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# Refugees, IDPs, and Regional Security

in the Asia Pacific

Eva-Lotta Hedman

**In recent years, the countries and territories of the Asia Pacific have experienced continued and considerable displacement of peoples, both across and within state borders.**

While the resolution of several long-standing refugee situations in Cambodia and East Timor unfolded with the end of the Cold War, other ‘refugee-like’ situations have emerged or grown more protracted in the years since, namely in Burma and North Korea. As the issue of internally displaced persons became increasingly prominent in international humanitarian and human rights discourse in the 1990s, it was also becoming evident that states in the Asia Pacific produced some of the world’s largest IDP populations (e.g., Burma and Indonesia). More recently, the large-scale displacement of peoples in the wake of severe weather and other types of natural disasters has focused growing attention on the plight of so-called ‘environmental’ or ‘climate’ refugees in the region. The Indian Ocean Tsunami in 2004 and Cyclone Nargis in 2008 are both cases in point.

To date, there have been no comprehensive regional frameworks or related mechanisms to regulate the treatment of refugees, let alone their ‘in-country’ counterparts, internally displaced persons (IDPs). This is hardly surprising. Few regional states have even signed the 1951 UN Refugee Convention (see Map 1). In addition, the wider context of weakly institutionalized regional cooperation and a patchwork of intra-regional protocols and bilateral agreements, have not lent themselves to the articulation of an Asia Pacific protection regime focused on the rights and needs of displaced populations.

## GAPS IN REGIONAL AND INTERNATIONAL REFUGEE AND IDP MECHANISMS

There is, however, a long-standing regional practice of informal arrangements that allow for large numbers of displaced persons to carve out some form of refuge, even in the borderlands and urban areas of states that have not signed the Refugee Convention, including Malaysia and Thailand.<sup>1</sup> Some government officials have also shown an interest in humanitarian practices and institutions, whether in response to a particular refugee or internal displacement crisis, or in meetings and workshops, including with representatives of the United Nations High Commissioner for Refugees (UNHCR). Examples include the Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants, or APC, which has met annually since 1996. Moreover, at the International Organization for Migration’s (IOM) initiative, governments across the region have also explored possibilities for greater cooperation to combat specific aspects of irregular migration, such as migrant smuggling and human trafficking (e.g., the so-called “Manila Process”). In this regard, the 1998 adoption of the “Bangkok Declaration on Irregular Migration” at an IOM-organized meeting (in cooperation with the Thai government) provided a common basis for law enforcement cooperation in a region in which very few states have signed the *UN Protocol against Migrant Smuggling*.

[ 34 ]

### February 2008

Australia’s “Pacific Solution” officially ends as newly-elected PM Rudd closes detention centres on Manus Island and Nauru. The detention centers had been used to process asylum seekers without allowing them to land on the Australian mainland.

### November 2008

UN high commissioner for refugees urges Bangladesh not to repatriate Rohingya refugees as they face persecution in Myanmar. The Myanmar government says it is not interested in having the refugees return.

### January 2009

193 Rohingya boat people are found floating off the coast of Indonesia. Survivors claim that after leaving Myanmar, they were intercepted by the Thai Military, beaten and sent adrift with no supplies.

To some, attempts to encourage more regularized regional cooperation among immigration and law enforcement authorities run the risk of reproducing a wider criminalization and securitization of

of the matter to the Bali Process for People Smuggling, Trafficking in Persons and Related Transnational Crimes, is one recent example. This stateless population, with roots in Burma's Northern Rakhine

**“ More recently, the large-scale displacement of peoples in the wake of severe weather and other types of natural disasters has focused growing attention on the plight of so-called ‘environmental’ or ‘climate’ refugees... ”**

migration-related issues and policies.<sup>2</sup> In other words, while it is expected that governments will promote national security and state sovereignty, this may risk further stigmatizing the movement of peoples across international borders as criminal offenses and threats to regional stability. ASEAN's failure to address the plight of the Rohingya at the February 2009 ASEAN Summit, and their subsequent referral

