

RESPONSE TO THE INTERNATIONAL DEVELOPMENT COMMITTEE: ROHINGYA HUMANTARIAN MONITORING

The UK Government continues to prioritise its response to the plight of the Rohingya people. We remain committed to providing support to all communities in Rakhine and to those Rohingya who fled to Bangladesh, as well as the host communities in Cox's Bazar. In the longer term, we continue to work towards ensuring that conditions are put in place to allow the Rohingya to return to Myanmar, voluntarily, safely and with dignity. This includes working with partner countries to encourage and support the Myanmar government to address the root causes and underlying conditions that led to the crisis in Rakhine State, continuing to promote conflict resolution, reconciliation and democracy in Myanmar, and pressing for accountability for atrocities.

In Myanmar there has been an escalation of fighting in Rakhine and southern Chin States between the Tatmadaw and the Arakan Army over the past year. This continues to cause instability and harm to all communities affected and reduces the likelihood of voluntary, safe and dignified repatriation of Rohingya to Myanmar in the near future. This conflict has resulted in the displacement of more than 60,000 (mostly ethnic Rakhine) people, and the creation of new internally displaced people (IDP) camps. The UK continues to provide assistance to all communities in Rakhine. There are around 128,000 Rohingya in central Rakhine residing in IDP camps since 2012 and around 470,000 in villages in both central and northern Rakhine. These communities continue to face significant and systematic discrimination and remain at risk of further atrocities.

The decision of the International Court of Justice (ICJ) in January to issue Provisional Measures and the conclusion of Myanmar's domestic Independent Commission of Enquiry (ICOE) have created a clearer timeline for the Government to respond to the crisis. We call upon the Government to do so in line with the court's deadlines and the existing recommendations set out in the report of the Rakhine Advisory Commission, chaired by Kofi Annan.

In Bangladesh, the UK's humanitarian effort and the push for a longer-term solution for the Rohingya continues. Since August 2017, the UK has committed £256 million to the Rohingya crisis response in Bangladesh and remains the second largest donor to the crisis. UK aid continues to support the Rohingya refugees in the camps and the host communities in Cox's Bazar District. There have been some improvements in stabilising the situation in the camps, most recently on provision of education, with both Governments' recent agreement to allow the Myanmar curriculum to be taught. Securitisation – through the building of fences and restrictions to 3G/4G internet access – continues to be a restriction that affects the response and isolates the Rohingya still further. We are now planning how multi-year funding can support refugees' and host communities' immediate needs. This shift to a longer-term approach aims to create opportunities that allows the Rohingya to live more full and meaningful lives, alongside their hosts, in advance of more durable solutions.

COVID-19 has changed the situation dramatically. The risk of an outbreak is extremely concerning for displaced populations in both countries, as well as the broader populations in Myanmar and Bangladesh. We are monitoring and adapting our programmatic and diplomatic responses as a result. COVID-19 has far reaching implications and creates operational barriers in both countries, but we will continue to work with UN, (I)NGO and civil society partners to find solutions that ensure humanitarian support is delivered on either side of the border.

Bangladesh

Q1. In September 2019 the Government promised an extra £87 million to the relief effort in Cox's Bazar. What has been the impact of that spending to date?

DFID announced a further package of support in October 2019 bringing the total last year to £117 million. Since August 2017 our total commitment has amounted to £256 million. This funding is providing support to both the Rohingya refugees and Bangladeshi host communities, including improved education, clean water and sanitation, health services, livelihoods support, gender-based violence (GBV) services, meeting basic food needs, and other support targeted to vulnerable Bangladeshi families. Examples of the impact of this extra funding include:

