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A Report by the All Party Parliamentary Group on the Rights of the Rohingya

‘A New Shape of Catastrophe’
Two years on from the 2017 Rohingya Crisis

Front cover: Refugees walk through Kutupalong Refugee Camp which is home to some 700,000 Rohingya refugees.
Photo: International Rescue Committee/Timothy Nesmith

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Introduction from Rushanara Ali MP and Anne Main MP

Chairs of the APPG for the Rights on the Rohingya

We established the All-Party Parliamentary Group on the Rights of the Rohingya in January 2018 as a space for UK parliamentarians from across the political spectrum to campaign for the protection and promotion of the rights of Rohingya refugees living in camps in southern Bangladesh, as well as those who have been internally displaced in Myanmar. The All-Party Parliamentary Group for Bangladesh and the All-Party Parliamentary Group for Democracy in Burma were involved in this inquiry.

In the summer of 2017, the world was shocked and appalled as images of burning villages in Rakhine state, and men, women and children fleeing to neighbouring Bangladesh, dominated the news agenda. After this initial spike of interest, public and political interest in this crisis has sadly diminished. We launched this inquiry in early 2019 to bring attention to the plight of Rohingya refugees and to send a message to the hundreds of thousands of Rohingya people trapped in internal displacement camps in Myanmar, or squalid conditions in Bangladesh, that they have not been forgotten.

The inquiry took a broad look at the experience of the Rohingya, both in Myanmar and as refugees in Bangladesh, focusing on the key humanitarian, development, economic and political challenges posed by the crisis. Over the course of the inquiry we took evidence from a wide variety of stakeholders, including international NGOs, academics, think tanks, UK government officials and, most importantly, members of the Rohingya community. It was non-negotiable to us that the voices and interests of Rohingya people were included in this process.

We hope the recommendations outlined below will support the UK government to, alongside its international partners, firstly respond to the needs of Rohingya refugees and the host community in Bangladesh, and secondly, support efforts to create conditions for safe return to Myanmar.

Thank you to all of the individuals and organisations that took part in this inquiry. Two years on from the horrific and widespread violence in Myanmar, we hope this report will be a call to action to all those seeking justice and a lasting solution for the Rohingya people.

Executive summary

Two years on from the mass displacement of Rohingya refugees from Myanmar to Bangladesh, far too many men, women and children are still trapped in a precarious situation and remain almost completely reliant on humanitarian assistance on both sides of the border. In Bangladesh, the humanitarian situation has begun to stabilise; clear progress has been made in meeting the immediate needs of the refugees residing in sprawling camps. But two years on, people are still living in limbo. In Myanmar, Rohingya face continued gross human rights abuses and are denied citizenship, basic rights and justice. Restrictions on freedom of movement, an ongoing humanitarian crisis, the escalation of conflict in northern Rakhine, and the continued denial of citizenship, basic rights and justice mean the Rohingya living in Myanmar are unable to live in safety and with dignity. In the words of a Rohingya student living in an internal displacement camp in Rakhine state, the Myanmar Government is 'trying to create a new shape of catastrophe'. Without significant progress in Myanmar, safe and dignified return for the displaced and an end to the crisis will remain out of reach. This means the longer-term needs of the refugee population and their host communities must be addressed, including through international responsibility-sharing initiatives.

Chapter 1 of this report explores how the humanitarian response is working to ensure that Rohingya refugees in Bangladesh are able to meet their basic needs. It investigates the current challenges related to funding; the specific needs of women and girls; coordination and local leadership; and refugee inclusion and participation. To date, the UK has played a leading role both as a donor and by working closely with the Government of Bangladesh and the humanitarian community to shape the response and ensure Rohingya refugees are supported. **This report calls for continued leadership. Sustainable funding to support both Rohingya refugees and host communities in Bangladesh is vital—as of 27 August 2019, the 2019 Joint Response Plan (JRP) is only 37.3% funded. The UK should immediately commit funding to the 2019 JRP**.

Chapter 2 explores the likely protracted crisis in Bangladesh. It considers the role the international community, with leadership from the UK, can play in ensuring the Government of Bangladesh, host communities and Rohingya refugees are supported in the longer term. While the Government of Bangladesh has shown enormous generosity in opening its borders to the Rohingya and offering them support, the protracted nature of the crisis means that current response models, funding structures and leadership need to be adapted. With a focus on refugees' self-reliance and supporting host communities, including access to education and livelihoods, this report explores the current barriers to longer-term support and the negative impacts on both communities. **This report calls for a 'whole-of-society approach' to longer-term investment in Cox's Bazar to deliver 'triple wins' for host communities and Rohingya refugees, and contribute to social cohesion.**

Building on lessons from previous examples, notably those in Jordan, the report outlines responsibility-sharing initiatives the international community could implement to recognise the immense global public good the Government of Bangladesh is providing through its support for Rohingya refugees. Such approaches can advance Bangladesh's development ambitions while also supporting progress towards the Sustainable Development Goals (SDGs). When the SDGs were adopted in 2015, all UN member states, including Bangladesh and the UK, agreed to deliver progress for those who are furthest

behind first. To demonstrate this commitment and ensure the SDGs are achieved by 2030, the international community, with leadership from the UK, must redouble efforts to support the left-behind communities in Cox's Bazar: Rohingya refugees and local Bangladeshi residents. **Therefore, this report calls on the UK, under the leadership of the Government of Bangladesh and working with the World Bank; the UN; donors; and regional actors to co-convene a medium-term planning working group to deliver positive outcomes for refugees and host communities in Cox's Bazar.**

Chapter 3 turns attention to the situation inside Myanmar. It outlines the scale and brutality of violence committed against the Rohingya people, the challenges posed by impunity for atrocities, the humanitarian situation for Rohingya people still in Rakhine state, the so-called 'closure' of internally displaced people camps, and continued human rights violations. It is clear from the overwhelming evidence collated by the UN Fact-Finding Mission and various NGOs that the crimes committed against the Rohingya by the Myanmar military amount to crimes against humanity — and possibly genocide. Despite the widespread and systematic nature of these atrocities, the Myanmar military have effectively been granted impunity for the crimes. Not only is the Government of Myanmar unable and unwilling to investigate and prosecute international crimes, the international community are enabling them to continue to act with impunity: members of the UN Security Council are blocking routes to international justice and enabling barriers, including those created by the Government of Myanmar. **This report calls for the UK, as penholder on Myanmar at the Security Council, to lead on a Chapter VII UN Security Council resolution setting out current conditions and the need for referral to the International Criminal Court. It also calls on the UK to work to expand targeted sanctions and their full implementation—including by UN member states.**

Rohingya living in Myanmar are still facing human rights violations. A 1982 citizenship law arbitrarily deprived Rohingya of citizenship, rendering them stateless under international law, which defines as stateless anyone who is 'not considered a national of any state under operation of its law'.[1] Their statelessness is a direct consequence of systemic discrimination, persecution and exclusion by Myanmar law, policy and practice over decades. Currently, Rohingya in Myanmar are being coerced and threatened into accepting a National Verification Card that fails to provide basic rights and protections, and are not a viable pathway to citizenship. Such treatment enables the discrimination and effective segregation of the Rohingya by limiting their freedom of movement—blocking their access to vital services, and forcing them to rely on humanitarian assistance for their basic needs. Humanitarian organisations have also raised significant concerns about the Government of Myanmar's current camp-closure strategy, which has effectively compelled Rohingya to move into shelters adjacent to camps with no increased freedom of movement or ability to access public services. This strategy, along with the continued lack of access to services and the continuation of violence and discrimination against the Rohingya does nothing to promote confidence in the willingness and capacity of the Government of Myanmar to support safe, dignified and voluntary returns of refugees. **This report calls on the UK to publicly acknowledge that returns of Rohingya refugees to Myanmar should not be allowed until issues of discrimination and violence against the Rohingya in Myanmar are addressed and safe, dignified and voluntary returns can be guaranteed.**

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[1] Institute on Statelessness and Inclusion (2014) The World's Stateless. https://files.institutesi.org/worldsstateless.pdf

Recommendations

Funding

- The UK should immediately commit funding to the 2019 Joint Response Plan (JRP) in line with their fair share, and work with other international partners to ensure the JRP is fully funded.

Meeting the needs of women and girls in Bangladesh

- The UK should ensure that, in line with recommendations in the 2015 global report on UN Security Council resolution 1325, all future funding for the response allocates at least 15% to gender in emergencies programming, and requires compliance with the IASC Accountability Framework on Gender Equality and the Empowerment of Women and Girls in Humanitarian Action to strengthen the accountability of humanitarian actors.
- The UK should work with the Government of Bangladesh and UNHCR to ensure that Rohingya are able to access the protection afforded by formal legal status for the duration of their stays in Bangladesh.

Refugee inclusion and participation in Bangladesh

- The UK Government should go on record to oppose any proposed relocation to Bhasan Char in light of safety concerns and the absence of guarantees of equal treatment between Rohingya and Bangladesh nationals, including freedom of movement and access to livelihoods for those who choose to be resettled on Bhasan Char. The UK Government should continue to make stringent representations to the Government and Bangladesh about their concerns to prevent any planned relocations.
- The UK should urge and support the Government of Bangladesh and the Response Coordination Mechanism to fulfil their commitment to establish a more accountable community representation system as reflected in the Site Management Sector Strategy 2019, and work with all duty bearers to ensure Rohingya are afforded the opportunity to have representatives in international fora in which their future is debated.
- The UK should support the Rohingya Response Cash Working Group's efforts to better understand and address the concerns of the Government of Bangladesh around moving toward a more comprehensive cash-based response.

Education and livelihoods in Bangladesh

- The UK should commit to supporting the creation of a multi-year JRP and contribute appropriate levels of funding to allow for the delivery of programmes that contribute to the self-reliance of all affected populations.
- The UK should encourage the Government of Bangladesh to lift restrictions on programming designed to support self-reliance, including for education and livelihoods, and speed up NGO approvals in these areas. Building on these reforms, the UK should encourage the Government of Bangladesh to lift restrictions on refugees' right to work and freedom of movement.

- The UK should prioritise livelihoods interventions that seek to play a gender-transformative role by addressing the risks of gender-based violence faced by women seeking work and/or transform or eliminate laws, policies and social norms that reinforce and exacerbate gender inequalities and limit women's economic empowerment.
- The UK should encourage the Government of Bangladesh to remove the barriers to education for Rohingya refugees, including:
  - Securing the Government of Bangladesh's agreement on the official language for refugee education and approval of levels 3 ,4 and 5 of the Guidance for Informal Education Programming.
  - Agreeing on the accreditation of Rohingya children's education, including officially recognised exams equivalent to the national Primary School Certificate exam that are aligned with the expanded Guidance for Informal Education Programming.
  - Ensuring education services are gender-responsive and sensitive to the different barriers and needs of boys and girls.
- Working with partners including Education Cannot Wait and the World Bank, the UK should support efforts to expand investment in teacher training and increase access to formal inclusive primary and secondary education, and technical and vocational training.

Cox's Bazar development

- The UK—under the leadership of the Government of Bangladesh, working with the World Bank, the UN, donors and regional actors—should co-convene a medium-term planning working group to develop a collective 'whole-of-society approach' to medium-term development in Cox's Bazar that delivers positive outcomes for refugees and host communities and supports Bangladesh's progress towards implementation of the Sustainable Development Goals.
- This 'whole-of-society approach' should seek to coordinate planning; define collective outcomes for policy and programme intervention, including using frameworks such as the Global Compact on Refugees and Sustainable Development Goals; and guide investment employing a broad range of financing instruments.
- The UK should define proactive steps and milestones that ensure all longer-term investment in Cox's Bazar is based on systematic engagement with affected communities and learning from previous protracted crises.

Global responsibility sharing

- The UK and all other UN member states should explore which aspects of the Global Compact on Refugees could provide a framework to support more effective responsibility sharing between the international community and the Government of Bangladesh, and consider tangible pledges of assistance in support of refugees and host communities in Bangladesh at the Global Refugee Forum in December 2019.

- The UK and all other UN member states should make clear and early commitments to extend least developed countries (LDC) market access for Bangladesh after its LDC graduation. Where existing duty-free, quota-free programmes do not cover 100% of products, the UK should work to remove exclusions, and provide technical and financial assistance to ease the path to meeting conditions associated with such programmes.
- The UK should support private sector investment plans for Cox's Bazar, including expanded economic opportunities for refugees and host communities through special economic zones (SEZs) and formal labour market access, while promoting steps to ensure safe, dignified working conditions for employees within these zones.
- The UK should apply lessons from SEZs in Jordan to ensure greater effectiveness in Bangladesh, including considering the distance of the zones from refugee settlements and the safety and affordability of transport.
- The UK should uphold its commitment to the Global Compact for Migration by exploring more legal migration opportunities for Bangladeshis, for example, global skill partnerships or a similar model. Such skills partnerships should be designed with potential local Rohingya training and employment opportunities in mind.
- The UK should encourage the Government of Bangladesh to grant Rohingya refugees formal legal status and, once that is secured, examine opportunities for resettlement.