(Arakan) State, confronts ASEAN not with a human smuggling matter as much as with an urgent “need for comprehensive refugee protection among member states.”<sup>3</sup>

The wider context of international relations also shapes the nature and direction of efforts to focus greater regional attention on displaced populations, whether they have crossed internationally

#### REFUGEES, ASYLUM SEEKERS, AND STATELESS PERSONS IN SELECT ASIA PACIFIC STATES<sup>1</sup>

	TOTAL NUMBER IN-COUNTRY	TOTAL NUMBER ORIGINATING FROM THIS COUNTRY
Australia	23,078	53
Bangladesh	28,392	16,809
Cambodia	225	17,471
Canada	227,853	162
China	300,991	194,805
India	188,328	26,445
Indonesia	726	21,574
Japan	5,880	217
Rep of Korea	1697	1,615
Malaysia	147,312	62,063
Myanmar	790,861	274,041
Nepal	925,873	6,361
Pakistan	1,939,700	194,471
PNG	10,013	65
Philippines	280	2,351
Russia	147,950	211,447
Singapore	10	125
Sri Lanka	528,001	144,809*
Thailand	3,625,510	2,229
US	348,776	3,892
Vietnam	9,872	330,210

<sup>1</sup> Numbers for residing in-country and for country of origin are as of January 2009. While this number includes several categories (refugees, asylum seekers, returned refugees, internally displaced persons, returned internally displaced persons, and stateless persons), most of the numbers reflected here include primarily refugees and asylum seekers. States with large numbers of stateless persons are separately noted.

\* This includes refugees and asylum seekers only.

#### January 2009

Human Rights Watch reports that Myanmar's Chin people face torture, killings, forced labor, and religious persecution. Thousands of Chin have fled to neighboring India and Malaysia.

#### February 2009

ASEAN decides to cut the issue of Burma's Rohingya refugees from the agenda of the Leaders' Summit.

#### February 2009

A senior Lao official visits Hmong refugees in Thailand, urging them to return to Laos and offering assistance to those who return voluntarily.

recognized borders or remain within their country of origin. In this regard, China's role and significance in addressing the two major refugee crises in the region

