, the meaning of which was not made clear to them. For instance, departures were delayed in the camps of Marichapalong and Dhuapalong because of violent incidents due to the refugees’ refusal to leave the camp: they had not understood that the registration requested by both the Bangladeshi authorities and the UNHCR was synonymous with return.

According to official UNHCR figures, 171,849 of the 177,653 registered refugees volunteered for the return in September 1994, i.e. 96% of the camps’ population. A surprising figure when one considers the results of the July 1994 UNHCR survey, according to which only 23% of the population were willing to return. As in the case of the refugees of Marichapalong and Dhuapalong, a great many refugees did not actually know that registration meant repatriation. A March 1995 survey by several NGOs present in the camps and published by Médecins sans frontières shed light on this misinformation: 37% of the 412 families surveyed in eleven camps thought that registering did not necessarily mean that they were willing to be repatriated. Moreover, 65% of the refugees surveyed did not know that they could refuse repatriation.

A Maungdaw returnee underlines this confusion:

“The lists of registered persons were sent in Burma. After the authorities checked them, the lists came back and the refugees left. People registered on the lists could no longer refuse to leave – if they did, they were arrested. Being on the list meant either return, or jail.”

In reality, only 12% of the population surveyed by the NGOs registered themselves in order to be repatriated. Conversely, 79% did so because they had been required to do so by the UNHCR or the camp authorities. Many

refugees did not know the reason behind this registration, and some were given a false motive, as in the Dhaopalong, Dechuapalong II and Marichapalong camps where the authorities presented the registration as “a mere correction in their family record books”.<sup>8</sup> Such a method clearly contradicts the UNHCR principle of the voluntary repatriation:

“Registration for voluntary repatriation should not be directly linked to any other registration or verification (such as care and maintenance assistance). Linking the two may create confusion for the refugees by giving the impression that one needs to register for voluntary repatriation in order to be entitled to assistance in the country of asylum. This may seriously jeopardise voluntariness.”<sup>9</sup>

According to the same poll, among the refugees who accepted repatriation (37%), the motivation for wanting to return was more often “the threats by the police in the case of refusal and/or the security conditions within the camps” (14%) than an improvement of the situation in Burma (9%). Lastly, one third of them made their decision because the UNHCR or the camp authorities had told them to leave.

Both these figures and the numerous testimonies in Arakan tend to show that forced returns did not stop with the MoU between the UNHCR and the Burmese government; the return process simply changed its form and scale, with human conditions remaining deplorable. To the violence and pressures of the Bangladeshis was added the deceptive persuasion of the UNHCR. It is clear that the UNHCR’s active cooperation with the Bangladeshi authorities spread confusion among the refugees, who consequently ceased to consider the UN agency as an independent organisation whose goal was precisely to help and protect them.<sup>10</sup>

### **The UNHCR’s deceptive commitments**

Several dozens of repatriated individuals interviewed in more than fifteen villages in Northern Arakan have testified to the commitments made by UNHCR representatives before their departure from the camps: they were promised that the UNHCR would provide identical help after the refugees had returned to Burma. Moreover, the UNHCR representatives claimed that the situation in Arakan had changed and become safer for the Rohingyas. As the issue of forced labour was often raised, the UNHCR assured them that they would no longer be subject to it; the Rohingyas were also told that they would be given absolute freedom of movement. Furthermore, the UNHCR often assured them that they would be protected and assisted for a ten-year period (twelve in certain cases).

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The MoU clearly states that “returnees will enjoy the same freedom of movement as all other nationals in the Rakhine [Arakan] State, in conformity with the existing laws and regulations”. Forced labour is not mentioned at all. It therefore leads us to think that the UNHCR’s commitment to the refugees on the issue (which the UNHCR was in any case not in a position to enforce) was nothing but hollow words, aimed at convincing the refugees to volunteer for the return. Indeed, forced labour (and the violence and humiliation that go with it) were the main reasons for the 1991-92 exodus.

Generally speaking, one cannot but wonder at the fact that the MoU did not tackle the issue of human rights, which is particularly unjustifiable in the Burmese context of massive and systematic violations of these rights. Everything tends to show that the UNHCR considered it necessary to arrive at an arrangement with the Burmese government at any cost, even at the expense of a serious violation of the Agency’s own repatriation principles.<sup>11</sup>

As to the issue of a ten- or twelve-year protection and assistance, the UNHCR’s promise is all the more surprising since the agreement with the Burmese government was signed for just one year – renewable, certainly, but at no point is the question of the duration of protection and assistance ever mentioned. While both parties agreed to “carry out the voluntary repatriation and reintegration in conformity with the principles of security and dignity”, the MoU states that “the GOUM (Government of the Union of Myanmar) is responsible for the safety, reception and reintegration of the returnees from Bangladesh and for the overall coordination and implementation of the voluntary repatriation exercise” (point 1). Theoretically, the agreement granted the UNHCR access to all the returnees<sup>12</sup>, but in practice, this has never been the case.

More worryingly, the issue of the “protection” of the refugees is never mentioned in the MoU. As far as help is concerned, the agreement specifies that “...This humanitarian assistance in immediate terms will cover (...) areas such as transportation, reception, initial installation and food” (point 13). Contrary then to what the UN agency stated to the refugees, in reality it has no particular authority on the issue of protection; food help is limited to the time of arrival of the repatriated and on no account is it continued for a period of ten years.

Furthermore, it is also clear that the UNHCR would in no way be in a position to fulfil its promise of providing the same help as in the camps. Indeed, it is logistically impossible for the UNHCR to offer material support, especially food, in a region where numerous villages (more than 700 in the mere stretch between Maungdaw and Buthidaung) are several hours’ (sometimes even

days’) walk away from each other and then only for eight months of the year, as the rainy season prevents any movement during the rest of the year. Journeys are often so complicated that it would be illusory for the UN agency, whose staff is numerically limited in this area covering 5,000 km<sup>2</sup>, to be present in locations away from the centres of Maungdaw, Buthidaung and Rathidaung, in order to guarantee the protection of the population - or even to visit these locations on a regular basis.

### **The violence of the Bangladeshi authorities**

In spite of its efforts to convince the Rohingyas to return, the UNHCR did not always manage to persuade them that the “time has come to go home”; indeed, the refugees, using their own network of information, were clearly aware of the situation back in Arakan. But reluctance and refusals were swept aside by the Bangladeshi authorities through violence and other pressures. Thus, while the UNHCR encouraged the refugees to go home, promising help and assistance as a carrot, the Bangladeshi authorities wielded the stick to force a massive departure. According to the UNHCR Guide on Voluntary Repatriation though,

“refugee repatriation is not voluntary when... host country authorities deprive refugees of any real freedom of choice through outright coercion or measures such as, for example, reducing essential services”.

A villager from North Buthidaung testified:

“UNHCR expatriates organised a meeting to announce that the situation was now safe in Burma and that we had to go home. They told us: “We will protect and help you as we do today during ten years, in particular with food supplies. If you stay here you will be as Palestinians, without land, so you should rather go home”. After this meeting, we received negative information from Burma, so we preferred to refuse. The UNHCR did not come back, but the Bangladeshi authorities did - actually, it was the police, who beat up several refugees. [A man shows his arm, handicapped since he was beaten up.] Then, when we wanted to take our food share, the camp guards confiscated our ration cards. We could no longer have access to food – we only had drinking water. We remained more than a week without eating and finally accepted to leave.”

Other refugees, like this Buthidaung villager, were even never in contact with the UNHCR:

“We have been forced to go back home. The Bangladeshi authorities asserted that the

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situation was all right in Burma and that we could go back home. We knew that nothing had changed, so we refused to leave the camps. But then, they beat us up. Some families no longer got the same food shares. The UNHCR used to come quite often in the camps but we were not allowed to talk with its representatives. We have never talked to anyone from the UNHCR. The ones who tried have been arrested and imprisoned. The UNHCR representatives, all of whom were expatriates always came with the Bangladeshi heads of camp. We left the camp in UNHCR trucks. The Bangladeshi police fired into the air to frighten the refugees who refused to get on. There were no UNHCR representatives but only their trucks. We saw the first representatives of the UNHCR once we arrived at the Naf River, just at the border. But we could not really talk to them. When we finally managed to get near one of them, the Bangladeshi translator did not translate correctly: he explained that we wanted to go back to Burma... The few "educated" persons of the camp often got imprisoned because they could represent the refugees to the UNHCR. Some persons are still imprisoned in Bangladesh, some others have been released and gone back to the village."

More generally speaking, and according to interviews with the refugees, the most common reaction to the UNHCR statements was to refuse to leave, and to question the truthfulness of the UNHCR commitments.

### **A seemingly endless process**

The conditions of repatriation were such that in December 1995, with nearly 200,000 Rohingya refugees already back in Burma, the UNHCR office in Cox's Bazaar decided to stop participating in the process of repatriation after having received information about continuing violations of human rights in Arakan. This decision did not prevent the Rangoon and Geneva UNHCR representatives from keeping June 1996 as the deadline for the end of repatriation.<sup>13</sup>

In 1996 the repatriation seriously slowed down. According to UNHCR figures, only 23,000 Rohingyas crossed the frontier during the whole year, which meant that the end of the operation had to be delayed to 31 March 1997. Since the remaining refugees staunchly refused to return to Burma, the UNHCR suggested that they be allowed to settle in Bangladesh – which the authorities in Dhaka refused. On the Burmese side, the authorities, clearly dragging their feet as to the continuation of the repatriation process, accepted after tough negotiations to re-open the border for a month, in

order to let the 7,500 "voluntary" refugees return. A few days after this agreement between the Burmese and Bangladeshi governments, i.e. during the nights of 19 and 20 July 1997, the Bangladeshi police arrested 399 refugees (who had volunteered to return) in the camps of Nayapara and Kutupalong, subjected them to violence and deported them to Burma. The UNHCR protested to the authorities. In the camp of Nayapara, the refugees went on a hunger strike for fifteen days.

By the end of 1997, in spite of pressures and forced departures, over 22,000 refugees were still lingering in the camps of Nayapara and Kutupalong, 6,000 of whom had given their "agreement" to repatriation. The following year, only about a hundred Rohingyas left for Burma, even though the Bangladeshi authorities continued their policy of pressure and repression in the camps. In October 1998, for example, the Burma Rohingya Refugee Association denounced the confiscation of 112 ration cards, depriving 744 refugees of food, as well as the arrest and imprisonment of 350 other refugees on false grounds, with trumped-up charges of terrorism against 24 Rohingya leaders. Yvette Pierpaoli, the European representative of the NGO Refugees International, reported after her mission in the two refugee camps during the spring of 1998 that all the refugees interviewed who had given their agreement to leave asserted that they had done so under pressure from the authorities.

In November 1998, the UNHCR managed to convince the Burmese authorities to resume the repatriation process. But by the end of the year, the number of border crossings had not exceeded a hundred refugees. In 1999, the repatriation was even slower. From January to May, only 141 Rohingyas went back to Burma<sup>14</sup> - a slow pace which triggered renewed pressures on the refugees; though this time with the active participation of the UNHCR. The situation was worrying enough for a NGO to protest in May 1999 to the regional director of the UNHCR. Indeed, according to testimonies collected by the NGO, the UNHCR was at the time undertaking a new census in the camps. The Rohingyas were not only being photographed, they also had to sign (or fingerprint) a document, sometimes just a blank page, handed out by the agency. Some refugees, sceptical about UNHCR practices, refused to comply, fearing that signing would mean repatriation. In retaliation their ration cards were allegedly confiscated by UNHCR staff. Asked by that same NGO to clarify this issue, the UNHCR representatives remained most unclear. According to one, the aim was to determine who was or was not a refugee, while another said that the current procedure had nothing to do with the repatriation, and was merely supposed to identify the vulnerable groups.

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Furthermore, the NGO states in its letter to the UNHCR that numerous refugees testified to having been subject to pressure and physical violence by camp authorities because they refused repatriation. Other testimonies of returnees interviewed in the Maungdaw transit centre charged the Bangladeshi police with having cut their food shares, placed them in detention, and finally physically forced them to sign the return agreement.

Today more than 20,000 Rohingyas are still lingering in the camps of Nayapara and Kutupalong, waiting for their fate to be decided. The stated goal of the UNHCR is to end the repatriation exercise by the end of 2000. Negotiations are under way in order to determine how many refugees will be allowed to settle in Bangladesh, and how many will eventually be forced to go back. The UNHCR appears to want to end this operation as soon as possible, as it has already lasted too long and stained its image more than a little.

### **B. Resettlement and reintegration**

The “reintegration” of refugees, which is dealt with in the second part of the MoU, is supposed to occur, as in the case of repatriation, “in conformity with the principles of safety and dignity”.<sup>15</sup> However, the political context in Arakan and more generally in Burma on the one hand, coupled with the legal framework of “reintegration” on the other, do not in any way offer the necessary guarantees that the operation would be undertaken according to these “principles”.

Indeed, in 1995, three years after the massive exodus of Rohingyas fleeing repression and discrimination in Burma, everything tends to show that the situation has not improved for the Muslim minority, and has even worsened. Not only have the perpetrators of violations against Rohingyas (mainly the military and the Burmese police) never been charged for their crimes, but they are still posted in the region, holding the same, unlimited and unchecked power. No legal or institutional measure has been taken to protect the Rohingyas from abuses similar to those which led to the 1991-92 exodus. The only significant change was the creation of the Nasaka – a new cog in the Burmese repressive system. Generally speaking, Burma has not witnessed any major political change. The “release” of the opposition leader Aung San Suu Kyi in July 1995 stems more from a desire of the junta to embellish its image with the international community, the economic and political support of which it needs, than a sign of democratisation in the country. Arakan, like the other peripheral states of the Union, is still under the yoke of the policies of repression and discrimination of the central government against minorities, with as its (deliberate) consequence a chronic underdevelopment.

### **1. A legal framework without guarantee**

In a complex political context, the legal framework of the “reinstallation” (the MoU) does not bring serious guarantees for the returnees, except for the very vague “principles of security and dignity”. As mentioned before, the respect of human rights is never referred to - when it is clear that the cause of the 1991-92 exodus was the massive violation of these rights - and the rights of the Rohingyas are only mentioned in vague terms. The only guarantee relates to freedom of movement, which was supposed to be equal to that of “all other nationals in the Rakhine [Arakan] State, in conformity with the existing laws and regulations”. That is, “in conformity” with the 1982 law on citizenship (see below), which defines the Rohingyas as a foreign population with very few rights, in particular without the freedom of movement.

### **2. Broken promises**

The “home” the 200,000 Rohingyas returned to in 1995 was thus a hostile one, where no guarantees were offered. The returnees first went through transit camps where they received material help from the UNHCR before going back to their villages without knowing what they would find there.

A villager from North Buthidaung:

“We stayed a night in the Buthidaung transit camp. We received 2,000 Kyats per person from the UNHCR [20 dollars at the time, 6 dollars in 1999] and food for fifteen days. The Burmese authorities took a picture of each family. We also received a family list. In order to go back home, we had to take a local ferry which had an agreement with the immigration department. The man on the ferry collected the family lists and each person, even the children, had to pay 200 Kyats. Usually, we only pay a few dozens Kyats to get from Buthidaung to our village...”

Similarly, a Maungdaw inhabitant said that once he was done with the administrative paperwork and had received the money from the UNHCR, he went back to his district in a lorry for which each family had to pay 1,000 Kyats. Thus, what the UNHCR gave to the returnees was partly taken back before they had even reached their villages; this practice seems not to have been systematic though, as a certain number of refugees walked home. Nonetheless the racketeering of the Rohingyas on their journeys represents one of the most current abuses (see below) - in this case, occurring even before they have made it back to the village. The UNHCR’s help was cut down as soon as they arrived; help from the Burmese authorities was non-existent. A Taung Bazar villager added: “We did not receive any help from the government, on the contrary, we help it!”

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A vast majority of the refugees got their compounds back, but often found that their houses were seriously damaged, and sometimes even completely destroyed. Several causes can be blamed for this: the houses did not always resist to the bad weather, as they were made of wood and bamboo. But they could also have been the target of looting, either by neighbours who purloined the wood, or by the Nasaka, who often badly damaged the belongings left behind by the exiled villagers.

In some villages, the fields of the few returnees who still owned land before leaving had been confiscated. According to the testimonies collected, it does not appear that a “scorched earth” policy of land confiscation and/or house destruction has been carried out systematically on a regional scale. This may be due to the fact that in each village, a sizeable part of the population had decided to stay. The facts point rather to a contingent, arbitrary seizing of the land or houses when and where the local Nasaka unit needed them for their own use or to serve the purposes of a model village nearby.

A woman in a village situated in the south of Maungdaw testified:

“The UNHCR promised us we would get everything back, our houses and our fields, and that we would be given help and protection for ten years. When I arrived in the village, I got my compound back, but my house had been destroyed by the Nasaka which used the wood for their camp. The few land acres I had left got confiscated for a model village. I did not receive any compensation.”

In another fishing village south of Maungdaw:

“When we got back, we got our compounds back but not the houses which were destroyed. Most of them, especially the bigger ones, had been destroyed by the Nasaka, and the smaller ones sometimes by the bad weather. We lost the 16 field acres in the village. Today, the village has no fields left.”

The reinstallation cost was high for all the returnees. They had in the short term to rebuild or repair their houses. Villagers from South Buthidaung explained that the reconstruction of houses cost about 15,000 Kyats each. In another village in Buthidaung district, a returnee said:

“When we left for Bangladesh, we left everything behind – when we got back, our houses were destroyed. We managed to rebuild them with the UNHCR money; but it wasn’t enough, so we sold the mosquito nets, the plates and the other things the UNHCR had given us. Everything but

the food. We also got our fields back – mainly small surfaces. About thirty families had less than an acre. But in 1997, we were forced to sell our fields to villagers who were not returnees. The year had been a bad one and we could not afford all the expenses.”

In actual fact, the UNHCR support was limited to reinstallation (except for some vulnerable individuals, like widows, who continued to be given rice), and therefore the returnees soon faced serious material difficulties. People who still owned fields or goods had to sell them, others tried to survive by fasting for several days a month, others yet decided to leave once again for Bangladesh. Political reasons lie behind this worsening impoverishment. While inflation above all affected the poorest returnees, who could no longer afford basic goods such as rice, forced labour soon resumed, in spite of the UNHCR promises. Simultaneously, restrictions of the freedom of movement and new taxes made for an unbearable situation for many returnees.

A Maungdaw inhabitant:

“In the village, only the compounds were left, houses had been destroyed and the coconut palms cut. I had thirty mango trees and none of them were left when I got back. For the first month, we did not have forced labour. But freedom of movement was limited as soon as we arrived. Then forced labour resumed: we had to build roofs, cut and transport bamboo for the military. As well as guarding the village at night.”

Almost all the returnees interviewed in Maungdaw and Buthidaung reported that the situation was “no better” when they got back. On top of the difficulties inherent in reinstallation, they were faced with the same restrictions and discriminations as before. Forced labour was imposed anew; they were not allowed to travel about in order to look for a work or trade outside of their villages; prices increased greatly and taxes crippled their slim budgets more than ever.

As to identity papers, in spite of the guarantee mentioned in the MoU, most of the returnees only received a family list, which granted them no rights whatsoever. On the contrary, the list was used by the Burmese authorities as yet another means of controlling the Rohingya population (see below).

### **3. The role of the UNHCR after the return**

As they continue to be the victims of the discriminatory and repressive policies of Rangoon, the Rohingyas according to the testimonies collected do not feel able to count on the help and protection of the UNHCR.

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The first reason for this is of a structural nature. As stated in the MoU, the “UNHCR may as and when required use the local offices of the Immigration and Manpower Department in Sittwe, Buthidaung and Maungdaw”. In other words, the IMPD<sup>16</sup> is the major partner of the UNHCR. Yet, this department is also a component of the Nasaka in the districts of Maungdaw and Buthidaung.

One can therefore question the efficiency of the process of “reintegration”, insofar as the UNHCR’s partner, the IMPD, actively partakes in the repression of the Rohingyas through the Nasaka. In practical terms the IMPD/UNHCR partnership also means that the office of the UN agency is located within the IMPD grounds. It therefore becomes singularly difficult for the UNHCR to act independently, and its free access to the Rohingya population is made almost impossible. In a society where a word too many can cost one’s liberty, or even one’s life (and this is particularly true in Arakan), talking to an agency which is perceived to be closely connected to the Burmese authorities represents too major a risk. What sort of protection is the UNHCR then able to offer the Rohingyas? This remains an open question.

The ambiguous ties between the UNHCR and the IMPD have given rise to confusion among the Rohingyas, who were already sceptical of the UNHCR because of broken promises in the past. A villager from South Maungdaw:

“We did not ask the UNHCR for any particular help because we knew it was working hand in hand with the authorities, particularly with the Nasaka. The UNHCR support was limited to the widows who continued to receive a material help. The rest of the population did not receive anything in spite of the promises.”

The feeling of deception is pervasive, as a villager of South Maungdaw expresses it:

“We are grateful to the UNHCR for a certain help they gave us, but there were too many false promises. That’s why people hate the UNHCR.”

