

Understanding and addressing root causes of displacement in the Asia-Pacific

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This briefing paper has been prepared by the [Asia Pacific Refugee Rights Network \(APRRN\)](#), an open and growing network of 250 members from 26 countries committed to advancing the rights of refugees in the Asia Pacific region.

1. Introduction and background

Although the crisis in Syria has recently magnified the global refugee figures, the Asia Pacific region has otherwise consistently **hosted the largest number of displaced persons on the globe**, 27% of the global refugee population (3.8 million) can be found in the Asia Pacific, out of which 64% are Afghan refugees in Pakistan and Iran (2.5 million).¹ The situation of Afghan refugees continues to be the largest protracted refugee situation in this world. Refugees from Myanmar that have lived in camps on the Thai border for almost three decades also constitute another major protracted situation in Asia. There are also significant populations of displaced persons from Sri Lanka, Pakistan, Iran, Bhutan, Bangladesh, Nepal, China, and North Korea among other countries, many of whom are invisible, unregistered and not counted in global figures.

Root causes of displacement in Asia are **multidimensional and interconnected** – countries in Asia have different historical and geographic conditions, different stages of economic development and different levels of government stability. Causes of displacement include conflict, persecution, human rights violations, discrimination, natural hazards and the effects of climate change among others. Existing racial, ethnic, religious and cultural divisions have been exacerbated by poverty, low development levels, poor governance, the lack of rule of law, corruption, impunity, natural disasters and other factors. Flight from conflict, persecution, discrimination and poverty are often difficult to distinguish and interlinked. Poverty and underdevelopment also lead to increased insecurity, instability and conflict. When analysing conflict today we need to factor in colonial legacies, in particular how conflict today relates to the historical process of state formation and nation state building and how this process has arbitrarily brought together different ethnic communities and divided others. Conflict must also be seen against the backdrop of globalisation, including unfavorable terms of trade, external debt and economic reform programmes in the Global South that have increased inequality and dependence and exacerbated insecurity. It is also important to consider the gendered aspects and impacts of root causes, and the ways in which prevention strategies or solutions will differently affect men and women.

Taking a **root cause approach** and addressing the factors in the country of origin does not mean other states can devolve their responsibility. The current assumption is that responsibility lies within refugee producing countries only. The reality is that all states are accountable for the root causes that result in displacement, and all must share the responsibility to address root causes and respond to forced displacement, if we hope to find solutions. When referring to **conflict prevention**, we need to have a clear definition what prevention means. Prevention is not the prevention of movements but the prevention of situations of instability and addressing factors that trigger displacement. It is essential that

¹ UN High Commissioner for Refugees (2014). *UNHCR. Global Trends. Forced Displacement in 2014.* <http://unhcr.org/556725e69.html>

prevention is not conflated with increased securitisation of borders at the expense of people's right to seek protection and safety outside their country of origin. Prevention of movements may also be counter-productive as for some communities migration is a necessary adaptation strategy.

Statelessness is both a cause and a consequence of displacement. UNHCR estimates at least 10 million people globally have no nationality. Although exact data is lacking, statelessness is documented as affecting far more people in Asia and the Pacific than in any other region of the world.² Stateless populations, and those at risk of statelessness, include populations on the move, as well as those people who have never crossed an international border – stateless populations in Asia include the Rohingya in Myanmar, hill tribe communities in Thailand, Bhutanese refugees in Nepal and children of migrant parents in Eastern Malaysia among others. While stateless people are entitled to enjoy their human rights under international law, in reality their lack of nationality and citizenship means they face barriers which prevent them from accessing these rights. Reducing and preventing statelessness is possible and can be achieved through universal birth registration, ending gender discrimination in nationality laws, naturalisation, nationality documentation and acceding to the statelessness conventions.

The role of refugee women in the region is often invisible and unrecognised. In the absence of men in conflict situations, refugee women assume responsibilities as head of the household thus making her role more significant and her situation more precarious and vulnerable. Given the significant burden of conflict and displacement on refugee women, they also have a vital role to play in peace building and conflict resolution. While women's inclusion in these processes is mandated in international law, there is a lack of support for (and even resistance to) their participation from states, from international organisations and NGOs, and from their own communities. In Myanmar, women have been largely unrepresented in all ceasefire and peace negotiations and remain marginalised at all decision-making levels³. In Afghanistan and Pakistan, women are very much under-represented on local jirga committees on peace. It is very important to note that refugee women should be involved in decision making processes at policy level as well as at local level such as the jirga systems in Pakistan and Afghanistan, where women representatives should be able to seek support and have the power to take decisions and be involved in planning of activities or programmes for refugees.

