# ROOTS & ROUTES

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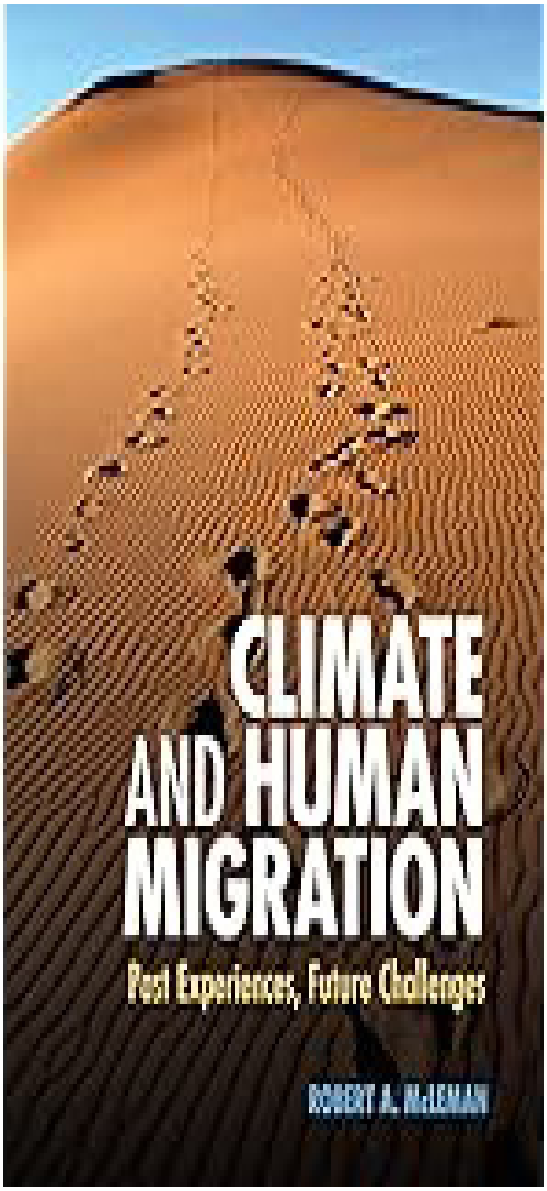


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The MIGRATION NEWS
People on the Move

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Global Research Forum on Diaspora and Transnationalism

# Editor's Note

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Editorial Information



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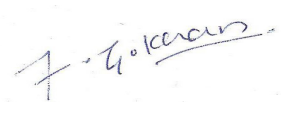
Dear Readers,

Greetings!

In recent times, the global community has witnessed unsettling developments. These developments are related to human conflicts and climate change. At the one end, the world is witnessing the rise in conflicts and forced migration of millions of people to look for safe places.At the other end, the act of deporting refugees become a point of contention.With some countries sending back asylum seekersdespite the presence of international law that forbids the return of individuals who are seeking refuge to the place where they could face treat. The issue of climate change is increasinglyemergingas one of the major crises in the world today. Many islands' nations are living under threat of rising sea level because of global warming. The rise in sea-level is not only the threat to the peoplebut also to their culture and tradition that they practice. Increase in sea-level also raises the major concern about the island nations' existence and what preparation or law international communities has made for these community.

The current issue of Roots & Routes is discussing the issues of deporting refugees and climate change. The current issue presents two articles and a book review. The first article "***Malaysia's Deportation of Asylum Seekers Back to Myanmar Violates International Law on Non-Refoulement*****", by Melody Khuoltaikim Singson** discusses Malaysia's recent action of deporting asylum seekers back to Myanmar. The article emphasises the responsibilities of nations towards refugees and place the argument in relation to the international law. The second article "***How is Tuvalu responding to the threat of Climate Change?*****",**by **Himani Chauhan** focuses on the climate change and rise in sea level. The article focuses on the island nation Tuvalu to argue about the crisis. Lastly, the current issue also carries a book review titled "***Climate and Human Migration: Past Experiences, Future Challenges.*****"**It has been reviewed by **Dorjay Namgail.**

We value the thoughts and perspectives of our readers. We invite readers to participate and share their experiences with us to have a meaningful engagement. You can communicate with us through email at editorinchief@grfdt.com. We wish you happy reading and look forward to your suggestions and comments.



