The present note focusses on the situation of IDPs in Ramree, Ka Nyin Taw and Kyein Ni Pyin camps in Rakhine State and aims to provide some information and analysis on the relocation process currently underway for these IDP populations. While acknowledging and welcoming the strong engagement by the authorities of Rakhine State to identify and realize solutions for these IDPs, the note also calls upon the relevant authorities to ensure that relocation operations are always carried out in line with key protection standards and principles:

- Consultation, participation, voluntariness, safety and dignity.
- Access to housing, land and property restitution and compensation mechanisms, as well as effective remedies, for displaced populations.
- Participatory evaluation of solutions to displacement in a fair manner, and based on sound situational analysis.
- The choice to relocate, in the absence of the option to return to the IDPs’ place of origin, must not be regarded as a renunciation of the right to return in safety and with dignity to the original place of residence, should that choice later become feasible.
- Special consideration, assistance and support should be provided for vulnerable persons, such as child-headed households, women-headed households, elderly persons, persons with disabilities, etc.
- Freedom of movement, access to livelihoods and basic services and – where needed – reintegration support should be provided to returnee/relocated displaced persons to enable them to resume “normal” lives.

1. Background information

In Rakhine State, inter-communal violence in 2012 led to the displacement of approximately 145,000 people. About 25,000 of these IDPs were assisted to either return, relocate or locally integrate by the end of 2015 with individual housing being provided by the Rakhine State Government with support from the international community. Today, some 120,000 IDP remain in 36 camps or camp-like settings across Rakhine, of which about 79% are women and children.
In September 2016, an Advisory Commission on Rakhine State led by Kofi Annan (hereinafter referred to as “The Commission”) was established at the behest of Myanmar’s State Counsellor to analyze the situation of all communities in Rakhine State and seek to identify the factors that have resulted in violence, displacement and underdevelopment. In doing so, the Commission considered humanitarian issues, living conditions, access to health, education and livelihoods, the question of citizenship and freedom of movement, and the assurance of basic rights. In March 2017, the Commission released a set of interim recommendations within five thematic areas: conflict prevention, humanitarian assistance, reconciliation, institution building and development.

The 8th recommendation of the Commission lays out two main objectives for the closure of IDP camps in Rakhine State, i.e. the development of a comprehensive strategy by the Government and, more immediately, as a first step and sign of goodwill, the facilitation of return and relocation of IDPs from three locations namely Ramree (55 Kaman Muslim households), Kyein Ni Pyin (215 Muslim households originating from Min That Phar village) and Ka Nyin Taw (approximately 65 Rakhine households ready to move to an already identified relocation), based on the established feasibility and safety of their return, including the establishment of a designated security unit to ensure safety of returnees and neighboring communities.

While the closure of Ramree and Ka Nyin Taw IDP camps is well underway, the closure of the Kyein Ni Pyin camp hosting the 215 Muslim families from Min That Phar village is proving more difficult.

2. Protection Situation Analysis

Protection monitoring missions were carried out in Kyauk Phyu on 1 May, Pauktaw on 3 May and in Yangon on 3 May 2017. These are the key findings of these missions:

a) Ramree town, Ramree township (Kaman Muslim IDPs)

The closure of the camp hosting the Kaman Muslims in Ramree (55 households, the majority of whom are full citizens) is well underway. Most of the IDPs have already moved to Yangon. Some 16 families are still residing in the camp and most of them are expected to relocate until June 2017. Among these IDPs, some school teachers are waiting for transfer orders from the Ministry of Education to be able to move to Yangon, most likely at the end of May before the new school year start. It is anticipated that a few IDP families will remain in Ramree for work or family related reasons mainly.

Initially, most of the IDPs in Ramree wanted to return to their place of origin and had made their intentions known to the authorities (both Union and local), during a series of consultations in Ramree and Yangon with both the leaders and the community at large. However, they were not permitted to do so, not in the least because of opposition from the Rakhine community, echoed by authorities at local and Union level. In a statement issued on 26 April 2017, several Kaman political organizations claim that the authorities exerted some pressure on the IDPs to relocate to Yangon. The same statement calls upon the Myanmar authorities to provide further support to the relocated IDPs.

While there was pressure used to convince Kaman IDPs to relocate to Yangon, all those whom UNHCR met with in the outskirts of Yangon on 3rd May expressed willingness to employ coping mechanisms in order to make their movement functional and did not express the wish to return to Rakhine because of the discrimination they were victim of there, but also for fear of conflict and lack of livelihoods opportunities.
They indicated they feel safer in Yangon. They expressed satisfaction for the financial support they received from the Government to relocate to Yangon, i.e. MMK 500,000 per family, plus an additional MMK 100,000 per family member as well as assistance with transport. Further livelihoods support is needed in Yangon to allow for the sustainable (re)integration of this group.

