



## CAUGHT BETWEEN A CROCODILE AND A SNAKE

# The Increasing Pressure on Rohingyas in Burma and Bangladesh & The Impacts of the Changing Policy of UNHCR

Contributed by Admin  
Friday, 20 March 2009  
Last Updated Friday, 20 March 2009

Report of the fact-finding mission - April/May 2003  
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## Colophon

The Burma Center Netherlands (BCN) is an independent foundation that aims to inform the Dutch society on developments in Burma. BCN initiates and coordinates activities that benefit democratisation, respect for human rights and sustainable development by lobby and advocacy on EU level. BCN also aims to contribute to a constructive dialogue between the various groups in Burma.

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### 1. from the author

First of all, I am grateful to all representatives and individuals for the time and information they shared to support my research. Second, many thanks to the organizations and individuals who concretely supported and helped me to visit all areas and locations of concern. Without them, I would not have had the opportunity to experience the actual reality of the Burmese Rohingya refugee population and their poor living conditions. Last but not least, with utmost respect, I would like to thank the refugees and the representatives of Burmese (refugee) organisations who spent time to inform me about their real circumstances and the problems they face day to day. Their efforts to tell me their stories were certainly not always without serious personal risks.

BCN is impressed with the good work of so many organizations and individuals who go great lengths to render practical support to the refugees of the still continuing repression in Burma. BCN feels very inspired by the continuing commitment of so many Burmese refugees, to do whatever possible to contribute to the process towards democracy and reconciliation in Burma in general and Arakan State in particular.

Peter Ras, Coordinator, Burma Center Netherlands

## 2. Introduction:

“I was born in Burma, but the Burmese Government says I don’t belong there. I grew up in Bangladesh, but the Bangladesh Government says I cannot stay here. As a Rohingya, I feel I am caught between a crocodile and a snake.”From: *10 Years in Bangladesh* published by Médecins Sans Frontières, 2003

In April and May 2003, a representative of Burma Center Netherlands (BCN) undertook a fact-finding mission to Bangladesh and India. BCN organized this mission primarily because of serious concern about the situation of Burmese (Rohingya) refugees in Bangladesh. BCN has been alarmed by disturbing stories about the changing (possibly even withdrawing) role of UNHCR in the Burmese refugee crisis in both countries. Moreover, BCN was informed about the increasing pressure on Burmese refugees in general and on the Rohingya population in Bangladesh in particular. BCN became worried about some specific cases of refugees threatened by the authorities in these two countries neighbouring Burma.

Generally, BCN felt that there is a lack interest for the fate of the Burmese refugees, especially those residing west of Burma, and a lack of close contacts with relevant Burmese democratic and ethnic opposition organizations in Bangladesh and India by Western pro-democracy movements. BCN strongly believes that there is a need for increasing contacts with, and knowledge about, the Burmese refugee communities in Bangladesh and India with their specific backgrounds, concerns, problems, suggestions and activities.

The representative of BCN met with a large number of different (local and national) organizations, institutions, political parties, ethnic groups, INGOs, diplomats, health workers and, of course, the Burmese refugees themselves.

Not all of the information that was collected, and certainly no names, have been mentioned in this report because of the high political sensitivity and confidentiality. The author of this report has witnessed the exceptional sensitivity and pressures from various sides during his visits of some Burmese ethnic organisations and the Rohingya-refugee camps in Bangladesh. The BCN-representative has seen with his own eyes the major differences of behaviour of the refugees between private and official meetings. The private meetings were much more relaxed, friendly and open, such as for example with refugees in Nayapara and Kutupalong refugee camps. It was in practice quite hard to organize meetings because of strong monitoring of camp authorities. The meetings with refugees in official companionship with camp authorities, were characterized by more distance, less warmth, while participants were not at liberty to speak out freely.

This report, of our latest fact-finding mission, focuses on the topic of Rohingya refugees.

There are no religious or ethnic minorities in Burma who have suffered more hardships than the Rohingya Muslims in Northern Arakan State. The repression of the Burmese junta against them continues, in spite of the regular (faulty) reports by officials of the Bangladesh Government, the UNHCR, and the SPDC of course. The Rohingyas face severe difficulties in their own country, which forced them to leave. Still, small numbers of new refugees arrive in Bangladesh almost every week or month. Hundreds of thousands fled to Bangladesh in the (recent) past and although many returned of their free will or not, many others are still there. It is obvious that the Burmese junta does not like this people. The junta does not want them in Burma and tries to do whatever it can to pressurize them by causing serious difficulties. In practice, there is a clear policy of discrimination against the Rohingyas in Burma. But also in Bangladesh the Rohingyas are less and less welcome, and the pressure on them to return to their ‘homeland’ from local as well as national Government officials is certainly growing. It seems that the Rohingyas are not welcome anywhere, as if they are denied real citizenship by any state. The Rohingyas even face hostilities by the Arakanese-Buddhist people because of sensitivities of the past. Rohingyas feel pressure everywhere, and the pressure is certainly not decreasing. Rohingyas have no home, no safe place to go, no shelter and no guarantee for a safe and peaceful future anywhere, anytime.

BCN did not have the intension to write an extensive report with all details about historical topics regarding Burma in general, Arakan State, or the position of the Rohingyas. BCN just intended to write a compact report, focusing on the actual concerns and recommendations regarding the Rohingya refugees. BCN believes that there is a necessity for international donors, (Western) Governments, the European Union, etc. to use their contacts and efforts to promote positive changes that benefit the Rohingyas in Burma and Bangladesh.

Burma Center Netherlands

### **3. Summary**

In Arakan (Rakhine) State in Western Burma, the Burmese military regime (SPDC) and border police (NaSaKa) are still committing serious human rights violations. Although both peoples in Arakan (Rakhine Buddhists and Rohingya Muslims) are victims of these crimes, especially the Rohingyas living in Northern Arakan are marginalized as a people. By definition, the Rohingyas do not have full citizenship, still suffer from gross human rights violations, are still forced to perform unpaid labour (especially in the countryside) and are not free to practice their religion. The Rohingyas in Arakan/Burma are often denied basic freedoms like the right to marry, and they are forced to pay the military authorities for all basic necessities. Rohingyas have no freedom of movement. Finally, often the military orders them to handle over all their belongings, including their land, without any compensation. The future of Rohingyas in Arakan still looks grim.

The Burmese junta accused Rohingya armed groups (fighting SPDC) of getting support of the Al-Qaeda terrorist network, unsuccessfully hoping for US-support for their stance. However, there is no proof of any direct links between the Rohingya armed groups and Al-Qaeda.

In Bangladesh, some 21,000 Rohingya refugees still live in two refugee camps. They are recognized refugees by UNHCR and the Bangladeshi authorities, and could officially only be repatriated to Burma voluntarily. UNHCR is responsible for the voluntary repatriation process and the protection of the refugees in the camps. A few international organizations such as WFP, MSF and Concern render practical assistance to these refugees, including food and health care.

However, refugees as well as (inter)national parties complain about Bangladeshi camp authorities who are pressing the refugees to sign for repatriation back to Arakan/Burma. A number of refugees were highly probably repatriated because of increased, direct or indirect, pressure by the camp authorities. Refugees feel a constant pressure by the camp authorities or the mahjees. These are camp group leaders having close contacts with the camp authorities. Nowadays, almost all refugees are reluctant to repatriate because of fear about the Burmese military's repression. In recent weeks and months, the pressure on the refugees to repatriate has increased. May 2003 saw a significant increase in the repatriation of refugees to Burma. In May, 704 refugees were repatriated. The atmosphere has grown increasingly tense now. This causes doubt and serious concern. Large numbers of refugees have openly stated to be against repatriation back to Burma because of the grave military repression in that country.

UNHCR in Bangladesh plays the complaints down, regarding the use of force and pressure by the camp authorities and mahjees, and does not seem to understand that many (inter)national parties, as well as vast numbers of refugees feel that there is a serious and increasing problem now. UNHCR does also minimize the actual repression in Arakan/Burma. This repression has been described, for example, in a number of reports by ILO, US State Department and Human Rights Watch, published over the last twelve months.

Furthermore, UNHCR has made a plan to stimulate 'self-sufficiency' for the remaining, recognized Rohingya refugees in the camps. This process will already get started by 1 July 2003. According to UNHCR, this is partly because of 'donor fatigue' resulting in decreasing funds for UNHCR's programs in Bangladesh. The role of international organizations will be decreased, according to the plan, and the role of the Government of Bangladesh needs to become prominent. UNHCR itself plans to phase out all assistance by the end of 2004. As a first step, UNHCR will hand over the actual repatriation process to the Government of Bangladesh by the first of July, although UNHCR stresses that it will remain responsible

for monitoring the voluntary aspect of repatriations. Although all (inter)national parties directly and indirectly involved are willing to cooperate with a plan to promote self-sufficiency, they all complained about the complete lack of information and consultation by UNHCR. This results in serious uncertainties among the organizations what to do in the near future. All parties are extremely worried about the fate of the refugees when international organizations are not able any more to play a 'night watcher's role', to prevent any further increasing pressure on, or force toward, refugees to repatriate. Very concerning is the fact that the Government of Bangladesh still not recognizes the UNHCR plan. Even worse, UNHCR has never consulted the refugees about the plan. It seems therefore extremely unclear whether for example UNHCR's time frame to implement the plan is realistic, and whether basic safety and even survival guarantees are included in UNHCR's current plan.

