

# Immigration and Naturalization Service

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## Burma [Myanmar]

<b>Response to Information Request Number:</b>	MMR01001.ZCH
<b>Date:</b>	March 28, 2001
<b>Subject:</b>	Burma [Myanmar]: Information on the Situation of Rohingyas
<b>From:</b>	INS Resource Information Center
<b>Keywords:</b>	Burma / Access to justice / Armed forces / Armed resistance movements / Brutality / Child labor / Country of first asylum / Cruel treatment / Destruction of dwellings / Discrimination based on ethnic origin / Discrimination based on political opinion / Displaced persons / Economic conditions / Ethnic cleansing / Ethnic conflicts / Ethnic minorities / Expropriation / Forced migration / Forced removals / Gender-based violence / Gross human rights violations / Internal exile / Military repression / Non-refoulement / Population transfers / Poverty / Religious discrimination / Religious minorities / Religious persecution / Unpaid work / Vulnerable groups

### Query:

Please provide information on the Rohingya of Burma. Are the Rohingya who have returned from Bangladesh to Burma under UNHCR auspices now citizens of Burma? Also, what information does the RIC have on the RSO? Do they engage in terrorist acts?

### Response:

[In keeping with the practice of the US Department of State, the Resource Information Center will use the term "Burma" as opposed to "Myanmar," though the Burmese government renamed Burma "the Union of Myanmar" in 1989.]

The situation of Rohingya residents of Burma, particularly in Arakan State (renamed Rakhine state by the ruling State Peace and Development Council [SPDC] in 1990), is very complicated. Many sources cite difficulty in obtaining accurate, objective, and current information on the situation of Rohingyas who have returned to Burma since the early to mid-1990s mass outflow of Rohingyas into neighboring Bangladesh and Thailand.

According to the US Department of State:

The [Burmese] Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens about contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about government human rights abuses to foreigners all impeded efforts to collect or investigate information about human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified with certainty (Feb. 2001).

### HISTORICAL BACKGROUND

The Rohingyas are Muslim and settled in what is now western Burma (Arakan State) in three waves: from the 7th through the 13th centuries, in the 15th century, and from 1826 through the 1940s under British rule (FIDH Apr. 2000, 5). They have intermarried with the indigenous population, and are now believed to constitute just under half the population of Arakan State, which is estimated at 4.5 million (Refuge Dec. 2000, 38; UNHCR 1995). The ethnic majority in Arakan is the Rakhine people who are Buddhists (World Directory of Minorities 1997, 553).

The largest of the several pre-1992 mass displacements of the Rohingya was in 1978 when the Burmese government announced that illegal immigration from neighboring Bangladesh had increased alarmingly (Refuge Dec. 2000, 39). "In a campaign disguised as a search for illegal immigrants," (Refuge Dec. 2000, 39) the Burmese government produced a wave of 130,000 to 200,000 refugees to Bangladesh (Refuge Dec. 2000, 39; World Directory of Minorities 1997, 553). Under international pressure, the government of Burma allowed the refugees to return even though it maintained that they were nationals of Bangladesh who had illegally entered Burma (Refuge Dec. 2000, 38-39).

In the general elections of 1990, the majority of Rohingyas supported the National League for Democracy (NLD), whose focus was termination of the military regime SLORC (State Law and Order Restoration Council, renamed State Peace and Development Council [SPDC] in 1997). The SLORC negated the election results and stepped up its campaign against ethnic minorities that had supported the NLD. The SLORC also alleged that the Rohingyas were aiding and abetting insurgents who were seeking an independent state of Arakan (Refuge Dec. 2000, 38-39).

From December 1991 to March 1992, between 210,000 and 250,000 Rohingya fled Burma for Bangladesh, claiming rape, torture, summary killings, confiscation and destruction of homes and property, destruction of mosques, physical abuse, religious persecution, and forced labor by Burmese armed forces (Refuge Dec. 2000, 38-39). After a visit to Bangladesh, US Committee for Refugees (USCR) stated that "the Myanmar [Burmese] Military's actions were part of a deliberate campaign of terror aimed at driving the Rohingyas out of Myanmar," and the UN Special Rapporteur to Myanmar announced that the Muslims in Arakan were "at high risk" (as cited in Refuge Dec. 2000, 39).

All but around 20,000 of the original 210-250,000 Rohingya refugees have returned to Burma. The voluntariness of the return of some of the refugees is questioned if not disputed by groups such as Human Rights Watch/Asia and Refugees International (Aug. 1997), US Committee for Refugees (Aug. 1996, Apr. 2000), and the National Coalition Government of the Union of Burma (1999).