**Feroz Khan**

# MALAYSIA'S DEPORTATION OF ASYLUM SEEKERS BACK TO MYANMAR VIOLATES INTERNATIONAL LAW ON NON-REFOULEMENT

There has been an unwarranted rise in the number of refugees globally in the last decade, but a huge part of the crises we face today is refugee return. Despite the principle of *non-refoulement*—a law that protects refugees and asylum seekers from being deported back to their country where they may face persecution, torture, or other serious harm—has been recognized as customary international law and hence is binding on all state, governments of many countries worldwide are taking exhaustive measures to send refugees back.

Some countries like the United States have blatantly flouted non-refoulement with plans to send Central American asylum-seekers back into the clutches of violence they fled from. Subtle approaches were taken up by other countries such as Germany and Lebanon—offering to pay refugees who opt to go back to Syria or by simply making their life so miserable to the point where they feel they have no alternative but to return.

Monitoring the lengths to which some countries go to coerce the refugees to return might give people the misconception that sending refugees back to their countries of origin is the solution to the issue of mass displacement. Indeed, *voluntary repatriation* is one of the "three durable solutions" endorsed by the United Nations to refugee situations, and so is safeguarding the right to voluntary return. However, refugee repatriation today is seldom voluntary or stable.

Several reports have been submitted to the United Nations refugee agency (UNHCR) since mid-August 2022 regarding the deportation of asylum seekers back to Myanmar by the Malaysian authorities. The UNHCR, on October 25, 2022, urged Malaysia to abide by its international legal obligations and to stop deporting refugees. The deportations, which included former navy officers seeking asylum, expose them to harm and danger and are against the principle of non-refoulement, which is a cornerstone of international law."In the last two months alone, hundreds of Myanmar nationals are reported to have been sent back against their will by the authorities," UNHCR spokesperson ShabiaMantoo told a Geneva press briefing. "People cannot be returned to places where they face threats to their life and liberty and face harm and danger."

"Malaysia has become the preferred destination for a number of threatened minority groups from Myanmar, including the Rohingya, the Chin, and the Kachin," says Phil Robertson from Human Rights Watch. Even though Malaysia is not a signatory to the 1951 UN Convention and its 1967 Protocol on Refugees and does not recognize refugee status accorded to asylum seekers assessed by the UN Refugee Agency, it is home to around 185,000 registered refugees and asylum seekers, which includes about 100,000 ethnic Rohingya Muslims. In addition, over 17,500 are held in the 21 immigration detention centers across Malaysia, including 1,500 children. A discussion between the officials from the junta-aligned Myanmar embassy in Kuala Lumpur and the Malaysian immigration officials took place on September 2 regarding the deportation of Myanmar nationals in immigration detention and have since coordinated three chartered deportation flights, returning 149 Myanmar nationals on September 22, 150 on October 6 and 150 on October 20. According to the Myanmar embassy and junta media, about 1,500 Myanmar nationals were returned between April and mid-September from immigration detention centers on Myanmar Airways International flights.

Reports from Reuters claim that the October 6 flight included six officers who had defected from the Myanmar navy. The men were arrested in September by the Malaysian authorities. Three of them sought to have their asylum claims reviewed by the UNHCR, and one of the officers and his wife were detained by the Myanmar Junta officials upon their arrival in Yangon.

Human Rights Watch said that Malaysia's failure to provide fair asylum procedures or allow UNHCR to determine refugee status violates the government's international legal obligations. Since the February 2021 military coup, there has been a nationwide campaign of mass killings, torture, arbitrary arrests, and indiscriminate attacks carried out by the Myanmar junta that cumulate to crimes against humanity and war crimes. According to Assistance Association for Political Prisoners, more than 2,300 people have been killed by the security forces, and nearly 16,000 were arrested. On October 20, the UNHCR stated that it "is urgently appealing to countries in the region to immediately stop forced returns of Myanmar nationals seeking safety from serious harm. Sending them back to the country is placing countless lives at risk."