In a second plan, UNHCR has dictated that it will 'streamline' the health care in the camps by 1 July 2003. Nowadays, MSF, Concern and the Bangladeshi Ministry of Health (MoH) are responsible for health care. UNHCR wants MoH to do this on its own. Again, there has not been any consultation and serious discussions about it with the involved parties. Moreover, many directly and indirectly involved parties have serious doubts whether MoH is capable (and even willing!) to guarantee the current quality level of care provided.

Apart from the officially recognized Rohingyas in the camps, there are still at least 100,000 (but maybe even 200,000 to 300,000) more Rohingyas living in Bangladesh. They are not recognized and are seen by UNHCR and the Government of Bangladesh as 'illegal immigrants'. Many doubt if this is really true, and blame the government and UNHCR for not being willing to conduct a new investigation as to why the refugees came to Bangladesh. Almost all (inter)national actors believe that these refugees certainly had political reasons to leave Burma, because of the continuing repression. These people usually work in the informal sector as illegal, low-paid laborers and are extremely vulnerable to harassment by local people and police.

A few hundred Rohingyas, most of them residing illegally, are currently detained. Some were arrested for petty criminal offences, but more often only because of their 'illegality' or false accusations made by mahjees or local police. Especially the non-recognized Rohingyas in detention do not receive any legal assistance, and are often still detained although they should have been released already.

Extremely worrying is the situation of illegal refugees in the newly established Teknaf 'makeshift camp'. More than 4,000 refugees live there under abominable conditions. They do not receive any aid and many believe that the monsoon (starting early July) will flood everything and will create a human disaster.

There are a few thousand more Rakhine-Buddhist refugees in Bangladesh. The vast majority of them live in the areas along the Burmese border and are not recognized by UNHCR. Only about 40 of them are recognized and mainly live in Dhaka. They face language problems and believe that UNHCR should extend their language and skill training to increase their chances for employment. They have also requested UNHCR to recognize more Rakhine-Buddhist refugees in the border areas, for example former members of armed groups fighting the SPDC.

Finally, the relations between both main population groups of Rohingya Muslims and Rakhine Buddhists, and their representatives including politicians, intellectuals, and armed groups, are still very tense, because of historical hostilities. These sensitivities and hostilities have always been exploited by the former and current military regimes in Burma. Many organizations believe there is a need for reconciliation in Arakan, although this will be a complicated process. However, reconciliation in Arakan will also benefit a future 'tri-partite dialogue' between the ethnic peoples, NLD and SPDC, as well as a future democratic Burma. Reconciliation in Arakan could perhaps even prevent new waves of Rohingya refugees to neighbouring countries in the future. Very obviously, it seems that without significant political and human rights improvements in Burma, the current refugee problems will continue. Therefore, the need for political and economical pressure on the Burmese military regime, in order to force the junta to reform and democratize, is seen as utterly important by practically all refugees and Burmese organizations in Bangladesh.

#### **4. Background Rohingya Refugees**

##### **Rohingyas in Burma**

Out of Burma's population of 50 million, there are some two million Rohingyas. According to the Arakan Historical Society (AHS), there are some 200,000 more Rohingyas living in Pakistan already for some time. 500,000 more live in Saudi-Arabia. Some hundreds of thousands Rohingyas live in Bangladesh.

In Burma, the Rohingyas predominantly live in Arakan (Rakhine) State, bordering Bangladesh. After the occupation of Arakan State by the British in 1826, many Islamic Bengali settled in Northern Burma, between the Buddhist (Rakhine) population and the Islamic Arakanese (Rohingyas) who had been living there already for centuries. This immigration continued until the 1930s. From 1936 onwards, mistrust grew between Muslims and Buddhists in British Burma. This led to large-scale riots in 1942 between Muslim-Rohingyas and Buddhist-Rakhines in Arakan State, resulting in tens of thousands of deaths. Probably the later dictator Ne Win played a role in stimulating these riots. Still, the 1942 incident is widely regarded as a main reason for the current serious sensitivities between the Rohingya Muslims and the Rakhine Buddhists in Arakan State. Arakan had its own identity and it was one of the first areas where an uprising was started against (colonial and Burman) rule in 1947. Former dictator Ne Win eventually gave the Arakanese their own state within Burma, but a number of groups continued their struggle for independence. Some groups actually supported the Communist Party of Burma (CPB), and some others supported democracy or were Muslim freedom fighters.

Even nowadays, some guerrilla activities continue by some armed guerrilla groups (Rohingya organizations as well as Rakhine Buddhists groups). They are mainly fighting the SPDC for self-determination and democratic/cultural rights, in the remote forested and mountainous Bangladesh-Burma border regions.

##### **Refugees**

Tensions between Buddhists and Muslims in North Arakan created serious agitation in the 1970s. General Ne Win ordered the army to suppress this, resulting in large-scale killings and plundering in 1978. Some 200,000 Rohingya-Muslims crossed the border then and fled to neighbouring Bangladesh. According to the Burmese military government, these people were only Bengalis and did not recognize them as Burmese citizens. Some 10,000 Muslims died in the refugee camps. The majority of the refugees returned to Burma after a few years.

The period 1991-92 saw a new wave of refugees who left Burma because of an increase of large-scale repression. This time, some 250,000 Muslims crossed the border. Again, the Burmese junta, now under the acronym SLORC, stated that these refugees were Bengali. As before, SLORC denied them Burmese citizenship. The Muslims settled in about 20 refugee camps. Because of intense international pressure, the majority of these refugees were permitted to return to North-Arakan State. However, they still face many serious difficulties and oppression in Burma. Every month, small numbers of new refugees from Burma arrive in Bangladesh.

##### **Official Rohingya refugee population in Bangladesh**

Out of the mentioned 250,000 refugees, in Southeast Bangladesh (between Cox's Bazaar and Teknaf) there are still some 21,000 Burmese Rohingyas living in the two official remaining refugee camps of Nayapara and Kutupalong. The Rohingyas in these camps have been officially recognized by UNHCR as 'refugees'. Therefore, UNHCR is responsible for their survival and safety. UNHCR is responsible for their protection and their eventual voluntary repatriation to Burma. Officially, no refugees are forced to repatriate to Burma. UNHCR has requested some INGOs and UN agencies to actually support the refugees in health care (MSF, Concern) and food rations distribution (WFP).

However, safety, law and order, including police, in the camps are the responsibility of the Refugee Relief and Repatriation Commission (RRRC) under the auspices of the Bangladeshi Ministry of Disaster Management and Relief. RRRC has installed a Camp in Charge (CiC) as leading officials in both camps. Some other Bangladeshi ministries are also involved in rendering some support to the refugees, such as the Ministry of Health.

### **Undocumented Rohingya refugee population in Bangladesh**

Apart from the 21,000 Burmese Rohingya Muslim refugees officially recognized by the UNHCR and the Government of Bangladesh, there is an even much larger number of undocumented Rohingya refugees in Bangladesh. Their number seems to be at least 100,000, but probably 200,000 (as regularly mentioned in the local Bangladeshi press) or even 300,000 (according to the Arakan Historical Society). They have no rights, no help or assistance from anyone. They are denied citizenship by the authorities of Bangladesh as well as by the Burmese junta (SPDC). The refugees mainly live under extremely difficult circumstances in the Bangladesh-Burma border areas. They often work in the informal sector (for example as rickshaw drivers) or as low paid labourers in factories without any rights. They are constantly threatened with (police) harassment. Some refugees returned to Bangladesh for other reasons and are now living as illegal residents.

Since early 2003, a new (unofficial) 'refugee camp' has arisen in Teknaf in the far southeast of Bangladesh. At least 4,000 refugees are living there now under horrible circumstances. A few hundred refugees (mainly those residing illegally, but also some recognized refugees from the camps) are currently in detention. Some may have committed criminal offences such as possessing illegal arms, and others are there only because they are 'illegal residents' or because of arbitrary allegations of police or camp authorities.

### **Non-muslim Burmese refugees in Bangladesh**

A very small Rakhine Buddhist refugee population of approximately 40 people currently lives in and around Dhaka. They fled Burma in 1988 when the democratic uprisings were quelled by the junta. Almost all of these refugees are recognized by the UNHCR, which gives them a 'lump sum' (small fund) to survive. Finally, there are some thousands of non-recognized Rakhine Buddhist refugees, particularly in the Chittagong Hill Tracts.

## **5. Continuing repression in Arakan, Burma**

### **Worldwide concern for human rights in Arakan State**

During the past 12 months, the harsh repression in Arakan (Rakhine) State was described in a number of reports by the United Nations, US State Department, ILO, and Human Rights Watch.

Human Rights Watch, for example, wrote in its 'World Report 2003': "In the wake of international press reports alleging ties between Al-Qaeda and the Burmese government, the government launched a broad crackdown on Rohingya Muslims. (...) Tensions between the Buddhist majority and Muslim minority were still apparent in 2002, and restrictions were tightened in late 2001. Restrictions on travel by Muslims were far more rigidly enforced, especially in Arakan State, and the government limited the number of Muslims allowed to travel to Mecca for the Hajj pilgrimage. Muslims claimed they continued to have difficulties getting passports to travel abroad and in building mosques." In its report 'Crackdown on Burmese Muslims' (July 2002) HRW wrote: "In Arakan State, a predominantly Muslim area, human rights violations, including forced labour, restrictions on the freedom of movement, and the destruction of mosques, have been commonplace."