2. Displacement due to natural hazards and the effects of climate change

South and Southeast Asia are two of the world's most vulnerable regions to natural hazards, including typhoons, earthquakes, tsunamis, storm surges, volcanoes, floods, droughts, forest fires, and landslides. Given the high exposure, countries such as Bangladesh, the Philippines and island nations also face increasingly negative impacts of climate change through rising sea levels, ocean acidification, increasing salinity, coastal erosion and land degradation. The **Nansen Initiative on Disaster-Induced Cross-Border Displacement** has done groundbreaking work in bringing together governments, civil society, UN agencies, academia and other actors to discuss the protection gaps in the current legal, institutional and operational frameworks. The consultations resulted in the "Agenda for the Protection of Cross-Border Displaced Persons in the Contexts of Disasters and Climate Change (Protection Agenda)" which compiles good practices and builds consensus on key principles. States must now also use the practices identified through the Nansen Initiative and prevent displacement; facilitate safe, dignified, planned relocation; provide protection when needed and support migration as a positive adaptation strategy.

² Institute for Statelessness and Inclusion (2014). *The World's Stateless*.

<http://www.instituteforstatelessness.org/worldsstateless.pdf>

³ Hedstrom, J. (2013). *Where are the women? Negotiations for Peace in Burma*. Swedish Burma Committee.

<http://www.burmapartnership.org/wp-content/uploads/2013/05/Where-are-the-Women.pdf>

Meanwhile, it is important to highlight that protection starts with strengthening **community resilience** to withstand the impacts of natural hazards through disaster risk reduction and development programmes that apply a rights-based approach and respond to the disproportional impact of natural disasters on groups such as women, the elderly and people with disabilities. Existing coping strategies of communities must be recognised as well as the important role that disaster risk management and other resilience building activities can play in preventing and mitigating displacement.

3. Persecution of the Rohingya in Myanmar

The Rohingya are one of the most vulnerable communities in the world. Originating in western Myanmar, the Rohingya are a largely stateless ethno-religious Muslim minority who have for decades suffered brutal oppression, systematic persecution, exclusion, discrimination and other human rights violations. Since the early 1960s, the Rohingya have been subjected to an erosion of their ethnic identity and arbitrarily deprived of their nationality, rendering the majority stateless. Hundreds of thousands of Rohingya have fled Myanmar in search of safety, security and sustainable livelihoods – they often live in a precarious state of limbo in countries where they seek refuge.⁴ Those who remain in Myanmar are disenfranchised and the Myanmar government imposes a range of discriminatory policies on the Rohingya, including restrictions on the right to marry, reproduce and travel freely. Many are internally displaced and confined to camps.

States must address the root causes and pressure Myanmar to ensure protection and end discriminatory laws – future violence and mass atrocities must be prevented. Humanitarian organisations must be given unhindered access to camps in order to provide food, water and health services. Those who have fled the country and reside in neighbouring countries such as Thailand, Malaysia, India and others must be protected through having full and unrestricted access to legal and humanitarian services.

4. Unlocking displacement in Sri Lanka

The Sri Lankan civil war between 1983 and 2009 displaced thousands of people within and beyond Sri Lanka. Approximately 102,000 Tamil refugees remain in camps and urban areas across Tamil Nadu in southern India. Both the Indian and Sri Lankan governments now face the massive challenge of finding a durable solution, which includes the voluntary repatriation of Tamil refugees in conditions of genuine safety and dignity.

On 30 January 2015 preliminary bilateral discussions were held regarding potential repatriation. Although the war ended six years ago, conditions for safe and durable return have not been met in all parts of the country, including on-going human rights violations. Returnees also face reintegration problems due to unresolved land rights issues. Other necessary conditions for safe, voluntary and durable returns include adequate settlement assistance upon return, security, a robust re-integration process, repeal of the *Prevention of Terrorism Act* and progress on land rights & property issues. Further preconditions for voluntary return include demilitarisation of the Tamil areas, release of political prisoners and an amnesty for ex-militants living in India. A political solution to these issues may take years, and in the interim it is essential that those living in other countries must be allowed to remain.

