

Shared obstacles to return: Rohingya and South Sudanese

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The common barriers to return in the cases of Rohingya refugees and South Sudanese IDPs prompt serious questions about how to ensure the safety and voluntariness of returns.

On 15 November 2018, several buses pulled up at the Unchiprang camp for Rohingya refugees in Bangladesh, organised as part of a repatriation agreement between the governments of Bangladesh and Myanmar. The buses remained in the camps all day but left empty. Not a single Rohingya refugee volunteered to return to Myanmar. The exercise was spoken of by Bangladesh and UN officials as a successful demonstration of their commitment to voluntary return, even though it resulted in a spike in mental health difficulties among an already highly traumatised population.

Around the same time, political pressure was building in South Sudan in favour of the return of internally displaced people (IDPs), despite serious concerns about ongoing insecurity and the ability to provide services safely in the proposed areas of return. The seriousness of these concerns was highlighted in late November when 125 women, many of them IDPs, were sexually assaulted over a period of just 10 days on their way to gather supplies or to reach food distributions near the town of Bentiu.

These are just two of a growing number of countries where political pressure for forced or premature returns is growing. Similar dynamics are at play in Afghanistan, the Central African Republic, Ethiopia, Iraq, Syria and Venezuela. With shrinking space for traditional solutions to displacement (resettlement, integration and voluntary repatriation), there is an increasing risk of forced returns – returns that fall short of international standards of safety, voluntariness and dignity.

Rohingya refugees and South Sudanese IDPs

Today approximately one million Rohingya refugees live in camps in Bangladesh, the vast

majority having been forced to flee a campaign of ethnic cleansing in Myanmar since August 2017. Several hundred thousand Rohingya remain in Myanmar's Rakhine State with heavily restricted rights and restricted access to outside aid. Among these, more than 120,000 internally displaced Rohingya have been living in displacement camps in Rakhine State since 2012 in what the UN has described as deplorable conditions. While it is noteworthy that, as of the time of writing, the Government of Bangladesh has not forced any Rohingya to return to Myanmar, the pressure for such returns is building. The events of 15 November 2018, and a similar exercise with similar results in August 2019, showed a willingness to push returns to the brink, without regard to its damaging effect on the population in question.

Similar pressure for returns is playing out in South Sudan, particularly for the nearly 200,000 IDPs living in Protection of Civilians (PoC) sites overseen by the United Nations Mission in South Sudan (UNMISS). The PoC sites have been described as both the UN's best idea and its worst idea in South Sudan. On the one hand, they undoubtedly saved tens of thousands of lives as UN peacekeepers offered refuge to fleeing civilians in the midst of violence. On the other hand, the PoC sites were only meant to provide refuge for a few days; more than five years later, they are rife with crime, services are strained, and the population is largely idle and frustrated. A peace agreement signed in September 2018 reduced violence in South Sudan and sparked increased discussions of returns not only for those in PoC sites but also for the rest of the 1.5 million IDPs and some 2.3 million South Sudanese refugees who have fled to neighbouring countries. In the PoC sites, in particular, discussions have shifted from caution to – as one observer told the

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author – stepped-up efforts toward closure of PoC sites being the “accepted reality”.¹

Common obstacles to return

Ongoing insecurity: Interviews with recently arrived Rohingya refugees in Bangladesh in February and April 2019 highlighted continuing harassment, arbitrary arrest and forced labour in Myanmar, and revealed that the Government of Myanmar is not only failing to create conditions conducive to return but is actively pursuing policies that are making the situation more dangerous. These policies include restrictions on freedom of movement, limiting of access to aid, and building over former Rohingya villages. Fighting has broken out between a non-Rohingya ethnic armed group and the Myanmar military in northern Rakhine State where Rohingya refugees would be likely to return.² Similarly, for South Sudanese in PoC sites, ongoing insecurity is among the most cited reasons given for not returning. Pockets of instability remain and many people in the PoC sites fear ethnic targeting if they attempt to return to the areas from which they were forced to flee. Finally, sexual violence remains a widespread risk in South Sudan.

Destruction and confiscation of homes and property:

Even if relative security and safety

are established, displaced people often have no homes to return to. Nearly 400 Rohingya villages were damaged or destroyed during military ‘clearance operations’. Scores of remaining homes, mosques and other buildings have been bulldozed, and non-Rohingya have been moved into former Rohingya villages.³ Likewise, in South Sudan many homes were destroyed in the fighting, and housing, land and property concerns are among the most common barriers to return cited by IDPs. As one IDP said, “If I was told to go home now, I could not. My home has collapsed [after being damaged] and been looted.” As in Myanmar, there is an ethnic element in some cases, with homes that have been abandoned by ethnic minorities in Malakal and Juba being taken over by members of the dominant Dinka tribe.