The UN-Commission on Human Rights again adopted a resolution on Burma in April 2003 on its 59<sup>th</sup> session, and included that it "strongly urges the Government of Myanmar (...) to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies."

The 2002 US State Department Country Report on Human Rights in Burma said, for example, "During the year, the regime reportedly implemented policies to consolidate the border with Bangladesh and to further control the movement of Muslim Rohingyas in Rakhine State. (...) On the country's western border, 22,000 Rohingya Muslims remained in refugee camps in Bangladesh. More than 100,000 Rohingyas lived outside the refugee camps in Rakhine State with no formal documentation as refugees. In addition, Rohingyas who have returned to Rakhine State claimed that they faced government restrictions on their ability to travel and to engage in economic activity. (...) The Government continued to

discriminate systematically against non-Burmans. Because the regime reserved secondary state schools for citizens, Rohingya Muslims did not have access to state run schools beyond primary education and were ineligible for most civil service positions. There were reports that forced labor of Muslims occurred in Rakhine State. (...) Members of the Rohingya Muslim minority in Rakhine State, on the country's western coast, continued to experience severe legal, economic, and social discrimination. The Government denied citizenship status to most Rohingyas on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law. Persons without full citizenship faced restrictions in domestic travel. They also were barred from certain advanced university programs in medicine and technological fields.”

Last March, the ILO Liaison Officer for Burma, Mrs. Perret-Nguyen, gave a statement about the actual situation of forced labour in Burma, saying that, “The situation is really very serious and people continue to suffer from practices of forced labour. (...) The situation in areas near to the Thai border where there is continuing insecurity and a heavy presence of the army, as well as in northern Rakhine state, is particularly serious and appears to have changed little.”

### **UNHCR and Bangladeshi authorities about human rights in Arakan**

In spite of all these documents, UNHCR in Bangladesh repeatedly stated towards refugees in the camps that the human rights situation in Arakan in ‘normalizing’, ‘improving’ and ‘stabilizing,’ for example during discussions about repatriation. A clear example of this kind of statement was made by UNHCR during an extensive camp meeting in Kutupalong on 9 April 2003. UNHCR (and the camp authorities) tried to convince the refugees to repatriate and to sign a so-called ‘affidavit’. <sup>[4]</sup> UNHCR did not succeed, because almost all refugees made clear that they were not willing to repatriate to Burma because of a continuing fear that the situation has not improved at all. Towards the BCN representative, UNHCR indeed recognized that the human rights situation in Burma is not well. However, UNHCR at the same time stressed that according to them, the situation has improved in the last couple of years. It felt as playing down the actual problems.

The Kutupalong – Camp in Charge (CiC) even said, “When some refugees say that they are still afraid about the situation in Burma, we tell them that now the situation in Burma is good. Refugees who were repatriated in the past are in a happy mood – we met so many repatriated families in Myanmar! – we tell the refugees here.”

### **Forced labour**

Many organizations believe that the use of forced labour by the Burmese military and the NaSaKa (Burmese border police) is still significant. It seems as if there is a decrease in the enforcement of forced labour in the main towns of (Northern) Arakan State, such as in Maungdaw and Buthidaung. This is probably the result of intense ILO pressure in recent years, although one representative of a relevant Rohingya organization denied this and believed that this was mainly because almost all major infrastructure projects were completed and, therefore, there was some decrease of forced labour in the last couple of years.

At the same time, however, the enforcement of forced labour by the Burmese authorities and NaSaKa in more remote areas of Arakan State has remained unchanged. Some Burmese stressed the point that before any ILO or other international delegation arrives in Arakan to collect information regarding forced labour, the regime ‘mobilizes’ the local people to deny that there is any forced labour continuing in the area where they live.

The practice of forced labour in Arakan especially continues nearby army camps (and there are many of these), for example for the cultivation of land or the cutting of wood. Some Burmese are afraid that the military will conduct forced labour for the building of a new gas pipeline in Arakan, which is a joint project of oil companies from Burma, India and Bangladesh.

### **No freedom of movement**

The junta’s control on the restriction on movement has intensified. The restriction on movement is now even worse than under Ne Win, some Buddhist Rakhines stressed. One Rohingya representative said that even two years ago, Rohingyas were still allowed to travel to for example Sittwe (Akyab, the capital of

Arakan), but now even this is not allowed any more. Rohingyas are normally only allowed to travel 4 kilometers of their homes. If they want to travel to a nearby village, they need a permit of the authorities, which is often denied. Travelling for longer distances, for example to Sittwe or Rangoon is impossible for almost everyone, a Rohingya academic said.

A senior UN official, working in Burma but visiting Bangladesh, was very concerned and critical on the situation in especially North Arakan State, the main area where the Rohingyas live. He called the area “a prison for Rohingyas”. The severe restrictions on movement do also create major economic problems for the Rohingyas. Doing business, for instance, has been made virtually impossible. The Rohingyas who are financially better off have to hire Buddhist Rakhines to do business for them outside the region where they are allowed to stay. The lack of freedom of movement also causes serious limitations on the number of Rohingyas to finish their higher education. Of course, this has a negative impact for their (and their people’s) future.

### **No freedom of marriage**

SPDC introduced marriage control for Rohingyas. The SPDC has created a number of formalities to discourage marrying of Rohingyas. Rohingya couples who wish to marry have to request permission at many different levels (township administration, village, sector commander, military commander). Second, in the nine sectors of the NaSaKa, it seems that in every sector the rules are different and dependent on the individual NaSaKa commander. In every sector, not more than one or two couples get permission to marry each month. In reality, it takes a long time before permission for marriage is granted. It costs couples a lot of money for permits and bribes. Most requests for marriage are currently rejected, one Rohingya leader said.

### **Arbitrary taxes and confiscation of property**

In recent years, the military’s control on the local economy has increased. People have to pay more bribes, such as bags of rice at military checkpoints. Even when crossing rivers, people have to pay the military for it and there is more control in this nowadays. A possible explanation for this could be the fact that the monthly salary of the military is not enough to survive, so therefore they ‘need’ to make more money in order to make ends meet.

Rohingyas have to pay arbitrary taxes on all sustainable goods. For example, there is a ‘roof tax’, a ‘men tax’, they have to pay fees if anyone dies or any new baby is born (5,000 kyats per baby). The military do also regularly confiscate land, belongings and houses of the Rohingyas. These matters are seen as the root causes for the suffering of Rohingyas by starvation.

### **No citizenship**

Rohingyas do not receive normal (red) Burmese ID cards, but instead have white ID cards. In reality this creates serious difficulties for them, because the military put pressure on all Burmese with no normal red ID card. The white ID card is widely regarded as a discriminatory policy. Statements that Rohingyas with a white ID-card have been given normal, official Burmese citizenship by the Burmese junta, are nonsense. Rohingyas are still not seen as full Burmese citizens and are, therefore, facing severe restrictions and pressure.

### **Human rights violations**

There are still serious concerns about beatings, rape and even killings in Arakan by the authorities. Kaladan Press, for instance, mentioned the case of a man who was killed on 13 February 2003 by the police because he refused to perform forced labour.

### **Undermining of religion**

In the past few years, a number of mosques were destroyed by the Burmese military. Renovation of these mosques by the local people is nearly always strictly forbidden. If people try to renovate a mosque, they seriously risk arrest.

### **Role of UNHCR in Arakan/Burma**

Many Burmese are worried about UNHCR’s role in Arakan State. UNHCR’s official role is to protect the former, repatriated refugees and stimulate self-sufficiency among them. “They compromise their mandate

with the regime, for example regarding the white ID-cards for Rohingyas. UNHCR should more effectively monitor the safety and self-sufficiency of the repatriated refugees,” one leader of a Rohingya organization said. A Rohingya academic believed that “All Rohingyas hoped and expected that UNHCR would guarantee their safety, but later we found out that UNHCR danced to the tunes of SPDC in Arakan and the Government of Bangladesh”. Many repatriated refugees face economic difficulties because of the pressure and problems mentioned before (forced labour, arbitrary taxes, confiscations, lack of freedom of movement).

The Burmese MI (Military Intelligence) has a close watch on UNHCR’s activities in Arakan and local employees are almost daily asked what kind of activities they did, or where they went. Foreign employees are afraid to become ‘blacklisted’ by the Burmese regime.

It seems difficult for UNHCR in Burma to actually do anything against the continuing human rights violations committed by the Burmese military.

UNHCR is currently decreasing its activities in Arakan: in recent years it decreased its financial support for International NGOs in Northern Arakan State (working on development, infrastructure and farming). At the same time, UNHCR-Burma tried to find some alternative new funds. UNHCR was at least partly successful in this, a senior UN-official from Burma told. UNHCR in Burma hopes that these NGOs could continue their work in Arakan as much as possible, although there are still some uncertainties about this for the future.

## **6. Burmese refugees in Bangladesh**

### **Introduction**

As mentioned before, there are Rohingya Muslim as well as Rakhine Buddhist refugees in Bangladesh. From the Rohingyas, some 21,000 refugees are recognized by the UNHCR and the Government of Bangladesh. They live in the two remaining official refugee camps Nayapara and Kutupalong in Southeast Bangladesh. All other Rohingyas in Bangladesh (between 100,000 and 300,000 people) are seen as ‘illegal immigrants’ by the Government of Bangladesh and UNHCR. They are mainly squattered in Southeast Bangladesh too and survive because of low paid (illegal) work, often in the non-formal sector.

