

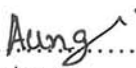
**AN EXAMINATION ON THE SITUATION OF UNDOCUMENTED  
MUSLIM REFUGEES FROM RAKHINE STATE: A CASE STUDY  
OF TWO REFUGEE CAMPS IN BANGLADESH**


**BO MIN AUNG**


**A THESIS SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE  
OF MASTER OF ARTS (HUMAN RIGHTS)  
FACULTY OF GRADUATE STUDIES  
MAHIDOL UNIVERSITY  
2015**

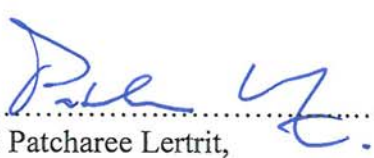
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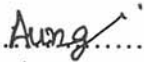
  
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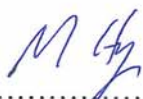
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was submitted to the Faculty of Graduate Studies, Mahidol University  
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Bo Min Aung

AN EXAMINATION ON THE SITUATION OF UNDOCUMENTED MUSLIM  
REFUGEES FROM RAKHINE STATE: A CASE STUDY OF TWO REFUGEE CAMPS IN  
BANGLADESH

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M.A. (HUMAN RIGHTS)

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ABSTRACT

This thesis examines and analyzes the real situation of undocumented Muslim Refugees from the Rakhine state of Myanmar who have been in two unregistered camps (Leda and Kutupalong) in Bangladesh, without recognition by the government of Bangladesh. It studied how the documented and undocumented refugees have been facing different human rights violations.

This thesis focuses only the real situation of the refugees with three objectives. These are to analyse the violation of the rights of basic needs and legal rights of the Muslims of Arakan (also-called Rohingya) refugees in Bangladesh, to identify the challenges to the protection of the minimum core rights of these refugees and to evaluate the impacts of services provided to the refugees.

The government of Bangladesh does not recognize these people as refugees and prevents service providers from assisting them. Only few INGOs are allowed to assist in medical services, water pumps, bathrooms and toilets. The assistance is very limited and local people also repress the refugees. In fact, the refugees have been facing discrimination and violation of minimum core rights to fulfill the basic needs and legal rights for protection.

KEY WORDS: MUSLIMS OF ARAKAN/ UNDOCUMENTED REFUGEES/ VIOLATION  
OF HUMAN RIGHTS/ LEGAL PROTECTION IN BANGLADESH

101 pages

## CONTENTS

	<b>Page</b>
<b>ACKNOWLEDGEMENTS</b>	<b>iii</b>
<b>ABSTRACT</b>	<b>iv</b>
<b>LIST OF TABLES</b>	<b>vii</b>
<b>LIST OF PICTURES</b>	<b>viii</b>
<b>LIST OF ABBREVIATIONS</b>	<b>ix</b>
<b>CHAPTER I INTRODUCTION</b>	<b>1</b>
1.1 Statement of the Problems	3
1.2 Objectives of Research	4
1.3 Research Questions	5
1.4 Research Methodology	5
1.5 Challenges to Access both Refugee Camps	10
1.6 Legal Scope for Protection	10
1.7 Significance of Research	10
1.8 Structure of Thesis	11
<b>CHAPTER II BACKGROUND HISTORY OF LEDA AND KUTUPALONG UNREGISTERED REFUGEE CAMPS</b>	<b>12</b>
2.1 Muslims in Arakan and Burma in the past	12
2.2 Muslims before Independence of Burma	15
2.3 Situation of the Muslims after Independence (1948-62)	17
2.4 Situation of the Muslims during Ne Win's Administration	20
2.5 Situation of the Muslims of Rakhine State during the Military Regime (1988-2010)	23
2.6 Mass Exodus of Ethnic from Myanmar to its Neighboring Countries	33
2.7 Situation of Muslims after 2010 Election	34
2.8 The Formation of Nayapara and Kutupalong Registered Camps	36

## **CONTENTS (cont.)**

	<b>Page</b>
<b>CHAPTER III SURVIVAL AND SECURITY</b>	<b>41</b>
3.1 The Formation of Leda and Kutupalong Unregistered Camps	41
3.2 Livelihood of Undocumented Refugees in Leda Camp	44
3.3 Livelihood of Undocumented Refugees in Kutupalong Camp	48
3.4 Brief Description of Interviews with Undocumented Refugees	51
3.5 Security of the Refugees in both Leda and Kutupalong Unregistered Camps	52
3.6 Basic needs, Minimum core rights and Legal rights	55
3.7 The Responses on Security Matter	57
3.8 Government of Bangladesh and Universal Periodic Reviews	61
3.9 View of Local People upon the Situation of Undocumented Refugees	63
<b>CHAPTER IV SERVICE PROVIDERS</b>	<b>66</b>
4.1 Assistance by UNHCR and other INGOs	66
4.2 Assistance by Local NGOs and Individual	68
4.3 The Responses of Government Officers, INGO and NGO on Services	69
4.4 No Effective Assistance, No Protection and the Impacts on the Refugees	70
4.5 Political and Economic Interests of Bangladesh	75
4.6 Some Articles Related to the Protection of Undocumented Refugees	76
<b>CHAPTER V CONCLUSION</b>	<b>81</b>
<b>BIBLIOGRAPHY</b>	<b>84</b>
<b>APPENDICES</b>	<b>89</b>
<b>BIOGRAPHY</b>	<b>101</b>

## LIST OF TABLES

<b>Table</b>		<b>Page</b>
1.1	Interviews in Leda and Kutupalong Unregistered Camps	6
1.2	Matrix for Interviews	8
2.1	Restriction per time / year	29
2.2	Number of Repatriation of the Refugees	39
3.1	Comparing data in 2011 and 2015	43
4.1	Service providers in both Leda and Kutupalong Unregistered Camps	68

## LIST OF PICTURE

<b>Picture</b>	<b>Page</b>
2.1 Kutupalong Registered Camp (July, 2011)	40
2.2 Kutupalong Registered Camp (July, 2011)	40
3.1 Leda Unregistered Camp, in Bangladesh, 15 July 2011	46
3.2 Refugee children were sitting in front of a house in Leda Unregistered Camp, 15 July 2011	47
3.3 A Refugee child was selling the things and some were sitting at the shop in Leda Unregistered Camp, 15 July 2011	47
3.4 Refugee children were standing outside of the houses in Leda Unregistered Camp, 15 July 2011	48
3.5 Kuthupalong Unregistered Refugee Camp, 17 July 2011	50
3.6 Kuthupalong Unregistered Refugee Camp, 17 July 2011	50
3.7 Muslim cemetery and a grave outside of Kutupalong Unregistered Camp, 17 July 2011	51

## **LIST OF ABBREVIATIONS**

ACF	Action contre la Faim (Action against Hunger)
AFPFL	Anti-Fascist People’s Freedom League
ARIF	Arakan Rohingya Islamic Front
ASEAN	Association of Southeast Asian Nations
BISS	Bangladesh Institute of International and Strategic Studies
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DC	District Commissioner
ICCPR	International Covenant on Civil and Political Rights
ICMW	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
IDC	Immigration Detention Centre
IDP	Internally Displaced Persons
INGO	International Non-governmental Organization
IOM	International Organization for Migration
MI	Military Intelligence
MOU	Memorandum of Understanding
MSF-H	Medecins Sans Frontiers (Holland)
NDPHR	National Democratic Party for Human Rights
NDPD	National Democratic Party for Development
NGO	Non-governmental Organization
NIB	National Intelligence Bureau
NSC and NRC	National Scrutiny Card and National Registration Card
OHCHR	Office of the High Commissioner for Human Rights

**LIST OF ABBREVIATIONS (cont.)**

RI	Refugee International
RNDP	Rakhine Nationalities Development Party
RRRC	Refugee Relief and Repatriation Commissioner
RSO	Rohingya Solidarity Organization
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNGA:	United Nations General Assembly
UPR	Universal Periodic Review
UNO	Uhu Pho Zilar Nirbaghi Officer (Chief of Executive of Sub-District)
USDP	Union Solidarity and Development Party
WFP	World Food Program

## **CHAPTER I**

### **INTRODUCTION**

This thesis is about the situation of undocumented Muslims refugees from Rakhine state in Leda and Kutupalong unregistered refugee camps in Bangladesh. The research will highlight about the livelihood of undocumented refugees in both Leda and Kutupalong unregistered camps. In Chapter I, it is about the research how it was conducted and about data collection. In Chapter II, it is about the background history of the Muslims of early Arakan and Burma, the situation of the Muslims in Burma during different periods and the formation of Nayapara and Kutupalong registered refugee camps. Chapter III is about the formation of Leda and Kutupalong unregistered refugee camps, how the refugees have to struggle for their livelihood and how the refugees have been facing security threats in daily life. Chapter IV is about service providers how UNHCR and INGOs provide humanitarian assistance to undocumented refugees. And Chapter V is conclusion of thesis.

According to the history of Rakhine state (formerly Arakan), there was a huge anti-Muslim riot instigated by the imperialist Burmese and Rakhine (Nationalists) in 1942 during the Second World War. Few thousands of Muslims were massacred and few thousands of Rakhine Buddhists were also killed where the Muslims population was higher (in Northern Rakhine state). Since then, the unity between Rakhine Buddhists and Muslims was broken and hatred began. After General Ne Win seized the power in Burma in 1962, the King Dragon (Nagar Min) Operation in 1978 was started and drove the number of 167,000 Muslims into Bangladesh as refugees; however they were repatriated later (BISS, 2009). The reason for the 1942 anti-Muslims riot and 1978 operation was only to reduce the size of foreigners, both Indians and Bengalis (East Pakistanis) who settled in Burma during the British rule.

In Rakhine state of Myanmar (Burma), before the 1990 election the Muslims had more rights in all fields. During the 1990 election, all adult people could participate in the election. After the 1990 election, the military regime began to repress

all ethnic minorities who were perceived as the enemies of the nation. Military operations were launched especially in Karen and Shan states. The repression on the Muslims was started in Rakhine state. Around 250,000 Muslims fled to Bangladesh to avoid forced labour and other activities forced by the military during 1991 and early 1992 (MSF, 2002). Most of these Muslims were from Northern Rakhine state which is connected with Bangladesh by land. Some of them wanted to get protection in Bangladesh and to show the plight they were facing in Rakhine state to the international community. Some of them wanted to have better life in other countries and some fled as migrant workers. It was not only because of the military but also the other forms of repression by the immigration and other departments of the Burmese government. In fact, there have been many departments in the border area to observe the people and to repress them. Between 1992 and 1997, over 230,000 refugees were repatriated to Myanmar (Burma) (UNHCR, 2007). There were estimated 28,000 documented Muslims refugees from Rakhine state in two camps in the Cox's Bazaar District (Nayapara and Kutupalong). According to some reliable sources, the two unregistered camps in Kutupalong and Leda were constructed in 2008. Around 200,000 undocumented refugees or migrant workers who left between 1991 and today stay in Bangladesh, with additional figures continuing to join the undocumented refugees each year. Migrant workers, who found difficulties for survival and security, tend to join those refugees as well.

They mostly stay in Cox's Bazaar District and Chittagong. Around 42,000 undocumented refugees stay in makeshift camps in Cox's Bazaar. Some of those migrant workers tend to go to other countries, especially to Middle-East countries, for jobs using Bangladeshi passports. Some of them are fleeing to Southeast Asian countries by fishing boats. This practice began after 1999. Since the beginning of the military rule in Myanmar (Burma), the Muslims from Northern Rakhine state and some Rakhine Buddhists fled to Bangladesh to seek refuge and asylum. Undocumented refugees (Muslims of Arakan) in Bangladesh have been facing insecurity and discrimination. This research focuses only on the situation of the undocumented Muslim refugees in two refugee camps: Leda and Kutupalong.

## **1.1 Statement of the Problems**

The research starts with the history of the Muslims of Burma and Arakan in order to highlight the past, current and future situations. Even though the research topic is to describe and analyze the situation of undocumented refugees in Leda and Kutupalong refugee camps, it is crucial to know why the refugees are in Bangladesh and how human rights violations started in Rakhine state (Arakan). Without describing the background history, it is difficult to understand why the refugees have been suffering for long time and why there is not any solution between the governments of Bangladesh and Myanmar. In the historical background of the Muslims in Burma and in Arakan, it is demonstrated that how the Muslims settled in Arakan and Burma and how the situation was in the past before Burma's independence, after independence, during Ne Win's administration and the situation after 1990 election under the control of the former military regime. It is to show how human rights violations against the Muslims started and how travel restriction impacted on the lives of the Muslims to be refugees in Bangladesh. There is a section about mass exodus of ethnic minorities from Myanmar to its neighboring countries. It is also important to highlight in this research for better understanding on the issues of the refugees and migrant workers. The consequences of human rights violations in Rakhine state of Myanmar leads to refugee problem in Bangladesh.

Most of the authors do not describe clearly how the Muslims of Rakhine state lived together with non-Muslims before independence, after independence and even during Ne Win's administration and how the restriction on movement started after 1990 election step by step. The authors only describe about 1982 citizenship law and stated that the government of Myanmar does not recognize the Muslims as citizens. In this research, it is described how the restriction started and how the Muslims had to flee to be refugees. It is necessary to describe clearly step by step about them before going into discussion about the refugees' situation in Bangladesh.

It is difficult to know the real situation without doing interviews and observation in the refugees camps in Bangladesh. The undocumented people cannot access new registration without government's recognition. Bangladesh is not a signatory state party to the 1951 Refugee Convention and its 1967 optional protocol as well as the 1954 and 1961 conventions related to the reduction and prevention of

statelessness. The term Rohingya is not recognized term in Myanmar. Myanmar is also called Burma and Rakhine is called Arakan in the past. Both terms are used in the research. The term 'the Muslims of Rakhine state or Arakan' was used in this research in order to avoid arguments. There is clarification in the background history of these refugees about the term 'Rohingya' and other terms.

The government of Bangladesh has said in the past that those undocumented refugees are economic migrants from Myanmar and government of Bangladesh does not have capacity to care about refugees' issues in the long run. The refugees consider some of the researchers as they conduct research only for their own benefit but not for the benefit of the refugees. Furthermore, the local authorities of Bangladesh also pressurize both humanitarian organizations and researchers not to assist these refugees and not to use the term refugee.

The undocumented refugees in the makeshift camps (Kutupalong and Leda) cannot receive any assistance for food and are denied access to livelihood. It is serious situation in their surroundings to work for their survival. Some NGOs only can assist them through registered refugees and by the help of local people. They are suffering severely from food insecurity and hunger. There is no effective protection from the government of Bangladesh, no agreement with Myanmar government and no other protection from the international community.

## **1.2 Objectives of Research**

The objectives of the research are as follows:

1.2.1 To analyse the violation of the rights of basic needs and legal rights of the Muslims of Arakan (also-called Rohingya) refugees in Bangladesh.

1.2.2 To identify the challenges to the protection of the minimum core rights of these refugees.

1.2.3 To evaluate the impacts of services provided to the refugees.

### **1.3 Research Questions**

1.3.1 How are the refugees suffering from the violation of the rights of basic needs and legal rights?

1.3.2 How do UNHCR and INGOs work for the protection of minimum core rights of these refugees?

1.3.3 What are the impacts of the services to the refugees for their basic needs and legal rights?

### **1.4 Research Methodology**

This research was conducted through a qualitative approach. The process started with the situation of the undocumented Muslim refugees from Rakhine state in Bangladesh. The primary data was collected through the interviews with the related people such as undocumented refugees, local authorities, UNHCR and INGOs. The secondary data was collected through the materials published on websites which have been collected by the UNHCR, INGOs and Media.

There were the discussions with a UNHCR local staff, two UNHCR Officers including protection officer at Cox's Bazaar office, a government officer of Refugee Relief and Repatriation Commissioner (RRRC), a government officer of Uhu Pho Zilar Nirbaghi Officer (Chief of Executive of Sub-District), an officer of Muslim Aid, a staff of ACF, and an officer of WFP (World Food Program).

There were 18 interviews with undocumented refugees, but faced many challenges. There was an interview with six local people including a police. Research based on the interviews with many groups of refugees including camp committee members (face to face confidential interviews in refugee camps and phone calls interviews) and discussions with related organizations including the officers. More than 100 refugees were interviewed in both ways; face to face interviews and phone calls interviews and there were different discussions with (at least) 20 people including few officers.

### 1.4.1 Interviews in Leda and Kutupalong Unregistered Camps

**Table 1.1** Interviews in Leda and Kutupalong Unregistered Camps

<b>Type of interviewees</b>	<b>No. of people</b>	<b>Type of interview and remark</b>
<b>Leda</b>		
Refugee Men	19	Face to face interviews
Refugee Women	10	1 face to face interview and two phone calls interviews
Refugee Children	7	Just asking some questions
<b>Kutupalong</b>		
Refugee Men	20	7 Face to face interviews and 3 phone calls interviews
Refugee Women	18	1 face to face interview and 4 phone calls interviews
Refugee Children	6	Just asking some questions
<b>Local people and officers</b>		
Local people (male)	7	Face to face interview and discussion
Local people in DC office	2	Face to face discussion
Local people in Chittagong	3	Face to face discussion
Officer of UNO	1	Face to face discussion
Officer of RRRC	1	Face to face discussion
Officers of UNHCR	2	Face to face interview and discussion
Staff of UNHCR	1	Face to face discussion
Officer of WFP	1	Face to face interview and discussion
Officer of Muslim Aid	1	Face to face discussion
Staff of ACF	1	Face to face discussion

**Table 1.1** Interviews in Leda and Kutupalong Unregistered Camps (cont.)

<b>Type of interviewees</b>	<b>No. of people</b>	<b>Type of interview and remark</b>
<b>Interview in Thailand</b>		
Documented refugee who came from Bangladesh by boat	2	Several interviews and discussions both face to face and phone calls
Undocumented refugee who came from Bangladesh by boat	2	Several interviews and discussions both face to face and phone calls
<b>Total people</b>	<b>104</b>	

### 1.4.2 Study Sites

(a) Two major camps: Kutupalong and Leda where the undocumented refugees stay.