- The UK have provided health services, including medical consultations, sexual and reproductive health (SRH) services such as family planning and deliveries, and emergency health care through 25 static health posts, 3 mobile clinics, and one 24/7 clinic. This support is also critical to COVID-19 preparedness. The co-morbidity challenges are going to be extreme and essential healthcare services will need to be both maintained and improved.
- Over 700,000 refugees and members of the host communities received clean water and sanitation.
- Over 4,000 children and adolescents from the refugee and surrounding host communities have received better education. This includes enrolment in learning centres and the supply of educational materials.
- At least 55,000 vulnerable women, men and children had access to GBV services which include GBV information, mental health and psychosocial support, life skills, dignity kits (containing hygiene supplies such as sanitary pads, underclothes and soap), and case management services.
- Cooking gas (LPG) for over 49,000 families and 375,000 refills have been distributed to help stop further forest destruction and environmental degradation.
- DFID continues to support the Early Warning, Alert and Response System (EWARS) for early detection of disease outbreaks. In late 2019 this noted a spike in measles and rubella cases which led to a camp-wide vaccination campaign. The EWARS is proving a critical resource in the current COVID-19 crisis.
- UK aid also supported emergency preparedness for the monsoon and cyclone seasons, including engineering to maintain drainage, keep roads and bridges functioning, and protect against landslides. This will be particularly important for the forthcoming monsoon and cyclone season which the UK Meteorological Office is predicting to be heavier than usual.

Some of our implementing partners are on different-reporting cycles and as such their results data is not yet available for inclusion in these examples. More data will be available following the next Annual Review due this autumn.

Q2. What do you see as the biggest challenges for both DFID and other aid agencies working in Cox's Bazar?

The Government of Bangladesh continues to show great generosity in its hosting of 855,000 refugees in 34 camps in Cox's Bazar District. This will be particularly true in the face of the COVID-19 pandemic. The UK, along with the UN Security Council, have stressed the need for Myanmar to take solid and constructive steps to create the conditions that will allow the Rohingya to voluntarily return to Myanmar in safety and with dignity. However, for over a year there have been severe clashes between the Arakan Army and the Myanmar army. This escalation of fighting is a serious barrier to returns.

There are a number of major challenges that are being faced in Cox's Bazar as the refugee response continues. These include:

- There are rising tensions between communities, and worsening criminality in Cox's Bazar. Whilst we recognise the Government's need to respond to security concerns, we are pressing for the need to maintain the humanitarian and civilian character of the camps. Any restrictions on refugee rights, movement and access to basic services should be related to genuine security risks, be proportionate, and be in line with relevant human rights law. Our approach is to promote stability and improve safety and security by strengthening social cohesion between refugees and host communities, enhancing rule of law and access to justice, and increasing conflict sensitivity within the response.
- Restrictions on NGO operations, including difficulties resolving visa and work permit issues, and telecommunications in the camps have had an impact on humanitarian partners working in Cox's Bazar. We have been engaged in constructive dialogue with the Government of Bangladesh on these issues, most recently in the context of the current COVID-19 crisis, which makes their resolution particularly urgent. Minister of State for South Asia and the Commonwealth, Lord (Tariq) Ahmad of Wimbledon, has been raising the issue of 3G and 4G internet access in the Cox's Bazar Rohingya refugee camps with the Government of Bangladesh, including with the Bangladeshi High Commissioner in London. Being able to ensure the medical welfare of these front-line workers will remain a high priority.
- The refugee presence in Cox's Bazar has had an increased impact on host populations and the available resources. This includes an impact on the local economy and environment as a result of labour competition and forest destruction. UK funding has been invested to help stimulate the economy and rehabilitate the environment. We also need to consider how best to support the Rohingya for the longer term until durable solutions are found.
- There has been growing refugee despondency in Cox's Bazar, given their situation and the lack of livelihood opportunities. They too cannot see an end to their predicament. We have been pressing the Government to allow improved access to education and more sustainable skills development programmes. These will also help address security concerns.
- Rohingya perspectives and representation need to play a greater role in shaping the response. DFID is committed to focusing on the needs of specific and more vulnerable groups such as adolescents and youth, the elderly and disabled people.

