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Myanmar: sectarian violence in Rakhine—issues, humanitarian consequences, and regional responses

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Figure 1: Map of 2012 violence in Rakhine (Arakan) state



Source: [Human Rights Watch](https://www.hrw.org/)

Introduction

The plight of Myanmar's Muslim Rohingya people has received renewed international attention over the past year as a result of ongoing sectarian violence and displacement in the country's western state of Rakhine (see Figure 1). A report published in *The Economist* in November 2012 provides a compelling summary of the Rohingya's plight:

The political transformation in Myanmar this past year or more has so far seemed one of history's more remarkable revolutions. It has seemed, indeed, to be a revolution without losers. The army, which brutalised the country for half a century, remains influential and unpunished. Political prisoners have been freed by the hundreds. The opposition and its heroine, Aung San Suu Kyi, have successfully entered mainstream politics.

...

One group, however, has lost, and lost terribly. Around 1m members of the mostly Muslim Rohingya minority remain in Myanmar's impoverished western state of Rakhine. They are survivors of relentless rounds of persecution that have created a diaspora around the world that is perhaps twice as big ... Rakhine politicians say frankly that the only alternative to mass deportation is a Burmese form of apartheid, in which more Rohingyas are corralled into squalid, semi-permanent internal-refugee camps.¹

This Research Paper surveys the issues and regional responses, including that of Australia, surrounding the current conflict and humanitarian situation in Rakhine state.

It argues that while the ongoing humanitarian emergency presents the most pressing concern for Myanmar, its neighbours and its international partners, the conflict also highlights an intensification of a dangerous uncertainty surrounding the future place of the Rohingya, and possibly Muslims more generally, within a multi-ethnic and plural Myanmar. This uncertainty threatens Myanmar's current reform process and, through the large-scale displacement of communities, undermines wider regional security.

Myanmar's transition

Since 2011, Myanmar's political environment has been marked by a historic transition from military rule to a new, quasi-civilian government. The transition has been underpinned by unprecedented political and economic reforms and a new dialogue between President Thein Sein and Aung San Suu Kyi, whose opposition National League for Democracy (NLD) party won 43 out of 45 seats in parliamentary by-elections held in April 2012. Suu Kyi has recently declared that she will seek the presidency in the 2015 national elections should a current review of the 2008 constitution result in changes that would allow her to run.² Through the reform process, hundreds of political prisoners

1. ['No place like home: ethnic cleansing in Myanmar'](#), *The Economist*, 3 November 2012, accessed 23 June 2013.

2. J Ferie, ['Burma's constitution likely to dash Suu Kyi's presidential hopes'](#), *Reuters*, 19 June 2013, accessed 23 June 2013.

have been released, many restrictions on the press have been lifted, ‘the space for civil society has opened up, and non-government organisations have been allowed to form and participate in political life and economic and social development’.³

The United States (US), the European Union and Australia have responded to the transition by either lifting or suspending most of their economic and financial sanctions. There has also been a re-engagement on the part of international institutions like the United Nations (UN) Development Program, the International Monetary Fund, and the World Bank.⁴ Importantly, in 2014, Myanmar will host the Association of Southeast Asian Nations (ASEAN) and the East Asia Summits for the first time.

Non-Burman ethnic minority groups make up around one-third of Myanmar’s population. Their place in national political and economic institutions remains one of the most contested issues in the country’s post-independence history. This contestation has resulted in over six decades of conflict between the military and the various armed groups still active in many of the country’s minority regions.⁵

Ceasefires between the central government and many of the ethnic minority forces that have traditionally resisted its authority and legitimacy have accompanied the country’s wider political and economic reforms. Most of these ceasefires have held despite sporadic breaches and slow progress on broader reconciliation efforts. However, as well as the violence in Rakhine state discussed here, since mid-2011, there has been a sustained renewal of fighting between the military and the forces of the Kachin Independence Army in the country’s far north. Both conflicts have resulted in large-scale displacement and asylum flows. The Myanmar Government and Kachin forces signed a ‘tentative’ ceasefire in May 2013, although there are recent reports of some continued fighting.⁶

Muslims in Myanmar

Although estimates vary, Muslims in Myanmar constitute an estimated four per cent of the total population, or well over two million people.⁷ It is important to note at the outset that not all Muslims in Myanmar identify as ‘Rohingya’ and that there are other Muslim communities in the country:

The oldest Muslim group in Myanmar can trace its origins back to the 8th century, but most look to the 13th and 14th centuries, when their ancestors arrived in Myanmar as traders, court servants and mercenaries. Some achieved high office. They were known as Pathi or Zerbadee, a

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3. P Clapp and S DiMaggio, [Sustaining Myanmar’s transition: ten key challenges](#), Asia Society, 24 June 2013, p. 3, accessed 28 June 2013.
 4. C Hill, [Burma: domestic reforms and international responses](#), Background note, Parliamentary Library, Canberra, May 2012, accessed 4 February 2013.
 5. N Farrelly, ‘Burma’s next big challenge’, *Inside Story*, 2 November 2012, accessed 12 June 2013.
 6. Z Linn, ‘Analysis: A long way to go to create a peaceful Kachin state in Burma’, *Asian Correspondent*, 24 June 2013, accessed 26 June 2013.
 7. A Selth, ‘Burma’s Muslims: a primer’, *The Interpreter*, Lowy Institute, 27 March 2013, accessed 6 June 2013.

term which usually denoted someone with a Myanmar mother and Muslim father. Now known as 'Burmese Muslims', they are linguistically and culturally integrated into Myanmar society.

There is a small Chinese Muslim community, found mainly in the northeast, known as the Panthay. Their origins go back to ethnic Chinese who settled in Myanmar during the 13th century, but most are descendants of Chinese Muslims who fled to Myanmar after the collapse of a Sultanate in Yunnan in the 19th century. Another group, the Kamans, live in Rakhine State and there are some Malay Muslims, or Pashu, in southern Myanmar.⁸

Following the British conquests of Myanmar in 1826, 1852 and 1885, there were major inflows of Muslims from the sub-continent that:

... entered as immigrants, businessmen, officials and labourers. Before World War II, more than one-third of all Muslims in Myanmar were Indian. There were then over one million Indians in Myanmar, out of a total population of 16 million. Many left during the Japanese invasion in 1942 or after Ne Win's military coup in 1962.⁹

With regard to the Rohingya:

This is the largest Muslim community in Burma, estimated to be about 800,000 strong. Most live in Rakhine State, but there is also a sizeable number in Rangoon. Broadly speaking, they are ethnically South Asian and speak a characteristic Bengali dialect. Controversy surrounds almost everything to do with this group—even its name—and the picture has been further clouded by inaccurate and biased commentaries in print and on the internet.

Some Rohingyas trace their ancestry back to Muslim kingdoms in the Arakan area during the 15th and 16th centuries, but most seem related to Indians who arrived during the British colonial period. There was another influx after 1945, and further inflows followed natural disasters in East Pakistan and Bangladesh's 1971 war of independence.¹⁰

During the Second World War, while most Muslims in Myanmar fought with the British, most ethnic Rakhine nationalists joined either with Japan or the underground communist movement (who were working closely together) and then turned against the Japanese when the British re-invaded Burma in 1945—'as a result, both sides accuse each other of anti-Muslim or anti-Buddhist atrocities during the war'.¹¹

8. Ibid.

9. Ibid.

10. Ibid.

11. M Smith, [*The Muslim Rohingya of Burma*](#), paper delivered at Conference of Burma, Centrum Nederland, 11 December 1995, accessed 6 June 2013.

Issues

Background

The history of the Rohingya in Myanmar is contested and complex. The current conflict can perhaps best be described as ‘a clash of two contending interpretations over the perceived “overwhelming” presence of Muslims in Rakhine’.¹²

While the history is vigorously debated, one of the most important drivers of the conflict is the view, shared across much of Myanmar’s mainstream political spectrum, that the Rohingya do not constitute one of the country’s 135 officially recognised ‘indigenous’ ethnic groups and therefore are not citizens of the country. Instead, they are considered by many to be ‘illegal immigrants’ from neighbouring Bangladesh, whose population levels directly threaten local ethnic Rakhine-Buddhist and, at the national level, ‘Burman’ society and culture.¹³

On the other hand, for the Rohingya and those advocating for their rights, ‘they are descendants of Muslim settlers, with many ethnic roots, who arrived long before the British annexed Burma and Arakan (now called Rakhine) and their view is that the Rohingya should be accorded the status of a separate ethnic group in Myanmar’.¹⁴

1982 Citizenship Law

While Myanmar’s original 1947 Constitution and the 1948 Union Citizenship Act did countenance the possibility of Rohingya citizenship, the 1962 military coup and a series of coordinated security actions against Rohingya populations in the late 1970s effectively institutionalised anti-Rohingya sentiment in Myanmar. The discriminatory application of a Citizenship Law introduced in 1982 subsequently deprived the Rohingya of any practical possibility of achieving full citizenship.¹⁵

As noted in a 2004 report by Amnesty International:

Unlike the preceding 1948 Act, which conferred equal rights on all citizens, the [1982] law creates three classes of citizen. The 1982 law also establishes a government-controlled “Central Body” with wide powers to determine specific citizenship issues:

1. Full citizenship is granted (sec. 3) to “Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E. [Buddhist era], 1823A.D.” Although this definition appears on its face to be flexible (“such as”), sec. 4

12. T Than and M Thuzar, [‘Myanmar’s Rohingya dilemma’](#), *Perspectives*, Institute of South East Asian Studies (ISEAS), 9 July 2012, p. 4., accessed 23 June 2013.

13. Australian National University, [‘The western gate is broken’: Myanmar’s Rohingya problem](#), conference audio recording, 27 September 2012, College of Asia and the Pacific, accessed 8 June 2013.

14. T Than and M Thuzar, ‘Myanmar’s Rohingya dilemma’, op. cit., p. 4.

15. International Crisis Group (ICG), [Myanmar: storm clouds on the horizon](#), Asia paper no. 238, 12 November 2012, p. 3, accessed 8 June 2013.

grants the Council of State practically unfettered powers to decide “whether any ethnic group is national or not.” Under sec. 5, “Every national and every person born of parents, both of whom are nationals are citizens by birth.” In addition, under sec. 6 “A person who is already a citizen on the date this Law comes into force is a citizen.” Children born abroad to parents belonging to specified combinations of citizenship categories are also citizens (sec. 7).