Absence of services and livelihood

opportunities: A third common barrier to returns is the absence of services and livelihood opportunities in proposed areas of return. With Rohingya in Rakhine State (particularly the north) still facing heavy restrictions on freedom of movement and access to aid, refugees recently arrived in Bangladesh from Myanmar describe having been unable to leave their villages to access fields, fish in rivers or go to nearby markets. Rohingya in Bangladesh understandably ask if



Rainy season in Rohingya camp, Bangladesh.

their lives upon return would be any different from those of Rohingya who have been living in camps in Rakhine State. The World Bank has proposed a US\$100 million development project in Rakhine State to increase livelihood opportunities but funding development without addressing ongoing discrimination and movement restrictions risks reinforcing the results of ethnic cleansing.

In South Sudan, a similar lack of services or livelihood opportunities in places of return is preventing people in PoC sites from returning to their homes. UNMISS and humanitarian actors have attempted to move services outside PoC sites in Bentiu and Wau, but with mixed results; such moves will only be successful when combined with enhanced security in the area. Finally, as in Rakhine State, efforts to provide services and livelihood opportunities in South Sudan must be done carefully to avoid reinforcing population shifts that have resulted from ethnic targeted violence and to avoid further disenfranchisement of ethnic minorities.

Failure to include and inform potential returnees: Government and UN plans for returns too often lack transparency and leave out the people most affected. This calls into question the true voluntariness of returns and raises serious concerns about the imperative to 'do no harm'. The events of 15 November 2018 highlighted this. With no knowledge of who was included on the list of approved Rohingya returnees and no details about how the returns would take place, the exercise resulted in general panic in the camps and even suicide attempts. Far from being a successful demonstration of commitment to voluntary return, the exercise was a dangerous warning about the consequences of failing to involve and inform a refugee population. More broadly, Rohingya have not been included in agreements on repatriation between Bangladesh, Myanmar and the UN, nor have the contents of those agreements been released publicly.

In South Sudan, efforts have been made to address the barrier of lack of information but a lack of transparency remains a challenge. UNMISS has carried out some successful

'go-and-see' visits and has helped to facilitate flights to places of return for some IDPs but information about the potential closure of PoC sites and IDP camps has been lacking. Humanitarian workers in South Sudan have raised concerns including inconsistent use of intention surveys, lack of sufficient security- and conflict-sensitivity assessments and general lack of information sharing between UNMISS and humanitarian actors providing services in PoC sites. Updates to UNMISS's mandate in March 2019 included a call for close collaboration with NGOs on the future of PoC sites but how this will be implemented remains to be seen.

Root causes: At the risk of overgeneralising, a final key barrier to returns is the failure to address root causes. In the case of the Rohingya this includes systemic discrimination and the fundamental denial of citizenship and basic rights, rendering the Rohingya effectively stateless. In South Sudan, a governing kleptocracy has fuelled ethnic divisions for personal gain, exacerbating underdevelopment. In both cases impunity for mass atrocities are holding back safe and voluntary returns. Failure to recognise and address these root causes will foil efforts to address any of the barriers identified above.

Recommendations

An essential first step is to acknowledge ongoing insecurity where it exists and to take specific steps to address it before returns begin. Safety of returns must be better assured, whether through improved security assessments and conflict sensitivity assessments or closer engagement with displaced communities, including through expanded use of 'go-and-see' visits.

The common challenge posed by homes having been destroyed or occupied could be better addressed by drawing on existing broader research and practice on housing, land and property and applying it to the specific context of returns. This could include ensuring housing, land and property laws and specialised courts are in place or included as part of peace agreements.

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Provision of services and support for livelihood opportunities in areas of return will also be an important part of ensuring sustainable returns but such efforts must be underpinned by assessments of ongoing insecurity and discrimination. Providing services without security puts lives at risk and development without addressing ethnic dislocation and restricted movement risks stoking social tensions and reinforcing the discrimination that leads to violence and displacement in the first place.

Finally, no return can be truly voluntary unless the potential returnees are sufficiently informed. Further, even when forced returns do not ultimately take place, lack of transparency in the process can cause grave harm. Efforts should be made to ensure that return plans are transparent and that potential returnees are included in planning.

Failure to focus on the barriers to returns and how to overcome them, and on the root causes of displacement, not only risks causing harm to forcibly displaced populations but also risks setting up the conditions for future displacement and additional suffering.

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