In addition to these, we are now focused on COVID-19 preparedness and response planning. We are working closely with WHO, the Government of Bangladesh, and the wider international community, including UN and NGO partners on both the national response and efforts in Cox's Bazar. The Rohingya refugees are particularly vulnerable, given over-crowding, restricted

movement and high dependence on humanitarian assistance. We are trying to ensure that some of the issues listed above are not exacerbated by COVID-19. We have already allocated around £10 million to support preparedness efforts for in the Rohingya camps and surrounding host communities.

Q3. What recent discussions have you had with the Bangladesh authorities and the international community on long term protracted crisis planning for the Rohingya refugees?

The Government of Bangladesh's (and our) long-term objective remains the sustained return of the Rohingya to Myanmar. They are committed to returns being voluntary, safe and dignified and recognise that conditions for this are not currently in place and may not be for some time.

We have – through our High Commissioner, along with other heads of mission – had a number of diplomatic discussions with the Government on the protracted nature of the crisis. These discussions most recently included agreement by the Government to the 2020 Joint Response Plan (JRP) which was presented in Geneva on 3 March 2020. The JRP was developed and negotiated between the Government of Bangladesh and the UN, with inputs from development partners. This resulted in a recognition of the need for planning and funding of economic and skills development opportunities for Rohingya so that they will be equipped to return to Myanmar.

Bangladesh has generously hosted the Rohingya people; and we welcome recent decisions to approve the Myanmar curriculum pilot and include an objective on skills development in the Joint Response Plan 2020.

Helping the Government of Bangladesh manage this crisis will, however, require addressing its concerns over security, the environment, and the economy; and providing confidence that international action will be maintained to deliver solutions. The UK is committed to continuing to help Bangladesh shoulder the burden and will continue to encourage funding contributions from other partners.

We have also had discussions with the Government on DFID funding for UNDP and the World Bank on the development of Government's District Development and Growth Plan (DDP) for Cox's Bazar. The overall objective of the DDP will be to accelerate economic transformation and provide jobs and sustainable development for all Cox's Bazar residents. It covers both Rohingya and host communities and will also develop initiatives to promote social cohesion, and, in turn, help mitigate the risks of crime and insecurity.

The Government have said it should not undermine their position on eventual repatriation and be in line with the Government's broader development goals.

Q4. Please can you update the Committee on the plan to move up to 400,000 Rohingya to the Island of Bhasan Char in the Bay of Bengal? What recent discussions have there been with the Government of Bangladesh on this issue?

We continue to stress to the Government of Bangladesh that any relocation of refugees to Bhasan Char island must be voluntary, safe, dignified and in accordance with international humanitarian principles and standards. The UK fully supports the UN's position that independent, full and detailed technical and protection assessments should be conducted of Bhasan Char before any relocation of Rohingya refugees is considered. In addition, we would want to see meaningful consultations with refugees to ensure possible relocations proceed only with their free, prior, and informed consent. We therefore welcome the Government of Bangladesh's commitment to ensure any relocation is voluntary.

In the context of development of the Joint Response Plan 2020 there were discussions on the Government's plans to relocate 100,000 Rohingya refugees to Bhasan Char. It states that the United Nations will continue to constructively engage with the Government of Bangladesh on the issue. The UN are prepared to undertake comprehensive technical and protection assessments of the safety, habitability, and feasibility of relocation to Bhasan Char. However, dates for on-site assessments have not yet been set.

The current focus of the Government of Bangladesh and the international community is the effective response to the COVID-19 crisis and there are no discussions about the island at present.

Q5. What is the UK Government doing to ensure children in the camps receive an education?

Education is a high priority for the Rohingya refugees, who are deeply concerned about what the future holds for their children. Girls' education is also a priority for the UK Prime Minister. The UK is committed to getting more girls in the world's poorest countries into schools and benefitting from quality teaching and learning. The aim of DFID's latest funding is to provide better education to over 100,000 children and adolescents from the refugee population and surrounding communities. This will include boosting enrolment, the construction of new classrooms, training of teachers and the supply of educational materials like stationary, textbooks, charts and school bags.