The relocated IDPs also stated that they would like to reacquire their assets in Ramree or at least be allowed to dispose of them. The question remains as to whether they will be able to re-claim the property they left behind when they were displaced as a result of inter-communal violence in 2012. Most of them used to own houses or businesses in Ramree town. Of note is that over 500 Kamans have moved from Ramree camp to Yangon since 2012. The recent arrivals have joined this community. At the moment the remedial avenues for this particular group remain unclear.

b) *Ka Nyin Taw camp, Kyaukphyu township (Rakhine Buddhist IDPs)*

The closure of the camp hosting the 65 Rakhine households from Ka Nyin Taw is nearly completed. A relocation site has already been identified and mutually agreed between the Rakhine State Government and the Rakhine Buddhist IDPs. The construction of individual houses and infrastructure (water, electricity, and walkway) has been completed. On 27 April 2014, 14 IDP families moved to the new relocation site, with the movement of the entire camp population expected to be completed by Friday 5 May.

IDPs were allowed to dismantle existing long shelters and take the materials to the new relocation site. The District Commissioner of Kyaukphyu plans to include individual houses as part of the existing administrative structure. Upon moving into their individual houses, IDPs have to sign a written agreement which stipulates that they own the land plot and the individual house but cannot transfer or sell their house for a total period of 5 years – the legality of this stipulation is being verified and followed-up on. Cash assistance (MMK 400,000) was provided to each and every family upon signature of the contract. In addition, two trucks were provided to transfer IDP household’s materials.

Generally IDPs are happy to move out of the camp and expect a better quality of life in their individual houses, despite some complaints about the necessity to replace the floor and the latrines. Complaints have also been received regarding the distance between the new site and the fish market as well as the school which means that children will have to walk for 30 to 45 minutes to go to school.

c) *Min Thar Pha community, Kyein Ni Pyin camp, Pauktaw township (Muslim IDPs)*

IDPs originally from Min Thar Pha were displaced in Kyein Ni Pyin camp which is located near their place of origin. Since then, they have enjoyed good relationships with their Rakhine neighbors who are living in their villages of origin, working the land together and spending large amounts of time together in the field for seasonal agricultural work. Some of the Min Thar Pha IDPs were also hired for casual labor by Rakhine families. Furthermore, all along, the Min Thar Pha IDPs have managed to continue working their land and to pay the annual taxes for agricultural land. This allowed them to maintain ownership of their land. However, the relationships between the Muslim and Rakhine communities became tense following the 9 October 2016 events in northern Rakhine with the neighboring Rakhine community fearing to be ostracized by the rest of their community due to their tolerant attitude towards Muslim IDPs.

Following a series of consultations with protection and development actors in 2016 and 2017, Min Thar Pha IDPs expressed their willingness to return to their place of origin. Given the reluctance of the Rakhine
community to receive them back, they proposed a relocation site located further away from the Rakhine community but from where they could access their land more easily.

However, according to information gathered during UNHCR mission carried out on 3rd May 2017, the Rakhine State Government (RSG) has started building individual houses for three IDP communities in Kyein Ni Pyin camp. While the Min Thar Pha community is not targeted at the moment, negotiations are on-going between the IDPs and the RSG on a mutually agreeable relocation site and the site development. However, IDPs of the three targeted communities in Kyein Ni Pyin camp, as well as the Min Thar Pha community, have all refused consistently the construction of individual houses on the camp site and requested to return to their places of origin.

On the issue of individual houses, the situation of newly married Muslim IDPs deserves special attention. In Myanmar, they should be automatically taken off their respective families’ household lists and start their own household lists, which does not happen for Muslims in Rakhine State. Furthermore, applications for permission to build an individual house are contingent upon a household list. In practice, this means that newly married Muslim IDPs cannot apply for an individual house/a new room in the long shelter and must continue living in long shelter, with the husband’s family as per cultural practice. For these reasons, some Muslim IDPs have been requesting the construction of individual houses for IDPs in this situation (new marriages that occurred during displacement).

During consultations with the Rakhine community at the place of origin of the Min Thar Pha IDPs, local community members shared their reluctance to accept the return of Muslim IDPs, especially in the aftermath of the 9 October 2016 events, citing fear for their security as the main reason. However, the Rakhine community stated that if the Min Thar Pha community was to be relocated to the location proposed by the Min Thar Pha IDPs (in close proximity to Kyein Ni Pyin camp), they would be amenable to the Muslim residents visiting the Rakhine villages and cooperating with them (hiring them, affording access to the Rakhine village, trading, etc.).

The current exercise of the government to build individual houses on camp sites where the IDPs currently live would further segregate these displaced Muslim communities and perpetuate a camp-like setting situation. Moreover, this approach is contrary to the Rakhine Commission recommendation which indicates return as the option by referring to the “construction of individual houses for the returnees, and take the appropriate measures to facilitate their reintegration into local communities”. By analogy, this unfolding scenario can be compared with what happened in Nget Chaung 1 camp (Pauktaw township) in 2016 where IDPs were housed in individual houses, and continued to live in a camp-like situation without freedom of movement and very limited and uneven access to livelihoods and basic services.

