

DISPLACEMENT FROM MYANMAR: HOW WE GOT HERE AND WHAT MORE CAN BE DONE

ASIA DISPLACEMENT SOLUTIONS PLATFORM — EXPERT COMMENTARY
MARCH 2024



1. EXECUTIVE SUMMARY

Myanmar has long been the primary source of displacement in Southeast Asia, with waves of conflict forcing people of different ages, genders and ethnicities to flee from their homes over decades. Refugees and people seeking asylum from Myanmar live across Southeast and South Asia, often in precarious circumstances.

This has serious impacts on the mental and physical health of those displaced. It also renders them vulnerable to human trafficking, migrant smuggling and related forms of exploitation, which in turn has security implications for the entire region.

This paper aims to unpack the current situation facing those displaced from Myanmar and offer policy proposals to improve their lives in displacement, while working towards supporting conditions in Myanmar becoming safe for repatriation in the future.

In this context, the paper identifies three key challenges facing those displaced, namely:

- *deteriorating conditions in Myanmar making safe, voluntary repatriation a distant possibility;*
- *inconsistent or lack of access to services for those displaced in neighbouring countries, and*
- *an absence of regional level coordination or leadership on refugee protection.*



These are not easy challenges to address, however there are ways forward. More can be done to support those displaced from Myanmar. This paper outlines recommendations along three key themes:

1. ***Addressing the enabling environment and ensuring repatriation is not rushed***
2. ***Developing greater refugee protection and response capacity at the regional level***
3. ***Better coordinating resettlement programs and expansion of resettlement countries***

With conflict ongoing inside Myanmar, and people continuing to be displaced at the time of writing, the authors recognise this is still very much a live issue. This paper attempts to put current events in historical perspective and consider how external actors can support those in need.

2. REGIONAL IMPLICATIONS OF DISPLACEMENT FROM MYANMAR

Displacement from Myanmar has had a significant impact upon neighbouring countries in South and Southeast Asia. The most affected country currently is Bangladesh, where at least a million Rohingya refugees are living in Cox's Bazar¹. Thailand hosts 86,000 refugees in the nine camps along the Thai-Myanmar border,² and several hundreds of thousands more live in Thailand as irregular migrants. Malaysia is home to about 160,000 UNHCR-registered refugees and asylum seekers from Myanmar,³ including more than 100,000 Rohingyas and 24,000 Chins. Further, there are at least 55,000 Rohingya refugees living in Pakistan⁴ and 21,000 Rohingya refugees in India,⁵ according to Pakistan's National Data Registration Authority and the United Nations High Commissioner for Refugees (UNHCR), respectively, as well as Rohingya displaced to a number of other countries across the region including Indonesia and Malaysia. Since February 2021 most displacement in Myanmar has been internal. However, over 120,000 people have been forced to flee into neighbouring countries, including approximately 50,600 to India, 45,000 to Thailand, 9,400 to Malaysia, and 1,300 to Indonesia⁶.

The overall situation for forcibly displaced persons from Myanmar across South and South-east Asia is discouraging. Very few host countries have ratified the United Nations Refugee Convention, meaning refugees living there have very limited or no access to services that citizens take for granted. Whether officially recognised or not, refugees living in camps (official or otherwise) in Bangladesh, Thailand, and India face insufficient provision of humanitarian aid and restrictions on their rights and freedom of movement. Those living outside camps also lead very precarious lives, with threat of detention and varying degrees of access to healthcare, education or livelihoods.

Amid the increasingly fragile political and economic situation in Myanmar, it is highly unlikely that refugees will be able to return home in the short- to medium-term. As a result of this uncertainty, there has been an increase in protection challenges facing those displaced such as trafficking⁷ and recruitment by transnational scam operators⁸ based in areas near the borders with China and Thailand in particular. With such limited options available, there has also been a rise in risky boat movements in the Andaman Sea, where refugees seek improved opportunities outside of refugee camps in Bangladesh⁹.



3. WHAT ARE THE KEY CHALLENGES AFFECTING THOSE DISPLACED FROM MYANMAR

A. CONDITIONS STILL NOT CONDUCTIVE TO RETURNS

If the political situation improves and home becomes habitable again, most if not all of those refugees and asylum seekers may willingly return to their places of origin. But this remains a distant scenario. Some of the many necessary preconditions for safe return include peace and stability, safety, socio-economic security and livelihoods to facilitate the return of those people, let alone to sustain it over the long term.

This type of safe, voluntary and durable return is an even more remote possibility for the Rohingya community, whose situation is complicated by their statelessness or 'undocumented-ness',¹⁰ and non-recognition or outright rejection of their legal and socio-political status at national level.