Unfortunately, all schools in Bangladesh, including the learning centres in the camps, are closed as a result of the COVID-19 response and the need to prevent transmission. Remote learning is not feasible. We will be looking to ensure education is quickly restored when it becomes possible.

After lobbying on both sides of the border for the Myanmar curriculum to be taught in the Cox's Bazar camps, the Government of Bangladesh has approved a UN pilot involving 10,000 adolescents which was due to begin in April.

DFID however recognises that there is more to be done on education and to ensure that, in Myanmar, this education will be recognised when the refugees return. We will continue to work with the Government of Bangladesh, the wider international community, and our humanitarian partners to improve access and the quality of education, particularly for girls whose attendance numbers fall dramatically from age 12. We are ready to support the implementation of the pilot but will also continue to press for improvements to the implementation of the Learning

Competency Framework and Approach which will continue to be used for the vast majority of students.

Q6. What more can be done to allow refugees to generate a livelihood in Cox's Bazar?

The UK Government is committed to improving the situation of Rohingya refugees and host communities in Bangladesh. We will continue to work with the Government of Bangladesh, the wider international community, and our humanitarian partners to improve access to skills training. Our latest funding to the response in Bangladesh includes livelihoods support for over 119,000 of the refugees and host communities which includes skills development, home gardening, and access to markets. We are engaging closely with the Government of Bangladesh on this to allay their concerns that skills and livelihoods support for Rohingya refugees' risks prolonging the duration of their stay in Bangladesh.

We welcome the inclusion of strategic objective four in the UN Joint Response Plan 2020 which will ensure that for as long as they remain in Bangladesh, efforts will be made to prepare refugees for a sustainable return and reintegration in Myanmar, including through learning and skills development. This is further to the Government's recent positive decision to encourage the expansion of skills development opportunities for Rohingya refugees and host communities.

Myanmar

Q7. What access do DFID and aid agencies have to provide aid to the Rohingya who remain in Northern Rakhine?

Access in northern Rakhine remains restricted due to Government restrictions and the on-going conflict, but DFID works through a number of international and local partners that have access to vulnerable communities. These include: World Food Programme (WFP), ICRC and through the tripartite memorandum of understanding (MoU) with the Government of Myanmar both UNDP and UNHCR. The MoU targets northern Rakhine and is aimed at creating conducive conditions for the voluntary, safe, dignified and sustainable repatriation of refugees from Bangladesh as well as supporting recovery and resilience-based development for the benefit of all communities living in Rakhine State. The MoU was extended for an additional year in May 2019 and its renewal before June 2020 is underway.

These aid agencies are providing food and cash assistance, community infrastructure, skills training and income-generating projects and projects targeting persons with specific needs. A local Rohingya NGO, Centre for Social Integrity, have sustained access and provide food assistance.

In the context of COVID-19, these agencies may have some reduced capacity. If cases of COVID-19 continue to rise, then we can expect there to be additional restrictions implemented by the Government of Myanmar. The outbreak makes it all the more important that the Government of Myanmar allows unfettered UN access to Rakhine to deliver essential humanitarian aid and services. The default position should be complete access, whilst taking into account the fragile security situation.

DFID continues to be one of the largest donors in Rakhine providing humanitarian and development assistance including education, water, sanitation and hygiene (WASH), nutrition, livelihoods and health. 600,000 Rohingya remain in Myanmar who need UK assistance. 133,000 conflict affected people, 70% of whom are IDPs, have been provided with access to essential WASH services and 12,000 families in northern Rakhine have received food assistance. Our support is also designed to address inequalities between different groups and promote progress on the recommendations put forward by the Kofi Annan-led Rakhine Advisory Commission. The recommendations of the Rakhine Advisory Commission - many of which were echoed in the domestic Independent Commission of Enquiry recommendations in January - remain the best and only agreed template for tackling underlying problems in Rakhine State, including access for the international community.

