Protection Considerations on the ‘Majhi System’

Governance and participation in the Camps

- The current so called ‘majhi system’ was established by the Bangladesh authorities as an emergency response arrangement upon the sudden influx of a large number of refugees in August 2017, primarily for: estimating the population; identifying immediate survival needs; and linking the Rohingya refugees with emergency assistance from various providers. The ‘majhi system’ was not established with the participation of the Rohingya communities and consequently lacks any representation and accountability to the refugees. In the majority of cases, majhis were in fact appointed by the Bangladesh army. Majhis are not traditional leaders or elders nor necessarily respected members of the community. The ‘majhi system’ does not reflect the age, gender and diversity composition of the Rohingya refugee population with majhis being almost exclusively middle-aged men. Moreover, local experiences confirm that it is an unreliable system for distributions of humanitarian aid, as it does not reflect the needs and respect the minimum humanitarian standards, in terms of representation, impartiality, transparency and accountability. As such, it cannot be considered as representative of all refugee’s views and interests nor justified beyond the immediate aftermath of the emergency influx.

- The system creates and/or widens an unnecessary gap between the refugee communities and the humanitarian community by placing the majhis in a buffer position hindering the direct and meaningful participation of all women, girls, men and boys in decisions affecting their lives. This sometimes leads to several serious consequences such as: 1) Communication gaps in sending and receiving information between refugees and humanitarian organizations, as messages are being unnecessarily controlled in particular in terms of content; 2) Access to assistance hindrances and impact on the process of humanitarian distributions (i.e. control over quantities, inflation of distribution lists or exclusion and extortion); 3) Indirect engagement with refugees also hinders the identification of the community’s real and most serious protection risks, understanding their causes and effects and jointly deciding how to prevent and respond to them. Additionally, abuses of power done by majjis have overtime eroded the trust in the system and the humanitarian actors by the refugee population, as the regular utilization and consolidation of the ‘majhi system’ created the false impression of their legitimacy and acknowledgement of their empowerment. This has a considerable impact on individual decision-making ability, including important issues affecting refugee’s lives.

- Alongside other diversity determinants, the ‘majhi system’ does not respect or promote gender equality. Women are not represented and therefore are not participating in decision making. If some women and girls may want to attempt to act outside their cultural norms and empower themselves to equality, with the majhis reinforcing the existing strict cultural practices and judgements, the safe space to do that and develop their creativity and innovation is extremely limited.

- The urgent formation of representative committees at camp level through a transparent and consultative process with camp residents, would enable refugees to exercise their right to participate and influence the design and delivery of programs at all stages of the humanitarian response. In the Kutupalong and Nayapara registered camps where elections took place, in 2015 and 2016 respectively, refugees reported that elected refugee representatives have been more responsive and helpful than the previous system of appointed camp majhis. The formation of representative camp committees to replace the ‘majhi system’ in all camps, would
strenthen the delivery of unhindered and impartial humanitarian assistance, enhance accountability and encourage ownership as well as a sense of responsibility amongst refugees, while promoting sustainability of interventions by capitalizing on refugees' inherent capacities.

Community governance structures and participatory mechanisms should ensure that women, men, boys and girls of all ages and diverse backgrounds contribute to their own protection. The formation of representative committees at camp level enables refugees to exercise their right to participate and influence the design and delivery of humanitarian programmes at all stages.

UNHCR CCCM Manual, Emergency Handbook

Protection and Humanitarian Assistance

- While it is important to underline that allegations and reports cannot be generalized to all majhis indiscriminately and that refugees sometimes report trusting their majhi, complaints from the refugee community against some majhis have been recurrent and increasing across all camps. Protection partners have been documenting a significant number of complaints from beneficiaries who have faced difficulties in accessing humanitarian aid, where the ‘majhi system’ and the provision of lists to determine eligibility has been utilized. There have been serious allegations of corruption, extortion and charging fees for access to humanitarian aid, including with instances of violence and GBV. More specifically, many refugees claim that they have been requested to pay money in order to be included on lists of beneficiaries to be later handed over to humanitarian organizations to deliver assistance, resulting in many families who cannot or may not want to pay not receiving food or other humanitarian aid for significant periods of time. In other instances, majhis have been reported to be selling and buying cards and/or token for different humanitarian distributions in order to increase the profits of their business. There are also reports of women being forced to exchange sex in order to access resources and humanitarian aid. In general, refugees are uncomfortable reporting these issues, fearing that they will face some repercussions or even physical violence and abuse in retaliation for having shared the information. In order to avoid instances of abuse of power in accessing assistance and services, and to respect the humanitarian principle of Impartiality and Do No Harm, it is important humanitarian organizations do not rely uniquely on the lists provided by the majhis, but encourage instead distributions based on participatory, agreed, and crosschecked lists, as reliable as possible in the current camp setting. Similarly to the lists’ methodology, actors should also refrain from using cards and/or tokens distributed by the majhis themselves, as the only proof of entitlement to access services.