Three scenarios must be in place for the voluntary return of Rohingya refugees. First, the equal status of citizens must be established, regardless of origin, ancestry or religious affiliation. Second, the more than a million-strong Rohingya community must be re-documented as Myanmar citizens and issued identity documentation.¹¹ Third, political conflicts must be amicably resolved to restore opportunities for refugees to return to communities in peace. Refugees in Bangladesh have publicly stated three conditions for their safe return: security, restoration of Myanmar citizenship and rights, and return to their original homes, villages and towns¹².

As of February 2024, there is no sign of significant improvement in Myanmar politics at the national or Rakhine State level, and indeed in some areas the situation is worsening.¹³ Internal displacement will most likely increase in the near future, while there seems to be waning willingness of neighbouring countries, Thailand, India and Bangladesh in particular, to receive more refugees¹⁴.

B. INCONSISTENT OR LACK OF ACCESS TO SERVICES FOR THOSE DISPLACED IN NEIGHBOURING COUNTRIES

With no current option of returning home, people displaced from Myanmar have had to find ways to survive. As explained above, this is largely in Bangladesh, India, Indonesia, Malaysia and Thailand, none of which have signed or ratified the Refugee Convention or otherwise enshrined the rights of refugees in national laws or policies. While there are some promising steps in some countries, overall the situation is one of hardship, which leads to lives of instability, and in some cases onward movement.

None of the main hosting countries have comprehensive refugee protection frameworks in place, meaning that refugees are largely excluded from national health, education and social security schemes. In most cases refugees are unable to work legally, and with no other means of supporting themselves they work in the informal sector, making them more vulnerable to wage manipulation, human trafficking and related exploitation including modern slavery. In addition to policy exclusion, at the local level, racism and xenophobia against refugees, particularly the Rohingya, is also a major challenge, and demonstrably increased during the pandemic.¹⁵ Further, when states have not signed the Refugee Convention or otherwise provided for the rights of refugees in national laws or policies, any support they provide to refugees is able to be framed as ‘above and beyond’ what is required of them, making advocating for them to do more challenging.

This picture is all the more concerning given the reality that refugees from Myanmar in this region have generally lived in exile for many years, sometimes their entire lives or even multi-generationally. This reality means that national policies of exclusion (or as one expert puts it “the policy of not having a policy”)¹⁶ can have severe intergenerational impacts, which may affect the long-term individual and societal well-being, as well as the security of the region. Politicians who choose to scapegoat refugees, and businesses who choose to exploit their cheap labour may benefit from this situation, but on the whole society suffers. This is true not only in terms of equality and respect for human rights, but also economically. A 2019 report from Malaysian think tank IDEAS found that refugees could contribute RM3 billion in GDP (approximately 725 million USD) and even more in tax revenue if they were granted the right to work legally.¹⁷ Underlining this point, a 2023 report co-authored by ADSP and members of the Rohingya refugee community in Malaysia found that 78% of 200 refugees surveyed wanted to be able to contribute more to the Malaysian economy.¹⁸ Enabling this would be a win-win for refugees and host countries, but will take political will and leadership which is sadly currently lacking in most countries.

C. ABSENCE OF REGIONAL LEVEL COORDINATION OR LEADERSHIP ON PROTECTION ISSUES

The natural result of this lack of national leadership on refugee protection is the absence of regional leadership or coordination on these issues. The main coordinating body in this region, the Association of Southeast Asian Nations (ASEAN), is hamstrung by the fact that Myanmar is both one of its ten members and the source of most refugees in this region. ASEAN norms of non-interference and consensus-based decision making have held the bloc together in the past but are currently causing strain. While ASEAN does have bodies to address the rights of migrant workers, and an anti-trafficking convention (ACTIP), refugee protection remains a gap. When it comes to Myanmar, ASEAN has prioritised resolving the political conflict through the Five-Point Consensus (5PC) agreed between ASEAN and State Administration Council Senior General Min Aung Hlaing in April 2021, over working to protect those already displaced. At the time of writing the 5PC has failed to make significant progress in what it set out to do about three years ago.¹⁹



Under Indonesia's chairing of ASEAN in 2023, some positive steps were made; including the establishment of the permanent secretariat to support the ASEAN Special Envoy, and a troika of past, current and future chairs, however unfortunately optimism around implementing the 5PC remains low. There are some historical cases of Southeast Asian countries coming together to resolve refugee crises, including the Comprehensive Plan of Action for Indochinese Refugees in the 1980s, however scholars have pointed out, these plans were rendered possible in part because source countries – Vietnam and Cambodia – were not ASEAN members at the time.²⁰ There are some avenues worth exploring with ASEAN, explained further in the following section, however expectations should be tempered.