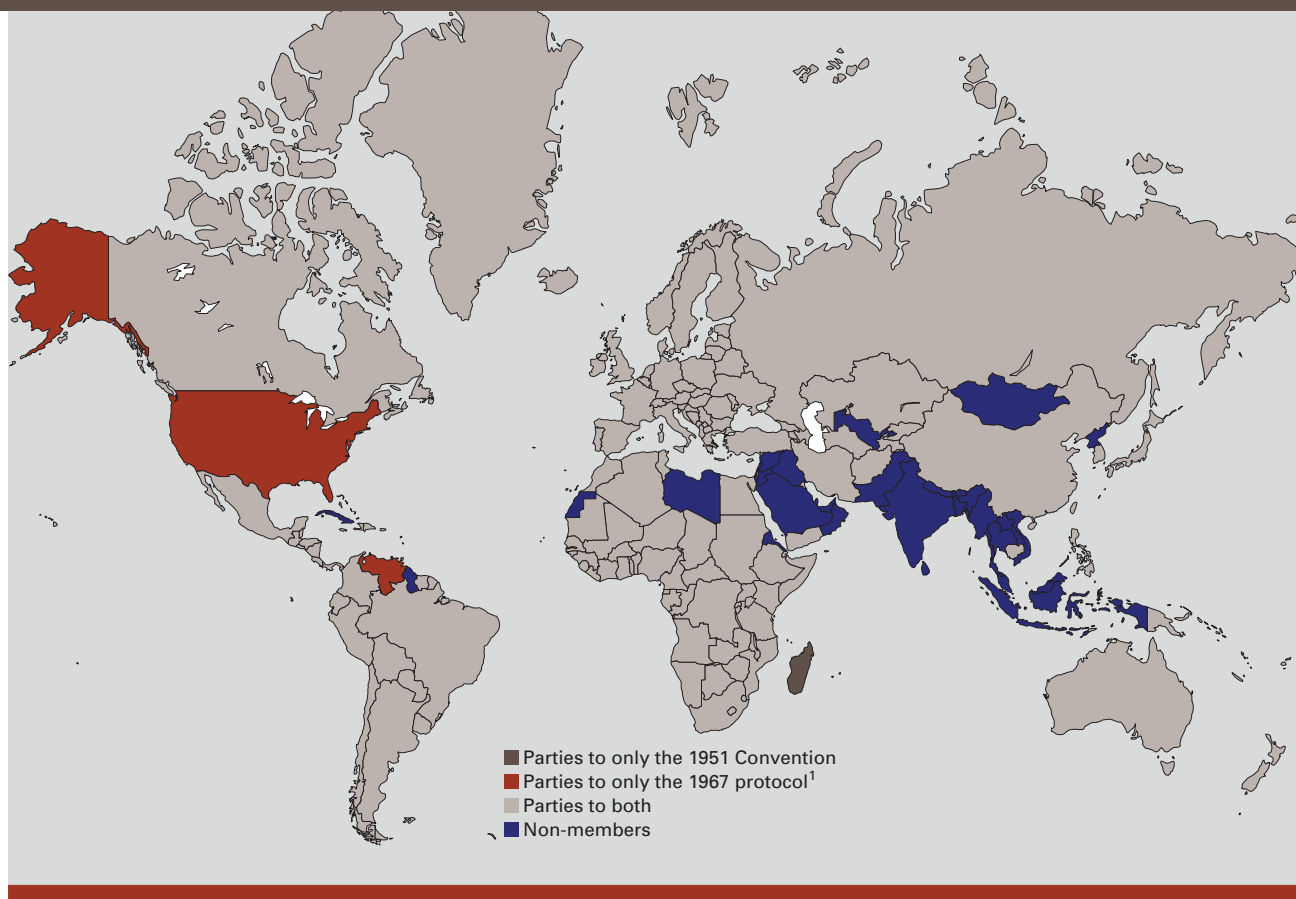
**North Korea:** In the case of North Korea, there has been a large-scale exodus into China since the height of the famine in the 1990s. While estimates of the

***“ To date, there have been no comprehensive regional frameworks or related mechanisms to regulate the treatment of refugees, let alone their ‘in-country’ counterparts, internally displaced persons (IDPs). ”***

—North Korea and Burma—cannot be underestimated. As the most important ally of these two states, the Chinese government's priority appears to have been to promote the stability of the Pyongyang and Naypyidaw regimes. This is in contrast, and even opposed to, the increasing international concern with the flight and plight of refugees from North Korea and Burma.

numbers of people crossing the border into China vary a great deal, the figures cited indicate a large-scale and on-going exodus of tens, perhaps hundreds of thousands of North Koreans, many in search of refuge.<sup>4</sup> China's relationship with the North Korean government has militated against it playing a constructive role in encouraging regional cooperation on this issue. For example, international agencies

#### PARTIES TO THE UN CONVENTION RELATING TO THE STATUS OF REFUGEES



Source: United Nations High Commissioner for Refugees, <http://www.unhcr.org/4848f6072.html>, as of October 2008.

<sup>1</sup> The 1967 Protocol removes the geographical and time limitations that were originally written into the 1951 Convention, under which (mostly) Europeans involved in “events” occurring before 1951 could apply for refugee status.

**February 2009**

U.S. State Department expresses concern about the repatriation and human trafficking of North Korean refugees. China considers North Korean defectors to be economic migrants rather than refugees, and has been criticized for repatriating them under an agreement with Pyongyang.

**March 2009**

Hmong refugees living in Thailand accuse the Thai government of withholding food in an effort to pressure the Hmong to ‘voluntarily’ return to Laos. They call upon the UN human rights body to stop their forced repatriation to Laos.