There are some 40 Rakhine-Buddhist refugees recognized by UNHCR. They mainly live in Dhaka. A few thousand more are not recognized by anyone and mainly live in the Chittagong Hill Tracts, not far from the Burmese border.

## **7. Increasing pressure on the recognized Rohingya refugees**

### **Practical organization in the official refugee camps currently**

UNHCR is responsible for the protection and eventual, only voluntary, repatriation of Rohingya refugees to Burma. The importance and relevance of UNHCR’s mandate in Bangladesh is obvious.

Until now, UNHCR has also been responsible for their welfare and has therefore signed Memorandums of Understanding (MoU) with the UN World Food Programme (WFP) and the International NGOs Concern and MSF. WFP is responsible for providing food in both camps. They cooperate in this with the local NGO Bangladesh Red Crescent Society (BDRCS), which actually transports the food from the three warehouses to the camps. During the distribution of the food to the refugees, there is always a representative of Concern or MSF monitoring this, to prevent any unfair practices. Distribution of the food to all refugees in the camps is actually performed by volunteers, refugees who receive some extra food in return for their services.

MSF and Concern are responsible for the health care of pregnant and feeding women and children under 10 years of age, in Nayapara (MSF) and Kutupalong (Concern). Concern is also trying to extend its current small-scale skills training programs for women. Concern is finally responsible for a few more programs in both camps such as tree plantations and primary education. The Bangladesh Ministry of Health (MoH) is responsible for the health care of all other refugees in the camps.

The Refugee Relief and Repatriation Commission (RRRC) of the Bangladesh Ministry of Disaster Management and Relief (MDMR) is officially responsible for safety, law, and order in the camps. In both camps, RRRC has actually stalled a so-called a Camp in Charge (CiC) who are the leading officials for daily affairs.

### **Forced repatriation**

UNHCR denies any forced repatriation in the camps right now. “Every refugee knows that voluntary repatriation to Myanmar is his right. The Government of Bangladesh agrees with voluntarism. I do not believe that there is any forced repatriation at all, ” a senior UNHCR representative in Dhaka said. However, he mentioned that “sometimes there are some ‘over-enthusiastic’ people in the camps.” He also added: “I don’t think people are afraid to talk with us in the camps. When I come, the refugees surround me. They give us letters and we check them all. I don’t think people feel they cannot reach us.”

UNHCR’s opinion on the possibility of any enforcement of repatriation of the refugees to Burma completely contradicts all comments made by all other local, international and Burmese parties involved, as well as the statements made by a number of individual refugees. And although, of course, it could be possible that some individuals exaggerate the actual situation, it was obvious that UNHCR has a much too naïve, rosy vision on this topic and does not recognize that there is a serious concern. A number of parties, either directly or indirectly involved, mentioned refugees complaining to their staff about pressure from camp authorities, or problems created by the mahjees (group leaders). Moreover, the camp authorities of both camps monitored (or at least tried to monitor) all movements of the BCN representative himself, who experienced a tense atmosphere. The BCN representative was not allowed by both CiCs to interview refugees without the presence of any camp officials and he was not allowed to walk around on his own.

Whenever the Government of Bangladesh is asked about the refugees (for example by UNHCR, which regularly asked the Government to give its support for its ‘self-sufficiency programme’), they always stress that, “Repatriation is the best option for the refugees.” A Dhaka University representative said: “The Government of Bangladesh will try to push the refugees back to Burma. On all levels Government officials say that refugees are on mercy here: they never really recognize their refugee rights!” A clear example of this was given during the large camp meeting in Kutupalong on April 9, where the RRRC official publicly demanded several times that the best option for the refugees is to repatriate. They had organized a meeting because the repatriation from Kutupalong had come to a complete halt in recent weeks. Like mentioned before, he used faulty arguments regarding the real situation in Arakan/Burma.

However, “the outcome was very clear and negative for RRRC and UNHCR,” a witness of the meeting explained. “Almost everyone raised both hands and said ‘no’ and ‘we don’t go’ when they were ultimately asked to sign the affidavit. In Kutupalong, nobody wants to repatriate.”

Another witness had been at some meetings in Kutupalong of UNHCR, the CiC and small groups of refugees in January 2003. “The CiC said to the refugees: ‘This is not your future here. Your future is in your own country, Myanmar. If you say “yes” to going back, you get your land back and money for half a year.’ Then the refugees replied: ‘It is not safe there for us.’ Then UNHCR said: ‘The situation is becoming normal there.’”

Refugees told about the intense pressure they felt from the camp authorities to repatriate. Especially the mahjees (group leaders) use different methods to press them to sign the affidavit and to sign that they are willing to repatriate ‘freely.’ For example sometimes the mahjees fabricate false accusations against the refugees, some mentioned that the mahjees used physical or psychological violence and others said that the mahjees and ‘volunteers’ prevent ‘unwilling’ refugees for getting sufficient rations or materials to repair their sheds. It is obvious that the mahjees have a good relationship with the camp authorities (CiC), that they monitor the activities of the refugees and tell the CiC about this. Refugees often feel afraid to complain at UNHCR’s Protection Officer, who is formally responsible for this. All foreigners (and their offices, including especially UNHCRs office with the ‘complaints box’) are also closely watched by camp authorities and mahjees. This makes it certainly more difficult for refugees to complain.

There are also concerning stories about direct involvement of the CiCs in intimidation and even violence. Some mention incidents of a few years ago, but other incidents happened more recently. One serious example was about a refugee woman who accused the CiC of Kutupalong camp of raping her on 18

February 2003. The CiC had possibly threatened her not to tell anyone about the incident. However, the victim gave a full verbal report to UNHCR and the RRRC. Later, she wrote a letter to the Minister of MDMR on March 20. In May, there was still no reply.

A press agency said that more recently they had heard about a new incident of another woman who was beaten by the same CiC.

Nobody doubts that at least some of the refugees freely decided to return to Burma. At the same time, many refugees know other people who did not repatriate voluntarily. Refugees regularly signed for repatriation but did not actually want to go. They only signed because of fear towards the mahjees and camp authorities. Many complain about this to the staff of the international organizations. "For many years we hear allegations of abuses and forced repatriation from the refugees", one involved person explained. "We always forward these signals to UNHCR." Some refugees said they did not complain at the UNHCR staff directly, because of fear of repercussions. They said they are being monitored all day. Some refugees manage to give letters to the international parties.

One example of a letter posted in May:

"Dear sister,

First take my lots of honour to you.

Hope you are well. I am also well with the mercy of God.

The next information is that, earlier I gave five letters to you to send the correct authority. If you can do this for me I would be pleased to you. If you don't do that then I will feel is problem. The Camp in Charge is trying to send me back to Myanmar by two or three days.

Yours,"  
(Name)

Of course, the camp authorities deny all these stories. "There is no pressure on the refugees to repatriate," said the CiC of Kutupalong. But then he continued: "Our Prime Minister has recently visited Myanmar to solve the refugee problem. For solving this, we are making a clearing list. We ask people to sign the affidavit." He concluded with saying that he always explains the refugees that the situation in Burma is "very good" now.

One witness of the repatriation process at the Naf riverside, bordering Burma, explained that all the Rohingyas who were to be repatriated had to stand in a row. Then the CiC said to the witness: "All these people are happy to repatriate." Then he asked the first man in the row: "Are you happy to repatriate?" And the man replied, looking rather anxiously, "I am happy to repatriate."

Over the last couple of months, it seems as if the Bangladesh Government pressure on refugees is intensifying with new diplomatic contacts of the current BNP Government of Bangladesh. This government is more ASEAN and Burmese junta-oriented than the former Awami League Government. Some months ago, Burmese junta leader Than Shwe visited Bangladesh. After that, Bangladeshi Prime Minister Khaleda Zia visited Burma and certainly discussed the 'refugee topic'.

At the camp level, it is obvious that the authorities nowadays intensify their efforts to convince the refugees to sign the affidavit. By signing this, the refugees actually declare that they agree to be repatriated. Hereby, the camp authorities and the RRRC use false arguments about the situation in Arakan.

On 21 May 2003, The Bangladeshi *Daily Star* wrote that, "The repatriation of Rohingya refugees resumed on Monday May 19 with the return of 123 refugees from 20 families, and another 150 refugees were expected to return today". According to the newspaper, the refugees will be repatriated twice weekly on Monday and Wednesday, and that "officials said 21,658 refugees are still waiting for repatriation". In May 2003, a total of 704 refugees from the two camps were repatriated. This shows that the repatriation process has clearly intensified (until early May, 2003, repatriation had significantly slowed down because of a lack of willingness of refugees to repatriate voluntarily, because of fear about repression in Burma).

For some years, repatriation had been done only once a week on Wednesday. There are serious doubts about the 'voluntariness' of the recent intensified repatriation.

A number of external organizations expressed their concerns that if WFP, *Concern* and MSF are not permitted to play any more future role in the camps, a very relevant 'night watchers role' is missing, probably resulting in a further increasing of pressure on the refugees to repatriate to Burma against their will.

