difficult to remain: the impact of mass resettlement

Susan Banki and Hazel Lang

In a context where the durable solutions of repatriation and local integration are not available, resettlement has become increasingly attractive.

“Chuwa ma yeh, ga ma ye” is an expression in the Karenni language that translates roughly as “between a rock and a hard place” or, more accurately, “difficult to move forward, difficult to go back.” The phrase aptly characterises the emotions of many of the 145,000 refugees on the Thai-Burmese border who, after decades of living in refugee camps with their eyes metaphorically turned towards Burma, are now being offered the possibility of resettlement to a third country. In 2007, more than 14,000 stateless people, UNHCR should be involved and, in collaboration with receiving countries, seek appropriate solutions for them. Adequate protection strategies should take into account the legitimate concerns of these governments about irregular movements but should also guarantee the rights of the Rohingya boat people.

Difficult to go back.” The phrase aptly characterises the emotions of many of the 145,000 refugees on the Thai-Burmese border who, after decades of living in refugee camps with their eyes metaphorically turned towards Burma, are now being offered the possibility of resettlement to a third country. In 2007, more than 14,000

pay kickbacks to the authorities to operate freely. Brokers who have been arrested are soon released.

Thailand, as a transit country, faces a particular challenge. The Thai authorities perceive the Rohingyas as a threat to national security. ‘Informal deportation’ in the form of a transfer to brokers who will move them to Malaysia appears to be the order of the day, an approach that is exploitative rather than punitive. However, such a response is likely to create an additional pull factor.

Malaysia’s promise to issue work/residence permits to Rohingyas appears to have vanished; the registration process has been indefinitely postponed and is unlikely to resume. Crackdowns against illegal migrants, which include refugees, are commonplace. UNHCR ceased the registration of Rohingyas for temporary protection at the end of 2005 and has yet to restart it.

These maritime movements present a serious challenge in a region where protection mechanisms for asylum seekers are already weak and where there is an ever shrinking space for UNHCR to exercise its mandate. None of the concerned countries have ratified the Refugee Convention nor have they enacted any domestic legislation for the protection of refugees. They identify these movements as the smuggling of economic migrants and are not prepared to view the Rohingya boat people as asylum seekers and to allow UNHCR’s involvement. There is no doubt that Rohingya boat people embark on these perilous journeys in order to escape systematic oppression, discrimination and human rights violations, and not only for economic reasons. One could thus argue that the Rohingya boat people are ‘persons of concern’ on a prima facie basis.

These irregular movements by boats are generally identified as human smuggling rather than trafficking because they fail to meet all three conditions of the Palermo Protocol’s definition of trafficking: a movement, a means (deception or force) and delivery into a situation of exploitation. However, if brokers who receive them in Thailand or in Malaysia are forcing them into forced labour or slavery as defined in the Protocol, it would be trafficking. Thailand has signed but not ratified the two Protocols on trafficking and smuggling and recently passed a new anti-trafficking domestic law. Malaysia is not party to any of these international legal instruments. Nevertheless, all concerned countries have ratified the Convention on the Rights of the Child and children should be protected under the provisions of this convention. The fact that the Rohingyas are stateless further complicates this issue and exposes more acutely the inability of the international community to address their plight and to protect them.

Because of its international mandate to protect refugees and stateless people, UNHCR should be involved and, in collaboration with receiving countries, seek appropriate solutions for them. Adequate protection strategies should take into account the legitimate concerns of these governments about irregular movements but should also guarantee the rights of the Rohingya boat people.

On 28 March 2008 the Thai Prime Minister announced that Thailand was exploring the option of detaining Rohingya boat people on a deserted island. “To stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they won’t sneak in,” he said. See www.bangkokpost.com/290308_News/29Mar2008_news03.php


2. The Arakan Project is a research and advocacy NGO based in Thailand primarily focusing on the plight of the stateless Rohingya in North Arakan State of Burma. Papers and reports produced by Chris Lewa are available on the Online Burma Library. www.burmalibrary.org

3. The 1982 Citizenship Law defines citizens as members of ethnic groups that have settled in Burma before 1823, the start of British colonial rule in Burma. The Rohingyas do not feature among the 135 ‘national races’ listed by the government and are therefore rendered stateless.

grave social, economic and cultural challenges, particularly at the outset. On the other hand, it is not only difficult but virtually impossible to go back. Given the abuses and intransigence of the Burmese military junta, refugees cannot return home at the present time.

One might add a third component to the Karenni phrase: difficult to remain. Although refugees in camps in Thailand have been the beneficiaries of assistance from more than twenty humanitarian organisations, living in legal limbo has taken its toll. At present, camp residents are restricted in their movements and few are permitted to leave the camps to pursue livelihoods or continue education.

However, as the resettlement programme gains momentum, it is important to remember that not every refugee will resettle. Refugees who will never resettle, or who will settle in some years’ time, deserve the attention of practitioners and policy makers, because their protection needs in the short and long term are even greater than those who resettle. For this reason, the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT), the coordinating body for NGOs operating on the Thai-Burmese border, commissioned a report to determine the impact of resettlement on the remaining refugee population.

The research indicates that, first, while resettlement has done much to boost the hopes of those who are resettling, many of those who remain have experienced a loss of morale as their friends and colleagues depart. Resettlement has sapped the energy of those refugees who have been working for change in Burma, and has done nothing to improve conditions for those internally displaced in Burma.

Second, while resettlement is taking place en masse, a higher proportion of educated, skilled and experienced refugees have resettled first, relative to the rest of the population. This is partly because some resettlement countries have tended to select refugees for resettlement based not on their status as refugees but on their ‘integration potential’ – which generally translates as the best educated and most highly skilled.