Q8. What representations have you made to the Burmese authorities regarding the amendment to the Vacant, Fallow and Virgin Lands Act?

The UK shares many of the concerns expressed by ethnic groups, INGOs and CSOs about the implementation of the Vacant, Fallow and Virgin (VFV) Lands Management Law as it is now worded. The UK is particularly concerned about the potential negative impact the law may have on land use and tenure security for smallholder farmers across the country.

The UK actively participates in the Myanmar Land Co-ordination group, chaired by the Swiss, and comprised of stakeholders from across the sector – CSOs, NGOs, donors and private sector. The group collectively and individually advocate for changes to the VFV law with Myanmar authorities. In Naypyidaw, major advocacy events with government have had to be postponed due to COVID-19. A “one year on” workshop was cancelled, and bandwidth from both civil society and government on the issue has become limited.

The UK is concerned that without proper consultations with affected populations key elements of the National Land Use Policy (NLUP), such as customary land use rights of ethnic nationalities and restitution rights of displaced persons, could be negatively affected by the VFV.

The UK believes that the amended VFV Land Law should be suspended until its intent and objectives are clarified in line with a National Land Law that is to be developed by the National Land Use Council (NLUC). This will require more clarity on the definitions of key legal aspects of the law, including customary tenure and the allocation of virgin land.

The UK remains committed to resolving the VFV land issues using the multi-donor Livelihoods and Food and Security Fund (LIFT). We are implementing a Myanmar Government/civil society pilot, to test novel and innovative approaches for re-distributing and registering land. The project aims to provide the Myanmar authorities with the right tools to address land tenure issues, particularly for VFV.

We encourage relevant institutions to develop a comprehensive roadmap for strengthening land administration mechanisms and procedures be developed, in line with the NLUP and international best practices.

Q9. What recent discussions has the UK Government had with Aung San Suu Kyi and her government about the Rohingya Crisis?

The UK continues to press the Myanmar Government at all levels to make progress on the recommendations set out in the Rakhine Advisory Commission and the domestic ICOE, and to comply with the Provisional Measures of the ICJ. DFID and FCO representatives based in Yangon are in regular communication with the Government of Myanmar, including Cabinet Ministers and we are encouraging Aung San Suu Kyi’s government to set out an action plan for how they will deliver these in the short, medium and long term.

In a statement on 23 January 2020, the then Minister for Asia and the Pacific, Mrs Heather Wheeler, encouraged the Government of Myanmar to abide by the ICJ’s Provisional Measures and implement the recommendations of the ICOE in order to protect the Rohingya and to bring the perpetrators of atrocities to justice.

On the same day, Minister Wheeler met the Myanmar Minister for Education in London and highlighted the recommendations of the ICOE which emphasise the need for inclusive education in Rakhine State.

In January 2020 the British Ambassador to Myanmar met with Myanmar Minister for International Cooperation U Kyaw Tin to reinforce these points. He urged Myanmar to give a determined effort to deliver domestic accountability, including implementing the ICOE's recommendations and the ICJ's provisional measures. The British Ambassador also raised reports of violence in Rakhine State including the shelling of a Rohingya village and encouraged the government to lift the internet shutdown in Rakhine State and southern Chin, where nine townships have been cut off since early February 2020.

In October 2019, during a visit to Myanmar, Baroness Sugg met the Rakhine State Government to push for progress with the Rakhine Advisory Commission recommendations, including citizenship and freedom of movement for the Rohingya, in order to build confidence for refugees to return from Bangladesh. Whilst in Nay Pyi Taw, Baroness Sugg met the Myanmar Minister of Investment and Foreign Economic Relations, the Minister of Health and Sports, and the Deputy Minister of Social Welfare, Relief and Resettlement. She used the meetings to push for faster progress on the Rakhine Advisory Commission recommendations to help create the conditions for voluntary, safe and dignified returns.

