



Briefing Paper for the ASEAN Intergovernmental Commission on Human Rights (AICHR): “Update on the mass displacement of people from Rakhine State”

*Jointly submitted by
Asian Forum for Human Rights and Development (FORUM-ASIA)
Asia Pacific Refugee Rights Network (APRRN)*

Statement of Purpose

FORUM-ASIA welcomes the opportunity to present this joint briefing paper, in partnership with Asia Pacific Refugee Rights Network (APRRN), to the ASEAN Intergovernmental Commission on Human Rights (AICHR). The purpose of this submission is to provide the AICHR with a brief analysis of attacks on civilians and mass displacement of people within and from Myanmar’s Rakhine State. We urge the AICHR to: convince the Government of Myanmar to put an end to the violence, protect civilians, allow for urgently needed humanitarian access, and implement the recommendations of the Advisory Commission on Rakhine State; and for this purpose to consider and implement the recommendations provided in this submission.

Background & Issues of Concern

Tensions have risen in Northern Rakhine State in Myanmar in recent weeks, following attacks on police posts on August 25, 2017 by the Arakan Rohingya Salvation Army. In response, the Government of Myanmar has launched a large scale military operation, resulting in mass displacement and human rights violations committed against civilians.

Large-scale displacement of people

As of September 9, 2017, over 290,000 civilians have sought refuge from the conflict in neighbouring Bangladesh.¹ The United Nations (UN), in the past days, has revised its estimate, noting that the number of displaced persons may rise to as many as 300,000.² Due to the rapidly evolving nature of the situation, and the denial of access for international observers to the affected areas, accurate numbers are hard to verify. Among those seeking to reach Bangladesh some have sought to flee via boat, leading to a number of boats capsizing and people drowning, mostly women, elderly and children.³ Thousands of others have been internally displaced and are stranded in the mountains and on the shoreline on the Myanmar side of the Naf River in Northern Rakhine State, without any access to food and shelter.⁴

¹ <http://www.bbc.com/news/world-asia-41214057>

² *Violence could lead to exodus of 300,000 Rohingya: UN*. Al Jazeera, Web. 06 September 2017
<http://www.aljazeera.com/news/2017/09/violence-lead-exodus-300000-rohingya-170907024358023.html>.

³ *Dozens of fleeing Rohingya die after boats capsize*. Al Jazeera, Web. 01 September 2017
<http://www.aljazeera.com/news/2017/08/dozens-fleeing-rohingya-die-boats-capsize-170831151054201.html>.

⁴ *Myanmar | Conflict in Northern Rakhine - DG ECHO Daily Map*. reliefweb, Web. 06 September 2017
<http://reliefweb.int/map/myanmar/myanmar-conflict-northern-rakhine-dg-echo-daily-map-05092017>.



Protection of civilians

Several reports and eyewitness accounts continue to emerge attesting to horrific abuses by Myanmar's security forces, such as the killing of people who are trying to flee and the burning down of whole villages. The brutal crackdown on civilians has further included indiscriminate firing at civilians and the use of grenades.⁵ Satellite imagery demonstrates the destruction and burning down of hundreds of buildings in Chein Khar Li village and 16 other villages.⁶ Accounts from people arriving in Cox's Bazaar indicate that Myanmar's security forces have been laying landmines in a section of its border with Bangladesh, which puts potential returnees and those fleeing from violence at risk. On 6 September the Government of Bangladesh lodged a formal complaint to the Government of Myanmar on the matter. Reports of casualties are already emerging, including of children being injured.⁷

Violence has also been targeted at women and children, among others in the form, according to several accounts, of rape. Women and children comprise 80 per cent of the new arrivals to Bangladesh. This requires specific humanitarian aid responses, such as child protection measures, psychosocial support for survivors of sexual and gender-based violence (SGBV), vaccinations for children, and assistance with constructing shelters.

Access to humanitarian aid

Humanitarian aid activities have been suspended for a prolonged period in areas of Northern Rakhine State, and have deteriorated significantly in other parts of the State. As of last week, aid activities carried out by international and local non-governmental organisations (NGOs) have largely been halted in Northern Rakhine State as Myanmar's authorities have imposed restrictions upon, and denied humanitarian agencies access to parts of Rakhine state.⁸ Last week, the UN World Food Programme had to suspend all food assistance operations due to security concerns, a situation which it stated has implications for 250,000 internally displaced people (IDPs) and other most vulnerable populations.⁹ This has resulted in an increasingly desperate humanitarian situation, leaving hundreds of thousands at risk of starvation without any access to basic supplies.

⁵ *Myanmar: Worsening cycle of violence in Rakhine must be broken urgently, UN expert warns.* United Nations Special Rapporteur on situation of human rights in Myanmar's statement, OHCHR, Web. 31 Aug 2017 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22018&LangID=E>.

⁶ *Burma: Satellite Images Show Massive Fire Destruction.* Human Rights Watch, Web. 02 September 2017 <https://www.hrw.org/news/2017/09/02/burma-satellite-images-show-massive-fire-destruction>.

⁷ *Exclusive: Bangladesh protests over Myanmar's suspected landmine use near border.* Reuters, Web. 06 September 2017. <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-landmines/exclusive-bangladesh-protests-over-myanmars-suspected-landmine-use-near-border-idUSKCN1BH04F>.

