



The Humanitarian Crisis of Rohingya in Rakhine State

December 2014

Recent violence against the Rohingya

In June and October 2012 there were large scale violent attacks against the ethnic Rohingya in Rakhine State. Ethnic Kaman Muslims were also targeted. In addition there were widespread and numerous other incidents of violence, intimidation and harassment against the Rohingya.

International organisations which investigated this violence, including Human Rights Watch, gathered evidence that the attacks met the international legal definition of ethnic cleansing and crimes against humanity.

Humanitarian consequences of recent violence

Estimates of those killed in the violence range from several hundred to more than a thousand. The UNHCR has said that in the two years since the violence began more than 80,000 Rohingya have fled Burma by boat. Around 140,000 Rohingya who were forced to flee their homes now live in temporary camps where humanitarian access is severely restricted as a result of Burmese government policies and the failure of the government to ensure a secure environment for delivery of aid.

Context of the humanitarian crisis

While the appalling conditions of the Rohingya in camps in Rakhine State since 2012 has received international attention, the humanitarian crisis in Rakhine State is not new. Since the 1960s governments in Burma have gradually introduced laws and policies designed to repress and impoverish the Rohingya, and drive them out of Burma.

Increasing poverty and blocking economic development of the Rohingya is a deliberate and integral part of the Burmese governments Rohingya policy. Since the reform process began under President Thein Sein in 2011, the application

Recommendations

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- Governments need to make it clear that future positive diplomatic relations are contingent on unhindered humanitarian access, reform of the 1982 Citizenship Law, and abolishment of discriminatory policies and practices against the Rohingya.
- Diplomats and UN officials should use the word “Rohingya” both in public and private. By avoiding the term, they legitimise the Burmese government’s ongoing discrimination and campaign to portray the Rohingya as illegal immigrants.
- The humanitarian crisis for the Rohingya in Burma is part of a systematic policy of impoverishment of the Rohingya. These policies may constitute crimes against humanity, and have helped lead to ethnic cleansing. The international community should support the establishment of an independent international investigation into possible violations of international law against the Rohingya in Burma.
- Robust and specific language on the Rohingya must be included in the next United Nations Human Rights Council resolution on Burma. This should include use of the word “Rohingya,” demand unhindered humanitarian access, reform of the 1982 Citizenship Law and lifting of all discriminatory policies, and establish a UN Commission of Inquiry into possible violations of international law against the Rohingya in Burma.

of these policies has been stepped up, leading to a serious deterioration of the human rights and humanitarian situation in Rakhine State.

Buddhist nationalists led Burma's struggle for independence and this nationalism is central to politics in Burma today. In 1961 Buddhism was declared the state religion. Following this declaration a series of laws and policies were introduced designed to repress and impoverish Muslim ethnic Rohingya. These include the notorious 1982 Citizenship Law, which effectively denies citizenship to the Rohingya, and the 1988 banning of Rohingya from travelling outside Rakhine State.

Other policies and laws introduced include restrictions on Rohingya travelling from some townships to others, and even within some townships, checkpoints on roads targeting only Rohingya which include body searches and extortion of money, restrictions on marriage through a tax fee requirement, arbitrary taxation on a wide range of activities, even including death of cattle, forced labour, land confiscation, arbitrary arrests and extortion for releasing the person arrested, almost no provision of government services such as health, education or infrastructure in Rohingya areas.

All of these policies are part of a systematic approach of impoverishing and oppressing the Rohingya in order to attempt to drive them out of Burma. They are deliberately designed so that there can be an element of deniability by central government, which tries to blame some of these policies on local authorities, rogue individual police and security officers, and a lack of adequate training.

The humanitarian consequences

Even before the violence in 2012, the humanitarian consequences of decades of government repression and impoverishment of the Rohingya were severe. While the government has traditionally failed to provide adequate services to the population in Rakhine State, including for the ethnic Rakhine, services were very limited, and especially for the Rohingya. Rohingya are frequently denied access to hospitals and clinics.

- 70% of Rohingya have no access to safe water/sanitation services
- In the Maungdaw Rohingya District there is just one doctor per 160,000 people. The World Health Organisation recommends one doctor per 5,000 people.
- Only 2% of Rohingya women give birth in hospital.
- 44% of the population of Rakhine State lives below the poverty line, almost 20 percent higher than the average in most parts of Burma.

Government restrictions placed on humanitarian aid

“...the deprivation of health care is deliberately targeting the Rohingya population, and that the increasingly permanent segregation of that population is taking place. Furthermore, he believes that those human rights violations are connected to discriminatory and persecutory policies against the Rohingya Muslim population, which also include ongoing official and unofficial practices from both local and central authorities restricting rights to nationality, movement, marriage, family, health and privacy.”

Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, April 2014.

- International organisations have to sign a Memorandum of Understanding (MoU) with the government which is more restrictive than in most countries and can take years to obtain.
- The MoU limits what an organisation can do, so if they want to work in a new area or provide a different service to meet a newly identified need they have to start difficult and lengthy negotiations.
- The government uses ‘security concerns’ to block humanitarian access to certain places at certain times.