2. Associate citizenship is granted, under certain conditions, to persons who had applied for citizenship under the 1948 (sec. 23) law and their children, and whose application was ongoing at the time of promulgation. Under sec. 30(c), (c) [sic] an associate citizen would “be entitled to enjoy the rights of a citizen under the laws of the State, with the exception of the rights stipulated from time to time by, the Council of State.” This grants the government a virtually unlimited discretion to deprive such persons of their rights as citizens. The “Central Body” also enjoys wide discretion to revoke “associate citizenship” on grounds that include “disaffection or disloyalty to the state” or “moral turpitude” where a sentence has been imposed of a minimum of one year imprisonment or a fine of one thousand kyats (sec. 35).

3. Naturalised citizenship may be granted to non-nationals such as members of ethnic groups not recognised as indigenous races, which would include the Rohingya. Sec. 42 stipulate “Persons who have entered and resided in the State anterior to 4th January, 1948, and their offspring born within the State may, if they have not yet applied under the union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence.” Persons with parents belonging to specified combinations of naturalised citizens, associate citizens and foreigners may also apply (sec. 43). Other criteria apply to all applicants for naturalized citizenship; they must be over 18, able to speak a national language well, of good character, and of sound mind, (sec. 44). As in the case of associated citizens, the Central Body is at liberty to determine which right naturalised citizens may or may not enjoy (sec. 53), and has wide discretion to deprive “naturalised citizens” of their status, including for being disloyal, or for “moral turpitude” (sec. 58).¹⁶

In practice, the 1982 Law has been applied in a highly discriminatory fashion:

Officially, under the 1982 Citizenship Law, people born of descendants who were in the country before independence in 1948 should become citizens within three generations as successive generations move from being associate or naturalised citizens to full citizens. If the 1982 law had been applied without active discrimination by local officials against Rohingya, the majority of them would have long ago achieved full citizenship.

In practice, local regulations that restrict marriage make it difficult, time-consuming and costly, especially for the poor, to fulfil the requirements and obtain key documents such as birth certificates. Restricting access to birth certificates violates Article 7 of the Convention on the Rights of the Child, which Myanmar ratified in 1991.¹⁷

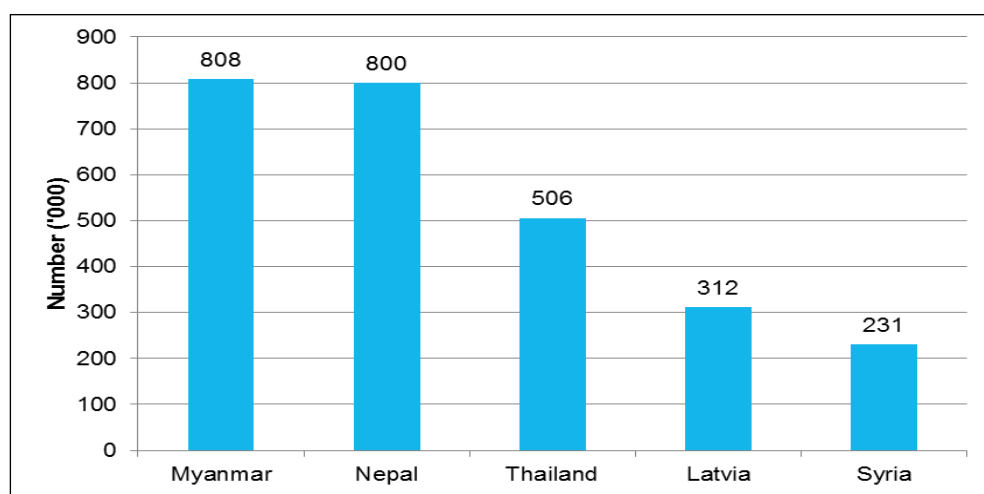
16. Amnesty International, [The Rohingya minority: fundamental rights denied](#), May 2004, pp. 36–37, accessed 10 June 2013.

17. ICG, *Myanmar*, op. cit., pp. 3–4.

The 1982 Law and the ‘illegal’ status of the Rohingya provided much of the justification for a second campaign against these populations in northern Rakhine in the early 1990s. This campaign resulted in the displacement of an estimated 250,000 people into neighbouring Bangladesh.¹⁸

Because of the refusal of Myanmar, Bangladesh or any third country to accept them as citizens, most Rohingya are classified as ‘stateless persons’ by the United Nations High Commissioner for Refugees (UNHCR). In 2011, UNHCR estimated that there were 808,075 stateless persons in Myanmar, the overwhelming majority of whom were identified as Rohingya.¹⁹ This was one of the highest numbers of known stateless persons in any individual country (see Figure 2).

Figure 2: Number of stateless persons, 2011*



Source: UNHCR, [statistical yearbook, 2011](#). *Note: estimates for Nepal have been subsequently revised by UNHCR, see: UNHCR, [2013 country operations profile: Nepal](#)

It has been recognised internationally that statelessness fundamentally detracts from a person’s ability to enjoy basic human rights, as expressed in the 1948 Universal Declaration on Human Rights:

Stateless persons are generally unable to exercise the basic rights associated with citizenship or face serious difficulties in doing so. They are typically excluded from political processes, cannot travel freely and lack access to publicly funded services such as education, health care and welfare support. They often face difficulty in obtaining identity documents and securing employment and in many countries face the threat of detention and exploitation because they lack official status.²⁰

18. Human Rights Watch (HRW), *‘All you can do is pray’: crimes against humanity and ethnic cleansing of Rohingya Muslims in Burma’s Arakan State*, April 2013, p. 141, accessed 10 June 2013.

19. UN High Commissioner for Refugees (UNHCR), *Statistical yearbook, 2011*, statistical annex, accessed 23 June 2013.

20. State Library of New South Wales, *Australia’s international legal obligations*, 2011, accessed 23 June 2013.

Violence of June and October 2012

The discriminatory application of the 1982 Law, coupled with widespread prejudice against the darker-skinned Rohingya by Rakhine's own ethnic minority Rakhine-Buddhist population and local officials, forms the backdrop to the two major outbreaks of violence that occurred in June and October 2012. This violence, sometimes led by Buddhist monks, has taken on an increasingly sectarian dimension as it has now spread into other communities in Rakhine and in central and eastern Myanmar where there are (non-Rohingya) Muslim populations.

The International Crisis Group provides an independent account of the specific events leading up to the two episodes of violence in June and October 2012:

The rape and murder of a Buddhist woman by Muslim men on 28 May 2012 was the trigger that led long-simmering tensions between the Buddhist Rakhine and the Muslim Rohingya communities to flare in Rakhine State in June. Dozens were killed, hundreds of houses burned, and 75,000 mostly Rohingya displaced by subsequent intercommunal violence in northern Rakhine State and around the provincial capital of Sittwe.

While often cast as a fight between these two distinct communities with longstanding antagonisms, the 3 June murder of ten Muslim pilgrims in Toungup township, who were not Rohingya, came after the distribution of inflammatory leaflets attacking followers of their religion.

It was a worrying development as it cast the tensions as Muslim versus Buddhist and showed how easily the distrust between religions could be manipulated by rising ultra-nationalist sentiments. The speed with which clashes in the state led to a protest outside a prominent mosque in central Yangon, across from the Sule Pagoda, worried authorities. As violence got out of hand in Rakhine, a state of emergency was imposed there on 10 June and additional troops dispatched to enforce it. This restored order for only a few months, during which tensions continued to simmer, and small incidents were reported.

Widespread violence erupted again on 21 October in new areas of Rakhine State, in the townships of Kyaukpyu, Kyauktaw, Minbya, Mrauk-U, Myebon, Pauktaw, Ramree and Rathedaung. While Muslim Rohingya did attack Buddhist Rakhine communities in June, those displaced at that time tended to be overwhelmingly from the Rohingya side or Buddhists who had been living in Muslim neighbourhoods that were destroyed. In this second wave, the attacks appeared to be well-coordinated and directed towards Muslims in general and not just Rohingya, a potentially serious escalation. Thus, Muslim ethnic Kaman communities, who are one of Myanmar's recognised nationalities, were also targeted.²¹

The media and the Internet, which have been opened up as part of Myanmar's reform process, have played a key role in spreading accusations and counter-accusations and hateful rhetoric, fuelling the violence.²²

21. ICG, *Myanmar*, op. cit., p. 1.

22. ANU, 'The western gate is broken', op. cit.

There have also been allegations of complicity by the security forces in the anti-Muslim violence, including in a Human Rights Watch report released in April 2013:

Burmese state involvement in the crimes appears to have been both direct and indirect. While much of the violence appears to have been carried out by mobs with weapons, various branches of the state security forces stood by and did nothing to provide security for attacked Muslims and at times participated directly in the atrocities – this includes the local police, Lon Thein riot police, the inter-agency border control force called Nasaka, and the army and navy.

Human Rights Watch found no indications that the Burmese government has seriously investigated or taken legal action against those responsible for planning, organizing, or participating in the violence either in June or October. This absence of accountability lends credence to allegations that this was a government-supported campaign of ethnic cleansing in which crimes against humanity were committed. Security forces have actively impeded accountability and justice by overseeing or ordering the digging of mass graves, or by digging mass graves themselves, in some cases after killings involving state security forces.²³

Violence in other Muslim communities

Perhaps one of the most disturbing aspects of the violence in Rakhine is how quickly it has spread into distant communities where there are other (non-Rohingya) Muslim communities and, as a result, taken on an increasingly sectarian dimension.

In March 2013, a total of 43 people were killed in Meiktila in the Mandalay region and, in May, a mosque and a boarding school were burnt down in Lashio in Shan state. These incidents, which followed crimes against Muslims by Buddhists and vice versa, have also resulted in significant displacement of communities.²⁴ The spread of the violence beyond Rakhine has been attributed to anti-Muslim campaigns by extremist Buddhist groups, particularly those associated with the so-called '969' movement.²⁵ This movement:

... calls on Buddhists to avoid Muslim shops and properties and tacitly encourages evictions and even attacks. The movement's followers encourage Buddhist shop-owners to put 969 stickers on their stores, identifying them as Buddhist-run, and have at times reportedly attacked Buddhist merchants for doing business with Muslims.²⁶

The 969 movement has also called for a national ban on inter-faith marriage between Buddhists and Muslims and some of its views have been defended by senior figures in the Myanmar Government. Other Buddhist leaders have, however, sought to repudiate its views.²⁷

23. HRW, *'All you can do is pray'*, op. cit., p. 15.

24. UN, [Failure to address discrimination could undermine reforms in Myanmar – UN official](#), UN news service, media release, 19 June 2013, accessed 23 June 2013.

25. T Fuller, ['Extremism rises among Myanmar Buddhists'](#), *New York Times*, 20 June 2013, accessed 23 June 2013.

26. J Kurlantzick, ['Despite democracy, Myanmar's Muslim minority still suffering'](#), *Asia Unbound*, US Council on Foreign Relations, 27 June 2013, accessed 1 July 2013.