(b) Estimated figures 42,000 to 50,000 Muslims refugees in two camps.

(c) To get access for entry, the researcher approached some Muslims of Rakhine state (also called Rohingya) based in Bangladesh, informed UNHCR about the research and met with two government officers.

(d) Interview questions are showed in Appendix A and some interviews are shown in Appendix C.

### 1.4.3 Matrix for Interviews

**Table 1.2** Matrix for Interviews

	<b>Livelihood</b>	<b>Security</b>	<b>Service Providers</b>
<b>1. Refugees</b>	Questions were related to shelter, food, clean water, medical services and education for the children.	Questions were about violations of the rights to work, the rights to education as well as about restriction on movement and other unnecessary abuses on the refugees.	Questions were about service providers such as what kind of services they receive from UNHCR, INGOs and NGOs. This section would measure whether or not the services cover their basic needs and minimum core rights.
<b>2. (a) UNHCR, (b) ACF, Muslim Aid and WFP</b>	Questions were related to the services provided to the refugees for all basic needs: shelter, food, clean water, medical service and education during the discussion.	Questions were related to the status of protection which is crucial for the security of the refugees. And how UNHCR works with the authorities and anti-groups for the security issue.	

**Table 1.2** Matrix for Interviews (cont.)

	<b>Livelihood</b>	<b>Security</b>	<b>Service Providers</b>
	Questions were related to the services provided to the refugees for foods, clean water and medical services.	How NGOs work with the authorities for security issue.	
<b>3. Authorities</b>		Questions were about protection of the rights of basic needs, minimum core rights and legal rights of the refugees.	Questions were related to temporary registration, allowance the assistance of NGOs provided directly to the refugees, and the connection between the authorities and service providers.
<b>4. Local people</b>	Some questions were asked about how the refugees survive.	Questions were about anti-refugees groups that prevent the refugees from working outside of the camps.	Some questions were based on the relationship between service providers and anti-refugee groups.

*Matrix: Samples and Questions*

## **1.5 Challenges to Access both Refugee Camps**

It was very difficult to get legal access for interviews. A camp committee member who was very powerful helped the researcher to go into Leda unregistered camp and interview some people.<sup>1</sup> The additional details were received by phone calls and through interviews with undocumented refugees outside of the camp because of security inside the camp. Some committee members were also interviewed outside of the camp. Leda unregistered refugee camp is easier than Kutupalong unregistered camp. It was most difficult to get legal access for interviews at Kutupalong unregistered refugee camp because there are many gangs near Kutupalong. Kutupalong is very popular as there are many gangs and anti-refugee groups amongst local Bangladeshi people. Some people helped to interview the people in few houses but many people are afraid that they would be arrested. For additional details, several phone calls were made to gather more information.

## **1.6 Legal Scope for Protection**

Bangladesh is not a state party to the UN's 1951 Refugee Convention and its 1967 Protocol. It does not guarantee the rights of undocumented refugees according to its Constitution and domestic laws. The rights of the refugees may be protected by some legal scope through and under international treaties which Bangladesh government already has ratified and under the Universal Declaration of Human Rights. Bangladesh ratified and accessed eight human rights treaties and four optional protocols with few reservations and declarations as shown in Appendix B.

## **1.7 Significance of Research**

The research will be documenting the plight of the Muslims of Rakhine state in Kutupalong and Leda undocumented refugee camps in Bangladesh. It can

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<sup>1</sup> There were some Bangladeshi young men working at Muslim Aid clinic. Some of them followed the researcher and tried to stop interviews but all the interviews were finished.

highlight the plight of the Muslims in Rakhine state as well. It will also highlight how their rights are being violated by the Myanmar authorities within Rakhine state and by the authorities of Bangladesh within Bangladesh. The research will contribute to the way to set new mechanisms to deal with refugees' issues. It can propose how resettlement in third countries is crucial for these refugees to initiate a new life.

## **1.8 Structure of Thesis**

Chapter I is about introduction of thesis which included research objectives, questions and methodology. It showed how research was done. Chapter II is about the histories of Arakan and Burma with the periods as Muslims in Arakan and Burma in the past, Muslims before independence of Burma, situation of the Muslims after independence (1948-62), situation of the Muslims during Ne Win's administration, situation of the Muslims of Rakhine state during the military regime (1988-2010), situation of the Muslims after 2010 election. This chapter also includes about mass exodus of ethnic minorities from Myanmar to its neighboring countries and the formation of Nayapara and Kutupalong registered camps in Bangladesh. The historical background and the background of the situations of the Muslims are crucial in this research in order to understand how some of the Muslims of Arakan became refugees in Bangladesh.

Chapter III is about livelihood and security of undocumented refugees in Leda and Kutupalong unregistered camps. It includes formation of Leda and Kutupalong unregistered camps, Rights of basic needs, Minimum core rights and Legal rights, the Responses on Security Matter, View of local people upon the situation of the refugees and the Government of Bangladesh and UPR.

Chapter IV is about service providers; how UNHCR and INGOs provide humanitarian assistance to undocumented refugees. In this chapter, there are interviews and discussions over service providers and how the refugees have been facing the impacts of the services. Chapter V is conclusion of thesis.

## **CHAPTER II**

### **BACKGROUND HISTORY OF LEDA AND KUTUPALONG UNREGISTERED REFUGEE CAMPS**

This chapter is about the background history of the Muslims in Arakan and Burma in the past and undocumented refugees in Bangladesh. It is necessary to compare the situations of the Muslims in Burma in order to know how the Muslims became refugees in Bangladesh. The situations of the Muslims are divided here as Muslims in Arakan and Burma in the past, Muslims before independence of Burma, the situation of the Muslims after Burma's independence, the situation of the Muslims during Ne Win's administration, the situation of the Muslims during the military regime and the situation after 2010 election. There is the section how registered camps were formed in Bangladesh after hundreds thousands refugees fled from Rakhine state (Arakan) of Myanmar (Burma).

#### **2.1 Muslims in Arakan and Burma in the past**

The religion of Islam arrived in Myanmar after Prophet Mohammed introduced Islam as a new religion in Arab. Arab merchants brought Islam to their relatives who already settled in Burma between the 3<sup>rd</sup> and the 4<sup>th</sup> centuries through inter-marriage with the other ethnic groups. Muslims arrived in early Burma as travelers, sailors, merchants, military personnel and prisoners of war according to different histories. Some sources claimed that before Islam was introduced by Prophet Mohamed in Arab, some Arab merchants tended to travel to Southeast Asia by ships in the early 4<sup>th</sup> century. Some of them already settled in Southeast Asia including in early Burma (Myanmar). After they were inter-married with local people, they permanently settled in Southeast Asia. Prophet Mohammed was born in AD 570 and was pronounced as Prophet in AD 610. After he became Prophet, his followers

traveled to South, Southeast and East Asia. They introduced Islam where they had their relatives and related people (U Kyaw Hla, 2007).

According to reliable sources, Islam came to Myanmar through traders who later settled in different parts of the country since AD 700. These merchants and traders settled in territories by the help of local people who accommodated there. U Kyaw Hla, a senior Arakanese Muslim politician (2014) also highlighted that Islam spread in Myanmar 1,000-1,200 years ago through individuals and groups and spreading Islam in Myanmar was not due to the religious propagation from outside<sup>1</sup>.

Some of the Muslims, old settlers called themselves 'Kaman' (also called Caman or Arrow in Persian language) and 'Roa Haung Jya'<sup>2</sup> but Roa Haung Jya Muslims wrote their race as 'Rakhine' and religion as 'Islam'. Some also called themselves 'Rakhine Muslims' or 'Arakanese Muslims'. Kaman Muslims tend to write their ethnic as 'Kaman' and the religion as 'Islam'. Arakanese Muslims Association was established in 1913. The Muslims leaders organized the meeting of 'Arakanese Muslims Association' as "Mass Meeting 24-4-1941"<sup>3</sup> in Mrauk Oo Township (formerly Myoe Haung). The term 'Arakan Moslems' was used in a news of the New York Times in 1951 with the news title "Influx of Arakan Moslems may cause disturbances"<sup>4</sup> (New York Times, 1951). It may be visible that the term 'Rohingya' was not used at that time (from 1913 to 1951) even in international news.

Aye Chan (2005) stated that the term 'Rohingya' appeared firstly in an article written by Abdul Gaffar, an MP from Butheedaung Twonship, Arakan and the article was published in the Guardian Daily in August 1951. The New York Times and the government of Pakistan did not use the term 'Rohingya' because the Muslims of Arakan were known as 'Arakan Moslems' (Arakan Muslims) at that time. Aye Chan

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<sup>1</sup> Between AD 700 and 1500, Arab, Persian and Roman merchants from their own lands arrived in Myanmar coasts and further; they reached up to the east China coast for trade.

<sup>2</sup> Roa Haung Jya means old settlers or old villagers in Arakan (Rakhine state).

<sup>3</sup> Dr. Habibulla kept historical documents of Arakan. One of his documents was related to mass meeting of Arakanese Muslim Association during 1941.

<sup>4</sup> Pakistan warned Burma regarding Arakan Muslims refugees who fled to East Bengal (East Pakistan) during 1951. The news title was described in the New York Times as 'Pakistan Warns Burma: Says influx of Arakan Moslems may cause disturbances.' The government of Pakistan asked Burmese government to repatriate Arakan Muslims refugees from East Bengal.

(2005) also wrote that there are four groups of Muslims in Rakhine state: the Muslim descendants from Moya Haung period (1430-1784), the descendants of Muslim traders, Myedu Muslims left by Burman invaders and Muslims who came from East Bengal (East Pakistan).

*“The power of Islam culture of Sontan Dynasty and Mago Dynasty implied in Arakan because many Muslims arrived after the troops of Gen. Walikhan and Gen. Sindikhan settled in Arakan and Arab reached in Arakan during AD 8 centuries,”*

(Myint Thein, 2012)

In the above descriptions, all historical backgrounds are generally the truth but there are still disputes even amongst historians and experts. It is noticeable that some authors and experts described about colonial period and did not consider about early history of Arakan Kingdom. During Second World War, there was a riot between Rakhine Buddhists and some Muslims. Thousands of Muslims and Rakhine Buddhists died during the riot. There are still different arguments amongst the authors and historians upon how they consider the riot in 1942. Some Muslims witnesses said the riot was between some Indian Muslims who settled during the British rule and some Rakhine Buddhists but not between all the Muslims and all the Buddhists. Some Muslims of Northern Rakhine used the 1942 incident for their benefit to highlight the plight of the Muslims of Northern Rakhine as Rohingya.

Khing Mya War (2003) argued in the book in Burmese *“fake history of Rohingya”* that the Muslims of Northern Rakhine are using false allegation against Rakhine nationalists and described that the 1942 riot between some Rakhine Buddhists and some Muslims happened because of the British’s ideology of bringing the people to Burma without any restriction and the British policy of divide and rule. Khing Mya War (2003) also argued the description of so-called Rohingya over the 1942 riot between Rakhine Buddhists and the Muslims as well as the other history of so-called Rohingya.

Anyhow, some Muslims fled to East Pakistan following 1942 riot and later on, General Aung San accepted them as Burmese Muslims and resettled in Sittway

and other townships of Arakan. In this research, it does not highlight about the refugees who were repatriated before independence of Burma because there was justice in the country when General Aung San attempted for the independence of Burma.

## **2.2 Muslims before Independence of Burma**

Muslims of Burma lived in peaceful way together with other ethnic groups during the British and Japanese rules and faced troubles together. Even though there were many tensions including 1942 riot in Arakan, the tensions did not break the unity amongst the people for Burma's independence. According to the history, the Muslims of Burma followed a common understanding that depended on the demand of central Burma. Common understanding refers to understanding about the common needs of the country to claim independence that was crucial at that time. It also meant that the Muslims of Burma played an important role to get independence together with the other majority groups in Burma. No record of human rights violations by General Aung San's party was reported when he fought for independence at that time except minor domestic problems. In fact, there were no major discrimination and hatred based on race and religion during the struggle for independence of Burma. There was hatred against foreigners especially Indians who settled during the British rule in Burma and there were minor conflicts in the country. These conflicts were not against the Muslims of Burma. Burmese Muslim leaders also struggled together with General Aung San and his colleagues to gain independence.

In 1947, General Aung San and his colleagues including Burmese Muslims colleagues tried to organize all ethnic groups in Burma for its independence. At the time, the Pin Lone (also called Panglong) Conference was convened in February 1947 in Shan State to make an agreement for the independence. A disagreement between General Aung San and some ethnic leaders emerged to halt Conference. U Pae Khin, a Burmese Muslim leader, organized the ethnic leaders and

restarted Pin Lone conference (U Kyaw Hla, 2014). U Ra Zak<sup>5</sup> also tried very hard for independence of Burma. Before independence, some Muslims fled to East Pakistan (now Bangladesh) but they were repatriated as they were from Burma. General Aung San provided some documentation, cards with his signature to them. These Muslims were resettled in some townships of Arakan later on.

*“When Pa Sa Pa La (Anti-Fascist People’s Freedom League)<sup>6</sup> was established, Nae Thu Ring<sup>7</sup> conference’s era, Burma Muslim Congress (Ba Ma Kha) was a political group that took an active part amongst the civil groups. Burma Muslim Congress (Ba Ma Kha) did political activities more than other groups when they took part in struggle for independence. In 1947, at the major conference of Pa Sa Pa La, General Aung San said “in our country, since the rule of Aloung Paya<sup>8</sup>, the Muslims, Christians, and hillside people who believe in animism had existed. They all are citizens. We are not the only people who saved the country from slavery but they were also involved in struggle”<sup>9</sup>*

(U Kyaw Hla, 2014)

General Aung San already mentioned clearly the Muslims were citizens of Burma and appreciated their attempts for independence. During the attempt and struggle for independence, General Aung San and his colleagues drafted the 1947

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<sup>5</sup> U Ra Zak (Abdul Razak) (1898-1947) was a Burmese Muslim leader who was assassinated on 19 July 1947 along with Gen. Aung San and others.

<sup>6</sup> Pa Sa Pa La (in Burmese), Anti-Fascist People’s Freedom League was founded by the Communist Party of Burma (CPB) led by Thakin Soe, the Burma National Army (BNA) led by Aung San, and the People’s Revolutionary Party (PRP). Pa Sa Pa La was the main political party in Burma from 1945 to 1964.

<sup>7</sup> A conference held on 19<sup>th</sup> August 1945 at Nay Thu Ring theatre/hall at Kadawgyi, Yangon was called Nay Thu Ring conference.

<sup>8</sup> Alaungpayaa (1714-1760) was a Burman King from 1752-60 and founded Konbaung Dynasty.

<sup>9</sup> Kyae Mone U Thaung described in his book ‘The complication made by Bo Ne Win’. U Kyaw Hla pointed it in his writing early Muslims in Burma. It was written in Burmese.

Constitution. General Aung San (1947) mentioned in London during an interview, “*We want also the people of what is called the frontier areas to have the same freedom with us simultaneously and join hands with us.*” A few Muslim leaders of Northern Rakhine (Arakan) tried to claim independence together with Pakistan. But General Aung San organized most of the Muslim leaders to stand up for Burma’s independence. Most of the Muslim leaders of Arakan accepted his ideology and struggled for Burma’s independence. These were the challenges in Arakan and other states of Burma during the period of 1947-1948. Before the 1947 Constitution was adopted, General Aung San and his colleagues were assassinated on 19 July 1947. U Ra Zak (Abdul Razak) and his body guard Ko Htwe (Muslim) were also assassinated. After assassination, U Nu led the next attempts and struggles for independence. And the first constitution was adopted in September 1947. Burma gained its independence on 4 January 1948.

*“All citizens irrespective of birth, religion, sex or race are equal before the law; that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another,”*

(Article 13, 1947 Constitution)

Article 21 of 1947 Constitution (1947) also repeated that Buddhism was recognized as majorities’ believe of the citizens, recognized Islam, Christianity, Hinduism and Animism existing in the Union of Burma. These articles of 1947 Constitution maintained justice and equality in Burma. All justice and equality were cancelled by some military dictators later on.

### **2.3 Situation of the Muslims after Independence (1948-62)**

U Nu became a leader of leading political party, AFPFL (Anti-Fascist People’s Freedom League) following assassination of General Aung San in July, 1947. U Nu’s administration began in order to achieve independence of Burma. After

independence was declared, he became the first Prime Minister of Burma under 1947 Constitution and he served for ten years. Burma joined United Nations on 19 April 1948 and became the 58<sup>th</sup> member state of United Nations. His democratic government had to face threats almost in every parts of Burma because of insurgencies of communist and ethnic minorities. In 1958, caretaker government led by General Ne Win took the power. U Nu became next Prime Minister of parliamentary government in 1960 after his party won in the election. Between 1958 and 1960, caretaker government took over led by General Ne Win. However, the military coup led by General Ne Win replaced in 1962. During the U Nu's administration, the government dealt with different problems and insurgencies around the country. Mujarhid rebel group began insurgency in Northern Rakhine state in 1949 and surrendered in 1956.

