

NO PLACE TO GO: ROHINGYA ON THE HIGH SEAS

Statement from Burmese Rohingya Community Australia (BRCA)

Persecution within Burma

Burma, officially known as Myanmar, is a resource-rich and diverse South-East Asian nation. Its population of more than 50 million is made up of numerous ethnic groups. Burma has become notorious for its very bad human rights record during the successive military regimes which have followed its 1962 military coup. The **Rohingya** are an ethnic and religious minority group that has been subjected to particularly severe and systematic human rights violations under the current Burmese military regime. As a result, significant numbers of Rohingyas have been living in deplorable conditions within neighbouring countries for decades, as both documented and undocumented refugees. The suffering of these Rohingya refugees is severe, chronic, persistent and progressive in nature, and we are therefore seeking immediate and priority attention to their plight from UNHCR.

The Rohingya are natives of Arakan (also known as 'Rakhine'), in the Western Province of Burma, where their existence can be traced back many centuries. The Rohingya enjoyed democratic rights during Prime Minister U Nu's parliamentary government, prior to the 1962 coup.^{1,2} The Rohingya lost their political and constitutional identity when the military government, led by General Ne Win, promulgated the Citizenship Act of Burma in 1982. The Act effectively denies the Rohingya recognition of their status as a Burmese ethnic minority group (they are not listed among the 135 officially recognised "ethnic nationalities"), consequently rendering them stateless. Harsh discrimination against the Rohingya has followed introduction of this legislation, with the vast majority left without national identity cards.^{1,2} The long-standing persecution of the Rohingya has included forced labour, extortion, detention without trial, confiscation of land and properties, severe restrictions on movement (and consequently on access to education and health care), economic strangulation, marriage restrictions and exorbitant arbitrary taxation.^{3,4,5}

Rohingya refugees in Asia

Bangladesh is the first country of asylum for most Rohingya refugees. There are approximately 28,000 Rohingyas from Burma living as recognized refugees in camps in southern Bangladesh, dependent on the UN and the international community. An estimated 200,000 other Rohingyas live illegally outside the camps. There have been two major exoduses of Rohingyas from Burma to Bangladesh. The first occurred in 1978 and the second in 1991-1992. Around 250,000 Rohingya crossed into the Chittagong area of Bangladesh during each exodus. Although many were repatriated involuntarily to Burma, some later returned to Bangladesh, along with new groups fleeing persecution and harsh taxation. Those living in Bangladesh contend with severe poverty and strained relations with the local community. Rohingyas continue to flee from Burma. However, many now choose to try to reach Malaysia by sea rather than seeking refuge in Bangladesh. Although the living conditions in the remaining refugee camps in Bangladesh have improved marginally over the past two years, living standards are still primitive and options for resettlement are slim.^{6,7} Thousands more Rohingya desperately try to survive along the Bangladesh coastline and border with Burma. The Bangladeshi authorities refuse to register the Rohingyas as refugees if they are outside of the camps, leaving them without protection and without access to basic services.⁸ Unable to return to their own country and with limited options in Bangladesh, the situation of the Rohingya is desperate.

There are more than 15,000 Rohingya refugees registered in Malaysia, many of whom have been there for close to 20 years. As Malaysia does not recognize refugees seeking protection in its country, Rohingyas are targeted by Malaysian authorities for detention and deportation, regardless of whether they hold UNHCR registration cards. Malaysian authorities routinely hand over Rohingya deportees to human traffickers at the Thai-Malaysian border, who then demand payment from them for their release. This vicious cycle of detention, deportation, exploitation and re-entry has been experienced by the majority of Rohingya refugees in Malaysia.⁹

Despite the incredible engagement of UNHCR with the plight of the Rohingya in Bangladesh and Burma since 1978, the UNHCR Regional Office in Kuala Lumpur has regrettably taken a far less attentive approach to Rohingya refugees in Malaysia. The Rohingya comprise over a third of the 47,600 registered refugees in Malaysia. A total of 6000 refugees were resettled from Malaysia to safe third countries over the last year alone. However, as at end of 2008, a total of only 45 Rohingya refugees had been referred for resettlement from Malaysia since 2007.^{10,11} UNHCR has sidelined Rohingya refugees for a decade, during futile consultations with the Malaysian Government, seeking a separate solution. Throughout this process, the Rohingya have been excluded from consideration for resettlement, despite this being an option that remains available to other Burmese refugees within Malaysia. UNHCR Malaysia has not registered new Rohingya as refugees, except for the most vulnerable, since December 2005.^{10,12}

Rohingya refugees recently received significant international media attention, after hundreds were set adrift in unseaworthy boats off the coast of Thailand.⁸ Rather than formally considering the Rohingya issue at their annual summit, ASEAN leaders referred the matter to the "Bali Process for People Smuggling", which in turn relegated

the discussion to an ad hoc working group.¹³ Racist disdain for the Rohingya by the Burmese authorities was exemplified recently in Burmese diplomatic correspondence which characterized the Rohingya “as ugly as ogres”. This ought to be beyond the tolerance of international civil society.^{8,14} The cumulative impact of the matters described is not only revealing the darkest side of the human rights record of Burma but also that of neighbouring ASEAN countries.

Despite decades of severe repression, there has been only a minimal international response to the needs of the extremely vulnerable Rohingya population compared to other Burmese refugees. The UNHCR and donor governments should integrate the Rohingya into their regional responses for Burmese refugees. Although 49,930 Burmese have been resettled from 2005 to 2008, the first Rohingya have just begun to resettle with 500 openings in 2008 in Bangladesh. While resettlement can never be the only durable solution, it could address a critical component of the Rohingya’s condition, namely providing citizenship right to a stateless population.¹⁰

Appeal for international support

The Burmese Rohingya Community Australia (BRCA) greatly appreciates the consideration given by UNHCR, donor countries and NGOs to the plight of the Rohingya. In view of the desperate situation of the Rohingya both within Burma and within countries of asylum, we, BRCA, make the following urgent appeals:

1. To the **Member States of the United Nations**: to demand of the military regime of Burma, that it end the persecution and human rights abuse of the Rohingya and confer them full citizenship rights.
2. To the **Member States of the United Nations**: to encourage Bangladesh, Malaysia, Indonesia and Thailand to treat Rohingya refugees humanely.
3. To the **UNHCR Regional Office in Malaysia**: to ensure that Rohingya refugees in Malaysia are given necessary care within the UNHCR mandate and Refugee Convention. The Rohingya should be given access to the same opportunities for registration and resettlement as other Burmese refugees in Malaysia.
4. To the **UNHCR headquarters**: to prioritise resettlement as a viable durable solution for Rohingya refugees and to increase the rate of referrals for resettlement to safe third countries of Rohingya refugees located in Bangladesh refugee camps and in Malaysia.
5. To the **UNHCR headquarters**: to strengthen cooperation with Australia, UK, USA, Canada, New Zealand and European countries with a view to engaging their full commitment in securing durable solutions for Rohingya refugees, particularly via increased resettlement efforts.

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