27. A Marshall, ['Myanmar's official embrace of extreme Buddhism'](#), *Reuters*, 27 June 2013, accessed 12 July 2013.

Humanitarian consequences

Deaths, injuries and property damage

According to the 29 April 2013 report of a government–appointed Inquiry Commission on the Sectarian Violence in Rakhine state, ‘the 2012 sectarian conflicts led to the [sic] 192 deaths, 265 injured, and the destruction of 8,614 houses’.²⁸

In November 2012, Human Rights Watch released satellite imagery showing the extent of property damage as a result of arson attacks in the township of Kyaukpyu in late October (see Figure 3).

Figure 3: Property damage in Kyaukpyu, Rakhine, 24 October 2012



Source: [Human Rights Watch](#)

In 2013, there have been reports of additional deaths as a result of ongoing conflict in Rakhine. One of the most controversial incidents involved the death of three Muslim women in June, allegedly at the hands of local police, after they reportedly attempted to resist the establishment of temporary shelters on areas where their homes had been burnt down.²⁹

28. Union of Myanmar, [The inquiry commission on the sectarian violence in Rakhine state: executive Summary of the final report](#), 23 April 2013, p. 1, accessed 23 June 2013.

29. M Aung, [‘Three Rohingya women shot dead, several injured over housing dispute’](#), *Radio Free Asia*, 5 June 2013, accessed 10 June 2013.

Humanitarian needs

Internally displaced persons

The UNHCR estimates that, as a direct result of the 2012 violence, there were, as at June 2013, up to 140,000 internally displaced persons (IDPs) in Rakhine—the overwhelming majority of which were Rohingya, but which also included ethnic Rakhine communities.³⁰ It is important to note that under UN definitions, displacement and statelessness are not mutually exclusive—that is, people can be classified as IDPs in their country of origin even if they are not recognised by that country as a citizen.

According to the Internal Displacement Monitoring Centre, Myanmar does not have a national IDP policy or legislation, and there has been no official recognition of the existence of displacement caused by armed conflict or human rights violations in the country.³¹

Shelter

Reports suggest that most of the estimated 140,000 IDPs in Rakhine are living in tents or other forms of temporary shelter, including government camps.³² According to the UNHCR, of the 85,000 IDPs in Sittwe, Rakhine's capital, 50 per cent live in makeshift shelters 'made of little more than tent material, tarpaulins and bamboo'.³³

The provision of adequate shelter is one of the key humanitarian priorities in Rakhine. In May 2013, Myanmar authorities were forced to temporarily relocate tens of thousands of IDPs with the approach of Cyclone Mahasen.³⁴ Figure 4 (below) shows the IDP camps in Rakhine most at risk of flooding during the 2013 monsoon season (May to September).

The UNHCR has noted that it needs a total of US\$80 million to meet the needs of all 'people of concern' in Myanmar—including IDPs in Rakhine, as well as those in Kachin and the south-east—until the end of 2013 and has stated that, as at May 2013, it had received only 18 per cent of that amount from donors.³⁵

30. UN, [Up to 140,000 displaced one year after communal clashes in Myanmar – UN](#), UN news service, media release, 7 June 2013, accessed 23 June 2013.

31. Internal Displacement Monitoring Centre (IDMC), [Myanmar: displacement continues in the context of armed conflict](#), 19 July 2011, p. 9, accessed 23 June 2013.

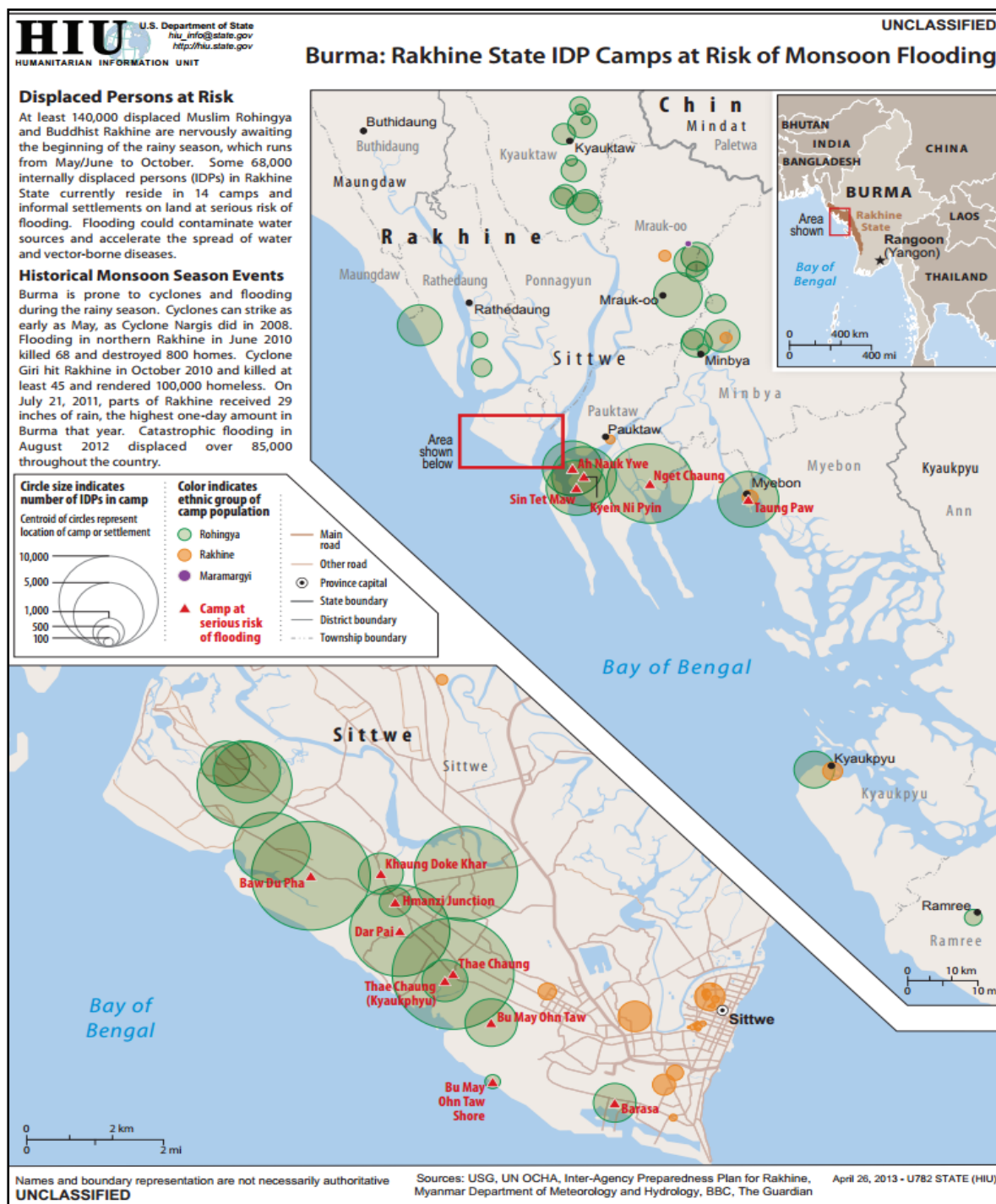
32. ['Distrustful Rohingya dig in as Burma braces for cyclone Mahasen'](#), *The Guardian*, 15 May 2013, viewed 10 June 2013.

33. ['Flood misery looms for IDP's in Myanmar's Rakhine state'](#), *IRIN News*, 29 May 2013, viewed 13 June 2013.

34. P Vrieze and H Zaw, ['Thousands of evacuees return to IDP camps after cyclone misses Arakan'](#), *The Irrawaddy*, 17 May 2013, accessed 13 June 2013.

35. UN, Up to 140,000 displaced, op. cit.

Figure 4: IDP camps in Rakhine at risk of monsoonal flooding



Source: US State Department, [Humanitarian Information Unit](http://hiu.state.gov)

Medical needs

According to international relief agencies, medical options for IDPs in Rakhine remain extremely limited and the threat of disease will only worsen during the 2013 monsoon season:

It's estimated there are 5,000 pregnant displaced women living in the camps. "Normally, these women would be going to government hospitals or clinics," said Marlar Soe, field coordinator for the UN Population Fund (UNFPA) in Sittwe, noting that government midwives, who are largely ethnic Rakhine, are not going into the camps ... The 12-bed Dar Pai emergency hospital is the only government-run health facility for the more than 100,000 Muslim IDPs and residents in an area which encompasses 11 IDP camps and makeshift sites, as well as five Rohingya host communities.

...

Edward Hew, head of relief operations for Mercy Malaysia, says it is time for the international community to come together with state health authorities to strengthen the Dar Pai hospital as it is currently the only option available. "Many patients are not comfortable with being referred to Sittwe Hospital," he said.

The International Committee of the Red Cross (ICRC) currently provides emergency medical evacuation services to Sittwe Hospital. "This, however, is not always easy given the security situation, as well as the limited number of beds [12] allocated for Muslims," said one aid worker who preferred anonymity.

Meanwhile, with monsoon rains having begun, there is growing concern about the risk of water-borne and communicable diseases.

"Many of the risk factors for an outbreak are present, including overcrowding, open defecation, limited potable water, poor hygiene standards and many living in makeshift shelters," said Ingrid Maria Johansen, project coordinator for MSF in Sittwe, warning that an outbreak of acute watery diarrhoea could spread quickly through the camps.³⁶

In May 2013, Médecins Sans Frontières (MSF) released a statement calling on local authorities to allow greater mobility for IDPs to enable them to access basic health services:

"MSF has just returned from areas where whole villages are cut off from basic services," said Ronald Kremer, MSF Emergency Coordinator in Rakhine state. "What we have seen shows that current policies such as movement restrictions are having a detrimental impact on people's health. This includes TB patients unable to access the treatment they need to stay alive, and pregnant women dying unnecessarily because they have nowhere safe to deliver".³⁷

Education

The UN estimates that around 20,000 children living in IDP camps have now lost one year of school as a result of the conflict and subsequent displacement.³⁸

36. ['Limited health options for Myanmar's Rohingya IDPs'](#), *IRIN News*, 31 May 2013, accessed 10 June 2013.

37. MSF, [Myanmar: government restrictions severely impact access to health care in Rakhine state](#), media release, 27 May 2013, accessed 10 June 2013.

38. UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Myanmar: children affected by Rakhine conflict miss a year of school](#), media release, 13 June 2013, accessed 23 June 2013.