To date, states in this region have found it easier and less politically sensitive to discuss movements of people through the lens of trafficking in persons rather than refugee protection, creating bodies like the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and programs like ASEAN-Australia Counter Trafficking (ASEAN-Act). This has led to a substantial amount of money being spent on anti-trafficking activities over the past two decades. In spite of this, the region is experiencing one of its greatest ever surges in trafficking epidemics, with Myanmar as a main base of operations.²¹ The amount of time and energy spent on anti-trafficking work and security issues has led to a deprioritisation on refugee and humanitarian issues, and a failure to address root causes of this vulnerability to trafficking. Although there was some recognition by the Bali Process Co-Chairs in 2016 that this needed to change, and a new emergency mechanisms and preparatory task force were established,²² these have not seemingly led to positive change on the ground. Australia and Indonesia as Co-Chairs of the Bali Process have been inconsistent in their engagement on these issues, and seemingly reluctant to lead on reforms that would improve protection outcomes in the region, as well as reduce vulnerability to trafficking in persons.²³

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4. WHAT COULD BE DONE TO ADDRESS THESE CHALLENGES?

The current crisis in Myanmar is the result of decades if not longer of inter-ethnic and political conflict and inequality, and unfortunately there is no quick fix. A set of favourable, mutually agreed, and practical conditions for the willing return home of all people displaced from Myanmar is an essential goal, but will take significant time, resources and political will to put in place. To support displaced persons outside Myanmar while working to improve conditions inside the country, it is important to work at the national, regional and global levels, as outlined below.

A. ADDRESSING THE ENABLING ENVIRONMENT AND ENSURING REPATRIATION IS NOT RUSHED

Work in Myanmar to end violence and restore peace is difficult but vital, and organisations working on this should be commended. Outside actors, including donors, international humanitarian agencies and local civil society organisations should continue to fund humanitarian programming and support the service delivery for displaced people.

It is also critical that repatriation of refugees to Myanmar only occurs when it is safe to do so. This includes assuring that safe durable returns, include access to services, identity documentation, and adequate consultation with displaced populations and transparency on the process. This would help to create conditions conducive to repatriation for all ethnic groups who have been forced to flee, including conditions specific to Rohingya.





B. DEVELOPING GREATER REFUGEE PROTECTION AND RESPONSE CAPACITY AT THE REGIONAL LEVEL

To date, ASEAN and its member states have not managed to respond effectively to the situation in Myanmar. ASEAN would benefit from establishing a capability to manage refugee protection at a regional level. There are a number of options for what form a future ASEAN cooperative framework could take, including establishing a Ministerial Dialogue or a multi-stakeholder forum on forced migration.²⁴ Whatever form it takes, this would be a long-term process. However, we would argue that it is achievable, in the same way that ASEAN has developed respected expertise and capability on emergency and disaster management and established the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre).

In 2025, while Malaysia is ASEAN Chair, ASEAN is set to agree on its 20-year vision for the future - the Post-2025 Vision. It is critical that this document recognises refugees and forced migrants and builds in a roadmap for developing greater ability to not only collaborate on refugee crises, but address long-term refugee protection outside of crises. This can be done with support from civil society and refugee-led organisations themselves.

C. BETTER COORDINATING RESETTLEMENT PROGRAMS AND EXPANSION OF RESETTLEMENT COUNTRIES

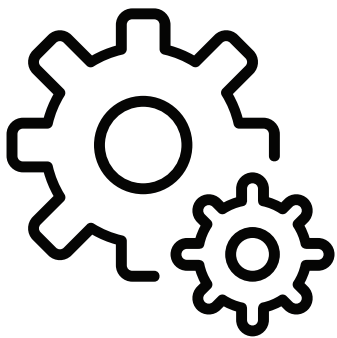
In addition to improving conditions in host countries, resettlement to third countries plays an important part in responsibility sharing to provide better lives for refugees. While resettlement currently only benefits about one per cent of refugees globally,²⁵ it can still be more effectively deployed. In 2023 the United States established the Resettlement Diplomacy Network, which could be used to target at-risk Myanmar refugees. Other opportunities include Australia boosting its annual intake in line with the current government's stated position and its role as 2023 Co-Chair of the Consultations on Resettlement and Complementary Pathways.²⁶

Alongside resettlement, 'complementary pathways' such as community sponsorship, higher education and labour mobility pathways are growing in popularity globally. Where these are additional to resettlement programs, they provide more space for protection for those who need it. Resettlement and complementary pathways are discussed at a number of international fora – notably the Consultations on Resettlement and Complementary Pathways, Intergovernmental Consultations on Migration, Asylum and Refugees and the Global Refugee Forum, which all represent opportunities to increase cooperation and strategic partnership on resettlement targeting people who have fled persecution and violence in Myanmar.