⁴ ERT & IHRP (2014). *Equal Only in Name: The Human Rights of Stateless Rohingya*. <http://goo.gl/BiVkyg>

5. Lack of Durable Solutions and an Effective Regional Approach to Displacement

Asia is characterised by a lack of protection since the majority of the countries do not have national laws addressing forced migration, only 20 out of 45 countries have signed on to the 1951 Refugee Convention and its 1967 Protocol and there is no effective regional protection mechanism in place. As a result, refugees are often considered “illegal”, denied the right to work, subject to immigration detention, and struggle to access health and education services. This lack of protection and deprivation of rights in host countries is the main reason for onward movements.

In addition to a lack of effective protection in countries of first asylum, the lack of available durable solutions is a key problem in this region. Resettlement is only available for a very small percentage of the refugee population. Repatriation remains elusive due to on-going persecution and conflict. Host countries in Asia are mostly unwilling to consider local reintegration, despite of irregular migrants and refugees forming a large part of their workforce and economy, albeit as a highly exploited human resource. As a result, refugees are stuck in a limbo for many years, with Asia hosting some of the largest protracted refugee populations in the world.

5.1. Voluntary repatriation

Voluntary repatriation is complex and can only take place when certain conditions are met⁵, including that return be based on a free and informed decision and that all stages of repatriation are managed in consultation with refugee communities.

Returns to Myanmar

Approximately 140,000 Myanmar refugees continue to live in the nine camps or “temporary shelters” on the Thailand/Myanmar border. Conditions in the camps remain harsh and extensive funding cuts have led to a significant reduction in services and food supplies, affecting the most vulnerable, including women and children.

In July 2014, the Thai Government and the Government of Myanmar announced plans to repatriate over 100,000 refugees to Myanmar. In July 2015, UNHCR presented its first draft of a repatriation plan titled "Operations Plan for Voluntary Repatriation".⁶ However, refugee community based organisations continue to protest against the lack of consultation with the affected community in discussion and planning for repatriation, and many remain concerned that conditions for safe and durable returns set out in UNHCR’s own guidance documents have not been met. Specific concerns include the increased militarisation and on-going presence of Burmese military troops in ethnic areas of return, active armed conflict in areas from which refugees originate, reports of ongoing human rights violations, continued placement and existence of uncleared landmines, oppressive and discriminatory laws (affecting women as well as ethnic and religious minorities), lack of equal access to citizenship rights, extensive land-grabbing and land ownership issues, the lack of equal access to adequate assistance, healthcare, livelihoods, and education services. The persisting problem of endemic sexual and gender based violence as a tool of conflict and within society more broadly is also an impediment to safe return of women and girls at risk. There also remains the significant problem of large internally displaced populations within Myanmar whose situation also needs to be resolved before repatriation from Thailand is implemented. While

⁵ UN High Commissioner for Refugees (2004). *Handbook for Repatriation and Reintegration Activities*. <http://www.refworld.org/docid/416bd1194.html>

⁶ Democratic Voice of Burma (2015). *UNHCR presents first draft of repatriation plan*, 29 July 2015 <http://bit.ly/1KzugZk>

the conduct and outcome of the November election in Myanmar is encouraging, safe and sustainable returns cannot be guaranteed until a peaceful transition to a new government is assured and the serious security and human rights issues set out above are resolved.

Returns to Afghanistan

In May 2012, the Government of Pakistan joined Iran, Afghanistan and UNHCR in the launch of the Solutions Strategy for Afghan Refugees (SSAR). This collaborative negotiation process was developed with the aim to support increased voluntary repatriation and sustainable reintegration and provide assistance to countries of first asylum.⁷ The SSAR also outlines the need for enhanced resettlement as a means of international responsibility sharing, assistance to refugee hosting areas and alternative stay arrangements for refugees in Pakistan. The SSAR represents an important step forward in preserving asylum space for Afghan refugees in Pakistan. However, Afghan refugees voluntarily returning from Pakistan are faced with a number of significant challenges:

- High levels of unemployment, landlessness and high levels of violence and insecurity, in particular for women and girls;⁸
- Ongoing disputes, intimidation and extortion, mines and unexploded ordinances;⁹
- Limited access to basic services due to an inability to obtain proper documentation and recognition of their Afghan identity. Similarly, the Afghan Ministry of Education does not recognise formal education acquired in Pakistan, thus limiting the prospects of further training or employment.¹⁰

5.2. Local integration

Refugees in Asia are considered as “illegal aliens/immigrants” in many of the countries throughout the region. For example, immigration laws in Indonesia, Malaysia and Thailand do not recognise refugees and also do not provide them with any separate status. If they overstay their visas or enter “illegally” they are considered to have broken immigration laws and may be subject to arrest and indefinite detention.

