



Rohingya woman in Kutupalong Camp/IRC



ADSP

Asia Displacement Solutions Platform

The second quarter of 2019 saw an expansion of ADSP's work, transforming it from the Afghan Displacement Solutions Platform to the Asia Displacement Solutions Platform. With this expanded remit, ADSP will now work on solutions to displacement for Afghans and Rohingya affected by displacement. This means that ADSP membership has also expanded, to include colleagues working for the member agencies in Myanmar and Bangladesh. In April 2019 these colleagues met in Bangkok to conduct a kick off workshop, and develop a workplan for the rest of 2019. Some extremely interesting ideas were put forward, and we look forward to sharing them with you in forthcoming newsletters.

This newsletter reflects our larger geographical remit, with exciting contributions from colleagues working across the region. From Afghanistan we have an analysis of how non-formal Technical and Vocational Education Training can be improved to support the achievement of durable solutions. We also have an interview with a man displaced by drought in 2018 who explains why he is so far unable to return to his home. We learn about the role that land plays in the ongoing displacement crisis affected Rakhine State in Myanmar. We also have an update on a new ADSP publication, which looks at access to services for Afghans living in Pakistan.

As always, ADSP relies on your contributions for this newsletter, so if you have any ideas for articles please don't hesitate to get in touch. We can work with you to refine your ideas, and can also help with the writing.

Can TVET contribute to achieving durable solutions?

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Focusing on the acquisition of knowledge and skills relating directly to gaining formal employment, becoming self-employed or launching a micro business, non-formal Technical and Vocational Education Training (nTVET) has come to be considered a cornerstone of livelihoods programming, and a valuable way of contributing to the development of durable solutions for displaced populations or those susceptible to displacement. They are considered to reduce migration flows, as those who would otherwise migrate in search of economic opportunities are better able to enter their local labour markets. However, Mercy Corps' recent report 'Driven to Leave' suggests that TVET may be less effective at supporting durable solutions and deterring migration than



A Quilty/IRC

previously thought. Instead studies suggest that nTVET programmes must be developed with reference to the broader social and economic context in order to meet the needs and aspirations of the nTVET participants, respond to the demand in the labour market and contribute to integration of displaced populations.

Together with three international partners, the Danish Refugee Council runs a programme providing nTVET to young Afghans and has identified similar gaps and challenges to those described by the research. The following are the key obstacles identified during programme delivery:

Many nTVET programmes do not consider or address the additional challenges displaced individuals may face when accessing the labour market. For people with limited social capital, such as

those on low incomes or displaced people seeking to find jobs in communities in which they have only limited networks, learning new skills does not automatically result in access to labour markets. These individuals need additional support to overcome additional social barriers in order to gain opportunities to put their new-found skills to use. This is particularly relevant for those in rural areas, where employment opportunities are scarce, and there is even greater reliance on existing social and kinship networks.

The barriers to labour-market entry are even more pronounced for women, who require additional, targeted support to overcome socio-cultural barriers to their active economic participation. Without such support women may gain the skills necessary to work, but be unable to put them to use. A related challenge is that female trainers may be less competent than their male counterparts due to unequal access to learning opportunities. This means that female graduates are emerging from nTVET courses with lower skill levels than their male counterparts, and are therefore more likely to be overlooked in a competitive job market, even if they do succeed in overcoming the barriers to application and participation. Additionally, the selection of skills for women is very often driven by prejudiced perceptions pushing women to perform skills with marginal profit, that are traditionally considered suitable for them, however, these often yield limited profit.

Afghanistan suffers from a lack of opportunities in the formal employment sector, which accounts for only 9% of the economy. The lack of formal employment opportunities is a major impediment to TVET graduates' successful participation in the labour market. In many areas where nTVET programmes are implemented, local economies have low demand for those with formal skills and are already saturated. As a result, the jobs sought by new graduates are simply not available, resulting in continued unemployment or under-employment. In response to this challenge, some graduates choose to become self-employed. While this can be a viable option for some, nTVET providers do not necessarily provide enough information on the risks of launching a new business venture nor necessary post-graduation support. As a result, some individuals have unrealistic expectations, and are not adequately prepared for the resulting challenges.