Livelihoods

As noted, the targeting and boycotting of Muslim businesses has been a feature of anti-Muslim violence in the country, including in Rakhine.³⁹ According to the UNHCR, there has been a loss of economic livelihoods for Rohingya communities as a result of the 2012 violence, as well as the imposition of movement restrictions on those living in camps.⁴⁰

Humanitarian access

The UNHCR noted in May 2013 that official permissions from local authorities were still required to access some areas, delaying humanitarian assistance.⁴¹ In 2012, the Myanmar Government blocked establishment of a local humanitarian office by the Organization of Islamic Cooperation (OIC) due to local protests.⁴²

Threats and intimidation on the part of ethnic Rakhine communities that resent the assistance being provided to the Rohingya has, however, been the most significant barrier to the delivery of humanitarian aid. In a statement released in February 2013, MSF said:

Médecins Sans Frontières and others have been repeatedly accused of a pro-Rohingya bias by a small but vocal and influential group within the Rakhine community. One community leader recently described Médecins Sans Frontières' medical aid to displaced persons outside their village as watering a plant, a plant he does not want to see watered.

It is this intimidation, and not formal permission for access, that is the primary challenge Médecins Sans Frontières and others seeking to provide lifesaving humanitarian assistance face. The authorities can do more to make it clear that threatening violence against health workers is unacceptable.⁴³

Asylum flows and regional impacts

The violence in Rakhine has resulted in significant displacement and renewed asylum flows to neighbouring countries like Bangladesh, Thailand, Malaysia, and Indonesia. The UNHCR estimates that, from June 2012 to May 2013, nearly 27,800 people departed on boats from the Bay of Bengal, the majority of whom are believed to be from Rakhine State. More than 800 people are thought to have perished in these journeys since January 2012. The UNHCR also notes, however, that 'the clandestine nature of these irregular movements makes it difficult to know the real scale of the

39. A Tun, [‘Mosque, Muslim shops attacked near Myanmar’s biggest city’](#), *Reuters*, 30 April 2013, accessed 10 June 2013.

40. UN, Up to 140,000 displaced, op. cit.

41. UNHCR, [Myanmar situation update, no. 1](#), May 2013, accessed 10 June 2013.

42. [‘Burma blocks world Islamic body office after rallies’](#), *Intellasia.net*, 16 October 2012, accessed 23 June 2013.

43. MSF, [Thousands cut off from healthcare in Rakhine state](#), media release, 7 February 2013, accessed 10 June 2013.

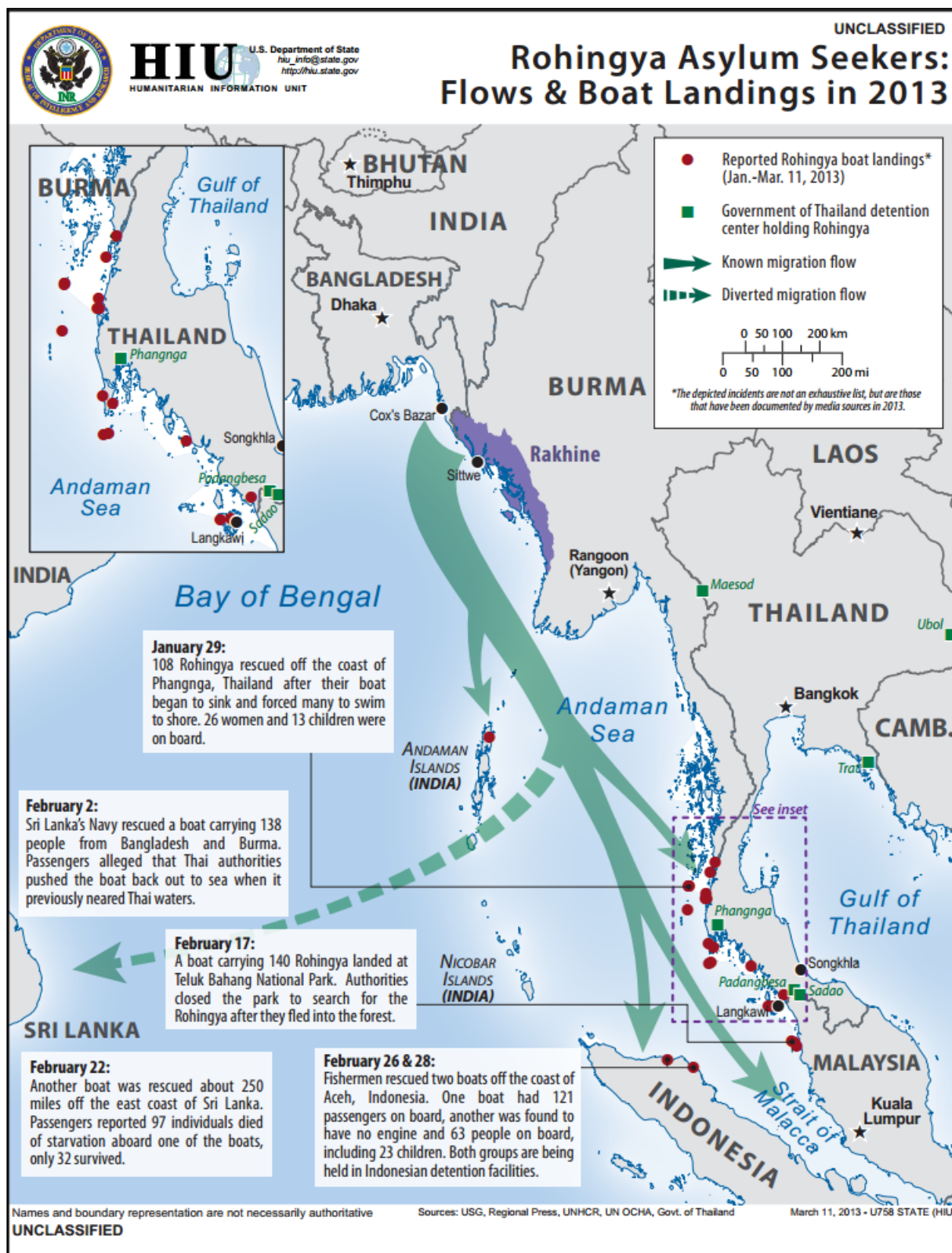
problem’.⁴⁴ According to the UNHCR, in addition to maritime accidents, vulnerability to human trafficking is a major risk for these populations.⁴⁵

The US State Department has produced a map of known maritime movements involving Rohingya asylum seekers in early 2013 (see Figure 5).

44. UNHCR, *Myanmar situation update*, op. cit.

45. Ibid.

Figure 5: Rohingya asylum seekers, flows and boat landings, January–March 2013



Source: US State Department, [Humanitarian Information Unit](http://hiu.state.gov)

Bangladesh, Malaysia, Thailand, India

Table 1: Estimates of asylum seekers originating from Myanmar, April 2013

Country	Rohingya refugees	Non-Rohingya refugees from Myanmar
Bangladesh	223,000	--
Malaysia	24,000	56,000
Thailand	6,000	145,000
India	4,000	76,000

Myanmar refugee diaspora
Source: Oxford Analytica

Bangladesh, one of the world's poorest countries, is home to the largest number of exiled Rohingya—over 220,000 (see Table 1). With the majority living outside UNHCR camps, they are afforded little or no protection and struggle to access basic health and education services.⁴⁶ Bangladesh turned back boats from Myanmar in the immediate aftermath of the June 2012 violence, stating that it did not have any obligations under international law as it is not party to the *1951 Convention Relating to the Status of Refugees* or its *Protocol*.⁴⁷

In Thailand, the Thai authorities have been accused on multiple occasions of criminality and brutality towards Rohingya asylum seekers, including allegations of involvement in trafficking and smuggling, inhumane detention and shootings.⁴⁸ Thailand's policy on the Rohingya has usually been to send them back or to send them on, although it has provided temporary accommodation for around 1,700 Rohingya who arrived in January and February 2013.⁴⁹ In June 2013, Thailand announced that it had been unable to find a third country willing to accept them.⁵⁰

In Malaysia, Rohingya asylum seekers fare somewhat better, although there have been recent reports of retaliatory violence by Muslims against Myanmar-Buddhist communities.⁵¹

46. UNHCR, [Two camps of thought on helping Rohingya in Bangladesh](#), news release, 28 January 2013, accessed 23 June 2013.

47. Equal Rights Trust, [Burning homes, sinking lives: a situation report on violence against stateless Rohingya in Myanmar and their refoulement from Bangladesh](#), June 2012, p.17, accessed 23 June 2013.

48. HRW, [Thailand: end arbitrary detention of Rohingya](#), media release, 4 June 2013, accessed 23 June 2013.

49. S Oh, ['Rohingya boat arrivals in Thailand: from the frying pan into the fire?'](#), *Perspectives*, ISEAS, 4 March 2013, accessed 23 June 2013.

50. ['Thailand says no third country wants Rohingya'](#), *Australia Network*, Australian Broadcasting Corporation (ABC), 4 June 2013, accessed 23 June 2013.

51. S Naing, ['Malaysia detains hundreds of Burmese after reports of killings'](#), *The Irrawaddy*, 6 June 2013, accessed 10 June 2013.

Indonesia

A report in *The Australian* on 13 April 2013 stated that there were more than 800 Rohingya asylum seekers on the UNHCR's case-load in Indonesia, up from around 30 in 2010. The report also claimed that many of these asylum seekers were seeking passage to Australia.⁵²

As in Malaysia, the sectarian tensions between Myanmar's Buddhists and Muslims have spilt over into Indonesia. In April 2013, a group of Rohingya asylum seekers beat eight Buddhists to death in an immigration centre in Medan.⁵³ The Myanmar embassy in Jakarta has been targeted by Islamic extremists seeking to exploit the current sectarian violence, with Indonesian police killing seven suspects in a series of raids conducted in early May 2013.⁵⁴ In September 2012, the imprisoned Indonesian spiritual leader of the Jemaah Islamiya movement, Abu Bakr Bashir, reportedly threatened to wage a holy war against Myanmar in retaliation for its treatment of Muslims.⁵⁵

Responses

Domestic responses

The final report of the aforementioned Rakhine Inquiry Commission highlights the divergence between those advocating for the rights of Rohingya and mainstream political and societal views in Myanmar. The 27-member commission did not include any representatives of the Rohingya community and the report does not use the term 'Rohingya' but instead refers to these populations as 'Bengali'.⁵⁶ The report also calls for a resolution to the conflicts to be determined in accordance with the existing 1982 Citizenship Law, reinforcing the pessimistic assessment that 'it is hard to envision how this issue will be resolved in a way that preserves the rights of the Rohingya with [sic] Myanmar'.⁵⁷

Following the June 2012 violence, President Sein seemed to confirm that the rights of the Rohingya would not be reconciled with their continued presence in Myanmar when he stated:

... the solution to this problem is that they can be settled in refugee camps managed by UNHCR and UNHCR provides for them. If there are countries that would accept them, they could be sent there.⁵⁸

In a letter to the UN Secretary General written in November 2012, however, President Sein seemingly adopted a more conciliatory tone when he said that, in response to the violence, his

52. P Alford, '[Rohingya the next wave to seek Australian asylum](#)', *The Australian*, 13 April 2013, accessed 10 June 2013.