## REASONS FOR DISPLACEMENT

According to the UN Special Rapporteur to Myanmar, "the problem of displacement in Myanmar is complex and open to so many different interpretations that a comprehensive assessment is difficult" (cited in NRC/IDP 7 July 2000, 3). The Rapporteur cited counter-insurgency operations, forced labor, and land confiscation as the main causes of displacement in Burma, and stated also:

Violence against civilians appear [sic] to have been a fundamental component of the overall military strategy of the Myanmar army.

The scale of the relocations increased significantly after 1996.

Displacement is also attributed to major development projects undertaken by the Government in the process of which large number [sic] of persons are removed from the lands (NRC/IDP 7 July 2000, 3).

While the reasons for displacement vary among the ethnic regions targeted by the Burmese military, forced movement of civilians, forced labor, and attacks by the military against civilians are common factors.

The forced relocations are often accompanied by labor requirements (USDOS Feb. 2001), and the Norwegian Refugee Council/Global IDP Project reports that the level of required forced labor is unsustainable and that the burden falls especially hard on the Rohingya (7 July 2000, 7). "According to local reports...all of the men and boys of a village (between the ages of 7 and 35) contribute 10 days per month of labor to the military" (USDOS Feb. 2001). The laborers receive no compensation, and are unable to provide for their families during this time (NCGUB July 1999, 249). Women and children are also forced to work as porters for the military, and families "routinely called upon their children to help fulfill their households' forced labor obligations, without government opposition" (USDOS Feb. 2001). The Rohingyas claim that they are the only group forced labor is required of [in areas heavily populated by the Rohingya], and that the Burman settlers who live in nearby model villages are exempt from portering, forced labor, and forced contributions of food (USDOS Feb. 2001). Other reports state that the Rohingya have claimed that Burmese authorities require labor of other ethnic groups only when Rohingya workers are not readily available (USCR Aug. 1996, 7).

Human Rights Watch and Refugees International report that because forced labor is officially required of all residents of Burma by the military, the UNHCR does not view forced labor as grounds for the Rohingya to receive refugee status, since the Rohingya are not specifically targeted.

...UNHCR has taken a pragmatic approach and attempted to negotiate a reduction in the burden of forced labor on the [Rohingya] returnees. The agency has maintained since 1994 that returnees are only required to work four days of every month...and that monitoring by UNHCR representatives in Arakan has not revealed any increase. Returnees and visitors to the region, however, consistently report that the burden of forced labor remains much higher than the figure cited by UNHCR, and there is concern that UNHCR's sixteen international staff in Arakan cannot effectively monitor the situation for the 200,000 returnees in an area where transportation is extremely difficult (Aug. 1997, 11).

The Rohingya also report confiscation of land and property with no compensation or legal recourse (NCGUB July 1999, 249).

#### REPATRIATION OF THE ROHINGYAS TO BURMA

The repatriations of 1992 were carried out under a bilateral agreement between Burma and Bangladesh that allowed UNHCR only very restricted access to the refugees, and it is alleged that forced repatriations occurred. Some refugees interviewed by UNHCR said they did not want to return. UNHCR announced their withdrawal from the repatriations in December 1992 due to incomplete UNHCR access to refugees and reports of forced returns and abuse of refugees by camp officials (USCR Aug. 1996, 5; UNHCR 1995). In May 1993, UNHCR signed a Memorandum of Understanding with Bangladesh for cooperation to ensure the "safe and voluntary repatriation" of those who opted to return (USCR Aug. 1996, 5). In November 1993, UNHCR and the Burmese government agreed that UNHCR would be permitted to assist in resettlement of the Rohingya returnees to Burma (USCR Aug. 1996, 5).

According to UNHCR, it has been difficult to reintegrate the returned Rohingyas in Burma because the majority of the Burmese population views them as aliens. This is in part due to the ancient Arab and Persian ancestry of the Rohingyas, Rohingya support for the British during colonialism, fears of illegal immigration from mostly Muslim Bangladesh, and concern about possible security threats posed by two armed Rohingya rebel groups which are said to be supported [or may have been supported] by foreign governments (1995).

For more information on the repatriation of Rohingya refugees to Burma, please see BGD01001.ZCH.

