

ASIA DIALOGUE



ELEVENTH MEETING

Part II

Virtual

1 July 2022



Asia Dialogue on Forced Migration

11th Meeting Part 2 (virtual)

Date and time: Friday 1 July 2022 at 9:00-11:00 Dhaka time/ 10:00-12:00 Jakarta/Bangkok time/
11:00-13:00 Kuala Lumpur time/ 13:00-15:00 AEST/ 15:00-17:00 NZST.

Context:

The Indo Pacific region is facing a series of forced migration challenges, including the fall of Kabul in August 2021, persistent conflict in Myanmar and the resultant stalemate on safe, durable, voluntary and sustainable repatriation of Rohingya refugees from the camps in Cox's Bazar, economic and political instability in Sri Lanka, and the ongoing and significant impacts of COVID-19 on refugees and migrants. Future shocks risk further onward movement, and a stretched humanitarian system may struggle to cope.

While the Russian invasion of Ukraine has dominated the news cycle, the crises in Afghanistan and Myanmar have by no means abated.

- In Afghanistan there are an estimated 3.4 million internally displaced and 2.5 million registered refugees living in neighbouring countries. Ongoing attacks, particularly against ethnic Hazaras and other minorities, are continuing, and restrictions on women remain in place.
- In Myanmar, the impacts of the coup and subsequent economic and social instability are ongoing, with more than one million now internally displaced within the country, 700,000 newly displaced since the coup, and others seeking protection in neighbouring countries.

The ADFM Secretariat is concerned that without coordinated support to displaced persons, people on the move will be vulnerable to exploitation, or left with few options other than to engage smugglers for onward movement.

Meeting objectives:

The goal of the Track II Asia Dialogue on Forced Migration is to promote more effective, durable and dignified approaches to forced migration in the region. In March 2022 the ADFM convened virtually to discuss opportunities to reform the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime as the institution marked its twentieth anniversary this year. Our next meeting will take place in July 2022, following elections in the Philippines and Australia, and in advance of Indonesia becoming the 2023 ASEAN Chair. It is timely to discuss what countries in the Indo Pacific, including those already hosting refugees from Afghanistan and Myanmar, do to strengthen their responses and prepare for possible future displacement.

Provisional Agenda:

Date: Friday 1 July 2022

Time: 9:00-11:00 Dhaka

10:00-12:00 Jakarta/Bangkok

11:00-13:00 Kuala Lumpur/Manila

13:00-15:00 AEST

15:00-17:00 NZST

Time	Agenda item
10 mins	<p><u>Welcome</u></p> <ul style="list-style-type: none"> • Welcome, housekeeping, introduce agenda • Update since last meeting • ADFM Secretariat brief overview of the regional context
50 mins	<p><u>Session 1: Myanmar</u></p> <p>Kick off speaker: Nyi Nyi Kyaw</p> <ul style="list-style-type: none"> • Latest developments in Myanmar and priorities for protection (~4 mins) <p>Discussion: What can the region be doing now to respond and prepare?</p> <ul style="list-style-type: none"> • Regional minilateral groupings to work creatively • Support to accountability processes • Other displacement proposals (see pages 12-13)
50 mins	<p><u>Session 2: Afghanistan</u></p> <p>Kick off speaker: Ahmad Shuja Jamal</p> <ul style="list-style-type: none"> • Latest developments in Afghanistan and priorities for protection (~4 mins) <p>Discussion: What can the region be doing now to respond and prepare?</p> <ul style="list-style-type: none"> • Strong response from resettlement countries • Further research into onward movement • Other displacement proposals (see pages 12-13)
10 mins	<p><u>Summary and next steps</u></p> <ul style="list-style-type: none"> • Consolidate points of agreement • Confirmation of next steps

As with all ADFM Meetings, this meeting is closed door and invitation only. The meeting will not be recorded and will be conducted under the Chatham House Rule of non-attribution. A participant list follows on the next page.