Furthermore, one method of prioritising applicants, the ‘first in, first out’ approach, meant that those who had been in the camps the longest were the first to be resettled. These individuals strongly correlate with the most educated and skilled camp residents, and in the early stages of resettlement this further reinforced the rapid depletion of skilled workers from the camps.

**Loss of capacity**

It is true that the US group resettlement approach, which has a relatively speedy resettlement process and for which there is neither a quota for the total number of refugees to be accepted nor ‘integration potential’ criteria for acceptance, should eventually redress the disproportional drain of skilled leaders from the camps. As UNHCR has noted, the demand for services in the camps will decrease as the population decreases significantly. But in some camps, the damage has already been done, and is nearly irrevocable.

As the skilled and educated leave, it is increasingly difficult to find replacements within the existing population, which is placing a strain on service delivery in the camps. Since refugee camps are not an open labour market, there is only a limited supply of skilled workers for essential jobs – including vital leadership jobs. In some camps, particularly those where the resettlement process started before the US adopted its group resettlement approach, virtually every person with higher secondary education is already employed. Camp leaders and experienced administrators have left these camps in higher proportions as well. This has had its strongest impact on two sectors of camp life: the health sector and the education sector.

In the education sector, teachers are resettling in relatively higher numbers as well. Finding good teachers has always been difficult, even prior to the start of resettlement, and will continue to be so. Of greater concern, however, is the loss of supervisors, school principals, subject coordinators, teacher trainers and quality health care. Non-refugee doctors (generally Thai or expatriates) supervise the refugee staff and provide training but the day-to-day activities of the health agencies currently rely on refugee staff. Training new staff members takes not only time – eighteen months for medics and between nine months and one year for maternal health workers – but experience. Newly trained recruits, even if they have the time to receive the full term of training, are poorly positioned to serve as leaders in the health sector. One camp has already had to close one of its primary health centres because of...
other long-serving education staff. Many of these individuals have been trained in key education tools such as curriculum development, classroom management and school supervision. The loss of personnel who can provide educational guidance heightens the problem of losing long-serving teachers, influencing the quality of teaching, monitoring and training.

The education sector is also affected by resettlement for two other reasons. First, as teachers receive lower remuneration than other NGO workers, losses in other sectors will compound the shortages in the education sector, as teachers will be tempted to move into empty, higher paid jobs. Second, the capacity-building approach adopted by education agencies was designed with repatriation in mind, specifically to empower refugees to conduct their own trainings, monitoring and reporting. This very approach now makes the education system more vulnerable to decline.

The camp administrator sector has also felt some of the effects of resettlement, though not to the same extent. Here the impact of resettlement on the number of staff of Community-Based Organisations (CBOs) has been manageable to date, given the way their structures allow for the relatively smooth succession of staff in these roles, although gaps in key personnel have resulted in heavier workloads for remaining committee members. Overall, comparatively small numbers of their staff have departed or applied for resettlement.

As the overall pool of skilled, educated and experienced people in the camp decreases, NGOs search out the best available staff – and will inevitably compete for qualified camp-based people serving in CBOs. People recruited to work full-time in NGOs will have less time to dedicate to working with CBOs, which generally do not pay stipends.

It is not only in Thailand that resettlement has negative implications – particularly in the short term – for the remaining refugee population. Refugees from Bhutan living in Nepal are poised to resettle en masse, and other refugee groups may also turn to resettlement as the most feasible durable solution. Our research indicates that, in the short term, mass resettlement increases the needs of the remaining population as refugee camps require more training input to replace departing skilled workers. The following recommendations were developed specifically for the refugee population on the Thai-Burmese border, and incorporate additional recommendations from UNHCR. Many of these suggestions are already being taken up. In other mass resettlement situations, similar recommendations may be appropriate.

- Encourage donors to fund training and capacity-building programmes and initiatives for inexperienced and new staff in the camps.
- Implement trainings for new replacement workers as early as possible and pursue ‘shadowing’ with a pool of available individuals.
- As early as possible, undertake a survey of skills and employment abilities of the refugee camp population in order to identify refugees who could be included in a pool of replacement staff.
- Recruit camp workers from among new arrivals in the camps and from the local (Thai) population.
- Promote, as much as possible, an open and predictable resettlement process so that refugees know how long it will take for resettlement to occur, and agencies involved in delivering assistance in the camps know when their staff will be departing.
- Streamline service delivery by reassessing the assistance needs of the camps, combining some facilities and simplifying management structures.
- Encourage skilled refugees to relocate between camps.
- Consider seeking voluntary commitments from refugees, in cooperation with the resettlement country, that they will delay their resettlement for a certain period of time, or until replacements have been fully trained.
- Encourage the host country to expedite permission for refugees, expatriate workers and local staff of NGOs and CBOs to work in and travel between camps.
- Encourage longer-term contracts for expatriate and national staff to ensure continuity in the system.
- Advocate for greater integration of remaining refugees into national health and education systems, in addition to formal approval of livelihood programmes inside and outside the camps.

There have been some positive benefits of resettlement, such as a decrease in camp overcrowding, more remittances, increased opportunities for positions for younger refugees and streamlining of camp services. But for many of those who remain, particularly in the short term, the depletion of skilled workers in the camps has exacerbated the difficulties of camp life. Predicting how and when the gaps will occur, and planning for the future, will help to alleviate at least one of the consequences of resettlement.

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1. www.ccsdpt.org