For the Rohingyas who dared to complain to the UNHCR about the repression they endured, or ask for help, the reception was certainly not always up to the UNHCR’s stated principles, as illustrated by the following words of a Maungdaw inhabitant:

“The UNHCR promised us that if we encountered problems with the Burmese authorities as in 1991, we could go to them and they would protect us. The UNHCR even said: “We will not leave Burma as long as you think you still need us”. After my return to Burma, I went to the UNHCR and complained about forced labour and problems of freedom

of movement. They answered: “We cannot do anything!” I went to the Maungdaw UNHCR office twice to complain but never got any answer. I met an expatriate, who merely listened and said: “We will see what we can do...”. I haven’t heard from them since.”

On the ground level, the UNHCR mission, especially as far as protection is concerned, was equally ambiguous. According to testimonies collected in Bangladesh from Rohingyas who decided to flee their country once again, the UNHCR had come to the villages accompanied by Military Intelligence officers, who listened in on their conversations with the villagers.

Even if the presence of the UNHCR has helped to prevent some abuses and support the reinstallation of the repatriated population, it would nonetheless be far-fetched to talk about a successful “reintegration” – as is attested by the new departures of tens of thousands of Rohingyas every year since 1996.

The very term “reintegration” becomes dubious when used in relation to a population which has not been “integrated” in several decades. “Reintegration risks being a misleading term, as it presupposes previous integration which did not exist”, explained Lisbeth Garly Andersen, a consultant for the UNHCR, in her July 1997 report.<sup>17</sup> She quotes a former UNHCR member who wrote before leaving that “it is difficult to see how the Muslim population can ever feel integrated into a society that treats them as foreigners, inferiors and a resource to be exploited”. After a nine-week investigation in Arakan on the reasons for the massive departures of Rohingyas to Bangladesh, L. G. Andersen wrote: “As can be seen in the case studies, the majority of the returnees describe the current situation as not improved or worse”.

Thus, in a context of repression and discrimination comparable on many points to the situation prevailing during the 1991–92 exodus and without any real legal guarantee, 200,000 Rohingyas settled back into Arakan with the help of the UNHCR. But the “reintegration” mentioned in the agreement proved impossible for a population which, according to the 1982 Law on citizenship, is still considered as foreign in its own country.

Five years after the beginning of the massive repatriation operation and the arrival of the UNHCR (as well as several international NGOs) in Arakan, the situation of the Rohingyas is, according to the testimonies collected, worse than in 1991-92: forced labour together with violence and humiliation, forced relocations, a deliberate policy of installation of Buddhist settlers on Rohingya land, arbitrary taxation and racketeering, severe restrictions of the freedom of

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movement - and above all the complete denial of citizenship. This makes for the daily life of a population which is increasingly forced to leave the country.

**Considering of the MoU's many flaws, in particular concerning human rights, considering also the modus operandi of the UNHCR on the ground, especially as regards its incorrect statements made to refugees, the FIDH considers that, to this date, the UNHCR has to a large extent seriously failed in accomplishing its task, and has in fact contravened its mandate on many points.**

### **Notes :**

1. "Both sides recognize the role of the UNHCR in various stages of the repatriation process, facilitating the reduction of international concern of voluntary and safe return of Myanmar residents", quoted by HRW / A, op. cit., p. 16.
2. HRW / A, op. cit. p. 17.
3. UNHCR figure quoted by the organisation Médecins sans frontières (MSF) in their report "Refugees without reason, Repatriation of the Rohingya refugees to Burma", temporary report, June 1995.
4. In spite of this "discretion" which was imposed, according to some sources, upon the UNHCR by the Burmese authorities, the FIDH managed to obtain a copy of the agreement.
5. see HRW / A, op. cit., p. 18.
6. Ibid., p. 19.
7. UNHCR declaration dated 28 July 1994 in Cox's Bazaar, quoted by MSF, op. cit., p. 13.
8. Event reported by refugees and quoted in the MSF report.
9. Voluntary repatriation guide, UNHCR.
10. See MSF report, pp. 15-16.
11. These principles are detailed in the UNHCR Handbook on Voluntary Repatriation: International Protection, 1996.
12. MoU (point 6) : "In order to enable UNHCR to discharge its responsibilities, the GOUM will ensure UNHCR has access to all returnees in the Arakan State".
13. HRW / A Report, p. 20.
14. UNHCR figure.
15. MoU Terms, 5 November 1993.
16. In 1998, the IMPD was renamed IPD, Immigration and Population Department.
17. Andersen Report for the UNHCR



### **III. Repression, discrimination and exclusion in Arakan**

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A three-fold repression is being carried out in Arakan:

(i) **A “generalised” repression**, i.e. similar to that witnessed elsewhere in the Union, with the various populations of Arakan being, like the rest of the country, subject to serious and repeated violations of human rights, which are regularly denounced by the international institutions and numerous NGOs.

(ii) **A more specific repression affecting the peripheries of the Union, particularly the ethnic minorities**, including Karen, Shan, Kachin... In Arakan, the Rohingyas, the Arakanese as well as the small minorities often installed in the mountainous and remote areas of the State are very regularly submitted to forced labour, forced relocations, arbitrary taxes which one could qualify as a racket, land confiscation without compensation.

(iii) **Lastly, the Rohingya are subject to a repression and a policy of discrimination which targets them specifically.** First of all, they are victims of a governmental policy encouraging anti-Muslim feelings among the Buddhist population at a national level, using them as scapegoats to divert attention away from social or political problems which could jeopardise the power of the junta.<sup>1</sup> But the Rohingyas are also and above all the target of a double exclusion. Above all, by law: since the Independence, they have been progressively deprived of their rights, even the right of citizenship itself, thus becoming stateless in their own country. Secondly, they are excluded by a policy of settlement, which forces them to move up to the extreme north of Arakan, to finally be pushed out on to the other side of the border.

#### **A. The specificity of the repression against the Rohingyas**

While the UNHCR, along with other United Nations agencies (such as the UNDP - United Nations Development Programme - and the WFP), and several international NGOs try to improve the situation of the Rohingyas in an effort to eliminate the root causes that led to the 1991-92 exodus, the Burmese authorities on the other hand do their best to bring the Rohingyas to a point of utter social and economic precariousness. Subject to humiliation, physical violence and other abuses, the Rohingyas progressively resign themselves to crossing the border once again. Everything is acceptable to the Burmese government – except a massive exodus. Thus, while refusing to grant the Rohingyas citizenship and while keeping them stateless, the Burmese authorities control their every movement and pursue a policy of settlement of North Arakan, slowly but surely pushing the Rohingyas out. The UNHCR has asserted that the living conditions of the Rohingyas have improved: unfortunately, the testimonies of villagers collected in the districts of Maungdaw and Buthidaung attest to the opposite.

##### **1. Rohingyas as non-citizens**

If one considers citizenship as the right to have rights, one can say that the situation of utter precariousness and vulnerability of the Rohingya population is directly linked to its not being recognised by the Burmese authorities: the Rohingyas, a population with no rights, have witnessed increasing limitations to their right to citizenship in the last fifty years; they are now considered as foreigners in their own country.

##### **From 1947 to 1982**

Although the Rohingya people were not recognised as one of the native peoples of Burma by the 1947 Constitution, they were nonetheless granted citizenship. A citizen of the Union was defined as:

“every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty’s dominions and who resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding 1 January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and with the time prescribed by law.”<sup>2</sup>

## **Repression, discrimination and ethnic cleansing in Arakan**

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Worried about Indian immigration to Burma, the government quickly changed its mind and promulgated a new law on citizenship in 1948, restraining the definition given in the Constitution. Individuals who did not belong to native peoples recognised as national, had to be “from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any such territories.” According to the law, all the country’s residents had to register within twelve months in order to obtain an identity card. Many Rohingyas obtained citizenship then, which enabled them to vote during the decade of democracy (1950-62). However, after the coup d’état, the recognition of Rohingya children as Burmese citizens became harder and harder.<sup>3</sup> With “the Burmese way to socialism”, Ne Win took a nationalist turn, affirming in particular that ethnic minorities – even the non-rebel ones – represented a danger to Burmese unity.

It was thus within a somewhat difficult context that a new Constitution was proclaimed in 1974. Twenty-seven articles detailed the fundamental rights and duties of citizens, and served as the starting point for the future law on citizenship, promulgated in 1982. Meanwhile, the authorities had launched the Nagamin Operation. Terrorised by an identity control which turned into a manhunt, more than 200,000 Rohingyas found refuge in Bangladesh. The new law on citizenship was to be promulgated soon after the refugees’ return.

### **The 1982 law**

Promulgated on 15 October, the new law on citizenship substantially modifies the former legislation, insofar as it recognises not one, but three categories of citizens: a very unique clause, which distinguishes between citizens, associate citizens and naturalised citizens. First-class citizens are to be found among recognised national groups, such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Arakanese, Shan and ethnic minorities (e.g. the Muslim Kamans, but not the Rohingyas) who settled permanently in the Union’s territory before 1823 - the year before the British occupation. Individuals who cannot give evidence of their ancestors’ residence prior to 1823 are granted the right to become second-class or “associate” citizens, if one of their parents was a citizen according to the 1948 law – which means that proof must be given that the Union territories were the permanent home of the family for at least two generations.

Finally, third-class or «naturalised» citizens, essentially immigrants who arrived during the colonial period, must be born in Burma and their parents must have lived in the country as of 4 January 1948, or one of them at least must be a citizen. A naturalised citizen also has to

“speak fluently one of the national languages”, “be of good character” and “be sound of mind”.

Associate or naturalised citizens have “the right of a citizen under the law of that State, with the exception of the rights stipulated from time to time by the Council of State”.<sup>4</sup> Unlike first-class citizens, they can lose their citizenship.<sup>5</sup> They have access to university, though not to study general medicine or dentistry, nor to enroll in an engineering course in the most highly considered institutes.

Under the 1982 law, very few Rohingyas can become citizens, even naturalised or associate, notably because of the material difficulty of providing legal proof of their past residence in the country. Both its content and its coincidence with the return of the refugees after the 1978 exodus tend to indicate that the 1982 law was actually designed as a legal tool for the exclusion of the Rohingyas (and other communities such as the Chinese, who arrived in the country during the colonial period). With the new law, all the inhabitants of the country had to apply or re-apply for identity papers. The Rohingyas who had obtained an identity card (National Registration Card, NRC) after 1948, were forced to hand it back in order to be issued with new document under the new law. Yet, a great many of them did not receive anything in return, nor did they get their former cards back.<sup>6</sup>

To make matters worse, for the Rohingyas who still had a document, the identity cards handed out by the government in 1989 not only indicated the name and place of residence of the holders, with a picture, but also mentioned their religion and ethnic origin. Three colours for the cards categorise the citizens: pink for the citizens, blue for the associate citizens and green for the naturalised citizens. The Foreigners Registration Cards, FRC, are white. Contrary to other «foreigners» in Burma (such as the Chinese), the Rohingyas could not even obtain an FRC.

In effect, the new 1982 law makes the Rohingyas stateless. Deprived of any status, they are no longer legally recognised by the Burmese authorities. It is a statelessness which obviously has many consequences: inter alia, the Rohingyas are not allowed to travel freely in the country, and can no longer enter the public service; their access to higher education is limited. And in conformity with the 1974 Constitution, as foreigners, they can not resort to the judicial system (article 101 - f) and have no freedom of association (article 158). The Rohingyas have lost all rights based on racial and religious grounds.

### **Current status of the Rohingyas**

In terms of citizenship, the situation has not evolved since the Rohingya refugees returned from Bangladesh.

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It was agreed in the MoU that “after the necessary verification the GOUM will, with the assistance of the UNHCR, issue to all returnees the appropriate identification papers” (point 4) - a clause so vague as to carry no obligation whatsoever for the Burmese authorities to grant citizenship to the Rohingyas. The only document the Rohingyas were issued with was a family list, with an IMPD (later to become IPD) heading, merely listing family members. It does not entitle them to any rights and on the contrary, represents yet another means of controlling the population, as a Buthidaung inhabitant explains:

“Once a year, there is a census of the population. In our village, it happens each year between October and November after the rainy season. The Nasaka warns us a few days in advance of the control and checks if all family members registered on the list are present. They [The Nasaka officers] also take a picture of each family every year in order to control us better. Names of the persons absent during the census are struck off the list. They then are no longer allowed back in the village.”

In June 1995, the immigration department (IPD) finally agreed to provide Temporary Registration Certificates (TRC) to all the Rohingya population due to pressure from the UNHCR, who were rightly convinced that the denial of citizenship represents the stumbling block to the integration of Rohingyas into Burmese society. These TRCs, though strangely based on two laws on residence dating back to 1949 and 1951 which had been invalidated by the 1982 Law, were granted to the population with no distinction between returnees and Rohingyas who had remained in the country; according to the UNHCR, the TRCs are to be considered as a first step towards citizenship. A barely noticeable first step, though, since the TRC is clearly marked “not an evidence of citizenship”.

In 1998, General Khin Nyunt, First Secretary of the SPDC, definitely put an end to the hopes the UNHCR had - rightly or wrongly - fostered. On 5 February, in a letter to the High Commissioner, Ms. Sadako Ogata, he wrote:

“Suffice it to say that the issue is essentially one of migration, of people seeking greener pastures. These people are not originally from Myanmar but have illegally migrated to Myanmar because of population pressures in their own country. There may have been younger children who were born in Myanmar, but the previous generations had crossed over to our country during the past decades. They are racially, ethnically, culturally different from the other national races in our country. Their language as well as religion is also different.”

In 1999, Rohingyas still had no citizenship and were still subject to the restrictions affecting the foreigners of the country, notably the lack of the freedom of movement.

### **2. Freedom of movement**

As a direct consequence of the 1982 Law and the Foreigners' Act (1940), whether they have a TRC or not, the Rohingyas do not enjoy any freedom of movement outside their own villages. In order to leave their village, they have to ask for a license (section 10, Foreigners' Act) and “every such license shall state the name of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to travel, and the period, if any, during which the license is intended to have effect” (section 11).

In order to move around in their township, the Rohingyas have to ask the VPDC for a license. In order to go beyond their township, they have to apply to the TPDC and, outside the district, to the DPDC. Lastly, in order to get out of Arakan and go to the rest of the Union, they need an SPDC license. On the VPDC local level as well as beyond, the demand is always passed on to the different administrations in charge of the control of the population (Nasaka, Military Intelligence, police, IPD...) each one of which has to give its agreement.

For the journeys from township to township, or to another State of the Union, the Rohingyas have to fill in a form known as the “Suspect Form”.<sup>7</sup> These were routinely marked “Bengali”. It seems though that the term «suspect» has been eliminated from later versions of the form, and the word “Bengali” replaced by “Muslim / Islam”. Though theoretically valid for 14 to 45 days, it appears that in real terms the license never exceeds two weeks, according to the testimonies collected in Arakan. On the other hand, the administrative procedure in order to get the license can take up to two months – with no guarantee of the result. Lastly, one also has to pay to get the license – the non-official fee can vary between 1,000 and 10,000 Kyats according to the destination. For those who try their luck without the license, the price is even higher: the bribes out of Arakan on the road to Rangoon can reach 100,000 Kyats. It is not just a matter of finance: on this very road, 23 persons who were trying to get out of the State illegally have reportedly been killed in 1998. Last April, two young Muslims who were attempting to reach Rangoon to visit their parents, whom they had not seen in years precisely because of their lack of freedom of movement, were arrested at Taung-gak, in the south of Arakan, interrogated by the military, and imprisoned.

In concrete terms, it is almost impossible for the Rohingyas to leave Arakan. Several Muslim employees of international organisations, although they came from

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Rangoon, were not allowed back to the capital to visit their families because they lacked a license. Other Rohingya employees had to get a license every other week (for which they had to pay 1,200 Kyats) just to move from township to township for strictly professional reasons – and it goes without saying that their professional status greatly facilitated their journeys. One can therefore legitimately believe that any displacement within the Union is impossible for a villager who does not enjoy such a status. Within Arakan itself, although getting a license to go from one township to another is possible in theory, the high price makes it de facto impossible. For instance, in order to travel between the two northern cities of Maungdaw and Buthidaung, a Rohingya would have to pay between 5,000 and 6,000 Kyats, while Arakanese travel freely.

In order to go to Sittwe, the main means of transportation for the northern population is the ferry which links Buthidaung to the capital of the State every day. One sees mainly Arakanese and military officers on board. Rohingyas are rare, both because the authorities have since the end of 1997 imposed a limitation on the number of Muslim passengers per day, and because the price of the fare can reach up to 8,000 Kyats (in comparison to just a few hundreds kyats for the other passengers). To that can be added the different rackets on board.

A North Buthidaung villager details the cost of his trip:

“To go to Sittwe, you have to get a license, valid for fifteen days only and costing 3,000 Kyats. Once the head of the VPDC gives his authorisation, you have to go to the Nasaka of Taung Bazar, and that’s another 1,500 Kyats, then you go to the Immigration department of Buthidaung – another 1,500 Kyats. On board, you will have to give 500 Kyats to the police – a «tax» reserved for Muslims. Not to mention the price of the ticket - much more expensive for us than for the Buddhists. Once you’re off the boat, on the quay of Sittwe, you have to pay several hundreds of Kyats to the Immigration staff or to police officers. Because of all these «extra charges» to pay, the villagers have stopped taking the boat. We prefer to go down the river in small boats, even if it takes much longer.”

Journeys towards Bangladesh are also subject to a license valid for one to seven days. These authorisations are for legally registered merchants – who must add on numerous informal taxes.

Not only do the Rohingyas suffer from a complex administrative and police system of registration and control of the movement, they are also victims of an increased militarization in Northern Arakan,<sup>8</sup> and are

thus increasingly locked into a forced immobility. Several military camps have been built since the beginning of the 1990s in order to prevent any Rohingya movement towards Kyauktaw in the east, Rathidaung in the south, and towards Bangladesh in the North. The Burmese army has also mined the border, officially in order to prevent RSO (the Rohingya armed resistance) attacks. It seems that the landmines (and more generally the growing military presence in North Arakan as well as the restrictions on circulation) are aimed at the same goal: to avoid a new, massive exodus towards Bangladesh – without preventing more discreet departures.

### **Impoverishment of the population**

One of the main consequences of the absence of the freedom of movement is the impoverishment of the population, whose economic activity is directly and seriously affected, as the following testimonies from North Arakan attest. A Buthidaung inhabitant stated that:

“If we were able to circulate freely, we would be able to sell our farming products at a much higher price in Maungdaw than in our village. Such a restriction is a big problem for those who rely on trade. For instance, a hen sold 400 Kyats in our village would be worth twice that price in Maungdaw. Only a small rich elite can afford a license to go to Maungdaw. Without freedom of movement, we cannot look for a job in another village or in another township either. For example, there are carpenters in the village who cannot find any opportunity to work here. It is just as difficult for the fishermen. Before 1990, we were free to leave the village and work elsewhere. We used to go to other townships outside Buthidaung, even to Bangladesh, in order to earn money. Then everything changed and after two very difficult years, we decided to leave the country. If we don’t go back to Bangladesh now, it is because of the Nasaka - we are constantly being watched.”

For many villagers, the Nasaka is to blame. An inhabitant from North Maungdaw says:

“Our situation in 1991–92 was far better. Today, it feels just like being in jail. Even carrying the rice to eat is difficult. Everything has become worse with the arrival of the Nasaka. The authorities control people much more than before. Before, if we wanted to carry rice from a village tract up north, it was possible; today, it no longer is - everything is in the hands of the Nasaka. Before the Nasaka came at the end of 1992, we were able to do some small trade: for instance, we could go to Maungdaw to buy cheap goods, sell them back

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here and make a small profit. We could also go to Maungdaw to sell our vegetables. Today, even when we pay we can't go to Maungdaw to trade. The problem today is freedom of movement."

Another Maungdaw villager:

"Today, we are not allowed to travel in order to find a job. The head of the VPDC has to report every third day about the absent villagers. Anyone who has left the village without authorisation is crossed off the list, and can no longer come back to the village."

On top of their tragic economic consequences, the severe restrictions on the freedom of movement also make it impossible to go to Sittwe in case of serious illness. For the poorer ones, the lack of the freedom of movement is essentially an economic problem, whereas for the less vulnerable ones (in particular city dwellers, who are not as harshly affected), the issue is experienced more as an issue of respect. Many of them feel humiliated, feel that they are treated like animals – basically, that the only right they are left with is the one to be alive.

All the villagers interviewed consider that, when it comes to the freedom of movement, their situation is even worse today than before the 1991–92 exodus. When asked about the daily constraints they face, freedom of movement (or rather, the lack of it) always comes at the top of the list. If, according to some, forced labour seems to have decreased in comparison to 1991–92, everyone agrees that the situation has sharply deteriorated as far as the freedom of movement is concerned.