**May 2009**

Laos urges Thailand to repatriate 158 Hmong refugees despite offers from the US and other Western nations to grant them asylum.

and non-governmental organizations have generally been denied access to North Koreans in China. Moreover, the practice of deporting these refugees back to North Korea, where they may reportedly face punishments that range from labour camps to execution, is also a matter of grave concern.<sup>5</sup> If the search for 'regional approaches' to refugee crises requires a shift away from focusing on the (political) conditions in the country of origin, to addressing the (humanitarian) needs in the country of refuge, the plight of North Koreans in China raises further questions regarding the viability and prospects of such approaches.

**Burma:** As for Burma, it is responsible for one of the region's largest populations of refugees and IDPs. Among those who have fled the country, there are some 150,000 refugees encamped in nine so-called 'temporary shelters' along the long Thai-Burma border. Hundreds of thousands more have sought some form of 'underground' refuge elsewhere in Thailand, and tens of thousands more have done so in Malaysia.<sup>6</sup> In addition, recent campaigns by the Burmese military (*tatmadaw*), in alliance with its new local ethnic border militia force, the Democratic Karen Buddhist Army (DKBA), have prompted the largest Karen refugee flow into Thailand since 1997. In June alone, an estimated 4,000 Karen fled the country. In July, troop movements and activities in Kokang caused a reported 37,000 ethnic Chinese to

Burma also has a sizeable IDP population. While a precise calculation is difficult, knowledgeable sources put the number of IDPs in the eastern border areas alone to some 500,000 over the past decade. The scale of displacement in more firmly government-controlled areas remains unknown; but it is estimated that about a million people have been displaced across Burma in the course of the past decade.<sup>8</sup>

While some regional governments may be concerned about the protection needs of the internally displaced in Burma, the uncomfortable truth is that a number of countries across the Asia Pacific also have IDPs in their own backyards. In some cases, these are large 'case loads' of people displaced by former conflict and violence who are unable to return home (as in the case of IDPs from North Maluku, Central Sulawesi in Indonesia), and in others, they result from recent and ongoing military campaigns (as in parts of Mindanao in the Philippines).

The search for regional approaches to improving the 'human security' of refugees and IDPs across the Asia Pacific faces a number of challenges. They include the securitization of migration issues and the related effects on how 'the problem of displacement' and the solutions suitable for the displaced are conceptualized. Such challenges also relate to more long-standing considerations of the (changing)

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seek refuge across the border in China's Yunnan Province. In the case of the former, the Thai government moved swiftly to consolidate the new arrivals into two temporary settlements and allowed international and local NGOs to provide them with humanitarian assistance as they awaited registration and review of their pending refugee status. In the case of the latter, the Chinese government's response remains uncertain to date.

### **INTERNAL DISPLACEMENT**

In addition to producing a large number of refugees,

relations of states and regional security within the Asia Pacific. In as much as internal displacement is a more widespread phenomenon in the region, it also presents real challenges to the formulation of a regional approach to IDPs.

To some observers, such challenges may be more productively explored in a sub-regional grouping of long-standing and, at the same time, recent innovation. While ASEAN failed to address the plight of the Rohingyas at the 2009 Summit, it is also worth recalling its unprecedented role in paving the way for humanitarian assistance to reach the victims

#### **May 2009**

Médecins Sans Frontières (MSF) withdraws from a Hmong refugee camp in Northern Thailand, citing increased military restrictions.

#### **May 2009**

A steady influx of Rohingya refugees make their way to Bangladesh.