Addressing impunity

- The UK should strengthen its formal position on the Independent Commission of Enquiry, including publicly acknowledging its limitations and stating that the accountability process led by the Government of Myanmar is inadequate.
- The UK should make a legal determination that the violence against the Rohingya in 2017 amounted to crimes against humanity, and possibly genocide, and work with international partners to ensure international accountability.
- As penholder on Myanmar at the UN Security Council, the UK should lead on a Chapter VII UN Security Council resolution that:
  - Condemns past and ongoing violence and expresses grave concern over reports of gross human rights violations, including crimes against humanity, across Kachin, Rakhine and Shan States;
  - Refers the situation in Myanmar to the International Criminal Court without delay;
  - Calls upon the Government of Myanmar to cooperate with all relevant UN bodies, mechanisms and instruments;
  - Urges the Government of Myanmar to establish an effective vetting mechanism in its armed forces and security services;
  - Notes that the primary responsibility for the protection of children affected by armed conflict in Myanmar lies with the Government of Myanmar;

  - Calls on the Government of Myanmar to develop a publicly available comprehensive strategy and time-bound action plan to implement the recommendations of the Advisory Commission on Rakhine State, with an independent monitoring mechanism;
  - Demands Myanmar authorities immediately ease restrictions on the freedom of movement of Rohingya and many other communities in Rakhine State;
  - Expresses deep concern that humanitarian access remains severely limited; and
  - Calls on the Government of Myanmar to take all necessary measures to counter incitement to violence or hatred, and restore peace and intercommunal harmony through dialogue, a comprehensive reconciliation process and respecting the rule of law.

- As part of the review of its Protection of Civilians strategy, the UK should learn lessons from the failure to prevent civilian harm to the Rohingya, including killing, maiming, sexual violence and forced displacement.
- The UK government should work with the EU to expand targeted sanctions, including on companies run by the military, as recommended by the UN Independent International Fact-Finding Mission on Myanmar.

Humanitarian situation in Rakhine State and continued human rights violations

- The UK should strengthen its position on Myanmar's NVC, highlighting that it is not a legal requirement for a citizenship application, and publicly acknowledge the discriminatory nature of the 1982 Citizenship Law and the manner of its implementation.
- The UK should publicly acknowledge that returns of Rohingya refugees to Myanmar should not be allowed until issues of discrimination and violence are addressed and thus safe, dignified and voluntary returns can be guaranteed.
- The UK government should pressure the World Bank to require concrete improvements in the freedom of movement and basic rights of Rohingya and other communities before proceeding with the proposed Rakhine Recovery and Development Support Project in Myanmar.
- In the absence of support for the UN Humanitarian Country Team's efforts related to 'closed' camps, the UK should outline an alternative strategy for the improvement of human rights protection for stateless and displaced Rohingya in Rakhine.

1 The humanitarian crisis in Bangladesh

1.1 The current humanitarian situation

Following a brutal military campaign by the Government of Myanmar (GoM) in August 2017, which several high-level UN officials have described as '*ethnic cleansing*',[2] more than 740,000 stateless Rohingya men, women, boys and girls fled across the border to the Cox's Bazar district in Bangladesh. With just 1.34% of the EU's GDP, Bangladesh received more refugees in less than three weeks than arrived in Europe from across the Mediterranean in all of 2016.[3] These refugees joined an estimated 200,000 Rohingya already in Bangladesh, having fled during previous waves of displacement.

> **'I do not hope for anything in this country because it's not our country. Life is so uncertain here. Just praying and living somehow.'**
> 28-year-old Rohingya woman living in Bangladesh[†]

The Government of Bangladesh (GoB) has shown incredible generosity in opening its borders to the Rohingya community and offering them support, while many countries, including wealthier ones, have retreated from their obligations to protect populations seeking safety from conflict and violence. As the British Rohingya Community summarised, '*the emergency response to the influx of unprecedented number of refugees coming into Bangladesh in such a short time successfully saved thousands of lives*'.[4]

By July 2019, 912,114 Rohingya were living in the southern part of Cox's Bazar, almost all entirely reliant on humanitarian assistance.[5] The majority of Rohingya refugees currently live in one of three main camps, Kutupalong, Balukhail and Leda, near the main crossing points from Myanmar. According to the United Nations High Commissioner for Refugees (UNHCR), Kutupalong shelters more than 625,000 refugees, making it the largest and most densely populated refugee settlement in the world.[6] As Justice for Rohingya Minority conclude, '*the camps that stretch from Cox's Bazar, all the way to Teknaf and Dakhinpara, are vast, with over a million people in makeshift shacks and leaky shelters*'.[7]

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[2] UN News (2018) 'No other conclusion,' ethnic cleansing of Rohingyas in Myanmar continues – senior UN rights official. https://news.un.org/en/story/2018/03/1004232

[3] C. Huang, N. Ash, M. Skinner and K. Gough (2018) The Rohingya Crisis: Bangladesh Deserves a Win-Win Solidarity Compact. Center for Global Development. https://www.cgdev.org/publication/rohingya-crisis-bangladesh-deserves-win-win-solidarity-compact

[4] British Rohingya Community (2019) Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry

[5] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

[6] UNHCR (2019) Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry

[7] Justice for Rohingya Minority (2019) The Humanitarian Situation in Bangladesh and Myanmar. Submission to the APPG on the Rights of the Rohingya

[†] IRC/ODI quotes sourced here: https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

Solutions to address the density of refugee settlements are restricted by land availability and national opposition to relocation within Bangladesh. The GoB has proposed to relocate up to 100,000 refugees to Bhasan Char—a flood-prone silt island that sits in the cyclone track in the Bay of Bengal. The GoB's commitments to facilitate access for UN partners to conduct a technical assessment of conditions prior to relocation have yet to be fulfilled. Yet, in July 2019, Bangladeshi Foreign Minister Shahriar Alam again proposed relocation in just three months' time.[8] The UN has set out clear conditions under which any relocations should take place, including *'a technical and protection assessment of the island prior to any relocations, as well as the need for a consultative and inclusive process with refugees, and for all decisions to move to the island to be based on a free and informed decision*'.[9] Further, in a letter to the APPG on Rohingya rights, UK government officials stated that '*the UK has made clear to the Government of Bangladesh that any relocation of refugees to Bhasan Char, as with returns to Myanmar, must be safe, dignified and in accordance with international humanitarian principles*'.[10] Based on the evidence received, the APPG on the Rights of the Rohingya believe that conditions on Bhasan Char are unsafe for relocation and remain concerned that provisions are not in place to guarantee equal treatment between Rohingya and Bangladesh nationals, including freedom of movement and access to livelihoods for those who choose to be resettled on Bhasan Char. The APPG is not convinced that safety can be guaranteed in Bhasan Char, and are concerned about the dangerous precedent such a move would set in relation to the forced relocation of refugees in other parts of the world.

Two years into the refugee crisis in Bangladesh, the humanitarian situation has begun to stabilise. According to the British Red Cross, *'clear progress has been made in meeting the needs of refugees residing in the camps*'.[11] A large-scale multi-agency humanitarian response has been established, providing people with shelter, access to clean water, food, healthcare and psychological support. According to Matthew Saltmarsh from UNHCR, *'the humanitarian response has saved countless lives and there has been remarkable progress to improve the conditions in the settlement*'.[12] However, Rohingya refugees are still in a precarious situation and humanitarian needs remain substantial.

In addition, with two cyclone seasons per year, Cox's Bazar is highly vulnerable to severe weather events and flooding. For instance, the district was hit by cyclones in 2004, 2015 and 2017. The 2018 cyclone seasons were fortunately mild, with no cyclone or major flood, but as the 2019 Joint Response Plan for the Rohingya Humanitarian Crisis (JRP) warns, '*this may not be the case for 2019*'.[13] At the time of writing, Cox's Bazar has escaped the worst of the 2019 monsoon season, but organisations working in the camps have told the APPG that Rohingya refugees have been impacted. The threat of natural hazards adds to the vulnerability of the refugee and host community populations living in Cox's Bazar and proposed settlement locations, including Bhasan Char.

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[8] S. Marsh (2019, July 19) Bangladesh prepares to move Rohingya to island at risk of floods and cyclones. *The Guardian*. https://www.theguardian.com/global-development/2019/jul/19/bangladesh-prepares-to-move-rohingya-to-island-at-risk-of-floods-and-cyclones

[9] UNHCR (2019) Briefing Note for APPG on the Rights on the Rohingya. Written submission to APPG Inquiry

[10] Department of International Development and Foreign and Commonwealth (2019) Letter to the APPG on the Rights of the Rohingya

[11] The British Red Cross (2019) APPG on the Rights of the Rohingya Inquiry Response: The Humanitarian Situation in Bangladesh Two Years On. Written submission to APPG Inquiry

[12] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[13] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

Nonetheless, in the last year, overall conditions have improved. As UNHCR has highlighted, massive engineering works were implemented throughout 2018 and 2019 to reduce the risk of landslides and flooding, and improve essential infrastructure.[14] These improvements have made a difference. In 2019, a higher percentage of Rohingya (82%) feel safe in their day-to-day life than in 2018 (76%).[15] However, a lack of lighting in shelters and camps; overcrowding; lack of access to water, sanitation and hygiene (WASH) facilities; and vulnerability to landslides and flooding remain the primary reasons people feel unsafe. Worryingly, since October 2018, concerns about thefts, violence and fights within the camps have risen.[16] These perceptions of safety are gendered, with women and girls most frequently highlighting concerns about latrines and washing facilities, and men and boys more frequently listing their primary safety concern as 'none'.[17] Quoting Rohingya people living in the camps, Elizabeth Hallinan from Oxfam echoed these concerns, saying '*we need security for ourselves*' and highlighting the need for more police, especially female officers.[18]

Camps still lack adequate basic services in critical sectors—especially healthcare, education and child protection. Child protection gaps are a particularly large challenge, as 55% of the entire refugee population are under 18.[19] According to the 2019 JRP, children face serious protection risks, including psychosocial distress, neglect, abuse, separation from caregivers, sexual violence, child marriage, child labour and trafficking.[20]

Overcrowding in the camps also remains a central challenge, creating acute vulnerabilities to public health and safety, the latter particularly for women and children. In a June 2019 survey by GroundTruth Solutions, half of Rohingya refugees reported that their basic needs are met by the humanitarian response. However, crucial gaps in cash programming, food assistance, lighting, fuel and WASH services have remained unchanged since October 2018.[21] As Justice for Rohingya Minority conclude, *'large-scale services are being provided to the Rohingya in the camps but at present it is just not enough*'.[22]

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[14] UNHCR (2019) Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry

[15] GroundTruth Solutions (2019) Bulletin Rohingya: Safety and Outlook, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-safety-and-outlook-june-2019

[16] Ibid.

[17] Ibid.

[18] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[19] UNHCR (2019) Bangladesh Refugee Emergency Population factsheet https://reliefweb.int/report/bangladesh/bangladesh-refugee-emergency-population-factsheet-31-may-2019

[20] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

[21] GroundTruth Solutions (2019) Bulletin Rohingya: Needs and Services, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-needs-and-services-june-2019

[22] Justice for Rohingya Minority (2019) The Humanitarian Situation in Bangladesh and Myanmar. Submission to the APPG on the Rights of the Rohingya

There are plans for the GoB to take over management of the camps by the end of 2019, and to introduce a new, more democratic governance system. Both, if done correctly, have the potential to improve camp management and refugee inclusion. In order to do so, the new Government-led management structure must address the issue of multiple accountability lines for camp management actors (Camps in Charge[23]); inconsistent approaches to handling protection issues, confidential case management and adjudication of family disputes; and the level of impunity among camp-level leadership. With nearly a million people living in camps spread across two sub-districts—Ukhia and Teknaf—consistency in management, justice and security as well as access to services are essential.

> **'This camp it is so congested, it is not open. Since this block is near host community and they don't allow refugees to enter, the children cannot play. They say if you come we will harm you. Since there is not enough space for children to play they have to stay at home and mothers have to look after children. We are living as confined people that's why we want to move to another camp so we can move more easily.'**
>
> Refugee in Kutupalong refugee camp in Ukhia, Cox's Bazar[†]

Rohingya women and girls in Bangladesh

Displacement crises have a severe and specific impact on women and girls, and the humanitarian crisis in Bangladesh is no exception. Research produced under the DFID-funded 'What Works: Violence Against Women and Girls in Conflict and Humanitarian Crises' initiative has estimated that the global prevalence of sexual violence among refugees and displaced persons in humanitarian crises is 21.4%. In other words, approximately one in five women who are refugees or displaced by an emergency experience sexual violence.[24] While figures are not available for the prevalence of gender-based violence (GBV) experienced by the Rohingya in Myanmar, refugees arriving in Bangladesh in 2017 reported alarming experiences of violent sexual abuse at the hands of the Myanmar military. A report commissioned by the British High Commission Dhaka and the Foreign and Commonwealth Office's Preventing Sexual Violence in Conflict Initiative, found that '*levels of sexual violence against women and girls have been extremely high. Rape and sexual violence have been used by the Myanmar military as a weapon of war*'.[25]

According to Matthew Saltmarsh from UNHCR, '*there are huge vulnerabilities*'[26] for women and girls in Bangladesh, including risks of sexual violence. The GBV quarterly fact sheet for January to March 2019, indicates women and girls are still facing *'rape,*

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[23] Camps in Charge are Government of Bangladesh representatives in charge of each camp.

[24] International Rescue Committee (IRC) (2017) No Safe Space: A lifetime of violence for conflict-affected women and girls in South Sudan. https://www.rescue.org/sites/default/files/document/2294/southsudanlgsummaryreportonline.pdf

[25] DFID (2018) Bangladesh Sexual and Gender Based Violence Assessment: Dhaka and Cox's Bazar, Bangladesh, 14 to 21 November 2017 https://reliefweb.int/sites/reliefweb.int/files/resources/Bangladesh_Sexual_and_Gender_Based_Violence_Assessment_Executive_Summary_03.12.2017.pdf

[26] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[†] IRC/ODI quotes sourced here: https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

sexual assault, physical violence, forced marriage, denial of resources, and emotional violence.'[27]

An assessment undertaken by the International Rescue Committee (IRC) suggests that intimate partner violence is pervasive within the Rohingya community. As a key informant working for an NGO told the IRC, '*this is probably the most common type of conflict that takes place within the camps and this is also probably the most under-reported one*'.[28] The increase in intimate partner violence is driven by a complex interplay of factors, including patriarchal power structures, the increase in violence in general as a result of the displacement, stress over access to resources, changing gender roles in the household and a lack of recourse for survivors of violence.