**In the end, keeping a close watch over the population's displacements serves a double purpose – though seemingly a contradictory one: simultaneously urging the Rohingyas to leave, and holding them back. Indeed, the lack of the freedom of movement contributes to the generalised impoverishment of the Rohingya population just as forced labour and taxes do. Led to, or maintained in, a situation of utter precariousness, the Rohingyas are pushed to leave the country – while the doors of exile are apparently kept closed.**

Beneath this false contradiction lurks Rangoon's will to avoid a departure as massive as the 1991-92 exodus – at any cost. All of the villagers interviewed made it clear that were they given the opportunity to leave Arakan freely, all would immediately go to Bangladesh. But they also pointed out that were they granted the freedom of movement, they would stay – as their lives would then be better (see below, part IV).

It appears that the aim of the Burmese authorities is to let the Rohingyas go, but in dribs and drabs. An aim which is achieved most notably with the help of the economic lever. The Burmese contain the size and number of the departures so as to make them acceptable, i.e. they let small groups leave illegally. In other words, an invisible exodus. Since 1996, more than 100,000 Rohingyas have left Arakan for Bangladesh in this subtle manner. The close control of the movements of the Rohingyas aims at a long, discreet ethnic cleansing of North Arakan.

### **3. Colonisation and military occupation**

**The repression and discrimination against the Rohingyas is at the heart of an ethnic and religious cleansing in northern Arakan, one essential means of which is a policy of colonisation:** the goal of the Burmese government is to progressively empty Arakan of its Rohingya population, and replace it by Buddhists – Arakanese Buddhists originally, Burman ones today. In the northern part of the State, where the Rohingyas represent 90% of the population, the Burmese authorities intensified at the beginning of the 1990s their policy of territorial, human and religious reconquest, which had already been going on for several decades.

The Burmese authorities justify this colonisation by invoking History: the Buddhists have to get back the land they lost in the 1942 inter-ethnic riots, when the Arakanese were pushed down south by the Rohingyas (while the Rohingyas were driven away from the centre to the North by the Arakanese), in order to restore the age-old balance between the two communities. In reality though, the people now living in the North are not descendants of dispossessed Arakanese, but destitute villagers from the Sittwe region,<sup>9</sup> Kyauktaw and Mrauk-U inhabitants, as well as the relatives of soldiers posted in the region<sup>10</sup> and, since 1998, inhabitants from Rangoon.

The colonisation proceeds through «model villages» built in the richest parts of Maungdaw and Buthidaung. The settlers do not always move of their own free will to a region where they are culturally and religiously a tiny minority. The construction of model villages entails forced relocations of Rohingyas, relegated to the poorest and most isolated areas of the region, as well as the confiscation of their land, which is then allocated to the newcomers. Other Rohingya families living in the East or South of Maungdaw and Buthidaung are also forcibly displaced to the north of these township already overpopulated so as to «clean» Arakan as much as possible of its Muslim population. The colonisation of northern Arakan relies heavily on the army: the growing militarization of the region entails extra forced

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relocations of the population and additional land confiscation.

The policy of reconquest has also taken on a religious aspect, with the authorities launching a religious offensive aimed at increasing the Buddhist influence by constructing pagodas, stupas and other meditation centres. Lastly, the Rohingyas have a minimal access to education.

Both colonisation and military occupation further accelerate the breakdown of an already weakened Rohingya society. The only solution left for the most vulnerable sections of the population is the exile to Bangladesh.

### **Model villages**

The policy of colonisation through the construction of model villages started very soon after the independence. From 1948 to 1978, most of these model villages were situated on the border in order to ensure the presence of loyal populations in a sensitive area, and to weaken any rebel movement. The two following decades saw a multiplication of model villages in the Maungdaw and Buthidaung districts. According to the UNHCR, fourteen were built in the area between 1991 and 1996. According to an international NGO, over 100 arakanese villages have been set up around Maungdaw and Buthidaung since 1950, compared to only 15 before then. The central administration in charge of the colonisation is the Natala, the policies of which are supervised in Arakan by the West Commander in Sittwe. Model villages are designed for 100 families, each allocated on average two acres of land, livestock, farm tools and a house. In some cases, the newcomers even get food assistance. In spite of this material support, some prefer to leave again, generally because of unemployment and because of a cultural and religious environment where they represent a minority.

The negative repercussions of such a policy are numerous for the Rohingyas. Each new settlement means land confiscation (see below), forced relocations, and consequently important economic losses.

A villager from North Maungdaw says:

“There were 700 acres in the village tract. We already gave 135 of them for the model village built in 1989. Most of the new families arrived in 1991. The ten first families were retired army officers and their families.”

In a South Maungdaw village:

“The land was confiscated seven years ago, in 1992. Around 200 acres were confiscated for the new Inn Din model village – they took 30 acres just from our hamlet. Today, we have no

land left. The fields you see in front of the hamlet belong to the inhabitants of the Inn Din model village. There are about 350 acres left in the village tract, but none in the hamlet.”

The villagers whose land was confiscated usually become day labourers, exposed to seasonal constraints and above all to restrictions imposed by the authorities (in particular restrictions to the freedom of movement). Others prefer to rent some land, hoping to get a more stable income. The fields they rent generally belong to settlers who do not want to cultivate their land on their own – sometimes simply because they don't know how to. In North Maungdaw, a villager explained that “one third of the population works in the ricefields here. Some have their own land, others rent it from the model village. Actually, they rent their own land, the one which has been confiscated for the model village...”

Thus, providing that they have the authorisation of the Nasaka, the settlers rent their land to the dispossessed Rohingyas who can thus survive in spite of the confiscation. An April 1997 decree prohibited this practice: various government representatives visited the model villages, asking the settlers to cultivate the land on their own, thus depriving the Rohingyas of yet another source of income – which was the government's intention. In spite of the decree, the Rohingyas in some model villages nonetheless continue to rent their former land. Once a model village is set up, the odds are very high that the villages nearby would see an increase in land confiscation in order to accommodate the newcomers. A villager from North Maungdaw:

“I can't tell you the precise acreage of the village tract because the authorities regularly confiscate some land for the model village, which was set up in 1991. In 1992 and 1993, they took some more land to expand it. They did it again in 1998. Today, there are almost 80 families in this model village. The authorities also took ricefields and hillside land for the livestock.”

In Buthidaung, according to information collected by inhabitants, 7,200 acres of land have been confiscated for the construction of 41 model villages. It goes without saying that these installations imply additional forced labour and increased expenses for the neighbouring villagers, as they are the ones who have to build the settlers' houses with their own material (wood and bamboo). To make things worse, the villagers also have to build a military quarter - which would then have to be constantly supplied; the villagers are also subjected to the presence of soldiers who consider them as mere serfs.

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An old man from North Maungdaw:

“There is much more forced labour today with all the model villages. We have to build their houses. The inhabitants come from Sittwe, Maungdaw or Rangoon. They are all Buddhists.”

A North Buthidaung villager:

“In March {1999}, we took part in the building of the Therapi model village, where people from Rangoon were settling. Since 1995, the situation has been getting harder every day. Today, there are so many model villages to build. We think that our land will perhaps be confiscated next year.”

Both testimonies illustrate the resumption of the construction of model villages in Maungdaw and Buthidaung in 1998, although it had been partially interrupted in 1996 under UNHCR pressure. These testimonies also reveal that, whereas most of the settlers used to come from Arakan, a majority of them now come from Rangoon.

Last spring the UNHCR enquired to the Burmese authorities about the population relocations that occurred in 1998 and that served, among other things, to build model villages in northern and southern Maungdaw. In the spring of 1999, new implantations or the enlargement of model villages intensified. A South Maungdaw inhabitant:

“In 1993, we built 60 houses and finally only 50 families from different parts of Arakan settled. Ten other families arrived soon after. The situation didn't change for six years and then a few months ago, thirteen families settled. They come from Rangoon. They are Burmese. There are now 73 families, but the authorities told us they would soon be 100”.

The international organisations present in the Maungdaw and Buthidaung area attest to the new constructions and arrivals. For instance, in Maungdaw, Rohingyas were forced to build houses for a future model village in the Tha Yay Kone Tan village tract in mid-May 1999. In the neighbouring village tracts of Zaw Matat and Than Da, another model village was being built around the same time. Each of the five surrounding hamlets had to finish building eight houses before the end of June for settlers purportedly coming from Rangoon. This new, relatively isolated model village is located about 500 metres from Kaing Gyi, another model village built in 1993.

On the road from Maungdaw to Buthidaung, a much more visible village was built in a very short time at the end of May 1999. A few miles before entering

Buthidaung, one cannot miss the few dozens of houses, which saw their first inhabitants at the beginning of June. The Burmese authorities seem to attach little importance to the visibility of the village on a road which is travelled daily by members of international organisations present in the region.

An inhabitant has already counted fifteen model villages in the Buthidaung district. “We know that the authorities want to build a Buddhist hamlet in each Muslim village tract”, he said. According to other sources, in a district with 89 village tracts, the most massive implantation of model villages occurred in the North, around Taung Bazar. In April 1999, the UNHCR unofficially disclosed that 39 families had already been settled and that 16 new model villages were to be built. This information was confirmed by the Buthidaung local authorities who informed an NGO about the arrival of 80 families from Rangoon and Mandalay. Some of the settlers are allegedly former criminals to whom three land acres per family were given.

Simultaneously, information gathered in the Burmese capital showed that the Yangon District Development Council (YDDC) had planned to relocate 50,000 inhabitants of the shantytown area outlying Lanthaya in order to build a new residential zone. These destitute city dwellers, who had already been forced to flee Rangoon in 1992 during the «cleansing» operation for the year of tourism in 1996, will now have the possibility of settling in the Shan State or in Arakan...

### **Militarization**

The construction of model villages has since the beginning of the 1990s gone hand in hand with an increasing militarization<sup>11</sup> of the region, which has become close to a real occupation. In August 1991, Bertil Lintner, a Burma specialist, figured that the number of troops had more than doubled in the districts of Maungdaw and Buthidaung as compared to the previous year, reaching more than 10 000 men, including several Lone Htein contingents (the anti-riot police, responsible for the 1988 massacres).<sup>12</sup> One of the main consequences of the military presence is a dramatic increase of human rights violations in the area (forced labour, disappearances, murders, rape, violence, etc.), which have led to the exile of tens of thousands of Rohingyas.

The militarization of the region was officially justified by the Rohingya rebellion, notably the RSO and the ARIF, which were both waging an armed insurrection along the Bangladeshi border. In actual fact, rebel activity was very limited and never threatened the integrity of the Burmese territory.<sup>13</sup> Everything leads us to think that the government was above all aiming at a tight control over the territory through the army, the Nasaka, the

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military intelligence. The objective being two-fold: to prevent the Rohingyas from moving to other parts of Arakan - and to avoid a massive departure for Bangladesh.

In the South of Buthidaung, seven military camps were built in 1992 in order to seal off the district and prevent any displacement toward the neighbouring district of Rathidaung, which was being cleared of its Muslim population. These camps (the establishment of which was one of the causes of the 1991–92 exodus) restricted the access to the capital of the State, Sittwe, situated further south. East of Buthidaung, on the way to the bordering district of Kyauktaw (where authorities are also conducting an ethnic and religious cleansing operation), two other camps were built in April-May 1998. That same year, still in order to avoid any movement of the Muslim population outside Maungdaw and Buthidaung, the government stopped the construction of a road linking Buthidaung to Kyauktaw.

In the North, along the border with Bangladesh, the mechanism is different, as is the objective. Officially, the army wants to prohibit any infiltration of Rohingya rebels – but given their limited activity, the military set-up seems rather to be aimed at preventing any massive exodus of the Rohingyas towards Bangladesh, though not their more discreet departures. The testimonies of refugees who crossed the border confirm this policy of letting small, unseen groups of Rohingyas go. The refugees all say that they had no problem with the Nasaka. In some cases, they had to pay a bribe to a Rohingya who would share it with the Nasaka, but it is noteworthy that the Nasaka never tried to hold them back – on the contrary, all testimonies indicate that there was a strong incitement to leave. “During the forced labour, the Nasaka officers would repeat that Arakan was not our land and that we had to leave,” said one of them.

Meanwhile, the Burmese authorities mined the border to avoid a massive departure. Once again, the stated goal was to prevent any rebel incursion, but the landmines, spread over 55 kilometres according to the Bangladeshi military forces, seem to be the perfect tool to dissuade people from going. In the past five years, more than fifty persons have died on either side of the border, and more than a hundred are handicapped for life because of the landmines.<sup>14</sup> The Bangladeshi authorities, pointing to a violation of the Geneva Convention, protested to the Burmese government, which in turn promised a mine clearing operation. In 1999, the landmines were still there.

In order to break any desire to leave en masse, and more generally to keep a close watch on the Muslim population, the Burmese authorities also rely on a net of

informers who report any suspicious attitudes. Thanks in particular to the heads of the VPDC and informers within the population itself, the authorities are informed about any rumour of departure. If need be, they threaten the suspected individuals with reprisals – such as imprisonment or the confiscation of their belongings. But in fact, there is no known case of a Rohingya either caught on the way to exile or expelled by the Bangladeshi forces who has been imprisoned, which tends to prove that the goal is not to punish but to dissuade.

The dissuasion mechanism is perfectly efficient: when asked about a possible departure, villagers systematically explained that controls are much too tight for them to leave. Yet, it has not prevented 100,000 Rohingyas from crossing the border. Discretely. One after the other.

### **Forced relocations**

As an essential element of the governmental policy of the colonisation and militarization of North Arakan, forced relocations are diverse and mainly serve three purposes: to «clean» Arakan of its Rohingya population and concentrate it in the northern part of the districts of Maungdaw and Buthidaung; to increase the presence of Buddhist settlers, in order to "reconquer" the region through model villages; to contain the Rohingya population with an increased military presence.

The ethnic and religious cleansing of Arakan is being progressively achieved. Muslim villages outside the far North are becoming rare. Most of the Rohingyas who lived in the Kyauktaw, Mrauk-U or Minbya districts have been forcibly displaced to the North over the past few years. These forced relocations, which go hand in hand with serious human rights violations, have been denounced by the UN Special Rapporteur on Burma, notably in February 1993 and January 1995.<sup>15</sup> The Rathidaung Rohingyas (in the border district south of Maungdaw and Buthidaung) met with the same fate. According to villagers still living in Rathidaung, out of the 53 Muslim villages existing in the district before 1995, only two remain in 1999.

The construction of model villages for Buddhist settlers in the North of the State also entails the forced relocations of Muslims who are moved to less fertile lands, usually without compensation. A villager from South Maungdaw: “In 1993, 40 families from our village were displaced because of a model village. A financial compensation? Are you kidding? Instead of money they showed us sticks...”

Forced relocations are also systematic during the installation of new military or Nasaka camps. A



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North Buthidaung inhabitant details the recent history of his village:

“The removal of the village occurred in 1996. One year after we came back from Bangladesh, in 1995, the Nasaka ordered the displacement in order to set up its camp. We transported our houses here. They forced us to settle on a former Buddhist cemetery. We’ve never received any compensation for the lost land. Some villagers protested, this old man for instance [points to him], who represented the village. The Nasaka men beat them up. We decided to protest to the UNHCR. An expatriate came, to whom we explained our economic problems because of the loss of land. We also said that our village was on a former Buddhist cemetery. «Don’t worry, we will help you», the expatriate said. We waited. Finally, the UNHCR decided to build a pond in 1997, and that’s all. The land we got to build the new village is three times smaller than the one we had before. Four families had seven acres of fields: they lost everything. The situation was far better in 1992 because even if we were subject to a lot of forced labour, we had our own fields with fruit trees. It was also a source of income but now, the Nasaka is the one which gets all the fruits.”

Lastly, the authorities displace villagers in order to build administrative or religious buildings like in March 1998, when 80 families of the Dail Fara quarter in Maungdaw were forced to move several hundred metres away. The villagers lost their land and many of them now live in an area subject to flooding.

In Arakan, forced relocations were also used against small minorities (Mrau, Thet, Khami, etc.) who live in barely accessible mountainous areas. The aim of the authorities is seemingly to control them better by displacing them to the plains. These relocations are a source of impoverishment for the minorities. Forced relocations of populations is contrary to the UDHR, articles 3, 12 and 17 (2).

Finally, it could be considered that in certain cases, the establishment of Buddhist settlers also amounts to a forced relocation. But, whereas the Rohingyas and the small minorities are despoiled, the Buddhists are given assistance by the authorities. Although some of them can be considered as hostages of the governmental policy, they are not victimised like the Rohingyas.

### **Land confiscation**

In Burma, all land is property of the State. The holders enjoy a right of usufruct inherited by their heirs. According to the law though, this right only concerns first

class citizens, not associate or naturalised ones nor, a fortiori, foreign residents such as the Rohingyas. Nevertheless, in actual fact, most villages recognise a right of usage which the Rohingyas still enjoy. But in the case of confiscation, the Rohingyas have no recourse left even if, as is often the case, the dispossessed individuals have documents testifying to their rights.<sup>16</sup>

Besides, in a region where the economy almost entirely relies on the primary sector, international NGOs point out that more than half of the Rohingyas do not have any access to land, which leads them to utter precariousness. Land confiscation is therefore all the more serious, whether or not it is accompanied by forced relocation. As we have seen, land confiscation clears the way for the construction of model villages, military camps, pagodas, civil or military infrastructure, or other Buddhist buildings, as well as for agricultural projects. A North Maungdaw inhabitant:

“Ten years ago we had more land, but it was confiscated in order to build an Arakanese village and a monastery. The confiscation occurred in 1989 and 1990. Ten acres were at stake. Most of the families did not get any compensation - the luckiest ones got around 10% of the real price of the land.”

Although they are not as seriously affected in the short-term, the richer families are also victims of land confiscation. A well-off inhabitant of South Maungdaw explained:

“There were 700 acres in 1990 in the village tract - only 350 remain today. The land has progressively been confiscated by the authorities. I was lucky because my land was not located on the site of the model village but opposite to it. But two days ago, the Nasaka came and asked me not to let my cows graze on my land anymore because they want to plant trees and make a vegetable garden for them over there. My land [more than twelve acres] lies behind the Nasaka camp and soon will be confiscated. I have been lucky until now: in seven years of Nasaka presence, they never touched my land.”

In North Maungdaw, very close to the Bangladeshi frontier, the Nasaka confiscated land on which villagers had installed their biggest shrimp farm. “Today the Nasaka rents it out to the highest bidder. There are even some former shrimp farmers who agreed to rent it back from the Nasaka...” explained a villager.

This seemingly endless process of confiscation has led certain international organisations present in the region to question the validity of their development

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programmes in the mid- and long-term: from one day to the next, the authorities can seize the developed land and simply annihilate the work done.

For the most vulnerable Rohingyas, the response is more obvious. As a family loses its only guaranteed income in a context of repression and humiliation, the only solution is exile. Several testimonies collected in the shantytowns of Cox's Bazaar where the new refugees settle illustrate the absence of alternatives. A Maungdaw villager who arrived in Bangladesh in 1997 explained: "The Nasaka seized my land. I was often requisitioned for forced labour. We had no resources left to live, so we left."

### **Building permits**

While model villages multiply in Northern Arakan, Rohingyas face growing difficulties building their own houses. According to testimonies collected in several Maungdaw villages, the authorities no longer grant building permits (the price of which was already prohibitive) to the Rohingyas.

A North Maungdaw villager:

"Even building a house is hard today. We have to pay a lot. And in the last two months we haven't been able to build houses at all, even when we have enough money. It's been like this in Maungdaw ever since the district authorities adopted this new regulation. Today, not a single Muslim can build a house in the Maungdaw district."

It has not been possible for the FIDH to check with the local authorities whether building permits were no longer granted to Muslims on all of the territories of the district. It is nonetheless noteworthy that, on this issue, most of the testimonies match, even though the exact content of the ban might be slightly different. A South Maungdaw villager:

"We used to be able to build our houses with the wood we gathered from the mountains. Today it is forbidden. Even for those who have money it is forbidden. We only have the right to use bamboo and betel wood. The houses we build are «temporary» according to the authorities, and we still have to pay a 5,000-Kyat permit for them. No building permit is ever granted for wooden houses. But temporary houses are not solid."

Another inhabitant of the same village:

"Today, if a house burns, the authorities provide no help whatsoever. On the contrary, they put the «victim» in jail and obviously, he will not be given a permit to build another

house. And even if they decide to grant a permit, the sum is prohibitive."

What emerges from all these testimonies is that the authorities openly aim at creating the worst possible situation for the Rohingyas - the least stable, the least sustainable, the most uncertain economically and psychologically, to the effect that the Muslim population is forced to leave, progressively, family by family.

### **Religious policy**

In terms of religion, the policy applied in Arakan is two-fold: the promotion of Buddhism on one hand, and discrimination against the Muslims on the other. The issue is not proselytism, conversion, but exclusion. In a country where national identity is strongly linked to religion, the authorities use Buddhism to exclude ethnic minorities, who are often also religious minorities. In Arakan, the authorities have multiplied the construction of Buddhist buildings (pagodas, stupas, meditation centres...) to impose the Burman identity and simultaneously exclude the Rohingyas even more. Not only is the Muslim identity slowly being annihilated by a politically imposed Buddhism, but the authorities further persecute the Rohingyas by forcing them to build pagodas and other religious buildings.