#### **June 2009**

3,500 Karen refugees flee to Thailand as Myanmar's army, and the breakaway group the Democratic Karen Buddhist Army (DKBA) launches an offensive against the Karen National Liberation Army (KLA).

of Cyclone Nargis in Burma. There is also hope that the establishment of the ASEAN Inter-governmental Commission on Human Rights (AICHR) at the 15<sup>th</sup>

and activities in the Asia Pacific may also underline the importance of focusing continued efforts on individual countries. As lauded by the UNHCR, for

**“ While ASEAN failed to address the plight of the Rohingyas at the 2009 Summit, it is also worth recalling its unprecedented role in paving the way for humanitarian assistance to reach the victims of Cyclone Nargis in Burma. ”**

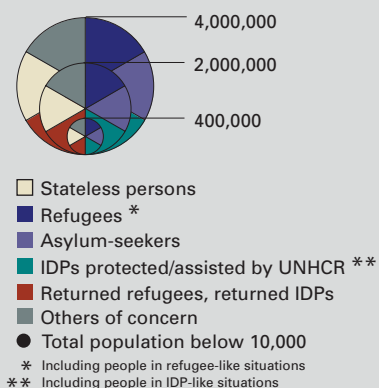
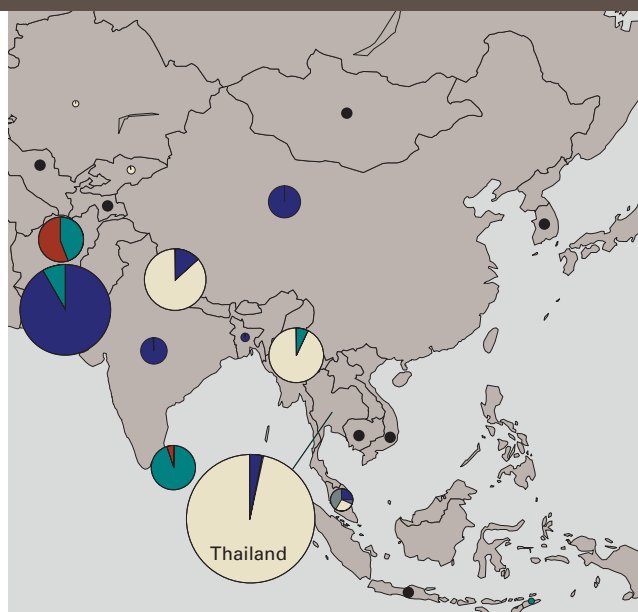
Summit in Thailand in October 2009 will allow for greater consideration of ‘human security’ than has been the case to date.

### RECENT REGIONAL INITIATIVES

Recent developments regarding the UNHCR’s presence

example, Japan has launched a new pilot program to resettle small numbers of refugees from Burma who are currently residing in Thailand. Moreover, South Korea has also reportedly moved to strengthen its asylum legislation. Applauded as a ‘refugee model for Southeast Asia’ by the UNHCR, Cambodia has

### TOTAL STATELESS POPULATION BY CATEGORY AT THE END OF 2008



**STATELESS PERSONS** are defined by the UN High Commissioner for Refugees as those “who are not considered nationals by any country under the operation of its laws.” The regional countries with the greatest number of stateless persons (as of January 2009) are:

COUNTRY	STATELESS PERSONS
Thailand <sup>+</sup>	3,500,000
Nepal	800,000
Myanmar	723, 571
Russia	50,000
Malaysia	40,001
Vietnam	7,200
Japan	1, 573
Mongolia	358
South Korea	236

<sup>+</sup> In August 2008, Thailand’s New Civil Registration Act and Nationality Act became effective. These Acts are expected to benefit children who are born in Thailand to parents with stateless status.

Source: United Nations High Commissioner for Refugees, 2008 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, June 16, 2009, <http://www.unhcr.org/4a375c426.pdf>.

#### June 2009

Thailand and Bangladesh agree to cooperate on repatriating Rohingya refugees. Myanmar agrees to receive the refugees only if their Myanmar citizenship and Arakan birthplace can be proven.

#### August 2009

After two decades of relative calm, fighting in Myanmar’s northern Shan State sends thousands of refugees into China’s Yunnan province. China warns Myanmar to maintain stability in the border region and to respect the rights of Chinese citizens there.