*“Mujarhid began insurgency in 1949. They surrendered at the government's hand in 1956. The reasons of Mujarhid insurgency began will be as follows if it is analyzed.*

*-No trust between two communities in Rakhine state, -Due to the divide and rule policy of Bo Yan Aung (member of Thirty Comrades), -The greed of great ideology of ethnic and religious nationalists, -East Pakistan assisted the Muslims of Rakhine state practically at the time in accordance with Holy Koran”*

(Maung Maung Gyi, 2014)

Khing Mya War (2003) stated that the assistance of East Pakistan received by Mujarhid was not legal assistance but those were such personal assistance given by Pakistanis considering Mujarhid members as the heroes of the religion. According to U Maung Tin in a discussion (2014), the activities of the Arakanese Muslims Association<sup>10</sup> were stopped during the World Wars. Its reformation was started after the independence of Burma and started the activities led by U Maung Tin. There was a branch of the Arakanese Muslims Association in Yangon University and some Muslims of Northern Rakhine also joined. It was a lawful organization at the time and

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<sup>10</sup> Arakanese Muslims Association was established in 1913 in Myo Haung (Mrauk Oo) of Arakan (Rakhine) by some educated Muslims leaders of Eastern part of Arakan.

the government recognized it. During 1957-58, some Muslims of Northern Rakhine urged its members to change the name as Rohingya Association. Rohingya Association was registered and the government banned it after two years, in 1959. They re-formed the Arakanese Muslims Association again, but its activities were terminated later on without any intervention of the government.

U Nu's government recognized the Muslims of Northern Rakhine as Rohingya on 20 November 1961 (NDPD, 2012). U Nu's government did not mention about the other Muslims in other parts of Rakhine who called themselves 'Rakhine Muslims' or 'Arakanese Muslims.' (Kaman was already recognized as indigenous group in Burma). In the middle, few groups of Muslims remained without legalized name for their ethnicity at that time. From 1957, the government started issuing National Registration Cards to all ethnic groups regardless of race and religion in all parts of Burma. The U Nu's government and AFPFL (Anti-Fascist People's Freedom League) party managed Mujarhid (1949-56)<sup>11</sup> to surrender by the help of local Muslims. Human rights violations appeared against some local Muslims who were accused of having connection with Mujarhid.

*“In 1956, AFPFL's police and immigration personnel entered into the poor villages in Sittway in early morning and arrested about 500 Muslims (men, women, children and elderly). The police and immigration accused them of being foreigners and sent them to the Einsein Prison. When these people arrived in the Einsein Prison, they were named as 'Mujarhid'. Although they were arrested as foreigners, they became Mujarhid when they arrived in the Einsein Prison. The elder people, children and women who became Mujarhid in the Einsein Prison gradually died and disappeared. Only about sixty people remained thirty years later in 1982,”*

(Kyaw Hla, 2000)

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<sup>11</sup> A Muslim rebel group based at the border of Northern Rakhine and East Pakistan (now Bangladesh) after the independence of

Burma. Mujarhid rebel group was led by Mr. Kasim and it was also called Mujarhidin.

U Kyaw Hla (2000) wrote that the remaining 60 people were taken to Bangladesh after its independence. The prisoners were forced to say they came from East Pakistan. Even though the U Nu's government did not violate the rights of Muslims who could prove themselves as citizens, it ignored the complication over the term Rohingya and Arakanese Muslims. The critics against the U Nu's government claimed also that he did not want to recognize Rakhine as a state<sup>12</sup>. In fact, it was set as Rakhine Division after the independence of Burma. U Nu gave incentives to the Muslims of Northern Rakhine an ethnic status 'Rohingya' and opportunities the May Yu (Mayu) frontier area to be under the administration of Yangon (capital). It was difficult to say that the U Nu's government violated the rights of the Muslims of Burma because it violated the rights of a group of people in Rakhine through accusation as connected to Mujahid and 'foreigners'. It is also difficult to say his government was not involved in human rights violation given this into accusation. However, there were some Muslims MPs in his cabinet and some people accused U Nu's incentives to some Muslims of Northern Rakhine to gather their votes. In general, U Nu's government had not clearly discriminated against the Muslims of Burma nor violated the rights of any ethnic groups.

#### **2.4 Situation of the Muslims during Ne Win's Administration**

Former General Ne Win was one of the thirty comrades who received training from the Japanese. In 1962, the military coup led by General Ne Win took over power following some ethnic unrest. He established Burmese Socialist Program Party and served as the chairman until the 1988 unrest. During his rule, Human rights violations appeared in different ways despite some degrees of justice for the people. He arrested politicians, repressed the ethnic minorities, and suspended the 1947 Constitution. Gen. Ne Win introduced centralized economy and nationalized most

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<sup>12</sup> State means an indigenous land in Myanmar/Burma. There are seven states and seven divisions in Myanmar. The states belong to each indigenous group such as Kachin state, Kayah state, Karen state, Chin state, Mon state, Rakhine state and Shan state. As divisions, there are Yangon division, Mandalay division, Ma Gwe division, Sa Gaing division, Irrawaddy division, Pago division and Thanin Tayee division.

private enterprises. At the same time, many Indian Hindus and Muslims left to India. The movement of some Muslims of Arakan was stopped by Ne Win's government and the leaders fled to East Pakistan.

*“General Ne Win took power in a coup d’etat in 1962, and almost all the Rohingya movement went underground. The first step of Ne Win’s Burmese Way to Socialism was the nationalization of the private enterprises in 1964,”*

(Aye Chan, 2005)

Ne Win's government adopted the 1974 Constitution, a socialist democratic state was set up in the same year and provided equal rights and justice to all; but the government did not respect the Constitution fully. It also recognized Rakhine division as Rakhine state. The 1974 Constitution was stricter than the 1947 Constitution although the 1974 Constitution provided equal rights, justice, religious freedom, etc. Under both Constitutions, the Muslims of Burma could have freedom, justice, equal rights and other basic rights.

U Maung Tin (on the phone in 2014) mentioned that some Muslims of Northern Rakhine state sent official application to the Ne Win's government in 1964 to recognize all different Muslims in Rakhine state as Rohingya, but the government did not respond. When Gen. Ne Win seized the power, he met some members of the Arakanese Muslims Association and tried to get support from the Muslims. U Maung Tin blamed the Muslims of Northern Rakhine state who tried to claim them as 'Rohingya' and thus complicated the situation of the Muslims. U Maung Tin also said if Arakanese Muslims stood along with Rakhine (Arakanese) Buddhists as brothers and sisters, there would not be misunderstanding by both Rakhine Buddhists and the socialist government. Another Arakanese Muslim Leader, former political prisoner and former lawyer, Kyaw Hla Aung (2013) claimed that when Bangladesh was East Pakistan, the Burmese government did not repress the Muslims of Arakan. After Bangladesh got independence from Pakistan in 1971, the Burmese government started to repress the Muslims of Arakan and started to use the term 'Bengali'.

*“For 1973 population census, when Department of Population and Immigration described the lists of ethnic groups in Burma in the forms clearly showed 144 groups such as Rakhine Chittagong, Myanmar Muslims, Rakhine-Kaman, Mayedu, other Myanmar-Indians who are not foreigners. Regarding this issue, it was declared that 143 ethnic groups were in Burma at the time. So, all groups of Burmese Muslims were ethnic groups who already became citizens of Burma,”*

(Myint Thein, 2012)

The governments of U Nu and Ne Win made some complications over the ethnic lists as described above. Both governments used unclear policies to handle different problems and changed the laws often. Their complications and changing the laws often empowered local government personnel in Rakhine state (Arakan) to repress the Muslims. U Maung Tin (2014) said there was no effective rule of law and order in Rakhine state during the Ne Win's administration and unfair treatments were used against the Muslims by the local police and immigration personnel in Rakhine state.

Some complications made by the earlier U Nu's government and by some Muslims leaders of Northern Rakhine state provoked the socialist government to create the King Dragon (Nagar Min) Operation in 1978 against the Muslims who could not speak local Rakhine language or official language and thus were classified as Bengali descents in Rakhine state. Ne Win's government drove some Muslims to Bangladesh during the King Dragon Operation and they were repatriated between 1979 and 1980. Later, his socialist government created the 1982 Citizenship Law. Under the socialist regime, many organizations were prevented from doing their activities but the Arakanese Muslims Association was allowed to do its activities as a legal organization.

This section reveals the complications made by both the governments and by the Muslims leaders that put the innocent Muslims under repressions through the 1978 King Dragon Operation and the 1982 Citizenship Law. The sections/articles 3 to 7 of the chapter II of the 1982 Citizenship Law described the rights of citizens which are stricter than the chapter II of 1947 and the chapter XI of 1974 Constitutions.

Although 1982 Citizenship Law appeared with many restrictions, the Muslims still had the same rights like other indigenous groups and citizens. All Muslims could apply for National Registration Cards, could travel, study, and join in the military as well as in the other government services.

In a discussion (in 2015) with U Chit Lwin (law expert and lawyer), the president of former National Democratic Party for Human Rights (NDPHR) argued that if a law is promulgated against Constitution of a country, it would cancel or abolish automatically because Constitution is mother law in a country. So, he referred to 1982 Citizenship Law that was promulgated against 1947 and 1974 Constitutions of Burma.

Briefly, Ne Win's government made some complications in citizenship of the Muslims of Arakan. His government also respected basic rights and freedom of the people who were classified as indigenous and citizens of Burma and gave opportunity to all civilians regardless of race and religion. Some local authorities in Rakhine state and the members of National Intelligence Bureau (NIB)<sup>13</sup> were involved in different human rights violations around the country during Ne Win's rule.

## **2.5 Situation of the Muslims of Rakhine State during the Military Regime (1988-2010)**

This section is the experiences of researcher. The researcher is eye witness about the plight of the Muslims of Rakhine state (Arakan).

Between 1986 and 1987, if there was tension between the Rakhine Buddhists and the Muslims, a group of Rakhine Buddhists usually surrounded the Muslims houses, threw the stones, shouted and abused orally as 'Kalar', and sometimes they threw the stones to the mosque of the attacked village. If such incident happened in any Muslim village at night and Rakhine Buddhist mob attacked only the village related to the incident. Rakhine Buddhist mobs never attacked other Muslim

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<sup>13</sup> The National Intelligence Bureau (NIB) was formed in 1983 as a part of Military Intelligence (MI) and NIB was abolished in 2004 by State Peace and Development Council after Gen. Khin Nyut was removed from position.

villages and never attacked for more than a day. Typically, the authorities and the village elders stopped the incident and detained related people in order to prevent more violence and tried to negotiate the problem between Rakhine Buddhists and the Muslims. In that way, the problem never grew larger than what happened earlier.

There were Muslims and Rakhine Buddhists government personnel at certain departments during Gen. Ne Win's rule and almost all high-ranked officers were Burmans (Burma). Most of the government officers had good communication with Muslims and had better understanding. Some Rakhine Buddhists were active in Burmese politics and the socialist government did not have hatred towards the Muslims openly. The Muslims could travel freely at that time because some were classified as indigenous and some were classified as citizens under Burmese immigration laws.

All civilians were affected badly after the socialist government withdrew some Myanmar Kyat notes (such as 25 Kyat notes, 75 Kyat notes and later on 90 Kyat notes) before 1988. In the 1988 unrest, Muslims and other ethnic groups in Burma directly got involved in political activities. There was no restriction on travel until the 1990 election and the Muslims (at the age 18) could apply for National Registration Cards (NRC) easily at local immigration office. The value of Myanmar Kyat was very high during the Ne Win's administration period until 1988. During the 1988 unrest, many Muslims from Central Burma and the Muslims from Rakhine state joined in the unrest in order to gain democracy.

This section is very crucial to describe how the repression against the Muslims started. The National Intelligence Bureau (NIB) was very active and went into all communities to gather secret information during 1988 unrest. The government departments joined in the demonstration against the socialist government to demand for democracy except NIB and MI. State Law and Order Restoration Council (SLORC) led by Gen. Saw Maung was established and general election was announced in order to stop mass demonstration. At that time, many NIB and MI personnel were sent to Rakhine state in order to handle the difficult situation in Rakhine state.

In 1989, some Muslims lawyers established some political parties. Amongst them, the National Democratic Party for Human Rights (NDPHR) was established in Sittway (capital of Myanmar's Rakhine state) to represent all groups of Muslims but it encouraged the people to use the term 'Rohingya'. At the same time, some Rakhine nationalists opposed the NDPHR and a powerful lawyer who stood as vice-president of NDPHR was arrested in 1990, before the election. The Rakhine Buddhist parties sent many complaint letters to the heads of the military unit in Rakhine state and the central government, State Law and Order Restoration Council (SLORC). In such complaint letters, the Rakhine Buddhists spread misinformation about the Muslims of Rakhine state and the NDPHR party. It was purely a competition amongst the political parties. This fierce competition grew into hatred between the leaders of the Rakhine Buddhists and those of the Muslims. At the same time, the military government was keen on its policy to divide and rule the country with many tactics and strategies to sustain its power.

Most of the Muslims who reached the age of 18 were allowed to apply for National Scrutiny Cards (pink cards) instead of the National Registration Cards. When the immigration officers saw the term 'Rohingya' in the application forms, the central government commanded to burn down all the application forms. The government stopped issuing both National Registration Cards and National Scrutiny Cards for the Muslims unofficially in 1989 before the general election 1990 and completely stopped after the 1990 election. At the same year in 1989, the State Law and Order Restoration Council (SLORC) changed the name of country from Burma into Myanmar. In 1997, the State Law and Order Restoration Council was abolished and replaced with State Peace and Development Council.

In the 1990 election, the National Democratic Party for Human Rights (NDPHR) won four seats in Rakhine state and a Kaman party won one seat in Sittway on behalf of the lawyer who was arrested before the election. After the 1990 election, the military regime refused to hand over the power and wanted to sustain the power for long time. Some of the military Generals were removed from the positions after they disputed the implementation of the election result. National League for Democracy (NLD) won the 1990 election. Daw Aung San Su Kyi was under house arrest and many political leaders including ethnic groups' leaders were arrested and

imprisoned for long time. Some Rakhine Buddhists and the Muslim leaders were also arrested in Rakhine state. The government prevented the Muslims from traveling to Central Myanmar from Rakhine state. The unlawful and unfair orders were made by the military regime against the Muslims and the Muslims had to apply for travel permission to travel from one town to another within the Rakhine state. In 1991, the military government started repression in Northern Rakhine state, and another exodus took place after the military government revoked the results of the general election 1990. During 1991-92, about 250,000 Muslims fled to Bangladesh to seek refuge and repatriated later on.

Between 1991 and 2009, the former military regime under guise of civilian government implemented many policies except the 1990 election's result against majority's will. The followings are some events. From 1991 to 2004, many tensions between Buddhists and Muslims in Rakhine state and in Central Myanmar took place. At that time, the military still could control the crowd peacefully. Both indigenous and citizen Muslims of Rakhine state (Arakan) voted freely and fairly in the 1990 election. However, the government stopped issuing National Registration Cards to the Muslims of Rakhine state after the 1990 election. They were prevented from traveling to Central Myanmar after 1990 (early 1991). In 2001, their movements from town to town within Rakhine state were also prevented.

The Muslims started traveling to Central Myanmar for job opportunities in different ways after 1991 because they could not travel freely. Many groups of Muslims were killed on the way and only a few of them arrived in Yangon. Later on, they traveled to Malaysia and Thailand. According to some military officers, it was the command of the central government to imperil such people. Some members of security forces disagreed with the killing of the Muslims and sent secretly information to family members of Muslim victims through people. Reportedly, the commands were given by the central government (the former military regime) to kill some of the Muslims who were arrested on the way to Central Myanmar. Some Muslims were imprisoned for long time under different laws. The most important of these laws are as the followings.

### **Act 6 (2) of Residents of Burma Registration Acts**

This Act stipulates that a person who does not hold National Registration Card shall receive up to 6 months of imprisonment. By this Act, the accused has to receive 6 months of imprisonment without any defense. In fact, the Muslims and Hindus were not allowed to apply for National Registration Cards, but the authorities ignore this defense.

### **Act 13 (1) of the Burma Immigration Emergency Provisions Acts**

This Act is for a person who makes illegal entry into the country; he or she shall receive 6 months to 5 years of imprisonment. But the authorities used this Act for the Muslims and Hindus who travel to another township within Rakhine state or central Myanmar from Rakhine state.

*“13(1) Whoever enters or attempts to enter the Union of Burma or whoever after legal entry remains or attempts to remain in the Union of Burma in contravention of any of the provisions of this Act or the rules made there under or any of the conditions set out in any permit or visa shall be punished with imprisonment for a term (which may extend from a minimum of six months to a maximum of five years or with fine of a minimum of K.1500 or with both)”*

(Ministry of Myanmar Immigration and Population, 2015)

### **Section 5 (J) of the Emergency Provisions Acts**

This is an emergency act that has been used to imprison politicians. According to law, the accused shall receive up to 7 years of imprisonment. But the Muslims who traveled to central Myanmar from Rakhine state received up to 14 years imprisonment under section 5 (J), especially in the years between 1991 and 2004.