The Burmese authorities meanwhile limit the expression of Islam as much as possible. This form of discrimination can go to the extreme, for e.g. with the destruction of mosques. An inhabitant of Buthidaung explained:

"Numerous mosques and Koranic schools have been destroyed. Others are simply closed off. It is strictly forbidden to build new ones – even renovating or repairing a mosque is forbidden nowadays. The government also confiscated mosques and madrasas<sup>17</sup> to make administrative buildings of them. The government is changing the topography of the North by building pagodas and monasteries all over the hills. The land is ours, but now a visitor may think it belongs to the Buddhists."

In the centre of Maungdaw, in the Dail Fara quarter, the inhabitants had managed to get a building permit for a new mosque – though not for long. The construction was suddenly interrupted for «security reasons» and in May 1998, part of the mosque was destroyed in order to build a road (which incidentally is not used by the population). Work on the site finally resumed... but the mosque was turned into a garage for firetrucks. In April 1999 some NGOs mentioned that villagers had been forbidden to repair two mosques in the far North and in the centre of the Maungdaw district (respectively in Nasaka sectors 1 and 7). The psychological impact of

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this persecution on Muslims who are very attached to their religious and cultural identity is enormous. Islam now represents the last refuge, and the practice of Islam has become a form of resistance to repression.

Aware of the sensitivity of the religious issue, the Burmese authorities have not gone as far as to ban the practice of Islam, and even try to avoid persecutions which could be unbearable to Muslims, such as forcing them to destroy their own mosques, or imposing forced labour on women. One would think that the chances of a popular uprising, or of a massive exodus, would then be too high. Moreover, in terms of regional geopolitics, Rangoon has to avoid incurring the wrath of the two major Muslim States in ASEAN – Indonesia and Malaysia – whose economic clout Burma desperately needs. It also has to avoid displeasing its neighbour Bangladesh, both for economic and security reasons.

### **Health and education**

The discrimination against the Rohingyas is blatant when it comes to health and education. The obvious lack of means in Arakan clearly stems from a political will to maintain the region in a situation of chronic underdevelopment, which translates in particular into measures aimed at restraining education as much as possible.

According to UNHCR figures, the illiteracy rate in Arakan has reached 90% of the adult population – as compared to 29% for the whole country (UNDP figures, 1994). Information collected in Arakan shows that, even in villages where there is a primary school, some of the children cannot go to school, because of both the school fees and the loss of earnings a child in school represents for a family – a very common occurrence in many underdeveloped countries, though made worse here because of the discrimination involved. It has been forbidden to appoint Muslim teachers since 1978, while teachers who have been working for more than thirty years are driven to early retirement. Even those who escape these limitations are not certain of keeping their jobs: “Some teachers have been dismissed for not having saluted the national flag, or because of their beard,” said a Buthidaung villager. Before 1978, 80% of the teachers in the districts of Maungdaw and Buthidaung were Muslim; the figure is now down to 10%. In less than fifteen years, none will remain.

Muslim teachers have progressively been replaced by Buddhists from Sittwe, Mrauk-U and Tandwe, who do not seem pleased to have to teach Muslim children. “Our children find it hard to learn with Buddhist teachers, who are not interested,” the same villager said. At least they have a teacher. In many villages, the very low pay is a strong incentive for teachers not to even show up at school. While the UNHCR has helped to renovate and/or

build numerous schools in the region, the World Food Program has set up a training programme for teachers. However, the WFP stated in February 1999 that 70 newly-opened schools still had no teacher.

Access to healthcare is also very limited for Rohingyas. While Buddhist villages in Maungdaw and Buthidaung all have some form of health centre, however modest, Muslim villages are usually deprived of any such service, which means that the inhabitants always have to travel to find healthcare – a near impossibility, given the severe restrictions on the freedom of movement, and the fees involved. Journeys within the district are long and difficult to plan (especially because of the multiplicity of licenses involved), and become nearly impossible when one needs to go to Sittwe in case of emergency.

These difficulties are compounded by the fact (as in the case of teachers) that there is a severe shortage of Rohingya medical staff, since they have neither access to the necessary education, nor the right to enter the public service. And the Arakanese staff, badly paid, refuses to be appointed to the remote villages where Rohingyas live.

An essential consequence of the colonisation of North Arakan is the deliberate breakdown of both Rohingya and Arakanese societies. One is led to think that one of the major goals of the authorities is to further divide the two communities, by creating cleverly fostered tensions – thereby further reducing the chances of a peaceful coexistence, a sine qua non condition for the stabilisation and integration of the Rohingya population. Rangoon’s wish is clearly to «divide and rule» in Arakan.

Lastly, the Burmese government is also striving to achieve a division within the Rohingya community itself, in order to further dislocate social links. The feeling of a national – or even just a Rohingya – identity progressively disappears and is increasingly replaced by family or individual strategies for survival, with no plans for the future. «The only thing we have left is to be alive,» said a Maungdaw villager.

### **4. Forced labour**

Forced labour is common throughout Burma, although it affects the rural minorities in the outlying States particularly harshly. Officially named “community work”, forced labour serves the purpose of «development» as understood by the junta. Hundreds of thousands<sup>18</sup> of “volunteers” work all over the country to build infrastructures such as roads, bridges, public buildings for the benefit of the government or of foreign companies such as Total, the French oil company which has invested massively in a pipeline in the southern part of the country.<sup>19</sup> Military infrastructures are also usually

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built with forced labour, and the army regularly requisitions the populations for the maintenance of their camps or for portage during military manoeuvres, especially in areas of active armed rebellions. The government also uses this free workforce in the tourism industry, e.g. to renovate old historical sites, or build religious buildings. The "community work" goes hand in hand with ill-treatment which can lead to death. In 1993, the UN Special Rapporteur wrote that "torture, the systematic use of cruel, inhuman and degrading treatments or punishments, the disappearances and massive arbitrary executions" happen during "forced portage and other acts of forced labour".<sup>20</sup> Two laws dating back to British colonial times, the 1908 Town Act and the 1907 Village Act - the legality of which is most dubious in light of the Burmese Constitution - are nonetheless regularly brought up to allow forced labour and to punish refractory individuals, notably by fines, or sometimes even by prison sentences.

Although Burma ratified in 1955 the 1930 International Labour Organisation (ILO) Convention n°29 on forced labour, which specifically bans "all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (article 2.1), it stubbornly justifies this mass slavery in the light of social and cultural traditions. "Forced labour is a tradition deeply rooted in the Myanmar culture (...). In my country, voluntary labour for the well being of the society is not considered as forced labour, it is not a human rights violation", declared U Win Mra, a representative of the Union of Myanmar delegation to the 49<sup>th</sup> session of the United Nations' General Assembly in 1994. As for Khin Nyunt, SPDC First Secretary, things are clear: "allegations by countries and individuals accusing the Myanmar authorities of practising forced labour are due to their ignorance of the Burmese spirit of the "attahita and parahita", that is, the work for the well being of the individual but also of the community. Traditions, culture, religious values and education made the Burmese a mild, open-minded people, guided by universal principles of goodness and compassion". Echoing such statements, the United Nations High Commissioner for Refugees, Sadako Ogata, declared in September 1998 in The Hague:

"Forced labour is an old tradition, it is something like a taxation, the poorer you are, the more often you are called in. I am not saying that it is good or bad. People who have left Burma are traditionally more deprived people. (...) Forced labour in Rakhine [Arakan] State is not an every day, every night kind of work, it is a periodical one. We would not like to have that, but if that is the way to some

extent it is carried out, and people can bear it, it is one way of settling".

To the question "But is not forced labour a human rights violation?", Sadako Ogata's most surprising answer was: "It depends on how you define forced labour and how you define human rights violation. I think it has to be understood practically in the context of your community and their traditions, and then the limited choice these people have".

This declaration is all the more unacceptable given that the Burmese government has been repeatedly condemned, by different authorities, for its massive and systematic use of forced labour. Thus, in 1999 the ILO decided to de facto exclude Burma because "by the end of the 20<sup>th</sup> century, the State Peace and Development Council (SPDC) goes on imposing the practice of forced labour which is nothing but a contemporary form of slavery for the Myanmar people, in spite of repeated appeals launched by the ILO and by the international community over the past thirty years".<sup>21</sup> This sanction follows the 1997 European Union decision to withdraw tariff preferences (GSP) from Burma on the grounds of a massive use of forced labour.

The military junta responds to the international condemnations by making soon-to-be-broken promises, as in Arakan where in June 1996, Khin Nyunt assured the UNHCR that this practice was about to cease;<sup>22</sup> in fact, the situation on the ground is totally different. One can also question the good faith of the UNHCR when it stated in spring 1999 in a confidential document to the Burmese authorities that "in 1998, the UNHCR noticed a general tendency to a decrease of forced labour". This assertion is contradicted by the testimonies of villagers in North Arakan: "Every month, we have to give ten days. We are all dying because of forced labour, but we can't talk about it". In a village south of Maungdaw, a group exchanges a few words – and then decides to stay silent about forced labour "because of the risks of being denounced".

If forced labour affects the whole population in Burma, investigations led by international observers in the past years show that minorities are subjected to it in a disproportionate (as well as specific) way.<sup>23</sup>

Actually, in Arakan, far from having decreased, the pattern of forced labour merely seems to be dictated by the needs of public infrastructure and military camps. In Arakan, where military camps were built in 1991-92, there is often less call for work, while the newer constructions of military (or Nasaka) camps require extra forced labour.

A North Maungdaw returnee:

"We have even more forced labour today than before we left in 1992. Each family has to give

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around 12 days per month. Forced portage is our big problem – it lasts seven days, with no food. If we bring our rice, militaries take it so we prefer not to bring anything. We have to carry the food rations of the soldiers and their extra ammunition. Each family has to give seven days of portage every six weeks. We also work in the Nasaka camp. As soon as we returned from Bangladesh, we started forced labour again at the rate of twelve days per month. The situation has hardly changed since.”

Villagers very seldom get food during the week-long forced labour; they never do when it comes to day-long tasks. As for payments, the reply is always the same - a large burst of laughter given the irrelevance of the question, and a few words: “We are not paid. We are beaten.”

Violence is very common during forced labour. If a villager cannot follow the set pace, if he stops (even from exhaustion), he is systematically beaten. This is particularly the case with children, who are often unable to cope with the workload.

A Kyauktaw Rohingya: “Yesterday morning they beat me up with bamboo sticks. The army officers came to get the villagers for the labour. I wasn’t ready yet because I had to prepare my food – they started to beat me because I was late.” According to the UNHCR, ill treatments during forced portage led to two deaths in 1996.<sup>24</sup>

Villagers seldom mention the violence among themselves, since it is perceived as a major humiliation, and they would rather suffer in silence. They add: “Why talk about it anyway – it would just get us into further trouble.”

Except in the case of forced portage, the day is generally divided into two by a lunch break – although it is not always respected: “Yesterday I was working on the Sittwe-Rangoon road, close to the bridge on the Kaladan.<sup>25</sup> I had no break to eat,” says a Kyauktaw villager. Villagers work between 10 and 12 (sometimes even 14) hours a day, not including the way to and from the work site, which can be several hours’ (or even a whole day’s) walk away.

Villagers are requisitioned by the different military forces in the region according to their implantation. Thus, Maungdaw villagers are often requisitioned by the Nasaka which is overwhelmingly present in the area, while in Buthidaung, it is mainly the regular army which calls on the villagers for forced labour, including portage. Some villages are more affected than others, depending on the proximity of military camps and on the density of the population: the workload in the most

populated village tracts is shared among a larger number of families. Lastly, there is a sizeable difference between the rural areas and the urban centres, in which the demands for forced labour are often three to four times less important.

A villager from Taung Bazar in the north of Buthidaung:

“We still have 10 to 12 days of forced labour per month. We go to the neighbouring Nasaka camp, to the army camp or to the MI [Military Intelligence]. It’s a two-day walk to reach the army camp in the North. The Nasaka and the MI are close to Taung Bazar. We sometimes have to stay a whole week at the army camp; sometimes we just go there for food portage and back – which takes four days all in all. We’re not paid. We work twelve hours a day to build shelters, fences and barriers, cut the bamboo, carry posts...”

Because of the militarization of the region, forced portage is much more widespread in the North (in particular along the border) than in the rest of Arakan. This form of forced labour is notably used to resupply military camps situated in remote areas of Maungdaw and Buthidaung.

Forced portage is an even heavier financial burden on poor families than other forms of forced labour, because its duration (often one week, sometimes two) prevents the villagers from having any other activity, e.g. trade. Portage is also unpredictable, as villagers have to leave as soon as they are requisitioned, be it day or night. The required work is physically very trying; porters have to carry up to 25 kilos – exhaustion is punished by ill-treatments. Requisitions for forced portage happen all year long, except during the rainy season where travel is impossible.

### **The re-organisation of forced labour**

If forced labour has not decreased as the UNHCR wished, it has been reorganised by the Burmese government. Until 1992, a representative of the authorities would come by the villages and arbitrarily requisition the workforce, with no distinction of social rank. In order to placate the richest families who were displeased about the humiliation of forced labour, the authorities decided, after the 1992 exodus (largely caused by forced labour), that the head of the VPDC would now be in charge of designating the «volunteers», with the help of the leaders of the hamlets – the most knowledgeable about the village’s hierarchy and social status. In South Maungdaw, a villager explains:

“The head of the VPDC sets up a weekly schedule, and decides who does what for any given day. Every day, one of his secretaries go

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to the villagers whose turn has come and reminds them of their «duty» for the next day; if necessary he publicly announces and collects the fines in case of refusal or absence. In our hamlet, the fee is 500 Kyats or a gallon of petrol for the Nasaka. The culprit is also beaten up with wooden sticks.”

This new method of requisition has helped reduce the risks of protest, as the designation of volunteers is now done by the most powerful villagers - with all the social constraints and pressures it entails. The authorities hence give the false impression that the responsibility of forced labour is shared with the heads of village tracts and of hamlets – thus dividing even further a Muslim community already somewhat fragmented by the repressive Burmese system.

Having the heads of the VPDC designate the volunteers by no means precludes the Burmese authorities from sometimes requisitioning the workforce directly, as in this village north of Buthidaung:

“To go to the market, we have to pass in front of the Nasaka camp. Very often they just call us in, for instance to make bricks and carry them, or to clean the camp. This is extra work on top of the labour we get in the village. And we can never plan it.”

### **Paying to avoid forced labour**

The structure of forced labour means that those who can afford to pay can evade the work, and the violence and humiliation that go with it. A well-off villager from South Maungdaw explains:

“There is lot of forced labour here. It’s difficult to figure the monthly average, since some families prefer to pay. I pay 300 Kyats every month, with occasional additional fees, depending on the requirements of the Nasaka. It’s the first year that I pay. Before, I used to send in my employees. The head of the VPDC used not to allow us to pay to avoid forced labour, but now it’s possible. I think that in our village tract, one third of the inhabitants pay rather than go to forced labour.”

Many poor villagers prefer, as far as they can, to pay to avoid the often inhuman conditions and the humiliations of forced labour. One could think that this possibility has led to a decrease of forced labour: but the fact is that what the villagers earn when they don’t do forced labour is used to pay for it. The end result is the same - an impoverishment of the population, which hits the most vulnerable individuals hardest. The only difference is

that the Burmese authorities and the UNHCR can now assert that forced labour has decreased. Some villagers from Buthidaung detail their situation:

“Porterage is less regular nowadays than it was before, because the head of the VPDC negotiated with the army to reduce its frequency; the village has to pay 300,000 Kyats a year for it. This sum is divided among the families, who pay the head of the VPDC. Last year each family paid 2,000 Kyats, this year it’s 3,000. In order to pay this amount, we have to sell animals, gold or other goods such as fishing nets. On top of that, each family has to pay 500 Kyats and give one hen per month. We can also pay with bamboo or firewood. In the vicinity, many villages do the same in order to reduce forced labour. Now the problem for us is that we’re losing everything we have. If by the end of the rainy season things don’t change, we will leave for Bangladesh.”

This new system also encourages the corruption of heads of village tracts and hamlets. It is not uncommon to see a VPDC designate more villagers than required by the authorities, in order to pocket the difference – thereby further accentuating the villagers’ resentment against the heads of the VPDC.

### **Forced surveillance and self-imposed control**

A new type of forced labour has emerged with the return of the Rohingyas refugees. Apparently with the view of controlling the Rohingya population, the Nasaka has organised guard duty in all Muslim villages both day and night, supposedly to prevent attacks from the RSO guerrillas, although the aim is more likely to keep a close watch over any movement in the villages; and in particular, to dissuade the villagers from leaving for Bangladesh or the rest of the country.

In South Maungdaw, a fisherman explained:

“We are subject to various forms of forced labour, one of which is guarding the village tract from the beach. Each family has to give five days and five nights per month. If a villager is asleep during his guard duty as the Nasaka goes by, he is beaten up and has to pay with a goat, petrol, ducks...”

In North Maungdaw, a villager mentions six days and six nights of guard duty per month. When villagers evaluate the total of forced labour days per month and per family, they generally do not take the guard duty into account – which means that one should add these nights and days of guard duty to the average amount of forced labour imposed upon the villagers.

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### **Model villages as sources of forced labour**

The policy of colonisation of North Arakan and the construction of model villages entail extra forced labour, since the houses of the Buddhist settlers are built by Rohingyas from surrounding villages. In some cases, the villagers are forced to work on the settlers' land for free, as a villager from South Maungdaw explained:

“Today we have more than twelve days of forced labour per month, and on top of that there is the farm work for the model village. We have to work just as much for the army, the Nasaka camp and the MI as for the model village. We started having forced labour in the model village when it was built in 1993. We have to plough and plant fields which used to belong to us. We are not paid, it's forced labour. The head of the model village came to explain to us that is was a request of the Nasaka local commander and that we had to obey. Otherwise he would have to inform the Nasaka...”

A woman added:

“Not only do we have to plant the rice, but there is also a lot of forced labour during the harvest, and portering up to their houses. The rest of the year, we also have to work for them for the other products such as pepper or vegetables. The work depends on the season. We have no fields left. They have all been confiscated for the model village. Some Arakanese families left the model village, so the Nasaka got the fields back, and we work there too. We have to bring in all the harvests to the camp.”

### **A general impoverishment**

Forced labour is an efficient means of impoverishing a population drastically, and it represents a heavy financial burden for all social classes. For the richer Rohingyas, forced labour means lost earnings and relative impoverishment, while other, less well-off villagers have to sell their land, and the most destitute are forced to fast. For many landless Rohingyas who rely on daily work, one day of forced labour can mean one day of fasting for the whole family. This extreme situation particularly affects families with only one adult man, who represents the sole source of income. When he is requisitioned for a week of portering, the survival of the rest of the family becomes a pressing issue: many Rohingyas therefore prefer to send their youngest men, indeed even their children, to work so as to preserve their source of income. This practice is all the harder to stop because it is a matter of survival for the family, thus making any other consideration secondary. As it is a family decision, the authorities manage to get away

with it, by pretending that the children hired for «community labour» are sent by their parents. Working conditions are even more drastic for children than for grown-ups. On top of the sufferings due to the workload and the general working conditions, children are regularly beaten as they are unable to keep up with the work.

The Rohingyas are made even more economically vulnerable by forced labour than the Arakanese, since according to the interpretation of Islam held in the region, women are not allowed to work outside their home. As a result, they are neither able to partake in the forced labour imposed on the family, nor engage in a lucrative activity outside their home while the men are requisitioned.

The psychological impact of forced labour is also very negative. Indeed, forced labour prevents the landless Rohingyas from planning their incomes and from making plans for the future. The one and only concern is to survive; the precariousness of their situation is absolute. Besides, as regards forced portering, villagers can be requisitioned day or night, without being given notice and for an unspecified length of time; they become mere serfs open to ruthless exploitation.

In northern Arakan, forced labour is obvious. Beyond the testimonies collected in villages, a traveller can plainly see men and children working along the roads, on construction sites, or around brickyards. They are not paid for the work. In early 1998 for instance, several hundred villagers (half of whom were children) were working on a landing runway in Aley Than Kyaw. The Nasaka imposed a very quick pace under the threat of violence. The building site was finally interrupted thanks to the pressure of the UNHCR. Meanwhile, 250 villagers from Goat Pi were building a new Nasaka camp in Kyaung Taung.

Similarly, on the road from Maungdaw to Buthidaung, one can see prisoners working like galley slaves, with their legs in chains. Forced labour is practised openly and publicly nowadays, and the presence of international organisations has not changed the situation in the least: in no way has the presence of either the UNHCR or other international NGOs lessened the scale of human rights violations committed in the region. Certainly, the UNHCR protests every once in a while to the authorities about the abuses, but according to an NGO member, in terms of protection, the UN agency concentrates its efforts on the most serious cases - avoiding a more global and general stance. “Such behaviour eventually legitimates the daily abuses, that is, the routine of forced labour, the taxes, etc.” An expatriate wonders:

“Just go out of the office and walk along the main road: you will see yet another construction site – this time it's a pagoda, with

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dozens of «volunteers» and a few soldiers. Not too long ago, on this very same road in the centre of Maungdaw, you could see 150 people fixing the verge of the road. There were many children among them; some were beaten with bamboo sticks. When you see that, you wonder whether our presence has had any impact on anything whatsoever. Forced labour, an unacceptable practice? It will take a while to make the authorities understand that.”