A High Court order was violated by the Malaysian immigration authorities in February 2021 that granted a temporary stay of deportation for 1,200 Myanmar nationals, and the majority were transferred to the Myanmar navy's custody hours after the order. A group of UN experts expressed that they were "appalled" by the decision and that Malaysia's "defiance of the court order breached the principle of non-refoulement … which absolutely prohibits the collective deportation of migrants without an objective risk assessment being conducted in each individual case."

The Malaysian government has effectively admitted to depending on diplomatic assurances to ensure the safety of returned Myanmar nationals from being wrongfully treated in Myanmar. In response to a UN communication on the February 2021 deportations, the Malaysian government stated, "The Government of Malaysia reiterates that the repatriation of immigration detainees has been a regular and ongoing effort.… The Myanmar Embassy in Kuala Lumpur had given assurance on the safety of all Myanmar immigration detainees who were returning to Myanmar voluntarily."

The government of Malaysia cannot abandon its obligations towards deportees by relying on promises of safety provided by Myanmar's junta, which has been implicated in numerous summary executions, torture, and other forms of abuse. Human Rights Watch said that the Malaysian government should take a step forward in ratifying the international Refugee Convention and establishing asylum procedures compliant with international standards for stateless people and foreign nationals who are at risk of persecution in their home countries and should develop regulations ensuring that any future returns are in full compliance with international law.

"While some Malaysian leaders are calling out Myanmar's junta for crimes against humanity, immigration authorities are forcibly returning asylum seekers directly into harm's way, where they have real fears for their lives," Bauchner said. "At the ASEAN summit in November, Southeast Asian leaders should commit to protecting people fleeing the junta's atrocities and ensuring all parts of their governments do the same."

In sending refugees back to Myanmar, Malaysia would not only be putting refugees and asylum seekers in violent but possibly fatal situations. In addition, the process of repatriating refugees itself is known to create a new spark of conflict in many post-conflict societies. Take, for example, the case of Iraq between 2008 and 2009; the Internally Displaced People (IDP) and refugees who were actively encouraged to return home by the Iraqi government were met with violent backlash in their home communities, forcing them to flee yet again. Another case is that of the deportation of Salvadorans living in the United States back to El Salvador in the 1990s, which led to the creation of transnational gangs from whom thousands of people are still fleeing today.

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# HOW IS TUVALU RESPONDING TO THE THREAT OF CLIMATE CHANGE?

Tuvalu is heavily impacted by climate change. This is because Tuvalu consists of nine islands that "are very low-lying, their morphology is entirely dependent on coral growth, they have shallow freshwater lenses which are easily depleted in times of drought, have high population densities, and people's diets are heavily dependent on fisheries."[1] As a result, many scholars and documentaries have described the nation as "'disappearing,' 'drowning,' and 'sinking.'"[2]This causes migration to occur, yet climate change is not seen as a reason to migrate; instead, economic issues like socio-economic status, geographical location, and greater access to resources influence Tuvaluans' decisions to migrate.[3]

**The Use of Migration**

The Tuvaluan government enforces migration as a strategy to respond to climate change-related issues. Migration from Tuvalu mostly occurs to New Zeeland(NZ). The shared historical and cultural connections make it easier for Tuvaluans to adapt to NZ. [4] NZ also promotes the "Pacific Access Category Resident Visa" (PACRV), where i-Kiribati, Tuvaluans, Tongans, and Fijians can register for a ballot, and if their names are drawn, they are invited to apply for residence.[5] This scheme allows seventy-five Tuvaluans per year to enter the country as permanent residents.[6] However, the figure has doubled for the 2022 and 2023 ballots. The government's decision to increase the quota was announced on 21 September 2022, reflecting how the border closures due to Covid-19 meant that new applications could not be considered during 2020 and 2021.[7] This visa enables Tuvaluans to quickly become NZ residents, and once they have settled, they can easily send applications to invite other family members to join them through the various family reunification visas.[8] Most Tuvaluans already have pre-existing family networks in NZ, which help sponsor and support their migration journeys.[9]

Migration to NZ also occurs through the Recognised Seasonal Employer (RSE) Scheme. This scheme, introduced in 2007, allows NZ's horticulture and viticulture industries to employ workers from eligible Pacific countries, including Tuvalu, to work here on temporary visas and provide for their families back home.[10] The scheme allows Tuvaluans and I-Kiribati to work in NZ for two due to distance and travel costs.[11] In contrast, Australia and the US have strong migration policies and controls in place which discourage Tuvaluans from migrating there.[12] This reflects how migration to NZ is easier and more frequent for Tuvaluans. By migrating to NZ, Tuvaluans contribute remittances towards Tuvalu's economy. In previous years, remittances have made up about 30% of the country's gross national income.[13] This reflects how remittances made up 40% of household income in 2015, with 51% of households receiving a transfer of remittances.[14] This shows how the Tuvaluan government uses migration as a strategy because of the positive impacts it has on their economy.