*“Whoever does anything with any of the following intent; that is to say; - to affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order;- shall be*

*punished with an imprisonment for a term which shall extend to  
7 years”*

(The New Light of Myanmar, 2009).

**Table 2.1** Restriction per time / year

	<b>1991-1994</b>	<b>1994-1997</b>	<b>1997-2001</b>	<b>2001-2010</b>
<b>Travel to central Myanmar/Burma</b>	<p>-Restriction on travel to central Myanmar/ Burma was started in 1991.</p> <p>- (Only some people could travel who had connection with NIB and Immigration high ranking personnel by giving bribes.)</p> <p>-If anyone had document that could prove as he/she was born in central Myanmar, it was necessary to apply for travel documents at State office of State Law and Order Restoration Council and Rakhine state Immigration office step by step by giving bribes.</p>	<p>-Completely prevented from travelling</p> <p>-Muslims used illegal ways to escape.</p> <p>-If anyone had document that could prove as he/she was born in central Myanmar, he/she was needed to apply for travel permission step by step by giving bribes.</p> <p>-If anyone was connected with INGOs and GO or higher education, he/she had to apply for travel documents at State office of State Law and Order Restoration Council and Rakhine state Immigration office step by step by giving bribes.</p>	<p>-Completely prevented from travelling</p> <p>-Muslims used illegal ways to escape.</p> <p>-If anyone was connected with INGOs and GO or higher education, he/she had to apply for travel documents at State office of State Peace and Development Council and Rakhine state Immigration office step by step by giving bribes.</p> <p>-He/She needed to submit some other documents from village head, Police station, Township Immigration,</p>	<p>-Rakhine state Immigration issued form 4 only for those who could submit many documents and who could give bribe.</p> <p>-If anyone was connected with INGOs and GO or higher education, he/she had to apply for travel documents at State office of State Peace and Development Council and Rakhine state Immigration office step by step by giving bribes.</p> <p>-He/She needed to submit some other documents from village head, Police station, Township Immigration,</p>

Table 2.1 Restriction per time / year (cont.)

	1991-1994	1994-1997	1997-2001	2001-2010
	-He/She needed to submit some other documents from village head, Police station, Township Immigration, Township and District office of State Law and Order Restoration Council to get permission.	Rakhine state Immigration office step by step by giving bribes. -He/She needed to submit some other documents from village head, Police station, Township Immigration, Township and District office of State Law and Order Restoration Council to get permission.	Township and District office of State Peace and Development Council to get permission.	Township and District office of State Peace and Development Council to get permission.
<b>Travel within Rakhine state</b>	-Muslims could travel with documents given by village heads from respective villages.	-Muslims had to apply for travel documents at Township Immigration office submitting documents from village head and township police station.	-Muslims had to apply for travel documents at Rakhine state Immigration office submitting some other documents from village head, Police station and Township Immigration.	-Rakhine state Immigration issued form 4 only for those who could submit many documents and who could give bribe. -If anyone was connected with INGOs and GO or higher

**Table 2.1** Restriction per time / year (cont.)

	<b>1991-1994</b>	<b>1994-1997</b>	<b>1997-2001</b>	<b>2001-2010</b>
				education, he/she had to apply for travel documents at Rakhine state Immigration office submitting some other documents from village head, Police station and Township Immigration.

### **How Restrictions work in Rakhine State**

When the Muslims and Hindus traveled to Yangon or Central Myanmar without permission, the authorities sentenced them to 5, 7, 10 years or up to 14 years of imprisonment under the above three Acts. When they traveled to another township from their residence, they were sentenced to 6 months up to 2 years of imprisonment under the Acts 6 (2) and 13 (1). Since 2009, the local authorities have not been using section 5 (J) of state emergency acts for such cases.

The Muslims of Northern Rakhine state were forced to accept white cards (temporary cards) which were not like National Registration Cards with the term Bengali as their race and later on some Muslims of other townships had to receive white cards (temporary cards). They have no rights to travel and no other rights such as higher education, applying for passport and possess homes, cars, etc. It means the temporary card holders were neither citizens nor foreigners. The Caman or Kaman is recognized as indigenous group and thus have access to National Scrutiny Cards (Pink Cards). However, they are still facing restriction on getting National Scrutiny Cards and they are not allowed to travel either. (In March 2015, temporary cards system was abolished and immigration seized all temporary cards by the end of May 2015).

Around 2001 (first time) and between 2005 and 2006 (the second time), the government urged the Immigration Department to give an option to the Muslims whose parents and grand-parents had the National Registration Cards. These were allowed to apply for National Registration Cards, but the immigration officers kept the orders in secret to squeeze money from Muslims business people. In fact, the believers of Islam and Hindus are not allowed to travel to another town from their residences and no access for higher education. After 2010 election, Hindus are allowed to travel with permission from Rakhine state to Yangon. Caman Muslims are also allowed to travel with permission from Rakhine state to Yangon after 2010 election. The other Muslims have to apply for travel permission step by step by giving bribe. Restriction on movement was described clearly in table 2.1.

The Muslims were given incentives at the referendum in 2008 and again before the 2010 election, by the government. Nevertheless, many promises were not implemented to deceive the people. The above are the situation of the Muslims of

Rakhine state from 1988 to 2010. Different discussions will be shown in section 2.7 for changes in situation after the 2010 election.

## **2.6 Mass Exodus of Ethnic from Myanmar to its Neighboring Countries**

During the military regime after 1990 election, the military started repression on every minority of Myanmar in order to sustain the power for long time. Hundreds thousands refugees fled to Thailand, Malaysia, India and Bangladesh including the Muslims of Arakan. Some hundreds thousands migrant workers fled the country to seek better jobs because the economy of Myanmar slowed down after 1988 unrest. There are Kachin, Kayah, Karen, Chin, Mon, Burman, Rakhine, Shan and other ethnic minorities also fled the country to seek asylum and to have protection in neighbouring countries after 1988 unrest. Systematic repression was used as a policy of the former military regime. There are hundreds thousands refugees still left in refugee camps in Thailand and few others also left in Malaysia and in other countries.

There were some hundreds of Rakhine refugees in Bandarban District of Bangladesh who opposed the former military regime and who got involved in politics inside the country. Some are registered by UNHCR and some are not. Both who are not registered by UNHCR and not recognized by the authorities of Bangladesh are facing persecution and discrimination. Since the beginning of the military rule in Myanmar (Burma), the Muslims of Northern Rakhine state and some Rakhine Buddhists fled to Bangladesh to seek refuge and asylum. There are also some Rakhine Buddhists people as citizens of Bangladesh in Dhaka, Chittagong, Cox's Bazaar and Bandarban District. The Rakhine Buddhists who fled from Rakhine state tend to stay mostly in Bandarban and Cox's Bazaar where local Bangladeshi Rakhines live. But Rakhine Buddhist refugees can easily sneak into Rakhine state because of their appearances.

Few thousands Rakhine Buddhist refugees are currently in Malaysia, India, Thailand and Bangladesh until now. In the same way, the Muslims of Arakan also fled to Bangladesh, Thailand, Malaysia, Pakistan and Middle East countries. The former military regime (1988-2010) and current (so-called) democratic government of

Myanmar (2010-2015) could not solve many problems in the country. The problem of the Muslims of Arakan (also called Rohingya) refugees in Bangladesh is also one of the difficult issues for Myanmar and for its neighbouring countries.

Whenever Myanmar government officials visit to Bangladesh, the government of Bangladesh urges the Myanmar government to accept the refugees both undocumented and documented. Myanmar government always gives promises to the government of Bangladesh that they would consider the people who can show documents as they are from Myanmar in order to be repatriated. But the Myanmar government never keeps its promises. The issues of the refugees and migrant workers are very difficult issues for Myanmar and its neighbouring countries and became burden on some countries. There is no effective solution yet for these issues.

## **2.7 Situation of Muslims after 2010 Election**

During the 2008 Constitutional Referendum, the military government forced the people to vote to approve the military Constitution and threatened the Muslims of Rakhine state to support the military in 2010 election. State Peace and Development Council announced that 92.4 percent of the voters approved Constitution. The Muslims of Rakhine state and the other citizens had to support Constitution without their will. Some sections (articles) of the Constitution directly refer to non-discrimination, equality before the law, fundamental rights and freedom but discrimination against the Muslims of Rakhine state and policies of persecution remained. The Human Rights report of Fortify Rights, 'Policies of Persecution' (2014) described that policies target the Muslims of Rakhine state on the basis of their ethnicity, religion, and at times gender. Fundamental rights are still denied under the policies of the former military regime which had been handed over to the so-called 'democratic government' after the 2010 election.

In 2010 election, Union Solidarity and Development Party gave incentives to the Muslims in order to gain vote but after they received vote, the violence conflict was started. There was an unseen competition between Rakhine Nationalities Development Party (RNDP) and Union Solidarity and Development Party (USDP) in

Rakhine state. Anti-Muslims sentiment became widespread after 2010 election following the argument over the term 'Rohingya'. Hatred became worse after a rape case happened in Kyauk Nei Maw on 28 May 2012. Ten Myanmar Muslims were killed in Taung Goke Township on 3 June 2012. Following that incident, a group of Muslims in Northern Rakhine state attacked some innocent Rakhine Buddhists and destroyed some houses on 8 June 2012. The violence erupted in Sittway, the capital of Rakhine state and some other townships in June and October 2012. According to reliable information, more than a thousand Muslims died and about three hundreds Rakhine Buddhists died in 2012 and 2013.

Systematic attack on the Muslims happened in Rakhine state very widely and the violence<sup>14</sup> in June and October 2012 drove hundreds thousands people to be in IDP camps. The government of Rakhine state and Nay Pyi Taw government have been deceiving international community by giving different excuses since the violence happened. Some extremists have been using policies and some middle ideologists want both communities to do reconciliation. After anti-Muslims violence in 2012, the terms Arakan, Rakhine or Yakhine and Rohingya became popular terms in the world. The situation became as a second Israel and Palestine in the world.

Many Muslims have been fleeing by boats to Bangladesh and to Southeast Asia in order to get protection. Muslims IDP's situation became worse after INGO and NGO were attacked in 2014. According to reliable information, more than 3,000 Muslims including women and children died in the sea and jungle camps in Thai-Malay border. In fact, human traffickers usually tortured the people to get ransom for their travel to Malaysia through Thailand. Some people who are very close to human traffickers estimated over 5,000 people died in the sea and in the mountains (jungle camps) but very few of them were Bangladeshi.

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<sup>14</sup> Anti-Muslims violence erupted in Rakhine state (Arakan) in June and October 2012 following 10 Myanmar Muslims' killing in Taung Goke Township. It was started by ethnic and religious nationalists after a young Buddhist woman was murdered in Kyauk Nei Maw.

## 2.8 The Formation of Nayapara and Kutupalong Registered Camps

There was the influx of refugees into Bangladesh during Ne Win's administration period in 1978. They were repatriated later on between 1979 and 1980. All indigenous and citizens Muslims in Rakhine state (Arakan) had basic freedom and rights during Ne Win's administration. They could apply for National Registration Cards and could travel around the country freely as well as to other countries with passport. After National Democratic Party for Human Rights was established by some Muslims leaders, the Muslims could vote freely in the 1990 election. During 1991-92, about 250,000 Muslims fled to Bangladesh to seek refuge. Between mid-1992 and 1999, more than 230,000 refugees were repatriated to Myanmar (Burma) following the Memorandum of Understanding (MOU) signed by the governments of Bangladesh and Myanmar.

*“From late 1991 to early 1992 approximately 250,000 people mostly from the Northern Rakhine State (NRS) of Myanmar fled to Bangladesh. Repatriation began between September 1992 and mid-1997 and about 230,000 refugees were repatriated to Myanmar (Burma). Repatriation peaked again in 2003 but there has been no voluntary repatriation since 2005,”*

(WFP & UNHCR, 2010)

Around 28,000 refugees were registered by the government of Bangladesh and UNHCR during 2007. The figure of registered refugees gradually increased in few years and UNHCR latest figure showed that 30,000 registered refugees are in Nayapara and Kutupalong registered camps (See Picture 2.1 and 2.2 for Kutupalong registered camp). Later on, the government of Bangladesh stopped registration of new refugees. These were remaining refugees in Nayapara and Kutupalong camps after repatriation between 1992 and mid-1997. Nayapara is a camp situated in Taknaf and Kutupalong is situated on the way between Cox's Bazaar and Taknaf.

*“Today, only 28,000 are recognized as refugees with the Government of Bangladesh and live in Kutupalong and*

*Nayapara camps. Registered refugees receive basic health services, primary education and food rations,”*

(Refugee International, 2011)

The above description by refugee international (2011) referred to documented refugees in Nayapara and Kutupalong registered camps. Even though the documented refugees receive legal humanitarian assistance, the assistance is not enough for their basic needs, according to few documented refugees. Some of the refugees who fled to Thailand and Malaysia from registered camps in Bangladesh said that it is difficult for the refugees to survive on limited humanitarian assistance and they do not have rights to work. Most of them have to negotiate with camp committee members to work outside of the refugee camps.

*“Some 30,000 registered refugees in Kutupalong and Nayapara, two government-run camps near Cox's Bazar, are relying on regular distributions of food rations and relief items such as shelter and clothing. Basic water, sanitation and health services are provided by the government, UNHCR and its partners,”*

(UNHCR, 2013)

UNHCR (2013) has stated that documented refugees are getting humanitarian assistance, but the refugees said the assistance are not enough. In reality, documented refugees have access to limited legal assistance including health service. Their situation is better than undocumented refugees in Bangladesh. Even though the documented refugees are having basic humanitarian assistance, they are still fleeing to Southeast Asia by boats for better protection and job opportunities.

*“More than 32,000 registered refugees from Myanmar living in two official refugee camps in Cox's Bazar, Bangladesh, now access food in shops established in the camps,”*

(WFP, 2014)

The above two sources described the figure of documented refugees in Nayapara and Kutupalong which increased from 28,000 to 32,000. It is noticeable that how the figure of registered refugees increases and the above descriptions showed that the figure increased from 28,000 in 2007 to 32,000 in 2014. These registered refugees can receive basic needs, health care and primary education, but very limited according to the refugees. UNHCR, WFP, MSF and ACF are giving legal assistance in the two registered camps, but unregistered refugees cannot get any legal assistance.

*“A process of repatriation began in September 1992 and by mid-1997 about 230,000 refugees had returned to Myanmar, leaving a residual group of around 20,000. Repatriation peaked again in 2003 but there has been no voluntary repatriation since 2005,”*

(UNHCR, 2010)

Journal of Indian research (2013) has stated that 236,599 undocumented refugees were repatriated to Myanmar started from 1992 and ended in 2005. From the year 2006 to 2010, only 920 registered refugees were resettled in some countries such as Canada, Norway, Ireland, Sweden, UK, USA, Australia and New Zealand. UNHCR (2010) stated the first repatriation started in 1992 and terminated in 1997 under MOU between the governments of Bangladesh and Myanmar. The second term was voluntary repatriation started in 2003 and terminated in 2005. The accurate figures of refugees' repatriation are shown in the table 2.2 below.

**Table 2.2** Number of Repatriation of the Refugees

<b>Year</b>	<b>Number of refugees</b>
1992	5962
1993	46129
1994	82753
1995	61504
1996	23045
1997	10073
1998	106
1999	1128
2000	1323
2001	283
2002	760
2003	3231
2004	210
2005	92
<b>Total</b>	<b>236,599</b>

*Source: Refugee Relief and Repatriation Commissioner's Office, Ministry of Food and Disaster Management, Dhaka (Quoted in Ahmed, 2010) [Copied from Journal of Indian Research, Vol.1, No.4, October-December, 2013]*



**Picture 2.1** Kutupalong Registered Camp (July, 2011)



**Picture 2.2** Kutupalong Registered Camp (July, 2011)

## **CHAPTER III**

### **SURVIVAL AND SECURITY**

This chapter is about survival and security of unregistered refugees in both Leda and Kutupalong unregistered camps in Bangladesh. This chapter includes formation of Leda and Kutupalong unregistered camps, livelihood and security of undocumented refugees in Leda and Kutupalong camps, how the rights of basic needs, minimum core rights and legal rights are being violated, the responses on security matter, about universal periodic review and view of the local people upon the situation of undocumented refugees.

#### **3.1 The Formation of Leda and Kutupalong Unregistered Camps**

The Muslims of Arakan who fled from Rakhine state to Bangladesh during the years 1991-92 were repatriated between 1992 and 1997 as high numbers. Few thousands fled again in order to avoid force labour and different restrictions including restriction on travel within Rakhine state (Arakan). 28,000 (as previous figure) refugees were registered by the government of Bangladesh and UNHCR in 2007. The figure increased up to 32,000 later on. The government of Bangladesh stopped registration new refugees and the people remained as undocumented refugees. Around 50,000 undocumented refugees live in both Leda and Kutupalong unregistered camps.