For lack of any genuine will to change the situation, some Burmese officials do not hesitate to take on appearances, like the head of Military Intelligence in Buthidaung: “I actually helped the villagers. They were disorganised and I simply took over the co-ordination so that they would build a road that could be useful for them...” And he adds: “I never make villagers work on the MI field or when it happens, I pay them. I make them work for their own profit.” A few hours later, a neighbouring villager was testifying about his forced – and unpaid – labour for the army and the Military Intelligence.

Forced labour as well as foreign currencies currently feed a Burmese economy held hostage by the junta. The goal is to appeal to foreign investors and other international donors, while the populations of Burma are massively exploited.

### **5. A predatory economy – Taxes**

In Northern Arakan, the economy has been appropriated by the authorities, particularly by the military and the Nasaka. It benefits a small, privileged part of the population and serves a repressive system at the expense of a destitute population. The SLORC officially gave up the “Burmese way to socialism” in 1988, in favour of a slight opening to market economy, but Arakan, like the other outlying States of the Union, still remains massively exploited by the military. Far from benefiting from the slight shift to a market economy, the population in Arakan faces an increasingly controlled and corrupt economic system which allows no improvement in the general standard of living. On the contrary, the Rohingyas as well as many Arakanese<sup>26</sup> are voluntarily maintained in chronic under-development as a means of political domination.

All sectors - from production to transport and sale - of an economic system based on agriculture, and to a lesser degree on fishing, are severely taxed. Formal taxes, to which numerous informal ones have been added since 1992, are nothing less but a genuine racketeering of the population; these taxes also affect social life (weddings, births, travels, construction, etc.).

Taxes are very seldom re-invested for the public good, and are most often diverted by private individuals at all

levels of the hierarchy: local administrative leaders, soldiers, policemen, civil servants - all enrich themselves at the expense of the villagers. In Arakan, the government’s function has been subverted: far from being at the service of the population, it has set up a colonial logic of predation. A villager from South Maungdaw:

“We don’t receive any help from the authorities – much on the contrary, we keep paying all the time. If we could at least control our lives, without the government, we would live comfortably with our families”.

The roles have been reversed: it is now up to the civil population to finance the construction of infrastructures that it will not benefit from. Among other things, villagers have to pay the authorities (notably the Nasaka) for that. In North Maungdaw, a villager estimates the amount as ranging from 200 to 600 Kyats a month per family. He adds:

“As soon as the Nasaka has to build a house or anything else, the villagers are required to contribute financially. We didn’t use to pay as much. Each year we pay more. The amount demanded is constantly increasing”.

**Rohingyas thus resettled in a country where, by all accounts, they have been subjected to an increasing number of taxes and forced contributions since 1992, not to mention ever-shrinking access to land. This has entailed a general degradation of the standard of living, accentuated by high-level inflation, leading the most destitute into exile - in spite of the tight control over the population.**

The link between unpaid labour and taxation is clear, since the Rohingyas have to make regular contributions of all kinds – such as firewood, bamboo, roofing (or “yok”) – to the army, the Nasaka, the police and military intelligence, these compulsory “donations” require extra work. Even if they do not suffer ill-treatment for this kind of contribution, villagers consider it as yet another form of forced labour. A villager from the centre of Maungdaw (where there tends to be less forced labour) explains:

“Today, we have two days of forced labour per month and per family. We also have to give bamboo and firewood to the Nasaka in order to make bricks. Each family also has to give seven 3-meter tree trunks each year. And we have to provide bamboo for the police.”

### **Taxation on rice and other cultivations**

Rice, as the most cultivated product in the region and the basis of the diet, is essential for the Rohingyas. It also is the agricultural product the most taxed by the authorities.



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In theory, a contract between the Ministry of Agriculture and the farmers obliges the latter to sell part of their straw<sup>27</sup> production at a fixed price below the market price; in return, they are supposed to receive fertilisers at subsidised prices. De facto, farmers do sell part of their harvest at a very low price, but are not able to purchase the fertiliser, either because they cannot afford it, or because the State does not respect the contract.

The rice collected by the State is partially used to complement civil servants' salaries, or is exported to Bangladesh. In North Arakan affected by a shortage of rice<sup>28</sup>, the consequence of the policy of rice export is a significant increase in the retail prices, which can be double the prices of Sittwe, due to the decrease of the supply<sup>29</sup>. The rice shortage through taxation is probably deliberate, since the rice trade in a region is strictly controlled by the West Commander on the district level, and by the Nasaka on the village tract level. For example, from April 1997 to August 1998, the Burmese authorities decided to massively cut down the exports to Maungdaw and Buthidaung, although the neighbouring districts of Kyauktaw, Mrauk-U and Mynbia had a production surplus. This political decision had immediate economic consequences on the Rohingya population, especially the poor, who had to fast or switch to a survival diet. This utter precariousness led a number of them to take the risk and cross the Naf River to find refuge in Bangladesh.

The rice tax is not calculated according to production as in the rest of the country, but according to the size of the cultivated area, a system that strongly penalises the small Rohingya farmers, whose fields are usually the most barren. This taxation does not take bad harvests into account either – not even the absence of harvest, e.g. in case of a cyclone. The rice tax has strongly increased since 1992 and represented for the 1998 harvest between 20% and 50% of the production, depending on the fertility of the land. Early 1999, most of the farmers in Northern Arakan would sell 20 rice baskets<sup>30</sup> for one acre of land.

This means that farmers do not have enough rice to be able to sell some at the market price, nor will have they enough for their own consumption. This is what a South Buthidaung farmer explains, though he himself still has a rather good productivity (100 baskets per acre):

“I have to sell 30 baskets per acre to the government. They give me 100 Kyats for a basket I could sell for 250 on the market. But I never manage to sell any [on the market] because I don't even have enough rice for my own consumption. Six months after the harvest, my stock runs out and I am forced to buy some.”

Even the landless are indirectly affected by the taxation, as a North Maungdaw villager explains:

“The rice tax affects all the families, because if those who own lands did not have to sell part of their harvest to the government, the rice would remain in the village and the poor would at least be able to buy it at a lower price than outside the village, as is the case today. Today we buy one kilogram of rice [paddy or straw] for 100 Kyats. On the Maungdaw market, it costs around 60 Kyats and it would be even cheaper if we could buy it from villagers here.”

All but a few of the villagers agree that the economic situation has sharply deteriorated, as this North Maungdaw villager:

“In 1991, the situation was far better since 80% of the families managed to live a whole year with their own rice production. Today, only 20% can. The reason is land confiscation, but above all the rice tax.”

For farmers the economic burden is such that collecting the tax can give rise to incidents. First of all, there are the intermediaries who tend to want to take advantage of this opportunity. For instance, a Maungdaw inhabitant explains that, although he gave his rice quota to the village chief (who in turn was supposed to sell it to the relevant authorities in Maungdaw), he was never given the equivalent sum of money; another villager says he had not been given any money for his rice yet.

In another village, the rice collection led to a death in January 1999. A villager accused of not having given the required quantity of rice was arrested and held prisoner with other villagers arrested on similar charges; VPDC members (among which the head of the VPDC) and two police officers allegedly beat them up, killing one of them. According to a UNHCR enquiry, the victim actually did provide the legal quantity of rice – but the VPDC demand was much higher.

Other products (beans, onions, eggplants, cucumbers, peppers, etc.) are also taxed, though arbitrarily: the tax is not the result of any governmental decision, but is imposed by local army officers and other authorities. Although it is not as strongly resented as the forced sale of rice (which affects the very basis of their diet), this other tax triggers discontent among the villagers because of its unpredictability. Refusing to pay is not an option though – one would just get beaten. The villages have actually come to represent the food pantry for soldiers, Nasaka members, policemen and other civil servants, as this Ta Man Thar (North of Maungdaw) villager explains:

“In addition to the rice, after the rainy season, we grow pepper, onions, beans. We have to

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“Usually in ten days, we bring 1,000 bamboos of about five metres long, and make between 5,000 and 7,000 Kyats. We give 20 Kyats per hundred to the army officers of the falls. Then, along the river, we give another 50 Kyats to the Nasaka camp where we are forced to stop. Further down, we might have to give some dozen Kyats every once in a while, but it’s impossible to say how many.”

Some Maungdaw inhabitants go to the mountain along the Buthidaung road to chop firewood. Every day, before starting to cut, they pay a 20-Kyat license to the Forestry Department. “If we don’t pay the compulsory 20 Kyats, we are arrested, beaten and our machete is confiscated”, one of them explains. At the Maungdaw market, they pay another 20 Kyats per person to an agent in order to get the right to sell the wood. They can make between 200 and 300 Kyats a day, depending on the quantity of wood they can carry. In the North of Maungdaw, the Nasaka-license to cut the bamboo costs 1,000 Kyats for six months. In many villages of Buthidaung, villagers pay a 50-Kyat tax per hundred bamboos (from which they make between 250 and 300 Kyats) to the Forestry Department. Some choose to cut bamboo or wood illegally, as some inhabitants of North Maungdaw do, who then hand part of their “harvest” to the Nasaka – a system which confirms the private and corrupt nature of these taxes.

Villagers are also not shielded from arbitrary taxes. In North Buthidaung, a Rohingya explains:

“Today, when a villager brings bamboo back from the mountain, the army officers just take what they need for the model villages. It became much too frequent, so we were forced to go much further, to another mountain where there was no soldier. But now they found out, so they go there as well to take the bamboo from the villagers.”

### **Control and taxation on animals**

Cattle-breeding is also severely controlled by the Nasaka, which draws up lists of animals; every single cow or goat is registered. Any birth, death, sale or purchase of an animal has to be reported to the Nasaka, which makes the breeder pay, as this North Maungdaw villager explains:

“Our whole livestock is registered by the Nasaka. Buying or selling an animal has to be reported. When an animal dies, it also has to be reported to the Nasaka which registers all the information on a list. The same goes for the goats. We have to pay for any change on the list. For instance, to sell a cow costs 1,000 Kyats. To kill a cow costs

2,000 Kyats and on top of that we have to give the best parts of the animal and its skin to the Nasaka. For animals like goats, it’s cheaper. Nothing has to be paid for the hens, but the Nasaka people very regularly help themselves in the village.”

A South Maungdaw inhabitant described a similar system but with different fees. 300 Kyats is the fee for the birth of a cow. Though hens are not listed, each family has to give three or four of them per month to the Nasaka.

In the city of Maungdaw, killing a cow is submitted to taxation. An inhabitant says his family bought a calf for 20,000 Kyats for a celebration – and had to pay 3,000 Kyats in order to kill it. The tax (the amount of which varies) is paid to a Muslim agent of the Nasaka; here too, the practice of concessions prevails, the agent having bought from the Nasaka the right to make inhabitants pay authorisations. Outside Maungdaw City, the practice is slightly different, but there will always be something to pay.

### **Trade**

Trade is seriously hindered by restrictions on the Rohingyas’ freedom of movement, which is aggravated by the numerous check points along the roads, where villagers are extorted.

A North Maungdaw inhabitant evokes the arbitrary “taxes” on the road:

“For a pick bought between 350 and 400 Kyats on the market, I will have to pay 20 Kyats to the Nasaka as I cross a bridge. For certain goods, I will have to add a pack of cigarettes. It depends on the value of the goods. We pay approximately an extra 10% of the value to the Nasaka.”

A villager from North Buthidaung:

“It’s very hard to bring whatever from Buthidaung because the soldiers help themselves on the road, they can take everything from us. Or ask us to pay... And on the market we are all the prey of the army. When they want something, they help themselves without paying. We are beaten at the slightest remark. We cannot sell goods freely.”

In a village two hours south of Maungdaw:

“We can’t go to Maungdaw without authorisation, and the Nasaka wants money for it. And once we have it, we’re not allowed to transport anything. Even to buy rice from the neighbouring village tract we have to pay a 1-Kyat tax per kilogram to a government agent.”

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pay a tax on those products too. There is no fixed rate, we simply have to supply at will the surrounding camps with vegetables and pepper. There are four camps around Ta Man Thar, and on top of that the Maungdaw authorities claim their part as well.”

Thus, most of the villagers regularly feed the surrounding Nasaka and military camps, as well as the Military Intelligence and the police. Every month, each family gives several kilograms of rice, and at least one hen. Rich families are usually more heavily taxed.

### **A system of extortion via the concessions**

Beyond the “taxes” on rice and other products, it is the whole economic activity of the Rohingyas which is being hijacked. The complete domination of the economy has been strengthened by a network of agents set up in the last few years; these agents have bought “concessions” from the State, authorising them to collect taxes in various sectors. In certain cases, such as shrimp fishing, villagers can be forced to sell their products at a low price to the agent who holds the monopoly in the trade. A villager explains:

“Agents control the shrimp, the fish and the bamboo markets. Actually, for any given business there are agreements allowing government agents to buy the production at a set price, obviously below the market price... There is no illegal trade because it is too risky. During the last dry season, some children fished some young shrimps and tried to sell them directly to farmers. They were denounced and taken to the Nasaka camp where they were beaten. We are allowed to sell in the village for the local consumption only. Any sale outside has to go through the agent.”

Besides, the different authorities collect the taxes and other donations directly and cumulatively. Thus, for one given activity, the villagers can be “taxed” by the Nasaka, as well as by the army, the Military Intelligence, the VPDC or by the relevant ministries, such as the one in charge of fishing or forestry.

Villagers tend to be very discontented with the taxes, as much for their cost as for their arbitrariness – which is all the more understandable since the new informal taxes represent nothing less but a generalised system of racketeering.

### **Fishing**

There are several types of fishing, among which the only one not to be taxed is small-fish and shrimp fishing in the flooded paddy-fields and in ponds; this type of fishing is mainly done by women (notably widows whose

work outside the home is tolerated by religious leaders on economic grounds) and children. Fishing in the numerous rivers of North Arakan and in the sea along the Bay of Bengal is on the other hand heavily taxed.

A fisherman from South Maungdaw along the Bay of Bengal details the taxes and forced contributions:

“Building a small boat requires a 50,000 Kyats license. The net is bought in Sittwe with no tax - but its use is taxed. For one season, we pay 16,000 Kyats per boat to the main Nasaka camp of Myinn Hlut. We also give 200 Kyats per week and two kilograms of dried fish [equivalent to 500 Kyats] to the local Nasaka camp. The Nasaka officers very often come straight to the beach to pick the best fish directly from the boats. We also have to give 1,000 Kyats as well as fish to the MI in Inn Din. In our village, it’s not worse than anywhere else, it’s the same for everybody around here.”

In another village along the coast, a villager explains that individual fishermen have become very rare; even if the catches are good, the activity is no longer profitable because of the heavy tax burden: 1,800 Kyats per week to the Nasaka and to the Military Intelligence, plus the lost earnings due to the agents:

“We have to sell our fish on the beach to a State agent. Before, we used to sell it at a higher price to Bangladeshis directly at sea, but the Nasaka has been shooting their boats on sight for the last two or three years.”

### **Bamboo and wood**

The other crucial activity for the Rohingyas, especially for the landless, is the trade of wood and bamboo cut in the lower hills of Northern Arakan. They represent key materials for the construction (of houses, fences, boats, etc...), and in contrast to bricks (the making and sale of which is the monopoly of the army), they are accessible to the whole population. Wood is also the only source of heating. As important as rice in daily life, wood and bamboo are now heavily taxed. Both for economic reasons (to get essential materials for free) and for political ones (to maintain the precariousness of the villagers by controlling these key materials for construction and combustion), the army and various other authorities impose licenses, taxations and donations on Rohingyas, here again with no apparent rule. Taxes and contributions – in money or in kind – depend on local decisions varying from one village tract to the other. Near the Waterfalls (south-east of Buthidaung), a key site for bamboo cutting, numerous military huts are located around the falls from which villagers bring their “harvest” to the plain. Two bamboo cutters explain:

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Villagers who manage to get an authorisation are not shielded from authorities. A Rohingya from South Buthidaung:

“If we get a license to go to Maungdaw, we’re not allowed to stay there more than fifteen days; and when we get back to the village the police accuse us of having gone to Bangladesh. We are then forced to pay. And when we don’t have enough money, we are beaten.”

Those who actually do trade with Bangladesh have to pay about a hundred Kyats to cross the border. A North Maungdaw inhabitant made it clear that this amount does not correspond to an official license, but rather serves to bribe the Nasaka officer. This is a very common practice: there are about half a dozen control posts on the road between Maungdaw and Buthidaung, where villagers each time will have to pay in money or in kind.

### **Taxes on social life**

Social activity is far from being exempt of taxes. Indeed, villagers have to pay the Nasaka for each wedding, death or birth. A newborn child costs 100 Kyats, says an inhabitant of South Maungdaw, and the registration of a death, about 500 Kyats. A widower from a North Maungdaw village on the Naf river complains of not being able to remarry because of the prohibitive tax: “The Nasaka asks for 15 gallons of petrol, the equivalent of 8,000 Kyats.”

### **Specific contributions**

In a region where governmental funds are almost non-existent, villagers are also very regularly required to help in the financing of official visits. Soldiers often take the hens and goats they need from the villagers (with no compensation) in order to feed their superiors. A South Maungdaw inhabitant says:

“A few days ago a Nasaka official came to the Myinn Hlut camp to see the head of the village tract who gave him a goat and some hens. Of course we were the ones who had to provide the animals. The Nasaka official came with a dozen men. They also took about twenty hens for their meal...”

If financial contributions, like forced labour, carry a heavier burden on villagers, city dwellers are not exonerated either, as is shown with the visit of SPDC First Secretary Khin Nyunt in Maungdaw in May 1999. In order to plant trees along the main road in view of embellishing the environment, each family in the surrounding villages had to pay 200 Kyats. “Today, the trees are all dead”, an inhabitant explains. “Nobody took care of them and, when transplanted, the trees were already too big to survive.”

### **The impoverishment of the population**

Licenses, taxes, donations and other daily rackets have a disastrous effect on the living standard of the Rohingya population. Apart from a few privileged individuals close to the authorities (who thus enjoy a special status), the economic situation has deteriorated for the whole Rohingya population. In the North of Maungdaw, on the Bangladeshi border, a man explains:

“The economic situation is worse today. Everything is worse. Nothing is better, nothing is positive today. The kilogram of rice costs 100 Kyats. Everything was cheaper before leaving for Bangladesh [in 1992]. Only those who have some land or who trade with Bangladesh can eat decently. But there are now many landless people; it’s also very difficult for the poor to trade, because they have no capital.”

Villagers who own land often have to sell it in order to combat economic hardship. However, it is a short-term survival strategy: with no land, they will become even more vulnerable to the daily constraints imposed by the authorities. They will also find it more difficult to find a job, because the impoverishment is generalised.

A villager from South Maungdaw:

“I sold my only acre of land this year. I had a store which I also lost. The situation is more difficult nowadays because the population has increased and there are fewer jobs. We landless people can only work a dozen days per month because there are fewer well-off people – the ones who used to hire us.”

The impoverishment process is identical for this North Buthidaung fisherman:

“I have already sold a big fishing net I had bought with UNHCR money when I came back from Bangladesh. I preferred to sell it as I had to face some expenses, my boat being damaged. In 1994, I bought the net for 20,000 Kyats and sold it back last month for only 3,000 Kyats. This sum is already spent and the boat is not repaired. Since then, I have been fishing with a hand net from the bank. I have no hope of being able to buy another net. The situation is getting harder and harder.”

In spite of the support from the UNHCR and several international NGOs, the Rohingyas consider the economic situation to be worse than in 1991-92, before the exodus. **As a new form of discrimination and exclusion which never existed before to the same extent, forced under-development stems from a will to control the population socially and politically and**

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**serves the ultimate goal of the Burmese power: empty Arakan of its Rohingya population.** The 100,000 Rohingyas who have left Burma again since 1996 can therefore not be considered as “economic migrants”. They are refugees, victims of a repressive and discriminatory policy, one means of which is economic leverage.

### **B. The Arakanese: an exploitation with no way out**

If the Rohingya minority is the target of a specific repression aimed at eliminating them progressively, the general situation of human rights in Arakan is extremely worrying. Unlike the Rohingyas, Arakanese are recognised by the 1974 Constitution as one of the «nationalities» of the Union. Therefore, and in conformity with the 1982 law on citizenship, they are considered as full citizens. Besides, as Buddhists, they do not suffer from religious discrimination and enjoy a greater freedom of movement. There is a noticeable gap between the Maungdaw and Buthidaung Arakanese (a small minority often serving the Buddhist colonisation policy, thus benefiting from a privileged status) and those settled in the rest of the State<sup>31</sup>.

In Mrauk-U, Minbya and Kyauktaw, the Arakanese, like the Union’s other minorities, are heavily affected by forced labour, regularly submitted to land confiscations and forcibly displaced according to the army’s interests. The Arakanese are also subjected to arbitrary taxes which are actually nothing less than racketeering. Education is not always accessible for the most destitute, notably in villages - even primary education. Generally speaking, villagers are more harshly subjected to exploitative and repressive policy from Rangoon than their urban counterparts.