### **New UNHCR plan for promoting self-sufficiency for recognized Rohingya refugees**

In 2002, UNHCR-Bangladesh made a concept plan ('Self-sufficiency in Bangladesh: Refugees from Myanmar's Northern Rakhine State') to change the efforts of support for the recognized Rohingya refugees, including:

- a. The handling over of the practical repatriation exercise from UNHCR to the Government of Bangladesh by July 1st, 2003;
- b. The implementation of a self sufficiency-project, starting from July 1st, 2003.

It seems obvious to UNHCR that the vast majority of the remaining 21,000 recognized Rohingya refugees in Bangladesh will not return to their homeland for some more years, until the political and human rights situation in Burma has improved significantly. Therefore, UNHCR believes that it is of great importance to stimulate self-sufficiency for this group. Core elements of the plan include the gradual reduction of the presence of international organizations starting from July 2003; the take-over of the camp administration, including the responsibility for the assistance to the refugees, by the Government of Bangladesh by the end of 2003; and the stimulation of (at least the temporary) integration of the refugees in the local communities by income-generating programs, skills training, and education. The plan is to be completed before January 2004. The role of international organizations will have to be decreased, according to the plan, and the role of the Government of Bangladesh needs to become prominent. UNHCR itself plans to phase out all of its assistance by the end of 2004. This clause was included in the concept plan. UNHCR also stated they will close their Cox's Bazaar Office. However, this closure was strongly denied by UNHCR officials in Dhaka and Cox's Bazaar, which is confusing. If UNHCR is serious about closing their Cox's Bazaar office, it would have devastating impacts on the protection and monitoring role of UNHCR, because it seems impossible to really protect refugees in the Bangladesh-Burma border regions from an office based in Dhaka.

Almost all parties and individuals who asked about this self-sufficiency plan, agreed with the necessity of a change with the current situation of the refugees in the camps. All argued that it is important to make the refugees more self-sufficient because they have no future (neither in Bangladesh, nor in Burma) if they remain dependent on food and other aid from donor organizations for many more years. It is important that as many people as possible learn to stand on their own feet and to make them more responsible for their own deeds. Also, many argued that they believe that because UNHCR faces difficulties because of lack of funds, as well as possibly 'donor fatigue' (although some doubt this), they have made their plan. All direct involved parties stated that they are most willing to cooperate with UNHCR to implement the plan in a responsible way. Some other parties involved said its UNHCR's task to convince its donors to continue give support, because of the continuing problems in Burma and Bangladesh. UNHCR should therefore significantly increase its efforts to convince them that decreasing funds will create major uncertainties for the refugees.

At the same time, everybody (all international parties, Burmese groups and individuals) were extremely critical towards UNHCR about their 'self-sufficiency plan':

- There is an absolute lack of communication with UNHCR about the plan and its practical implementation. And although UNHCR denies it, all parties directly or indirectly involved complained about the lack of communication or even some 'arrogance' about this by UNHCR. UNHCR did not even give their concept plan to its partners (such as INGOs) in the camps. This suggests a lack of confidence of UNHCR in its partners.

To date, nobody has seen any action or implementation plans of UNHCR. One party, for instance, stressed the importance of getting sufficient information on time about the future living situation of refugees (open or closed camps/areas, or about the location of markets where the refugees can sell their products) Even the CiC in Kutupalong complained that he did not know what kind of changes he could expect after 1 July 2003. Some bitterly felt that UNHCR was already in the process of finalizing/fixing everything without any consultation. There is also confusion about whether or not the UNHCR is planning to close its Cox's Bazaar Office.

Still, the implementation of the plan has not been discussed with WFP, Concern, or MSF. This should be done as soon as possible, and it should be done on the right level (this means on a national, Dhaka level);

- There is broad and great concern about the time frame of the plan, especially regarding the expected growing uncertainties including food, health care, and safety of the refugees. The Government of Bangladesh has still not agreed with the plan. UNHCR has discussed it with the Government several times. However, until now the Government has still not approved. UNHCR argues, "The Government did not say 'No', so this means 'Yes'." This is widely regarded as hopelessly naïve: at least it seems that the Bangladesh authorities did not decide about the plan, but maybe their stance even means that they do not agree with the plan at all. As long as the Bangladeshi authorities do not officially give the approval, it will be very uncertain whether the plan actually can be worked out in a meaningful way. Safety guarantees for the refugees are necessary, regarding protection, food, and health care. Until now, the Bangladeshi authorities have always prevented initiatives of extending skill programs and higher education. Self-sufficiency of the refugees in a human way is only practically possible when large-scale skill programs and higher education are allowed by the Government;
- Finally, a 'safety net' for the transition period (for example by guarantee of food during this time) as well as a continuing 'night watchers role' by international parties is seen as utmost important. Nowadays, it is completely vague if this 'safety net' for the refugees will be guaranteed in the future. A complexing factor is for example the fact that WFP will normally only provide food through the channels of international organizations such as UNHCR or INGOs, and not directly through any Government channels, to prevent 'leakages'. Nowadays, WFP provides food in both camps because of an MoU they have signed with UNHCR. If UNHCR's role would become smaller in the future, food providing could become uncertain. Regarding health care and the 'night watcher's role', there are uncertainties too, for example because of UNHCR's plans for streamlining the health and nutrition programs (more about this in the next chapter of this report). It is unclear if for example Concern and MSF will (be allowed to) play a role in the future too. For many reasons, a safety net for the refugees is not yet guaranteed;
- It is very uncertain how the refugees could become self-sufficient in a hostile local community (current jealousy with the facilities of the refugees, and anxiety about all these refugees who will have to search for jobs in their districts), and with a lack of skills and education (also because of the fact that the Bangladeshi authorities prevent any higher education, large-scale skill training by for example Concern and WFP. These organizations have regularly stated that they are willing to provide these programs);
- In spite of UNHCR's statements, UNHCR did not consult the refugees about their self-sufficiency plans. This is widely seen as a mistake, and UNHCR should seriously consult them instead of just 'informing' them.

#### **UNHCR-plan for streamlining healthcare**

UNHCR has also stated that it is willing to streamline the health care in the camps, by July 1, 2003. In practice, they are willing to handle over all health activities, currently done by MSF, Concern and MoH (Bangladeshi Ministry of Health), to MoH only. This is because of a recommendation in a study of external auditors in 2002. They argued that this is necessary because the circumstances have changed in the last couple of years. Because there are less refugee camps now, there is a need for simplifying the health care programs: they could be handled by just one organization, MoH, the auditors argued. In

connection with this, one Cox's Bazaar UNHCR official stressed that this 'streamlining' of the health care is no part of their self-sufficiency plans, it is just because of the advice of their auditors. However, on the Dhaka level, UNHCR said that the streamlining of health care is part of their major plan for self-sufficiency. Again, this is confusing.

All directly and indirectly involved parties have complained a lot about this streamlining plan.

- First, again, UNHCR did certainly not communicate well about the practical implementation of their plans with all parties involved (of course, at first with MSF and Concern, but then also with others like WFP). UNHCR sent a letter to the parties in April, which created much unrest among them. The letter generates more questions than answers. In the letter, UNHCR made clear that they had already decided that Concern and MSF have to hand over their health programs (health care for children under ten and supplementary, therapeutic feeding program) to MoH and that there is no discussion possible whether or not this will really benefit the refugees. None of the parties know what to do exactly after July 1, and there has not yet been any serious consultation about their own streamlining plans by UNHCR. The leading UNHCR representative in Cox's Bazaar said he is always willing to discuss the matter, but that the INGOs do not respond well. This, again, contradicts the view of the parties involved. However, all of them stressed the need for tuning in on the national level (Dhaka level). National staff of all involved parties should discuss the programs, and not the local-level staff, they argued;
- Almost everybody involved is extremely concerned about the quality of care the Bangladeshi MoH would be able to provide to the refugees. A Dhaka University representative said he believed that the quality of health care for the refugees will by definition become worse, as soon as MoH is responsible for it. Refugees will not have the possibility to complain about it then, like the local Bangladeshi people could at least. He also expected 'leakages', and pleaded for at least 'minimal health criteria' on paper before any handover. "Ask any Bangladeshi people about the quality of the health care of MoH and they will be extremely critical about it."

A Dhaka based UNHCR representative said in response to this, "The streamlining has been discussed with everybody extensively. We are not pushing MSF and Concern out, but we have to streamline. Health care should be given by only one organization: MoH. We believe MoH will be capable. We know that the quality of care in hospitals in towns etc. is bad, but in the camps this is much better. It is not a good attitude just to think MoH is not capable. We will give trainings to MoH during the handover time." But he also agreed, "It's a challenge for us."

However, one involved party argued that the quality of MoHs current health care in the camps is not sufficient because of lack of staff, as well as that at least some of its staff is poorly educated. Second, MoH has not any therapeutic feeding program elsewhere in Bangladesh, so how could they possibly take over the current program from Concern and MSF? Therapeutic feeding is of great importance for severely malnourished refugees, according to one of the directly involved parties.

"MoH does not have the capability now to run therapeutic feeding programs," concluded another party.

### **8. An uncertain future for undocumented Rohingya refugees Political refugees with no rights**

There are at least some 100,000 undocumented Rohingyas in Bangladesh. Probably their number is even much higher. The local Bangladeshi press usually mentions around 200,000 and the Arakan Historical Society believes there are even 300,000. These undocumented refugees mainly live under extremely difficult circumstances in the Bangladesh border areas near Burma, in the Cox's Bazaar and Teknaf regions. Usually they try to survive by working in the informal sector (for example as riksha drivers) or as poorly paid labourers in factories without any rights or protection, and always in fear of police harassment.