Leda camp committee members (2011) said that they firstly stayed in Uhu Pho Zilar, a place near Taknaf for three years. Secondly, they were moved to another place namely Dum Dum Mya that is not very far from the first place. Finally, they were moved to Leda camp by Islamic Relief and the authorities of Bangladesh in 2008. According to the interviews with two camp committee members, five families and two groups of male and female refugees, the answers referred to the result as Islamic Relief built the houses for the shelters in 2008 and built the roads in 2009. Undocumented refugees increased in this camp depending on the situation of their

family members outside of the camp in Bangladesh and in Myanmar side. In fact, when the family members had difficulties in Myanmar and abroad, they always joined up with their family members in the camp.

In the same way, some of the relatives of the documented/registered refugees of Kutupalong registered camp also joined up with documented refugees in the camp. The government of Bangladesh prevented from increasing undocumented refugees in the Kutupalong registered camp. Before 2008, these refugees temporary stayed beside the houses of registered refugees in Kutupalong but the authorities destroyed the tents. Then make-shift camp was built. In fact, the Refugees built the houses with bamboos and raw woods from the jungle/mountain in 2008 and the floors were made by clay. In that way, these two unregistered refugee camps appeared during 2008.

*“Back in 2002, in response to threats of eviction, a first makeshift camp was established near Teknaf and the 10,000 residents were ultimately relocated to a new site in Leda in June 2008. In early 2008, a new makeshift camp started sprawling around the Kutupalong refugee camp as a consequence of eviction threats against self-settled Rohingya during the voter registration preceding the national election of December 2008. As the population kept increasing, sections of the makeshift camp were demolished by the Bangladesh authorities on three occasions in June and July 2009.”*

(Chris Lewa, 2010)

The Arakan Project (2010) stated that makeshift camp in Taknaf is known as Leda (built in 2008) and another camp is known as Kutupalong next to Kutupalong registered camp as the result of repression by local authorities. Leda is a local name of the place where there are some local villages and the camp is known as Leda unregistered camp. Kutupalong is the place where there are some local villages and a registered refugee camp is situated known as Kutupalong.

WFP and UNHCR joint Assessment Mission (2010) reported that nearly 29,000 unregistered refugees are staying in a makeshift camp next to Kutupalong registered camp and around 13,000 unregistered refugees are staying in Leda unregistered camp. The government of Bangladesh indicated between 200,000 and 400,000 Muslims from Myanmar settled in Bangladesh in the past few decades. All of them do not receive assistance of the government and international community.

**Table 3.1** Comparing data in 2011 and 2015

<b>Detail of Leda Unregistered Camp in 2011</b>		<b>Detail of Leda Unregistered Camp in May 2015</b>	
Population (committee)	13,700	Population (committee)	15,000
Population (UNHCR)	-	Population (UNHCR)	-
Families or houses	2,100	Families or houses	2,200
Mosques	8	Mosques	8
Religious schools	No	Religious school	7
Informal school	1	Informal school	Stopped
Service Provider	Muslim Aid	Service Provider	No organization
Housing	Islamic Relief	Housing	The old houses
Food and supplies	No	Food and supplies	No
Medical assistance	In 2008 Islamic Relief Later Muslim Aid	Medical assistance	Muslim Aid (Terminated its works in early 2015)
Water supply	Solidarities International	Water pumps	Old water pumps
Bathrooms and toilets	Islamic Relief	Bathrooms and toilets	Old bathrooms and toilets
Other assistance	No	Other assistance	No

**Table 3.1** Comparing data in 2011 and 2015 (cont.)

<b>Detail of Kutupalong Unregistered Camp in 2011</b>		<b>Detail of Kutupalong Unregistered Camp in May 2015</b>	
Population (Committee)	37,210	Population (Committee)	44,272
Population (UNHCR)	26,118	Population (UNHCR)	-
Families or houses	6,285	Families or houses	7,352
Mosques	15	Mosques	15
Religious schools	2	Religious school	5
Informal school	No	Informal school	35
Service Provider	MSF/ACF	Service Provider	MSF/ACF/IOM
Housing	Makeshift camp	Housing	Makeshift camp
Food and supplies	No	Food and supplies	No
Medical assistance	MSF	Medical assistance	MSF
Water pumps	ACF (54 water pumps)	Water pumps	ACF & IOM (nearly 100 including old water pumps)
Bathrooms and toilets	ACF (Some bathrooms and toilets in every block)	Bathrooms and toilets	ACF (Some in every block and old were repaired)
Other assistance	No	Other assistance	No

### **3.2 Livelihood of Undocumented Refugees in Leda Camp**

The Muslims of Arakan fled from Rakhine state and who were deported from Middle East countries stayed in 'Uhu Pho Zilar', a place near Taknaf of Bangladesh for three years. They were moved to another place namely 'Dum Dum Mya'. Finally, Islamic Relief and Bangladesh authorities moved the refugees to Leda unregistered camp (See Picture 3.1, 3.2 and 3.4). The population of the refugees in

Leda unregistered camp was 13,700 in 2011 and around 15,000 in 2015 according to camp committee members.

*“Islamic Relief built the houses in 2008 and the roads were built in 2009. Firstly, the refugees stayed in Uhu Pho Zilar, a place near Taknaf for three years. Secondly, we were moved to another place namely Dum Dum Mya that is not very far from the first place. Finally, we were moved to Leda camp by Islamic Relief and the authorities in 2008.”<sup>1</sup>*

Undocumented refugees in Leda camp cannot receive legal assistance by NGOs and INGOs to fulfil their basic needs. They have to work for their survival. The male refugees mostly work to provide money in their family. If there is not any man in family, the women or the children have to work for the survival of family members. Most male refugees drive trishaw in the other towns, work in fishing boats and work as hard labour. Some women and children also work at the houses of local people in other places. There are few grocery shops at few houses in Leda camp and the refugee children mostly sell (See Picture 3.3). Sometimes, some family receives money from their relatives in other countries especially during Ramadan (Islam fasting month). An NGO, Muslim Aid, provided 15,000 Bangladeshi Taka (US\$ 200) per family in 2010. Refugees eat rice like other Bangladeshi people, two times a day: at lunch and dinner with curry (dried fish or fish or beef or chicken or vegetable) depending on their income and situation they can afford. If they cannot earn money or if they do not have money, they have to starve one time a day or they have to eat only rice with salt. The quality of the rice is depending on their income. The refugees mostly eat the cheapest rice. Briefly, the refugees are struggling mainly for their survival and basic needs. Water pumps were provided by Solidarities International in 2008, but it stopped in 2011. Mostly in summer, the refugees have difficulty to get water. According to latest interview (in May 2015) with few refugees, the refugees have to struggle to get water from outside of the camp.

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<sup>1</sup> Foryas Ahmed, a camp committee members explained about the camp, the location, livelihood and security of the refugees in his house during the interview.

**Health Care:**

Muslim Aid (NGO) has provided basic medical services in this camp and it had a clinic in the camp. Muslim Aid was the only organization to provide medical assistance to undocumented refugees and terminated its works early 2015. Currently, the refugees have to go to private clinic outside of the camp, in another town, for medical treatment. They have to pay for medical treatment, according to latest interview with few undocumented refugees in May 2015.

**Education of Refugee Children in Leda camp:**

According to the refugees, there was one informal school in 2011 and now informal school does not exist anymore. There is no formal or State-Sanctioned education system yet for the children. There are eight mosques and seven religious schools. The religious Mullahs (teachers) teach the children in religious schools. Some educated refugees teach the children in nearest houses. In latest interview, undocumented refugees in Leda camp complained about education of their children and the future of the children. The situation of the children can be seen in the pictures 3.2, 3.3 and 3.4.



**Picture 3.1** Leda Unregistered Camp, in Bangladesh, 15 July 2011



**Picture 3.2** Refugee children were sitting in front of a house in Leda Unregistered Camp, 15 July 2011



**Picture 3.3** A Refugee child was selling the things and some were sitting at the shop in Leda Unregistered Camp, 15 July 2011



**Picture 3.4** Refugee children were standing outside of the houses in Leda Unregistered Camp, 15 July 2011

### **3.3 Livelihood of Undocumented Refugees in Kutupalong Camp**

Before 2008, these refugees temporarily stayed in the tents beside the houses of registered refugees but the authorities destroyed the tents. Then the Refugees built make-shift shelters with bamboos and raw woods from the jungle/mountain in 2008 and the floors were made by clay (See Picture 3.5 and 3.6). The refugees have to work for their survival. Men mostly work for the survival of the family. The male refugees mostly drive trishaws in other towns, work in fishing boats and work as hard labour wherever they can find safety and suitable income for survival. Some refugees including young girls, young boys and eldest refugees, who are not able to work outside, cut fire woods and sell them inside and outside of the camp for their daily income. Sometimes, some family receives money from their relatives in other countries especially during Ramadan (fasting month of Islam).

Refugees eat rice as lunch and dinner with curry (dried fish or fish or beef or chicken or vegetable) depending on their income and situation as in Leda camp. If

they cannot earn money, they have to starve one time in a day or they have to eat only rice with salt. The quality of the rice is depending on their income. Mostly, they eat the cheapest rice which has not good smell. In this way, the refugees are struggling for their survival to fulfil basic needs. According to the interview in October 2014 with camp committee members, both male and female refugees have to struggle for their survival. Men can earn 200 to 250 Bangladesh Taka (US\$ 2.67 to 3.34) per day working outside of refugee camp in other towns. They cannot work in local village near the camp. Women also can earn 100, 120 up to 150 Bangladesh Taka (US\$1.34, 1.6 up to 2 US\$) per day from the works outside of refugee camp. ACF provided 54 water pumps for 6,285 families in this camp firstly. IOM and ACF added more water pumps and repaired bathrooms and toilets. The refugees said it is difficult to get water in summer. Women have to struggle to fetch water from outside of the camp.

#### **Health Care:**

MSF provides basic medical services. MSF has a clinic near Kutupalong registered camp. Both documented and undocumented refugees can access to medical treatment in that clinic. There is no other medical assistance through NGOs. MSF refused to be interviewed for the issue of undocumented refugees because this issue is very sensitive in Bangladesh. Some undocumented refugees said MSF health care is not enough, but it is better to get at least basic health care.

#### **Education of Refugee Children in Kutupalong camp:**

In the past, the refugees established a school built with bamboos and woods but the authorities destroyed it. According to latest interview (in May 2015), the refugees established five religious schools and 35 informal schools or places in this camp to provide basic education to undocumented refugee children. And some religious Mullahs (teachers) teach religious literature in religious schools. Educated refugees teach other related subjects such as English and Mathematics in informal schools. There is no other assistance for education. Religious teachers have to depend on donations for education of the children.



**Picture 3.5** Kuthupalong Unregistered Refugee Camp, 17 July 2011



**Picture 3.6** Kuthupalong Unregistered Refugee Camp, 17 July 2011



**Picture 3.7** Muslim cemetery and a grave outside of Kutupalong Unregistered Camp, 17 July 2011

### **3.4 Brief Description of Interviews with Undocumented Refugees**

Two camp committee members, few families, around 10 men, and five women were interviewed (both face to face interviews and phone call interviews) in Leda camp. They responded differently with their own words, but most of them referred to similar difficulties. Some families do not have elder people to earn money and some have only women to earn money. Five women were interviewed who were sitting in front of a house. They were afraid to tell detail. They mentioned that the situation was the same what the men said. The women said that local people disturb both men and women whenever they go out from refugee camps. The refugees have to pretend as Bangladeshi local people. Sometimes, the local police arrest the men. Sometimes, there is sexual violence against the women but violence against women is not often. According to latest interview in May 2015, security became worse and there

are some gangs with guns. They robbed some families in block A and block F. Some interviews are described in Appendix C.

Two camp committee members, few families and three groups of refugees were interviewed (both face to face interviews and phone call interviews) in Kutupalong camp. The male refugees mostly work for the survival of the families. If they do not have the men in families, the women have to earn money or the children have to earn money for survival. There are some interviews in Appendix C.

### **3.5 Security of the Refugees in both Leda and Kutupalong Unregistered Camps**

Even though the situation of security in Leda undocumented camp is better than Kutupalong unregistered camp, there is sexual violence sometimes when the refugee women go out from the camp. There are different problems outside of the camp especially when the male refugees go out for jobs and for other related works. The situation of Leda unregistered refugee camp is better than the situation of Kutupalong according to the camp committee and observation of the researcher. In fact, Leda is situated beside a Bangladeshi local village and most of local people are good.

*“The unregistered Rohingya, despite being large in number, have established a symbiotic relationship with the local host communities who have supported them over the years. However, the lack of recognition and legal status and competition for scarce resources have led to a rise in anti-Rohingya sentiments thus exposing them to security and other risks emanating from local communities and authorities,”*

(WFP & UNHCR, 2010)

Even though anti-refugee sentiment was created by political parties, the refugees in both Leda and Kutupalong camps have to make good relationship with

local good people for their protection. Some religious good people, Bangladeshi always help the refugees as they are also Muslims. But some local gangs always create the problems especially in Kutupalong unregistered camp where the security of undocumented refugees is worse than in Leda unregistered camp. Even before the interviews, it was very difficult to access Kutupalong undocumented camp. Kutupalong unregistered camp is situated beside Kutupalong registered camp. Registered camp is not far from the road and unregistered camp is a little far from the road situated on the hill. There are local villages on the way to unregistered camp. Anti-Rohingya or anti-refugee campaign has been going on since 2009 in both Leda and Kutupalong camp.

*“In parallel, at the end of 2007, the Bangladesh law enforcement agencies started arresting and pushing back Rohingya across the border to Burma. Initially, only new arrivals were targeted but, since mid-2009, self-settled refugees have also been deported,”*

(Chris Lewa, 2010)

The Arakan Project (2010) stated that the crackdown was started in July 2009, increased in December 2009 and ended in 2010 but the consequences of crackdown remained. Even though the crackdown between 2009 and 2010 stopped, the hatred between local youth and refugee youth remained. The refugee blames local people and local people always blame the refugees especially in the area of Kutupalong.

*“At the time MSF treated 27 people who presented at the clinic with violence-related injuries, the youngest being a five day-old child who had been thrown to the ground,”*

(MSF, 2010)

MSF (2010) has reported that local authorities of Bangladesh in 2009 cracked down on the undocumented refugees and removed their temporary shelters in

the two unofficial refugee camps. It was said that the local authorities of Bangladesh destroyed the shelters of the refugees in June and July 2009. MSF staff witnessed violence against undocumented refugees and it provided medical treatment to 27 injured people at its clinic including a five day-old child. The above violation proved that there are serious human rights violations. Especially, the rights of their basic needs which are crucial for the survival of the refugees, minimum core rights and legal rights of the refugees are being violated.

*“Without any legal rights for unregistered refugee women, a climate of fear and impunity pervades the unofficial settlements reinforced by the lack of accountability and oversight,”*

(Refugee International, 2011)

*“Sexual violence, early and forced marriages and domestic violence are endemic in both the host and refugee communities, but the stressful living conditions and the lack of access to the police or justice system and stressful living conditions for refugee women increase the risk of abuses,”*

(Refugee International, 2011)

Regarding security issue, Refugee International (2011) also stated that undocumented female refugees are vulnerable to sexual and physical abuse, but it did not clearly mention in which camp sexual and physical abuse are happening more. According to camp committee members in both unregistered camps, the refugees in unregistered Kutupalong camp are more vulnerable than the refugees in Leda unregistered camp. Latest interviews (May 2015) with few refugees in Leda unregistered camp proved that the women in Leda unregistered camp are also facing sexual violence. Women have to fetch water from outside because water pumps are not working. A refugee said that the women are facing sexual violence sometimes and sometimes local gangs take the money and belongings from the women on the way to fetch water. Muslim Aid already terminated its works to provide medical treatment.

Women and children have to go to clinic in the other towns for medical treatment. Anyhow, there is lack of security for all undocumented refugees in both camps.

### **3.6 Basic needs, Minimum core rights and Legal rights**

Recognition as refugees is the main problem of the refugees in both Leda and Kutupalong. Since there is not recognition as refugees by the government of Bangladesh, the rights of their basic needs and legal rights are being violated. Basic needs refer to shelter, food, medical treatment and primary education to the children. Legal rights mainly refer to the rights based on law. In fact, there are the rights to have documents as refugees, the child rights to formal education, the rights to have medical care, the women's rights to have medical care especially for pregnant women, the rights to travel within Cox's Bazaar District without any intervention, the rights to marry, the rights to access police stations and the courts when they have serious violations against their rights.

Minimum core rights mainly refer to having shelters, getting income for survival, having formal or informal education, getting basic health care and basic protection. Here, the refugees from Leda unregistered refugee camp can only have some rights partially. The refugees from Leda camp can have the rights to shelter even though it is poor condition, can have full rights to religion and can get partial protection but not fully protected. The undocumented refugees are not able to get the rights of basic needs under the law and regulation of Bangladesh. They can get some rights as human beings because Bangladeshi people are mostly Muslims, but they cannot get the rights as real refugees.

In Kutupalong unregistered refugee camp, the refugees cannot have even partial basic needs and minimum core rights as Leda unregistered camp. The refugees cannot have the rights to shelter, cannot have the rights to formal education and cannot have basic protection either, but they can have full rights to religion because Bangladesh is Islam country. They can have only partial rights to survive as human beings but no guarantee. According to interviews with the refugees in both Leda and

Kutupalong unregistered camps, there is no guarantee for the protection of the refugees in the camps and outside of the camps.