The overcrowded nature of the camps and lack of appropriate shelter and services has put women and girls at risk. The experience of life in the camps for men, women, boys and girls differ markedly; so too do their feelings of safety. According to the 2018 JRP, a staggering 77% of women and girls residing in the 28 identified settlement sites hosting refugees across Cox's Bazar reported feeling unsafe.[29] Despite progress in addressing the camp-based protection risks facing women and girls, insufficient lighting and limited gender sensitivity in service design (such as gender-segregated latrines and washing facilities, or shelters with lockable doors) put women and girls at risk and reduces their ability to move safely around the camps. All respondents in an IRC assessment reported that sexual harassment and 'eve teasing' (a term used in South Asia for public sexual harassment) were common in the camps and a considerable security concern for women and adolescent girls.[30]

In addition, the current lack of livelihood opportunities in the camps have increased the risk of exploitation of women and girls, particularly adolescent girls, through early marriage, survival sex, and trafficking for sexual exploitation and/or forced labour. Valeria Ragni from the British Red Cross told the APPG, '*women and girls from age 12 are trafficked for sexual exploitation within Bangladesh as well as India and Nepal. Teenage girls are trafficked for forced marriages, and girls as young as seven for domestic servitude*'.[31] She went on to highlight the unique vulnerability of the Rohingya to trafficking, due to their lack of status, limited alternatives and opportunities, lack of awareness of risks and fear coming forwards to report —in a region where the phenomenon was prevalent before the current crisis.[32]

Patriarchal societal norms in the Rohingya community create barriers for women and girls to accessing justice. In many cases, women are concerned about raising incidents for fear of societal isolation. According to the IRC, '*there is little to no female representation within the informal justice mechanisms*', and *'current informal justice*

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[27] Gender Based Violence Information Management System (GBVIMS) (2019) Quarterly factsheet: 2019 – (January-March). https://drive.google.com/file/d/1xVWZUmuFXbOFV56iun0mHYCuoj2MIg-y/view

[28] E. Krehm and A. Shahan (2019) Access to Justice for Rohingya and Host Community in Cox's Bazar. IRC. https://www.rescue.org/report/access-justice-rohingya-and-host-community-coxs-bazar

[29] Strategic Executive Group (2018) Joint Response Plan for the Rohingya Humanitarian Crisis, March - December 2018 http://reporting.unhcr.org/sites/default/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%20-%20March%202018.PDF

[30] IRC (2019) Access to Justice for Rohingya and Host Community in Cox's Bazar

[31] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[32] In their oral evidence the British Red Cross also noted the vulnerability of Rohingya men and boys to trafficking, including being trafficked for labour exploitation in sectors such as hospitality and agriculture, and to work in factories and construction.

mechanisms are reinforcing harmful gender power dynamics: women are pressured not to escalate such disputes at the expense of their status in the community. If they do escalate, they are unable to access a representative dispute resolution process where women are part of the decision-making process'.[33] In addition, women and youth tend to rely on a male head of household to interact with the *Majhi* or the Camp in Charge, the senior official administrating governance within a camp. This limits the ability of women and youth to directly access decision makers and advocate for themselves.

Women and girls struggle more generally to access assistance and claim their rights. Female-headed households, which account for 16% of the Rohingya population in Bangladesh,[34] are particularly vulnerable. They report lower levels of knowledge about information, feedback and other engagement mechanisms.[35] According to Oxfam, this can lead to poorly designed projects and services that do not take into account women's needs and preferences, resulting in female-headed households missing out on vital assistance.[36] This means that women and girls, already more vulnerable in any humanitarian crisis, are further disadvantaged by the response. Rohingya women need to be supported to make their voices heard, including in decision-making spaces.

The host community in Cox's Bazar

The Rohingya refugees who arrived in Cox's Bazar in 2017 joined an already strained host community of Bangladeshis. Malnutrition, poor health and food insecurity were already at crisis levels, and poverty rates were far higher than the national average. As a UK government representative concluded when speaking to the APPG, Cox's Bazar *'is a part of the country which feels left behind*'.[37] Despite this, the host community has shown great generosity by providing sanctuary and support. As the British Rohingya Community summarised it, *'the local people have been incredibly hospitable to the refugees.*'[38] This generosity is felt by the Rohingya community and, as Dr. Veronique Barbelet from the Overseas Development Institute (ODI) told the APPG, *'refugees feel very grateful and a sense of burden on the host community.*'[39]

It is increasingly evident that the refugee crisis in Bangladesh is placing strain on the host community. According to Matthew Saltmarsh of UNHCR, *'the population in the local area has tripled. The effect has been increased inflation, lower wages because of the black economy...environmental degradation*'.[40] Host communities report increased pressure on public infrastructure, shortages of key items such as cooking fuel, and increased difficulty accessing essential services such as healthcare and safe drinking water. There have also been new economic opportunities, but these have been unevenly experienced. UNHCR

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[33] IRC (2019) Access to Justice for Rohingya and Host Community in Cox's Bazar

[34] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019, See also Strategic Executive Group (2018) Joint Response Plan for the Rohingya Humanitarian Crisis, March - December 2018: 54. http://reporting.unhcr.org/sites/default/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%20-%20March%202018.PDF

[35] GroundTruth Solutions (2019) Bulletin Rohingya: Feedback and Relationships, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-feedback-and-relationships-june-2019

[36] Oxfam (2019) One Year On: time to put women and girls at the heart of the Rohingya response https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620533/bp-one-year-on-rohingya-refugee-women-girls-110918-en.pdf?sequence=1

[37] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

[38] British Rohingya Community (2019) evidence to the APPG on the Rights of the Rohingya

[39] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[40] Ibid.

estimates that the humanitarian response employs an estimated 30,000 Bangladeshi nationals—the number of jobs going to local host communities is unclear.[41]

Of those who reported being unhappy about the Rohingya's presence in their community, 72% reported this was due to competition for services.[42] The drivers of these tensions are easier to understand when considered in light of the findings of another recent multi-sector needs assessments among host communities conducted for the Inter Sectoral Coordination Group that found that 33% of surveyed host community members felt health services were too far away; 11% reported the same for education.[43] As Sanna Johnson, the IRC's Regional Vice President for Asia told the APPG '*the host communities' three demands are access to health, education and livelihoods and they feel that the competition has increased*.'[44]

The environmental impact of the crisis has been a major concern from the outset; extensive deforestation made way for the Rohingya refugee settlements, but deprived host communities of livelihoods and resources. The increasingly protracted nature of the crisis is now resulting in increased environmental pressure. As the Center for Global Development notes, *'the Cox's Bazar area was fragile before the influx but is now suffering from accelerated deforestation and loss of land access, soil and slope erosion, fuelwood scarcity, reduced space for wildlife, declining water, air, and soil quality, and climate vulnerability*'.[45] This is another source of increasing tensions between the host community and Rohingya refugees.

1.2 The humanitarian response in Bangladesh today

There is increasing consensus among international actors, including the UK government, that the crisis is becoming protracted, and that widespread returns of Rohingya to Myanmar are unlikely in the short to medium term. The 2019 JRP is primarily a humanitarian response plan, but is lacking in significant areas, such as education and livelihoods. These areas will be discussed in **Chapter 2**. This section focuses on how the response is meeting the more immediate basic needs of Rohingya refugees, and the UK's contribution.

There is no question that the humanitarian response and generosity of the GoB has saved countless lives over the past two years. Given the lack of livelihood opportunities, Rohingya refugees are almost entirely dependent on humanitarian assistance for food, shelter, water, fuel and other non-food items, as well as healthcare. While half of the Rohingya surveyed by GroundTruth Solutions in June 2019 reported that their needs were met, that means that half reported unmet needs.[46] The British Red Cross emphasised the importance that *'acute humanitarian needs continue to be prioritised...so*

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[41] Ibid.

[42] Inter-Sectoral Coordination Group (2019) Multi-sectoral needs assessment in host communities – preliminary findings. https://reliefweb.int/sites/reliefweb.int/files/resources/hc_msna_preliminary_findings_presentation_clean.pdf

[43] ibid.

[44] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[45] Center for Global Development (2019) Steps Toward Forest Landscape Restoration in The Context of The Rohingya Influx: Creating Opportunities to Advance Environmental, Humanitarian, and Development Progress in Bangladesh https://www.cgdev.org/publication/steps-toward-forest-landscape-restoration

[46] GroundTruth Solutions (2019) Bulletin Rohingya: Needs and Services, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-needs-and-services-june-2019

that refugees displaced in Bangladesh are able to meet their basic needs and have effective access to essential, lifesaving assistance.'[47]

Since late 2018, the GoB has permitted the use of vouchers for a range of assistance, including a move to electronic vouchers for the World Food Programme's blanket food assistance programme for Rohingya refugees who arrived since August 2017. This shift towards cash-based programming is welcome, but should be extended to allow multi-purpose cash or unconditional cash transfers, as this would allow the Rohingya to prioritise their own needs and gain more control over their daily lives. There is overwhelming evidence from humanitarian responses around the world that, where there are functioning markets such as in Cox's Bazar, cash-based programming is more effective in meeting a diverse range of needs; more efficient; and, most importantly, by giving people affected by a crisis flexibility and choice, improves dignity and gives them a sense of agency in their immediate circumstances.[48] In line with their Grand Bargain commitments, and in keeping with their role as co-conveners of the Grand Bargain cash workstream,

- The UK should support the Rohingya Response Cash Working Group's efforts to better understand and address the concerns of the GoB around moving toward a more comprehensive cash-based response.

The APPG heard from several respondents that the UK played (and continues to play) a crucial, leading role in the humanitarian response. According to Matthew Saltmarsh from UNHCR, '*the UK has been a very important political supporter for the humanitarian effort. They've been a really important interlocutor with the Bangladeshi Government, often working behind the scenes*'.[49] The UK should continue to play a leading role across the humanitarian response.

Funding

There remains a need for sustainable funding to support both Rohingya refugees and the host community. In February 2019, the 2019 JRP was launched in Geneva, with requirements totally $920.5 million USD to maintain priority response efforts and meet the needs of an estimated 1.2 million people affected by the crisis. According to UNHCR, the new JRP focuses on protection and gender mainstreaming, environment and ecosystem rehabilitation, social cohesion and natural disaster preparedness.[50]

As of 27 August 2019, the JRP is only 37.3% funded.[51] A UK government official told the APPG this funding gap was a '*significant worry*.'[52] The top four donors are currently the United States, Japan, Canada and Australia. In 2018, the UK was the second largest donor, contributing $84 million USD to the JRP, bringing total UK funding for the

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[47] The British Red Cross (2019) APPG on the Rights of the Rohingya Inquiry Response: The Humanitarian Situation in Bangladesh Two Years On. Written submission to APPG Inquiry

[48] Cash Learning Partnership (2018) The State of the World's Cash Report: Cash transfer programming in humanitarian aid. Executive summary. http://www.cashlearning.org/downloads/calp-sowc-report-exs-web.pdf

[49] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[50] UNHCR (2019) Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry

[51] Financial Tracking Service (n.d.) Bangladesh: 2019 Joint Response Plan for Rohingya Humanitarian Crisis (January-December) (Other). https://fts.unocha.org/appeals/719/summary

[52] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

response in Bangladesh to £129 million since August 2017. At the time of writing, the UK was yet to announce significant funding commitments for 2019 and had committed just $9 million to the response. A UK government representative told the APPG new funding will be announced soon and will try to *'get into the recognition of the long term nature of the crisis*.'[53] Matthew Saltmarsh from UNCHR also highlighted that *'annual humanitarian appeals are not sustainable'* and called for *'a shift from purely humanitarian and day-to-day towards medium-term risk mitigation.'* [54]

Refugees have identified their immediate challenges as living conditions, lack of firewood or stoves, healthcare, water, sanitation and hygiene (WASH) support, protection, inadequate food and insufficient supplies.[55] Looking at the current levels of funding by sector, shelter is only 12% funded, health 17.6%, WASH 17.6%, protection 23.5%, GBV services 28%, nutrition 34.7% and food security only 34.2%.[56] The low level of funding will inevitably have a knock-on effect in meeting basic needs. Therefore,

- The UK should immediately commit funding to the 2019 JRP in line with their fair share, and work with other international partners to ensure the JRP is fully funded.

Meeting the needs of women and girls

Rohingya women and girls are doubly disadvantaged and excluded. Like Rohingya men and boys in Bangladesh, they are now stateless, without the full legal protection of refugee status and wholly dependent on humanitarian assistance; however, due to pre-existing social and cultural norms and challenges within the humanitarian response itself, they face additional barriers to meeting their basic needs, participating in community life and shaping their futures. DFID's 2018 'Strategic Vision for Gender Equality' was a call to action to give women and girls the opportunity to realise their potential.[57] Today, much more remains to be done to ensure that Rohingya women and girls have that opportunity and Sustainable Development Goal (SDG) 5—achieve gender equality and empower all women and girls—is met.[58]

According to UNHCR, despite progress since the start of 2019 in putting in place sexual and gender-based violence (SGBV) prevention, mitigation and response mechanisms, SGBV-related services are unevenly distributed across the camps and in need of scaling up.[59] The UK has played a leading role in this area, providing funding for maternal healthcare, psychosocial support to GBV survivors and funding safe spaces for women.[60]

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[53] Ibid.