Some of our key asks of the Government of Myanmar continue to focus on freedom of movement, freedom of expression (internet), access to services and humanitarian access.

Q10. What further unilateral action could the UK consider in terms of, trade embargoes and entry bans for Burmese politicians, officials and military personnel given the 2019 UN Fact Finding Mission (FFM) report found evidence of ongoing human rights abuses.

The UK welcomes the reports of the UN Fact Finding Mission (FFM) which have been vital in shining a light on human rights violations committed by the Myanmar armed forces. The UK agrees with the FFM's assertion that the military bears the greatest responsibility for human rights violations in Myanmar.

In 2018 the UK was instrumental in delivering targeted EU sanctions against 14 military individuals, including four of the six military commanders mentioned by the UN FFM. These sanctions constitute an asset freeze and travel ban. After the Implementation Period these designations will become part of UK law under the Sanctions and Anti-Money Laundering Act 2018. We also worked to secure a high-level political commitment amongst EU Member States, in October 2017, to review all practical defence engagement and to ensure that senior figures in the Myanmar military are not invited to the UK or the EU.

The UK has announced its intention to establish a UK autonomous global human rights sanctions regime which would allow us to respond to serious human rights violations or abuses anywhere in the world. Though we cannot speculate on designations, the sanctions regime could be used as a tool to hold perpetrators of serious human rights abuses or violations to account. Under this regime designated individuals could face an asset freeze and/or travel ban.

The UK has also worked to secure a tightening of the EU Arms Embargo. The embargo prohibits the export of dual-use goods, places restrictions on exports of communications

equipment and military cooperation. As a result, the UK revoked all extant licences which were not consistent with the new measures.

We do not support the introduction of blanket financial and trade sanctions. These have not been effective tools against the military in the past but would seriously damage positive economic development in the economy. They would for example hit the jobs and incomes of half a million women in the garment sector, which has already been hit hard by the COVID-19 crisis.

Q11. Are you still supporting the peace process between the military and ethnic groups?

While the peace process faces considerable challenges, it remains the only nationally owned process for resolving Myanmar's long-running conflicts. Ultimately only a political dialogue leading to a political settlement will lead to a lasting solution to Myanmar's complex and long-running internal conflicts.

It is vital that we continue to sustain support for dialogue between the Government and ethnic groups or there is an increasing risk that violent conflict escalate as a means of resolving grievances. We continue to call for de-escalation, particularly in Rakhine and southern Chin. We have been engaging closely with the Government and ethnic groups to explore the opportunities for enhanced operational dialogue on key health issues in the context of the COVID-19 pandemic.

The UK continues to play an important role in supporting conflict resolution in Myanmar, where we provide political and financial support to the nationally owned peace process which the UK currently provides support through the CSSF to the multi-donor Joint Peace Fund. Additionally, through other DFID programmes, UK supports different aspects of peacebuilding which are working to address conflict drivers as well as to promote social cohesion, support local level peacebuilding provide technical advice and expertise on specific issues such as natural resource management.

The UK plans to continue to fund the Joint Peace Fund through the CSSF and is discussing options with fund members to pivot funding to focus on COVID-19. Due to the outbreak, the Government and ethnic armed groups have delayed peace talks to the end of April. It is likely this will be delayed further.

Q12. What is your assessment of the recent parliamentary vote that rejected efforts to limit the political power of the military?

Given the present constitutional requirement for amendments to receive the support of greater than 75% of MPs, coupled with the fact that 25% of MPs are military representatives, it is unsurprising, if disappointing, that attempts to limit the military role in politics were unsuccessful. The attempt nonetheless signals the desire of the present administration to continue to advocate for change on this issue and increase civilian control of the political system. It will also likely provide an important platform for campaigning in the 2020 General Elections currently scheduled for later this year.

We urge the National League for Democracy (NLD) to engage proactively with other political parties, particularly those representing ethnic minority groups, on issues of constitutional reform.