

Humanitarian Organizations call for Guarantees of Safety and Rights for Refugees before Return to Myanmar Commences

As international NGOs operating in Rakhine State, Myanmar, we are concerned about the announcement made last week by the Governments of Bangladesh and Myanmar to commence returns of refugees from Bangladesh to Myanmar within two months. We commend the commitment of the Governments of Myanmar and Bangladesh to facilitate this process in line with international standards and we uphold the fundamental right of refugees to voluntarily return to their place of origin. However, we urge that the rights, safety and protection of returnees must be guaranteed before any returns process commences.

The rapid outflow of more than 626,000 people from Rakhine State to Bangladesh since August 2017 demonstrates that all communities were in great fear for their safety. We now know from the firsthand accounts collected from refugees who fled to Bangladesh about the violence and human rights violations they have suffered. As demonstrated in numerous consultations, refugees in Bangladesh are still severely traumatized by their experiences. They have told us that they can only return to Myanmar if they receive express guarantees that the violence and human rights abuse from which they fled will not continue and they will enjoy full and equal human rights and freedoms upon their return.

The governments of Myanmar and Bangladesh must ensure that the following conditions are met for repatriation to Myanmar to be completely voluntary, in safety and dignity and in line with international standards:

Refugees must be protected against forced returns to a country where the violence and human rights abuses from which they fled are still ongoing and from which more people continue to flee.

Refugees should be able to make informed decisions to return based on comprehensive and independently verifiable information about the conditions in the locations of return. Full, free and independent information about any repatriation plans should be communicated transparently, sensitively, and accurately with refugees to avoid fear and panic.

UNHCR should have a lead role in any repatriation operation in line with international standards on voluntary repatriation. This includes giving UNHCR full access to refugees in Bangladesh to provide refugees with full, free and impartial information on conditions and modalities of return and to ascertain that they are choosing voluntarily to go back. In Myanmar, UNHCR should have guaranteed access to all areas of return to monitor the safety and security of returnees.

Returnees should be allowed to return to their original homes and/ or land, or to a place of their choice. There should be no form of closed camps or camp-like settlements. INGOs will not operate in such camps if they are created.

Fair and equitable compensation and/ or restitution of land, property and assets lost, destroyed or confiscated in Myanmar should be provided as a condition of return.

These guarantees must be accompanied by concrete and transparent plans to hold perpetrators to account, including time-bound measures to allow for an independent fact-finding mission into allegations of human rights violations and a judicial process to hold perpetrators to account and instil confidence in the survivors.

The full and equal rights of returnees must be guaranteed. This includes ensuring full and equal rights to freedom of movement, freedom of religion, freedom of expression and association, rights to work and own land and property, education, including higher education, health care and other basic services.

Humanitarian agencies should be granted unfettered and sustained access to all affected populations to independently assess needs and provide comprehensive assistance and protection to all communities according to their need and to support the creation of an enabling environment for safe and sustainable return.

Unfettered access to all areas of Rakhine State for independent third parties, including journalists and human rights observers, should also be granted as soon as possible.

Concrete plans and efforts to address root causes of the refugee crisis should be an integral part of any returns process. The recommendations of the Advisory Commission on Rakhine State report, including those on citizenship, should serve as a blueprint for addressing these root causes. While INGOs are encouraged to see the creation of the Implementation Committee for the Advisory Commission on Rakhine State recommendations, we are concerned that it should include representation and participation from affected local communities, the UN and humanitarian organizations, as well as other stakeholders, to achieve real progress at the local level.

Interlinked with the Government's progressive implementation of the Advisory Commission on Rakhine State recommendations on human rights and humanitarian concerns, the international community must also take steps to engage with the Government in implementing those recommendations that promote development of Rakhine State for all its people.

Efforts to promote reconciliation, reintegration and peaceful co-existence and harmony between communities must be prioritized within Rakhine State for

returns to be safe and sustainable and to avoid future cycles of violence and displacement. The international community should work closely with Rakhine authorities and civil society organizations to achieve this.

As agencies with a significant presence and long history of support to all communities and local Government in Rakhine State Myanmar, we stand ready to support those who wish to return when it is safe and sustainable for them to do so. We are committed to helping all groups who have been impacted by the recent violence to recover and rebuild their lives and to support all groups who live in Rakhine State to achieve equality, prosperity and peace.

Care International
Save the Children
Consortium Dutch NGOs
Solidarites International
Action Contre La Faim
World Vision International
Church for Sweden
Lutheran World Federation
Oxfam
Norwegian Refugee Council
Medecins Du Monde
Mercy Corps
Handicap International
People In Need
Action Aid