[54] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[55] IRC and Overseas Development Institute (ODI) (2019) Rohingya refugees' perspectives on their displacement in Bangladesh Uncertain futures https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

[56] Financial Tracking Service (n.d.) Bangladesh: 2019 Joint Response Plan for Rohingya Humanitarian Crisis (January-December) (Other). https://fts.unocha.org/appeals/719/clusters?order=coverage&sort=desc

[57] DFID (2018) DFID Strategic Vision for Gender Equality: A Call to Action for Her Potential, Our Future. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708116/Strategic-vision-gender-equality1.pdf

[58] https://sustainabledevelopment.un.org/sdg5

[59] UNHCR (2019) Briefing Note for UK All Party Parliamentary Group on the Rights of the Rohingya.

[60] DFID (2018, June 22) Rohingya crisis: UK leading the humanitarian response. https://dfidnews.blog.gov.uk/2018/06/22/rohingya-crisis-uk-leading-the-humanitarian-response/

According to written evidence from the Rohingya Crisis Foundation (RCF), '*the UK can also support more effectively women and girls' access to essential services, including healthcare/maternal health, gender-based violence prevention and response services, and access to justice, by simply investigating and engaging Rohingya people or representatives in their assessments or surveys*'.[61]

Rohingya women need to be supported to make their voices heard, including in being able to access decision-making spaces. The APPG was shown a powerful video of Chefuka, a Rohingya activist living in one of the camps in Bangladesh, who leads the Rohingya Women Empowerment and Advocacy network. She made a passionate plea to be included in discussions about her life and future.

In addition, the ODI has called on the international community to *'play a greater role in ensuring the Rohingya crisis response is carried out in a more dignified manner'*.[62] For women, this would include respecting *purdah* (the covering of women's bodies and gender segregation; implementing gender-sensitive distribution practices such as separate aid queues for men and women; and economic aspects of dignity, such as work and livelihood opportunities.[63] These can only be delivered within a well-funded and well-designed response that takes the needs of Rohingya women, as well as men, as its starting point. Therefore,

- The UK should ensure that, in line with recommendations in the 2015 global report on UN Security Council resolution 1325,[64] all future funding for the response allocates at least 15% to gender in emergencies programming, and requires compliance with the IASC Accountability Framework on Gender Equality and the Empowerment of Women and Girls in Humanitarian Action[65] to strengthen the accountability of humanitarian actors.

Coordination and local leadership

The structure and nature of the response also has room for improvement. The ODI notes competition among aid providers over staffing and funding is '*hindering the effectiveness of coordination*'.[66] The response requires a structure that is simple, realistic, fit for purpose and accepted by the GoB. Plans to bring the camps under full management of the GoB by the end of 2019 will address some of these challenges. However, it should leave space for the participation and representation of local NGOs and refugees themselves.

Bangladesh has a well-developed NGO sector. Before August 2017, many international and national NGOs were present in Bangladesh delivering development-focused climate change adaptation and national emergency preparedness projects. While some had responded to sudden onset natural disasters such as flooding and cyclones, few had

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[61] Rohingya Crisis Foundation (RCF) (2019) Short and medium-term solutions for Rohingya in Bangladesh. Written Evidence.

[62] ODI (2019) Written Evidence Submitted by the ODI to the All Party Parliamentary Group on the Rights of the Rohingya.

[63] Ibid.

[64] UNWomen (2015) Preventing Conflict, Transforming Justice, Securing Peace: a global study on the implementation of United Nations Security Council Resolution 1325 https://wps.unwomen.org/

[65] Inter-agency Standing Committee (2017) Policy (and Accountability Framework) on Gender Equality and the Empowerment of Women and Girls in Humanitarian Action https://interagencystandingcommittee.org/gender-and-humanitarian-action/documents-public/iasc-policy-and-accountability-framework-gender

[66] ODI (2019) Written Evidence Submitted by the ODI to the All Party Parliamentary Group on the Rights of the Rohingya.

worked on an emergency of the scale of the Rohingya crisis, and even fewer had the technical expertise and global experience to respond to the scale and nature of the trauma, protection and safety concerns faced by the Rohingya, especially women and girls. Two years on, there is an urgent need to better integrate the capacity of local organisations into the response, including in coordination structures and leadership roles. As the ODI note, *'Cox's Bazar is no stranger to humanitarian crises given its high poverty rates and vulnerability to tropical cyclones. As a result, local organisations have the capacity to help the Rohingya in some important ways and this has since been bolstered by international responders. Many of these internationals bring the specific skills and resources necessary to meet the needs of a refugee crisis and at scale'*.[67]

Therefore, INGOs, especially those new to Bangladesh, must listen to local organisations that can help ensure programmes are sensitive to local dynamics. At the same time, INGOs should focus on sharing their global expertise of large-scale refugee responses and seek to build the capacities of national NGOs and local authorities to strengthen systems that serve the refugees and the host populations. As the British Red Cross summarised, there is a need for a response that is '*as local as possible and as international as necessary, with each drawing on their respective strengths*'.[68]

The UK played a leading role in the 2016 World Humanitarian Summit and made clear commitments to support localisation of humanitarian assistance.[69] However, a recent ODI analysis of progress against these 'Grand Bargain' commitments found that, while localisation has been embedded as a key humanitarian principle, there has not been a system-wide shift in operational practice.[70] There is an opportunity to develop an inclusive and locally led response by building on the considerable capacity of national NGOs in emergency response and disaster risk reduction—bolstered by the worldwide reputations of Bangladeshi INGOs like BRAC— for their work in improving livelihoods of vulnerable households, but this requires the proactive engagement of the GoB. This will require strengthening coordination across the response; creating structures that proactively include local actors, including by addressing language barriers and adapting standard operating procedures; and greater openness from the GoB to supporting refugees' self-reliance.

A response that can harness the complementary skillsets and experience of large international actors and local organisations would ensure that the impacts on host communities around Cox's Bazar are addressed more holistically. **Chapter 1** detailed the profound social, economic and environmental impact of the Rohingya crisis on local communities. It also highlighted the generosity and sympathy of local communities towards the Rohingya refugees. At the same time, there are increasing tensions between the two communities as competition over resources, livelihoods and services increase. There is a need to better manage the perception and reality of inequality of support to build and

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[67] ODI (2019) Written Evidence Submitted by the ODI to the All Party Parliamentary Group on the Rights of the Rohingya.

[68] The British Red Cross (2019) APPG on the Rights of the Rohingya Inquiry Response: The Humanitarian Situation in Bangladesh Two Years On. Written submission to APPG Inquiry

[69] UK Government (2016, May 24) UK leads new approach to prevent and respond to crises at the first-ever World Humanitarian Summit. https://www.gov.uk/government/news/uk-leads-new-approach-to-prevent-and-respond-to-crises-at-the-first-ever-world-humanitarian-summit

[70] V. Metcalfe-Hough, W. Fenton and L. Poole (2019) Grand Bargain annual independent report 2019. ODI. https://www.odi.org/publications/11387-grand-bargain-annual-independent-report-2019

safeguard social cohesion, even in the absence of integration. The UK has a clear role to play in their bilateral engagement with the GoB: both in how they allocate funding, and how they engage with donor partners, including multilateral donors like the World Bank.

Refugee inclusion and participation

The APPG heard how Rohingya, particularly women, have been left out of key decision-making processes about their lives and futures. When it comes to meeting their basic needs, the response performs better: 78% of Rohingya recently surveyed by GroundTruth Solutions reported that humanitarian organisations take their opinions into account, an increase of 10 percentage points since October 2018.[71] However, the ODI highlighted that the opinions of Rohingya community members *'does not appear to be informing planning for the medium term'*.[72]

On wider issues—including the possible relocation to Bhasan Char or return to Myanmar, as well as the governance of the camps—the priorities and perspectives of Rohingya refugees are largely missing. This is despite commitments from the GoB to ensure that repatriation and/or relocation are voluntary. The current camp governance structures exacerbate the exclusion of Rohingya. Therefore,

- The UK Government should go on record to oppose any proposed relocation to Bhasan Char in light of safety concerns and the absence of guarantees of equal treatment between Rohingya and Bangladesh nationals, including freedom of movement and access to livelihoods for those who choose to be resettled on Bhasan Char. The UK Government should continue to make stringent representations to the Government and Bangladesh about their concerns to prevent any planned relocations.

A first step to addressing the gaps in effective community engagement is reforming the current system of refugee representation. Alongside the GoB representatives, called 'Camps in Charge', who run each of the camps, the GoB has appointed Rohingya representatives, called '*Majhi*'. The *Majhi* occupy a privileged position within the response structure, filtering information to and from the communities they represent, coordinating aid distributions and overseeing informal dispute resolution. This role is vital given the scale of the response, but is open to abuse; there have been reports of favouritism and violence by some *Majhi*.[73] Plans to move to a system of elected Rohingya representatives in 2019 are welcome and should be supported. However, safeguards need to be put in place to ensure that elected representatives can be held to account. Further, women will need dedicated support to ensure they are able to participate effectively, including as candidates. This should include leadership training, protection and support to address their additional care burdens. This should take place within the setting of holistic programming that works with Rohingya men and women to improve women's access to services and ability to claim their rights.

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[71] GroundTruth Solutions (2019) Bulletin Rohingya: Feedback and Relationships, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-feedback-and-relationships-june-2019

[72] ODI (2019) Written Evidence Submitted by the Overseas Development Institute to the All Party Parliamentary Group on the Rights of the Rohingya

[73] GroundTruth Solutions (2019) Bulletin Rohingya: Feedback and Relationships, June 2019. https://reliefweb.int/report/bangladesh/bulletin-rohingya-feedback-and-relationships-june-2019

More broadly, this process should address Rohingyas' lack of legal status and aid dependency. Indeed, the lack of legal status for the Rohingya in Bangladesh remains the biggest protection risk facing Rohingya in Bangladesh, and is compounded by their lack of citizenship in Myanmar.

- The UK should work with the GoB and UNHCR to ensure that Rohingya are able to access the protection afforded by formal legal status for the duration of their stays in Bangladesh.

Alongside local humanitarian leadership, participation and community engagement are central Grand Bargain commitments. The Rohingya crisis offers a challenging test case for the UK to put its commitments into practice. Therefore,

- The UK should urge and support the GoB and the Response Coordination Mechanism to fulfil their commitment to establish a more accountable community representation system as reflected in the Site Management Sector Strategy 2019, and work with all duty bearers to ensure Rohingya are afforded the opportunity to have representatives in international fora in which their future is debated.

2 The protracted crisis

2.1 Limits on refugees' self-reliance

The 2019 JRP underlines that both the cause and solution of the Rohingya crisis are ultimately to be found in Myanmar.[74] However, with conditions conducive to return a long way from being secured, the refugee crisis in Bangladesh is likely to continue for the foreseeable future. According to a survey conducted by Xchange Foundation last year, 97.5% of the Rohingya population in Bangladesh would in theory support returning to Myanmar, but 99% of them would do so only if they were guaranteed citizenship, freedom of movement and freedom of religion.[75]

In August 2017, the Advisory Commission on Rakhine State, led by Kofi Annan, set out their recommendations to address the interlinked development, human rights and security issues affecting both the Rohingya and ethnic Rahkine communities in Myanmar.[76] While the Commission's recommendations were accepted by the GoM, progress towards implementation has been limited and has so far failed to address the underlying human rights violations that continue to underpin the segregation and discrimination of the Rohingya community, including their rights to freedom of movement and citizenship. In addition, there have been limited openings for the international community to provide support in the implementation of the recommendations. The lack of progress towards conditions conducive for refugees to return was demonstrated in October 2018 when the Joint Working Group on Repatriation of the Governments of Bangladesh and Myanmar announced that repatriation of Rohingya refugees would begin the following month. On 15 November, buses arrived at Unchiprang camp in Cox's Bazar; however, despite anecdotal reports that refugees were offered food to board the buses, none agreed to return and the buses left the camp empty.[77]

The escalating conflict in Rakhine State between the Arakan Army (AA) and the Myanmar military continues to restrict humanitarian access to newly displaced and nondisplaced populations in Rakhine State, and further undermines conditions conducive to return (for more on this, see **Chapter 3**). Further, even if voluntary repatriation began now, estimates show that many Rohingya would still be in Cox's Bazar ten years from now.[78] Therefore, as a UK government official told the APPG, *'we need to continue to talk about returns but recognise it isn't going to happen next week'*.[79]

The likely protracted nature of the refugee crisis means current response models, funding structures and leadership need to be adapted to support the immediate and

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[74] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

[75] Xchange Foundation (2018, May 23) Rohingya Repatriation Survey. http://xchange.org/rohingya-repatriation-survey/

[76] Advisory Commission on Rakhine State (2017) Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: final report of the advisory committee on Rakhine State http://www.rakhinecommission.org/

[77] H. Ellis-Petersen, S.A. Rahman and M. Safi (2018, Nov 15) Bangladesh admits no Rohingya willing to take repatriation offer. The Guardian. https://www.theguardian.com/world/2018/nov/15/rohingya-refugee-repatriations-bangladesh-myanmar

[78] C. Huang (2018) A Bangladesh Compact: Beyond Aid Solutions for Rohingya Refugees and Host Communities. Center for Global Development. https://www.cgdev.org/publication/bangladesh-compact-beyond-aid-solutions-rohingya-refugees-and-host-communities

[79] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

medium-term needs of the refugee population and the host communities impacted by their displacement. As the humanitarian response continues to stabilise, it is vital to review and assess the role the GoB, local authorities, national NGOs, the international community, the UN and INGOs can play in meeting these diverse and complex needs.