#### LEGAL STATUS OF ROHINGYAS

Reports state that most Rohingya are not considered citizens of Burma by the Burmese government (USDOS Feb. 2001, USCR April 2000, 5; FIDH April 2000, 13; HRW/Asia & RI Aug. 1997, 9). The National Coalition Government of the Union of Burma (NCGUB) states that

the 1982 citizenship law which excludes most Rohingya from citizenship status was designed specifically to deny citizenship to the Rohingya (1999, 247-248). Under the 1982 Burmese citizenship law, there are three categories of citizenship:

--Citizen: [i.e. ancestors had residency in Burma back to 1823, and this can be proven (USCR Apr. 2000, 5)]

--Associate citizen

--Naturalized citizen (NCGUB July 1999, 248)

Some form of citizenship is required for access to basic social, health, and educational services (NCGUB July 1999, 248).

It is difficult for the vast majority of Rohingya to fit into any of these categories of citizenship, not only due to family situations but to difficulty in providing proof of eligibility. Most are thus recognized as "foreign residents" (NCGUB July 1999, 248).

Since 1989, all Burmese residents have had to apply for new "Citizenship Scrutiny Cards," which are color-coded for ease of categorization of citizenship status:

--Full citizens receive pink cards

--Associate citizens receive blue cards

--Naturalized citizens receive green cards

--Foreigners Registration Cards (FRC) are white (NCGUB July 1999, 248)

These ID cards ensure that benefits will not be granted to those who are not entitled, and the cards are required for "the smallest of transaction" in Burma, e.g. buying bus, boat, train, plane tickets; applying to attend school; and leaving one's ward (NCGUB July 1999, 248).

Human Rights Watch/Asia and Refugees International have stated that "the Rohingyas [will] always remain a vulnerable group as long as the [Burmese government] refuse[s] to recognize them as citizens" (Aug. 1997, 5).

#### ROHINGYA RETURNEES TO BURMA

As part of the repatriation process under UNHCR auspices, lists of names of willing returnees, the names of their villages of origin, and any other identifying information is sent to Burma for verification by Burmese immigration officials before the refugees are allowed to return. The Burmese authorities verify whether or not the applicant for return is a former resident of Burma. Applicants who are verified as former residents are allowed to return and those who are not verified as former residents are rejected. The verification process is often very lengthy and complicated by marriages that occurred while in Bangladesh and by separation of family members (NCGUB July 1999, 248).

Upon their arrival in Burma, returnees are photographed in a reception center and issued a yellow identity card for a fee of 50 kyat [official exchange rate 6 kyat per US\$]. This yellow card identifies the returnees as "having returned from another country, but [gives] them no legal status" (NCGUB July 1999, 249).

Since November 1993, UNHCR has been granted access to Arakan, and was subsequently given permission to travel freely through the state, though this is sometimes logistically difficult. The UNHCR reported that "by mid-1995, [there was] no evidence [found] to suggest that the returnees were being subjected to persecution or discrimination, although some incidents have taken place involving the detention and relocation of former refugees" (1995).

UNHCR has official presence in Rangoon (Burma's capital) and Arakan, and reports that it can monitor the welfare of returned refugees and provide them with food, a cash grant, and other forms of individual assistance upon their return. UNHCR is also monitoring implementation of community-based rehabilitation projects such as water, health, and income-generating projects (1995).

#### CURRENT SITUATION FOR ROHINGYA IN BURMA

The Burmese government continues to deny citizenship to most Rohingya (USDOS Feb. 2001, HRW Dec. 2000, 174). In 2000, the Burmese authorities continued to forcibly relocate Rohingya residents of Arakan, replacing them with Buddhist Burman settlers who were themselves forced to move from their homes in Rangoon Division. These forced relocations are often accompanied by labor requirements in which the Rohingya are compelled to build infrastructure for the settlers and army units, and have also been forced to build Buddhist pagodas (USDOS Feb. 2001). According to the US Committee for Refugees, the SPDC openly acknowledges its policy of forced relocation, stating that it is for the overall good of the country (April 2000, 15).

The USDOS reports that the military continued to force Rohingya to serve as porters in military activity against ethnic insurgents. This practice "continued to lead to mistreatment, illness, and death..." and "porters who no longer can work often either are abandoned without medical care or assistance, or executed" (Feb. 2001).

Human Rights Watch reports:

[In 2000], the Rohingya were subject to restrictions on their freedom of movement, arbitrary taxation, and extortion by local officials. Forced labor was also common. A direct consequence of ongoing abuses was the gradual movement of Rohingya refugees into the Bangladeshi labor market (Dec. 2000, 174).

The Norwegian Refugee Council/Global IDP Project reports that the policy of the Burmese government is to move the Rohingyas to the northern part of the Maungdaw and Buthidaung districts (areas in western Arakan on the Bangladesh border). Most Rohingyas from Kyauktaw, Mrauk-U or Minbya districts have already been moved to the North.