3. **Protection Sector’s considerations and key messages**

**Overall**

- Ensure that decisions on the return, relocation or local integration of IDPs are carried out based on proper situation analysis and in line with relevant protection standards, particularly adequate consultation, participation in decision-making, access to housing, land and property restitution or compensation mechanisms and the right to return voluntarily and safely absent of any form of discrimination. Such key protection principles should be clearly reflected in the Government’s Comprehensive Strategy suggested in the Rakhine Commission recommendations.
Encourage the Government to ensure consistency and equality in the provision of assistance to all IDPs who are returning, relocating or locally integrating, regardless of their legal status or religious background.

Remind relevant authorities of protection standards of voluntariness and consultations with the persons of concern and offer technical support in this regard.

Encourage the government to develop situation analysis where all return options are considered prior to implementing a relocation plan.

Encourage the Government to develop policies and procedures to facilitate the restitution and/or compensation for property lost by IDPs as a result of their displacement.

Ramree

Although the recommendations mentioned that the Government should support shelter reconstruction and returns to the place of origin of the Kaman IDPs (Ramree town), the Government has followed a different approach to close the camp by facilitating the relocation of the Kaman IDPs to Yangon. While consultations were held with the Kaman communities and financial support provided, a statement by the Kaman Ethnic Group of Ramree on 26 April stated that some families had felt pressured to accept the relocation and requested further support for rehabilitation of their places of origin and support for their sustainable relocation to Yangon. Such pressures contradict protection principles of voluntariness. Moreover, the impact of the relocation process on future property restitution claims by those IDPs remains unclear.

Remind relevant authorities of protection standards of voluntariness and consultations with the persons of concern.

Provide capacity-building to the relevant authorities on durable solutions and sensitize them on the differences between the closure of camps and solutions to displacement, highlighting the importance for IDPs to be able to resume their lives as close to the situations they had before displacement.

Secure tenure for lands/constructions given to IDPs as a result of their return/relocation.

Access to housing, land and property restitution and compensation mechanisms, as well as effective remedies, for displaced people.

Advocate for further support from the Government to the Kaman families who moved to Yangon to be considered so that their relocation is sustainable, dignified and safe.

Call for support for expedited issuance by the Ministry of Education of transfer orders to IDP teachers so that they can move to Yangon before the school term starts.
Ka Nyin Taw

Further infrastructural development should be carried out to ensure sustainability of the relocation of these families and the international community could be requested for specific infrastructure projects to be realized in the relocation site for Ka Nyin Taw to complement the Government’s efforts.

- While stressing the efforts accomplished toward a durable solution for this population and the provision of Government’s assistance to the relocated IDPs and noting the general positive feedback received from those who have already relocated to the new site, call for support to be provided to the remaining families to relocate and move into individual houses.

- Encourage authorities to carry out further infrastructural development (e.g. drainage system) of the relocation site to ensure sustainable, dignified and safe relocation.

- Seek clarity on the measures put in place to allow IDP land/property owners who have been relocated to re-claim their property/land, including agriculture/pasture land.

Kyein Ni Pyin

- Noting the 8th recommendation of the Advisory Commission on Rakhine State, encourage the Government to facilitate the return or relocation of the IDPs, remind the relevant authorities of the minimum protection standards of voluntariness, the right to return and property restitution and consultations with the persons of concern in the context of return/relocation operations and call upon them to respect the decision of those IDPs who do not wish to move to individual houses on the site of the camp or in close proximity. Stress that solutions should be sought in a consultative manner.

- Advocate with the authorities at State and Union level for consultations to be held with the Min Thar Pha community on solutions to displacement, even if return is not possible at this point of time.

- Urge that until such time solutions agreeable to all parties are found, the construction of individual houses cease immediately, unless expressly agreed to by the persons of concern.

- Encourage the RSG to act as a mediator between the Rakhine and Muslim communities to identify solutions to displacement that are mutually agreeable and beneficial to both communities and implement them in a consultative manner with respect for minimum protection standards of voluntariness, safety and dignity and for the right to return and housing and property restitution. Reiterate the support of the international community in this regard.

- Stress the importance for early recovery and development actors to engage in discussions on solutions to displacement and encourage them to work closely with the Government and protection actors to ensure sustainability of return or relocation.

- Advocate with RSG to develop clear criteria for house allocation if communities ask for them and widely publicize it.
➢ Stress the importance of adequate site development and urge the authorities to take into account WASH structures in the camps, which should remain usable in the aftermath of construction, with a view to possible health hazards if individual houses are built too close to them.

➢ Advocate with RSG for security of tenure for individual houses and the respective plots for all IDPs willing to receive them.

Protection Sector
Rakhine State, Myanmar
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