Photo: DRC/2023/Ahmad Yusni

The Asia Displacement Solutions Platform (ADSP) is a joint initiative of the Danish Refugee Council, the International Rescue Committee and the Norwegian Refugee Council, which contributes to the development of solutions for displacement-affected populations in the region.

Drawing upon its members operational presence throughout Asia, and its extensive advocacy networks in Europe and North America, ADSP engages in evidence-based advocacy initiatives to achieve improved outcomes for displacement-affected communities. As implementing agencies, ADSP members work closely with displaced populations and the communities that host them, and are therefore able to contribute to a distinctive, field-led, perspective to policy and advocacy processes.

By coming together under the aegis of the ADSP, the three member agencies – global leaders in innovative policy and programming – commit to collaboration to achieve improved outcomes for displacement affected communities in the region.

Briefing Note: Regional Solutions for Rohingya Refugees

Regional implications of the Rohingya humanitarian crisis

The Rohingya, the world's largest stateless population, have experienced decades of persecution, systematic discrimination, and targeted violence by successive Myanmar authorities. This humanitarian crisis has resulted in the mass displacement of over 1.6 million Rohingya throughout the wider Asia region, including 952,300 in Bangladesh, 106,100 in Malaysia, 21,600 in India, and smaller groups in Indonesia and Thailand.[1] There are 600,000 Rohingya who remain in Rakhine state in Myanmar, of which an estimated 140,000 live in camps. The protracted displacement of the Rohingya has a significant transnational dimension, as policy responses by host governments directly affect one another, and differing policy approaches have unintended consequences for other states.

International refugee policies and institutions, however, have not been effectively utilised to respond to the Rohingya crisis in the Asia region, as the combination of conflicting and diverging priorities among regional host governments, domestic political constraints, and insufficient political will have rendered sustained coordination and collective action elusive. As a result, responses to the Rohingya have been ad hoc and inconsistent, with negative consequences for regional stability and poor protection outcomes for Rohingya refugee populations.

This briefing note spotlights the regional implications of the Rohingya humanitarian crisis and analyses how meaningful regional action in response to protracted Rohingya displacement can be mobilised to increase access to durable solutions.

1. Durable Solutions

The limited information that is publicly available on the proposed repatriation pilot, as led by Bangladesh and Myanmar authorities and mediated by the Chinese government, indicates that the process would likely not comply with international standards. For example, the process is not accessible to all Rohingya refugees, the verification of refugees' identities does not safeguard voluntariness or confidentiality at any stage, and the process is not subject to third-party monitoring, amongst others. The pilot purportedly aims for an initial group of 3,000 Rohingya refugees to return and then a further 4,000 by the end of 2023.

Although most Rohingya refugees in Bangladesh have expressed a desire to return to their homeland, Myanmar, current conditions in Myanmar are not conducive to the safe, dignified, informed, voluntary and sustainable return of Rohingya. The root causes of Rohingya displacement have not been addressed and in fact have only become more entrenched since the mass displacement of at least 700,000 Rohingya refugees from Myanmar to Bangladesh in August 2017. Furthermore, key conditions for return are not being met, including citizenship rights, freedom of movement, the ability to return to areas/villages of origin, access to livelihoods, and guarantees of safety and security. Until these circumstances changes, the safe, voluntary, and dignified repatriation of Rohingya refugees cannot be ensured.

Given that safe, dignified, informed, voluntary and sustainable return of Rohingya refugees is unlikely in the foreseeable future, increased support and engagement is needed to develop longer-term protection arrangements in host countries, alongside sustained efforts to improve conditions in Myanmar. In Bangladesh, Malaysia, and India, where refugees are not permitted to work or access educational opportunities and have suffered significant trauma following decades of persecution in Myanmar and restricted rights in countries of asylum, transitional solutions should be implemented i.e., increased access for Rohingya to psychosocial, livelihood, and education support.

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[1] UNHCR (2023) Expanded Solutions and Enhanced Resilience: A Multi-Stakeholder Pledge for Rohingya Refugees

The provision of robust psychosocial support services would support displaced Rohingya to cope with their experiences and rebuild their lives with resilience. Access to work rights and safe and dignified livelihood opportunities, including vocational training, microfinance initiatives, and entrepreneurship opportunities, would enable Rohingya to regain economic self-sufficiency[2], foster social integration and disincentivise irregular and dangerous boat movements, human trafficking, and drug smuggling.[3] Providing access to certified formal education opportunities will enable Rohingya to better contribute to their communities and gain skills needed for when return or resettlement is possible.