Experience from other protracted crises clearly demonstrates the consequences of failing to invest in such a response. For example, the IRC told the APPG about their experience in Thailand, where they have worked with Burmese refugees for nearly 40 years. Their analysis shows that the lack of livelihood opportunities and stress has contributed to high levels of suicide and GBV—including early marriage and intimate partner violence—among the refugee population.[80]

Commitments to support refugees' self-reliance and efforts that bridge the divide between humanitarian and development aid can be found across international frameworks, including the Global Compact on Refugees[81] (GCR) and the Grand Bargain. Reflecting these commitments, the UK has adopted a strategy that seeks to support Rohingya and host communities in the short term while building towards a longer-term response. In a February 2019 visit to Bangladesh, then Secretary of State for International Development Rt Hon Penny Mordaunt MP declared support for assistance that contributed to the sustainability of refugees' lives.[82]

In recognition of the likely protracted crisis in Bangladesh, the 2018 JRP included a pillar focused on '*preparing for durable solutions in the short- and mid-term by promoting refugee self-reliance*'.[83] However, reflecting GoB efforts to avoid steps that could be perceived as acceptance of long-term displacement, the 2019 JRP offers a significantly more limited policy and operational space with fewer references to refugee livelihoods and none to formal education. In addition, the GoB still places tight restrictions on humanitarian programming and bars almost all efforts to expand formal education and livelihood opportunities for refugees.

Improving social cohesion in Cox's Bazar remains a priority for the GoB, as reflected in the JRP. However, their continued focus on returns serves to create a false narrative that displacement is temporary, when it is likely to be protracted. This reality, combined with perceptions of insufficient support to host communities, is contributing to a deterioration in relations between the host and refugee communities. Increased pressure on services and employment opportunities are further exacerbating these tensions. Expanding access to education and livelihoods for both communities, combined with specific efforts tailored to building trust between them, could therefore play a key role in improving social cohesion.

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[80] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[81] United Nations (2018) Report of the United National High Commissioner for Refugees part II Global Compact on Refugees General Assembly Official Records seventy third session supplement 12. https://www.unhcr.org/gcr/GCR_English.pdf

[82] DFID (2019, Feb 19) Penny Mordaunt: the Rohingya crisis must not be forgotten. https://www.gov.uk/government/news/penny-mordaunt-the-rohingya-crisis-must-not-be-forgotten

[83] Strategic Executive Group (2018) Joint Response Plan for the Rohingya Humanitarian Crisis, March - December 2018 http://reporting.unhcr.org/sites/default/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%20-%20March%202018.PDF

Education

Access to education in emergencies is critical for children's protection, mental health, wellbeing and recovery. According to recent research undertaken by the IRC and the ODI, both male and female Rohingya refugees in Bangladesh identified quality education for their children as a top priority. Refugees linked education to a better future, power, livelihoods and hope.[84] Despite this, over 39% of children (i.e. those aged 3–14) and 97% of adolescents and youth (aged 15–24) are not currently attending any type of education facility.[85] This lack of access to education risks deepening inequalities and increasing protection risks for the Rohingya community. As UNHCR concluded, the *'continued lack of quality and inclusive education exposes children to child protection threats, including child labour, forced-early marriage, trafficking, GBV and cycles of multidimensional poverty in both their host country and country of origin should repatriation occur'*.[86]

> **'If they live in camp for a long time they won't have access to education and their community will be destroyed, even those who were educated will forget what they knew before'**
>
> Rohingya refugee running a small education programme in the camps[†]

Although Bangladesh is a signatory to the 1989 Convention on the Rights of the Child,[87] access to education has been limited for Rohingya children and youth. During previous periods of displacement, Rohingya children living outside official camps had no entitlement to education, while those in officially registered camps were able to access a government-approved non-formal education programme with a certificate of completion. In spite of this, there is no system of accreditation and there remains no formal pathway into Bangladesh's national school system.[88] This lack of accreditation presents a significant long-term challenge, as accreditation is often necessary to access further studies and the labour market.[89]

For Rohingya refugees who arrived in Bangladesh in 2017, education provision is extremely limited. According to the British Rohingya Community, the GoB *'is reluctant to give access to refugee children to a formal education'*.[90] As a result, teaching for child refugees is limited to two hours per day of informal tuition in 'child-friendly spaces' and 'temporary learning centres' with no agreed curriculum.

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[84] IRC and ODI (2019) Rohingya refugees' perspectives on their displacement in Bangladesh Uncertain futures : https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

[85] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

[86] UNHCR (2019) Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry

[87] United Nations General Assembly (1989) Convention on the Rights of the Child. United Nations General Assembly Resolution 44/25. 20 November 1989.

[88] Burmese Rohingya Organisation UK (BROUK) (2018) The Right to Education Denied for Rohingya Refugees in Bangladesh. https://burmacampaign.org.uk/media/The-Right-to-Education-Denied-for-Rohingya-Refugees-in-Bangladesh.pdf

[89] Ibid.

[90] British Rohingya Community (2019) Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry

[†] IRC/ODI quotes sourced here: https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

The education Sector and the GoB Ministry of Primary and Mass Education have made some progress on setting out guidelines for delivering informal education programming, such as approving an approach for learning levels 1 and 2, thus offering more structured and higher-quality learning for Rohingya refugee children up to the age of 14. However, while levels 1 and 2 have been approved, the teaching materials to deliver a quality curriculum have not been disseminated and are still not in use. Further, there is a lack of qualified teachers to deliver a good education—especially those with fluency in Burmese and female teachers.[91]

'Temporary learning centres' currently provide early learning for children aged 3 to 6 and non-formal primary level education for those aged 7 to 14. This approach has been widely criticised by refugees, who report that the teaching is not relevant or age appropriate.[92] Further barriers to education for Rohingya children in the camps include difficulties with the authorisation of humanitarian support, which is currently only given for six months at a time through foreign donation approvals (FD7s), and within which education programmes are often rejected or delayed. Due to limited funding and land, there is also a lack of physical space for education in the camps. As of July 2019, 4,352 education centres exist—2,000 short of the number estimated to improve access according to Education Sector.[93]

Livelihoods

Evidence from across the global shows that creating safe, decent work opportunities has significant potential to contribute to refugees' self-reliance. It allows working age refugees and those who will complete schooling during displacement to meet their needs and the needs of their families while reducing their dependency on aid. Furthermore, because access to work and wage depreciation are the key concerns of host communities and often a source of inter-community tensions, expanding access to income-generation opportunities and, ultimately, formal work can play a key role in improving relations.

> **'Whenever we go to do fishing the military tell us not to do this work, we are not allowed to do this work because we are a refugee.'**
> Rohingya respondent who had tried to work[†]

Research shows that providing refugees with access to formal labour markets tends over time to cause the fiscal effects of refugee inflows to become positive.[94] Critically, research also shows that real concerns from host communities about job competition can most

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[91] BROUK (2018) The Right to Education Denied for Rohingya Refugees in Bangladesh https://burmacampaign.org.uk/media/The-Right-to-Education-Denied-for-Rohingya-Refugees-in-Bangladesh.pdf

[92] Cox's Bazar Education Sector (2018) Joint Education Needs Assessment: Rohingya Refugee in Cox's Bazar https://reliefweb.int/sites/reliefweb.int/files/resources/cxb_jena_assessment_report-180607.pdf

[93] Save the Children (2019) Private Cox's Bazar education briefing

[94] M. Clemens, C. Huang and J. Graham (2018) The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access. Center for Global Development and the Tent Partnership for Refugees. https://www.cgdev.org/publication/economic-and-fiscal-effects-granting-refugees-formal-labor-market-access-brief

[†] IRC/ODI quotes sourced here: https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

effectively be addressed by deploying policy reforms and granting refugees access to formal labour markets. For example, granting freedom of movement to refugees can encourage the geographic dispersion of jobs, while supporting host communities to upgrade skills can reduce pressure on local job markets.[95] Evidence from other protracted crises, such as in Kenya, also illustrates that supporting refugees to build their skills means they are more likely to sustainably return home when conditions are appropriate. As the UNHCR conclude, '*youth empowerment and skills development are essential to ensure that refugees can re-establish their lives upon return to Myanmar and lead meaningful lives in Bangladesh in the interim*'.[96]

Research undertaken by the IRC and the ODI found that most of the Rohingya refugees interviewed wanted to be able to support themselves and their family through work, seeing it as a way to generate income and meet their needs. They also saw work as a way to be active rather than idly thinking about traumatic experiences, as well as a way to protect against inconsistent levels of aid and concerns that aid would not continue indefinitely.[97]

However, the RCF highlights that '*as refugees, they [members of the Rohingya community] are not allowed to find employment in Bangladesh*'.[98] Expanding on this, Helen Dempster from the Center for Global Development told the APPG: '*Bangladesh does not want to be seen as profiting from this crisis.*[99]

Despite the restrictions on accessing the formal labour market, opportunities for refugees to generate income in the camps exist. These tend to be ad hoc and small scale, such as cash for work programmes by UN agencies or INGOs, and small businesses, for example selling food, wood or services to other refugees.[100] As a result of this limited access to livelihoods, some refugees are resorting to negative coping strategies, including human trafficking, selling of humanitarian aid, early marriage and child labour.

Refugee women in Cox's Bazar have even more limited opportunities for generating livelihoods than men. Globally, women and girls face increased risks and challenges in accessing safe, decent work. They are disproportionately affected by poor pay and conditions, and face particular challenges, including sexual harassment and violence.[101] Traditionally patriarchal norms within the Rohingya community mean women and girls are often confined to their homes. In Cox's Bazar, women refugees without an adult male in the household who can collect assistance or engage in informal work are increasingly taking on these roles themselves, exposing themselves to risks including harassment when accessing services, or employing negative coping strategies to meet their needs. Lack of income opportunities has increased women's risk of exploitation through early marriage, survival sex and trafficking for sexual exploitation and forced domestic labour.

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[95] Ibid.

[96] UNHCR (2019) Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry

[97] C. Wake, V. Barbelet and M. Skinner (2019) Rohingya refugees' perspectives on their displacement in Bangladesh: Uncertain futures. IRC and ODI. https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

[98] RCF (2019) Short and medium-term solutions for Rohingya in Bangladesh. Written Evidence.

[99] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[100] C. Wake, V. Barbelet and M. Skinner (2019) Rohingya refugees' perspectives on their displacement in Bangladesh: Uncertain futures. IRC and ODI. https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures

[101] IRC (2019) Choices, chances and safety in crisis: a model for women's economic empowerment. https://www.rescue.org/report/choices-chances-and-safety-crisis-model-womens-economic-empowerment

2.2 Developing a medium-term response in Bangladesh

Education and livelihoods

Taking account of the conditions required to ensure safe and voluntary returns to Myanmar, the refugee crisis in Bangladesh can no longer be seen as a short-term humanitarian emergency. Thus, it is necessary for programmes that promote refugee self-reliance to be prioritised. A UK government official told the APPG '*a huge amount of thinking and effort is going into talking about a longer-term approach*'.[102] While efforts to address the medium-term needs of refugees in Bangladesh remain politically sensitive for the GoB, the potential benefits include ensuring a generation of Rohingya children do not miss out on education and mitigating against the negative coping. An appropriate medium-term response could also be beneficial for Bangladesh's development ambitions, including addressing underdevelopment in Cox's Bazar and gaps in national service provision in sectors such as education. Therefore, such as response should be seen as both beneficial to the host community and the Rohingya refugees. To achieve this,

- The UK should commit to supporting the creation of a multi-year JRP and contribute appropriate levels of funding to allow for the delivery of programmes that contribute to the self-reliance of all affected populations.
- The UK should encourage the GoB to lift restrictions on programming designed to support self-reliance, including for education and livelihoods, and speed up NGO approvals in these areas. Building on these reforms, the UK should encourage the GoB to lift restrictions on refugees' right to work and freedom of movement.
- The UK should prioritise livelihoods interventions that seek to play a gender-transformative role by addressing the risks of gender-based violence faced by women seeking work and/or transform or eliminate laws, policies and social norms that reinforce and exacerbate gender inequalities and limit women's economic empowerment.
- The UK should encourage the GoB to remove the barriers to education for Rohingya refugees, including:
  - Securing the GoB's agreement on the official language for refugee education and approval of levels 3, 4 and 5 of the Guidance for Informal Education Programming.
  - Agreeing on the accreditation of Rohingya children's education, including officially recognised exams equivalent to the national Primary School Certificate exam that are aligned with the expanded Guidance for Informal Education Programming.
  - Ensuring education services are gender-responsive and sensitive to the different barriers and needs of boys and girls.
- Working with partners including Education Cannot Wait and the World Bank, the UK should support efforts to expand investment in teacher training and increase access to formal inclusive primary and secondary education, and technical and vocational training.

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[102] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

Cox's Bazar development

Efforts to address the refugee crisis in Bangladesh cannot overlook the real and legitimate concerns of host communities, as outlined in **Chapter 1**. In order to improve the situation for both the host and refugee communities, a bold plan is required that will situate efforts within the framework of a longer-term investment in Cox's Bazar. As a UK government official told the APPG, a '*big win would be if we could get support for a longer-term approach to the whole of Cox's Bazar district, refugees and host communities*'.[103] Such efforts will require coordinated multi-year funding from donor governments and the private sector. Reported commitments by the World Bank to work with the GoB to begin to define a development plan for Cox's Bazar are positive. However, these efforts should also include policy reforms that truly contribute to refugees' self-reliance, including the right to work and freedom of movement, which would allow refugees to make a positive impact towards local growth and development and decrease tension with host communities. Such long-term investment should centre around a commonly defined set of shared outcomes for refugees and host communities, and be accompanied by a plan with specific actions to deliver and measure progress. This plan should take Bangladesh's national development objectives and the SDGs as a starting point.