- Foreign staff need special visas to enter Burma and only limited numbers of visas are given. Aid workers have had visas denied.
- In times of emergency restrictions on numbers of visas given still apply, effectively stopping an adequate response, such as when Hurricane Giri struck Rakhine State.
- Foreign staff who are given visas can face restrictions on where they are allowed to go within Burma, and only be allowed in the country for a short period.
- Travel authorisations are needed for Burmese humanitarian staff going to remote areas. These often need renewing every month and may be delayed or denied.
- Rohingya staff working for international organisations face additional travel restrictions. These have become much stricter since the violence in 2012.
- Rohingya humanitarian aid workers working for international organisations, including the United Nations, have been subject to arbitrary arrest and detention.
- Several days advance notice needs to be given to the government before aid workers can travel to some areas.
- Overall, access has become more difficult and restrictions more severe since the violence in 2012, despite the need for humanitarian assistance increasing.
- Permission to stay overnight in remote areas is often denied, and as travel times make going to a place and back in one day impossible, projects are effectively blocked without officially being denied.
- The government has not taken effective action to stop the spread of misinformation and incitement of violence against international humanitarian aid organisations and their employees.
- Government officials and leading politicians have directly or indirectly supported or appeared to support the spread of misinformation and incitement of violence against international humanitarian organisations.
- Aid organisations, including MSF, have faced threats of expulsion or have effectively been expelled, permanently and temporarily, from working in Rakhine State.
- Local humanitarian staff and their families have faced threats and abuse.
- Local campaigns against international humanitarian organisation have resulted in blocking of delivery of aid, and refusing to rent offices, land, cars or other services to humanitarian organisations. The government has taken no effective action to counter these campaigns.

As with many of the policies of impoverishment and repression against the Rohingya, the Burmese government tries to deny responsibility for many of these restrictions, citing local anti-Rohingya sentiment, the local government, and bureaucracy for which they need international aid to improve. Taken together though they amount to a clear pattern and policy of obstruction of humanitarian assistance in line with the policy of making life for the Rohingya as unbearable as possible so that they leave the country.

President Thein Sein has stated that his goal is for all Rohingya to leave Burma:

“The solution to this problem is that they can be settled in refugee camps managed by UNHCR, and UNHCR provides for them. If there are countries that would accept them, they could be sent there.”

11 July 2012, while discussing the issue of Rohingya with UN High Commissioner for Refugees, António Guterres.

Camps For Internally Displaced Rohingya

“I witnessed a level of human suffering in IDP camps that I have personally never see before... appalling conditions...wholly inadequate access to basic services including health, education, water and sanitation.”

Assistant Secretary-General for Humanitarian Affairs Kyung-wha Kang in June 2014 after visiting IDP camps in Rakhine State.

“I have seen many camps during my time but the conditions in these camps rank among the worst... Unfortunately we as the United Nations are not able to get in and do the range of work we would like to do with those people, so the conditions are terrible....It’s a dire situation and we have to do something about it.”

Valerie Amos, Under-Secretary-General for Humanitarian Affairs Baroness Amos after visiting IDP camps in Rakhine State in December 2012

Around 140,000 ethnic Rohingya have been living in camps in Rakhine State since 2012. There is no adequate provision of health services, education for children, housing, sanitation, or food. The United Nations has not publicly published and promoted information about the situation in the camps, presumably for fear of upsetting the Burmese government, and also as such statistics would result in criticism of the United Nations and international community for allowing such dire conditions to continue.

In March 2014, 33 offices of humanitarian organisations were attacked by violent mobs. Extremists used the pretext of an aid worker insulting the Buddhist flag to incite the attacks. However, there was no evidence this had happened, and there had been well organised incitement against aid organisations building up for weeks with no preventative action taken by the government.

The so-called ‘spontaneous’ mobs had the names and addresses of aid organisations offices and were allowed to systematically attack them without interference from police or security forces. Aid workers were forced to flee for their lives, and many had to leave the area altogether. Humanitarian access gradually started to resume in the following weeks, but has still not returned to the already limited level it was at in March 2014.

Outside the camps

Around 800,000 Rohingya who live outside camps are also in dire need of humanitarian assistance. In some areas the rates of malnutrition are over 20 percent. Provision of health services are almost non-existent. Detailed information is hard to obtain as even where the UN and aid agencies do manage to get access to obtain statistics, they do not often publish these for public distribution, either for fear of upsetting the Burmese government, or for fear of facing further restrictions as punishment by the Burmese government for doing so.

Conclusion

The humanitarian crisis in Rakhine State and impoverishment of the Rohingya is part of a long-term policy of repression of the ethnic Rohingya which has been stepped up since the reform process began in 2011.

As a result of Burmese government policies, actions and inaction, almost one million ethnic Rohingya are in dire need of humanitarian assistance. 140,000 of these are living in squalid camps in Rakhine State. There is a downward spiral with an overall decline in the ability of international organisations to deliver humanitarian assistance. The Burmese government strings the international community along with promises of future change, or using its old tactic of taking two steps back, one step forward, then being praised by parts of the international community for the one step forward, even though the overall situation is now worse than before. The case with MSF in 2014 is a classic example of this.

The government policy of increased violence and repression, and denial of humanitarian assistance, is working in terms of achieving their goals. Since 2012 more than 80,000 Rohingya have fled Burma by boat. More have left by other routes. This could amount to around ten percent of the entire Rohingya population in Burma driven out of the country within two years.

The lack of international action following the violence in 2012, despite evidence from Human Rights Watch of state involvement in what amounts to ethnic cleansing and crimes against humanity, and the conclusion of the special rapporteur that crimes against humanity may have taken place against the Rohingya, has emboldened the Burmese government to step up repression and humanitarian restrictions against the Rohingya.

The international community, including the USA, European Union and agencies of the United Nations are even retreating from previous positions held in defence Rohingya rights. They are not applying any significant high-level pressure regarding humanitarian access, they are no longer actively advocating for reform of the 1982 Citizenship Law, and are now even stopping using the word Rohingya. How can the international community protect the rights of the Rohingya when they won't even use our name?

Recommendations

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