#### September 2009

United Nations High Commissioner for Refugees asks Myanmar’s Arakan State for information on the Rohingya, citing concerns about the influx of refugees into Bangladesh.

introduced a new Cambodian Refugee Office.<sup>9</sup>

The search for regional cooperation and national role models in the Asia Pacific is important and worthwhile. In terms of what remains to be done, the following issues remain key and require further cooperation:

- promotion of accession to the 1951 Convention and the 1967 Protocol;
- harmonization of a regime for the protection of displaced persons, in and out of country; and
- support for the development of burden-sharing formulas.

## ABOUT THE AUTHOR

Dr. Eva-Lotta E. Hedman is Research Fellow at the London School of Economics IDEAS. She is the editor of *Conflict, Violence and Displacement in Indonesia* (Cornell University Southeast Asia Program Publications, 2008), and *Tsunami in a Time of War: Aid, Activism, and Reconstruction in Sri Lanka & Aceh* (with M de Alwis) (IDRC 2009).

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<sup>1</sup> Eva-Lotta E. Hedman, "Refuge and Governmentality: Capturing 'Illegal Migrants' in Malaysia and Thailand," *Government and Opposition*, vol. 43, no. 2 (Spring 2008), pp. 358-383.

<sup>2</sup> See, for example, Andreas Schloenhardt, "Illegal Migration and Migrant Smuggling in the Asia Pacific: Balancing Regional Security and Human Rights," in Melissa Curley and Siu-Lun Wong (eds.), *Security and Migration in the Asia-Pacific: The Dynamics of Securitisation* (Routledge, 2007), pp. 35-56.

<sup>3</sup> David Scott Matthieson, "In Ignoring the Rohingyas, ASEAN Rejects a New Role," *The Jakarta Globe*, May 25, 2009.

<sup>4</sup> For example, the U.S. State Department estimates that some 30-50,000 North Koreans have crossed the border into China, many in search of refuge, since the 1990s. Some NGOs have put the figure as high as 300,000. See, for example, Congressional Research Service, *North Korean Refugees in China and Human Rights Issues: International Responses and Policy Options* (CRS Report for Congress, Washington D.C., September 26, 2007).

<sup>5</sup> See CRS Reports for Congress, *North Korean Refugees in China*.

<sup>6</sup> For the most comprehensive study of Burmese refugees in Thailand, see Hazel Lang, *Fear and Sanctuary: Burmese Refugees in Thailand* (Cornell Southeast Asia Program: Cornell University, 2002). For a useful introduction to protracted refugee situations, see Gil Loescher et al. (eds.), *Protracted Refugee Situations: Political, Human Rights and Security Implications* (Tokyo: United Nations University Press, 2008).

<sup>7</sup> Internal Displacement Monitoring Centre, "Estimates of internally displaced persons in Myanmar (October 2008)" ([www.internal-displacement.org](http://www.internal-displacement.org)).

<sup>8</sup> See, for example, Ashley South, *Burma: The Changing Nature of Displacement Crises* (Refugee Studies Centre, University of Oxford: RSC Working Paper No. 39, February 2007).

<sup>9</sup> "UNHCR Protection Chief Applauds Japan and South Korea, Asks Them to Become Better Asian Role Models," UNHCR News Stories, 19 May 2009, <http://www.unhcr.org/print/4a1181da6.html>. "Cambodia on Track to Become Refugee Model for Southeast Asia," UNHCR, October 20, 2008.

### September 2009

Thai and Lao officials reach an agreement to extend the deadline for repatriating the 4,505 Hmong refugees remaining in Thailand.

### October 2009

Indonesian and Australian officials agree to jointly address the issue of the rising number of asylum seekers trying to reach Australia by boat.

### October 2009

Canadian police and Navy intercept a ship of 76 Tamil men from Sri Lanka, wishing to seek asylum in Canada.