In the last few years, Northeast Arakan has progressively opened its doors to foreigners. Yet, unlike the far North, only the UNDP and a French NGO have brought assistance to the population. The government is also developing tourism around the former capital Mrauk-U and further North towards Kyauktaw, which has negative consequences on the Arakanese population.

#### **1. Forced labour**

Forced labour is more frequent in Mrauk-U, Minbya and Kyauktaw than in the far north of the State. The difference apparently originates in an important development of infrastructures, particularly the Sittwe-Rangoon road, which has required an intensification of forced labour. The military presence, which has increased in the region since the beginning of the 1990s, represents an additional factor of forced labour.

On average, the Arakanese of the region have to give 15 days of forced labour per month and per family, which puts a considerable strain on the income of the poor and forces many of them to go without food. Forced labour represents the main constraint for Arakanese who obviously do not experience some of the restrictions the Rohingyas are submitted to, such as freedom of movement.

In a village in the south of Kyauktaw:

“Today we have 15 days of forced labour per month. We go to the military camp of Kyauktaw – it’s a 4-hour walk – where we fix buildings, build refuges, attend to the militaries’ rice-fields during the rainy season. We also go to the Sittwe-Rangoon road, two hours from here, where we have to break stones and spread the gravel. Usually we work three days in a row. We started going to forced labour eight years ago and nothing has changed ever since. We get no food. Moreover, we have to pay to cross the river when we are called in on the road site. We spend 150 Kyats per month to go to forced labour. Those who go to forced labour are more often ill, particularly from malaria and diarrhoea. In the village, the smallest landowners have had to sell their land because of forced labour.”

After the interview, as we were about to leave the village, an old man discretely confides:

“We were not able to say that forced labour is a constraint. There were too many people around and we never know if somebody is going to denounce us to the authorities. But do know that forced labour is the worst problem.”

In another village of Kyauktaw, a rather wealthy villager explains that he has to go to the military camp a dozen days per month, where he works in the brickyard and in the fields belonging to the army. Depending on his work, he sometimes sends his wife or his son. Sometimes he pays 100 Kyats (the equivalent of a day’s work, he says) to escape from a day of forced labour. This villager, who personally owns a dozen acres, thinks that forced labour is a major problem for the poor, because they have neither capital nor food stock; the family often has to go without food. Such precariousness also limits the possibility of buying medicines in case of disease.

Forced labour does not affect all families equally. As in the far North, it is the head of the VPDC who receives the requirements from the army and shares the work out. An inhabitant of South Kyauktaw:

“In our village, five families never go to forced labour because of their connections to the authorities; ten other families neither, because

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they are too old. On the other hand, 24 poor families have to give twenty days a month. They leave the village at 6.00 am and come back between 9 and 10 pm after having worked 14 hours during which they mainly load gravel and spread it over the road. They also carry and break rocks. Families whose land has been confiscated by the militaries go to forced labour like the others.”

Besides forced labour organised by the head of the VPDC, villagers can be requisitioned directly by soldiers coming to the villages to help themselves. These unfortunate visits are usually the occasion of extortion and violence. A South Kyauktaw woman:

“Soldiers come to the village with three orders: hens, money and forced labour. They beat up villagers, even women and children, if they don’t find what they want. When the men are absent, the soldiers take the women and the children. Some are younger than 12 and some women have to go to forced labour with a baby because their husband is not in the village.”

Unlike Rohingya women who escape from forced labour on religious grounds, Arakanese women are very regularly submitted to it, as are children. As elsewhere in Burma, forced labour is not directly imposed to children: the (often poor) families are forced to send them in order to avoid losing the father’s income or that of another adult of the household.

Villagers, whether they go to forced labour for a day or for several days in a row, are never fed. Sometimes, their food is even stolen. One of them explains:

“Some time ago some villagers came to find refuge in the hamlet and ask for food. They had walked for twelve hours to reach the road worksite and when they got there, the soldiers stole their food. They had to stay four days but fled and came here”.

Asked about the pay, a villager answers with a smile: “The question should not be: are you paid? But: are you beaten?”. Indeed, violence goes hand in hand with forced labour. Any delay in the morning, any pause during the day, any task deemed imperfectly done by the soldiers, means violence. When asked about the issue of violence, the villagers are generally reluctant to give details, but it is always mentioned. A Kyauktaw villager:

“When you cannot go to forced labour, you know you will be beaten. The soldiers don’t understand that some can’t come because they have nothing to eat.”

The nature, frequency and duration of forced labour varies according to the immediate requirements: a road to build, a military camp, or an agricultural farm, for example. In certain cases it also depends on seasons. A Minbya villager:

“During the whole rainy season, forced labour is limited to a few days a month, but the rest of the year, we easily have ten days of work per month”.

On the other hand, for villages close to the military camps, the rainy season can mean additional forced labour. A Mrauk-U villager:

“During the rainy season, we have to plant the fields of the army. This year, we even plant the army’s rubber trees, an hour’s walk from the village.”

In Kyauktaw, it is the road site which scares the villagers:

“We are really afraid for the coming months because the soldiers want the road to be finished as soon as possible. The construction started six years ago already. For this coming rainy season, we think we’ll have 25 days of forced labour per month. We have to break rocks, stones, load and unload gravel.»

On top of the long days’ work in difficult conditions, many of villagers also have to walk for several hours. Even if the hamlet is hours away from the camp or the site, the villagers prefer to go back home in order to eat and sleep in better conditions.

A Kyauktaw villager:

“When we work on the road, it’s a half-hour walk to get there. But when soldiers requisition us for forced labour at the camp, then we have to walk a whole day to reach it. Most of the time, we will have three days of work - which means, by the time we get back, five days of absence, with no income. We work 14 hours per day at the camp; except when it rains, where it’s less.”

Besides the long walk and the wasted time, villagers sometimes also have to pay their transport. In a region criss-crossed by rivers, one often sees villagers take a boat and pay for their fare in order to get to their forced labour site.

Within a couple of years, forced labour has become the major problem of the Arakanese. They all attest to its increase, notably with the installation of new camps in the first half of the 1990s. Asked about what had changed in their life in the past decade, the villagers’ answer is recurrent: forced labour. A Kyauktaw villager:

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“Our biggest problem today is forced labour. Ten years ago, it did not exist around here.”

### **Forced contributions**

Along with forced labour, soldiers regularly claim contributions in kind. In a system analogous to that of forced labour, the head of the VPDC gets the army requirements and goes on to impose quantities required of each family. In a Kyauktaw village:

“Each villager has to give wood. Three days ago, the village tract had to provide 30 beams for some buildings, and wood for the oven of the brickyard. For next week, we have to gather 600 «yoks» [for the houses’ roofing]. We get no compensation. And when we don’t have enough wood, we have to pay. Last year I paid half in wood and half in Kyats. This time, the fee is 6,000 Kyats to avoid providing the 600 yoks. The head of the VPDC will collect money from the villagers. Each family will pay 100 Kyats. The poor will lend money from the rich and will pay back by working.”

A man intervenes: “I don’t have the 100 Kyats to pay this week so I will be forced to take the yoks directly off my roof.”

In a village of Minbya, inhabitants have been forced to provide stones for the construction of the Sittwe-Rangoon road: one saddrum (100-cube feet) per family, on two opportunities. The villagers had to gather stones half an hour away from the village and pay for a boat to transport them (1,000 Kyats per saddrum) to where the soldiers wanted them. Families who could not provide the stones had to pay 2,500 Kyats. In Mrauk-U, villagers pay 600 Kyats per family in order not to have to supply the garrison nearby with pebbles. The soldiers sometimes get a governmental subsidy in order to pay for the required material, or even pay for the work – but de facto, it is never distributed to villagers.

Lastly, the soldiers sometimes demand money of the villagers instead of materials. In a Mrauk-U village tract, following the displacement of two battalions (see below), the whole population had to pay 30,000 Kyats for the construction of two buildings in the new military camp.

### **2. Forced relocations**

The Burmese authorities regularly resort to forced relocations of Arakanese. Villagers are warned at the very last moment. They do not always get compensation and when they do, it usually is far from the actual value of what the villagers lost as they were displaced. The most common cause of forced relocations in the last decade is the installation of a new military camp. As in

Maungdaw and Buthidaung, the government, concerned with controlling the whole population, has also displaced the small minorities of Arakan (notably the Mro) from their mountainous and remote areas towards the plains. Finally, the recent development of tourism has caused the displacement of people living close to historical sites which the government wanted to highlight. These forced relocations always entail an impoverishment of the population, for whom moving is expensive, especially because of the cost of rebuilding a house. Furthermore, any displacement also means an agricultural loss: most often, the land the villagers get (provided they get some) is smaller and less fertile than what they had. The villagers also lose their trees, the source both of income and of food.

A Minbya villager:

“In 1993, six years ago, our village was displaced because of a military camp set up two years earlier. Soon after this first displacement, the soldiers asked us to move again because according to them we were much too close from the camp. They asked us to give up the village and settle 20 minutes away from here in our own rice-fields. We moved but we finally decided to come back. We had 200 acres of land before the soldiers came. There are only about 100 left today. And we never received any compensation from the army for the confiscation. Since the camp settled, a number of families have preferred to leave the village.”

In 1999, in the Mrauk-U area, 285 families were forced to leave their village because of the relocation of two battalions: the soldiers were located in an area liable to flooding. In this village, 80 families were able to stay where they were; the other 285 were given the order to leave the village within fifteen days. Forced labour enabled the building of a bridge over the arm of the river separating the old village from the new. Generally, the displaced villagers were allowed to keep the supporting parts of their houses (at least the ones solid enough) with them to transfer them some hundreds of metres west, but they had to buy back roofing and the parts damaged during the dismantling. Most of the villagers got 2,500 Kyats as a compensation for wooden houses and 1,500 Kyats for a bamboo house – an amount largely insufficient in light of the cost of reconstruction. As for the land, the villagers lost everything, with no compensation. The 40 acres of ricefields they owned have been replaced by the new village; the villagers also lost a well and two ponds of drinking water, which are now located on the grounds of the military camp. The primary school of the village is now destined for the soldiers’ children (however, the children of the village are still allowed in under some circumstances, see below). They also lost numerous fruit trees.

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The only thing the villagers have left to earn a living is daily work and other seasonal agricultural activities in neighbouring farms. Some villagers have started collecting wild plants and herbs which grow next to the village.

### **3. Land confiscation**

Like the forced relocations with which they can go hand in hand, land confiscation usually benefits the army. It can serve several purposes: building or enlarging a camp, plantations for the army, and so on. Generally, the dispossessed people are not given any compensation.

In a South Kyauktaw village, in April 1999, the army confiscated 76 acres out of the 130 belonging to the villagers, an operation which left twelve families landless. Some villagers complained to the military camp of Kyauktaw in order to get half of the land back, to no avail, even though they were prepared to rent their confiscated land.

In another village in the area, the army confiscated some fifteen acres in 1994. Here again, it is the Kyauktaw military camp which is responsible. Since then, the villagers still work on the 15 acres, but it is now forced labour: they do not get anything of the harvest, they are not paid and are subject to violence.

### **4. Tourism**

As elsewhere in Burma, notably in Mandalay and Rangoon, the development of tourism in Arakan is done at the expense of the population. With a view to transforming the rich potential of the country into foreign currency, the Burmese army has, since the beginning of the 1990s, launched a policy aiming at developing infrastructure and tourist sites with the help of the local population through forced labour on a massive scale. The government has proceeded throughout the country to forced relocations of populations perceived as an obstacle to tourism (in areas such as slums or historical sites). The forced relocations thus make for the construction of infrastructure in the cleared-up space.

These internationally condemned practices have now been implemented for some time in Northeast Arakan. The tourist activity, essentially in Mrauk-U, has entailed forced relocations from the centre of the city to the outside. 94 families living on the ruins of a former palace were forcibly displaced in 1998. They received a month's notice and a total of 1,400 Kyats as compensation, although they had been living in big-sized wooden houses. Some owners of brick-houses received 10,000 Kyats.

Tourism is also the pretext for forced labour. The population is regularly forced to dig the land on the site of the former palace that the authorities want to

excavate. In early 1999, some villagers were frequently brought to the site and forced to dig a saddrum per family or pay 400 Kyats. According to some local sources, every Mrauk-U villager is subjected to the work. The soldiers allegedly also partake in the construction – though in March 1999, all one could observe were children.

### **5. An economy held hostage**

#### **Taxes, fines and licenses**

The Arakanese are subject to the same tax on rice as the Rohingyas. They have to sell thirty rice baskets per acre and per year to the government at half the market price. As in the rest of Arakan, the tax is calculated according to the surface planted and not to the harvest, which further penalises villagers whose land is less fertile.

The government has also developed a second rice crop in some areas during the dry season. These are compulsory agricultural projects which the villagers cannot evade. The rice-fields are situated close to the rivers where water is pumped for irrigation. Thus in the south of Kyauktaw, a villager had to use 10 acres for the governmental project.

“The project began five years ago. We were not against it at the beginning, but the first harvest discouraged us. Thirty baskets per acre only. We got the same results the following year, so we decided to stop. The government didn't say anything for two years, but this year they fined us 3,000 Kyats per acre. Not only is this forced cultivation unprofitable, but it also hinders us from planting vegetables and pepper, which only grow on coastal lands where the rice of the second harvest is supposed to be cultivated.”

In 1999, the authorities also penalised villagers for not complying with the national programme of latrines installation. The goal was to equip 100% of the families with latrines by the year 2000 (the equipment rate is still very low in Arakan); the heads of VPDC, prodded by the health official of Mrauk-U district, threatened to fine the villagers who would not build their own. In several villages, the threat was carried out and several dozen families had to pay 500 Kyats each. Fines vary from 500 to 1,000 Kyats in the district. Families who do not pay are threatened with forced labour.

Different authorities or administrations (military, police, Forestry Department and so on) regularly tax the villagers in all sectors of the local economic activity. It may be a fixed amount similar to a license, notably for wood, bamboo and fishing, or contributions in kind closer to racketeering.



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A Mrauk-U inhabitant:

“When we go to cut the bamboo, we lose half of it even before getting to the village. Soldiers, policemen and Forestry Department officials take about fifty bamboos on the way, out of the hundred we had. Concerning fishing, it’s the police or the army which regularly ask for part of the fish. There is no fixed quantity to give; they just take whatever they want. Before, people were afraid of thieves, but nowadays, we are afraid of the police and the army. The government is worse than thieves.”

In a Kyauktaw village, inhabitants who cut the bamboo have to get a license from the Forestry Department, which costs 50 Kyats per hundred.

As far as fishing is concerned, there is also a tax on fishing nets. In Mrauk-U, a villager says they pay 2,000 Kyats a year for a big net and 1,000 Kyats for a small one. Besides, a similar system of agents to the one in the North has emerged in the East. A Minbya villager explains:

“The river is divided into areas, each supervised by a government agent. If we want to fish, we have to pay a tax to the agent. We’re also obliged to sell him the shrimps we have caught. The agent will pay 3,000 Kyats for a kilogram we could sell 5,000 Kyats on a market. The same goes for the fish, the agent buys it at a very low price.”

In another Minbya village:

“Since 1994, we cannot fish freely in the river because of the agent. Earlier, we used to go to the market to sell our fish at a good price. For the fish, we go to the small river where we manage to fish one kilogram per day. But we can no longer go to the large river, because we need a license. It’s too expensive.”

### **Trade**

Unlike the Rohingyas, the Arakanese enjoy a freedom of movement equivalent to that of all Burmese citizens; yet, this freedom only applies to people, the transport of goods being seriously controlled. A South Kyauktaw inhabitant:

“Our main constraint is the absence of freedom of movement for trade. It’s forbidden to go to Maungdaw and Buthidaung to sell or buy goods. We have to sell everything to registered traders at a low price, instead of going to sell by ourselves. We need a license to transport goods. Villagers like us can’t get it. It’s reserved to people with connections to the authorities.”

As in North Arakan, the economic situation has deteriorated for the whole population. The only people to have become richer are administration and army executives as well as privileged individuals with close connections to them. In such a confiscated economy, the impoverishment of villagers forces them to sell their land or belongings. Moreover, the poorest among them are obliged to fast regularly. A South Kyauktaw villager:

“The small owners have been forced to sell their land because of lack of capital and also because of their debts. Today, they live thanks to daily work. The harder for us is the rice tax which has increased a lot.»

For a Minbya villager, the army is the origin of the current difficulties:

“Our economic situation has deteriorated since the soldiers arrived. First, we lost our land. Then there were all the expenses due to the two relocations of the village, in particular the reconstruction of the houses. And today there is also the problem with the rice we have to sell to the State after the harvest.”

“Here, the rich become poor and the poor have to go without food, five or six days a month”, concludes a Kyauktaw villager.

### **6. Education**

In the three Mrauk-U, Minbya and Kyauktaw districts, access to education remains a problem for children living in remote villages where there often are no teachers. School fees are also a problem for many poor families.

A South Kyauktaw villager:

“There is a primary school in the village with 150 pupils. The three State teachers never attend, except for exams. So villagers pay private teachers with rice baskets. Between 20 and 30 children cannot go to school because of the price. When we had State teachers, we had to pay 500 Kyats per child to buy books. Today, it is much more. We complained to the Kyauktaw authorities but nothing has changed. The situation has been the same in the last three or four years. State teachers do business instead of attending the school. They get 1,000 Kyats per month from the government and make money elsewhere.”

The arrival of the soldiers has had a negative impact on education as well. A South Kyauktaw inhabitant:

“In 1994, the primary school was partly destroyed by a tempest. The soldiers who had

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just settled by the village said they would re-build the school - but in their camp. They transported the remaining part of the school to their camp and suggested our children attend it there. The teachers also moved to their camp. Now, every morning the children have to walk for 20 minutes. The problem is the rainy season. Because of the flooding, it's almost impossible for children to get there. They then miss school for several months."

The recently relocated Mrauk-U villagers (see above) also suffered from the army's arrival. Apart from forced relocation, they also lost their school, now located on the army compound. Children are still authorised to go, but villagers think that the rainy season will make it impossible. In early 1999, 200 children attended the primary school built by the United Nations Development Programme (UNDP). In order to accommodate the soldiers' children, the school was enlarged, notably with the employment of forced labour. The soldiers' children and village children will thus have to mix at school, which further worries the villagers who think that disputes among children could entail further problems with the army<sup>32</sup>.

To escape a catastrophic economic situation and forced labour (the latter being one of the causes of the former), the Arakanese are urged to leave their village; they choose to move towards the interior, towards cities where there is always less forced labour, or towards other States of the Union.

In many Arakanese villages, one sees abandoned or destroyed houses: they belong to people who have been forced to leave and start a new life elsewhere due to an unbearable situation, most of the time because of forced labour.

In a Mrauk-U village:

"More than a dozen families had to leave two years ago because of forced labour. Before they left, each family was requisitioned for up to ten days a month. Six families left to live on small boats and earn a living thanks to small trades. Five others settled in Maungdaw, because over there they wouldn't face forced labour. And the government also promised them some help."

These families actually left for a model village. In a Minbya village, about fifty families left because of forced labour. For those who came back to the village, emigration lasted between 3 and 7 years. One of them testifies:

"We could no longer eat because of forced labour so we preferred to leave. At that time

we had 10 days of forced labour a month which meant that we had a maximum of 20 days to earn our living. It was not enough."

Some left to go to Minbya City where there is no forced labour; others left to live on boats. Finally some villagers left for Kachin State.

"I left alone. In Kachin I was working on a day-to-day basis. I had no forced labour while here, everywhere around Minbya, it's impossible to evade it. I used to send money regularly to my family back in the village."

The Arakanese try to escape from their situation temporarily but have no long term plan: the future looks bleak. A Kyauktaw inhabitant states: "The only way to change things for the future would be to change the government's policy or even change the government." Suddenly, worried about his words, he added: "But this is politics and we don't want to talk about politics."

### **Notes :**

1. Concerning this topic, see the report of the organisation Images Asia, Report on the situation for Muslims in Burma, Bangkok, May 1997.
2. Constitution of the Burma Union, 1947, chap. II, section 11.
3. Cf. HRW / A, op. cit., p. 24.
4. Sections 30c and 53c of the law on citizenship of 1982.
5. As a violation of the article 15 of the UDHR which states (§2) that « None shall be arbitrary deprived from his nationality, nor from the right to change his nationality».
6. Cf. HRW / A, op. cit., p. 25.
7. Indeed, at the top of the heading «License to travel» appeared the word «Tan Ta Ya», meaning «suspect» in English.
8. Cf. infra, p. 31-32-33.
9. See Andersen Report, p. 11.
10. HRW / A – RI, p. 14.
11. By «militarization» is understood the deployment of the army, the Nasaka ( which forms a «repeated army» de facto), and other forces such as the military intelligence.
12. Far Eastern Economic Review, 29 August 1991.
13. Ibid.
14. "Conference set to expose Burma's landmine menace", South China Morning Post, 16 March 1999. 22 elephants also perished because of the mines.
15. Cf. for instance Yozo Yokota, «Situation of Human Rights in Myanmar», Geneva : UN Commission on Human Rights, 23 February 1995.
16. HRW / A, p.30.
17. Koranic schools.
18. As reported in the government's daily newspaper Working People's Daily issue of 8 May 1992, the only construction of the Aungban-Loikaw railway 300 000 persons did «contribute to the voluntary work». Quoted by Martin Smith in Ethnic groups in Burma, Development Democracy and Human Rights, Anti-Slavery International, 1994, p. 84.