In January 2019, Afghanistan launched its first ever TVET strategy which seeks a coordinated approach amongst stakeholders. This approach is to be welcomed, as it will begin to address some of the structural challenges experienced by both formal and non-formal TVET providers in Afghanistan. Through its programming DRC has found that conducting a rigorous Labour Market Assessment (LMA) is crucial to ensuring that the skills provided by a nTVET programme are a good match for the local labour market. However, to be effective LMAs should be large-scale, and conducted using a standardised methodology. They should also involve inputs from technical specialists which are beyond the budget of many of the international NGOs which implement nTVET activities. The coordinated national level approach to diverse TVET programmes may be a good opportunity to standardise LMA methodology, and bring together the resources and expertise of international governance and development actors. Such coordination would go a long way to mitigating the challenges identified in this article, and would increase TVET's ability to help displaced populations find durable solutions.

The important role of land in the Rakhine Crisis

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What role has land played in the most recent Rakhine State crisis of 2017? What role may such issues play in developing solutions that promote peace, development and humanitarian assistance? What should international community actors do about it?

In Rakhine State, policymakers search for a “nexus” between humanitarian, peacebuilding and development approaches to the problem. Such an attempt requires an understanding of how land issues underpin each of these areas. Without getting into a detailed historical analysis, the legal recognition of ethnic groups in Myanmar is linked to the recognition of their rights to territorial self-governance and control over natural resources. Every recognized national race – in addition to the Bamar (the Chin, Kachin, Karen, Kayah, Mon, Rakhine and Shan) – have their own state as a concession to their claims for self-governance. The Myanmar government’s reluctance to recognize the Rohingya as a group and their members as citizens is linked partly to the fear that such recognition would lead to claims for self-governance and control over the land in Rakhine state. Control over land and natural resources is at the very center of the civil wars taking place in Myanmar since its independence in 1948. In the case of post-2017 crisis Rakhine State, land issues are very much at the center of the problem and are an ingredient of potential solutions. Land is, in a sense, a “nexus”; a subject matter necessarily present in any development, peacebuilding, and humanitarian strategy. Land issues affect all ethnic groups in Rakhine, and some of the most important are as follows:

Scarcity of documented property rights

In Myanmar, as in most of the developing world, land rights are often undocumented. Unregistered sales and inheritances are common. Still, many displaced may have evidence of having paid land taxes, signed contracts, cadastral maps, and other documents. Displacement has however often led to the loss of documentation. The 2012 Farmland Law created a “Land Use Certificate” which is moves the bearer closer to ownership. However, Myanmar citizenship is required to obtain it and thus stateless persons do not have access to it.

Inadequate laws

The current legal framework does not contain safeguards for displaced persons’ and refugees’ land rights. Indeed, the situation is quite the opposite: abandonment provisions prejudice farmers who leave their land as a consequence of displacement. Displacement is hence not a legitimate reason to interrupt land use: land may be declared vacant or fallow. The recently amended 2012 Vacant, Fallows and Virgin Lands Management Law compounds the problem further by tightening deadlines for regularization of ownership and creating automatic criminal sanctions for persons using such lands, which in Rakhine may amount to almost 42 per cent of the total area.

Large-scale development threatening rights

The land in Rakhine State is highly valuable from a geo-strategic and development perspective. There are a variety of large-scale development projects such as gas pipelines and Special Economic Zones which affect the rights of small property holders of all groups, including displaced persons and refugees. The current laws do not offer sufficient safeguards for such persons to protect their rights either through restitution or compensation.

Lack of restitution mechanisms

At present, unlike in many other conflict-ridden scenarios, there are no clear avenues for displaced persons and refugees to recover their possessions or receive compensation if this is not possible. The situation is particularly dire for the thousands of displaced persons who live in camps (now under “closure” or “re-classification”) in Central Rakhine.



Farmer in Rakhine State, Myanmar/NRC

What are the solutions?

There are no quick fixes or easy solutions in sight. The situation is close to a “ground zero” for displaced persons’ Housing, Land and Property rights. Unlike in some other contexts, the international community does not have the means or sufficient leverage to promote respect for the rights of displaced persons and refugees. A gradual approach is needed while the situation evolves and stabilizes. It is necessary, thus, to act on advocacy, capacity building and the provision of legal assistance.

Advocacy

Where rights have been violated there needs to be a remedy. Even if the persons forcibly displaced are stateless or their lands were not formally registered, they have rights, such as the right to adequate housing, protection from forcible evictions, respect for home and family life, etc., which need to be enforced. Moreover, the state has obligations to confer legal security of tenure on persons lacking it, as the UN International Covenant on Economic, Social and Cultural Rights, which was recently ratified by the Myanmar government mandates. Legal reforms should create special measures to protect displaced persons and refugees' land. Critically, unfair abandonment legal provisions should be abolished.

Capacity building for resilience

Displaced communities within and outside of Myanmar need to be empowered and their capacities built so that they can better confront the harsh scenarios they are living. For example, building village leaders' ability to resolve land disputes and to mediate and negotiate with more powerful actors can improve their resilience.