Viewed this way, such longer-term interventions should seek to adopt a 'whole-of-society approach' that delivers triple wins for the host communities, Rohingya refugees and Bangladesh as a whole, by contributing to social cohesion and facilitating progress towards the SDGs. This could be achieved through, for example, investments in teacher recruitment and training for the education of both refugees and host communities, or investments in infrastructure for districts that have been put under pressure by refugee displacement. The opportunity to develop and secure support for a longer-term plan that delivers is relatively short. There is a risk that the Rohingya crisis will become both underfunded and forgotten, with a UK government official telling the APPG that they '*worry about fatigue and donors losing interest*'.[104] Therefore,

- The UK—under the leadership of the GoB, working with the World Bank, the UN, donors and regional actors—should co-convene a medium-term planning working group to develop a collective 'whole-of-society approach' to medium-term development in Cox's Bazar that delivers positive outcomes for refugees and host communities and supports Bangladesh's progress towards implementation of the SDGs.
- This 'whole-of-society approach' should seek to coordinate planning; define collective outcomes for policy and programme intervention, including using frameworks such as the GCR and the SDGs; and guide investment employing a broad range of financing instruments.
- The UK should define proactive steps and milestones that ensure all longer-term investment in Cox's Bazar is based on systematic engagement with affected communities and learning from previous protracted crises.

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[103] Ibid.

[104] Ibid.

Global responsibility sharing

The GoB is currently providing an immense global public good through its support for Rohingya refugees. This is coming at a cost to the GoB, with recent estimates putting the cost of hosting thousands of Rohingya refugees for seven to twelve years to be $4–10bn.[105] Alongside supporting longer-term investment in Cox's Bazar and continuing to provide humanitarian aid, the international community has an opportunity to recognise Bangladesh's contributions through a robust responsibility-sharing process that contributes to a Cox's Bazar development plan and wider economic development in Bangladesh. As the British Rohingya Community summarised, *'there has to be "international burden sharing" with GoB to meet the protracted crisis issues'*.[106] This responsibility-sharing process cannot come at the expense of ensuring the international community, including the UK, continue to exert pressure on the GoM to create conditions for return. Instead these should be viewed as complementary processes that support the GoB through the likely protracted crisis, while also working to ensure Rohingya refugees can return in a safe, voluntary and dignified manner.

The GCR, adopted by UN member states, including the UK and Bangladesh, in December 2018 was designed to enable a stronger, fairer response to large refugee movements. It includes easing pressure on host countries, enhancing refugees' self-reliance, expanding access to third-country solutions, and supporting conditions in countries of origin for return in safety and dignity. However, according to the British Red Cross, it is currently *'unclear to what extent the global aspirations and principles of the GCR have been seriously discussed in the context of Bangladesh and whether they are informing discussions around responsibility sharing at the global level, or practical engagement on the ground'*.[107] Therefore,

- The UK and all other UN member states should explore which aspects of the GCR could provide a framework to support more effective responsibility sharing between the international community and the GoB, and consider tangible pledges of assistance in support of refugees and host communities in Bangladesh at the Global Refugee Forum in December 2019.

Bangladesh has made remarkable development progress in recent decades, reducing the overall poverty rate and making progress against the SDGs. Bangladesh reached lower middle-income country status in 2015; in 2018, it met the eligibility criteria for graduation from the UN's Least Developed Countries (LDC) list. As Bangladesh approaches this graduation in 2024, it must prepare for the loss or reduction of the preferential trade terms and related support mechanisms that come with LDC status. Therefore, as the Center for Global Development notes, opportunities to extend duty-free, quota-free access for Bangladesh in developed markets could serve as an anchor for responsibility-sharing interventions.[108]

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[105] F. Khatun and M. Kamruzzaman (2018) Fiscal Implications of Rohingya Crisis for Bangladesh. Centre for Policy Dialogue. https://cpd.org.bd/cpd-working-paper-120-fiscal-implications-of-rohingya-crisis-for-bangladesh/

[106] British Rohingya Community (2019) Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry

[107] The British Red Cross (2019) APPG on the Rights of the Rohingya Inquiry Response: The Humanitarian Situation in Bangladesh Two Years On. Written submission to APPG Inquiry

[108] Center for Global Development (2019) Center for Global Development responses to APPG Rohingya Inquiry

Therefore,

- The UK and all other UN member states should make clear and early commitments to extend LDC market access for Bangladesh after its LDC graduation. Where existing duty-free, quota-free programmes do not cover 100% of products, the UK should work to remove exclusions, and provide technical and financial assistance to ease the path to meeting conditions associated with such programmes.

Precedent for global responsibility sharing for refugees and host communities can be found in the Jordan, Lebanon, and Ethiopia Compacts. These agreements seek to meet the medium-term needs of refugees and host communities and generate inclusive growth, including through policy adjustments that enable self-reliance and reduce aid dependence. While an official compact agreement is not politically appropriate for Bangladesh, these models can provide guidance for the GoB, and the UK and other donors on the roles that aid and other contributions can make in supporting a transition to a more sustainable response model.

Experience from these responsibility-sharing processes has demonstrated the importance of engaging with refugee and host communities throughout the development and implementation of such an intervention. As Helen Dempster from the Center for Global Development explained, '*the main reason the Jordan Compact didn't meet its ultimate objectives is because it didn't take into account the needs of refugee and host populations on the ground and therefore what they were providing was not of adequate use to those people and therefore was not taken up*'.[109]

In addition, any responsibility-sharing process should promote formal labour market access for refugees and deliver improvements in the overall development of Cox's Bazar. Again, lessons from other protracted crises can provide a helpful roadmap for labour market interventions. For example, in Jordan over 140,000 formal work permits have been issued; Ethiopia recently passed a law that will allow refugees to obtain work permits, access public education and obtain drivers' licenses.[110]

Special economic zones (SEZs) are another responsibility-sharing process that are being considered in Bangladesh. SEZs are areas in which business and trade laws are different from the rest of the country. Again, lessons from other responsibility-sharing processes should be heeded by the UK and other donors. For example, according to the Center for Global Development, in Jordan, SEZs were far from where refugees were located and offered unsatisfactory roles, working conditions and wages, reducing the potential impact on self-reliance.[111] As a result, the EU recently agreed to widen the scope to companies outside SEZs, in exchange for more work permits. Bangladesh has made infrastructure investment one of its development priorities, and is already planning to establish more than 100 SEZs, some of which already receive regional and international investment.[112] However, to ensure these SEZs support both refugees and host communities,

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[109] APPG on the Rights of the Rohingya oral evidence session, 11 June 2019

[110] Center for Global Development (2019) Center for Global Development responses to APPG Rohingya Inquiry

[111] C. Huang and K. Gough (2019, March 11) The Jordan Compact: Three Years on, Where Do We Stand? Center for Global Development blog. https://www.cgdev.org/blog/jordan-compact-three-years-on

[112] M.A. Razzaque, B.H. Khondker and A. Eusuf (2018) Promoting inclusive growth in Bangladesh through special economic zones. The Asia Foundation. https://asiafoundation.org/publication/promoting-inclusive-growth-in-bangladesh-through-special-economic-zones/

- The UK should support private sector investment plans for Cox's Bazar, including expanded economic opportunities for refugees and host communities through SEZs and formal labour market access, while promoting steps to ensure safe, dignified working conditions for employees within these zones.
- The UK should apply lessons from SEZs in Jordan to ensure greater effectiveness in Bangladesh, including considering the distance of the zones from refugee settlements and the safety and affordability of transport.

Currently, Bangladesh sends about half a million migrant workers overseas each year.[113] Its remittances were $15bn in 2016 and more than $13bn in 2017.[114] Therefore, according to the Center for Global Development, labour mobility opportunities for Bangladeshis such as expanded quotas or new regular migration pathways provide a significant opportunity for responsibility sharing.[115] Again, learning from current interventions provide guidance for the UK. The 'Global Skill Partnerships' model is a bilateral agreement in which a migrant destination country joins with a migrant origin country to sensibly share the costs and benefits of skilled migration.[116] Therefore,

- The UK should uphold its commitment to the Global Compact for Migration[117] by exploring more legal migration opportunities for Bangladeshis, for example, global skill partnerships or a similar model. Such skills partnerships should be designed with potential local Rohingya training and employment opportunities in mind.

Finally, resettlement of refugees to the UK could play an important part of the responsibility-sharing discussion. The UK's resettlement pathways have expanded in recent years, including through a private sponsorship pilot and the extension of the Vulnerable Persons Resettlement Scheme beyond 2020 and to countries outside the Middle East and North Africa. The upcoming Global Refugee Forum in December 2019 provides an opportunity to examine such a contribution. Therefore,

- The UK should encourage the GoB to grant Rohingya refugees formal legal status and, once that is secured, examine opportunities for resettlement.

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[113] The World Bank (2017, July 30) In Bangladesh, Migrant Workers Can Dream of a Better Life with Access to Better Resources https://www.worldbank.org/en/news/feature/2017/07/30/in-bangladesh-migrant-workers-can-dream-of-a-better-life-with-access-to-better-resources

[114] Bangladesh Bank (n.d.) Wage Earners Remittance Inflows: Selected Country wise(Monthly). Online data table. https://www.bb.org.bd/econdata/wagermidtl.php

[115] Center for Global Development (2019) Center for Global Development responses to APPG Rohingya Inquiry

[116] M. Clemens and K. Gough (2018) A Tool to Implement the Global Compact for Migration: Ten Key Steps for Building Global Skill Partnerships. Center for Global Development. https://www.cgdev.org/gsp

[117] United Nations General Assembly (2018) Global Compact for Safe, Orderly and Regular Migration A/res/73/195 Seventy Third Session 19 Decembmer 2018. https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195

3 Accountability, justice and durable solutions in Myanmar

While the international community placed significant emphasis on the election of the National League for Democracy as an indicator of democratic transition in Myanmar, events in Rakhine State since 2015 have illustrated the limitations of the civilian government's efforts to address the structural discrimination against minority ethnic groups. In August 2017, the Myanmar military initiated a brutal crackdown on Rohingya living in northern Rakhine state. In response to attacks on police and army posts by the ARSA, the Myanmar military have been accused of '*consistent patterns of serious human rights violations*' against the Rohingya, which the Independent Fact Finding Mission on Myanmar (FFM) found amount to crimes against humanity, with evidence of genocidal intent.[118]

> **'As a human, if I am born in Myanmar, then before they look at the rules they should accept me as a human. I have human rights.'**
> Rohingya confined to an IDP camp in central Rakhine State, Myanmar

The FFM found evidence of patterns of violence committed by the Myanmar military including the killing of thousands of men, women and children; forced disappearances; and the razing of hundreds of Rohingya villages.[119] The FFM's report also revealed that rape and other forms of sexual violence were committed on a shocking scale, with thousands of Rohingya women and girls brutally raped, including in public mass gang rapes, which often ended in killing or mutilation. The report found that systematic sexual violence was used against women and girls as part of a deliberate strategy to intimidate, terrorise and persecute the Rohingya population.[120] One of the members of the FFM described never having been '*confronted by crimes as horrendous and on such as scale as these*',[121] and the former UN High Commissioner for Human Rights described the violence as a *'textbook example of ethnic cleansing*'.[122] Despite the widespread recognition that crimes, possibly amounting to crimes against humanity and genocide, were committed, the Myanmar military are yet to experience meaningful consequences either criminally or politically. As Mark Farmaner from Burma Campaign UK told the APPG, '*on the question of justice and accountability, there has been very little progress at all*'.[123] Therefore, as the British Rohingya Community stated, *'key actors behind the crimes committed against the Rohingya ethnic minority must be held accountable for their actions*'.[124]

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[118] UN Fact Finding Mission (FFM) (2018) Report on the Independent International Fact-Finding Mission on Myanmar https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx

[119] Ibid.

[120] Ibid.

[121] UN Human Rights Council (2018) Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin and Shan State. https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E.

[122] UN Office of the High Commissioner for Human Rights (OHCHR) (2017) UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein highlights human rights concerns around the world in an address to the 36th session of the Human Rights Council in Geneva, 11 September 2017. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22044&LangID=E

[123] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

[124] British Rohingya Community (2019) Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry

Not only did the attacks of 2017 come after decades of targeted violence and systematic discrimination by the Myanmar authorities—about which UK parliamentarians, NGOs and Rohingya civil society persistently warned the UK government—but violations continue even now.[125] According to human rights organisations, the estimated 600,000 Rohingya remaining in Rakhine State face government persecution, violence, extreme restrictions on movement, and deprivation of food and health care.[126] The Australian Strategic Policy Institute recently published evidence of the continued destruction of Rohingya villages throughout 2018 and 2019.[127] In addition, nearly 130,000 Rohingya and Kaman Muslims have been confined to open-air detention camps since they were displaced by conflict in 2012.[128] The conditions in these camps have been described as '*beyond human dignity*' by the UN Deputy Relief Chief.[129]

The Myanmar military's alleged violations of international law are not limited to the Rohingya. The UN's Special Envoy on Human Rights in Myanmar highlighted further potential violations against civilians in clashes with the Arakan Army as recently as July 2019.[130]

3.1 The challenge of impunity

At a national level the civilian government in Myanmar is unable and unwilling to investigate potential crimes committed by the military and hold perpetrators to account. The Government of Myanmar (GoM) is actively limiting access to international and independent investigation, including barring entry to investigators, arresting journalists and limiting freedom of expression. The GoM has also made clear that it believes the conclusions of the FFM, International Criminal Court (ICC), UN and civil society to be erroneous. This was made especially clear in its response to the UN Committee on the Elimination of Discrimination against Women (CEDAW) which claimed that there was no evidence to support the *'wild claims'* of sexual violence against women and girls.[131]

> **'I would like to request world leaders on behalf of the Rohingya to exercise your roles to stop the genocide happening against Rohingya in Myanmar and take actions over the crimes that the Myanmar government committed. The perpetrators must be brought into the International Criminal Court.'**
>
> Rohingya confined to an IDP camp in central Rakhine, Myanmar

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[125] Amnesty International (2018) "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State, Myanmar. https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF

[126] Human Rights Watch (2019) Submission to the UK All-Party Parliamentary Group on the Rights of the Rohingya

[127] E. Thomas, N. Ruser and M. Walker (2019) Mapping Conditions in Rakhine State. Australian Strategic Policy Institute. https://www.aspi.org.au/report/mapping-conditions-rakhine-state

[128] Human Rights Watch (2019) World Report 2019: Events of 2018. https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf.