In two focus-group discussions (FGD) and two key-informant interviews recently conducted in one of the camps, interviewees mentioned that majhis provided them with different forms of help in exchange for money and one female refugee, during a FGD, mentioned that help was provided in exchange for sex. Another female refugee in camp 12 mentioned: “Everyone is not getting equal opportunities or support. Widows and abandoned women usually don’t get out of their home. Majhis give them support as they wish. Actually those who have no money, they have nothing. They are not paying enough attention to the actual needy people.”

Source: Protection Partner of the PSWG

1 UNHCR & REACH Camp Settlements and Protection Profiles available at: on the UNHCR data portal (https://data2.unhcr.org/en/documents/details/63821) and on the REACH Resource Center
• Contractors are reportedly often paying majhis to organize labor, hence creating a business for them and allowing an unfair financial benefit while exercising a discretionary power over access to casual employment opportunities and self-reliance incentives. In addition, cases have been documented where hired refugees have to pay a portion of their emoluments to the majhis who have ‘hired’ them. Some majhis have also in some cases selected children as young as 9-year-old to facilitate distributions or to work as couriers for construction sites, dangerously carrying construction materials to support the work. There are therefore serious protection concerns regarding child labour and labour in general, including instances of sexual exploitative nature and of different forms of abuses with the involvement of women and girls.

• As a result of their discretionary power and influence over the community, majhis are also often getting involved in family matters such as divorces, domestic violence and other forms of GBV, either directly by themselves or jointly with other members of the community such as Imams.

• In terms of physical safety and protection, in some areas of the camps more than others, reportedly influential majhis have informal control and power over the community in terms of limiting freedom of movement, sharing and preventing the share of information regarding safety, establishing informal curfews, passing security related messages in particular at night and trying to enforce cultural and behavioral norms. There is also evidence from protection monitoring, that the most vulnerable refugees are the easiest targets to be abused, as they often do not have the social influence, the protection mechanisms and/or the means of preventing and responding to potential abuse and exploitation. In addition, the current status of affairs does not favor reporting for fear of serious retaliations as mentioned above, but, in some cases, there is also no clear guideline on how the CIC should be responding after a report is received and what appropriate action should be taken.

• While proposals for the provision of ‘A Code of Conduct for Majhis’ have been suggested, the reinforced entrenchment of the ‘majhi system’ with their large sphere of influence on stakeholders existing in most of the camps, limits the realistic options for monitoring, regulating and effectively controlling their behavior. In addition, providing a written code of conduct for them, poses the risk of even further acknowledging and institutionalizing their role and functions, which would be a contrary effect to the intended purpose. Therefore a gradual and early shift to a more democratic process of choosing leadership structures representative of all segments of the population, is a key priority in ensuring good governance, stability and effectiveness of the protection environment in the camps and the equitable and unhindered provision of humanitarian assistance. In this regard, the Protection Sector WG will continue to work closely with the Site Management Sector in identifying the best way forward and implementing the necessary changes.2

2 Acknowledgment: This Note is prepared by the PSWG including with first-hand information voluntarily provided by UN and NGO protection and humanitarian partners working in different camps, collected through focus-group discussions, key-informant interviews and other protection monitoring methodologies at camp level. The document was prepared with the aim of raising awareness and informing the discussions on the above cross-cutting protection, protection mainstreaming and governance issue across all camps in the Rohingya Refugee Humanitarian Response. For any questions regarding this paper and its content, please contact Bernadette Castel Hollingsworth at castel@unhcr.org or Maria Ferrante at ferrante@unhcr.org