The rights of the refugees are not protected under domestic law in any field because the government of Bangladesh did not recognize them as refugees. The refugees in Leda unregistered camp also said when Muslim Aid worked, the women and the children could get minimum health care and now it became worse for women and children after Muslim Aid terminated its works early 2015. Briefly, undocumented refugees could have very little unofficial assistance<sup>2</sup> through INGOs and they cannot have fully rights of basic needs for survival, minimum core rights and legal rights under the law because of strict policy of Bangladesh. The government of Bangladesh considers the Muslims of Arakan refugees in Bangladesh as undocumented Myanmar citizens or migrants in Bangladesh. The other challenges are the security of undocumented refugees and movement restriction as the main obstacles. Security and movement restriction are mainly depending on recognition as refugees. If there is recognition, the refugees can get legal protection under the law.

The main challenges here are no-recognition as refugees and discrimination by local people. Non-discrimination is a core principle of human rights. Bangladesh cannot solve the problems for its population and now having more problems with human trafficking. Political parties have competition for vote and anti-refugee groups incited hatred using local gangs. Competition for jobs between the local Bangladeshi people and the refugees also started from poverty. Discrimination started from competition for jobs. Political parties used the weak points of local people and the refugees to gain their interest. The main weak point is “poverty with high population” in Bangladesh.

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<sup>2</sup> The refugees clearly said there is no legal assistance from UNHCR and INGOs except the assistance they got before shown in table 3.1 and they are just expecting what they will get in the future. INGOs and UNHCR also confessed that they cannot provide assistance because the government of Bangladesh forbade assistance to refugees who are not registered.

### **3.7 The Responses on Security Matter**

Security is also one of the challenges to have basic needs and minimum core rights of undocumented refugees. Even though the refugees cannot get legal rights under the law and regulation of Bangladesh, they should have basic needs and minimum core rights which are extremely important for their survival as human beings. The followings are the responses of the refugees on security matter.

A 52-year-old camp committee member mentioned that local people disturb the refugees. The male refugees have to face problems with local people, especially. Sometimes, the refugees who have to work outside of the camp are arrested by local anti groups and send them to the police station. Inside the camp, there is no such problem. The refugees are not allowed to do any kind of jobs according to law. In fact, they are not registered, but the refugees have to negotiate with the employers and local authorities. Violence against women by local people is found sometimes. Sometimes, the refugees arrested by local police are forcibly deported back to Myanmar, but mostly they can sneak into Bangladesh again.

A 56-year-old man said that the refugees have difficulty sometimes to go out of the camp. There is restriction on movement from the camp to another nearest town and work place. Some local Muslims have compassion for the refugees because the refugees are also the Muslims. Anti-refugee groups and the gangs disturb the refugees on the way. There is also protection of the law but partially. In fact, the local authorities sometimes take action against some gangs and local people if there is serious problem. There are often problems between the refugees and the local people. Some families of the refugees mentioned about security issue that they have to worry about personal security whenever they go out of the refugee camps.

A group of male and female refugees said that local people tend to disturb the refugees when they go out from refugee camp. Sometimes, the refugees are arrested by the police. There is no permission for the refugees to work, but they need to negotiate with the employers. The refugees have to pretend that they are not refugees whenever they go out from refugee camps. Sometimes, there is violence against the women but not often.

*“I was in Saudi Arabia for few years. I was deported back to Bangladesh after an arrest. I arrived in Bangladesh and joined my family in Kutupalong unregistered camp. I was very handsome at the time. Some local people saw me outside of the camp. One day, I was sitting in front of my house in the morning. Two Bangladeshi men approached me and called me for nothing. One was local young man and another was the police. I thought they needed any help. When we went outside of the camp far from my house, they shot at my leg by pistol. I was taken to hospital and they accused me of trying to rob a local young man. After my leg was cut and recovered, I was sent to prison. I was released after few years. Today, you saw me here without a leg.....”<sup>3</sup>*

*“We have difficulties. Some refugees are still in prison. Last week, two refugees were arrested by the local authorities because of being unregistered. Sometimes, the local people take whatever the refugees have on hand while they are coming back to the camp from outside.”<sup>4</sup>*

The above descriptions of two different refugees stated that the security of the refugees became very serious in the last few years. The security of the refugees badly impact on their daily lives. The refugees cannot stay inside the camp (Kutupalong) all the time because the area is on the hill. There are no electricity, no good water and no other basic necessities for their daily lives in both Leda and Kutupalong unregistered camps. So, they have to go outside to arrange for food, fetch the water and for other necessities in order to cover their basic needs.

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<sup>3</sup> On 18 July 2011, a young man explained how one of his legs was lost. During discussion, some local people forced the refugees and researcher to stop discussion at a tea shop.

<sup>4</sup> A 42 years old man, camp committee members, who was born in Kyauk Taw Township, explained during the interview. He came to refugee camp in Bangladesh 12 years ago.

The refugees in both camps have no communication with the local people without having any reason or without working with them. Some local people and the authorities often disturb undocumented refugees whenever they go through the pathway from refugee camps to the road. It is also reported that there are sometimes problem with local people when the refugees go out to work or when they go out to buy foods and other things from the market. The employers do not discriminate undocumented refugees from both camps as they are using cheap labours. The local gangs outside of the camps extort money from undocumented refugees in both Leda and Kutupalong unregistered camps. Sometimes, local police arrest undocumented refugees and send them to police stations and prisons respectively. The situation is often worse in Kutupalong area than in Leda area. It is also reported that local gangs and spy observe who is coming into the refugee camps and who is going out from refugee camps. If they see strangers, the gangs always prevent them from getting into refugees camps. In that way, the local people prevent the researchers, NGOs and media from interviewing the refugees in both Leda and Kutupalong unregistered camps.

A woman expressed the followings:

*“My 12-year-old son does the work as cowhand. He earns Bangladesh Taka 700 (US\$ 9.33) per month. One day, few local people tied him when he went to drive the cattle. They said my son removed a plant in their garden. They also asked, “Whose cattle are these? Why do you come very far?” Finally, an elder man (camp committee member) had to give Bangladeshi currency 1,250 Taka (US\$ 16.66) to that group of local people. And they released my son.”*

The male witness who helped to bring her son back home explained detail again.

*“It is very difficult for the refugees. Actually, it is more difficult at night. Sometimes, the local authorities arrest the refugees and charge them with false allegations. If the refugees go to the mountains, they have to pay 100 Bangladesh Taka (US\$ 7.5) to Forest Department per week.”*

According to latest interview (May 2015) with camp committee members, the refugees have to pretend that they are not refugees when they go to work and they have to avoid any argument with local people. The local gangs extort money from the refugees often and the police sometimes extort money from the refugees. The security problem still remains even after 2012 anti-Muslims violence in Rakhine state (Arakan) of Myanmar. In fact, the situation of security is the same as before. Some people are fleeing to Malaysia by boat. One or two refugees flee daily to Malaysia by boats. They have to give 5,000 to 7,000 Bangladesh Taka (US\$ 66.7 to 93.4) as the payment for the small boat in order to reach the big boats at international water. After they arrive in Thailand, their relatives have to give 170,000 Bangladesh Taka (US\$ 2,267) to human traffickers.

*“Refugees are often arrested while collecting firewood in the nearby national forest or while working. If they are unable to pay a bribe or obtain a guarantee from a Bangladesh national for their immediate release, refugees are often charged with illegal entry and sent to jail. Refugees told RI (Refugee International) that a bribe between US\$110 and US\$400 is required for release, forcing many families into heavy debt,”*

(Refugee International, 2011).

It is now clear that there are the repressions and the violations of the rights of undocumented refugees in Bangladesh when we compare the above two descriptions; interview with a refugee woman and what Refugee International described. Refugee International (2011) described the bribe of US\$ 110-US\$400 which is not for the children. That is the bribe for adult refugees who are arrested by

the police and the bribes vary often with situation. In fact, the refugees have to give bribe in different amount depending on the situation. However, the refugees are repressed and cannot have their rights of basic needs, minimum core rights and legal rights. And they have been facing security problems in both camps (Leda and Kutupalong).

### **3.8 Government of Bangladesh and Universal Periodic Reviews**

In Universal Periodic Review (UPR) of 2013, it is demonstrated that Bangladesh hosted around 30,000 refugees under an agreement with UNHCR. UNICEF (2013) stated that the registered refugees are facing restriction on movement and getting very limited access to education and health care. UNHCR also commended the refugees outside the camps have no access to registration and have to face arrest and deportation.

*“Refugees outside the camps do not have access to refugee status determination and are subject to arrest and deportation. Children of refugees are not eligible for birth registration. CRC recommended that Bangladesh address the concerns of approximately 100,000–200,000 Rohingya, including children, not registered as refugees in Bangladesh, and to provide them with, at a minimum, legal status, birth registration, security and access to education and health-care services,”*

(UNGA, 2013)

UNHCR (2013) also referred to the principles of *non-refoulement* and stated that undocumented refugees need international protection because they will suffer serious human rights violations in Rakhine state. CRC insisted that Bangladesh needs to make new legislation and procedures which can allow the refugee children and their families to access refugee status.

*“UNHCR maintained that the Government should ensure unhindered access to its territory by persons in need of international protection; fully comply with the principle of non-refoulement, take measures to prevent arbitrary and/or indefinite detention of unregistered Rohingya, particularly “released prisoners” who have already served their sentences,”*

(UNGA, 2013)

Human Rights Watch (2013) demonstrated that undocumented Muslim of Arakan refugees in Bangladesh have been facing both deportation to the border and denying legal humanitarian assistance. Third country resettlement was suspended by the government of Bangladesh and the government of Bangladesh emphasized that resettlement in third countries would give more incentives to the Muslims of Rakhine state (Arakan) and more people will come to Bangladesh as undocumented refugees.

*“Not only did Bangladesh push Rohingyas back at the border, regardless of the risk to them on return to Arakan state, it also began denying critical humanitarian assistance to its long-term Rohingya population in a bid to deter other refugees from entering. The Bangladesh government has also suspended any third-country resettlement of the Rohingya refugees, arguing that such a resettlement would only encourage other Rohingyas in Burma to seek refuge in Bangladesh. Government officials began publicly labelling the Rohingya as “intruders” and “criminals.”*

(Human Rights Watch, 2013)

The government of Bangladesh responded to the recommendations in 2013 UPR that the rights of the refugees are fully respected, but it did not clearly describe whether they are documented refugees or undocumented refugees. It is also understandable that Bangladesh authorities referred to the term ‘undocumented Myanmar migrants in Bangladesh’. So, the term ‘refugees’ in the response do not

cover unregistered people who have been struggling in Leda and Kutupalong unregistered camps.

*“Owing to its socio-economic, environmental and demographic challenges, Bangladesh is constrained to accept any further influx of Rohingyas from Myanmar,”*

(UNGA, 2013)

The government of Bangladesh has responded that it is not a state party to the 1951 Refugee Convention and its 1967 Protocol, but it has been hosting the refugees for three decades. The government of Bangladesh also stated that during 2009-12, it had deepen dialogue with Myanmar government for voluntary repatriation of around 30,000 documented refugees, but it did not clearly describe about the undocumented refugees. And no description was found regarding the plan how Bangladesh would respect the minimum core rights and legal rights of undocumented refugees. Many arguments can emerge from what the government of Bangladesh has responded and what is happening to undocumented refugees. There is not any clear solution yet to protect undocumented refugees. International community only blames the government of Bangladesh and cannot reach any effective solution yet.

### **3.9 View of Local People upon the Situation of Undocumented Refugees**

During a discussion with local people in front of Kutupalong unregistered camp, Bangladeshi local people explained as follows. Most of them blamed undocumented refugees. They also blamed media and NGOs which are doing the research and the report on the plight of the undocumented refugees. They insisted that the media and NGOs are destroying the image of Bangladesh using the plight of the refugees.

*“The refugees get assistance from NGO and UNHCR. They could eat more than our local poor people. Most of the refugees have their relatives in different countries and they send money back to their families in refugee camps. For security reason, sometimes they have problems with the police because of being unregistered and sometimes with local people. These problems do not base on discrimination but base on their behaviours and characters. For example, the refugees steal the things from local people and there are some bad refugees in the camp. If they do not have any fault, why do Bangladeshi people need to dislike them?”<sup>5</sup>*

Another Bangladeshi young man in Chittagong said the Muslims of Arakan destroyed Bangladesh. The refugees are very bad, and since they went to Bangladesh they became thieves. Some Bangladeshi local people mentioned that their people cannot get jobs with good payment because the refugees always work with low payment. In that way, the competition between some local people and refugees appeared and jealousies also appeared especially in Taknaf and Cox’s Bazaar area.

*“Anti-Rohingya sentiment is high among Bangladeshi communities living near the camps sometimes stoked by jealousy that Rohingyas receive food and other aid. Shop owners in Kutupalong markets told IRIN they felt it was more difficult for Bangladeshis to get jobs because Rohingyas could be hired at such low costs,”*

(IRIN, 2014)

In an online article, IRIN (2014) has described similar response of local Bangladeshi people. In fact, local Bangladeshi people do not like the refugees and

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<sup>5</sup> Two elder Bangladeshi men explained in a tea shop in front of Kutupalong refugee camp about details of refugees and local people. Finally, they started arguing with researcher over getting permission from the government for interviews and warned researcher not to interview any refugees.

always criticize that undocumented refugees can get humanitarian assistance from UNHCR and INGOs, but Bangladeshi poor people cannot get any humanitarian assistance. They blame the refugees and also say that Bangladeshi local people cannot find jobs easily because the refugees do hard jobs with low payments.

## CHAPTER IV

### SERVICE PROVIDERS

#### 4.1 Assistance by UNHCR and other INGOs

According to the camp committee members, the UNHCR is not providing any assistance to undocumented refugees in both camps. Some INGOs such as Islamic Relief, Solidarities International and Muslim Aid provided very limited assistance to the refugees in Leda unregistered camp. Islamic Relief built the houses in 2008, the roads in 2009 and it also provided some bathrooms and toilets in Leda camp. Solidarities International provided water pumps in 2008 and Muslim Aid provided medical assistance in Leda unregistered camp. MSF is still providing medical assistance to the undocumented refugees in Kutupalong. ACF provided some water pumps, toilets and bathrooms in Kutupalong unregistered camp. Detail is shown in table 4.1.

Protection officer of UNHCR at Cox's Bazaar office mentioned there is no recognition them as refugees by the government and UNHCR, no agreement with the government of Bangladesh for undocumented refugees and no permission to provide humanitarian assistance to undocumented refugees. UNHCR has only dialogue with Refugees Relief and Repatriation Commissioner (RRRC) and UNO/TNO.

*“UNHCR pointed out that since mid-1992, as UNHCR was prevented from registering Rohingya, a number of them remain undocumented. Further, that UNHCR is not allowed to work with the undocumented Rohingya and that the group had survived without any support/assistance from the international community. UNHCR noted that the majority of the Rohingya would reside in the districts of Cox's Bazar and Chittagong. However, as it does not have access to them, it cannot verify exactly where they are and how many there are. Further, it does*

*not know how many undocumented Rohingya are settled elsewhere in the country.”*

(Danish Immigration Service, 2011)

Danish Immigration Service (2011) stated that undocumented refugees cannot access legal assistance through UNHCR and INGOs and the refugees have to struggle for their survival with hard works. UNHCR also mentioned that it is at the stage of discussion and negotiation, but it could not give any assistance to undocumented refugees. Camp committee members mentioned during the interviews and discussions as follows.

A 52 year-old head of camp committee of Leda unregistered camp said:

*“Bangladesh government prevented NGOs from providing food and any services to the refugees except Muslim Aid that provided medical services.”*

At least ten elder men and five young men at a mosque and five elder women at a house in Leda unregistered camp testified that there are no other organizations as service providers except Muslim Aid that was running a medical clinic in Leda camp. According to latest interview and discussion (in May 2015) with camp committee members on the phone, Muslim Aid stopped its clinic and services early 2015. Now, the refugees have to go to the clinic outside of the camp and they have to pay the cost for medical treatment. The refugees cannot go to government hospital because they are undocumented.

At least ten different elder men, four young men as a group, a woman as head of the family and four women as a group testified that they cannot have any assistance except some unofficial assistance by ACF and MSF in Kutupalong unregistered camp. In fact, MSF has a clinic in Kutupalong registered camp and it allows undocumented refugees to go to clinic. ACF provided water pumps, bathrooms and toilets in the past and it repaired them later on. According to latest interview (in May 2015) with camp committee, IOM also provided some water pumps and toilets in

2014-15. These are the similar humanitarian assistance which INGOs provide to needy people around the world.