In the remote (mostly forested and mountainous) Bangladesh-Burma border regions, there are also some small Rohingya-guerilla groups active, fighting Burma's SPDC.

The undocumented Rohingyas do not receive any assistance and are denied citizenship by both the Governments of Bangladesh and Burma. Many parties said they believe that “every week or month” a couple of new refugees and families newly arrive in Bangladesh. This continues all the time. Some say that they do not want to put too much attention on this issue, because of fear that the Bangladeshi authorities will force all these illegal Rohingyas to return to Burma, with uncertain but severe effects.

UNHCR believes that these Rohingyas “are not new refugees.” A Dhaka University representative heavily criticised UNHCR about its complete lack of willingness to do anything for this marginalized group. “How does UNHCR know that this large group of Rohingyas outside the camps are all just illegal economic immigrants? A few years ago they interviewed a small number of them and still they count on this research. UNHCR and the Government of Bangladesh should do a serious investigation, or UNHCR should press the Government to allow it to interview these illegal residents and do a survey on its own!”

An involved international party said, “UNHCR considers all these people as ‘economic immigrants.’ The question is: Why did they flee to Bangladesh? The answer is: Because of forced labour, forced conscription, no freedom to travel etc. Is this really ‘economical’ or mainly ‘political’...?”

A political Rohingya organization explained, “These people came to Bangladesh because of forced labour and human rights violations. They are political refugees, no question about it. Everybody in Arakan had a garden or a piece of land, so they originally had jobs and food.”

A Rohingya academic said: “Most people came here because of forced labour and forced relocations. They were kicked out of their villages and the military took their belongings. These people cannot go elsewhere in Arakan or Burma, so where should they go?”

### **The extreme consequence: Teknaf ‘makeshift camp’ (Tal)**

Early 2003, a new unofficial refugee ‘camp’ was created in Teknaf, along the Naf River bordering Burma. Nowadays, at least 4,000 undocumented refugees live here in horrible conditions. It is just a large slum settlement of housing made from plastic sheets. In late 2002, because of a Bangladeshi army exercise called ‘Operation Clean Heart,’ thousands of Rohingyas were forced to leave their homes and had to settle in this area. Most of the Rohingyas living in the slum came, or came back, to Bangladesh already several years ago, but some only came half a year ago, according to some local workers. Some people were formally repatriated from the official camps and returned to Bangladesh (but are not allowed anymore to stay in the official camps now). Others had never been in the official camps before. They fled Burma because of forced labour, rape incidents, and the fact that they were not allowed to freely perform their religious life.

The refugees made it very clear that they are certainly willing to return to Burma, but only if the situation has normalized and improved. They even prefer the current harsh conditions they face in Bangladesh than to return to their homeland in the current abominable situation.

The living conditions in the ‘camp’ are miserable, with no shade, no sanitary facilities and extremely small sheds made of plastic sheets. Approximately 1,217 families (over 4,000 people) live here in a very compact and over-inhabited area. Health conditions are extremely poor and, because the Bangladeshi authorities officially prevent any health care, diarrhoea, skin and other infection diseases, worms, malaria etc. are very common. Because of repeated requests, at least MSF was recently allowed to give some minimal health education but is still not allowed to provide any health care.

The slum inhabitants are desperate for some better conditions. Especially sanitation, shade, and health care. They explained that during night time, nobody is allowed to enter or leave the camp. The Rohingyas face hostilities from the local population, probably because of jealousy when the men of the slum are given some low-paid, illegal work. The police has told them that ultimately they have to leave the area, and the people feel extremely uncertain where they have to go to.

A representative of UNHCR in Dhaka said, “The Government of Bangladesh say that these people are not refugees, so therefore we have nothing to do with them. They are squatters. They have been living in that

area for a long time and were forced to leave their houses by the Bangladesh police.” A UNHCR official from Cox’s Bazaar stated that he was not able to visit the ‘camp’ to take a look at the circumstances, because he is not allowed to go by the Bangladesh authorities. However this seems nonsense, because others such as the BCN representative were able to visit the camp to get an impression of the devastating conditions.

The most serious problem the inhabitants of the slum will face very soon, is the monsoon-period (July-September). The ‘camp’ is in a low area. And although ironically Kutupalongs’ CiC will be right that “this problem will be over as soon as the monsoon starts...”, of course it would be extremely inhumane just to wait for this. It seems that time is running out, and a serious human disaster will occur soon. Without any assistance, probably the whole area will be flooded.

### **Returned repatriated refugees**

An unknown but certain number of formally repatriated people have returned to Bangladesh in the last couple of years. And although a Dhaka based UNHCR representative played this down by saying that newly arriving Burmese are just “normal in border areas, this happens everywhere,” a number of other organizations and individual refugees do certainly not agree with this.

One refugee explained, “I know a lot of people, for example my sister, who were repatriated before and are now back. This is because they got rations for three months in Burma and these 3 months were OK, but after this they had to earn money themselves and then they had to pay NaSaKa for everything, even for newborn babies, marriages, and when someone died. Only 50 girls may be permitted to marry in a particular area. This is only for Rohingya people.

In Burma UNHCR uses Burmese translators instead of Rohingya people, and these translators translate not good and fair. That is why they are afraid to complain at UNHCR. It is very tough to talk with UNHCR in Burma. Rohingya people are always in fear.”

### **Refugees in detention**

Probably some 400 Rohingyas are currently in detention in Bangladesh. Part of them are recognized refugees from the two official camps. According to Forum-Asia’s report of 12 February 2003, there are 136, but according to UNHCR in May there are 73. Some were probably detained because of criminal offences (for example illegal arms possession), some others just because they are illegal and some probably because of false or arbitrary allegations of police and camp authorities. Many refugees have already been in prison for years, although according to the law they should have been released already for some time. It seems as if really nobody cares about them. UNHCR provides the recognized detainees with legal assistance. The others do not get any assistance at all. Even local Bangladeshi human rights NGOs have not yet shown much interest in this topic. Many stressed the need to pressurize the Bangladeshi authorities to release all non-criminal refugees.

### **The need for a ‘National Refugee Law’**

A representative of the Dhaka University pleaded for a ‘National Refugee Law’. The Government of Bangladesh should adopt such a law to deal with all the current refugee problems, including the undocumented people from Burma. Some Bangladeshi MPs have already strongly argued against the idea of this kind of law, because they believe that adoption of it would stimulate more refugees to come to Bangladesh, and the country is not able to deal with them because of the current poverty and over-population. The University representative strongly disagreed with this: “People do not flee depending on the laws in their neighbouring country, but only flee their own country if the repression becomes too severe!” The current Law Minister has at least promised to discuss the ‘National Refugee Law’ with his colleagues of Home Affairs, Foreign Affairs and Disaster Management and Relief, but at the moment there are no high expectations that they will agree with it.

## **9. Rakhine-Buddhist refugees in Bangladesh**

Currently, there are some 40 recognized Rakhine-Buddhist refugees in Bangladesh, mainly in Dhaka. Most of them came soon after the 1988 demonstrations and the 1990 elections. There are a few thousand

more of them living in the Chittagong Hill Tracts (and a few in Tenaf region), but they are not recognized by the UNHCR.

The small group of recognized Rakhine Buddhists receive some financial assistance by UNHCR, some skill training and short-period language training.

The Buddhist Rakhines face serious cultural and, particularly, language problems in Bangladesh. They have asked UNHCR to extend the current language training. According to them, those courses need to last for 6 months in order to be useful. The Rakhines state that they should be given some income during this period. They feel that UNHCR should provide some semi-skills jobs. Finally, they believe that UNHCR should officially recognize the former, often disarmed soldiers of the armed resistance groups. In some remote Bangladesh-Burma border regions, there are still some small Rakhine-Buddhist armed groups fighting the SPDC.

Normally, Rakhines-Buddhist refugees are in contact with the Social Counsellor of the Refugee Counseling Services Union (RCSU). This NGO deals with the refugee status with UNHCR. Some Rakhine-Buddhist organizations complained that, although it was easy for them to contact the Social Counsellor, it usually takes a long time before all papers and forms are forwarded to UNHCR. The procedures take too much time. UNHCR replied that recently they have reduced this period.

UNHCR did not respond very positively on the other requests until now, stressing that they do already quite a lot for these refugees. Especially the language problems of the Rakhine- Buddhists are being played down by UNHCR: "People do not need a language course for selling cigarettes in the streets". Many disagree with this. There are simply not enough opportunities to work in Bangladesh, and people with a different culture, another language and not enough skills are not able to find jobs anywhere. As even the refugees who were recognized by UNHCR do not have a residence permit, they do not have any legal rights in Bangladesh. Therefore, they are particularly vulnerable to police harassment. This often happens, especially in the Chittagong Hill Tracts.