Legal assistance to improve protection

Displaced persons and refugees need to be provided with assistance and clear information on their rights, both internationally and domestically as well as the remedies available for the registration of their lands, potential restitution as well as the determination of their legal status. There should be a process of documentation of lands vacated by displaced persons and refugees, as well as interim measures to prevent coerced sales.

Overall, it is going to be an uphill road for the most vulnerable displaced persons and refugees. Hence, the international community needs to understand the importance of the land rights dimension of the crisis and the role land must play in any solution and be prepared to respond as the situation evolves.

New Report - On the Margins: Afghans in Pakistan

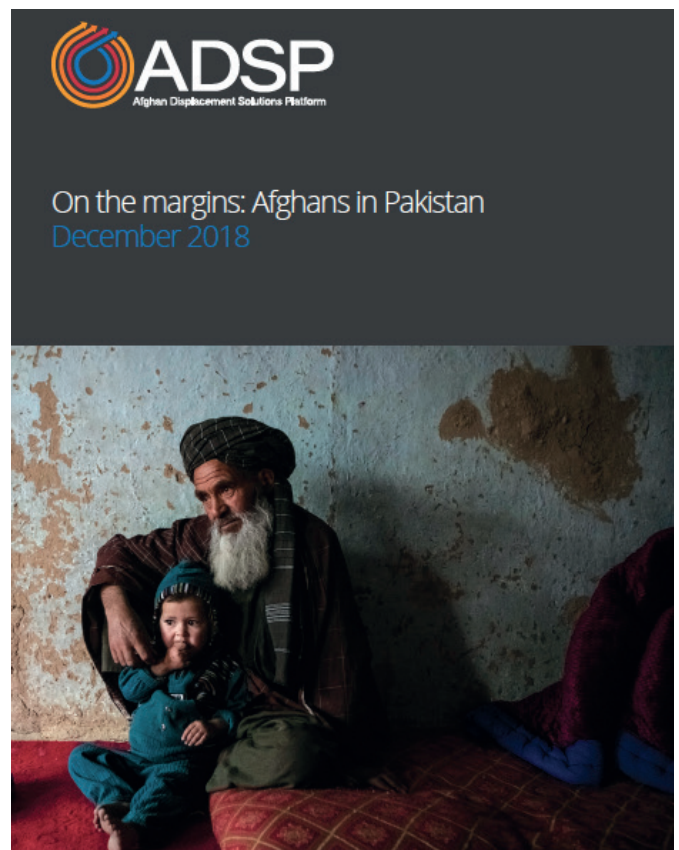
ADSP is pleased to announce the publication of its latest report, *On the Margins: Afghans in Pakistan*. The report was commissioned as an effort to understand the extent to which Afghans living in Pakistan, both documented and undocumented, can access services which contribute to durable solutions. It also examines the extent to which existing basic services delivery programmes of the United Nations, national and international Non-Governmental Organisations (NGOs) and civil society actors address gaps in social services for Afghans. Based upon desk reviews and interviews with key informants, the study is an effort to ascertain the specific challenges faced by each group and help guide efforts to promote legislative changes, inform policy development and support search for durable solutions.

This study finds that access to services is primarily determined by Afghans' legal status in the country, with those holding Proof of Registration cards able to access a better range of services than those with Afghan Citizen Cards. The study also found that unregistered Afghans have access to an extremely limited range of services.

As the number of humanitarian agencies providing services to Afghans in Pakistan grows ever smaller, those who rely upon their activities become increasingly vulnerable. Consequently, developments such as the ACC scheme should be cautiously welcomed, and the Government of Pakistan encouraged to reopen the registration process with the aim of further reducing the number of Afghans who remain unregistered. Moreover, the Government should be further encouraged to expand the services available to ACC holders, bringing them into line with those accessible by PoR cardholders.

The report finds that much work remains to be done in order to bring Afghans in from the margins of Pakistani society. It suggests that the provision of registration documentation is one clear way to ensure improved access to services, and thereby confer increased protection upon the most vulnerable in society.

You can find the full report on the ADSP website, at ADSP.ngo



Displaced by drought: an interview with an IDP in Badghis

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In 2018 much of western Afghanistan was hit by a devastating drought, which resulted in the displacement of approximately 250,000 people. Above average rainfall over the winter allowed some displaced households to return to their homes. However, some remain displaced. The International Rescue Committee works with displaced communities in Badghis and conducted an interview with Abdul Nabi, one of the IDPs still living at the Baghlar collective site. The interview shows the challenges that people face after displacement, and some of the obstacles to achieving durable solutions. It also shows how important it is to ensure continuity between emergency relief and support for early recovery.

