

# **Co-Chairs' Summary<sup>1</sup>**

## **Experts' Roundtable on the Myanmar/Bangladesh Crisis**

**16 April 2018**

**held at the  
University of Ottawa**

On April 16, 2018, representatives of some thirty humanitarian and human rights organisations, think tanks and academia met together with representatives of Rohingya and advocacy groups for a day-long Experts' Roundtable on the current crisis in Myanmar and Bangladesh.

The purpose of the Roundtable was to exchange views, inform the understandings and decisions of participating organisations, and to develop concrete and actionable recommendations for the consideration of the Government of Canada, with regard notably to Canada's role in the April 22-24 meeting in Toronto of G7 Foreign Affairs and Security Ministers and other multilateral fora, such as the Commonwealth and the United Nations.

Hosted by the Human Rights Research and Education Centre at the University of Ottawa, the Roundtable benefited from inputs from The Honourable Bob Rae (Canada's Special Envoy to Myanmar), Allan Rock (former Canadian Minister and Ambassador to the UN), Nobel Peace Laureate Mairead Maguire, Rohingya lawyer Razia Sultana, and The Honourable Lloyd Axworthy (former Canadian Foreign Minister and Chairperson of the World Refugee Council). Canadian officials attended some portions of the meeting.

Building on the [report](#) of Canada's Special Envoy to Myanmar, discussions were structured around three main areas requiring urgent and coordinated action by the international community: the humanitarian crisis; civilian protection and refugee reintegration; and the question of impunity. Discussions on all three issue areas recognized that the current crisis in Myanmar and Bangladesh is only the most recent and severe manifestation of several decades of marginalization of ethnic minorities in Myanmar. Solutions will therefore need to be multi-pronged, coordinated and sustained over several years.

The challenges may be summarized as follows.

### **HUMANITARIAN CRISIS**

The influx of Rohingya asylum-seekers into Bangladesh has created a humanitarian disaster of epic proportions. Between August 2017 and March 2018, more than 670,000 Rohingya have sought asylum in Bangladesh. No less than 865,000 Rohingya refugees now reside in Bangladesh. Of these, some 52% are women, with many female-headed households. Refugees cite their main reasons for flight as fear for their safety and security, arbitrary arrests,

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<sup>1</sup> This statement is a general summary of the meeting which does not purport to capture all expressed views nor to reflect consensus. Rather, it constitutes an appreciation of the Co-Chairs alone.

and restrictions on movement and denial of livelihoods. Reports of sexual violence – both against fleeing refugees and within camps – are high. With the approaching monsoon season upon us, more than 100,000 people are at direct risk of being affected by landslides and flooding. The activities of UN agencies and international non-governmental organizations (INGOs) within northern Rakhine are substantially constrained and limited. Rohingya continue to flee Myanmar. It is unknown how many Rohingya still live in Maungdaw, Buthidaung, and Rathedaung Townships. In central Rakhine State, an estimated 130,000 Rohingya are living in displacement camps, while another 200,000 Rohingya live in rural villages. It is clear that the overwhelming majority of Rohingyas are now outside of Myanmar, having fled their homes.

It is essential that donors support INGOs and UN agencies in order to maintain the capacity and capability of providing timely and effective humanitarian assistance to affected populations, including to returning refugees as soon as it is possible to do so. UN agencies have released a Joint Response Plan aiming to gather US\$950.8 million for the next year to address urgent and prolonged needs relating to: shelter, food and nutrition security; water and sanitation; education, literacy and vocational skills; and sexual and reproductive health and rights, including support for survivors of sexual and gender-based violence. Particular attention must be paid to the needs of vulnerable populations, including women, children, elderly, injured, and disabled people. Further support is needed to sustain an adequate and rights-based development response over the medium- and long-term. The needs of those displaced and at risk inside Myanmar need urgently to be assessed and addressed. Without unfettered access, the international community will face the dilemma of having to use Government of Myanmar channels to provide relief and recovery, without assurance of the humanitarian principles of neutrality, impartiality and need – resulting in further jeopardy for the well-being of those Rohingya inside Myanmar.

## **CIVILIAN PROTECTION AND REFUGEE REINTEGRATION**

The Rohingya today constitute the world's largest stateless people, with hundreds of thousands resettled across South and Southeast Asia, Saudi Arabia and the USA, as well as smaller numbers resettled in other countries around the world. About one million Rohingya are now refugees living in the area of Cox's Bazar, Bangladesh. The Government of Myanmar has evidently failed in their responsibility to protect the Rohingya people such that the responsibility for refugees and the internally displaced now falls on receiving states and the wider international community. Although some women report feeling safer than they did prior to and during displacement, protective mechanisms within settlement areas and pre-existing camps are limited and largely overwhelmed. Relocation of identified vulnerable families to safer places has started, but is very slow due to limited space. Fears to relocate may increase protection risks. The establishment of new temporary camps or camp-like settlements in Myanmar carries many risks, including long-term confinement of returnees and IDPs within the camps. As stated by The Honourable Bob Rae, "Left on their own, refugee and IDP camps will become centres of

death, disease, crime, human trafficking, extremism and corruption. It would be unconscionable to ignore these issues or to wish them away.”<sup>2</sup>