Despite the migration policies in place, most Tuvaluans, especially the elderly, refuse to migrate and do not believe in the impacts of climate change. This is because of their Christian beliefs that God made a promise to Noah in the Bible.[15] As a result, they share the view that they are happy in God's hand and would rather go down with the island rather than migrate due to climate change.[16] Others have also shared that they want to maintain their identities and cultural connections, which they believe they will lose if they leave Tuvalu.[17] In particular, a study conducted by Mortreux and Barnett found that Tuvaluans see migration as a last resort where they have lost their sovereign right and identity, showing how they have given up their fight against climate change.[18] This reflects how many Tuvaluans do not see climate change as a reason to migrate but instead migrate due to the better service, employment, and opportunities available in NZ.[19] This reflects the attachment that people have to their land and country, as they would rather suffer the consequences than leave.

**Governmental Policies and Adaptation Measures**

The Tuvaluan government is also pursuing policies to respond to climate change-related issues. The 2007 National Adaptation Programme of Action (NAPA) depicts how coastal erosion and land loss impact the island.[20] In response, the document recognises the adaptation projects that they need to implement to mitigate the impacts of climate change. To further implement these projects, in May 2011, the Tuvaluan government announced that they would be working with "the United Nations Development Programme (UNDP) and the Secretariat of the Pacific Regional Environmental Programmes (SPREP) through the Pacific Adaptation to Climate Change (PACC) project."[21] UNDP is one of the agencies that stems from the United Nations; in particular, they emphasize that they want to help states with "sustainable development, democratic governance and peacebuilding, and climate and disaster resilience."[22] In comparison, SPREP is an intergovernmental organisation that promotes cooperation within the Pacific region so that states can work together to protect and manage the region's environmental and natural resources.[23]

This 2009 project is the Pacific's largest adaptation measure for climate change focusing on how states can work on a national and international scale for "practical demonstrations of adaptation measures, driving the mainstreaming of climate risks into national development planning and activities, and sharing knowledge in order to build adaptive capacity."[24] Through this project, Tuvalu is trying to capture, store and save more rain and water as well as reduce water leakages so that they can improve their management of water resources.[25] In addition, some of Tuvalu's other adaptation measures include developing "a disaster plan, the plant-a-tree programme, community water tank projects, and seawall construction."[26] The above examples demonstrate how the PACC Project and NAPA go hand-in-hand with each other.

The Tuvaluan government also set out a 10-year plan in TeKaniva, Tuvalu's Climate Change Policy ranging from the years 2012 to 2021. The essential outcome of this policy is "to protect Tuvalu's status as a nation and its cultural identity and to build its capacity to ensure a safe, resilient and prosperous future."[27] The policy highlights how most Tuvaluans do not want to migrate because they believe they will lose their nationality and cultural identity. The policy also acknowledges some of the risks that climate change poses in Tuvalu, such as the sea-level rise and drought, which need adaptation measures in place to mitigate and manage them.[28] Interestingly, the policy acknowledged how there is a lack of public awareness and education in schools regarding climate change-related issues. [29] To change this, the policy states that the government wants the issues, impacts, risks, and management of climate change to be incorporated into the school curriculum so that all children, from pre-schoolers to tertiary students, have an increased understanding of climate change.[30] As a result, more younger generations are becoming increasingly aware of climate change. This was confirmed in a study conducted by Shen and Gemenne, where they found that Tuvalu children know about climate change and how sea-level rise is one of the consequences of it.[31] Interestingly, despite knowing the risks of climate change, they do not know if they will ever migrate because of it.[32] This was confirmed by one boy stating that he was scared of sea-level rise, but he refused to acknowledge the concept of migration.[33] This reflects how the government's decision to educate children on climate change has been a successful strategy.