**Table 4.1** Service providers in both Leda and Kutupalong unregistered camps

<b>Service Providers (2008-2015) in Leda Unregistered Camp</b>		
<b>Name of INGO/NGO</b>	<b>Sort of Assistance</b>	<b>Remark</b>
Islamic Relief	Houses	In 2008
Islamic Relief	Roads	In 2008-2009
Islamic Relief	Bathrooms & Toilets	In 2008-2009
Islamic Relief	Health Care	In 2008
Solidarities International	Water Pumps	In 2008-2009
Muslim Aid	Medical Assistance	Started in 2008 and terminated its works in early 2015
<b>Service Providers (2008-2015) in Kutupalong Unregistered Camp</b>		
<b>Name of INGO/NGO</b>	<b>Sort of Assistance</b>	<b>Remark</b>
MSF-H	Medical Assistance	Clinic in registered camp, since 2008
ACF	Water Pumps	Added and repaired after 2012
ACF	Bathrooms & Toilets	Repaired after 2012
IOM	Water Pumps & Toilets	In 2014-15 provided 10 water pumps and some toilets

## 4.2 Assistance by Local NGOs and Individual

There are many Muslims from Myanmar side who have already settled in Bangladesh many years ago. Some of their relatives left in Myanmar. Reciprocally, some Muslims from Bangladesh side also stayed in Myanmar. In that way, there are a kind of relationship between Muslims from Myanmar side and Bangladesh side at the border. In fact, it is because of marriage without discrimination on the ground of race

as they believe in Islam. According to Islamic principle, there is no discrimination and the Muslims have to give Zakat (2.5 % of income and belongings such as gold and saving money). There are many Muslim companies and individual business people in Bangladesh. Some of them who are following Islamic principles willingly give Zakat money to the poor regardless of race, but Zakat receivers should be Islam according to Islamic rule. Some local NGOs such as religious groups and individual tend to donate money to the poor people including refugees. Some Muslims from Middle East and other countries also send Zakat money and donation to Bangladesh for both Bangladeshi poor people and the refugees. All these are still ongoing assistance but once or twice every year.

### **4.3 The Responses of Government Officers, INGO and NGO on Services**

There were some interviews and discussion with an officer of Refugee Relief and Repatriation Commissioner (RRRC), an officer of Uhu Pho Zilar Nirbaghi Office (Chief of Executive of Sub-District), Protection Officer of UNHCR, an officer of WFP, an officer of Muslim Aid and an officer of UNHCR. All officers said the issue of the refugees in Bangladesh is very sensitive and they were not willing to have interviews. Some officers allowed having discussions in different ways. ACF and MSF refused to have interviews and discussions.

Protection officer of UNHCR mentioned that the refugees are not recognized as refugees by the government of Bangladesh and UNHCR. There is not any agreement between UNHCR and the government of Bangladesh for undocumented refugees and the refugees are not allowed to receive humanitarian assistance through UNHCR. UNHCR has only dialogue with Refugee Relief and Repatriation Commissioner (RRRC) and Uhu Pho Zilar Nirbaghi Office (Chief of Executive of Sub-District). She also said the issue of undocumented refugees (Muslims of Arakan in Leda and Kutupalong camps) is still at the stage of discussion.

Officer of Refugee Relief and Repatriation Commissioner (RRRC) only mentioned it has nothing to do with undocumented refugees. He also said if researcher

wanted to meet with registered refugees, it could be possible to meet with its commissioner at that office. So, the commissioner could give permission to visit registered refugee camps. During the discussion with officer of UNO (Uhu Pho Zilar Nirbaghi Office), he mentioned that the government of Bangladesh does not recognize undocumented people as refugees and he recommended changing the title of research as undocumented Myanmar citizens in Bangladesh. He also said that the government restricted the issue of refugees and if anyone visited the camps without permission, he/she would get into trouble with local authorities. He strongly recommended researcher to change the title first and to go to District Commissioner (DC) office to get permission.

An officer of WFP based in Cox's Bazaar also mentioned if the government of Bangladesh and UNHCR recognize undocumented people as refugees, WFP will provide food to them. MSF clearly refused to have an interview regarding undocumented refugees in Kutupalong camp. In fact, MSF provides medical assistance to both registered and unregistered refugees in Kutupalong. Muslim Aid also gave security reason not to have interviews regarding undocumented refugees in Leda camp.

According to the above responses and challenges for interviews, it can be seen the government of Bangladesh has strict policy on the issue of undocumented refugees and it is hard to provide humanitarian assistance to undocumented refugees. It is noticeable that undocumented refugees cannot get legal assistance and protection. Briefly, undocumented refugees cannot have minimum core rights to fulfil their basic needs and legal rights under the law.

#### **4.4 No Effective Assistance, No Protection and the Impacts on the Refugees**

As described in the above sections, there is no effective assistance to undocumented refugees, no protection and no recognition as refugees yet. Since the government related organizations refused to discuss about undocumented refugees and INGOs are afraid to be interviewed, it can be seen the policy of the government of

Bangladesh is very strict on the issue of the refugees. If there is not recognition, the refugees will not get legal protection. If there is not effective assistance by INGOs, there will be impacts on undocumented refugees. So, no protection and no effective humanitarian assistance would drive undocumented refugees to flee by boats from Bangladesh.

It is difficult to prove the impacts because there is the gap in understanding human rights violations in Rakhine state and in Bangladesh. There are two sections of human rights violations: human rights violation in Rakhine state of Myanmar and human rights violation in refugee camps in Bangladesh. The gap in understanding appeared because Myanmar is a majority Buddhist country and Bangladesh is a majority Muslims country. The undocumented refugees are also in the same religion as majority of Bangladeshi people. The impacts of human rights violation in unregistered camps cannot be seen on the surface because of shared religion and appearance of both side people. The people can easily see human rights violation in Rakhine state of Myanmar because of the religions: Buddhism and Islam, but cannot see hidden human rights violations amongst the Muslims. So, it is noticeable that there is the gap in understanding human rights violations in Rakhine state and in Bangladesh. And it should be considerable the population of Bangladesh is very high and Bangladesh does not have capacity to take care of every individual refugee from Myanmar. The undocumented refugees also expressed in the interviews clearly how they have been suffering from the violations of the rights of basic needs, minimum core rights and legal rights. After many years of repression, in mid 2014, the government of Bangladesh also banned those refugees from getting married with local Bangladeshi people.

Bangladesh does not consider how it has to respect the rights of others as a state party of United Nations and how it has responsibility to protect the people based on the principles of human rights described in the Universal Declaration of Human Rights and other international Human Rights treaties. Here, the meaning of 'respect the rights of others and responsibility to protect undocumented refugees' does not mean 'providing citizenship' in Bangladesh. It means a state party has full responsibility to respect the rights of all human beings regardless of race and religion and to protect all human beings under domestic law and international law.

According to researcher's observation, both documented and undocumented refugees from Bangladesh refugee camps have been leaving to Southeast Asia by boats together with the Muslims inside Rakhine state in order to seek for protection and better lives. Even though the violations of the rights of basic needs, minimum core rights and legal rights of the refugees in Kutupalong and Leda unregistered camps cannot be seen easily on the surface, the impacts became very deep and undocumented refugees have to suffer in both Bangladesh and Southeast Asia wherever they flee.

#### **4.4.1 Two Testimonies of Different Undocumented Refugees**

**Hussain**, 23-year-old male undocumented Muslim (Rohingya) refugee fled from Leda unregistered camp and arrived in Thailand in 2012. Hussain and the other two were resettled in USA in December 2014. He stayed in Thai IDCs and arrived in jungle camp in Padangbassar together with other victims. He was interviewed before resettlement in USA and explained as follows.

*"We fled to Bangladesh from Maungdaw 17 years ago. We stayed in unregistered camp for two years and moved to local Bangladeshi village. My family has been in local village next to Leda camp for 12 years. We are unregistered refugees, but live in local village outside of the camp. I have been in Thailand about 2 years and 6 months. Our boat reached Koraburi, Pang Gha as we had run out of oil for engine. Thai marine police arrested us and we had to stay there for seven days. We were transferred again to Mukdahan, Thailand. We had to stay at detention cell in Mukdahan for 11 months. We were sent to Ranong after 11 months. They (Thai authorities) said they would send us to Malaysia, but we were put in the boat.*

*The boat handed us over to human traffickers again. We had to walk for one day (24 hours) to arrive in a place where the cars were waiting for us. The pickup trucks carried us to the*

*jungle camp. It took for a night to arrive in the jungle camp. In the first jungle camp, we had to stay about 3 and half months. The brokers asked for 60,000 Thai Baht or 6,000 Malay Ringgit (about 1,900 US\$). 17 people died from diarrhoea. The people died from lack of drinking water and foods. When we could not pay money, we were tortured and moved to another camp. In second camp, we had to stay about 2 and half months. 19 people died in that camp in the same way. The guards ran away when they heard that the police were coming to raid the camp leaving 24 paralyzed people including me. We were rescued by some Thai Muslims and taken to this mosque (a mosque in Sadao, Thailand).*

*I had to flee from Bangladesh because we were not registered in the camp and in local village either. So, it was very difficult for us to earn money for our living in Bangladesh as unregistered refugees. If we got 200 Bangladeshi Taka (2.67 US\$) per day, our expense was 300 Bangladeshi Taka (4 US\$). We could not get regular jobs either. Whenever the refugees go to work, they have to face problem with the police on the way. The police extorted money from the refugees whenever they saw the refugees on the way. I decided to leave to Malaysia in order to get a better job and income for my family.”*

**Abdu Razak**, a 32-year-old male undocumented refugee also fled from Kutupalong unregistered camp, Bangladesh to Thailand. He also stayed in Thai IDCs together with other victims and they were sent back to Ranong, Thailand. He explained detail of his life as follows.

*“I am from Butheedaung Township, Arakan of Burma. We fled to Bangladesh 20 years ago. My wife was born in the same village in Butheedaung Township, Arakan and fled to Bangladesh. We got married in Bangladesh. I have three*

*children. We stayed in local Bangladeshi village firstly. When Kutupalong (Tal) was built, I thought that Burmese refugee could get something (document) and I moved to Tal from local village. Whenever donor organizations tried to give anything, the local people looted and we did not get anything. So, I decided to go to Malaysia and fled from Bangladesh by boat.*

*When we arrived in Ranong by boat, we were arrested by Thai police and had to stay in police station for 15 days and for three months in Padangbassar IDC respectively. We were finally moved to Ranong and had to stay in IDC for one and half months. Later on, we were put in the boat and handed over to human traffickers. We were taken to the jungle camp by the cars and I had to stay in the camp for three months. One day, when the police tried to raid the camp, I escaped from Thai immigration police. I walked in the mountains for three days and requested Thai Muslims to help me. They took me to a mosque. I stayed in two different mosques in Sadao and went to Patani. I worked in Patani for one month and some people helped me financially to travel to Malaysia. I am now working in Malaysia as undocumented Rohingya.*

*My wife and the children begged for food over two months in Kutupalong unregistered camp. Finally, I sent some money to my wife in Bangladesh. In fact, I sent 20,000 Bangladeshi Taka (US\$ 267) and one of my uncles lent 20,000 Bangladeshi Taka (US\$ 267) in order to buy a house in Leda unregistered camp. Actually, my uncle urged my wife to move to Leda unregistered camp because the security is better in Leda.”*

Abdu Razak finally said on the phone, “I am expecting to save some money even though I have to give financial support to my family in Bangladesh refugee camp and expecting to go to UNHCR office in order to apply for UNHCR card. If I cannot get UNHCR registration, Allah (God) would protect me in Malaysia.”

The researcher as human rights defender helped them financially to go to Malaysia and for resettlement in USA. There are many such cases and the refugees from Leda and Kutupalong camps in Bangladesh are still fleeing to Thailand and Malaysia by boats. Some were kidnapped or deceived by human traffickers and arrived in Thailand and Malaysia. Human rights violations in Kutupalong and Leda undocumented camps are not well known, but the impacts on the refugees become very large and they have to suffer in Bangladesh and in Southeast Asia too.

#### **4.5 Political and Economic Interests of Bangladesh**

There are some reasons why the refugees cannot get recognition and legal assistance effectively. Bangladesh has long time political competition amongst few political parties. Political parties always use the issue of the refugees to get support from majority. Bangladesh is geographically depending on Myanmar for agricultural products and Chinese cheap products to cover the requirement of its population. The demand of agricultural products from Myanmar to Bangladesh is very high. There is also black market trade between Myanmar and Bangladesh. There is still good legal trade relationship between Myanmar and Bangladesh. Myanmar government always persuades its neighbouring countries including Bangladesh to keep abide by the principles of non-interference and gives economic incentives.

There is BIMST-EC (Bangladesh, India, Myanmar, Sri Lanka, and Thailand Economic Cooperation) formed in 1997 and Myanmar joined in the same year. It has seven objectives and two principles. Bhutan and Nepal also joined BIMST-EC later and its named was changed as Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC).

First principle is

*“Cooperation within BIMSTEC will be based on respect for the principle of sovereign equality, territorial integrity, political independence, no-interference in internal affairs, peaceful co- existence and mutual benefit,”*

(BIMSTEC, 2014)

Bangladesh and Myanmar have more political and economic interests rather than interesting in poor refugees. The government of Bangladesh, itself has weak policies to resolve the problems in the country and two major political parties (Bangladesh Awami League or Bangladesh People's League Party and Bangladesh Nationalist Party) have to fight for votes.

Bangladesh local people and some government related people always blamed the leader of the Muslims of Rakhine state/Arakan (their term Rohingya leaders). In fact, they said the Rohingya leaders could not do any effective works for long time and the leaders are having luxurious lives in other countries. The burden remained on Bangladesh and on its people. In the same way, the government of Bangladesh also changed the policy on the issue of the refugees because of its population. And Bangladesh also needs to have good relationship with Myanmar for its economic cooperation especially border trade between Myanmar's Rakhine state and Taknaf of Bangladesh.

#### **4.6 Some Articles Related to the Protection of Undocumented Refugees**

Bangladesh is not a state party to the UN's 1951 Refugee Convention and its 1967 Protocol. It does not guarantee the rights of the refugees according to its Constitution and domestic laws. The rights of the refugees may be protected by some legal scope through and under international treaties that the government of Bangladesh already has ratified and under the Universal Declaration of Human Rights. Bangladesh ratified eight international human rights treaties and four optional protocols with some reservations and declarations including CEDAW (Convention on the Elimination of all Forms of Discrimination against Women) and CRC (Convention on the Rights of the Child) (See Appendix B). In the human rights treaties, there are some articles related to the rights of the undocumented refugees.

*“The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured,”*

(Constitution of the People’s Republic of Bangladesh, 1972)

Article 14 (1) of UDHR:

*“Everyone has the right to seek and to enjoy in other countries asylum from persecution”*

(UNGA, 1948)

According to the Article 11 of 1972 Constitution of Bangladesh and the Article 14 (1) of UDHR, the refugees from Myanmar can avail their rights while they are in the territories of Bangladesh temporarily. The refugees are included in the word ‘human person’ described in the Article 11 of 1972 Constitution of Bangladesh. Undocumented refugees can enjoy their rights of basic needs, minimum core rights and legal rights under the UDHR, at least 16 different articles of ICCPR (International Covenant on Civil and Political Rights) and under the Article 3 (1) of CAT (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

*“For the most part the ICCPR grants rights to all individuals who are within the territories of state parties and are subject to their jurisdiction, regardless of their constitutional or political status. Thus the protection covers nationals, aliens, refugees and illegal immigrants”*

(Rehman, 2003:64).

## Article 3 (1) of CAT:

*“No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”*

(UNGA, 1987)

Refugee women and children can be also protected under CEDAW and CRC if the government of Bangladesh fully respects the rights of refugee women and children. It is also noticeable that there is not any special protection of the refugee women and the children in both Leda and Kutupalong unregistered camps. Rehman (2003) clearly stated that the refugees can be protected under some articles of ICCPR. According to the Article 3 (1) of CAT (1987), both documented and undocumented Muslims refugees in Bangladesh can have their rights under the principle of *non-refoulement* because they will be in danger if they have to return, without any legal agreement with Myanmar government.

## Article 2 (1) of Convention against Torture:

*“Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”*

(UNGA, 1987).

## Article 3 (2) of Convention against Torture:

*“For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”*

(UNGA, 1987).

According to the Article 2 (1) and 3 (2) of CAT (1987), the government of Bangladesh has full responsibility to consider human rights violations against the refugees and to make effective legislation and procedures to protect the rights of the basic needs, minimum core rights and legal rights of both documented and undocumented refugees. Bangladesh should provide refugee status and asylum to those people who fled from Rakhine state and facilitate resettlement in third countries. UNHCR and Organization of Islamic Cooperation also have full responsibility to protect the rights of the refugees and some Muslims countries should halve the plights of these refugees.

Article 2 (2) of ICCPR:

*“Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant,”*

(UNGA, 1976)

Article 2 (3) of ICCPR:

*“Each State Party to the present Covenant undertakes:*

*(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*

*(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;*

*(c) To ensure that the competent authorities shall enforce such remedies when granted'*

(UNGA, 1976).

According to the Articles 2 (2) and 2 (3) of ICCPR (1976), if a state party did not protect and provide the rights of a group by existing domestic law, it needs to take the necessary steps to make new legislation and procedures for the protection of that group. UNHCR has described Bangladesh's participation within the international community and stated that Bangladesh should respect the rights of the refugees within Bangladesh even though it is not a state party of the UN's 1951 Refugee Convention and its 1967 Protocol. M. Dixon (2000) also has stated that a state can adopt legislation within domestic jurisdiction if it is necessary to protect and provide the rights of the people given in ICCPR as described in the Articles 2 (2) and 2 (3).

*"Importantly, each state undertakes to adopt such legislative measure within their domestic jurisdiction as may be necessary to give effect to the rights listed in the Covenant (Art. 2(2)) and also to provide an effective remedy should a violation occur (Art. 2(3))"*

(M. Dixon, 2000:331)

If the government of Bangladesh does not count these undocumented people as refugees, they should be protected under ICMW (International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families). In fact, some authorities of Bangladesh referred to the term undocumented Myanmar citizens or migrants in Bangladesh. And there is not clear definition yet from the government of Bangladesh whether these undocumented people are refugees or undocumented migrant workers. Briefly, it is necessary for the government of Bangladesh to make a new system and procedure to protect the rights of the basic needs, minimum core rights and legal rights of the refugees under international human rights treaties and international law.