Q: When did you become displaced and what made you decide to leave your area of origin?

A: I left my home village of Bobak Ha in the Abkamari District of Badghis in the Mezan solar month (September 2018). I took the decision to leave because of the drought and because of taxation levied by the armed groups in that area.

Q: Tell me about your experience since you left your area of origin

A: Before I left my home, I sold all of my goods and livestock at a very low price and used the money to purchase food. I have therefore lost everything I own. I settled in Baghlar Collective Site and have been given some cash support and emergency shelter from IRC. Besides that, we receive drinking water from another NGO, and our children are able to go to school. I think that the job opportunities are better here for those who have the opportunity to work than they were in our home village.

Q: Do you think you will return to your area of origin?

We would like to return to our village, but the situation there is not suitable for us. There is no reason for us to return as we cannot survive there. Now we have not cultivated, and so we will have nothing to eat if we return so we still need humanitarian actors to assist us. Those people who have already cultivated and therefore will have something to eat when they return home have already left the collective sites. Those who stay need more support.

Q: What are your main needs at the moment?

A: We continue to need food, and also money for our basic needs. We particularly need money for medical treatment. When the weather is very hot there is a lot of sickness, particularly among the children.

Q: What are your plans for the future?

A: If we receive enough assistance to cover our family's needs for at least one year then we will go home. That will give us time to find a way to survive on our own. Otherwise we will stay in the collective site.

Q: Is there any other information about your situation that you would like to share?

A: We are a family of six. The collective site is not appropriate it is very hot, sometime windy and dusty



Abdul Nabi speaking to IRC at Baghlar Collective Site

We would love to hear your comments and receive your contributions. Please email Rabia.Salihi@drc.ngo with your thoughts.

Localising the compact in Bangladesh

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In the wake of World Refugee Day the Rohingya refugees participated in this global event for the first time, on a large scale. The Government of Bangladesh are renowned for their generosity in hosting the largest refugee camp globally and for doing so despite the huge impact this has had on the host communities and the country as a whole, socially, economically and environmentally.

As the largest funded emergency response in the world there are a multitude of groundbreaking, innovative opportunities being discussed that would enable the Bangladesh government to showcase its response not only as a best practice – but to localize the Global Compact for Refugees at the country level.



Celebrating World Refugee Day /DRC

Globally, the nature of the humanitarian space has evolved. The cornerstone of the new modalities is the integrated approach that supports host communities, and promotes a streamlined approach for humanitarian and development activities.

Research shows that 'self-reliance' is fundamental to protecting refugees or other displaced groups and it is a primary objective for the Bangladesh Government. However, access to rights is necessary if refugees are to help themselves. Currently, the Rohingya in Bangladesh are only permitted to engage in cash for work for 16 days, primarily to support site development and carry out other activities fundamental to the response. The short nature of

these contracts poses a number of concerns, however, it is a good starting point in providing refugees with the right to work, and thereby support the local economy and society as a whole. However, without the ability to provide for their basic needs they are not protected, and remain reliant on aid which is plummeting two years into the response, as any protracted crisis.

While they are not technically considered refugees but 'Forcibly Displaced Myanmar Nationals,' they do not have any protective legal status that would provide access to movement outside the camps, nor access to services such as education, health and justice. Rohingya refugee men, women and children living in the camps are exposed to severe protection risks connected to the violence from which they fled, the overcrowded living conditions, and lack of legal status. Host communities have also been exposed to more protection concerns as a result of the influx, resulting in increased community tensions, economic challenges and concerns with trafficking, forced marriage and forced labour.

To ease pressures on Bangladesh and other host countries, a regional approach is needed to articulate as a collective, the resources required to protect this vulnerable caseload. Conditions for suitable return need to be fostered, regardless of how long it takes for root causes to be addressed and conditions to be met for safe, dignified and voluntary repatriation. Education, skill-building and livelihoods are fundamental to achieving this.

The bottom line is that refugees themselves need to be part of the discussions surrounding solutions, not solely as beneficiaries, but

also as members of a community living across 6 countries in South East Asia, who advocate for their own rights. High level dialogue involving refugees, host communities, civil society, research institutes, ministries, development actors and the international humanitarian community are required to develop innovative solutions to displacement.

As the refugees say, 'We love Bangladesh, and we are so grateful to the government, but we all want to go home.' Significant, multi-actor engagement is needed to help them do so.