In Malaysia, Thailand, and India, continued efforts must also be made to advocate for the release of Rohingya refugees and asylum seekers, including women and children, from immigration detention centres. Without a recognised refugee legal status in these countries, Rohingya refugees face arbitrary and indefinite detention, with negative and long-lasting mental and physical health consequences. Ensuring access to Alternatives to Detention (ATD) will not only support improved outcomes for Rohingya but also result in more cost-effective migration governance policies. [4]

Increased support to Rohingya in host and transit countries should also be complemented by commitments by the international community to increased responsibility sharing, including through expanded access to resettlement and complementary pathways. Multilateral cooperation on resettlement would allow for more equitable responsibility sharing, provide durable protection for the most vulnerable refugees, and support strategic advocacy with host countries in the region. By investing in and opening new complementary pathway options such as skilled refugee labour arrangements, education pathways, and community sponsorship, states allow refugees to harness their own skills and capacities in pursuit of their own durable solutions. Investment in complementary pathways can also bolster the Rohingya protection environment in host countries by encouraging host states to increase access to public education and employment and leverage improved conditions for Rohingya.

Recommendations:

- **Humanitarian actors should increase engagement with authorities in Bangladesh, Myanmar, and China on the ongoing repatriation process negotiations to ensure that international standards are upheld and that any return process is transparent and includes consultation with Rohingya communities, humanitarian actors, and other appropriate stakeholders.**

- **Donors should support regional host governments to develop both short and longer-term protection arrangements for refugees, including, in the short term, increased provision of psychosocial, livelihood and education support, and alternatives to detention and in the longer-term access to a recognised legal status and work and education rights.**

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2 Asia Displacement Solutions Platform (2023) Understanding the Current and Potential Contribution of Rohingya Refugees to the Malaysian Economy
3 Asia Displacement Solutions Platform (2023) Developing Transitional Solutions for Rohingya Refugees in Bangladesh
4 Asia Displacement Solutions Platform (2023) Impact of Prolonged Immigration Detention on Rohingya Families and Communities in Malaysia

2. Global Refugee Forum (GRF) 2023

The upcoming 2023 Global Refugee Forum is a promising opportunity to contribute to the immediate protection and long-term solutions for Rohingya refugees, as the GRF will include a multistakeholder pledge for Rohingya refugees which focuses on expanding access to solutions and enhancing resilience for displaced Rohingya. By demonstrating solidarity through commitments for expanded access to resettlement and complementary pathways as well as an increase in humanitarian support, states beyond the region can bolster commitments for improved conditions in host countries.

As the planned pledge will have a regional focus across multiple host states, the 2023 Global Refugee Forum is also an opportunity to mobilise commitments for strengthened regional coordination mechanisms such as the development of a Rohingya support platform. A Rohingya support platform could be a major step in advancing regional approaches towards solutions for displaced Rohingya – as well as other populations from Myanmar – enabling concerned states to facilitate structured dialogue, pool resources and mobilise interlinked commitments and policies to address protracted Rohingya displacement.

While a potential Rohingya support platform would focus primarily on advancing long-term solutions for Rohingya, it should also complement and assist efforts to find solutions for other displaced populations from Myanmar, many of whom are also in situations of protracted displacement across the Asia region.

Regional support platforms were developed and implemented following the 2019 Global Refugee Forum to address regional displacement crises in Afghanistan, Central America, and East Africa and provide a model for a potential Rohingya support platform to consider and learn lessons from.[5] As a complement to a Rohingya multistakeholder pledge, a Rohingya support platform has the potential to yield genuinely transformational protection outcomes by galvanising political commitment and advocacy for solutions, mobilising increased financial, material, and technical assistance, and facilitating more coherent and comprehensive humanitarian and policy responses.

In addition to drawing from insights and best practices from other regional support platforms, the development of a Rohingya support platform should also draw on lessons learned from prior initiatives to promote a coordinated regional response to the Rohingya crisis, such as the 2018-2019 Solidarity Approach. This was inhibited by its inability to secure sufficient regional buy-in from host states, confusion over its process and objectives, and limited engagement with civil society and refugee-led organisations.