## **10. The eventual solution**

### **SPDC's increased repression of (Rohingya) Muslims after September 11**

After September 11, 2001, SPDC intensified its repression against (Rohingya) Muslims. The Burmese military junta accused Rohingya armed groups of getting support of the Al-Qaeda terrorist network. It is more than likely that with the actions against Muslims, the SPDC tried to improve its bad name in the United States. The SPDC hoped unsuccessfully that the US Government would appreciate the junta's 'anti-terrorism' stance and therefore loosen its sanctions against the regime. However, none of the Rohingyas working in academic fields and politics, as well as Rakhine-Buddhist representatives, seemed to believe that there are any direct links between the Rohingya armed groups and Al-Qaeda. The armed Rohingya groups do receive financial support from organizations in Arab countries, but this does certainly not mean that there is any evidence about links between these groups and Al-Qaeda. At the other hand, some Rohingya people living in Pakistan for many years already joined the Taliban during its war with the US in late 2001. However, again this does not say anything about any kind of relation between the Rohingya armed groups and Taliban or Al-Qaeda.

According to the Arakan Historical Society (AHS), there are some 200,000 Rohingyas living in Pakistan already for some time. 500,000 more live in Saudi-Arabia, 300,000 in Bangladesh and 2, 4 million in Burma, an AHS representative said.

### **Need for economic and political pressure on SPDC**

The eventual solution for almost all problems of Burmese refugees in Bangladesh is of course a structural political improvement of the situation in Burma: democratization and respect for human rights (including religious rights). Therefore, more political pressure on the Burmese military junta is necessary. In this context, many Burmese organizations and individual refugees stressed the importance of economic pressure such as trade sanctions and a tourism boycott. Some also referred to the importance of keeping the Asian neighbouring countries (including China!) involved and convince them of the need to press the Burmese junta to normalize the political situation for the benefit of all Burmese citizens and the refugees.

### **Active support for reconciliation in Arakan**

Many Burmese organizations feel that, apart from political and economic pressure on the Burmese regime, there is something else which is necessary. Many Rohingya-Muslim as well as Rakhine-Buddhist organizations mentioned the serious sensitivities between both populations in Arakan. The area has always been exploited by the former and current Burmese military regime. In this light, many refer to the very sad happenings in Arakan in 1942 as the cause of the still continuing distrust between both peoples, “a turning point in Arakan history.” During this hectic period in the Second World War, the British colonial power had to withdraw from Arakan and Burma because of the Japanese army invading Burma. Because of the power vacuum in that period, large-scale communal violence in Arakan broke out, causing tens of thousands of deaths. It seems that some nationalists in the local administration had initiated the communal unrest in a kind of a ‘anti-foreigner hysteria’, trying to move the Muslim Rohingyas out of Arakan.

Former dictator Ne Wins’ BSPP (Burma Socialist Programme Party) Government, and the successive government of SLORC/SPDC have always continued an anti- (Rohingya-)Muslim policy.

A few armed groups, Rakhine-Buddhist as well as Rohingya-Muslims, still fight the SPDC today. They mainly strive for the self-determination of Arakan. There are two Rohingya-armed groups: Arakan Rohingya National Organization (ARNO) and Rohingya Solidarity Organization (RSO). Both strive for self-determination and recognition of the cultural/religious rights of the Rohingya Muslims in Arakan. ARNO seems to be more secular and strives for democracy, while RSO is a bit more Islamic, but seems to have been moderated in recent years. The Buddhist-Rakhine armed groups are National Unity Party of Arakan (NUPA) and Arakan Liberation Party (ALP). They both want democracy. ALP strives for self-determination and NUPA is officially in favour of an independent Arakan, although it realises that ‘self-determination’ is most feasible. However, some Buddhist Rakhine and Rohingya Muslims argue that the armed groups only play a minor role nowadays.

Although there are a few positive developments in the last couple of years, such as the establishment of the Arakan Independence Alliance (AIA) by ARNO and NUPA, the majority of the Rohingya-Muslim and Rakhine-Buddhist peoples still distrust each other. This also results in a continuing cold non-relationship between most Rohingya and Rakhine-Buddhist organizations and armed groups. The move of NUPA, probably the only armed Rakhine-Buddhist organization that de facto recognizes the Rohingyas, in first instance resulted in a huge amount of criticism from the Arakan League for Democracy (ALD), ALP and Rakhine Buddhists in general.

The SPDC is the only party benefiting from the continuing, extremely sensitive relationship between Rohingya-Muslim politicians, armed groups, journalists, intellectuals etc. and their Rakhine-Buddhist counterparts. Some organizations and individuals seem to have been rather narrow-minded until now, and mainly focus on internal differences in Arakan instead of looking at the broader picture of how to cooperate towards national reconciliation and democracy.

Therefore, serious efforts are necessary in order to support a reconciliation process in Arakan. This is also invaluable when Arakan has to play a role in a future tri-partite dialogue between NLD, ethnic minorities and SPDC. Without an Arakanese reconciliation process, a durable peace in Arakan, even in a future democratic Burma, will be extremely uncertain. New waves of Rohingya refugees to neighbouring countries remain imaginable even when Burma becomes a democracy.

According to some Rohingya and Buddhist-Rakhine organizations, the international community (including EU and US), the main Burmese opposition parties (especially NLD, NCUB, NCGUB, UNA, ENSCC) and the Arakanese Muslim Rohingyas and Rakhine Buddhists) have to play an active role to achieve reconciliation in Arakan:

- The international community should support and wherever possible facilitate an Arakanese reconciliation process;

- The Burmese democratic opposition and ethnic umbrella organizations should actively support a reconciliation process in Arakan. They need to recognize relevant Rohingya organizations. Formal contacts with these organizations should be increased. The Burmese opposition should not just repeat ‘we will handle this affair after we have achieved democracy’, but should instead play an active moderating and mediating role between all relevant Arakanese groups;
- All involved Rakhine-Buddhist and Muslim-Rohingya organizations, MPs, intellectuals, armed groups, journalists etc. should play a constructive role and participate in the much-needed reconciliation process. Therefore, it will be necessary that representatives of both Rohingya Muslims and Rakhine Buddhists recognize and respect each other and try to move a step forward. Only repeating the difficulties and sensitivities of the past would not be very constructive.

An Arakanese reconciliation process will certainly be not easy, many organizations argued. Some even feel that it will be a ‘mission impossible’. But at the same time, the majority seem to understand that Arakanese reconciliation is of great importance for today’s struggle for freedom and human rights, as well as for tomorrow’s peace.

## 11. Conclusions

The core of the Rohingya people is still discriminatory and repressive of the Burmese junta (SPDC) in Arakan state. Because of the continuation of force labour, restriction on the freedom of movement, discriminatory taxes, confiscation of land etc. Rohingya to flee continue to Bangladesh. Many refugees nowadays living in Bangladesh refuse to repatriate to Burma voluntarily because their fear of repression.

At the same time, Rohingyas are on a constant pressure by the Bangladeshi authorities to repatriate to Burma. This pressure has significantly increased in recent weeks and months. Camp authorities in the two remaining official Rohingya refugee camps in Bangladesh use different methods to press refugees, who are increasingly threatened by this.

UNHCR has made plans to stimulate self-sufficiency for these recognized refugees. Although all involved parties accept the relevance of this plan, there are serious concerns about the lack of communication and consultation about this plan by UNHCR. The same concerns are felt by UNHCRs second plan to ‘streamline’ its health care in the camps. There are serious doubts about the time-frame of the plan and the impact of an eventual withdrawing of international organizations (as ‘nightwatchers’) from the camps. There are also concerns about the (lack of) possibilities and maybe even willingness of the Government of Bangladesh (and for example its Ministry of Health) to agree with UNHCRs plans and to actively support it.

Except of the recognized Rohingya refugees, there are 100,000 – 300,000 undocumented Rohingya refugees in Bangladesh. They survive without any rights and are in vulnerable condition. The current policy of the Bangladeshi authorities (and UNHCR) which denies any involvement and humanitarian support is not humane. The Bangladeshi authorities and UNHCR have no sufficient information how many undocumented Rohingyas exactly live in Bangladesh and their reasons for fleeing to Bangladesh. Because these refugees are officially denied any kind of (humanitarian) aid, they often live in unbearable conditions. An extreme example is the newly established Teknaf ‘makeshift camp’, where 4,000 refugees are hiding now, and which will possibly be swept away by the monsoon rains.

As long as the current political and human rights problems in Burma/Arakan continue, the responsibility of the Government of Bangladesh and UNHCR remains to protect the refugees from Burma and to guarantee them protection and a bearable life. Because the conditions in the camps are deteriorating, there is now for them an even more urgent need to increase their efforts.