53. A Ahmed, '[Myanmar Muslims kill 8 Buddhists in Indonesian centre](#)', *AFP*, 5 April 2013, accessed 10 June 2013.

54. '[Seven shot dead over Myanmar bomb plot in Indonesia](#)', *The Australian*, 9 May 2013, accessed 10 June 2013.

55. D Cox, '[Sectarian violence in Burma attracting the attention of international jihadist groups](#)', *Terrorism Monitor*, Jamestown Foundation, 10 (18), 27 September 2012, accessed 23 June 2013.

56. '[Myanmar's Muslims: kicked in the teeth](#)', *The Economist*, 3 May 2013, accessed 23 June 2013.

57. Center for Strategic and International Studies, *Myanmar trip report*, 10 September 2012, accessed 10 June 2013.

58. R Vandenberg, '[Call to put Rohingya in refugee camps](#)', *Radio Free Asia*, 12 July 2012, accessed 10 June 2013.

government was prepared to address ‘contentious issues’, ‘ranging from resettlement of displaced populations to granting of citizenship’.⁵⁹

Responding to the Rakhine Inquiry Commission’s report, President Sein has said:

My administration remains determined to resolve the on-going problems in Rakhine State in a systematic and pragmatic manner. It will also undertake all necessary measures to create a harmonious society where all communities can live together peacefully. In doing so, we must heed lessons from our own history, liberate ourselves from the shackles of past memories and historical mistrust, and look ahead to finding lasting solutions. Because of our previous inability to institute proper democratic practices and establish an open society, our country has witnessed many armed conflicts, hardships, distrust between various ethnic groups, economic backwardness and underdevelopment.

We are undertaking democratic reforms to remedy these problems. In this democratization process, we must ensure that all citizens are able to enjoy freedom of religion and freedom of speech. In order for religious freedom to prevail, there must be tolerance and mutual respect among the members of different faiths. Only when there is tolerance and mutual respect, will it be possible to coexist peacefully.

The government, for its part, will respect and protect the right of all citizens to worship any religion freely. We are all citizens of our beloved Myanmar. As citizens we should take pride in the fact that we are a multiethnic, multi religious society. Diversity can be strength. As President I am determined to represent every citizen of my country, no matter their ethnicity, religion or social status. I ask all of you, my fellow countrymen, to stand up against hatred and to reach out to those of different belief and backgrounds than yourself. Find the similarities and values you share and build on them. A strong modern Myanmar depends on you and your willingness to let diversity be your strength. Not our weakness.

I also want to comment on the right to free speech, which is the essence of democracy. However, some people abuse this right with speech intended to provoke, cause fear and spread hatred, thereby exacerbating the conflict between different religious communities. We must be mindful that the abuse of certain rights could jeopardize the enjoyment of many other rights.⁶⁰

In a recent interview with Australia Network’s *Asia-Pacific Focus* program, President Sein gave this response to a question about citizenship for the Rohingya:

JIM MIDDLETON: You mentioned the trouble in Rakhine State. Many Rohingya, their families have lived here for generations, they are not new arrivals. Will you review the law which stops many of them becoming citizens? Will you review whether the 1982 law meets international norms?

59. ‘UN welcomes Myanmar’s move for Rohingya’, *The Nation*, 18 November 2012, accessed 10 June 2013.

60. Union of Myanmar, *President U Thein Sein delivers remarks on the Report of the Rakhine Investigation Commission*, Nay Pyi Taw, 6 May 2013, accessed 7 June 2013.

THEIN SEIN (translation): To answer your question properly, I will have to explain some of Rakhine's State's history. Rakhine [sic] was a kingdom ruled by a Rakhine king, and it was only the Rakhine people living in the state. But when Myanmar became a British colony, the British brought farmers from other parts of the world into Rakhine because of its climate and arable land. Most of those farmers did eventually leave after the work was done but some stayed. According to the British Gazette of 1948, they brought in around 50,000 farmers to be employed in Myanmar.

Now the population of Bengalis in Rakhine who have an Islamic faith have risen to between 400,000 to 500,000 people. Some of these are the descendants of the original farmers who were brought here by the British, so these people who have been born in Myanmar will be able to take up citizenship according to the Myanmar citizenship law of 1982. But there are other illegal immigrants who came later, and they will have to be dealt with under international law. In the case of these late comers, they may be taken care of by the UN or repatriated or sent to other countries. **But those who were born in Myanmar, they will be able to become citizens here.**⁶¹ (emphasis added).

As well as commenting on the security and humanitarian situation, the Rakhine Inquiry Commission report also recommended that 'the government needs to urgently initiate a process for examining the citizenship status of people in Rakhine state'.⁶²

Since becoming a member of the national parliament in April 2012, Aung San Suu Kyi has tended to avoid the politically difficult subject of the violence in Rakhine and the status of the Rohingya, initially saying only that it should be resolved through the 'rule of law' and improved immigration policies.⁶³ She has, however, criticised recent efforts by Rakhine authorities to re-impose fertility restrictions on Rohingya and, during a recent visit to Japan, reportedly said that the 1982 Citizenship Law should be reviewed—'we have to find out whether our citizenship law is fair or not; if it meets international standards, and based on the findings, if necessary, the [law] must be revised'.⁶⁴ Speaking in London in July 2013, President Sein said that 'there is currently no proposal to amend the 1982 [Citizenship] law and the parliament does not have any plan, as yet'.⁶⁵

International responses

United Nations

As noted, the UN and its various agencies are coordinating the current humanitarian response.

61. J Middleton, '[Thein Sein rejects Aung San Suu Kyi's demand](#)', *Asia-Pacific Focus*, ABC television, transcript, 9 June 2013, accessed 10 June 2013.

62. Union of Myanmar, *The Inquiry Commission*, op. cit.

63. A Spillius, '[Suu Kyi facing backlash for silence on abuses](#)', *The Telegraph*, 26 July 2012, accessed 10 June 2013.

64. '[Suu Kyi slams two-child policy for minority Rohingya](#)', *The Australian*, 28 May 2013, accessed 23 June 2013; A Nai, '[Suu Kyi calls on citizenship law to be revised](#)', *Democratic Voice of Burma*, 17 April 2013, accessed 23 June 2013.

65. K O'Sullivan, '[Myanmar president: no plans to amend the 1982 Citizenship Law](#)', *Zaman*, 16 July 2013, accessed 17 July 2013.

In a statement released on 1 May 2013, the UN's Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, said that while the recommendations of the Rakhine Investigation Commission report addressed some of the humanitarian issues associated with the conflict, they do not adequately address continuing restrictions on the movements of the Muslim community and perceptions of impunity for the 2012 violence:

"I urge the authorities, as a matter of urgency, to ease the harsh and disproportionate restrictions on the freedom of movement of Muslim populations in the IDP camps and also in Muslim residential areas, such as Aung Mingala in Sittwe and across northern Rakhine State, while also providing adequate security," he said.

Those restrictions greatly exacerbated the humanitarian situation, restricting access to food, healthcare, livelihoods and education, he said, adding: "Now we are at the beginning of May and the harsh restrictions for Muslim populations remain firmly in place." In a report to the Human Rights Council, Mr. Ojea Quintana had previously noted that the Taung Paw camp in Myebon felt more like a prison than an IDP camp.

The Special Rapporteur praised the report's recommendations to double the presence of police, military and border security forces in Rakhine, but said accountability for human rights violations must also feature prominently in the Government's agenda.

"I have received credible allegations that widespread and systematic human rights violations by state officials targeted against the Rohingya and wider Muslim populations have occurred and are continuing in Rakhine state. These involve the most serious of allegations, including extrajudicial killings, rape and sexual violence, arbitrary detention and torture and ill-treatment in detention, deaths in detention, and denial of due process and fair trial rights," he said.

"The Government has an obligation under international law to investigate these allegations effectively, promptly, thoroughly and impartially and, where appropriate, to take action against those responsible, in accordance with domestic and international law," he said, adding that accountability is an integral part of restoring relations of trust and harmony among ethnic and religious communities.⁶⁶

In June 2013, the UN High Commissioner for Human Rights, Navi Pillay, stated that 'the ongoing human rights violations against the Rohingya community in Rakhine state and the spread of anti-Muslim sentiment across the State and beyond is threatening the reform process and requires focused attention from the Government'.⁶⁷ She also said that her office continues to receive reports of widespread and systematic human rights violations against Muslims in Rakhine, including arbitrary detention and torture by security forces, as well as extrajudicial killings and sexual violence.⁶⁸

66. UN, [Myanmar: UN expert calls on Government to address impunity for crimes in Rakhine](#), media release, UN news service, 1 May 2013, accessed 10 June 2013.

67. UN, *Failure to address*, op. cit.

68. Ibid.

In July 2013, UN Secretary-General, Ban Ki Moon, stated that ‘it is important for the Myanmar authorities to take necessary steps to address the legitimate grievances of minority communities, including the citizenship demands of the Muslim/Rohingya’ and that failing to do so risked ‘undermining the reform process and triggering negative regional repercussions’.⁶⁹

United States

The US has removed many of its targeted sanctions against Myanmar over the last year, but has retained some restrictions, including those which designate nationals with whom business dealings are prohibited, those linked to political prisoner releases, those outlawing the import of specific products, and an embargo on arms sales.⁷⁰

During a visit by President Sein to Washington in May 2013, the first in almost 50 years, US President Barack Obama expressed his ‘deep concern’ at communal violence directed toward Muslim communities in Myanmar and called on the country and its international partners to ‘assure that people are getting the help that they need but, more importantly, that their rights and their dignity is recognized over the long term’.⁷¹

Since 1999, the US Government has designated Myanmar as a ‘country of particular concern’ under the US Religious Freedom Act and the US also maintains sanctions for violations of religious freedom.⁷²

European Union

The EU lifted all of its remaining trade and financial sanctions in April 2013, with the exception of its arms embargo, and has recently indicated that its growing aid program in Myanmar will be its biggest in Asia.⁷³

Nevertheless, the EU has recently described the future handling of the Rohingya issue as a ‘test case’ for the country’s future commitment to reform and the rule of law.⁷⁴

ASEAN

The violence against Muslims in Myanmar poses a particular problem for the country’s ASEAN neighbours given that many Rohingya have fled by boat to countries like Thailand, Malaysia and Indonesia. As a result, the crisis has ‘tested ASEAN’s ability to respond to humanitarian crises in the

69. P Spielman, ‘[UN chief tells Burma to make Rohingyas citizens](#)’, *The Irrawaddy*, 11 July 2013, accessed 12 July 2013.