## **CHAPTER V**

### **CONCLUSION**

The research already demonstrated how the refugees have been facing violations of minimum core rights and legal rights to fulfil their basic needs and to get protection, how service providers have to work for the protection of the rights of undocumented refugees and how human rights violations impact on the lives of undocumented refugees. This research highlighted diverse human rights violations in Rakhine state (Arakan) of Myanmar (Burma), in two undocumented refugee camps (Leda and Kutupalong) in Bangladesh and human rights violations in Thailand and Malaysia by human traffickers.

Some sections in chapter III and IV already showed that undocumented refugees have no access to registration, no access to legal assistance and even to the term refugee. It can prove that undocumented refugees have been suffering from the violation of minimum core rights to fulfil basic needs and suffering from the violation of legal rights for the protection under the law. UNHCR and INGOs are not openly allowed by the government of Bangladesh to work on the issue of the refugees. They just provide very limited assistance to undocumented refugees in both Leda and Kutupalong unregistered camps without official agreement. The refugees in Leda unregistered camp are not getting health care that they got through Muslim Aid after termination its works in early 2015.

The local authorities unofficially allowed MSF, IOM, ACF and Muslim Aid to provide very limited humanitarian assistance such as water pumps, toilets, bathrooms and limited health care. UNHCR and INGOs do not have any official agreement yet to provide legal assistance and do not have authorities to protect the refugees whenever they face security problems. The refugees have to resolve the problems by giving bribes. It means there is not legal protection provided to undocumented refugees of Leda and Kutupalong undocumented (unregistered) camps by UNHCR, INGOs and by the government of Bangladesh. UNHCR and INGOs are

still at the stage of discussion with the government of Bangladesh for the protection and recognition of undocumented people as the refugees. The government of Bangladesh is still giving different excuses. United Nations (UN) itself is far from real action and UN is expecting State Parties' supports to run its regular works.

As the good impacts of the limited services, undocumented refugees can use some water pumps, some bathrooms and some toilets in both Leda and Kutupalong unregistered camps. Undocumented refugees in Kutupalong unregistered camp are still getting partial health care even though they are not enough. Undocumented refugees in Leda unregistered camp could also have partial health care but now they have to go to the clinics in local villages and have to pay the cost for medical treatment. The water pumps do not work properly in summer in both camps. As the bad impacts, undocumented refugees cannot have the rights of basic needs, their minimum core rights and legal rights under legal system and they have to face security problems often.

As described in section 4.4 "No Effective Assistance, No Protection and the Impacts on the Refugees," the impacts are very serious. Undocumented refugees are fleeing to Southeast Asia by boats and some are being deceived by human traffickers. When they arrived in Thailand and Malaysia, they were tortured for ransom (payment of travel) by human traffickers and some could escape after giving ransom. Most of the poor refugees had to die in the jungle camps under the control of human traffickers. Currently, the governments of Thailand and Malaysia are still working to prevent such problems. These are the bad impacts on undocumented refugees from both Leda and Kutupalong unregistered camps in Bangladesh because undocumented refugees have no way in refugee camps to face the problems and to suffer from human rights violations. It is also because there is no organization yet to resolve the problems with the government of Bangladesh and local Bangladeshi people in order to achieve their rights of basic needs, minimum core rights and legal rights.

As final conclusion of this research, it should be demonstrated that the issue of Arakanese Muslims or the Muslims of Rakhine state of Myanmar (Burma) is very deep and complicated. Different human rights violations replaced in Rakhine state especially created by the former Burmese military regime (1988-2010), some

Rakhine Buddhist extremists and some so-called Rohingya extremists and opportunists. Many Muslims have been fleeing after 1990 election in order to seek protection around the world. All the extremists created a very deep long-time dispute that escalated into 2012 violent conflict. Thousands of Rakhine Buddhists also have been leaving the country since the former military regime oppressed.

Today, it can be easily seen how many thousands of Rakhine Buddhists from Rakhine state fled to neighbouring countries in order to seek temporary protection for their livelihoods as migrant workers and asylum seekers. The former military regime is the only culprit for all lingering problems. In fact, the former military regime made the policies to divert and divide the two communities. Controlling the developments of Rakhine state in every field is also one of the key policies to divert and divide both communities which are empowering the extremists and the opportunists to create unnecessary conflict. The Muslims and Rakhine Buddhists of Rakhine state (Arakan) have full human rights as they are human beings wherever they are fleeing. International community including Myanmar's neighbouring countries such as Bangladesh, Thailand, India, China and Lao PDR (especially ASEAN) have full responsibility to provide them minimum core rights to fulfil basic needs and legal rights for protection and to allow them to stay temporarily. And all major State Parties of United Nations including Myanmar (Burma) must resolve these lingering issues in the interest of peace and stability.

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## **APPENDICES**

## **APPENDIX A**

### **INTERVIEW SAMPLES AND QUESTIONS**

**First group:** Two leaders of the refugees in each camp, five groups of refugees in both camps and five families in each camp. 39 male refugees and 28 women were interviewed in both camps.

#### **Livelihood**

How did you get shelter? Is there any organization or government department that helped for your shelter?

How do you survive in this camp? How is your family and others?

How do you get food, clean water and medical services?

Is there any organization that provides rice and clean water?

Is there any organization that provides medical services, free?

Are the rice and clean water sufficient for you, for your family and other families?

How do you think over this?

How about the education for your children?

#### **Security**

How is the security of your family, you and other refugees in the camp?

Is there violation against the refugees in the camps by the authorities?

Is there violation against the refugees by the local people?

Are your lives secure in the camp?

Is there violation against women?

Is there violation against the children?

If the refugees go out for work or to earn money, how is the security?

Do the authorities allow the refugees working outside?

If no, how do you face problem with them?

Is there restriction if the refugees go out from the camp?

How do they restrict on movement?

**Service providers**

What kind of services do you receive from UNHCR?

Which organization provides food?

Which organization provides clean water?

Which organization provides medical service?

Does WFP provide rice to the refugees?

If yes, how does WFP provide? Is it enough for your family?

Does MSF give medical service?

If yes, is it enough for your health care?

What kind of difficulties do you have to face with INGOs and NGOs?

**Second group:** Two UNHCR officers and a staff of UNHCR including protection officer, an officer of WFP, a staff of ACF and an officer of Muslim Aid.

15 questions were prepared to ask the UNHCR officer related to basic needs of the refugees such as shelter, food, clean water, and education and the questions related to security such how UNHCR could protect the refugees.

The questions were prepared based on the Matrix 1.4.3. But the challenges were found because the government of Bangladesh does not allow any INGOs to work openly on the issue of undocumented refugees. They did not answer all the questions but gave brief description and explanation over the situation of undocumented refugees.

**Third group:** An officer of Refugee Relief and Repatriation Commissioner (RRRC) and a government officer of Uhu Pho Zilar Nirbaghi Officer (Chief of Executive of Sub-District).

12 questions were prepared to ask the government related people about protection of minimum core rights and legal rights of the refugees and discussed about the policy of the government of Bangladesh upon the refugees. Informal discussions were done but the challenges were found for legal interviews.

**Fourth group:** 7 local people near Kutupalong camp, 2 local people in District Commissioner office, Cox's Bazaar and 3 local people in Chittagong

There was a discussion with local people to measure their views upon these refugees. The questions to local people were based on livelihood of the refugees, security and service providers but later on, the challenges were found in front of Kutupalong refugee camps. The researcher was threatened by local gangs and police secret service at the end of the interview.

**APPENDIX B**

**HUMAN RIGHTS TREATIES AND OPTIONAL PROTOCOLS**

**WHICH ARE RATIFIED AND ACCESSED WITH FEW**

**RESERVATIONS AND DECLARATIONS BY BANGLADESH**

- (1) International Convention on the Elimination of All Forms of Racial Discrimination: 1969
- (2) International Covenant on Civil and Political Rights: 1976, with reservation on Article 14 and declarations on Articles 10, 11 and 14;
- (3) International Covenant on Economic, Social and Cultural Rights: 1976, with declarations on the Articles 1, 2, 3, 7, 8, 10 and 13;
- (4) Convention on the Elimination of all Forms of Discrimination against Women: 1981, with reservations to articles 2 and article 16 (1) (c);
- (5) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 1987, with declaration on article 14 (1);
- (6) Convention on the Rights of the Child: 1990, with reservations on article 14 (1) and article 21;
- (7) International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families: 2003
- (8) Convention on the Rights of Persons with Disabilities: 2008
- (9) Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women: 2000, with declaration on article 10 (1);
- (10) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: 2002, with declaration on article 3 (2);
- (11) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: 2002
- (12) Optional Protocol to the Convention on the Rights of Persons with Disabilities: 2008

## APPENDIX C

### INTERVIEWED BY BO MIN AUNG

Some interviews were conducted in July 2011, during 2014 and in 2015 (Researcher has been observing human rights violations in both unregistered refugee camps, Leda and Kutupalong since 2011. The interviews were conducted in Arakanese Muslim language and noted down in English and Burmese).

#### - Some Interviews in Leda Unregistered Camp

##### **52-year-old male refugee (The head of camp committee)**

(Interviewed in July 2011)

Birth place: Maungdaw Township, Rakhine state

Arrived in Bangladesh: 14 years ago

Number of family members: 8 including children

He expressed on behalf of all refugees:

*“Islamic Relief built the houses in 2008 and the roads in 2009. The refugees have to work whatever they can get for their survival. Solidarity International provided water supply in 2008 but now it was stopped. The refugees can get water in the rainy season easily, but in summer it is difficult to get clean water. Muslim Aid provides medical services.*

*Local people disturb the refugees especially the male refugees. Sometimes, the refugees who have to work outside of the camp are arrested by local anti-refugee groups and send them to the police station. Inside the camp, there is no such problem. The refugees are not allowed to do any kind of jobs according to law. In fact, they are not registered. But those who*

*are working have to negotiate with the employers and the authorities.*

*Violence against women is found sometimes by local people. Sometimes, the refugees arrested by local police are forcibly deported back to Burma, but mostly they can cross the border again.”*

**43-year-old male refugee (Camp committee member)**

(Interviewed in July 2011)

Birth place: Butheedaung Township, Rakhine state

He has stayed in Bangladesh about 20 years. According to his explanation, the following answers were received regarding the same interview questions.

He expressed on behalf of all refugees:

*“Islamic Relief built the houses three years ago and built the roads two years ago. Before we came to this camp Leda, we stayed in Uhu Pho Zilar for three years, in Dum Dum Mya for three years and Islamic Relief moved us to Leda camp in 2008. Muslims Aid provides medical services and it also provided 15,000 Bangladeshi Taka (US\$ 200) per family in 2010. Two years ago, Islamic Relief gave medical services before Muslim Aid started its medical services. But the medical services are not enough. Solidarities International provided water supply in 2008, but now stopped. The refugees can get water in the rainy season easily. It is difficult to get water in summer.*

*Local Bangladeshi people often disturb the refugees on the way. The refugees are arrested by local gangs and send them to the police station. We do not have problem inside the camp. We have problem outside of the camp. The authorities do not allow the refugees to work because we are unregistered. The refugees have to negotiate with employers for jobs. Violence against the women is found sometimes, but not often.”*

**Some families and groups**

(Interviewed in July 2011)

The head of a family (56-year-old male refugee) expressed:

*“I was born in Ratheedaung Township, Rakhine state. I have six children. I am jobless now and my sons work outside of the camp for our survival. For security, sometimes we have difficulty outside of the camp. There is restriction on movement from the camp to another nearest town, work place. Some local Muslims have compassion for the refugees because the refugees are also the Muslims. Only anti-refugee groups disturb unregistered refugees. There is also protection under the law, but partially. The local authorities sometimes take action against some members of anti-refugee groups and local gangs if there is serious tension.”*

A group of men and young men at a mosque expressed:

*“People have to struggle for survival by themselves. Few years ago (may be in 2008), Islamic Relief built the houses. The roads were built by Islamic Relief later on. We stayed firstly in Uhu Pho Zilar for three years. We were moved to Dum Dum Mya and this is third place here. In fact, Islamic Relief moved us to Leda as third place. Firstly, Islamic Relief also provided medical assistance. Now Muslim Aid is providing medical assistance, but not enough. As security matter, local people tend to disturb the refugees when they go out from refugee camp. Sometimes, the refugees are arrested by the police. There is no permission to work but the refugees have to negotiate with the employers. The government prevented NGOs from working in refugee camp except Muslim Aid that provides medical assistance.”*

**A camp committee member**

(Interviewed in 2015)

He explained on behalf of all refugees:

*“The situation was the same as before. The refugees have difficulties for survival. There is not any organization to help us. Now, Muslim Aid closed its clinic in our Leda camp. The refugees have to go to private clinic for medical treatment and they have to pay for medical treatment. The refugee women also face sexual abuse in our camp. The situation is not good for unregistered refugees.”*

**- Some Interviews in Kutupalong Unregistered Camp**

**42-year-old male refugee (The head of camp committee)**

(Interviewed in 2011, 2013, 2014, and 2015)

Birth place: Kyauk Taw Township, Rakhine state

Arrived in Bangladesh: 15 years ago

Children: 9

Occupation: Religious teacher

General situation of Kutupalong unregistered camp

Population: 44,272 (in May 2015)

Families: 7,352 (in May 2015)

He expressed on behalf of all refugees:

*“We stayed beside the registered camp before and the local authorities forced us to move from there. We built the houses next to registered camp in 2008. ACF provided some toilets, bathrooms and 54 water pumps. Later on, it repaired them and added more water pumps. IOM also added 10 water pumps in 2014-15. We have now nearly 100 water pumps. UNHCR never helped us. MSF-H provides limited medical*

*assistance. There is no other NGO to help for the livelihood of the unregistered refugees. We have to work for our survival.*

*We have difficulties. Some refugees are still in prison. The refugees are arrested on the way (outside of the camp) because they have no document. Sometimes, the local people take whatever the refugees have on hand when they come back to the camp from outside.”*

**41-year-old male refugee (Camp committee member)**

(Interviewed in 2011)

Birth place: Maungdaw Township, Rakhine state

Children: 7

Occupation: Jobless, (The children are working).

He expressed on behalf of all refugees:

*“We ourselves built the houses. ACF provided toilets, bathrooms and water pumps. The refugees have to work for their survival. MSF-H only provides medical assistance. The refugees have to survive on their hard works. In fact, some unregistered refugees cut and sell fire woods, some refugees work whatever they can get as hard labour outside of the camp. Most of the work places are far from the refugee camp and the refugees have to go to work by bus. We did not see discrimination against the refugees by the owners/boss.*

*There are difficulties only with the local authorities and local anti-refugee groups. They disturb mostly and prevent the refugees from working and from travelling for jobs, etc.”*

### **Some families and women**

(Interviewed in 2011)

The head of a family (70-year-old male refugee) expressed:

*“I was born in Butheedaung, Rakhine state. I do not have job now. I have seven children. One of my daughters is in prison. We ourselves had to build the houses in this camp. Some refugees cut and sell fire woods and some refugees have to work outside as hard labour.*

*In the past, the police tended to come into refugee camp with uniform and now they do not come with uniform. Sometimes, they come into the camp without uniform. Some local people often disturb the refugees and some never disturb the refugees. We have no communication with the local people without having any reason or without working with them. In fact, some local people and the authorities disturb the refugees whenever they go to work for their survival, especially when they have to walk through the pathway from refugee camp to the road.”*

The head of a family (82-year-old male refugee) expressed:

*“I was born in Maungdaw and I have five children. I stayed in another country before. I came back to Bangladesh in order to return to Burma but I could not go back. That is why; I have been staying in refugee camp together with my family. I earn my living as astrologer.*

*There is less security problem inside the camp, but we have fear all the time if the refugees go out from the camp. Sometimes, the refugees who have to go out from the camp are arrested and are robbed by local anti-refugee groups. If anyone is robbed, the refugees cannot complain to the police. If there is*

*a serious problem between unregistered refugees and local groups, the authorities help resolve the problem.”*

A 20-year-old married female refugee expressed:

*“My husband was arrested three years ago and now he is in jail. I have my parents, six sisters and one younger brother and one child. My parents cut fire woods in the mountains and sell them outside of the camp. I have to depend on my parents. Some of our neighbours teach the children including my one. I have to pay 50 Bangladeshi Taka (US\$ 0.67) per month as educational fee.”*

A group of women expressed:

*“Our husbands work outside of the camp. We depend on their hard works. MSF gave medical assistance. ACF provided water pumps and some water pumps were broken. The local people mostly disturb the young and elder men. The local people hardly disturb the women and children. Night time, the local people in the uniform tend to come to the refugee camp. Day time, they do not wear uniform. They always observe the situation from outside without uniform. It is very difficult for the children’s education. Some children tend to go and cut the fire woods in the mountains. Some children at the age 10 also cut fire woods and sell them outside of the camp. They earn money for their respective families. Sometimes, the local people take (extort) money from the children.”*

## **BIOGRAPHY**

<b>NAME</b>	Bo Min Aung
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<b>INSTITUTIONS ATTENDED</b>	Sittway University, Myanmar (2001-2004), Bachelor of Science (Zoology), Master of Arts in Human Rights (2009-2015), Mahidol University