The international community has expressed grave concerns about the prospective repatriation process, and is strongly advocating that repatriation must be voluntary and only in conditions of safety, security and dignity. Returnees must be ensured full respect of their human rights including access to basic services and opportunities for livelihood without discrimination. A fundamental concern is that people should be able to return to their place of origin – and not be put in camps. There is currently no evidence that refugees would choose to return to Myanmar under the current conditions. Before repatriation can be considered, Myanmar must break the cycle of violence in Rakhine, recognize the Rohingyas’ right to self-identification, restore their citizenship, and ensure respect for all their human rights. The establishment of Protected Areas, monitored by international observers, may be necessary to ensure the safety of returnees until such time as displaced people are deemed safely reintegrated.

### **QUESTION OF IMPUNITY**

Since long before the events following August 25<sup>th</sup>, 2017, human rights organizations and internationally mandated independent experts have reported serious violations of human rights against the Rohingyas on a widespread, systematic and ongoing basis including a range of international crimes. In the recent situation, international observers have documented the burning and bulldozing of hundreds of villages throughout Rakhine State. Independent reports point to widespread killings of civilians and the existence of mass graves in Maungdaw District. Numerous testimonies point to the widespread and systematic use of sexual violence by the Myanmar Armed Forces and security services or their proxies. It is also apparent by actions of the Government of Myanmar to block or control possible returns that there is no intention to facilitate the right to return of all those who have fled. A lack of accountability for crimes committed in Rakhine risks emboldening the Myanmar Army to escalate offensives against other minorities in other parts of Myanmar. The stalled democratization and peace processes are undoubtedly negatively affected by the prevailing impunity and its implications including for regional peace and stability. As such, it is imperative to hold accountable those responsible.

Participants broadly supported The Honourable Bob Rae’s recommendation for Canada to play a leadership role in responding to the current crisis and its long-term implications for the affected populations, for Myanmar and the region, and for international peace, security and development. Leadership is needed across the range of concerns, both on the ground and through the spectrum of needed diplomatic initiatives. Priority should focus on achieving open access to all affected areas for humanitarian actors and human rights mechanisms as well as the media in order to investigate, document, collect and consolidate information, map, analyze

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<sup>2</sup> Rae, Bob. “Tell them we’re human”: What Canada and the world can do about the Rohingya Crisis. Report of the Prime Minister’s Special Envoy, The Honourable Bob Rae. [http://international.gc.ca/world-monde/assets/pdfs/rohingya\\_crisis\\_eng.pdf](http://international.gc.ca/world-monde/assets/pdfs/rohingya_crisis_eng.pdf) (p. 13).

and maintain evidence relating to allegations of violations of human rights and international criminal law. Canada is comparatively well placed to lead.

Taking into account the above observations, recommendations include the following:

## RECOMMENDATIONS

### With regard to the humanitarian crisis:

- **Humanitarian funding.** Provide new and additional multi-year funding, at a minimum of \$150 million per year, to address the immediate humanitarian needs and to prevent a further deterioration of conditions during the approaching monsoon, and encourage other G7 countries to follow suit. In keeping with the Joint Response Plan, the humanitarian response needs to be comprehensive and integrated, addressing a range of sectoral needs. Protection should be mainstreamed across all interventions, including stand-alone funding for prevention and for responses to gender-based violence.
- **Humanitarian access.** Work with the G7, UN, the Commonwealth, the Organization of Islamic Cooperation (OIC), the Association of Southeast Asian Nations (ASEAN) (and its Regional Forum – of which Canada is part), and bilaterally with the Governments of Bangladesh and Myanmar, among others, to facilitate sustainable and unfettered access of humanitarian organizations and actors into the Rakhine State to deliver needs-based support, in accordance with humanitarian principles. This access should include: consistent and predictable Memoranda of Understanding; work permits and visas for all humanitarian actors; access to allow on-the-ground independent assessments of conditions; and the ability to monitor these conditions.
- **Host communities.** Support a multi-pronged, multi-year, whole-of-government approach to address a range of challenges going beyond immediate humanitarian needs to address the short to medium-term needs of the host communities and of the Government of Bangladesh. This should include working with the Government of Bangladesh to establish and strengthen in-country coordination mechanisms in order to: better facilitate a timely humanitarian response at all levels of government; expand the scope of eligible humanitarian interventions; ensure all humanitarian actors have access to relevant and timely information and intelligence; facilitate access to appropriate work permits and visas for the duration of humanitarian programs; and provide for sustainable and unfettered access, and the ability to operate according to the humanitarian principles.
- **Conditions for return.** Commit to a process to establish the conditions in Myanmar necessary for the safe, sustainable, voluntary, informed and dignified return of the refugee population, as well as guaranteeing the security, with full rights and freedoms, of the Rohingya population still living in Myanmar.
- **Comprehensive Refugee Response.** Working in collaboration with the World Bank and the Government of Bangladesh, support a Comprehensive Refugee Response Plan to help support the host population of Cox's Bazar and generate infrastructure and other programming.