## 12. Recommendations

We call upon the international (donor) community, including EU, EU-Member States, Japan and US, to:

1. Request the Government of Bangladesh to urgently allow UNHCR and INGOs to prevent a human disaster by giving practical assistance to the refugees in Teknaf ‘makeshift camp’ (Tal) as soon as possible;
2. Increase their financial and logistical support to UNHCR and WFP-programmes to the Rohingya refugees in Bangladesh as long as there is no significant positive change in Arakan/Burma. The safety of the Rohingyas in the refugee camps should be guaranteed;
3. Request UNHCR, regarding its ‘self-sufficiency plan’ for recognized refugees, to start serious communications with all involved actors (like WFP, MSF and Concern) about it, start a real consultation process which should especially include the refugees involved, guarantee a ‘safety net’ during the transition period and continue to allow international organizations to support the refugees and to play a ‘nightwatchers role’;
4. Request UNHCR, with regard to its plan to ‘streamline’ the health care in the camps, to seriously consult all involved actors (especially Concern and MSF), to actively cooperate with them for the actual implementation of any new plans;
5. Request UNHCR to extend its current language teachings and skill training programs for Rakhine-Buddhist refugees, and to recognize as refugees all politically involved Rakhine-Buddhists who are currently mainly in the Bangladesh-Burma border regions;
6. Approach the Bangladeshi authorities and raise the following issues:
  - a. To halt the current pressure on the refugees to repatriate and forced repatriation by the camp authorities in the two official refugee camps;
  - b. To agree with UNHCRs ‘self-sufficiency plan’ and to assist it in actively cooperating with UNHCR and the other involved international organizations to implement it with safety guarantees for the refugees;
  - c. To allow a new and independent investigation into the exact reasons why the 100,000 – 300,000 non-registered Rohingyas in Bangladesh fled from Burma and give implementation to the outcome of this independent research;
  - d. To immediately release all non-criminal refugees from detention, to release all refugees which have finished their term and to give legal assistance to all other refugees in detention;
7. Call upon the Government of Burma to stop its repression (including forced labour, lack of religious freedoms and lack of freedom of movement) and discriminatory policy towards the peoples in Arakan in general and the Rohingya-Muslims particularly;

**All parties involved, including the international community, the Burmese democratic and ethnic opposition, Rohingya-Muslim and Rakhine-Buddhist representatives (of armed organizations, intellectuals, politicians etc.) should:**

8. Actively support an ‘All Arakanese Reconciliation Process’, with relevant representatives of both Rohingya-Muslims and Rakhine-Buddhists. This includes recognition of Rohingya-Muslims and their representatives by all involved parties;

### 13. Just a few stories

#### Refugee 1

**Female**

**Date: May, 2003**

**Location: One of both official camps**

“I came to Bangladesh because the Burmese Government said to us, ‘You don’t belong here, you are not a citizen of Burma.’ But we were born in Burma! Why can’t we be citizens of Burma? The Burmese Government took all our lands, all our cows, all our belongings and noticed ‘you should leave for Bangladesh!’ Only in our area, 16 mosques have been destroyed. The Burmese Government does not allow us to perform our religious rights. In some cases they took some women from their houses and tortured them. Girls were sometimes taken and tortured when they collected water. When we asked for justice, we didn’t get anything. Men and boys had to do forced labour for 3 to 4 months. Some of them never returned.

After coming here, we got protection and rations. The problems in Burma were not solved. But here they want to send us back to the same situation. The RRRC forces us to repatriate and asks for ration books and fingerprints to sign for repatriation. When I refused to repatriate, the Camp in Charge himself beat me: this happened already some years ago, here in this camp. From that moment on I refused my ration.

The group leaders (mahjees) mingle with RRRC and force people to repatriate. Whatever the mahjees say, the RRRC accepts it. Sometimes the mahjees accuse refugees of this or that. All these things are still happening.

Around here, there are mahjees watching us what we are doing. We will be questioned as soon as we get out here.”

#### Refugee 2

**Female**

**Date: May, 2003**

**Location: One of both official camps**

“While my husband earned money, the NaSaKa (Burmese border police) took him away. The Myanmar Government took half of our harvest. My husband had to do forced labour for the military: he had to construct roads. We complained, but the answer was, ‘You have to tolerate this, otherwise you will have to leave.’

I want to go back, but only if conditions are safe, if we get back our land and if they stop forced labour. If there is social security, I want to go back now.

The camp authorities request us to go back. They say that the situation has improved and that there is peace now. But we are not sure if this is true.”

#### Refugee 3

**Female**

**Date: May, 2003**

**Location: One of both official camps**

“We are in trouble now: the camp-authorities force us to go back to Burma. The camp authorities force us to sign the affidavit. If we refuse to sign, the mahjees and ‘volunteers’ always cause problems to us. Male mahjees shout at us and some women mahjees beat our men. Sometimes the mahjees make problems about our rations. And when we have a young son they always say: ‘We send him to jail if you do not sign.’ So most men are outside the camp.”

**Refugee 4****Male****Date: May, 2003****Location: One of both official camps**

“I signed that I am willing to go back to Burma, but I am not willing to go! I was afraid not to sign, because the mahjees and ‘volunteers’ always cause problems to us. They cause problems for getting rations and as a punishment they force us to go to another block. I know someone who will be repatriated tomorrow, but who is not doing this voluntarily. This man is separated from the other people and the mahjees guard him. The mahjees insult the refugees if they refuse to repatriate. I am afraid that if I talk with UNHCR or an International NGO, the mahjees will create more problems.”

BCN: “Why do you not complain at the UNHCR’s complaint box?”

Answer: “I am so scared that I do not use this. I know someone who gave a written complaint to UNHCR. He is in jail now, because of helping another refugee. The mahjees found out about this, then they made a false accusation against him, and now he is in jail.

**Refugee 5****Male****Date: May, 2003****Location: One of both official camps**

“I know a lot of people, for example my sister, who were repatriated before and who are now back. This is because they got rations for three months in Burma and these three months were OK, but after this they had to earn money themselves and then they had to pay NaSaKa for everything, even for newborn babies, marriages, and when someone died. Only 50 girls may be permitted to marry in particular area. This is only for Rohingya people. In Burma, UNHCR uses Burmese translators instead of Rohingya people, and these translators translate not good and fair. That is why they are afraid to complain at UNHCR. It is very tough to talk with UNHCR in Burma. Rohingya people are always in fear.”

**Undocumented refugee 6****Male****Date: May, 2003****Location: ‘Teknaf makeshift camp’ (Tal)**

“The men and boys work outside the ‘camp’ to earn some money. We do not receive enough food. We work as rickshaw drivers or as manual-labor workers, so we are not fully paid. The local Bangladeshi people try to force us not to work. The local police does not any harass us nowadays, but local people do. They do not like us. Since 6 months, more than 150 people have died in the ‘camp’ because of disease, mostly children. We don’t get any medical help. The main illnesses here are malaria, diarrhoea and other infectious diseases.

Every night after six pm the police arrives. Nobody is allowed to get in or out any more during the night.”

**Undocumented refugee 7****Male****Date: May, 2003****Location: ‘Teknaf makeshift camp’ (Tal)**

“I came to Bangladesh 6 or 7 years ago, because in Burma I had to do forced labor for a couple of months. There are now 1,217 families here and maybe altogether even 10,000 people in this camp. We have been here in this camp for 6 months now. We were expelled from other settlements.

If the situation in Burma is peaceful, then I agree to go back. But this is not the case now.

People from the ‘camp’ don’t go back to Burma to smuggle, because of fear of getting shot or being sent to jail.”

## Undocumented refugee 8

### Female

**Date: May, 2003**

**Location: 'Teknaf makeshift camp' (Tal)**

"When I was a little girl, I came with my family to Bangladesh. I have one child now. I don't know my age. I am worried about the rains: the sanitation will become worse. There is no shade here, and we don't have sufficient food.

If there is no peace in Burma, then I will not go back. I came here because of forced labour in Burma and they (the Burmese military) took my land. Local Bangladeshi forces sometimes came here to request us to leave the 'camp', but they didn't use any force. We are free to walk outside the 'camp.' We do not get any assistance. Eventually we will have to leave this place, we have heard."

## 14. TRAVEL SCHEDULE

Sun	April 27	Travel Amsterdam – Dhaka
Mon	April 28	Dhaka
Tue	April 29	Dhaka
Wed	April 30	Travel Dhaka – Chittagong
Thu	May 1	Chittagong
Fri	May 2	Chittagong
Sat	May 3	Travel Chittagong – Cox's Bazaar
Sun	May 4	Cox's Bazaar
Mon	May 5	Teknaf (incl. 'makeshift camp')
Tue	May 6	Nayapara refugee camp
Wed	May 7	Kutapalong refugee camp
Thu	May 8	Cox's Bazaar – Dhaka – Delhi
Fri	May 9	Delhi
Sat	May 10	Delhi
Sun	May 11	-
Mon	May 12	-
Tue	May 13	-
Wed	May 14	-
Thu	May 15	Delhi

Fri	May 16	Delhi
Sat	May 17	Travel Delhi - Amsterdam

## 15. ORGANIZATIONS VISITED

All Burmese Refugees Committee	(ABRC)
Arakan Historical Society	(AHS)
Arakan League for Democracy	(ALD)
Arakan Liberation Party	(ALP)
Arakan Rohingya National Organization	(ARNO)
Camp in Charge (CiC) – Kutupalong	
Camp in Charge (CiC) - Nayapara	
Concern	
Dhaka University	
Dutch Embassy - Delhi	
Dutch Embassy - Dhaka	
Kaladan Press Network	
Médecins Sans Frontières	(MSF)
Mizzima News	
Narinjara News	
National Council of Union of Burma	(NCUB)
National League for Democracy	(NLD)
National United Party of Arakan	(NUPA)
The United Nations World Food Programme	(WFP)
United Nations High Commissioner For Refugees	(UNHCR)

According to UNHCR, an affidavit is “a legal document registered by the court magistrate in Bangladesh. It is also part of the repatriation process.” The CiC of Kutupalong explained it as “By signing an affidavit, a refugee declares ‘I agree to go back.’ The affidavit serves two purposes: it is a court matter in Bangladesh and it says ‘I am willing to go back to Myanmar.’”