⁸ *Myanmar: Restrictions on international aid putting thousands at risk.* Amnesty International, Web. 04 September 2017 <https://www.amnesty.org/en/latest/news/2017/09/myanmar-restrictions-on-international-aid-putting-thousands-at-risk/>.

⁹ *WFP statement on distributions in Rakhine State.* World Food Programme News, Web. 02 September 2017 <http://www.wfp.org/news/news-release/wfp-statement-rakhine-state-0>.



Potential for looming health crisis in Bangladesh

Civilians fleeing the violence have not had access to medical care and are malnourished. They thus arrive at the border extremely traumatised with severe medical needs, such as violence-related injuries, infected wounds and obstetric complications.¹⁰ Humanitarian agencies operating on both sides of the border have noted that systems are not in place to handle the large influx of people. They further note that the health situation and risks for people fleeing Rakhine are impossible to predict, leaving scope for a potential future health crisis in Bangladesh, where makeshift settlements and UNHCR-registered camps, established since the recent violent clashes in Rakhine State started in October last year, are already overburdened and severely under-resourced.¹¹

Recommendations

The AICHR is tasked with the development of regional cooperation and strategies for the promotion and protection of human rights. Under its Terms of Reference (TOR), the AICHR is tasked with the development of regional cooperation and strategies for the promotion and protection of human rights. And in particular, the AICHR should also leverage its mandate to obtain information from ASEAN Member States on the promotion and protection of human rights.¹²

As such, we request that the AICHR urge ASEAN Member States to urgently take all actions possible to stop the atrocities, and for this purpose to implement the following recommendations:

1. ASEAN Governments should urge the Government of Myanmar to take immediate action to protect the civilian population in Rakhine State and prevent a humanitarian disaster. This must include the end of all military operations against civilians, and complete and unfettered access to humanitarian aid.
2. ASEAN governments should urge the Government of Myanmar to uphold its commitments under the ASEAN Charter, the ASEAN Declaration of Human Rights, and other ASEAN and international human rights instruments to which they are signatory, and to take immediate steps to halt the violence and protect all civilians against indiscriminate attacks, displacement, and dispossession of property and belongings.
3. The Government of Myanmar must be urged to take measures to de-escalate the tensions and identify measures that can lead to long-term peace and security in Rakhine State. This includes establishing effective mechanisms as soon as possible to fully implement the recommendations of the Advisory Commission on Rakhine State Report to secure a peaceful, inclusive and respectful future for the region.

¹⁰ *MSF Scales Up Aid to Rohingya Refugees in Bangladesh, Raises Concern About Conditions in Myanmar.* Medecins Sans Frontieres, Web. 06 September 2017.

<http://www.doctorswithoutborders.org/article/msf-scales-aid-rohingya-refugees-bangladesh-raises-concern-about-conditions-myanmar>.

¹¹ *Crisis looms as nearly 125,000 Rohingya refugees flood into Bangladesh.* The Daily Star, AFP, Web. 05 September 2017 <http://www.thedailystar.net/country/rohingya-crisis-looms-nearly-125000-refugees-flood-bangladesh-fearing-persecution-myanmar-1457821>.

¹² *AICHR: What You Need to Know.* Rep. The ASEAN Secretariat, Jakarta, Oct. 2012. Web. 06 Sept. 2017.



4. ASEAN must acknowledge that this is a problem that can have a destabilising impact on the entire region in a number of ways. The situation is reminiscent of the 2015 Andaman Sea Crisis, which resulted in massive numbers of migrants fleeing from the conflict in Myanmar. Such a crisis cannot repeat itself. While the conflict remains unresolved, ASEAN Governments must welcome refugees and provide support as well as protection.
5. ASEAN Governments should urge all sides to cease all forms of violence, as allowing it to continue unabated will more than likely result in thousands more being forced to flee, increasing risks of human trafficking, and further human rights abuses and violations in the region.
6. ASEAN Governments should also coordinate with the international community to support the authorities in Bangladesh in responding to the humanitarian needs of the thousands of the refugees that have crossed the border in the last weeks.

About the Organisation

Asian Forum for Human Rights and Development FORUM-ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a membership-based regional human rights organisation founded in 1991 with the mission to promote and protect all human rights, including the right to development, through collaboration and cooperation between human rights defenders and organisations in Asia. At present, it has 58 member organisations across 19 countries in Asia working on a wide range of issues related to human rights, democracy, and development in their respective countries. Its regional Secretariat is located in Bangkok, Thailand, and has offices in Jakarta, Geneva, and Kathmandu. FORUM-ASIA has special consultative status with the United Nations Economic and Social Council (ECOSOC) and a consultative relationship with the AICHR.

Asia Pacific Refugee Rights Network (APRRN)

The Asia Pacific Refugee Rights Network (APRRN) is an open and growing network of over 300 civil society organisations and individual members from 28 countries, aiming to advance the rights of refugees in the Asia Pacific region. While APRRN statements are prepared in consultations with APRRN members, they do not necessarily reflect the views of all member. While APRRN briefing papers are prepared in consultation with APRRN members, they do not necessarily reflect the views of all APRRN members.