- **Root causes.** The root causes of the crisis should be addressed. Beyond immediate needs, Canada should support programs that address longer-term local efforts to promote democracy and human rights in Myanmar under the rule of law. Such support should be flexible enough to respond to changing and evolving needs, and ultimately support sustainable peace and development.
- **Advocacy.** Canadian humanitarian and human rights organisations should commit to raising public awareness about the growing needs of the Rohingya crisis, with a view to mobilizing additional support.

**With regard to civilian protection and refugee reintegration:**

- **Durable solutions.** Canada should seek durable solutions in Myanmar, which address the issues that led to the initial displacements in and from Myanmar including, among other issues: withdrawal of citizenship, restrictions on freedom of movement and access to basic services, unjustified interferences in family life and livelihoods, and general discrimination and marginalization. Canada should seek protection and reintegration with due regard to overall development and sustainable peace.
- **Systemic issues.** Attention should be given to address systemic issues including lack of rule of law, community cohesion, civil unrest and reconciliation. In these regards, support should be given to Track Two and grass roots initiatives.
- **Root causes.** Canada should support implementation of the Annan Commission's report vis-à-vis the root causes of the current crisis, including chronic under-development, poverty and landlessness.
- **International observers.** International observers, including the UN and INGOs, should be allowed unfettered access, able to move freely, provide assistance, observe and report upon the situation over a significant period of time and across Rakhine State. The establishment of Protected Areas, monitored by international observers, may be necessary to ensure the safety of returnees until such time as displaced people are deemed safely reintegrated.
- **Protection.** The Government of Bangladesh should be encouraged to ensure the protection of Rohingya refugees and, in doing so, supported with material and financial assistance as well as technical advice and assistance including programming.
- **Feminist approach.** Canada's Feminist International Assistance Policy and related instruments should be explicitly supported and applied in planning, programming and action.
- **Responsibility to Protect.** Canada should encourage international reflection on the Responsibility to Protect and the failure of the multilateral system to invoke it in such an obvious case of the unwillingness of Myanmar to protect the Rohingya people.
- **Rohingya empowerment.** Canada should pro-actively support empowerment of the Rohingya people notably by means of convening a conference of Rohingya leaders from around the world and by facilitating higher education for Rohingya youth who will be the next generation of leaders.
- **Resettlement.** A variety of options for resettlement should be considered with a view to relieving immediate pressures, including possible resettlement for the most vulnerable with due burden-sharing amongst like-minded countries.

- **Whole of government response.** A Rohingya Working Group should be established within the Government of Canada to ensure a “whole of government” response and effective policy.
- **International Working Group.** Canada should initiate establishment of an “International Working Group” at multi-lateral level, including at the UN and relevant other intergovernmental fora (notably ASEAN).
- **UN Refugee Agency.** Canada should support the implementation of the MoUs between UNHCR and the Government of Bangladesh, and encourage the conclusion of a complementary MoC with the Government of Myanmar, to ensure repatriation with full respect of international norms and standards.

**With regard to the question of impunity:**

- **Wide approach.** As an original supporter of the International Criminal Court and the Rome Statute, and in support of the international rule of law, Canada should take a wide approach to the question of impunity that is not limited to justice for past crimes, but also stopping current human rights violations and preventing future ones. Among other efforts, Canada should support and finance specialized INGOs and civil society groups working in Myanmar and surrounding countries. There is a clear need to support the vital work of local NGOs who have been leading over the past 25 years in human rights documentation and promotion, including offering training on gathering prosecutable evidence if needed.
- **Evidence collection and preservation.** Canada should invite professional prosecutors to help devise a strategy to gather evidence (including testimonies of those who fled violence in Rakhine State) and ensure the evidence collected is of admissible character. The many Canadians with experience in prosecuting international crimes should be engaged to guide this process. Canada should also consider supporting the establishment of a documentation centre at Cox’s Bazar in Bangladesh.
- **ICC referral.** Canada should lead like-minded States within the UN to request the UN Security Council refer Myanmar to the International Criminal Court, notwithstanding a possible veto by certain Permanent Member States.
- In addition to an ICC strategy, and given likely paralysis within the UN Security Council in the face of mass atrocity crimes, Canada should take the lead in setting up an international mechanism to gather, collect and preserve evidence of atrocity crimes.
- **ICJ opinion.** Canada should take the lead in mobilizing the UN General Assembly to seek an Advisory Opinion from the International Court of Justice regarding breaches by Myanmar of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
- **Lead:** Canada should use its convening power and engage the world to find a solution for the plight of the Rohingya. It should mobilize the G7 as it meets this June in Quebec and have its members establish a working group on the Rohingya crisis, extending into the UN, ASEAN, and other organizations and partnerships.
- **Targeted sanctions.** Canada should propose that G7 members collectively implement targeted direct sanctions against individuals responsible for ordering or carrying out international crimes against the Rohingya, as well as those aiding, defending or covering

such violations. Sanctions against State-owned enterprises should also be considered, as well as a ban on selling weapons to Myanmar. Consideration should also be given to the possibility of confiscating the assets of those responsible for the forced displacement of the Rohingya, with funds seized to be directed to refugee operations and humanitarian assistance programs.

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