Participant List

Name	Organisation	
Achsanul Habib	Director for Human Rights and Humanitarian – Directorate General for Multilateral Cooperation, Ministry of Foreign Affairs	Indonesia
Adelina Kamal	Associate Senior Fellow, ISEAS-Yusof Ishak Institute	Indonesia
Adrian Edwards	Country Director for Australia, New Zealand and the Pacific, UNHCR	International
Ahmad Shuja Jamal	Special Advisor, Refugee Council of Australia	International
Ahmad Tarmizi bin Sulaiman (TBC)	Member of Parliament of Sik, Kedah for the Malaysian Islamic Party (PAS) and Chair of the All Party Parliamentary Group Malaysia on Refugee Policy	Malaysia
Anabel Lusk	Senior Policy Officer, International Security and Disarmament Division, Ministry of Foreign Affairs and Trade	New Zealand
Andrew Goledzinowski	Acting Deputy Secretary, Southeast Asia and Global Partnerships Group, Department of Foreign Affairs and Trade	Australia
Andrew Hudson	Chief Executive Officer, Centre for Policy Development	Australia
Axel Wabenhorst	A/g Assistant Secretary, Afghanistan and Regional Branch, Department of Foreign Affairs and Trade	Australia
Carl R. O. Daquio	Senior Officer, Labor and Civil Service Division of ASCC, ASEAN Secretariat	International
Charles Prestidge-King	A/g Assistant Secretary, Southeast Asia Mainland Branch, Department of Foreign Affairs and Trade	Australia
Chris Lewa	Founder and Coordinator, Arakan Project	International
David Muehlke	Regional Refugee Coordinator for East Asia, Refugee & Migration Affairs, United States Embassy, Bangkok, Thailand	USA
David Scott (TBC)	Australian Co-Manager of the Bali Process Regional Support Office	Australia
David Wilden	First Assistant Secretary, Refugee, Humanitarian and Settlement Division, Department of Home Affairs	Australia
Dennis D. Villasenor, MNSA, CESO IV	Director IV, Department of the Interior and Local Government - National Barangay Operations Office	Philippines
Dewi Fortuna Anwar	Research Professor, Research Center for Politics-National Research and Innovation Agency (PR Politik-BRIN)	Indonesia
Evan Jones	Coordinator, Asia Displacement Solutions Platform	International
Ezwin Mizra bin Mahamad Zabri	Deputy Undersecretary of the National Strategic Office Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants, Ministry of Home Affairs	Malaysia
Jitvipa Benjasil	Director of the Social Division, Department of International Organisations, Ministry of Foreign Affairs	Thailand
Lilianne Fan	Chair, Rohingya Working Group, APRRN , Co-Founder & International Director, Geutanyoë Foundation	Malaysia
Lucienne Manton	Australian Ambassador for People Smuggling and Human Trafficking, Department of Foreign Affairs and Trade	Australia
M. Alvin Pahlevi	Officer, Labor and Civil Service Division of ASCC, ASEAN Secretariat	International
Melanie Mylvaganam	Senior Policy Adviser, Immigration (International and Humanitarian) Policy, Ministry of Business, Innovation and Employment	New Zealand
Noat Hamindra	Senior Plan and Policy Analyst, Division of Internal Security Affairs, National Security Council	Thailand
Nyi Nyi Kyaw	Fellow, KWI Institute for Advanced Study in the Humanities	International

Paris Aristotle	Chief Executive Officer, Victorian Foundation for the Survivors of Torture Inc	Australia
Peppi Kiviniemi-Siddiq	Senior Regional Specialist for Migrant Protection, IOM Asia Pacific Regional Office	International
Peter Hughes	Fellow, Centre for Policy Development	Australia
Pitchayadet Osathanon	Plan and Policy Analyst, Division of Internal Security Affairs, National Security Council	Thailand
Scott Bradford	A/g Director, Bali Process Section, Department of Foreign Affairs and Trade	Australia
Sriprapha Petcharamesree	Senior Lecturer, Ph.D. Program in Human Rights and Peace Studies, Institute of Human Rights and Peace Studies, Mahidol University	Thailand
Steve Scott	First Secretary, Australian Embassy in Jakarta	Australia
Steve Wong	Former Deputy Chief Executive, Institute of Strategic and International Studies Malaysia	Malaysia
Subashini A/P Kamarapullai	Assistant Principal Secretary, Human Rights and Humanitarian Division, Ministry of Foreign Affairs	Malaysia
Sufiur Rahman	Former Bangladesh Ambassador to Myanmar	Bangladesh
Sukmo Yuwono	Indonesian Co-Manager of the Bali Process Regional Support Office	Indonesia
Susan (Sue) Hill	Assistant Secretary, International, Department of Home Affairs	Australia
Tasneem Siddiqui	Professor, Department of Political Science, University of Dhaka , Founding Chair, Refugee and Migratory Movements Research Unit (RMMRU)	Bangladesh
Thomas Benjamin Daniel	Fellow, Foreign Policy and Security Studies Institute of Strategic and International Studies (ISIS) Malaysia	Malaysia
Toufiq Islam Shatil	Director General (United Nations), Ministry of Foreign Affairs	Bangladesh
Tri Nuke Pudjiastuti	Research Professor, Research Center for Politics, National Research and Innovation Agency (BRIN)	Indonesia
Zhala Sharifi	Adviser Refugee and Migrant Support, Refugee and Migrant Services, Immigration New Zealand	New Zealand

Discussion Paper

Context

Addressing forced migration remains one of the biggest issues facing our region. People fleeing violence and persecution, displaced due to climate change or economic turmoil, or who are victims of smuggling, trafficking or related crimes, require humane, effective and nuanced responses. Responding effectively to these challenges frequently requires cooperation between two or more countries, working in collaboration with non-government actors. The situations of Afghanistan and Myanmar are two of our region's most pressing forced migration crises. In both cases, there are substantial barriers to the safe, dignified, voluntary and sustainable return of any refugees to their home country in the near or even medium-term, and it is important that we calibrate policies accordingly.