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19. Cf. FIDH report : Burma, Total and Human Rights : dissection of a project, October 1996.
20. Cf. UN Human Rights Commission Report, 1993 ref.:E/CN.4/1993/37
21. Decision taken during the 87th International conference on labour in Geneva, see the whole declaration in annex.
22. HRW / A, p. 30.
23. For instance, the UN special reporter report on religious intolerance, document E/CN.4/1993/62, note 195., and Article 19, Burma – Beyond the Law, p.50.
24. Andersen Report, p. 25.
25. The Kaladan is a river marking the limit between the Muslim and Buddhist worlds in Arakan. The word Kaladan would come from the association of the word Kala meaning Muslim in a pejorative way and dan, from the verb to stop. The word dan also means «place» and came from the time when Arakan kings had their Bengali slaves. Beyond the definition, the Kaladan is historically considered as the last natural barrier preventing the Muslim immigrants from going further East.
26. See below about the Arakanese.
27. Rice which has not yet been cleaned of its envelop. For exchange or payment purposes, rice is always understood as the straw. The rice is only sold cleaned for the final consumption and at a far higher price than for straw.
28. In 1998, according to the WFP, the Maungdaw-Buthidaung area experienced a 48,209-tonnes deficit after the government collected the taxation.
29. Cf. Andersen Report, p. 28.
30. The weight of a basket is about 8.5 kg.
31. For this reason and in order to have a more general view on the Arakaneses' situation, this chapter concerns the Northeast of Arakan, that is the Mrauk-U, Minbya and Kyauktaw cities.
32. Villagers decided to try for one or two months in June. If it does not work, they will have to build a school for their children in the new village. In this case, the school built by the UNDP will exclusively serve the soldiers' children. The same for the two wells and ponds set up by a French NGO: only the military can use them.

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### **IV. A new exodus**

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The situation has not improved in Northern Arakan over the last ten years. There still exist forced labour and violence, land confiscation, forced relocations, arbitrary taxes, religious discrimination and daily humiliations. If the most visible and most violent forms of repression seem to have decreased (probably due to the presence of UN agencies and international NGOs), it is nonetheless impossible to conclude that there is an overall improvement of the situation. Economically the situation has deteriorated – and the underlying causes are clearly political.

Actually, the goal of Rangoon has remained the same – only the means have changed. **Everything tends to show that the Burmese government aims at emptying Arakan of its Rohingya population, though in an insidious and incremental way so as not to attract the attention of the international community, as had been the case in 1991 – 92. According to reliable and corroborating sources, between 1996 and 1999, somewhere between 50,000 and 100,000 Rohingyas have reportedly crossed the border to find refuge back in Bangladesh<sup>1</sup>.**

Since 1996, the departures have been discrete but regular. Each village of Northern Arakan has experienced departures, although no village has been completely emptied. Departures are piecemeal, never massive.

#### **A. The years 1996 and 1997**

##### **1. 1996**

As early as February 1996, while the repatriation process (by which 23,000 refugees were to return to their village<sup>2</sup>) was under way, 5,000 Rohingyas crossed the border in the other direction. According to Human Rights Watch/Asia, the figure had doubled by the end of May. At the time, the testimonies of the new refugees, when asked about the main reasons for leaving again, mentioned forced labour, lack of freedom of movement, arbitrary taxation and disappearances. The new refugees mainly accuse the Nasaka and mention intensified repression. A woman reports having been raped by five soldiers; another woman says her husband died during forced portage. A fifteen-year old teenager says he fled to escape from forced labour and forced portage, which were worse than in 1992 when he had already left. Other Rohingyas accused of being RSO guerrillas explain they had been mistreated and threatened with execution.

This fresh exile of thousands of Rohingyas has been the source of renewed tensions with the Bangladeshi law-enforcing bodies. In April 1999, fifteen Rohingyas (women and young children) drowned in the Naf River;

they were among a group of 150 departees caught by the Bangladeshi army and pushed back to the Burmese coast. Around the same time, the Bangladeshi security forces also arrested 254 refugees, who were not given the right to seek asylum, and turned 200 others back, in violation of international law and in particular in breach of article 14 of the Universal Declaration of Human Rights.

Meanwhile, the UNHCR, still in the process of repatriating the 1991-92 refugees, does not view this new exodus favourably. First of all, it contradicts the agency's reassuring discourse on the supposed improvement of the situation in Arakan (which justified the massive repatriation) and its claim of a successful reintegration of the returnees. Secondly, it jeopardises a process negotiated with much difficulty with the Rangoon and Dhaka governments. Everything leads us to think that, by acknowledging the reality of this new exodus, the UNHCR fears it might urge other Rohingyas to leave - and thus that after the rainy season it might be faced with a situation similar to that of 1978 or 1992, i.e. with several hundreds of thousands of refugees. A fear expressed, according to Reuters, by a UNHCR representative in Dhaka: "If we feed this group, we will attract 50,000 more people the day after"<sup>3</sup>.

**The UNHCR claims, after having interviewed refugees in Bangladesh and cross-checked its information with its team in Arakan, that the testimonies are not credible and that the Rohingyas are "economic migrants". The FIDH believes, on the contrary, that there is a deliberate policy of discrimination against the Rohingya population aimed at increasing its precariousness. Political reasons are therefore at the core of the repeated Rohingya exodus; characterising the refugees as "economic migrants" is not credible, and can merely mislead as to the genuine situation of the Rohingyas, endanger their lives and give the Burmese government free hand to carry on the ethnic cleansing.**

In Arakan, the UNHCR follows a policy aimed at dissuading the departures, hand in hand with the Burmese authorities. After it tried to minimise the scope of departures, saying it was merely an issue of economic migration, the UN agency, fully aware that this new exodus might jeopardise both its repatriation and reinstallation programme and its image, has actively committed itself to discouraging the people who might want to leave.

From May 1996 onwards, the whole UNHCR expatriate staff concentrated on locating the moving populations seeking an outlet to Bangladesh. The aim was to dissuade the fleeing Rohingyas by warning them they

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would be given neither UNHCR assistance or protection nor the status of refugees once they crossed the border, and that they would be turned back or imprisoned by the Bangladeshi authorities.

This UNHCR warning is in contradiction with its mandate concerning repatriation; its repatriation guide explicitly states:

“As a general principle, the existence of a voluntary repatriation operation must not undermine refugee protection including the principle of non-refoulement. Returnees, if they are in need of renewed international protection, have the right just like any other asylum seeker, to seek and enjoy asylum protection”.

Repatriation guide, § 3.7, May 1996.

In order to give more impact to its action, the UNHCR asked the international NGOs present in Arakan to echo its position to the population; some of them, however, staunchly refused. As for the Burmese authorities, they opt for coercion and violence. Rohingyas on the way to exile – many of them settling along the Naf river while waiting to cross – are invited to board lorries which will drive them back to their villages. In case they balk, soldiers do not hesitate to use violence to force them to board the vehicles, in particular by hitting them with their rifle butts. The lorries used are sometimes the UNHCR lorries normally used for repatriation<sup>4</sup>.

In the meantime, the authorities go straight to the villages to dissuade people to leave. In this respect, “departure committees” have reportedly been established<sup>5</sup> in villages with the aim of informing the authorities and contributing to dissuade departees. In a village from Rathidaung district, soldiers arrested a member from each of the families believed to (or denounced as planning to) want to leave, in order to prevent them from moving. Possible sanctions – up to three years in prison – also hang over the heads of those who would attempt to flee or be caught and turned back. De facto, the sanctions are never applied – though in the meantime, Rohingyas who tried to flee to the central regions of the Burmese Union were punished and some were killed<sup>6</sup>; which means that leaving for Bangladesh is in fact less risky than moving within the country.

This reinforces the idea that the Burmese authorities do not want entirely to hinder the departures, but merely to limit and circumscribe them so as to make them invisible. It also confirms the policy of ethnic cleansing implemented by Rangoon.

### **2. 1997**

In 1997, the scenario is almost identical. Between 10,000 and 15,000 Rohingyas left Arakan in the first six

months; when they arrived in Bangladesh, they confirmed the increase of forced labour, of violence, of arbitrary taxes imposed solely on Muslims<sup>7</sup>. As in 1996, some of them illegally settled in the refugee camps still open, from which most were expelled by the Bangladeshi police. Others hid in the jungle or in the Cox’s Bazaar shantytowns. Finally, a minority fled for other parts of Bangladesh, or settled in Saudi Arabia and in Malaysia, with the assistance of fake passports.

In Arakan, the same policy of dissuasion was carried on. At the end of 1997, the UNHCR and the Burmese authorities had to face an attempt of massive exile for the first time since 1991-92. The first villagers left on foot from the far South of Maungdaw in broad daylight. A few dozen families, joined by others on the road, went up North. When they got to the Kap Hpo village tract, the families (now numbering 220), were stopped by the Nasaka and the UNHCR. The Rohingyas were first forced to return to Myinn Hlut, where they had to spend the night before going back home the following day. A large discussion between the villagers, the UNHCR and the Burmese authorities ensued. The Japanese representative of the UNHCR tried to convince the villagers to return home. The villagers were then promised that they would have more freedom of movement and be given material assistance. However, when they claimed they could no longer trust the UNHCR, and thus asked for a written commitment, the UNHCR representative refused. The Rohingyas then decided to set off again in the middle of the night. They secretly left Myinn Hlut to follow a more discrete path through the mountain. After a night’s walk the villagers arrived in the Aley Than Kyaw village tract. Meanwhile, the Nasaka office of Myinn Hlut had spread the news of their “disappearance”. UNHCR and Nasaka representatives arrived – a new discussion ensued. One of the villagers present that day recalls:

“Why did you leave your village and where are you heading?”, the UNHCR representative asked. “We go to Bangladesh because the UNHCR promised us we would be given assistance during ten years after our return as well as freedom of movement. Today, we have nothing. The UNHCR also promised there would be no forced labour. It’s a lie.”

The UNHCR once again committed itself (orally) to the villagers:

“We cannot give you a written proof but we can promise you an assistance; please, go back home.”

The villagers decided to resume their journey northwards. According to the witnesses present, the UNHCR representative then slipped out, and the Nasaka

## **Repression, discrimination and ethnic cleansing in Arakan**

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men started shooting in the air. The frightened villagers preferred to turn back and give up their attempt. They explained that during the two following weeks, they were not subjected to forced labour and were allowed some freedom of movement, in particular to go to Sittwe. When the authorities then checked with the heads of the VPDC if everybody had come back, the daily repression resumed as before. In the meantime, the authorities had identified the leader of the group, Abul Husan, from the Thinn Baw Kway village tract (he was already one of the leaders in the refugee camps in Bangladesh), who was subsequently mysteriously murdered.

Since this unsuccessful collective departure from South Maungdaw, no attempt of such scale has been reported. Nevertheless this did not prevent more covert departures in 1998 and 1999.

### **B. The current exodus**

#### **1. The obstacles**

Apart from the policy of dissuasion led jointly by the Burmese authorities and the UNHCR, several factors prevent the Rohingyas from leaving, without which a massive exodus would already have taken place. Above all, the villagers mention constant surveillance by the police. A South Buthidaung villager:

“We have not left because of the lack of freedom of movement. Just to go to Buthidaung we need an authorisation from the village chairman. To go to Maungdaw, we need an additional authorisation from the immigration department of Buthidaung, so leaving for Bangladesh is impossible.”

The militarization of the region is another reason regularly mentioned. An inhabitant of Taung Bazar, north of Buthidaung, where several camps (military, Nasaka and Military Intelligence) are settled, explains:

“If we had freedom of movement, we would all leave for Bangladesh. But today it is not possible to leave because of the surrounding camps.”

All the villagers interviewed say they want to leave for Bangladesh, but added to the absence of freedom of circulation is the fear of what they will face once they cross the border. A fisherman south of Maungdaw:

“If we could, we would all leave for Bangladesh. But how can we go to Bangladesh when we can't even manage to go to Myinn Hlut? And once in Bangladesh, it's not easy to stay.”

Uncertainty concerning the situation in Bangladesh can be explained by the ill treatment inflicted on the

Rohingyas in the camps after the 1991-92 exodus. The Rohingyas know they are not welcome in Bangladesh. Even if their treatment was more lenient than in Arakan, they are aware they remain aliens on the other side of the border, and consequently, just as vulnerable.

In spite of the unbearable situation in Arakan, many villagers still hesitate to leave since they know that in case they do, they will lose their last right to stay in Burma, tenuous as it may be – this time, it would be a definitive exile.

For the “educated” and urban Rohingyas whose life is overall better than that of villagers, there is also a strong feeling of not wanting to let the Burmese power “win”. They are aware that the aim of the authorities is to have them leave. They know how to leave, and can be expected to find easier means of integrating Bangladeshi society, but do not want to surrender. We are at home here, they say, we will not give our land up. This type of resistance makes no sense for the poor; for them, it is a matter of survival.

For the poor the hope of seeing the country change (even in general terms) is never mentioned as a reason for staying. On the contrary, it is the impossibility of projecting oneself into the future which urges the population to leave, in spite of the multiple obstacles. Many villagers who have not left yet are waiting for a better opportunity to do so, but they never expect anything from either the government or, more generally, from the future in Burma. Even those who asserted they would refuse to give up their land – or give up the “fight” – acknowledge that sooner or later they will be forced to leave.

#### **2. The reasons for leaving**

Forced labour and the utter precariousness it entails are very regularly mentioned as direct causes for departure. A North Maungdaw inhabitant:

“From 1996 to 1999, around 50 villagers left the village because of forced labour. They were poor families unable to sustain themselves. They left one by one for Bangladesh.”

Another Maungdaw villager explains that 30 families from his village tract have left since 1995, including three in 1999:

“The reason is the lack of food and forced labour. The poor can't go to forced labour because they have to work in order to buy food. But if they refuse, they are beaten. And they eventually decide to leave. They all secretly left the village. And were we free to leave, we would all go right away. That's the way it will keep on going – little by little.”

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These factors can coincide with land confiscation – another reason for departure frequently mentioned by the Rohingyas around Cox's Bazaar. A widow who arrived early May in Bangladesh says:

“The Nasaka took all my land as well as my two sewing machines. I decided to cross the frontier because I had nothing to eat any more.”

Forced labour, land confiscation or arbitrary taxes are all part of a deliberate policy, and all lead to the same result: an impoverishment which eventually leads the villagers to leave despite the limitations imposed on displacements.

The violence which very often accompanies forced labour also pushes the Rohingyas to leave, as a 25-year old villager from Buthidaung (today living illegally in a Cox's Bazaar shantytown) explains:

“In Arakan, I was always requisitioned for forced labour, up to three weeks a month, for the construction of roads and for portering. I was beaten by the Nasaka and today my back still hurts. I can't carry anything heavy.”

Violence can be the decisive factor; a Maungdaw widow, who arrived in 1999 in Bangladesh explains:

“One of my daughters, Rajia, 20 years old, has been kidnapped by the Nasaka. Then they came to get one of my uncles. We got scared and decided to cross the border.”

A young 21-year old man also reached Bangladesh after the death of his father, in last April:

“We had more and more taxes. Taxes on anything and everything. My father finally refused to pay. Then he was beaten up by the Nasaka. He died a few days after in the hospital, so I decided to leave with my mother and five or six other families from the village.”

Not only is the Nasaka an essential agent of this policy of attrition led by Rangoon, but in some cases it openly urges villagers to leave. A refugee coming from Maungdaw:

“If somebody refused forced labour, the Nasaka would say that Arakan is not our land and that if we didn't want to work for the Burmese, we had to go to Bangladesh.”

Another refugee from Buthidaung:

“The Nasaka forces used to say: “If you want to stay in Arakan, either you pay or you work. This land belongs to the Arakanese, not to the Rohingyas. You can go to Bangladesh”.”

Finally, there is the power of attraction of Bangladesh. Although they are not welcome, and although Bangladesh is one of the poorest and most overpopulated countries on earth, the situation the Rohingyas face will always be better than the one they are subject to in Arakan. The image of Bangladesh remains positive for many Rohingyas – for one main reason: even if living conditions are far from easy, even if they are illegal, they feel that they can at least more or less control their destinies.

Many Rohingyas evoke a departure in the future, though in a vague way, as they do not want their project to be known. Yet the wish to leave is ever present. It is above all a matter of time and freedom. A Buthidaung inhabitant:

“We have no freedom of movement so it is impossible to leave; but if we had it, we would leave immediately.”

Another villagers points out:

“Actually, if we had freedom of movement we would stay because life would then be much easier in Burma. For instance we would be able to trade or go to work in the shrimp farms of Maungdaw and Buthidaung.”

This possibility is confirmed by an inhabitant from the village of Buthidaung:

“If the situation goes on like this we will leave. But were we given freedom of movement today we wouldn't leave for Bangladesh, because we could have a good life here. We could easily find a job.”

Actually villagers clearly distinguish between the possibility of leaving immediately – which allowed more than 260,000 Rohingyas to leave the country in 1991-92 – and the lack of freedom of movement, which represents one of the main constraints. This shows the Rohingyas' attachment to their land, their feeling of belonging to the country, as well as the fact that they do not want to leave but are forced to.

### **3. The conditions of leaving and crossing**

As they are urged to leave because of a policy of systematic exclusion and precariousness, and simultaneously prevented from any freedom of movement, the Rohingyas have only one possibility of leaving their country: by clandestine means. This is actually the last step in a process of exclusion deliberately organised by the Burmese authorities. With a legal status but with no rights, the Rohingyas are eventually made illegal.

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Departures usually occur by night in order not to draw attention. Groups never comprise more than one or a few families. Discretion is also necessary in the village itself, the other villagers only rarely being told of the imminent departure: it is usually only the following day that they discover that one or several houses are empty. A South Maungdaw inhabitant:

“Ten families from the village have left in the last twelve months, which means all in all 20 families since 1995. The last ones left in March 1999. We knew nothing about the departure – they kept their plan secret because they were afraid the information would get to the authorities. They have to be very discrete because of the authorities watching the villages and the attempts to leave. It is harder to leave now because the surveillance has intensified. There are more controls in the region.”

Several reasons explain the villagers' discretion in the village itself about their departure: on one hand, the risk of being denounced is important since each village has its network of informers working for the authorities. Besides, village authorities rapidly thwart any attempt to leave because in case it happens, the head of the VPDC is held responsible and the Nasaka can sanction him with a fine<sup>8</sup>. This also means that many VPDCs go along the governmental policy and choose to disregard discrete departures, just as the Nasaka forces do along the border in exchange for a bribe. On the other hand, the people who plan to leave prefer to remain silent in front of other villagers : the community bond has been seriously eroded, indeed has disappeared, within a society completely dislocated by Burmese repressive policy. Trust and solidarity are now confined to the family circle.

There are also some individual departures, as reported by a Maungdaw inhabitant:

“About thirty families have left for Bangladesh in the last five years. In 1999, some men left on their own. They were beaten excessively by the Nasaka during forced labour. They could no longer stand the violence and left by themselves. Their wives were interrogated by the Nasaka. They said they didn't know anything, that their husbands had left for forced labour and had never come back. None of them has come back to the village.”

More often however, the individual departures are made by lone villagers – widows, divorcees, more generally those without a family. Indeed, there is a risk of reprisals on families and the villagers tend to avoid it. The information collected either side of the border shows that the majority of the departures is by family unit, sometimes several families together.

The clandestine departures for Bangladesh usually occur by crossing the Naf river, which marks the border over several dozens miles. There is important business and fishing activity on the river, which makes it impossible either for the Burmese or Bangladeshi security forces to control all the boats. It is usually enough to pay an intermediary for the crossing, to which travellers sometimes have to add a bribe for the Nasaka or the Bangladeshi armed forces. Most of the refugees interviewed in Cox's Bazaar did not have to pay, as they managed to cross the river without being arrested. Two refugees recently arrived in Bangladesh mentioned they had had to pay several thousand Kyats to a Rohingya intermediary who then handed part of the sum to the Nasaka. Two other refugees who arrived two years ago had to pay 50 and 100 Takas to the Bangladeshi security forces once they had crossed the river.

Actually, the armed forces from both sides of the river do not seem to constitute a genuine obstacle for persons heading for exile. On the Burmese coast, it is clear that any isolated and discrete departure is perceived as a good thing, whilst on the other side, the lure of gain is often stronger than the order to turn back the Rohingyas. It is only when candidates are much too numerous, as in 1996, with a concentration on the coast of about 2,000 Rohingyas waiting to cross, that the authorities intervened.

The other route to Bangladesh, north of the Naf river, remains a marginal possibility, mainly because of the landmines deployed by the Burmese army.