That said, it must be noted here that the global refugee regime has already been more stretched than ever due to other crises such as in Ukraine, Afghanistan and Gaza. UNHCR projects that its resettlement needs for 2024 will be a twenty per cent increase on 2023.²⁷ As each new crisis emerges it becomes more difficult to maintain support to those displaced from Myanmar, and so expectations must therefore be managed.

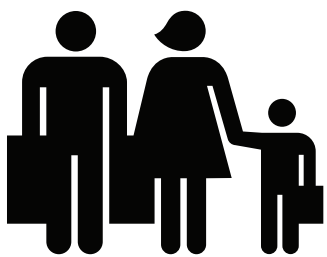
Resettlement countries should not only work to increase their humanitarian intakes, they can also improve coordination of resettlement of the most at-risk Myanmar refugees and boost complementary pathways, ensuring they are additional to the regular humanitarian intake pathways. Existing resettlement countries can also work with other signatories to the Refugee Convention like Japan and the Philippines, to develop their own new refugee pathways.

SUMMARY OF RECOMMENDATIONS:



ADDRESSING THE ENABLING ENVIRONMENT AND ENSURING REPATRIATION IS NOT RUSHED

- Work towards creating conditions conducive to repatriation for all ethnic groups who have been forced to flee, including conditions specific to Rohingya: 1) recognise equal status of citizens, regardless of origin, ancestry or religious affiliation, 2) provide identity documentation as citizens, and 3) resolve political conflicts to support the peaceful return of refugees.
- Ensure that repatriation of refugees to Myanmar, including from Bangladesh, takes place only when it is safe to do so and after refugee communities are consulted on the process.

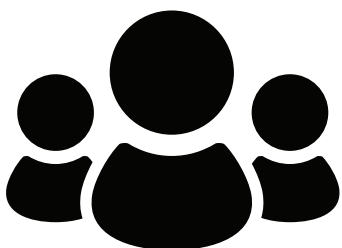


DEVELOPING GREATER REFUGEE PROTECTION AND RESPONSE CAPACITY THROUGH ASEAN

- Build a roadmap for developing greater ability for ASEAN to collaborate on refugee crises, and address long-term refugee protection outside of crises, as part of the Post-2025 ASEAN Vision.
- Work with civil society and refugee-led organisations on the development of this roadmap.

BETTER COORDINATING RESETTLEMENT PROGRAMS AND EXPANSION OF RESETTLEMENT COUNTRIES

- Resettlement countries like the US, Canada and Australia should not only work to increase their respective humanitarian intakes, but also improve coordination of their resettlement programs to prioritise those most at-risk from Myanmar.
- Resettlement countries should also boost complementary pathways and make them additional to the regular humanitarian intake pathways.
- Existing resettlement countries should work with other signatories to the Refugee Convention like Japan and the Philippines, to develop their own new refugee pathways.





CONCLUSION:

The escalation of the situation in Myanmar is unfortunately poised to continue, contributing to repeated and new displacement internally and across international borders. This has already had a considerable impact on Myanmar's neighbours and the region as a whole. Change will not happen overnight, but there are opportunities at national, regional and global levels that should be grasped to improve the situation.

Time-bound opportunities like the four-yearly Global Refugee Forum which took place on 13-15 December 2023 can draw welcome attention to these issues, however it is important to remember that nothing is stopping progress from happening at any time. Greater coordination from civil society around common goals and ensuring the leadership of those most affected by displacement, will lead to better outcomes not only for displaced people from Myanmar, but for the region as a whole.

While the world grapples with multiple global crises, we cannot forget about the people of Myanmar. ASEAN and its neighbours in Asia and beyond have a moral duty to help in ameliorating the plight of several million displaced people from Myanmar, whose number is sadly only likely to increase in the months to come. Beyond morality, there is also a strong case to be made that improving protection of refugees in the region would benefit regional stability and security, prevent unsafe boat movements and lead to better economic and social outcomes for all over the long term.



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Note: Views and opinions expressed in the expert commentary are those of the authors and do not necessarily reflect the positions of ADSP, nor of its members.

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