This discussion paper was written to inform part two of the 11th meeting of the Asia Dialogue on Forced Migration (ADFM) on 1 July 2022, and is intended to provide a short overview of the latest information available about each crisis. The paper begins with sections summarising the situations in Myanmar and Afghanistan, it then outlines other relevant regional trends to take into account when considering responses to these two crises, before listing a series of proposals for discussion at the upcoming ADFM Meeting. This paper has been compiled by members of the ADFM Secretariat and has benefited from input from experts within the ADFM network. Further feedback on its contents is always welcome.

I. Myanmar

a) Situation following the coup in February 2021

On 1 February 2021 the Myanmar military launched a coup which overthrew the democratically elected government. Since then, violence committed by its soldiers has been well documented.¹ The coup has dramatically changed life in Myanmar. As of writing, there are one million people internally displaced, around 700,000 of whom are newly displaced since the coup.² The Assistance Association for Political Prisoners has documented 1,954 people killed by the junta, 11,065 people in detention, 73 sentenced to death including two children.³ In response to the coup, some 250 resistance groups have emerged, ranging from small groups to large well-organised militias. The National Unity Government (NUG) claims that these groups together with Ethnic Armed Organisations have killed 1,710 soldiers between June-September 2021.⁴ Myanmar has now devolved into a nationwide civil war, with civilian casualties mounting in Sagaing, Kayin, Kachin and Chin states.

The coup has also had widespread economic impacts as well. Nationwide protests, and civil disobedience movement (CDM), have brought industries to a halt and shut down banks.⁵ The global COVID-19 pandemic has also compounded the crisis, and its impacts are likely under-reported in part due to military-imposed internet blackouts hampering access to information.⁶ The World Bank estimates the Myanmar economy is around one third smaller than it would have been in the absence of the coup and COVID-19.⁷ Further estimates show the share of Myanmar's population living in poverty has more than doubled compared to

¹ See: IISS. 2022. Myanmar Conflict Map, [link](#), and ICG. 2021. The deadly stalemate in post-coup Myanmar, Crisis Group Asia Briefing no. 170, 20 Oct.

² UN News. 2022. Myanmar's multidimensional crises have 'deepened and expanded dramatically', UN News, [link](#).

³ AAPP. 2022. Daily briefing in relation to the military coup, 15 June, [link](#).

⁴ The Irrawaddy. 2021. Over 1,700 Myanmar junta soldiers killed in past three months, civilian govt says' *The Irrawaddy*, 14 September, [link](#).

⁵ Htwe Htwe Thein & Michael Gillan. 2021. How the coup is destroying Myanmar's economy, *East Asia Forum*, 23 June, [link](#).

⁶ Nu Nu Lusan & Emily Fushbein. 2022, Internet blackouts are hiding an ongoing human rights catastrophe, *rest of world*, 26 April, [link](#).

⁷ World Bank. 2022. Myanmar Economic Monitor, January, [link](#).

pre-COVID levels.⁸ The banking system is on the verge of collapse, and China remains the only real active foreign investor.⁹

Myanmar is a large and diverse country, and the different regions have been impacted differently. For example, in Karen State fighting between the junta and the Karen National Liberation Army (KNLA) flared in December 2021 and is estimated to have displaced 50,000 civilians, at least 7,000 of whom are living along the Moei River which forms the border between Myanmar and Thailand.¹⁰ Movements of refugees into Thailand have been hampered by COVID-19 restrictions and national security concerns. Elsewhere in Shan State, UNOCHA Myanmar estimates 30,000 people have been displaced, and fighting has left behind landmines creating serious long-term problems for those wanting to return to farmland.¹¹

The Association of Southeast Asian Nations (ASEAN) initially showed promise in its response to the coup, convening a Leaders Meeting on Myanmar and agreeing to a five-point plan on how to address the crisis in line with its principles of consensus based decision making and non-interference. However, now more than eighteen months since the coup, ASEAN's ability to affect change has disappointed many. ASEAN member states are divided on how best to leverage Myanmar's de facto authorities to implement the five-point plan, and whether to engage with the National Unity Government and other opponents of Myanmar's military. The latest Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar was widely condemned by human rights groups for allowing the Myanmar military to control the distribution of humanitarian aid in Myanmar, which would allow it to restrict aid for political reasons and co-opt aid distribution to gain legitimacy.¹²

In a deeply concerning escalation, in June 2022 the Myanmar military announced it planned to execute four men, including one pro-democracy activist and one National League for Democracy (NLD) parliamentarian. While the military has razed homes and killed civilians, this marks the first occasion the military has openly executed opposition members, and is a deeply troubling shift both for what it means for the other 70 people currently sentenced to death (including two children) and for its symbolism. Analysts and media outlets have warned that proceeding with these executions risks further destabilising an already unstable situation,¹³ and the execution has been met by condemnation from the United Nations, United States and France. Whatever happens next, it seems like a return to the status quo before the coup is now impossible.