70. M Martin, [US sanctions on Burma: issues for the 113th Congress](#), US Congressional Research Service, 11 January 2013, accessed 23 June 2013.

71. White House, [Remarks by President Obama and President Thein Sein of Myanmar after bilateral meeting](#), transcript, 20 May 2013, accessed 23 June 2013.

72. US State Department, [International religious freedom report for 2012: Myanmar](#), accessed 23 June 2013.

73. Weng, ‘[EU officials discuss aid, trade but warn Naypyidaw on Arakan crisis](#)’, *The Irrawaddy*, 19 June 2013, accessed 23 June 2013.

74. Ibid.

absence of regionally established mechanisms for registering or repatriating the ‘stateless’ population’.⁷⁵

As noted, it also risks further inflaming sectarian tensions and extremism in neighbouring countries. This was recognised by the then ASEAN Secretary General, Surin Pitsuwan, who warned in October 2012 that if violence against Muslim populations in Myanmar was not managed effectively, it could ‘radicalise’ the Rohingya and ‘destabilise’ the Malacca Straits.⁷⁶

While a coordinated regional response has been lacking, individual ASEAN countries such as Malaysia and Indonesia, both of which are majority Muslim countries, have publicly expressed their concern and urged Myanmar to find a durable solution. The Foreign Minister of Indonesia, Marty Natalegawa, has perhaps been the most direct, reportedly stating that ‘the one core issue in resolving the conflict is citizenship, and this is a matter the Myanmar government must address in the future’.⁷⁷ Indonesia has also provided some assistance to rebuild schools in affected areas.⁷⁸

China

China has emerged as Myanmar’s most important international partner over the last two decades, playing a key role as a source of investment, trade and military assistance during the period of Western sanctions. Myanmar’s recent reforms have troubled China, with the latter now reportedly holding concerns for its future influence in the country as Nay Pyi Taw seeks closer relations with the West.⁷⁹

While there has been little in the way of specific statements from Beijing officials, one prominent Chinese media outlet has blamed the violence in Rakhine on an excess of democracy.⁸⁰ Ideological considerations aside, a large-scale deterioration of the security situation would pose a much more tangible problem for China given that a soon-to-be completed oil and gas pipeline that will run from the Bay of Bengal to Kunming, Yunnan, runs directly through Rakhine state. This pipeline has recently been the subject of local protests, unrelated to the sectarian violence.⁸¹

75. [‘Region to struggle with Myanmar Muslim refugee crisis’](#), *Oxford Analytica*, 18 April 2013, accessed 19 April 2013.

76. [‘Rakhine conflict could destabilise region: ASEAN’](#), *ABC Australia network*, 31 October 2012, accessed 23 June 2013.

77. S Roughneen, [‘A sad state of affairs as ASEAN AWOL over Rohingya issue’](#), *The Irrawaddy*, 19 April 2013, accessed 23 June 2013.

78. [‘Indonesia builds three schools in Rakhine’](#), *AntaraNews.com*, 12 June 2013, accessed 23 June 2013.

79. Paramesarawen, [‘China’s strategic recalibration in Burma’](#), *China Brief*, 13 (9), Jamestown Foundation, 25 April 2013, accessed 23 June 2013.

80. D Gang, [‘Democracy no panacea for Myanmar’s woes’](#), *Global Times*, 20 June 2013, accessed 23 June 2013.

81. M Aung and Z Win, [‘Hundreds protest pipeline in Burma’s Rakhine state’](#), *The Irrawaddy*, 18 April 2013, accessed 23 June 2013.

Australia's response

A new chapter in the bilateral relationship

Australia has enhanced its bilateral engagement with Myanmar over the last year in response to the country's reform program. Most recently, following a meeting with President Thein Sein on 18 March 2013 in Canberra, the then Prime Minister, Julia Gillard, stated that Australia would increase its support for reform in Myanmar in recognition of the country's progress towards democracy and that this increased engagement would include:

- providing an additional \$20 million over two years for the first phase of the new *Myanmar-Australia Partnership for Reform*, as part of a growing aid program
- lifting some restrictions on defence engagement and posting a resident Defence attaché to Myanmar, while retaining an embargo on arms sales and
- facilitating increased trade and investment and posting a resident Trade Commissioner to Yangon, Myanmar's commercial centre.⁸²

These changes followed a visit to Myanmar from 5–8 June 2012 by the Minister for Foreign Affairs, Senator Bob Carr, during which he made several significant announcements:

- Australia would lift all of its targeted travel and financial sanctions against Myanmar, with the exception of the arms embargo
- Australia's aid to Myanmar would double to \$100 million by 2015 and
- Australia would provide new human rights and peace-building assistance to Myanmar.

The lifting of Australia's targeted financial and travel sanctions took effect on 3 July 2012.⁸³ Senator Carr subsequently urged other Western countries to permanently lift, as opposed to temporarily suspending, their sanctions on Myanmar as a means of encouraging stronger trade and investment links and enhancing international support for the reform program.⁸⁴

Australia's aid to Rakhine

Since the outbreak of the violence in Rakhine in mid-2012, the Australian Government has made several announcements regarding the provision of humanitarian assistance for affected communities (see Table 2).

82. J Gillard (Prime Minister), [Australia's support for reform in Myanmar](#), media release, 18 March 2013, viewed 19 April 2013.

83. Department of Foreign Affairs and Trade (DFAT), [Country brief: Myanmar](#), accessed 19 April 2013.

84. G Sheridan, '[Carr goes all out to bring Myanmar in from the cold](#)', *The Australian*, 7 February 2013, accessed 23 June 2013.

Table 2: Australia’s humanitarian assistance to Rakhine, 2012–13

Date	Type of assistance	Amount (AUD)
7 June 2012	Initial contribution to promote peace in Myanmar’s conflict-affected regions ... health and education services, demining activities and small cash grants to kick-start small businesses. Media release	\$5 million*
29 Aug 2012	Emergency aid to provide clothing, blankets and basic supplies for around 14,000 people left homeless by sectarian conflict in Rakhine State. Media release	\$1 million
7 Nov 2012	Supply tents, food, blankets, clothing, mosquito nets and cooking equipment for people who have fled their homes. The funding will also provide protection to children living in temporary shelters who have been separated from their families. Media release	\$2 million
21 Feb 2013	Shelter, clean water and sanitation. Media release	\$1.25 million
4 June 2013	Support UNICEF to provide 40,000 people with safe drinking water and better facilities for hygiene and sanitation in the affected areas. This new funding includes 8,000 buckets and water purification kits, and hygiene kits including soap, sanitary napkins, toothbrushes and toothpaste, and 2,000 latrines and hand washing stations. Media release	\$1.5 million
12 July 2013	Provide shelter for 9,000 people as well as 114 clean water points and 680 latrines ... blankets and clothes for 2,500 women and girls in refugee camps in Rakhine, as well as solar-charged lamps and whistles to improve safety when walking in the camps after dark. Media release	\$3.2 million

*Note: not specified how much will be spent in Rakhine

According to the Government, its total commitment of \$9 million in humanitarian assistance, as at 11 July 2013, makes Australia the largest bilateral donor to the Rakhine emergency.⁸⁵ In evidence before a Senate Estimates Committee hearing in June 2013, AusAID stated that its officials had visited Rakhine in early April to ensure that aid was reaching affected communities.⁸⁶

85. B Carr (Minister for Foreign Affairs), [Emergency aid for 9000 people left homeless by violence in Rakhine State](#), media release, 12 July 2013, accessed 12 July 2013.

86. Senate Foreign Affairs, Defence and Trade Legislation Committee, [Official committee Hansard](#), 6 June 2013, p. 97, accessed 13 June 2013.

Protection and resettlement of asylum seekers and refugees

Offshore protection and resettlement

In addition to the humanitarian assistance being provided in Myanmar, Australia provides assistance for asylum seekers from Myanmar living in Thailand, although this is focused on those living in border areas populated by minorities like the Karen and Shan.⁸⁷ Australia also provides support for the management of detention facilities and asylum seeker processing in Indonesia by international agencies.⁸⁸ In addition, through its overseas aid program, Australia is working with regional governments and with ASEAN to strengthen protections for displaced communities, particularly those vulnerable to human trafficking and other forms of exploitation.⁸⁹

A 2011 publication by the Department of Immigration and Citizenship (DIAC) noted that the Australian Government was cooperating with UNHCR and other countries to find durable solutions for Rohingya seeking protection in the region. It also noted that Rohingya populations have been granted resettlement in Australia over the last several years:

Australia has been an active participant in the steering group focusing on the plight of Rohingya refugees, who have languished in camps in Bangladesh for decades ... A number of strategies have been implemented to improve conditions for the Rohingya, including the provision of new housing, health and education services in the camps. Durable solutions such as local integration and the resettlement of a small number of refugees in particular need of protection are also being explored. Australia has resettled small numbers of Rohingya refugees since 2008–09.⁹⁰

In 2011–12, Myanmar was Australia's largest source of offshore protection visas by country of birth, making up over a quarter (1,860 or 27.7 per cent) of visas in this category (see Figure 6).

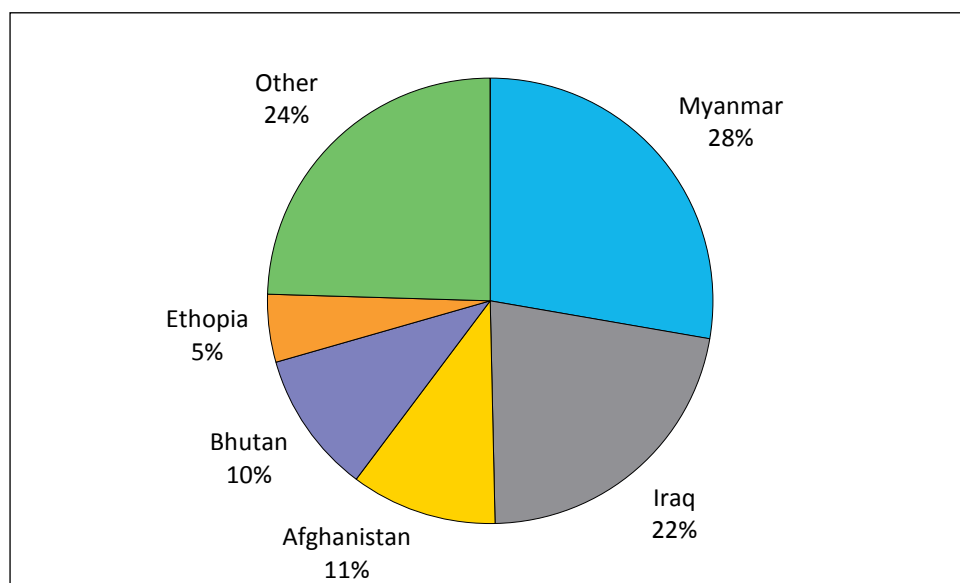
87. AusAID, [Myanmar: promoting health and wellbeing of displaced persons from Myanmar in Thailand](#), factsheet, accessed 23 June 2013.