States need to recognise the **positive social and economic contributions** that refugees can and do make to host communities. Urban refugee communities are often highly educated and very resourceful. Policies need to be put in place that allow refugees to make these positive contributions. Many Asian countries heavily rely on migrant workers, including groups such as refugees who operate in the irregular labour market. Economic schemes and legal alternatives should be explored such as labour migration opportunities. States must also review their immigration acts and develop national laws that provide protection to refugees.

5.3. Resettlement

Resettlement is only part of the answer, as globally only 1% of the total refugee population gets resettled. At present there are 28 countries with resettlement programmes, however most countries take only very small numbers of refugees. In 2014, 73,000 people departed for resettlement with the assistance of the UNHCR.¹¹ To ensure that resettlement can become the most effective protection tool possible, it must be used more strategically. Examples of potential strategic use of resettlement include:

⁷ UN High Commissioner for Refugees (2012). *International Conference on the Solutions for Afghan Refugees to support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries*.

<http://bit.ly/1KqvDqC>

⁸ United Nations Office for the Coordination of Humanitarian Affairs (2015). *The 2015 Afghanistan Refugee and Returnee Overview*. <http://bit.ly/1PAN6B9>

⁹ Agency Coordinating Body for Afghan Relief and Development. *Afghan Refugees/ Returnees: Challenges and Opportunities*. <http://www.acbar.org/>

¹⁰ Ibid.

¹¹ United Nations High Commissioner for Refugees. *Resettlement* www.unhcr.org/pages/4a16b1676.html

- Potentially target resettlement towards protracted refugee situations where no other durable solutions are available;
- Any form of ‘cherry picking’ is not in the spirit of resettlement and undermines the capacity of the remaining population;
- Push resettlement as part of a ‘package’ of durable solutions;
- Have states work together to provide a ‘comprehensive’ resettlement approach for a section of the refugee community. This may help assist conditions and free up resources in countries of first asylum;
- States should utilise ‘multi-year’ resettlement drives;
- Resettlement should be used post conflict stabilisation. Perhaps ‘emergency evacuation’ mechanisms could be used during conflict;
- More states must join the international resettlement regime to increase capacity.

6. Working together to find solutions

1. In all of the above-mentioned, **political will** of refugee producing countries, hosting countries and the larger international community is needed.
2. Any strategy needs to **involve origin, host and destination countries**.
3. **Regional organisations** such as ASEAN and SAARC must assume greater responsibility in working towards peace, security and stability especially when impacts are of a regional nature.
4. The **lack of protection and legal gaps** are a key obstacle for refugees to access their fundamental human rights. States should develop national laws and also explore ratification of the 1951 Refugee Convention and its 1967 Protocol.
5. Addressing displacement is **not only a humanitarian issue**. In addition, humanitarian aid is only a temporary remedy. Humanitarian aid must be delivered while other more sustainable solutions are explored, that allow communities to be self-reliant and promote resilience. Responses to displacement should not only involve humanitarian actors but also consider development approaches that are rights-based and that enhance equality, rather than entrenching or playing into the fault lines of existing ethnic, religious, social, political and gender inequalities.
6. In order to find solutions states must advance **effective regional cooperation**. This would include addressing the root causes in countries of origin, providing more opportunities for local integration and the strategic use of resettlement. States must in partnership with civil society in the Asia Pacific to achieve this.
7. International actors must recognise that **local and national actors** are often filling crucial gaps in advocacy and service provision. They often have better access to communities, understand cultural sensitivities and their work is less likely to be dismissed. Local and national groups are also often the key actors in facilitating peace building, conflict resolution and prevention. These groups must be provided with increased resources to carry out their crucial work and their voices must be strengthened.
8. The **role of women** in peace building processes and efforts must be strengthened, ensuring adherence of all stakeholders to the requirements set out in security council resolutions on women, peace and security that demand women’s inclusion in all aspects of conflict prevention, resolution and rehabilitation. Any approach to addressing root causes and identifying solutions must therefore recognise women’s contributions and ensure their inclusion in decision-making at all levels, including relating to local programming or durable solutions. This is the responsibility of all stakeholders involved in identifying and addressing root causes, or responding to displacement, and must not just be sidelined as a State or local community responsibility.