b) Situation for Myanmar refugees in host countries

Myanmar has long been the primary source of forced migration in Southeast Asia. Periodic violence over decades since independence in 1948 have led to large diaspora communities living throughout the region. Before the coup during the democratic period some former refugees had begun to return to Myanmar. For example, since 2017 some ethnic Karen people have returned from Thailand via a UNHCR-managed voluntary returns process. Returns are the responsibility of Myanmar's Ministry of Labour, Immigration and Population (except for Rohingya returnees who are managed by the Ministry of Social Welfare, Relief and Resettlement). Refugees could choose to return via formal channels or informally, which can be faster but without any financial support from international organisations. In 2018 UNHCR considered cessation of refugee status for ethnic Chin, although later reassessed this due to escalating conflict in southern Chin State.¹⁴

⁸ *Ibid.*

⁹ USIP. 2022. Myanmar Study Group Final Report, p. 39

¹⁰ Frontier, 2022, No way home: Karen refugees live in limbo, *Frontier Myanmar*, 26 April, [link](#).

¹¹ Frontier, 2022, Northern Shan State conflict leaves lives and livelihoods in ruins, *Frontier Myanmar*, 4 May, [link](#).

¹² There are already concerns that ethnic Chin people will not be included in the response plan. Radio Free Asia. 2022. 'Refugees in Myanmar's Chin state excluded from ASEAN humanitarian assistance plan' *Radio Free Asia*, 7 June [link](#); Kirsten McConnachie. 2022. Bordering and ordering among refugees from Burma/Myanmar' Refugee Studies Centre Annual Elizabeth Colson Lecture 2022.

¹³ Frontier Myanmar. 2022. Editorial: By invoking the death penalty, the junta only condemns itself, 16 June, [link](#).

¹⁴ Andrej Mahecic. 2019. UNHCR concerned about the humanitarian impact of continuing violence in southern Chin State and Rakhine State in Myanmar, and stands ready to offer support. *UNHCR News*, [link](#).

Accurate information about cross-border movements since the coup is challenging, but an estimated 40,200 people have fled to date.¹⁵ Thailand shares a long land border with Myanmar and has hosted refugees on parts of its border for over three decades, in camps home to more than 90,000 people. Since the coup, estimates are that around 17,000 more people have sought refugee from Myanmar, however they have largely been prevented from settling in these established camps.¹⁶ Malaysia also hosts large populations of Myanmar refugees including ethnic Rohingya people. During COVID-19 there has been a growing pushback from both within government and segments of the local population against these refugee groups, which may further hinder access to education, livelihoods, and essential services and harden detention policies.

c) Situation for Rohingya refugees in Myanmar and host countries

The Rohingya ethnic minority has long been recognised as one of the world's most persecuted. Waves of violence have led to repeated movements of Rohingya people from their homes in Rakhine State to refugee camps in Cox's Bazar, and further afield. The most recent of these instances took place in August 2017, where more than 9,000 people were killed in what the United Nations has called "a textbook example of ethnic cleansing",¹⁷ resulting in close to one million refugees remaining living in Bangladesh. As of February 2022 an estimated 148,000 also remain internally displaced in camps in Rakhine State.¹⁸ An informal ceasefire exists in Rakhine State after intense conflict between 2018-2020, and the Arakan Army is in control of large parts of the state.¹⁹ Harsh restrictions on freedom of movement, access to education and livelihoods inside Myanmar, and no legitimate path to citizenship in Myanmar, means that the Rohingya are left with little option but to attempt onward movement.

This onward movement has led to dispersed populations of Rohingya people living throughout the region, with large diaspora groups in Malaysia, Indonesia, Thailand and India, as well as further afield in Pakistan and Saudi Arabia, in addition to those living in Bangladesh. However as a stateless community the Rohingya are particularly vulnerable to exploitation. This was exacerbated in many cases by responses to COVID-19 which scapegoated migrants. There have been a number of concerning instances targeting Rohingya in recent months. For example, crackdowns in India have led Rohingya refugees, many of whom have lived there for years, to cross the border into Bangladesh rather than face more persecution.²⁰ In Malaysia a group of around 500 largely Rohingya refugees attempted to escape from the Sungai Bakap Temporary Detention Centre in April 2022, resulting in the deaths of six people.²¹ In June 2022 the Thai Navy located 59 Rohingya refugees who had been abandoned on an island in the Andaman Sea after traffickers abandoned them.²²

Bangladesh has hosted the largest refugee camp in the world for over five years, and support from the international community has been waning.²³ The stated long-term aim of the Government of Bangladesh is to secure the safe, voluntary and sustainable repatriation of the Rohingya to their former homes, and support to the Rohingya in Cox's Bazar is channeled towards fulfilling immediate humanitarian needs, rather than investing in education or skills training. Conditions in the camps in Cox's Bazar, as well as for the 28,000 living on Bhasan Char island, are directly linked to onward movement, and risk factors like disease outbreaks, fires, floods, exploitation and violence can all motivate people to move, as has been found repeatedly. Over half of the camp population are children, and without access to formal education, and the recent closure of informal

¹⁵ UN DPPA 2022 UN Special Envoy Heyzer addresses Myanmar's critical importance to the region at Shangri-La Dialogue, 11 June, [link](#).