**The Construction of Seawalls and (re)planting Crops**

In addition, Tuvalu planted crops and constructed seawalls to respond to climate change. Both of these strategies are part of Tuvalu's adaptation policies projects. In particular, one of the key goals in the Tuvalu Agriculture Strategic Marketing Plan 2016-2025 is to "preserve and breed more climate-resilient traditional food crops."[34] A key reason for implementing this strategy is because climate change is increasingly causing crops in Tuvalu to get infested with diseases and pests such as fruit flies.[35] The Plan sets out short-term, medium-term, and long-term goals. In sum, the short-term (2016) goals focus on planning and funding the project.[36] The medium-term (2017-2019) goals focus on creating schemes for replanting along with developmental plans for the island.[37]The long-term (2020-2025) goals focus on implementing

these schemes and policies so that food crops can be protected from the risks of climate change.[38] This is an important strategy because it means that people will be able to continue providing income for their families.

The government has launched a Tuvalu Coastal Adaptation Project. The project aims to build an increased amount of coastal resilience.[39] Following Cyclone Pam, the UNDP commissioned a project to rebuild a higher seawall as the cyclone had damaged the earlier one.[40]In effect, the Hall Pacific Company was hired to rebuild the seawall as the project was funded by US$6 million.[41] The project was initially meant to be completed by the end of 2016; however, there have been unknown delays as the seawall was barely constructed in 2018.[42] In effect, the idea of constructing a floating island began to be considered.[43] However, sustainable development experts have criticised this as it would segregate the privileged from the underprivileged.[44] No such claims have been made as to whether or not the government will implement such a strategy. The project builds on previous initiatives to increase the area of coastal protection by 2,210 metres.[45] By doing this, the government wants to strengthen institutions and raise more awareness of coastal resilience, reduce the vulnerability of infrastructures such as homes and schools against wave damage and establish long-term adaptation measures that are financially sustainable. [46] This reflects how the project covers a wide range of initiatives to respond to climate change-related issues.

**The Future of Climate Change Responses in Tuvalu**

Since TeKaniva was from 2012 to 2021, it has now become outdated. Tuvalu's new policy centering on climate change is now the National Environmental Management Strategies (NEMS) 2022-2026.[47] To date, the official policy document has not been published online. As a result, there is not a lot of public knowledge about what the policy entails. Although, during the announcement of the policy, it was said that the policy would guide the government and, thus, the country to ensure the protection and management of a sustainable environment.[48] It has also been said that the environmental activities and planning that will be set out in the policy will be in line with other national priorities and action plans such as NAPA.[49]This reflects how no details of the policy are in the public domain. In effect, it will be noteworthy to see how Tuvalu will manage climate change in the future, as it is an ongoing issue.

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[9]Mortreux and Barnet, "Climate Change, Migration and Adaptation," 108.

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[16] Constable, "Climate Change and Migration," 1035-1036.

[17] Ibid., 1035.

[18]Mortreux and Barnet, "Climate Change, Migration and Adaptation," 111.

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# CLIMATE AND HUMAN MIGRATION: PAST EXPERIENCES, FUTURE CHALLENGES

McLeman, Robert A. (2013), Climate and Human Migration: Past Experiences, Future Challenges, Cambridge University Press, ISBN 978-1-107-60670-8, 289 p

The main aim of the book Climate and Human Migration: Past Experiences, Future Challenges is to understand how climate change is affecting human migration around the world and how climatic events like droughts, flooding, and hurricanes contribute to migration. The author agrees that climate change does influence human migration and it could cause large-scale population displacements.