### **4. Living as illegal refugees in Bangladesh**

Once they have arrived in Bangladesh, most of the newcomers (with the exceptions of the Rohingyas who try to settle illegally in one of the two camps where 20,000 refugees from 1991–92 still linger, and those who are turned back to Burma) swell the ranks of the eighteen shantytowns of Cox's Bazaar. They are not recognised as refugees by the UNHCR which qualifies them as “economic migrants”, and therefore do not enjoy any status and live illegally in Bangladesh. In spite of this illegality, they can manage to merge into – if not to integrate with – the Bangladeshi population, who for the most part do not have any identification papers anyway.

According to several local and international NGOs present in the south of Bangladesh, at least 100,000 Rohingyas live illegally in the district of Cox's Bazaar. The refugees living clandestinely in shantytowns can rent a 10 m<sup>2</sup> house for 200 Takas per month.

In an already overcrowded area, with no industry, and where the economic fabric is most fragile, job opportunities are rare for these “economic migrants”



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who have to face a livelihood of extreme precariousness. Their origin as Rohingyas and their illegal status make them very vulnerable. The job opportunities (always temporary) for these former farmers or fishermen are the same as for the Bangladeshis living with them in shantytowns: porters, rickshaw or chariot drivers, masons, and so on. But for the same job, the salary (from 50 to 80 Takas) is often half of that of a Bangladeshi. They can also be denounced to the authorities at any time as illegals. This risk considerably reduces their freedom of movement and thus their opportunity to find work. No schooling is possible for the children. The youngest often become beggars with the elderly. Besides, according to a UNHCR representative and the local media, networks of prostitution, of trafficking and of sale of young girls have been set up, exploiting the young illegal female Rohingyas who allegedly are sent to India and to several Arabic countries.

Unlike the Rohingyas settled in the camps, recognised by the UNHCR and taken in charge by the NGOs, the illegal refugees have no access to health care and live in deplorable sanitary conditions.

The arrival of numerous clandestine refugees around Cox's Bazaar has triggered tensions in the local population. The poorest Bangladeshis see this cheap labour force as a direct threat on the already saturated daily job market. "They have persistently put pressure on our economy and taken a share of the job market", declared a fish salesman in June 1999<sup>9</sup>. Some of the clandestine refugees retain the hope they will one day return to Burma, however only if the situation really changes. A young refugee who arrived two years ago says:

"I'm ready to go back to Burma if we can get our confiscated land back and if peace and freedom are assured."

For others, it is a definite "No". They will never cross the Naf river again. Completely destitute or shocked by the death of a relative, they categorically reject the idea of a return.

### **5. The UNHCR and the exodus**

While the Rohingya exodus has steadily and regularly continued since 1996, the UNHCR still refuses to acknowledge the scope of the movement. The UN agency maintains its close ties to the Burmese government, the repressive policies of which are the root cause of these departures; in Bangladesh, the UNHCR refuses to face the evidence of 100,000 refugees forced into illegality for lack of recognition.

On the Burmese side, the UNHCR collaboration with the local authorities in order to prevent the Rohingyas from

leaving their country raises an essential question concerning the mission and the very foundations of the organisation. One can question the policy aiming at dissuading people from leaving – indeed at holding them back – when they are clearly victims of a repressive policy.

In the case of Burma, the issue is also that of the ambiguity of such a close collaboration with a dictatorial government which violates fundamental human rights massively and systematically. That the UNHCR, by the very nature of its mandate, should co-ordinate its work with the Burmese authorities is comprehensible; that it has been led into the implementation of a policy of dissuasion which excludes neither violence nor coercion from the Burmese army is unacceptable. On top of this fundamental issue, the credibility of the agency within the very population it is supposed to help has seriously been shaken. Indeed, collaboration with the Burmese government seriously compromises the image of the UNHCR. The Rohingyas do not really consider the agency as an independent organisation likely to help and protect them, but rather as a partner of the government. This ambiguous image represents an additional obstacle to the mission of repatriation and reintegration of the refugees in Arakan, and incidentally impacts negatively upon the NGOs present, often identified with the UN agency by the villagers.

While the UNHCR tries to prevent the exodus on the Burmese side, it ignores it on the Bangladeshi side. Embracing the Bangladeshi official stance, the UNHCR states that the newcomers are merely "economic migrants" in spite of the numerous testimonies revealing that the departures since 1996 are due to the human rights violations. Refusal to openly acknowledge the political reasons which directly or indirectly force the Rohingyas to leave contradicts some confidential documents of the agency, notably the Andersen Report.

"The poverty level of the departees has made the Bangladesh authorities argue that they are migrants leaving for economic reasons. The economy however cannot be seen as an isolated issue but has to be linked to the state policies. (...) Without this as a background, "economic reasons" risks being a very misleading term"<sup>10</sup>.

The author adds:

"The Muslims are therefore not just poor. The analysis shows that there is a range of factors related to their status and the policy in NRS which contribute to this poverty."

## **Repression, discrimination and ethnic cleansing in Arakan**

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In the conclusion of her report aimed at analysing the Rohingyas' situation and establishing the factors leading to departures, Andersen writes:

“Compulsory labour is therefore considered one of the main factors leading to departures, partly because of the economic impact of the practice, partly because of the humiliation involved.”

This report is dated July 1st, 1997. Since then, the UNHCR position has not changed; two and a half years later, the agency still maintains its stance that the ongoing exodus is due only to economic reasons.

In 1998, the UNHCR wrote in a letter to the Burmese authorities:

“The construction of model villages has been ongoing for many years with fluctuating degrees of intensity. Such a scheme has usually been directly related to land confiscation, forced relocations and residual incidences of compulsory labour, sources of abuses and, as such, contribute also to departures to Bangladesh.”

In this complaint to the Burmese authorities, the UNHCR recognises the extra-economic character of the reasons leading the Rohingyas to leave. Why then the maintenance of the public claim that Rohingyas are migrating for economic reasons? Since “the root cause for the exodus in 1991 and 1992 are still present and the situation has not changed radically” (Andersen), why did yesterday's refugees become today's “economic migrants”?

### **Notes :**

1. On the Burmese side, several NGOs in Arakan estimate the departures at 50,000 at least. On the Bangladeshi side, a UNHCR representative unofficially acknowledged 60,000 arrivals in May 1999; local and international NGOs reported 100,000 arrivals at the same period.
2. UNHCR figure.
3. “New Rohingya Influx and UNHCR Dilemma”, Alistair Lyon, Reuters, June, 2nd 1996, quoted by HRW / A
4. Information collected from international NGOs installed in Arakan.
5. Andersen Report, p. 34.
6. Cf. part III - A/2.
7. Cf. HRW / A - RI, p. 8. Some refugees testified about rapes.
8. Cf. Andersen Report, p. 34.
9. Quoted in “Myanmar refugees threaten Bangladesh economy”, Reuters, June 20, 1999.
10. Andersen Report, p. 32.

## **Repression, discrimination and ethnic cleansing in Arakan**

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### **Conclusion**

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After the forced exodus in 1978 and in 1991–92 due to repression and discrimination, tens of thousands of Rohingyas are once again leaving the country, forced by the slow, steady ethnic cleansing at work in Arakan.

Over the last decades, the Rohingyas have progressively lost their citizenship and become stateless in their own country. With no rights in Burma, they settle clandestinely in Bangladesh to flee from the terror and utter precariousness imposed by the Burmese junta. Unlike earlier refugees, they are not granted refugee status. The Rohingyas no longer have any legal existence: neither citizens of a country that rejects them, nor citizens of a country that does not want them, they are not recognised by the UNHCR either.

In the past five years, the UNHCR has tried to respond to the systematic repression and exclusion practised against the Rohingyas by organising the repatriation of the 1991-92 refugees and their reintegration in Arakan. If this exercise, organised jointly with the Burmese and Bangladeshi authorities, has allowed the return of most of the refugees, it is not however exempt from criticism. In order to satisfy the Bangladeshi government which wanted to expel the refugees as quickly as possible, the UNHCR has given up the principle of voluntary repatriation in favour of an incitement – de facto even an obligation – to return. In order to satisfy the Burmese government, the UNHCR has accepted an agreement offering no guarantee of human rights to the returnees – though their violations were the origin of the exodus. In spite of the presence of the UNHCR and several international NGOs, the Burmese government has carried on with its repressive and discriminatory policy against the Rohingyas, which has translated into massive and systematic human rights violations, notably the systematic resort to forced labour, denial of citizenship and lack of freedom of movement, progressively forcing the Rohingyas to exile.

In these conditions, it is evident that the UNHCR has become entrapped in an absurd policy in complete contradiction to its mandate: simultaneously to organise the return and prevent the departure of a population taken prey of the systematic repression of a despotic state.

The UNHCR's responsibility is fully implicated with regards to the price paid by the Rohingyas because of this policy, though it is by no means the only one. It is the duty of the international community – i.e. the states – to put sufficient pressure on the Burmese government for this repression to stop; or to give assistance to Bangladesh, including financial assistance, so that it can offer a safe asylum to the refugees. One cannot but take note of the the failure, indeed the absence, of any serious attempt in this respect.

Once again, in a thundering silence dictated by economic and political interests of all kinds, a people is left abandoned to its fate by the international community – even encouraged to submit to it by the only organisation supposed to protect it.

# Appendix

## Abbreviations and equivalences

**ASEAN** : Association of South-East Asian Nations

**MFA** : Mayu Frontier Administration Area

**NLD** : National League for Democracy

**SLORC** (State Law and Order Restoration Council) : name of the ruling military junta until Novembre 1997

**SPDC** (State Peace and Development Council) : Ruling military junta (ex SLORC)

**DPDC** : District Peace and development Council

**TPDC** : Township Peace and development Council

**VPDC** : Village Peace and development Council

**Village Tract** : equivalent of a big village, grouping several hamlets

**Nasaka** : Military force of the Burmese junta deployed all along the Bangladeshi border

**Lon Htein** : Anti-riot Forces

**RSO** : Rohingya Solidarity Organization

**ARIF** : Arakan Rohingya Islamic Front

**WFP** : World Food Programme

**MoU** : Memorandum of Understanding

**GOUM** : Government of the Union of Myanmar (Burma)

**IMPD** : Immigration and Manpower Department

**IPD** : Immigration and Population Department

**UNDP** : United Nations Development Programme

**NRC** : National Registration Card

**FRC** : Foreign Registration Card

**TRC** : Temporary Registration Card

**YDDC** : Yangon (Rangoon) District Development Council

**MI** : Military Intelligence

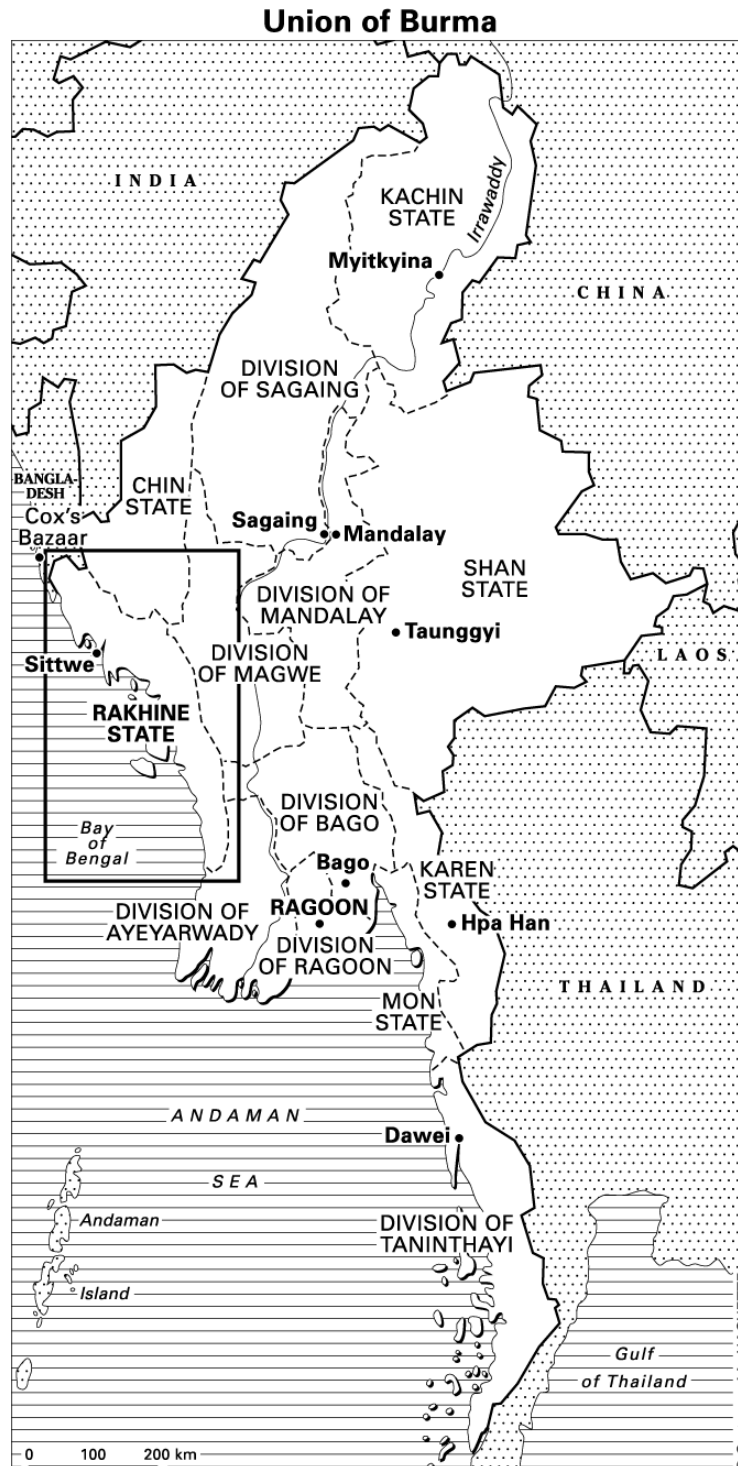
**1 acre = 0,4 hectare**

**100 Kyats = 0,33 US\$**

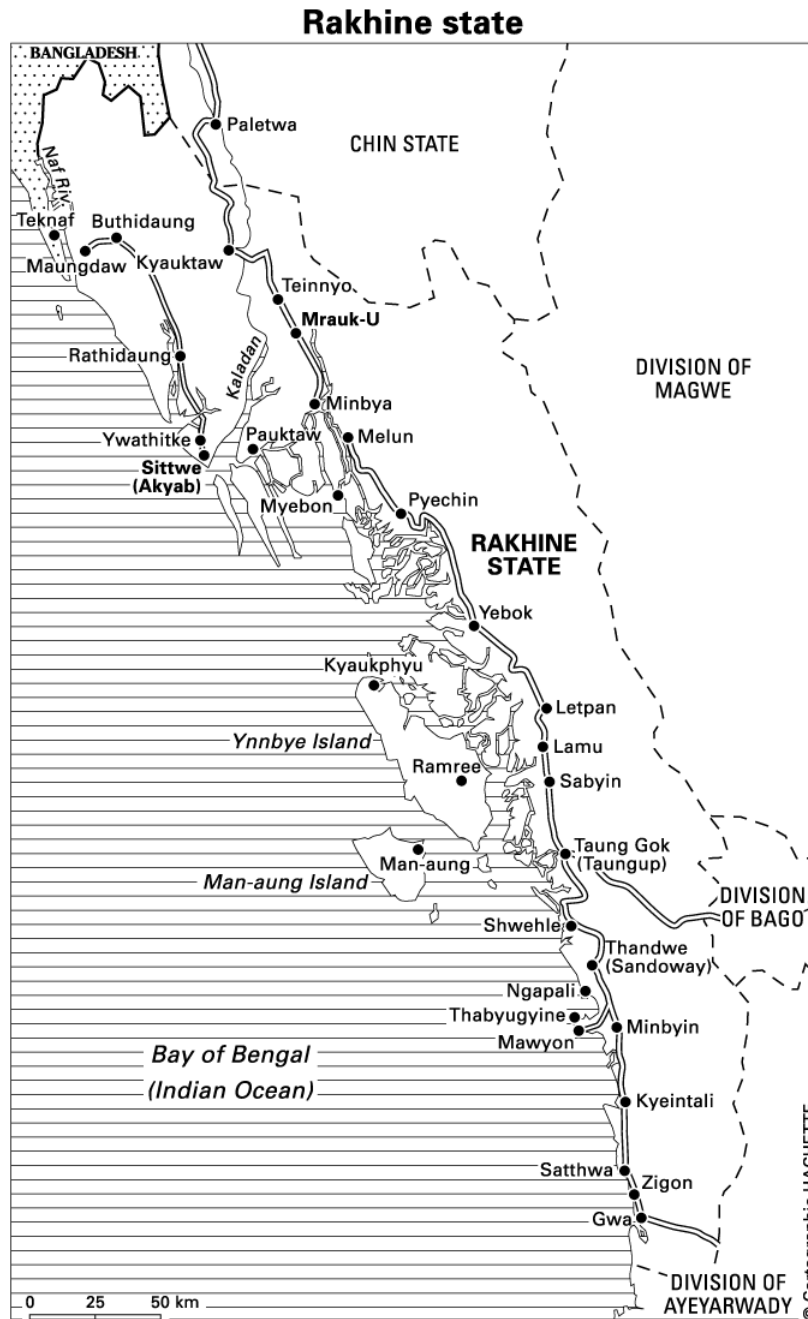
**100 Takas = 2 US\$**

# Repression, discrimination and ethnic cleansing in Arakan

## Maps



## Repression, discrimination and ethnic cleansing in Arakan



## **Repression, discrimination and ethnic cleansing in Arakan**

# FIDH represent 105 Leagues

## or Human Rights organisations

The International Federation of Human Rights (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, the FIDH has 105 national affiliates in all regions. To date, the FIDH has undertaken more than a thousand international fact-finding, judicial, mediation or training missions in over one hundred countries.

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ANDORRA (LADH)  
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AUSTRIA (OLFM)  
BAHRAIN (CDHRB)  
BELARUS (BLHR)  
BELGIUM (FLEMISH VZW  
AND FRANCOPHONE LDH)  
BENIN (LBDDH)  
BOLIVIA (APDHB)  
BRAZIL (MNDH)  
BURKINA FASO (MBDHP)  
BURUNDI (ITEKA)  
CAMEROON (LCDH)  
CANADA (LDLQ)  
CENTRAL AFRICAN REPUBLIC  
(LCDH)  
CHAD (LTDH)  
CHILE (CCDH)  
COLOMBIA (CCA)  
CONGO-stet (AZADHO)  
COTE D'IVOIRE (LIDH)  
CROATIA (CCHR)  
EGYPT (EOHR)  
EL SALVADOR (CDHES)  
FINLAND (FLHR)  
FRANCE (LDH)  
GERMANY (FLHR)  
GREAT BRITAIN (Liberty)  
GREECE (LHDH)  
GUATEMALA (CDHG)  
GUINEA (OGDH)  
GUINEA BISSAU (LDH)  
HUNGARY (LHEH)  
IRAN (LIDH)  
IRELAND (ICCL)  
ISRAEL (ACRI)

ITALY (LIDH)  
KENYA (KHRC)  
MALI (AMDH)  
MALTA (AMDH)  
MAURITANIA (AMDH)  
MEXICO (LIMEDDH)  
MOROCCO (OMDH)  
MOZAMBIQUE (LMDH)  
NETHERLANDS (LVRM)  
NICARAGUA (CNDH)  
NIGER (AMDH)  
NIGERIA (CLO)  
PAKISTAN (HRP)  
PALESTINE (PCHR)  
PERU (APRODEH)  
PHILIPPINES (PAHRA)  
PORTUGAL (CIVITAS)  
ROMANIA (LADO)  
RWANDA (CLADHO)  
SENEGAL (ONDH)  
SPAIN (LEDH)  
SUDAN (SHRO)  
SWITZERLAND (LDH)  
SYRIA (CDF)  
TOGO (LTDH)  
TUNISIA (LTDH)  
TURKEY (IHD ANKARA)  
VIETNAM (CVDH IN EXIL)  
YUGOSLAVIA (CHR)

### and 41 correspondent members

ALGERIA (LADH)  
ARGENTINA (CELS)  
ARMENIA (LADH)  
BHUTAN (PFHRB)  
BULGARIA (LBDH)  
CAMBODGIA (ADHOC AND LICADHO)  
CHILE (CODEPU)  
COLOMBIA (CPDH)  
CONGO (OCDH)  
CONGO-stet (Groupe LOTUS and  
LDH)  
DJIBOUTI (ADDHL)  
ETHIOPIA (EHR)  
JORDAN (JSHR)  
KOSOVO (CDHR)  
LAOS (MLDH)  
LATVIA (CDH)  
LEBANON (ALDH and FDDHDH)  
LIBERIA (LWHR)  
LITHUANIA (LAHR)  
MAURITANIA (LMDH)  
MOLDAVIA (LADOM)  
MOROCCO (AMDH)  
MEXICO (CDPDH)  
NORTHERN IRELAND (CAJ)  
PALESTINE (LWESLS)  
PERU (CEDAL)  
POLAND (LPOPC)  
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