¹⁶ Victoria Milko & Kristen Gelineau. 2022. 'Despite risk of death, Thailand sends Myanmar refugees back' *ABC News*, [link](#).

¹⁷ UN News. 2017. UN human rights chief points to 'textbook example of ethnic cleansing' in Myanmar, 11 September, [link](#).

¹⁸ UNHCR. 2022. UNHCR steps up aid for displaced in Myanmar as conflict intensifies, 11 February, [link](#).

¹⁹ ICG. 2022. Avoiding a return to war in Myanmar's Rakhine State, Report no. 325, 1 June, [link](#).

²⁰ Rajeev Bhattacharyya. 2022. Why are Rohingya refugees returning from India to Bangladesh? *The Diplomat*, 3 June, [link](#).

²¹ Malaysian Advisory Group on Myanmar. 2022. Statement on Sungai Bakap incident and Rohingya refugees in immigration detention, 21 April, [link](#).

²² Wassayos Ngamkham & Wassana Nanuam. 2022. Police probe dumping of 59 Rohingya on island off Satun, *Bangkok Post*, 5 June, [link](#).

²³ BD News. 2022. 'Worried' over funding, UNHCR chief Grandi urges focus on Rohingya amid Ukraine war', 26 May, [link](#).

community learning centres, leaves the population with even less hope for a better future. Tensions between the refugee and host community population also risk destabilising the population.

Given the ongoing conflict in Myanmar, not only will people not be able to return, but people will continue to flee. We are already seeing this happen. In late May 2022 a boat carrying an estimated 90 people capsized off the coast of Sittwe killing 17, demonstrating the deteriorating conditions in Rakhine State and desperation of people there.²⁴ UNHCR data shows that already in the first six months of 2022 there have been more movements by boat in the Indo Pacific than were recorded in the whole of 2021. The safety of people on the move and the dignity of people waiting in camps should be a priority concern for our region.

II. Afghanistan

a) Situation following the Taliban takeover in August 2021

While there was some cause for hope during the peace negotiations that began in Afghanistan between the government and Taliban in September 2020, the talks ultimately did not succeed at progressing peace.²⁵ Violence increased and the Taliban ultimately took control of Kabul in August 2021. Although it was not completely unforeseen, the speed of the takeover did surprise many. In the lead up to the takeover, about 30,000 people were crossing the border every week to escape the Taliban.²⁶ There are now an estimated 3.4 million internally displaced and 2.5 million registered and 1.4 million unregistered refugees living in neighbouring countries, about 75% of whom are in Iran and Pakistan.²⁷ Of the 700,000 that UNHCR estimates were displaced in 2021, 80% are women and children.²⁸

The situation on the ground in Afghanistan remains dire, and has been exacerbated by the COVID-19 pandemic, escalating water crisis and the worst drought in decades. The World Food Programme estimates that over half of the population (22.8 million people) face acute hunger.²⁹ Women and girls are particularly at risk. Since August 2021 the Taliban have refused to allow girls over a certain age to go to school in many areas, banned women from most paid employment and dismantled the Human Rights Commission and the Ministry of Women's Affairs.³⁰ Six months after the takeover, the International Psychological Organisation (IPSO), based in Kabul, estimates that 70% of Afghans are in need of psychological support.³¹ Organisations have warned that the instability and dire conditions in Afghanistan have significantly increased vulnerability to human trafficking, while simultaneously decreasing civil society and the international community's ability to respond.³²

The economic situation in Afghanistan is showing no signs of improvement. USD \$3.5 billion of Afghan funds have been frozen by the US Government, impacting both Taliban officials and ordinary Afghans. The liquidity crisis in the country is severe and is significantly impacting the ability of organisations to respond to the humanitarian needs on the ground.³³ The devastating earthquake of 22 June has only exacerbated the level of need and will require an urgent and well-coordinated humanitarian response.

²⁴ UNHCR. 2022. UNHCR shocked at Rohingya deaths in boat tragedy off Myanmar coast, 23 May, [link](#).

²⁵ Mohammadi et al. 2021. Afghanistan: when migration is the only lifeline available all efforts must be ensured to provide safe passage, *Mixed Migration Centre*, 17 August.

²⁶ Christina Goldbaum & Fatima Faizi. 2021. As fear grips Afghanistan, hundreds of thousands flee, *New York Times*, 31 July, [link](#).

²⁷ UNHCR. 2022. Afghanistan Situation, Regional RRP January -December 2022, p. 10.

²⁸ UNHCR. 2022. Afghanistan Emergency, [link](#).