[129] Quoted in Human Rights Watch (2018) Myanmar/Bangladesh: Plans Put Rohingya at Risk 2 November 2018 https://www.hrw.org/news/2018/11/02/myanmar/bangladesh-plan-puts-rohingya-risk

[130] S. Nebehay (2019) U.N. investigator reports possible fresh war crimes in Myanmar. Reuters. https://uk.reuters.com/article/uk-myanmar-rights-un/u-n-investigator-reports-possible-fresh-war-crimes-in-myanmar-idUKKCN1TX2K6

[131] Amnesty International (2018) "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State, Myanmar https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF

As Justice for Rohingya Minority conclude, '*Myanmar denies mistreating the Rohingya, against all the evidence.*'[132]

Related to the GoM's intention to rebuke the allegations of independent investigators and experts, in May 2018 it established the Independent Commission of Enquiry (ICOE). Launching the ICOE, a spokesperson for the Office of the President stated that the ICOE was established '*in response to false allegations made by the UN Agencies and other International Communities*'.[133] Similarly, the Chairperson of the ICOE stated that the commission would not result in the '*blaming of anybody, no finger-pointing of anybody… saying you're accountable*'.[134] Statements such as these underline that the ICOE is wholly inconsistent with international standards for commissions of inquiry. It is not impartial or independent, and it is incapable of providing meaningful accountability and redress for the gross human rights violations that occurred against the Rohingya. In fact, it serves as a barrier to justice. As the FFM concluded, the ICOE *'will not and cannot provide a real avenue for accountability, even with some international involvement'*.[135]

Since violence broke out in Rakhine state in 2012, the GoM has created eight commissions to investigate abuses and resolve crisis. Of these, none have reached credible conclusions, nor have any led to accountability for perpetrators.[136] Although seven soldiers were convicted in 2018 for abuses during the 2017 violence, they were pardoned 8 months into their 10-year prison sentence. By way of comparison, two Reuters journalists who had reported on the 2017 violence were imprisoned for approximately 16 months.[137] The UK government must publicly recognise the ICOE as a barrier to justice, and pursue independent, impartial and credible accountability mechanisms.

Inertia at the international level has removed pressure on the GoM and its allies, reduced the cost of not pursuing accountability, and enabled impunity. The breadth and brutality of the atrocities committed in Myanmar warrant a UN Security Council referral to the ICC.[138] This is the only way that the entirety of crimes likely to have been committed would come under ICC jurisdiction. While the ICC has commenced a pre-examination of crimes related to deportation of the Rohingya now in Bangladesh this work would be limited in scope and likely fail to address the full range of violations and atrocities which took place. Although Security Council dynamics make an ICC referral complex—as penholder on Myanmar—the UK government has a responsibility to uphold human rights, international humanitarian law and its national and international obligation to the protection of civilians. However, as the Burma Campaign UK told the APPG, '*the*

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[132] Justice for Rohingya Minority (2019) The Humanitarian Situation in Bangladesh and Myanmar. Submission to the APPG on the Rights of the Rohingya.

[133] International Commission of Jurists (2018) Myanmar: New commission of inquiry cannot deliver justice or accountability, international response required https://www.icj.org/wp-content/uploads/2018/09/Myanmar-COI-cannot-deliver-justice-or-accountability-Advocacy-Analysis-brief-2018-ENG.pdf.

[134] Ibid.

[135] UN FFM (2018) Report on the Independent International Fact-Finding Mission on Myanmar https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx

[136] Amnesty International (2019) "No one can protect us": War crimes and abuses in Myanmar's Rakhine State. https://www.amnesty.org/download/Documents/ASA1604172019ENGLISH.PDF

[137] S. Lewis and S. Naing (2019) Two Reuters reporters freed in Myanmar after more than 500 days in jail. Reuters. https://uk.reuters.com/article/uk-myanmar-journalists/two-reuters-reporters-freed-in-myanmar-after-more-than-500-days-in-jail-idUKKCN1SD058

[138] Amnesty International (2018) "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State, Myanmar. https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF.

British Government, which is the pen-holder at the United Nations Security Council, always led on Burma…has not been leading in the same way that it used to.'[139] Continuing to raise the situation in Myanmar at the Security Council could help to change the GoM's political calculations as well as isolate and raise the political cost on China, Russia, and other countries that would prefer the status quo of Council inaction on the situation. The UK should therefore play a leadership role within the Security Council to push for a resolution on the situation, and a referral to the ICC.

> **'Rohingyas were so happy when UN and UN Secuirity Council started discussing about the crisis happening against Rohingyas and tried to address it and we did hope that they would make sure to protect Rohingyas lives in Myanmar where Genocide is ongoing against them. But, unfortunately it didn't happen as we expected in nearly seven years and rather desperately came out ineffectual results and happened nothing.**
>
> Rohingya confined to an IDP camp in central Rakhine State, Myanmar'

Another avenue for advancing state-level accountability lies in seeking a ruling from the International Court of Justice (ICJ) on whether Myanmar's treatment of the Rohingya violated the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which Myanmar is a party.[140] Any contracting state can file a claim before the ICJ under Article IX of the Genocide Convention alleging that Myanmar has breached its obligations.

Pursuing the ICJ route offers an opportunity to seek a judicial determination on Myanmar's treatment of the Rohingya. There is also the possibility of concretely improving the situation on the ground in the short term through the ICJ's ability to 'indicate' interim relief through measures aimed at stopping an ongoing genocide.[141] Concrete provisional measures that the Court could ask Myanmar to implement include prohibiting incitement to violence and lifting restrictions on freedom of movement. In addition, under the ICJ's statutes, a judicial 'to-do' list of provisional measures would be automatically transmitted to the Security Council, which would be an important pressure point for a resolution, as well as a powerful reminder of the Security Council's unwillingness to act in the face of a possible ongoing genocide.[142]

Targeted sanctions on high-ranking individuals can be an important tool for achieving accountability, both by acting as a punitive measure, and as leverage to change behaviour. Further still, as recently highlighted by the FFM, the ability of the Myanmar

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[139] APPG on the Rights of the Rohingya oral evidence session, 2 July 2019

[140] UN (1948) Convention on the Prevention and Punishment of the Crime of Genocide. https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf

[141] Amnesty International (2018) "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State, Myanmar. https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF.

[142] Ibid.

military and individual figures within it to profit through privileged access to business and enterprise allows them to operate with even greater independence from the civilian government.[143] Despite the importance of sanctions, to date such measures on military leaders in Myanmar have been largely ineffective. As Mark Farmaner from Burma Campaign UK told the APPG, '*pretty much the only consequence that the military has paid at the moment for the genocide of the Rohingya is—for the European Union side—14 soldiers (not top-ranking soldiers)...are now banned from coming on holiday in European Union member countries.*'[144] The UK government should impose and expand targeted sanctions on military leaders, including Commander-in-Chief Sr. Gen. Min Aung Hlaing, and key military-owned enterprises, and impose a comprehensive arms embargo on Myanmar. The UK government should influence the Security Council to impose such sanctions, and leverage influence on fellow member states to comply with targeted sanctions.

- The UK should strengthen its formal position on the ICOE, including publicly acknowledging its limitations and stating that the accountability process led by the GoM is inadequate.
- The UK should make a legal determination that the violence against the Rohingya in 2017 amounted to crimes against humanity, and possibly genocide, and work with international partners to ensure international accountability.
- As penholder on Myanmar at the UN Security Council, the UK should lead on a Chapter VII UN Security Council resolution that:
  - Condemns past and ongoing violence and expresses grave concern over reports of gross human rights violations, including crimes against humanity, across Kachin, Rakhine and Shan States;
  - Refers the situation in Myanmar to the ICC without delay;
  - Calls upon the GoM to cooperate with all relevant UN bodies, mechanisms and instruments;
  - Urges the GoM to establish an effective vetting mechanism in its armed forces and security services;
  - Notes that the primary responsibility for the protection of children affected by armed conflict in Myanmar lies with the GoM;
  - Calls on the GoM to develop a publicly available comprehensive strategy and time-bound action plan to implement the recommendations of the Advisory Commission on Rakhine State, with an independent monitoring mechanism;
  - Demands Myanmar authorities immediately ease restrictions on the freedom of movement of Rohingya and many other communities in Rakhine State;
  - Expresses deep concern that humanitarian access remains severely limited; and
  - Calls on the GoM to take all necessary measures to counter incitement to violence or hatred, and restore peace and intercommunal harmony through dialogue, a comprehensive reconciliation process and respecting the rule of law.

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[143] UN Human Rights Council (2019) Economic interests of the Myanmar military. https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/EconomicInterestsMyanmarMilitary.aspx

[144] British Rohingya Community (2019) Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry

- As part of the review of its Protection of Civilians strategy,[145] the UK should learn lessons from the failure to prevent civilian harm to the Rohingya, including killing, maiming, sexual violence and forced displacement.
- The UK government should work with the EU to expand targeted sanctions, including on companies run by the military, as recommended by the FFM.

3.2 The humanitarian situation in Rakhine State and continued human rights violations

The operational and political sensitivities of humanitarian programming in Myanmar meant that no operational humanitarian NGOs were willing or able to submit attributable evidence on the current situation facing the Rohingya to this APPG inquiry. Therefore, what follows in the next two sections includes anonymised inputs from a range of organisations working in Rakhine.

> **'It is still premature for Rohingya to come back to Myanmar where genocide against Rohingya is still ongoing, and Rohingya are still fleeing to Bangladesh. We are always hearing countless numbers of Rohingya are being slaughtered almost every day in northern Rakhine State. So, I believe you can easily analyse the degree of improvement in Rakhine State by looking at the above facts.'**
>
> Rohingya confined to an IDP camp, central Rakhine State, Myanmar

Due to the lack of access to services, alongside a continuation of violence and discrimination against the Rohingya by Myanmar authorities, it is unsafe for Rohingya refugees living in Bangladesh to return to Myanmar. The 2019 JRP underlines that, before Rohingya refugees are able to safely return to Myanmar, the historic discrimination faced by the Rohingya must be addressed.[146] The recommendations made by the Advisory Commission on Rakhine State—including the verification of citizenship, rights and equality before the law, documentation, and freedom of movement for the Rohingya—must be implemented in order to allow safe returns.[147] As well as legal rights and equality, Rohingya villages and houses must be rebuilt, and groups that promote attacks on the Rohingya in Myanmar—such as the Ma Ba Ta organisation—must be disbanded.[148] However, as the ODI conclude, '*progress on these steps remains limited and there is no indication that conditions conducive to refugee return will emerge in Rakhine State, at least in the medium term*'.[149]

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[145] FCO (2011) UK Government Strategy on the Protection of Civilians in Armed Conflict https://www.gov.uk/government/publications/uk-government-strategy-on-the-protection-of-civilians-in-armed-conflict

[146] Strategic Executive Group (2019) Joint Response Plan for the Rohingya Humanitarian Crisis, January-December. https://reliefweb.int/sites/reliefweb.int/files/resources/2019%20JRP%20for%20Rohingya%20Humanitarian%20Crisis%20%28February%202019%29.compressed_0.pdf

[147] Advisory Commission on Rakhine State (2017) Towards a Peaceful, Fair and Prosperous Future for the people of Rakhine: Final Report of the Advisory Commission on Rakhine State. http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf

[148] Justice for Rohingya Minority (2019) The Humanitarian Situation in Bangladesh and Myanmar: Submission to the APPG on the Rights of the Rohingya

[149] ODI (2019) Written Evidence Submitted by the Overseas Development Institute to the All Party Parliamentary Group on the Rights of the Rohingya

In fact, without any progress on the implementation of the Advisory Commission's recommendations or tackling discriminatory policy and practice from the GoM, donors risk becoming complicit in ongoing discrimination against the Rohingya. For instance, as expressed by a group of NGO staff privately, the World Bank's Rakhine Recovery and Development Support Project[150] will—under the current prevailing conditions of systematic discrimination, restricted movement and other ongoing human rights violations—only serve to reinforce and effectively validate systems of segregation, abuse and exclusion.