88. Department of Immigration and Citizenship (DIAC), [Australia's Humanitarian Program: 2013–14 and beyond](#), December 2012, accessed 23 June 2013.

89. AusAID, [Final program design document for the Australia–Asia Program to Combat Trafficking in Persons \(AAPTIP\)](#), business notifications, 20 February 2013, accessed 23 June 2013.

90. DIAC, [Refugee and humanitarian issues: Australia's response](#), June 2011, accessed 23 June 2013.

Figure 6: Offshore protection visas granted by country of birth, 2011–12*



Source: Department of Immigration and Citizenship, [Australia's offshore humanitarian program, 2011–12](#).

*Note: it is not specified how many of those granted protection visas were Rohingya. It should also be noted that these figures largely pre-date the intensification of sectarian violence in Rakhine and other parts of Myanmar from June 2012.

Onshore arrivals and processing

In terms of onshore applications, in 2011–12 there were 101 successful applicants for protection visas from Myanmar, 'a 35 per cent increase since 2010–11 and a 30 per cent increase since 2008–09'.⁹¹ It is not clear how many of these people were Rohingya. An unsourced news report published on 14 July 2013 claimed that 1,200 Rohingya asylum seekers had arrived in Australia by boat in the previous year.⁹²

According to DIAC, as at 30 April 2013, there were 52 people from Myanmar in 'immigration detention facilities and alternative places of detention' in Australia, including 14 children.⁹³ Again, it is not clear how many of these people are Rohingya. The Department of Immigration and Citizenship suggested, albeit by omission, in evidence to a 2013 Senate budget estimates hearing that, as at 27 May 2013, there were no asylum seekers from Myanmar being held in regional offshore processing centres in Nauru or Papua New Guinea.⁹⁴

In its recent assessment of future priorities for Australia's refugee intake, the Refugee Council of Australia found that 'Rohingya were most commonly mentioned as the group of refugees in need of

91. DIAC, [Country profile: Burma \(Myanmar\)](#), accessed 23 June 2013, p. 2.

92. M Baker, 'Suu Kyi confirms tour of Australia', *The Sydney Morning Herald*, 14 July 2013, accessed 15 July 2013.

93. DIAC, [Immigration detention statistics summary](#), 30 April 2013, accessed 23 June 2013, p. 6.

94. Senate Legal and Constitutional Affairs Legislation Committee, [Official committee Hansard](#), 27 May 2013, p. 19, accessed 23 June 2013.

priority resettlement, with consultation participants from a wide range of ethnic backgrounds and refugee services highlighting concerns about the treatment of Rohingya people'.⁹⁵

Diplomatic response

In response to the conflict and the humanitarian situation, which has spread beyond Myanmar's borders, the Australian Government has expressed its official concern over the situation in Rakhine to the Myanmar Government. According to a statement released on 15 June 2012:

Australia has advised the Myanmar Government of its strong concern at continuing ethnic violence in Rakhine State, which has left more than 20 people dead and destroyed hundreds of homes.

Minister for Foreign Affairs, Senator Bob Carr said the events in Rakhine State demonstrated the range of challenges facing Myanmar, including the need for the effective rule of law. "All Australians would join with me in seeking an end to this conflict, and a negotiated, peaceful outcome that respects all sides," Senator Carr said.

"In my meeting with Myanmar President Thein Sein last week, I stressed the importance of the peaceful settlement of ethnic-based disputes including those involving the Rohingya people. I was encouraged by measures taken to resolve other ethnic tensions, but indicated we would continue to engage the Myanmar Government on human rights matters and the recognition of minorities.

"In this spirit, our Ambassador to Myanmar, Bronte Moules, has presented Australia's concerns directly to the office of the President and to government Ministers.

"Australia has recently sought greater engagement with Myanmar. We would hope to use this engagement to ensure our representations are heard on issues such as these current clashes in Rakhine State."⁹⁶

In November 2012, following the second major outbreak of violence, it was reported that Australia's ambassador to Myanmar, Ms Bronte Moules, joined her colleagues from the US and the UK on a visit to inspect the humanitarian situation in Rakhine.⁹⁷

In a further statement released on 5 April 2013:

Foreign Minister Bob Carr expressed concern about ethnic unrest in parts of Myanmar. Senator Carr reaffirmed Australia's commitment in assisting to resolve communal tensions, supporting the peace process, and providing humanitarian assistance to those affected by recent ethnic and sectarian conflict.

95. Refugee Council of Australia, [Australia's refugee and humanitarian program 2013-14: community views on current challenges and future directions](#), February 2013, accessed 23 June 2013.

96. B Carr, [Violence in Rakhine state, Myanmar](#), media release, 15 June 2012, accessed 10 June 2013.

97. [Ambassadors visit riot-torn areas in Rakhine](#), *Reliefweb*, 4 November 2012, accessed 23 June 2013.

“Australia is supporting local efforts to bring peace to regions affected by conflict in Myanmar,” Senator Carr said. “We continue to call for a peaceful end to the conflict in Kachin State and efforts to resolve the underlying causes of the unrest in Rakhine State, where the onset of the rainy season threatens a deterioration of the humanitarian situation.”

Senator Carr said he was concerned by the outbreak of violence on 20 March in Meikhtila and surrounding towns in Mandalay Region which left, according to official Myanmar Government figures, 43 people dead, 86 injured, nearly 13,000 displaced and caused significant loss of property.

Senator Carr welcomed the public statement made by President Thein Sein on 28 March, in which he condemned religious extremism, urged mutual respect amongst local communities, and underlined the importance of peaceful coexistence in multi-cultural, multi-ethnic and multi-faith societies.

“President Thein Sein’s pledge to take all necessary action to stop the conflict and prosecute the perpetrators of violence is a welcome step towards finding a lasting solution to the unrest”, said Senator Carr.

The Prime Minister raised Australia’s concerns over ethnic conflicts directly with President Thein Sein, when he visited Australia last month. Australia’s Ambassador to Myanmar this week also raised Australia’s concerns directly with the Myanmar Government in Nay Pyi Taw.

Australia is a principal donor to the Myanmar peace process and is a source of humanitarian assistance to those affected by ethnic unrest in Myanmar. Australia has provided over \$6.5 million in humanitarian assistance to conflict-affected areas and has committed \$5 million to the peace process.⁹⁸

Speaking before a Senate Estimates Committee on 5 June 2013, the Foreign Minister indicated that he would seek to personally assess the situation in Rakhine as part of a July 2013 visit to Myanmar.⁹⁹

While Senator Carr did not end up not visiting Rakhine during this visit, he did raise the conflict and humanitarian situation during his meeting with President Sein.¹⁰⁰ In an interview following the visit, Senator Carr said that he was ‘apprehensive’ about the prospects for long-term reconciliation but ruled out making further increases to Australia’s growing aid bilateral program contingent on progress:

this is such a wretchedly poor country, we couldn’t do that. Our simple humanitarian instincts require that we go on giving aid while, with the credibility that gives us and being seen as

98. B Carr, [Recent ethnic unrest in Myanmar](#), media release, 5 April 2013, accessed 10 June 2013.

99. Senate Foreign Affairs, Defence and Trade Legislation Committee, [Official committee Hansard](#), 5 June 2013, accessed 10 June 2013.

100. [‘Australian foreign minister meets Myanmar President’](#), *Australia network news*, ABC, 11 July 2013, accessed 12 July 2013.

something of a champion of Myanmar, we will continue to press with the government and with opposition leadership the plight of the Rohingya.¹⁰¹

In a separate interview, the Minister argued that, in terms of asylum seekers, ‘there’d be few who’d have a stronger claim than the Rohingya to our system’ but then went on to state that ‘we haven’t got the capacity to take asylum seekers from Myanmar, to take refugees from Myanmar’.¹⁰²

Alternative policies

Over the last year, there has been some debate in the Parliament and in the broader community over Australia’s response to the violence in Rakhine. Some have drawn on the violence to criticise the Government’s decision to increase its engagement with the new regime. The Australian Greens have stated:

The Australian Government - and now the European Union - has shown inappropriate haste in pursuing business as usual, which undermines the Burmese movement for reform and turns a blind eye to the alleged complicity of Burmese officials in ethnic cleansing.

The evidence indicates that the mass violence in Arakan/Rakhine is planned not only by racist gangs, but by the political leadership of the State itself. Yet the European Union, encouraged by Foreign Minister Bob Carr, has now lifted economic sanctions on Burma.¹⁰³

The Greens have also argued that Australia should use its current temporary seat on the UN Security Council to press for a strengthened UN observer and humanitarian presence in Rakhine.¹⁰⁴

International non-government organisations like Human Rights Watch have argued:

Burma’s donors need to wake up and realize the seriousness of the Rohingya’s plight, and demand that the government urgently stop abuses, promote the safe return of displaced Muslims, and ensure accountability to end the deadly cycle of violence.¹⁰⁵

Representatives of the Burmese Rohingya Community in Australia have called on the Government to continue to help address the humanitarian situation and human rights issues in Rakhine.¹⁰⁶

The Coalition has not released any formal statements commenting on the violence in Rakhine, nor proposed any conditions that should structure Australia’s response. It has previously stated that ‘it is

101. N Woodley, [‘Carr apprehensive about Rohingyas future in Myanmar’](#), AM, transcript, ABC radio, 12 July 2013, accessed 12 July 2013.

102. B Carr, [Interview: Sky News Australia](#), transcript, 10 July 2013, accessed 15 July 2013.

103. Australian Greens, [Canberra must engage United Nations on deadly crisis in Burma](#), media release, 24 April 2013, accessed 23 June 2013.