²⁹ WFP. 2022. Afghanistan, [link](#).

³⁰ Gender in Humanitarian Action Working Group. 2022. Research on challenges, barriers and opportunities for women led CSOs in the Afghanistan Humanitarian Crisis, 30 March.

³¹ Stefanie Gliniski. 2022. 'Afghanistan six months on from the Taliban takeover - photo essay. *The Guardian*, 4 March, [link](#).

³² Thi Hoang. 2022. Human trafficking in the Afghan context, SOCE briefing note 16

³³ Norwegian Refugee Council. 2022. Life and death: NGO access to financial services in Afghanistan, January.

b) Situation for Afghans in host countries

Being landlocked, Afghan refugees fleeing must first cross into neighbouring countries: primarily Pakistan and Iran. For those who have been able to travel further, there are also Afghan populations in Malaysia, Thailand, and Australia. Indonesia currently hosts a little under 14,000 refugees, and more than half of whom are from Afghanistan and are largely ethnic Hazaras. Most have spent between 8-13 years living in a few hubs in Indonesia, most of whom only ever intended to transit through the country.³⁴ The very small numbers of resettlement places available through UNHCR channels, and the existing Australian policy banning resettlement of refugees who arrived in Indonesia after 30 June 2014, further limits options for this cohort.³⁵

Afghans en route to safety face significant challenges and risks. There have been reported instances of violence and harassment against refugees in both Iran and Pakistan, including forced deportation, detention and physical abuse.³⁶ A survey of Afghans en route to Turkey between August and September 2021, 41% reported physical violence, 33% reported death and 27% reported robbery were faced en route.³⁷

As with the Myanmar case, during periods of relative safety many Afghans have moved back to Afghanistan. Between 2002 and 2021 UNHCR facilitated the return of around 4.4 million people, with support from neighbouring governments. There are also reported cases of forcible returns.³⁸ In 2020 over 865,000 Afghans returned from Iran and Pakistan, many of whom were forced.³⁹ In the first six months of 2021 a further 628,000 people were returned.⁴⁰ The situation now makes the idea of safe return impossible, and UNHCR lists refugees from Afghanistan as having the second highest resettlement needs globally.⁴¹

One response of note is the Support Platform for the Solutions Strategy for Afghan Refugees (SSAR), established in 2019 by Afghanistan, Iran and Pakistan to draw on international political and financial resources to pursue durable solutions for Afghan refugees. The SSAR is activated under the Global Compact on Refugees (GCR), which Afghanistan, Iran and Pakistan were among the first Member States to affirm.⁴² A Core Group of countries supporting the SSAR was established in 2020 comprising the European Union (as Chair), ADB, Denmark, Germany, Italy, Japan, Qatar, Republic of Korea, Switzerland, Turkey, UK, UNDP, USA, and the World Bank.

III. Relevant regional developments

In the cases of both Myanmar and Afghanistan, safe, dignified, durable and voluntary returns are impossible while the situations in both countries are still so fraught. The living conditions of those displaced need to be considered and medium term support provided to build skills and hope for the future and support mental health. Before considering potential policy responses this paper will outline a few other relevant regional developments that may impact responses to the above situations. The below are highlighted in no particular order, and in as much as they may impact responses to the crises discussed in this paper.

Risk of further regional instability: Troubling developments in Sri Lanka and Pakistan emphasise the importance of being prepared for more instability. In Sri Lanka political and economic turmoil has led to food shortages and widespread protests, with violent clashes killing eight people, leading to the resignation of

³⁴ Mixed Migration Centre. 2021. *A Transit Country No More*.

³⁵ Elibritt Karlsen. 2016. Refugee resettlement to Australia: what are the facts? Parliament of Australia Library, [link here](#).

³⁶ Nasrat Sayed, Fahim Sadat & Hamayun Khan. 2021. Will the Taliban's takeover lead to a new refugee crisis from Afghanistan? *Migration Policy Institute*, [link here](#).

³⁷ Mixed Migration Centre. 2021. Afghans en route to Turkey: routes, protection risks and access to assistance, MMC 4Mi Snapshot - November 2021.

³⁸ European Union Agency for Asylum. 2022. Pakistan: Situation of Afghan refugees.

³⁹ Sayed et al. 2021. Will the Taliban's takeover lead to a new refugee crisis from Afghanistan, *Migration Policy Institute*.

⁴⁰ Supra note 1.

⁴¹ UNHCR. 2022. UNHCR: Global refugee resettlement needs will rise steeply next year, 21 June, [link](#).