While many Rohingya have longstanding ancestral residence in Rakhine State, they have often lost or been deprived of the documents required to prove that due to the deliberate actions and policies of the GoM. Leaked GoM documents obtained by the rights group "Fortify Rights" appears to illustrate explicit GoM policies that impose restrictions on the basic freedoms of Rohingya in Rakhine[151] dating back to Myanmar's independence from Britain in 1948. The discriminatory 1982 Citizenship Law excludes the Rohingya from being full citizens of Myanmar due to their race, and effectively blocks them from applying for naturalised citizenship, as individuals must provide '*conclusive evidence*' that they entered and resided in Myanmar prior to 4 June 1948.[152] Something which decades of discrimination and exclusion have made all but impossible. Rather than address the root causes by amending the discriminatory citizenship law, the GoM are continuing to implement the National Verification Card (NVC) system for the Rohingya population as an alleged alternative pathway to citizenship.[153] However, the current NVC system is not formally part of the citizenship application process and is not envisaged as a prerequisite for citizenship assessment applications under the framework of the 1982 Citizenship Law.

> **'...forcing Rohingyas to take NVC cards by the Myanmar government is completely against international law and it is also against the constitution and the citizenship law of Myanmar.'**
>
> Rohingya confined to an IDP camp in central Rakhine State, Myanmar

Rohingya who do apply for NVCs often do so under pressure, due to its use as a prerequisite for fishing licenses or for participation in camp-level representation structures, for instance. Reports of Myanmar authorities using coercion and threats of deportation and violence to force the Rohingya to accept the card are also widespread.[154]

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[150] For more details see http://projects.worldbank.org/P168797?lang=en

[151] Fortify Rights ((2014) Policies of Persecution: ending abusive state policies against Rohingya Muslims in Myanmar. February 2014. http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf

[152] BROUK (2014) Myanmar's 1982 Citizenship Law and Rohingya http://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf.

[153] Justice for Rohingya Minority (2019) The Humanitarian Situation in Bangladesh and Myanmar: Submission to the APPG on the Rights of the Rohingya

[154] OHCHR (2017) UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein highlights human rights concerns around the world in an address to the 36th session of the Human Rights Council in Geneva, 11 September 2017. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22044&LangID=E.

Despite assurances by Myanmar authorities that holding an NVC would increase the freedom of movement for Rohingya, there are consistent reports that those who have accepted one are not granted meaningful freedom of movement, further entrenching continued segregation.[155] Even those Rohingya who applied for citizenship after receiving an NVC and were subsequently granted some form of citizenship (typically, associate citizenship, which does not give all the benefits of full citizenship) state that they are unable to move safely and freely to access services and livelihood opportunities with any greater ease than before. The continued promotion of the NVC process by the GoM as a means to reduce barriers to freedom of movement for Rohingya in Rakhine State is contrary to the recommendations of the Advisory Commission on Rakhine State. The Commission's recommendations specified that '*the Government should ensure freedom of movement for all people in Rakhine State, irrespective of religion, ethnicity, or citizenship status*'.[156] The continued insistence on Rohingya participation in the NVC process by GoM, including the requirement that any Rohingya refugees returning from Bangladesh through formal channels participate in the NVC process, exacerbates mistrust of government policies and processes among Rohingya communities and fails to adequately address the barriers they face to accessing citizenship. The GoM's continued refusal of citizenship has also been a driver of continued flight of Rohingya from Rakhine State across the border into Bangladesh throughout 2019.

Lack of freedom of movement for Rohingya communities across central and northern Rakhine State remains one of the most visible ways in which the GoM's policy of segregation is implemented. This not only severely impairs access to services and livelihood opportunities, deliberately making Rohingya communities dependent on humanitarian assistance, but is also a key contributing factor in creating and perpetuating the ethnic tensions that the government relies upon to justify the policy. The policy of segregation is implemented through the positioning of checkpoints adjacent to camps for displaced Rohingya people, as well where Rohingya villages still exist alongside Rakhine villages. In village settings, where Rohingya are not displaced but live in their original places of residence, they remain unable to enjoy freedom of movement. Often, the placement of checkpoints ensures that Rohingya are effectively blocked from using roads to reach services and livelihood opportunities, leaving them able to travel only by river. Movement is thus severely constrained for those not living near rivers in areas where intercommunal tensions persist. When Rohingya need to travel for emergency reasons, for example to access hospital treatment, their travel is contingent on procuring a police escort to accompany their ambulance. GoM has taken no meaningful steps towards mitigating intercommunal tensions, despite pointing to those tensions as the primary justification for enforcing segregation. On the contrary, GoM frequently blocks implementation of activities designed to allow ethnic Rakhine and Rohingya residents of the same geographical area to participate side-by-side.

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[155] Amnesty International (2018) "We Will Destroy Everything": Military responsibility for crimes against humanity in Rakhine State, Myanmar. https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF

[156] Advisory Commission on Rakhine State (2017) Towards a Peaceful, Fair and Prosperous Future for the people of Rakhine: Final Report of the Advisory Commission on Rakhine State. http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

Closure of internally displaced people camps

Since 2012, approximately 128,000 Rohingya and Kaman internally displaced people (IDPs) have been encamped in various locations across central Rakhine State. Following the Rakhine Advisory Commission's recommendation that the GoM should move to close IDP camps through participatory processes that align with international standards and support return of IDPs to their locations of origin '*as a matter of priority*',[157] the Government begin drafting a comprehensive national strategy for the closure of camps. The draft strategy includes language that broadly aligns with international standards; however, the GoM has been moving ahead with the so-called 'closure' of camps since 2017, with this process falling substantially short of the strategy's stated objective, as well as international standards.

> **'Regarding to the camp closure in the Rakhine State...I have never seen that the government had transparent, free and fair communication with internally displaced people living in the camp about this matter. Honestly, we don't know what real strategic plan is behind this in the government. So, I have suspicions that the government is trying to create other bigger camps by closing smaller ones, which I always refer to "trying to create a new shape of catastrophe".'**
>
> Rohingya confined to IDP camp, central Rakhine State Myanmar

To date, three IDP camps in central Rakhine State have been declared 'closed'.[158] However, prior to closing these camps, authorities constructed permanent shelters on or adjacent to the camps and then compelled the camp residents to move to them. IDPs now living in these 'closed' camps have not benefited from an increase in freedom of movement, nor integration into catchment areas for public service provision. IDPs have also not received any documents transferring ownership of the permanent housing to them. In some cases, permanent housing has been constructed in areas prone to flooding and lacking sufficient land for livelihood opportunities. IDPs in these 'closed' camps remain dependent on humanitarian assistance for their basic survival needs. Overwhelmingly, IDPs have stated their opposition to permanent settlement in the locations of their current camps, especially in the absence of any concrete progress towards freedom of movement that would allow them to enjoy basic rights, access services or become self-sufficient.

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[157] Ibid.

[158] Ramree, Kyein Ni Pyin, Myebon and Nidin camps have all been declared 'closed' by the GoM.

> **'I told them if you want to close the camps then you have to make sure you give freedom of movement and identity cards which are fundamental to recognizing us as citizens. Then access to education and healthcare and good living conditions will follow.'**
> Rohingya IDP confined in central Rakhine State, Myanmar

The GoM-led camp closure process in central Rakhine State constituted a critical breakpoint for the humanitarian community in Myanmar. Humanitarian organisations are concerned that they may be called upon to indefinitely support the basic needs of a population that is being systematically discriminated against by a state actor. In addition, humanitarian organisations are concerned that the way in which the GoM had so far implemented the camp closure process in central Rakhine State indicates reliance on the continued provision of humanitarian assistance for the effectiveness of their policy objectives. This risk of instrumentalisation, coupled with the clear rejection of the government-led camp closure process by IDPs in affected sites, led to a consensus among humanitarian organisations that a change from 'business as usual' was required. As a result, in March this year, the Humanitarian Country Team (HCT), made up of UN agencies and NGOs, agreed that, while lifesaving support would continue to be provided in all sites based on need, non-life saving support would no longer be provided in sites declared 'closed' unless the GoM demonstrated tangible progress towards freedom of movement for Rohingya and Kaman residents of those sites to improve their access to non-segregated services and livelihood opportunities. After taking this position, there has been ongoing outreach to the GoM by the HCT to explain the rationale for the change in approach and to offer constructive suggestions for feasible steps that could be supported by the government to expand freedom of movement for IDPs.

> **'I would like to say to the government that we need freedom of movement, identity cards to travel in times of needs and we need equal rights, we need identity cards, no one comes to ask us how we feel or our perspective on concerns. No-one has ever asked us.'**
> Rohingya confined to IDP camp in central Rakhine State, Myanmar

The ongoing violations of ethnic minorities' rights in Rakhine State demand that the international community adopt a human rights-based agenda with the GoM, despite the perceived risks to political influence. As highlighted by UK officials in a letter to the APPG, '*we [the UK] have limited levers to effect change in Myanmar, and the military have a long history of resisting outside pressure*'.[159] With this in mind, and recognising IDPs' own desires to see improvements in their freedom of movement, the UK should consider endorsing the HCT approach as an effort to open dialogue with the GoM on genuinely durable solutions

[159] DFID and FCO (2019) Letter to the APPG for the Rights of the Rohingya

for internally displaced populations. Yet, to date, DFID has not endorsed the HCT approach. Instead, it has stated its agreement with the aims of the HCT, while highlighting concerns about the degree of consultation with affected IDPs and stressing the importance of developing indicators to assess the impact of implementing the HCT approach in the camps already declared 'closed'. The latter concern overlooks the fact that conditions in the 'closed' camps are first and foremost a matter for the GoM to resolve. According to the GoM's own draft strategy, closure of a camp is intended to result in the affected IDPs recovering self-sufficiency and returning to normal lives in which humanitarian assistance is no longer required. The blatant absence of any meaningful effort on the part of GoM to achieve that outcome in the 'closed' camps speaks volumes about the objectives it hopes to achieve by pursuing this process in this way. This is not a situation in which humanitarian needs are arising as a result of an unforeseen or uncontrollable event—they are being deliberately created by the implementation of government policy.

When considering these issues, it is also important to remember that Rohingya refugees in Cox's Bazar are monitoring the developments in central and northern Rakhine State in order to evaluate the feasibility of any potential future return. The camp-closure process does nothing to promote confidence in the willingness and capacity of the GoM to ensure equal rights, freedom of movement and protections for Rohingya in Myanmar, and therefore mitigates against returns. In addition, there has been an escalation of conflict in northern and central Rakhine State since late 2018 between the ethnic Rakhine insurgent group, the Arakan Army and the Myanmar military. This escalation has led to severe limitations on humanitarian access. Humanitarian organisations estimate this is preventing the delivery of ongoing services and assistance to approximately 95,000 people in affected townships in Rakhine State. As UNHCR told the APPG, their *'access in northern Rakhine State is currently not continuous enough to be fully effective'*.[160] Alongside the restriction of humanitarian access, the tactics reportedly being employed by the Myanmar military against ethnic Rakhine, Rohingya and other civilians in conflict areas, including credible reports of mass arbitrary detention and deaths of those in the custody of security forces, offers little reassurance that any civilian in Rakhine can live safely and with dignity.

- The UK should strengthen its position on Myanmar's NVC, highlighting that it is not a legal requirement for a citizenship application, and publicly acknowledge the discriminatory nature of the 1982 Citizenship Law and the manner of its implementation.
- The UK should publicly acknowledge that returns of Rohingya refugees to Myanmar should not be allowed until issues of discrimination and violence are addressed and thus safe, dignified and voluntary returns can be guaranteed.
- The UK government should pressure the World Bank to require concrete improvements in the freedom of movement and basic rights of Rohingya and other communities before proceeding with the proposed Rakhine Recovery and Development Support Project in Myanmar.
- In the absence of support for the HCT's efforts related to 'closed' camps, the UK should outline an alternative strategy for the improvement of human rights protection for stateless and displaced Rohingya in Rakhine.

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[160] UNHCR (2019) Briefing Note for UK All Party Parliamentary Group

Appendix: List of Organisations and Individuals Providing Evidence

At an evidence session entitled 'Bangladesh: The humanitarian situation and responding to the protracted crisis' held in June 2019, the All-Party Parliamentary Group on the Rights of the Rohingya received oral evidence from:

- The British Red Cross
- Center for Global Development
- The International Rescue Committee
- Overseas Development Institute
- Oxfam
- UNHCR

At an evidence session entitled 'Justice, accountability and durable solutions for Rohingya in Myanmar' held in July 2019, the All-Party Parliamentary Group on the Rights of the Rohingya received oral evidence from:

- British Rohingya Community
- Burma Campaign UK
- Justice for Rohingya Minority.

At the same evidence session in July 2019, the All-Party Parliamentary Group on the Rights of the Rohingya received oral evidence from the Department for International Development and the Foreign and Commonwealth Office on the situation in both Bangladesh and Myanmar.

The All-Party Parliamentary Group on the Rights of the Rohingya received the following written evidence:

- The British Red Cross 'APPG on the Rights of the Rohingya Inquiry Response: The Humanitarian Situation in Bangladesh Two Years On. Written submission to APPG Inquiry'
- British Rohingya Community 'Evidence to All Party Parliamentary Group, UK on the "Rights of the Rohingya" Inquiry'
- Center for Global Development 'Center for Global Development responses to APPG Rohingya Inquiry'
- Human Rights Watch 'Submission to the UK All-Party Parliamentary Group on the Rights of the Rohingya'
- Justice for Rohingya Minority 'The Humanitarian Situation in Bangladesh and Myanmar. Submission to the APPG on the Rights of the Rohingya'
- Overseas Development Institute 'Written Evidence Submitted by the ODI to the All Party Parliamentary Group on the Rights of the Rohingya'
- Rohingya Crisis Foundation 'Short and medium-term solutions for Rohingya in Bangladesh. Written Evidence.'
- Save the Children 'Submission to the APPG on the Rights of Rohingya Inquiry'
- UNHCR 'Briefing Note for APPG on the Rights of the Rohingya. Written submission to APPG Inquiry.'