Recommendations:

- **States in and beyond the region should support the regional Rohingya multistakeholder pledge at the Global Refugee Forum by pledging to increase resettlement and complementary pathways options for Rohingya refugees and committing to strengthened partnerships with Rohingya-led organisations.**

- **Humanitarian actors should encourage the development of a Rohingya support platform to enable concerned states to pool resources, facilitate structured dialogue and sustain strong regional coordination to address protracted displacement of refugees from Myanmar.**

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[5] Asia Displacement Solutions Platform and International Council of Voluntary Agencies (2023) The Support Platform for the Solutions Strategy for Afghan Refugees: An ADSP & ICVA Explainer

3. Irregular Maritime Movement

Faced with continually deteriorating conditions in both Myanmar and Bangladesh, including restrictions on Rohingya populations fundamental rights such as livelihoods, education and freedom of movement, there has been a precipitous rise in irregular movement as Rohingya are driven to undertake dangerous land and sea voyages in search of better futures, often aiming for Malaysia and traveling via Thailand and Indonesia. This places them at risk of human trafficking and other forms of exploitation, or loss of life in dangerous sea journeys. 2022 saw a more than 360% increase in the number of attempted sea journeys compared to 2021 and 2023 has seen a 143% increase in the number of attempted sea journeys in Q1-Q3 compared to Q1-Q3 in 2022. From January 2022 to September 2023, an estimated 5,670 people embarked on sea journeys and 555 have been reported dead or missing.[6] Responses by receiving countries, such as Thailand, Malaysia and Indonesia have been ad hoc and inconsistent, with frequent pushbacks at sea, refusal of disembarkation and minimal provision of safety and protection measures exacerbating the risks Rohingya face.

Regional governments can adopt more proactive mechanisms to improve coordination of rapid emergency response efforts and more robust forward planning and preparedness for maritime emergencies. Indeed, a 2016 review by the Bali Process into failures to respond to refugees stranded in the Andaman Sea found that "a regional approach based on the principles of collective action and responsibility sharing is essential" and established a Consultation Mechanism and supporting Taskforce on Planning and Preparedness (TFPP) to better prepare member states to prevent and respond to future large influxes.[7]

Continuous monitoring of search and rescue areas, clear and efficient channels of inter-governmental communication, and more coordinated rescue and disembarkation are needed to respond to the increase of irregular maritime movement of Rohingya. This could all be facilitated under the auspices of effective and ambitious Bali Process leadership by Co-Chairs Australia and Indonesia.

The Consultation Mechanism was activated most recently at the Bali Process Ministerial Conference in February 2023, however, as of yet there has not been any public statement on its progress. The supporting Bali Process TFPP has also not been utilised as originally envisioned with a mandate to develop early warning capabilities and capacity to coordinate action for the large-scale irregular movement of migrants.

It must be reinvigorated, adequately resourced, and reformed to ensure that they are able to support regional coordination to rescue and protect migrants stranded at sea. To facilitate this, Bali Process members should also push for the establishment of a formal secretariat, or, delegate this to the Regional Support Office of the Bali Process to ensure accountability, transparency and the institutionalisation of Bali Process Working Group activities and interventions.

Recommendations:

- **Member States should encourage the Bali Process Co-Chairs to effectively use the Consultation Mechanism to coordinate responses to increased dangerous movements at sea, as the mechanism was intended to be used.**

- **Bali Process Member States and member organisations to ensure that the Task Force on Planning and Preparedness is adequately resourced and reformed to play a leading role in coordinating rapid emergency response efforts.**

- **Bali Process Co-Chairs to establish a formal Bali Process secretariat to ensure accountability, transparency, and the institutionalisation of Bali Process Working Group activities.**

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[6] UNHCR Operational Data Portal, Myanmar Situation: Rohingya Refugee Maritime Situation, accessed 9 October 2023
[7] Bali Process 2016 Attachment A: Review of Region's Response to Andaman Sea Situation 2015

Conclusion:

There is urgent need for renewed focus on coordinated regional action that expands access to solutions and improves protection for displaced Rohingya. To more meaningfully address the national and transnational challenges created by the Rohingya humanitarian crisis, regional responses must be bolstered to improve communication and coordination between regional host governments and create interlocking commitments and fairer responsibility-sharing arrangements. Existing intergovernmental processes such as the Bali Process should be reinvigorated and reformed to ensure that it can fulfil its promise to prevent, coordinate, and respond to maritime emergencies. Regional coordination should also be strengthened by developing new policy processes such as a Rohingya support platform to amplify commitments made under the Rohingya multistakeholder pledge and enable more effective allocation of expertise and resources.