⁴² SSAR. 2022. [link here](#)

Prime Minister Mahinda Rajapaksa.⁴³ The new Prime Minister Ranil Wickremesinghe has described the Sri Lankan economy as “completely collapsed.”⁴⁴ In Pakistan Prime Minister Imran Khan was also forced to resign after a vote of no confidence in April 2022, leaving the country in economic and political turmoil, amidst an unprecedented heat wave. Most recently, reports of a currency crisis in Laos are also cause for concern.⁴⁵

2022 Bali Process 20th Anniversary: 2022 is the twentieth anniversary of the Bali Process on People Smuggling, Human Trafficking and Related Transnational Crime (Bali Process) The ADFM has worked closely with the Bali Process over many years, as an informal Track II process to discuss creative policy options. As the primary forum for dialogue between source, destination and transit countries on forced migration in our region, the Bali Process has a unique role and one that should be strengthened. The ADFM Secretariat has prepared a series of recommendations which have been shared with Bali Process Co-Chairs and discussed at a Track II ADFM Meeting in March 2022, with support expressed from many regional governments.

New Australian Government: In May 2022 there was a change of government in Australia after nine years. The incoming government has made a number of prior commitments including a willingness to increase multilateral engagement in the Indo Pacific, a progressive increase to Australia’s annual humanitarian intake, appointments of roles like Special Envoy to ASEAN and an Ambassador for Human Rights, and imposition of targeted sanctions against senior members of the Myanmar junta. These commitments are additional to those made by the previous government related to Afghan refugees in particular.⁴⁶

2023 Indonesia taking up ASEAN Chair: Following the tenure of Cambodia in 2022, Indonesia will take up the role of ASEAN Chair in 2023. Cambodia has had limited success in addressing the Myanmar crisis, and its attempts to unilaterally engage Myanmar were not well received by some other member states. Indonesia may have a greater chance of success on this front, as the nation has been outspoken bilaterally on the Myanmar crisis and Foreign Minister Retno Marsudi has shown impressive leadership on displacement issues, including Co-Chairing the UN-ASEAN Women, Peace and Security Platform with Dr Noeleen Heyzer,⁴⁷ and addressing the March 2022 ADFM Meeting. It is a critical time for Indonesian foreign policy, as the nation will host the G20 and Bali Process Ministerial later this year.

Growing recognition of the value of lived experience: Evidence shows that policies are more successful when they include the perspectives of those with lived experience.⁴⁸ Initiatives such the Global Refugee-led Network (GRN) and Asia Pacific Network of Refugees (APNOR) have shown how this can work in practice and led to policy change in a number of areas; including the formal inclusion of refugee-led organisations in formal processes like the Annual Tripartite Consultations on Resettlement (ATCR). Other positive examples from our region include the Malaysian All Party Parliamentary Group on refugees model, which brings together policy makers with refugees and migrants to discuss policy in a non-partisan forum, and New Zealand’s new Refugee Resettlement Strategy, which will establish a formal a Refugee Advisory Panel to advise on the development of policies, programmes and strategies that improve the lives of refugees.⁴⁹

Accountability and justice processes: A critical element of addressing forced migration is working on improving accountability and strengthening chains of accountability. In January 2020, the International Court of Justice (ICJ) unanimously ordered that Myanmar “take all measures within its power to prevent the commission of all acts within the scope of Article II” of the Genocide Convention against the Rohingya ethnic

⁴³ Al Jazeera. 2022. ‘Sri Lanka: Flashpoints in deadly violence over economic crisis’ 10 May, [link](#).

⁴⁴ Associated Press. 2022. ‘Sri Lanka’s prime minister says economy has ‘completely collapsed’ *The Guardian*, [link](#).

⁴⁵ Philip Heijmans & Michelle Jamrisk. 2022. Looming debt crunch positions Laos as next possible Asia default’ *Bloomberg Asia*, 15 June, [link](#).

⁴⁶ Australia has committed to take 16,500 additional Afghan refugees over the next four years, in addition to an allocation of 10,000 humanitarian and 5,000 family places for Afghan nationals over the next four years within the existing caps. Home Affairs, 2021, Skilled Migration Program - Recent Changes, [link](#).

⁴⁷ Noeleen Heyzer. 2022. ‘Note to Correspondents: Readout of Special Envoy of the Secretary-General on Myanmar Ms. Noeleen Heyzer’s meetings with ASEAN Chair and ASEAN Special Envoy, 31 March to 1 April, [link](#).

⁴⁸ Resourcing Refugee-led Initiatives. 2022. The Evidence, [link](#).

⁴⁹ Immigration New Zealand. 2022. Refugee Advisory Panel, [link](#).

minority.⁵⁰ Myanmar took note of the decision and denied genocide took place in Rakhine.⁵¹ It will be important for the international community to fully support this decision and act in such a way as to encourage its implementation. Other legal processes relating to the treatment of the Rohingya are also ongoing: at the International Criminal Court, in Argentina and through the Independent Investigative Mechanism for Myanmar. Also of note, in June 2022 ASEAN Parliamentarians for Human Rights launched an International Parliamentary Inquiry into the military and humanitarian crisis in Myanmar in order to provide concrete recommendations for action.⁵²

IV. Proposals for discussion

Resolving the crises within Afghanistan and Myanmar need to be led by their respective populations themselves, with support from the international community. However what happens within those two countries has impacts across the Indo Pacific, and the region can be doing more to prepare their responses. The following proposals are intended as discussion starters.