Many villages now being burned by SPDC troops were first burned in 1975..., and some villagers speak of having been on the run from Burmese troops since 1975. But even these villagers say that in the past two to three years things have grown much worse. The...mass forced relocations, the destruction of villages and the village economies, and completely unsustainable levels of forced labor, have now become the central pillar of SPDC policy in non-Burman rural areas of Burma. Where, in the past, two or three villages were destroyed at a time, now 100 villages are destroyed at a time (7 July 2000).

According to FIDH:

Everything tends to show that the Burmese government aims at emptying Arakan of its Rohingya population, though in an insidious and incremental way so as not to attract the attention of the international community, as had been the case in 1991-92. According to reliable and corroborating sources, between 1996 and 1999, somewhere between 50,000 and 100,000 Rohingyas have reportedly crossed the border to find refuge back in Bangladesh (Apr. 2000, 44).

In reference to the possibility of safe return of Rohingyas to Burma, Human Rights Watch and Refugees International state:

[T]here are circumstances in which some individuals and families may not be subject to abuses of sufficient severity to amount to persecution. Much depends on the attitude of the local military commander or other government officials such as NaSaKa officers [Burmese border guard] and IMPD [Immigration and Manpower Department] personnel. Abusive officials, however, are in no danger of being punished by their superiors and their victims have

no legal recourse. In some cases, individuals or families may be protected from abuse by their social or financial position, their willingness and ability to cooperate with the authorities, perhaps at the expense of other Rohingyas, or other factors (1997, 9).

A UN Integrated Development Programme (UN-IP) was at one time expected to take over UNHCR assistance activities in Burma by January 2001, but UNHCR is now projected to remain in Northern Rakhine State (Arakan) until the end of 2001 when a UN Development Programme (UNDP) "multi-sectoral assistance programme," slated to begin 1 June 2001, will take over assistance activities (Country Operation: Myanmar 2000). Until then, UNHCR states, its goals in Burma are to support and monitor voluntary repatriation, reintegration, and stabilization of returnees; promote self-reliance activities; and support the most vulnerable returnees (Country Operation: Myanmar 2000).

UNHCR reports that Burmese authorities built two new model villages for returnees in 2000. Although this involved labor, land, and material requirements on the part of Muslim locals, the authorities reimbursed the adversely affected communities with surplus materials from the project. UNHCR also reports that in June 2000, Burmese authorities further restricted freedom of movement of Muslims in Arakan; to travel outside the area they must now obtain permission from village authorities as well as from the authorities in their township (Country Operation: Myanmar 2000).

#### ROHINGYA SOLIDARITY ORGANIZATION (RSO)

The Rohingya Solidarity Organization was formed in the early 1980s and switched from political to armed activity after the 1991-92 mass exodus of Rohingyas from Arakan (NRC/IDP 7 July 2000). The RSO "essentially acts by infiltration and attacks in Northern Arakan from Bangladesh" and it is believed that the RSO is or has been financed by the Bangladeshi government (NRC/IDP 7 July 2000, UNHCR 1995). RSO insurgents detonated bombs in towns and villages along the western border of Arakan, resulting in several deaths and injuries in 1994 (USDOS Feb. 1995, 543). In January 1998, armed refugees thought to be RSO members seized Nayapara camp, and on January 26, a clash between the RSO and Burmese security forces near the Bangladesh border resulted in three deaths. There were periodic reports of clashes between the RSO and Burmese security forces in the late 90s, and it is believed that the RSO are active in the refugee camps (University of Maryland 22 Aug. 1999). Some news reports allege that "militant refugees" have impeded some voluntary repatriations, influenced in part by the RSO and the Arakan Rohingya Islamic Front (ARIF) (Refugee Dec. 2000, 41).

At one time, the RSO and the Arakan Rohingya National Organization (ARNO) joined to form the Arakan Rohingya Islami (ARIF), but the RSO left the ARIF in 1998 (The Independent 23 Jan. 2001). January 2001 AFP articles state that "several rebel groups [still] are known to be fighting for the independence of Arakan state," and "border skirmishes between [Burma and Bangladesh] are not uncommon as Myanmar rebels from the separatist Rohingya Solidarity Organisation regularly seek refuge in Bangladesh" (23 Jan. 2001, 11 Jan. 2001).

According to the Norwegian Refugee Council/Global IDP Project:

Generally speaking, the armed Rohingya resistance is not very active and constitutes above all a pretext for the militarization of the region [Arakan] as well as a way for the Burmese junta to keep a close watch on the population (7 July 2000).

The RSO is not designated as a Foreign Terrorist Organization by the U.S. Department of State (April 2000).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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