104. Ibid.

105. HRW, [Burma: end ‘ethnic cleansing’ of Rohingya Muslims](#), media release, 22 April 2013, accessed 23 June 2013.

106. Burmese Rohingya Community of Australia, [BRCA delegate met with Australian Foreign Minister Hon. Bob Carr to raise the awareness for Rohingyas and Burmese Muslims in Burma](#), media release, 30 May 2013, accessed 23 June 2013.

important to be realistic and pragmatic, and make continuous reassessments of our relations with Burma as things change'.¹⁰⁷

Looking ahead

The question of citizenship

Many Rohingya populations claim their ancestry back to British colonial rule and beyond and, on this basis, would technically qualify for citizenship under current laws. Widespread discrimination, historical resentments, and the unpopularity of the Rohingya cause among mainstream politicians in Myanmar, including pro-democracy and other ethnic minority parties, are the main factors behind the current stalemate. As noted, both the President and the Rakhine Inquiry Commission have acknowledged that the issue of citizenship will need to be re-examined as part of the Government's longer-term response.

There are two, inter-related issues that remain unresolved: first, whether Rohingya populations will be included in a national census scheduled for 2014 and, second, whether they will be entitled to vote in the 2015 national elections.

The 2014 census

Reflecting the history of discrimination, one of the major barriers to progress on the citizenship issue is the fact that the last official census in Myanmar, conducted in 1983, did not include the Rohingya—'further rendering them stateless through exclusion, compounding the exigencies of the 1982 Law'.¹⁰⁸

It is unclear at this stage whether the Rohingya will be included in a new census scheduled for 2014. In July 2012, Myanmar's immigration minister, Khin Yi, reportedly stated that they would be excluded.¹⁰⁹ The full participation of all Myanmar's population groups is, however, being urged by the UN, which is assisting with the preparations for the survey.¹¹⁰ The Australian Government has committed \$3 million to support the 2014 census.¹¹¹

Voting rights and the 2015 elections

Preparation and positioning ahead of Myanmar's 2015 national elections, the most important in over two decades, is now well underway. Other minority groups, including local ethnic Rakhine

107. J Bishop (Shadow Minister for Foreign Affairs), [Burma elections](#), media release, 2 April 2012, accessed 23 June 2013.

108. HRW, 'All you can do', op. cit., p. 113.

109. Ibid., p. 115.

110. Ibid., p. 116.

111. B Carr, [Australian aid to support first Myanmar census in 30 years](#), media release, 12 July 2013, accessed 12 July 2013.

parties, have been actively discussing possible coalitions and platforms on key issues such as the reform of the electoral system and revision of the 2008 constitution.¹¹²

The issue of voting rights for the Rohingya is complex because, towards the end of the previous military government, many Rohingya were granted voting rights as part of the military government's strategy of 'divide-and-rule' when it came to the different ethnic and religious communities in Rakhine. Indeed, this may have been one of the factors underpinning the recent violence. As the International Crisis Group points out:

Many Rohingya have temporary (non-citizen) registration certificates that under the election laws have allowed them to vote and form and join political parties, but they have been denied full citizenship and are thus ineligible – at least in principle – to stand for elected office. Some Rohingya do have full citizenship and have been elected to the local and national legislatures.

Tens of thousands of otherwise poorly documented minorities, including Rohingya, were registered to vote for the 2010 election in an effort by the Union Solidarity and Development Party (USDP) to marginalise local ethnic parties. Hopes were raised that the undocumented status of the Rohingya might soon end, which only stoked paranoia among the Rakhine fearing marginalisation in their own state.

A pilot survey in May 2012 was said to have found that some 70 per cent of Rohingya had sufficient proof of descent to be eligible for some form of national identity documents. Fears that this election promise might be fulfilled are thought by some observers to have fuelled recent Rakhine militancy.¹¹³

Whether those Rohingya who have been granted temporary registration cards in the past will be able to vote in the 2015 election remains unclear. There has been a renewed call from some ethnic Rakhine politicians to bar Rohingya from voting.¹¹⁴

At a minimum, in order to avoid further conflict ahead of the 2015 election, there will need to be some form of understanding between parties campaigning in Rakhine aimed at avoiding incitement. This is because:

... if the ethnic-Rakhine parties are to compete with the NLD under Aung San Suu Kyi, there is a real fear that they will resort to instigating ethnic loyalties and Rakhine nationalism among the Rakhine electorate, with a potential for provoking renewed communal violence against the Rohingya.¹¹⁵

112. Z Win, '[Fifteen Myanmar ethnic groups to form unified party](#)', *Radio Free Asia*, 11 June 2013, accessed 23 June 2013.

113. ICG, *Myanmar*, op. cit., p. 4.

114. '[Rakhine leaders object to voting rights for Bengali immigrants](#)', *Democracy for Burma*, 3 June 2013, accessed 23 June 2013.

115. M Nilsen and S Tønnesson, '[Political parties and peacebuilding in Myanmar](#)', Peace Research Institute Oslo, policy brief 5, 2013, accessed 23 June 2013.

The dangers of segregation

Amid this uncertainty, the default solution seems to be a dangerous policy of segregation of the Rohingya into temporary camps and shelters. In July 2013, the Myanmar Government said that it would complete the construction of segregated ‘temporary’ shelters for 100,000 Rohingya displaced by the violence.¹¹⁶

This policy has the potential to reinforce existing prejudices among the different ethnic communities in Rakhine and impedes the ability of Rohingya to live normal lives. It also seems to have inspired some of the ongoing violence against non-Rohingya Muslims in other parts of Myanmar. As the International Crisis Group has argued:

Any increased segregation of communities, particularly if accompanied by the denial of other fundamental rights to the Rohingya population, would make it exceedingly hard to address the underlying tensions and promote communal harmony. Without such progress, the violence is likely to reignite in the future, which would be to the detriment of both communities, and of the country as a whole.

It will also make it much harder to address the fundamental issues: the Rohingya’s basic rights and citizenship status and the Rakhine’s sense of fear about demographic pressures. The strength of these fears among mainstream Rakhine society should not be underestimated or ignored.¹¹⁷

The outlook is neither positive nor promising. In an interview following his recent visit to Rakhine, the UK’s Development Minister, Alan Duncan, said he believed that the IDPs would likely be forced to spend at least another year in temporary camps.¹¹⁸

More broadly, the key danger is that the violence, which has now spread beyond Rakhine into central and eastern Myanmar, could further embolden both radical Burman-Buddhist chauvinist elements in society that are antagonistic to the claims of ethnic and religious minorities, as well as conservatives in the security forces that oppose the current reform program.¹¹⁹

Prospects for conflict resolution

Viewed in a comparative and historical context, the current situation in Myanmar reflects, in many ways, its emergence as a ‘normal’ Southeast Asian country—that is, one in which ‘the records on democracy and human rights are mixed, highly contested, and still very much a work in progress’.¹²⁰

116. [‘Shelters provided to 100,000 Rohingya: Myanmar govt’](#), *Channel Newsasia*, 9 July 2013, accessed 12 July 2013.

117. ICG, *Myanmar*, op. cit., p. 5.

118. A Buncombe, [‘Muslim refugees in Burma will be forced to remain in squalid emergency camps for at least 12 months, warns minister Alan Duncan’](#), *The Independent*, 20 June 2013, accessed 24 June 2013.

119. ICG, *Myanmar*, op. cit., p. 6.

120. J Della-Giacoma, [‘A serious threat to peace in Myanmar’](#), *Resolving conflict in Southeast Asia*, ICG, 10 January 2013, accessed 23 June 2013.

As one recent study has pointed out, sub-national conflicts have been the most common form of armed conflict in Asia since 1955 and, between 1999 and 2008, more people died in these kinds of conflicts in Asia than in all other forms of conflict combined.¹²¹ Sadly, extra-judicial and communal violence remains a prominent feature of the contentious politics surrounding ethnic and religious minorities for several of Myanmar's neighbours (see Figure 7).

Figure 7: Sub-national conflicts in Asia



Source: [The Asia Foundation](#)

This does not mean that Myanmar is trapped by its geography, or by its history. Despite a marked deterioration of some of the contemporary conflicts involving ethno-religious minorities (Papua, southern Thailand) in Southeast Asia, there have also been more positive models of conflict mediation and resolution (Poso, Aceh, southern Philippines) pursued over recent years. Indeed, the civilian regime in Myanmar has itself committed to working through processes of peacebuilding and reconciliation with other ethnic groups as part of its current transition.

Ultimately, the prognosis will depend on the actions of Myanmar's political, civic and religious leaders. To date, their commitment to a viable, long-term solution that meets the demands of Rohingya populations within Myanmar remains unclear. What is clear, however, is that if images of segregated shelters continue to dominate international media and if Rohingya and other Muslim populations continue to flee from Myanmar to neighbouring states, this issue will increasingly detract from Nay Pyi Taw's attempts to recast its relationships with the West and will complicate its relations with its neighbours, particularly those with large Muslim populations. It will also continue

121. T Parker, et al., [The contested corners of Asia: subnational conflict and international development assistance](#), The Asia Foundation, executive summary, 2013, p.1, accessed 23 June 2013.

to challenge ASEAN's ability to deal effectively with the regional security consequences of large-scale transnational people movement.

Beyond the immediate humanitarian concerns, there are both short and long-term issues that will need to be addressed if there is to be any real chance of conflict resolution.

In the short term, the allegations of impunity will require vastly improved oversight and accountability of those organisations charged with providing security at the local level. According to Human Rights Watch, a key driver of the current conflict is that 'people who are committing violence or instigating violence are not being held responsible' and this needs to be addressed by the Government.¹²²

Again, over the longer-term, the issue of citizenship would appear to be central. As one analyst has noted, this will necessarily involve confronting some very difficult questions:

As Naypyitaw prepares for the 2014 chairmanship of the regional organisation [ASEAN], the country's leadership should engage in a simple counter-factual reflection: What if every member of ASEAN acted by this standard?

Resetting citizenship based on where colonialists drew the borders almost two centuries ago would be a demographic disaster that would displace and disenfranchise tens of millions within the boundaries of its ten member states. Other ASEAN members for very pragmatic reasons should be quietly telling their counterparts from Myanmar that we just don't do things like that anymore.¹²³

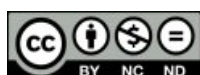
If the current transition is to succeed, the country thus faces the enormous challenge not only of getting the sequencing of various political and economic reforms right but, more profoundly, of re-imagining the boundaries of a plural political community and the idea of 'Myanmar' as a nation-state.

While none of this will be easy given the multiple traumas the country has endured over five decades of military rule and six decades of conflict, the alternatives are far worse.

122. K Kay, '[Myanmar's democracy transition marred by anti-Muslim rhetoric and violence](#)', *Newshour*, transcript, US Public Broadcasting Service, 18 June 2013, accessed 23 June 2013.

123. J Della-Giacoma, '[What Myanmar could learn from Indonesia: the Malino accord](#)', *Resolving conflict in Southeast Asia*, ICG, 4 September 2012, accessed 23 June 2013.

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