Myanmar	
A. Regional states explore ad hoc minilateral groupings to work on creative ways to address the crisis	The Andaman Sea crisis of 2015 was not resolved through ASEAN or the Bali Process, but through ad hoc multilateral cooperation throughout May 2015. Key meetings were held in Putrajaya, Malaysia, and in Bangkok, Thailand, at which responses were discussed and agreed. In November 2015 a Jakarta Declaration Roundtable discussed opportunities for regional cooperation on addressing root causes. These initiatives took place outside the banner of ASEAN but involving most affected states. Lessons can be learned from this in order to inform future responses. These flexible groupings also allow for broader involvement of affected countries outside ASEAN such as Bangladesh.
B. The international community clearly support international accountability processes related to Myanmar’s treatment of the Rohingya , and seek to pursue justice and accountability for crimes against other groups as well.	The Myanmar junta has so far faced few if any repercussions for crimes committed before or after the coup. The case brought by The Gambia at the ICJ related to the treatment of the Rohingya is one of a few examples of attempted international justice, and the international community should support the final decision of the ICJ and encourage compliance with its final decision.

Afghanistan	
A. Resettlement countries work to ensure quotas are filled and refugee and migrants are well supported	Countries with resettlement quotas for Afghan nationals should ensure that these places are filled, and that refugees and migrants are well supported and enabled to thrive in their new communities. Ways to process humanitarian visas for those most at risk who are still in Afghanistan should be explored. Further, policies which restrict resettlement options for

⁵⁰ Application of the Convention of the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) (23 January 2020) paras 72 and 79, pp. 21-23. The ICJ ruling was handed down two days after Myanmar’s Independent Commission of Enquiry (ICOE) released its executive summary, finding that war crimes, not genocide, had been committed in Rakhine State. Myanmar President’s Office, Executive Summary of Independent Commission of Enquiry – ICOE Final Report (21 January 2020), [link](#).

⁵¹ Ministry of Foreign Affairs ‘Press Statement on the decision by the ICJ on ‘provisional measures’ in the case brought by The Gambia against Myanmar’ (23 January 2020)

⁵² ASEAN Parliamentarians for Human Rights. 2022. International Parliamentarians Inquiry into the international response to the coup in Myanmar, [link](#).

	long-term displaced populations, such as Afghan refugees residing in Indonesia, are worth reconsidering given the low likelihood of safe return to Afghanistan.
B. Conduct research into what onward movements could look like beyond the neighbouring countries of Afghanistan in order to prepare for possible movement.	Taking a medium-term look at this crisis is critical in order to be prepared for future eventualities. The immediate crisis-response phase to this situation has passed, and while other global events have taken attention away, the potential for things to get significantly worse remains. Research into potential further movements will be important to prepare for future displacement, and could be carried out by the ADFM Secretariat in collaboration with other interested bodies, including the TFPP or new ASEAN migration mechanism.

Displacement broadly	
A. Countries hosting large communities of displaced persons and refugees work to address their medium-term needs	It is clear that there is no prospect for safe return to either Afghanistan or Myanmar anytime soon. In response, countries currently hosting substantial populations of refugees from these countries, including the Rohingya, should ensure opportunities exist to live in dignity and safety, with access to livelihoods and education, supported by adequate funding from international donors.
B. Convene an International Crisis Conference on Displacement to maintain focus on these crises and increase support for displaced and host communities.	There is a real concern about waning focus on displacement in our region. Revitalising support to existing crises and humanitarian situations, ensuring protection stays on the agenda, would benefit both displaced and host communities. This could be done through a high level conference on displacement bringing together representatives from governments, UNHCR, IOM, civil society, academics and displaced communities themselves to discuss solutions and identify gaps.
C. States work with UNHCR to upgrade reception, registration and refugee status determination processes in countries where refugees first arrive	Improving reception, registration and status determination processes, ensuring that this takes place in an orderly, safe way while also providing material assistance to people while they are being processed would take pressure off overcrowded refugee camps and host countries, with appropriate international support.
D. Bali Process member states activate existing mechanisms like the Task Force on Planning and Preparedness , and other early warning and monitoring systems, to plan and prepare for potential further displacement.	The region has mechanisms already in place that could be better utilised to support this planning, for example the Bali Process Taskforce on Planning and Preparedness, which is not being used to its full potential. It is highly likely that there will be more onward movement of people seeking safety and security in our region. Being prepared to respond to these movements in a humane, rights-based and timely manner is critical both to save lives at sea and to ensure responsibility sharing is maintained.
E. ASEAN develop a forced migration dialogue to bring together affected states.	ASEAN has long struggled to directly discuss forced migration beyond the frame of trafficking and transnational crime. A dedicated forced migration dialogue or grouping within ASEAN similar to AICHR would be able to convene regular and ad hoc meetings to progress humane responses to forced migration.