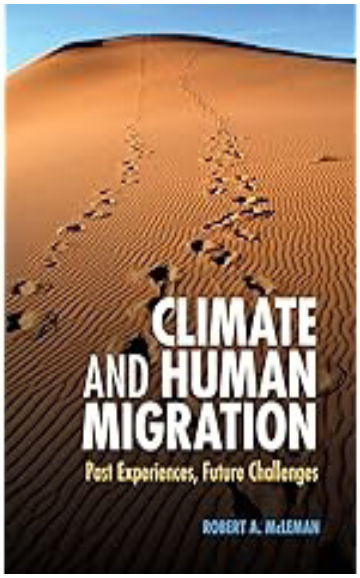

Photo credit: https://www.amazon.in/Climate-Human-Migration-Experiences-Challenges/dp/1107606705

This book is divided into 8 chapters. In chapter one, the author introduces the relationship between climate change and migration. He makes it clear that climate change is cited less often as a cause driving migration than other reasons such as family and work opportunities. Nevertheless, climate change is emerging as an important factor driving migration in the scholarly literature. Some basic premises underpinning this book are that the socioeconomic factors and climatic events in concert influence the decision to migrate. People use migration as an adaptation strategy to climatic variability and change. And in order to understand better the relationship between climate change and migration, the author suggests, we can utilise the concepts and theories used in other disciplines.

The second chapter addresses the causes of migration. The author demonstrates that various disciplines define the migration phenomena from different perspectives. According to him, no single theory can explain the phenomenon of human migration- it is a complex process and affected by many factors. The author suggest that a combination of existing theories, including theories analysing climate change, would be helpful in broader understanding of the phenomena of migration. The author explains that not all migrants exert the same level of agency over their migration choices, agency offers a broad framework for categorising migrants. Low agency migrants are those who are forced to migrate due to war, persecution and climate change and high agency migrants are economic migrants who migrate mainly to seek better opportunities and lifestyle.

The third chapter concerns with migration in the context of vulnerability and adaptation to climatic variability and change. The author explains the usage and the origin of vulnerability and adaptation concepts and its ramifications. The author describes that the decision to migrate is determined by the level of exposure and adaptive capacity which is largely shaped by cultural, economic, political and social forces operating at different temporal, spatial and structural level. The author notes that migration is often a difficult choice because it entails uncertainty, disruption, financial cost, and emotional distress therefore migration is often taken as a last resort after exhausting other choices.

Chapters 4, 5, 6 and 7 analyse how extreme weather events, such as flooding, hurricanes, rising sea level, and extreme heat or cold, influence migration all over the world with case studies. The author examines how human and physical processes interact to make people susceptible to catastrophic weather events, paying particular attention to those relationships that have the greatest potential to encourage migration. According to the author, food security is a great concern in most of the developing countries which mainly rely on

monsoon. The climate change exacerbates the situation as La Nina and El Nino events have worldwide effects. Numerous responses and activities are incorporated into rural household income sources during months of flooding and drought in order to offset temporary hardship and take advantage of possibilities, typically in the neighbouring urban areas. The author notes that migration is a common form of adaptation employed by rural populations in dry land and drought-prone areas. Drought may push pastoralists into wandering farther afield in search of water and grazing. Permanent migration out of a drought-stricken area is generally seen as a last resort adaptation. Many islands and atolls are going to disappear if the sea levels rise at the current rate.

Chapter 8 deals with the emergent issues in Climate and migration research. The author acknowledge that there is a lack of empirical studies analysing how climate change is contributing to migration. The author discusses how the interaction of climate change and migration can create conflict political instability and food insecurity as a result of unexpected outcome of climate change. The data presented in the book also suggest that the number of people exposed to climate change is increasing significantly over the years.

Overall, the book is full of insights with case studies showing how climate change is influencing migration and the likely future scenario. Generally, most of the studies on migration focus on the socio-economic aspects and very few studies on the relationship between migration and climate change. This book contributes in filling this gap to some extent. In the last decade, there have been significant studies published in physical science in an effort to understand climate change and it is now established that anthropogenic activities significantly contribute to climate change. The author underlines the need to conduct more empirical research on the topic. A significant contribution of this book is that it provides an overview of how climate change influence migration, it presents a number of case studies in support, it also exposes how people from the lower strata suffers the most.

The author has ignored the opportunities that a warm climate presents. There are studies that suggests warm climate could help countries in the temperate and cold regions in lowering energy consumption, better agricultural yields, increase agriculture and horticulture production and these in turn may lessen the migration of people from these regions. The author also could have included as a case study of the Himalayan region, which is the origin of many rivers. Rapid melting and retreating of glaciers in the Himalayan region could contribute to drought-related migration in future. It could affect the livelihoods of billions across Asia.

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