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Book section

Original citation:

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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. 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.
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 migration-related issues and policies. 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 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 (Arakan) State, confronts ASEAN not with a human smuggling matter as much as with an urgent “need for comprehensive refugee protection among member states.”

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

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**REFUGEES, ASYLUM SEEKERS, AND STATELESS PERSONS IN SELECT ASIA PACIFIC STATES**

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

1 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.

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**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 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. 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

—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.

“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).”

PARTIES TO THE UN CONVENTION RELATING TO THE STATUS OF REFUGEES


1 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 168 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. 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. 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 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, 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.

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) 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.
of Cyclone Nargis in Burma. There is also hope that
the establishment of the ASEAN Inter-governmental
Commission on Human Rights (AICHR) at the 15th
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
and activities in the Asia Pacific may also underline
the importance of focusing continued efforts on
individual countries. As lauded by the UNHCR, for
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

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**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:

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>STATELESS PERSONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thailand †</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Nepal</td>
<td>800,000</td>
</tr>
<tr>
<td>Myanmar</td>
<td>723,571</td>
</tr>
<tr>
<td>Russia</td>
<td>50,000</td>
</tr>
<tr>
<td>Malaysia</td>
<td>40,0001</td>
</tr>
<tr>
<td>Vietnam</td>
<td>1,573</td>
</tr>
<tr>
<td>Japan</td>
<td>358</td>
</tr>
<tr>
<td>South Korea</td>
<td>236</td>
</tr>
</tbody>
</table>

† 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.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stateless persons</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Refugees</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Asylum-seekers</td>
<td>400,000</td>
</tr>
<tr>
<td>IDPs protected/assisted by UNHCR</td>
<td>400,000</td>
</tr>
<tr>
<td>Returned refugees, returned IDPs</td>
<td>400,000</td>
</tr>
<tr>
<td>Others of concern</td>
<td>400,000</td>
</tr>
<tr>
<td>Total population below 10,000</td>
<td>400,000</td>
</tr>
</tbody>
</table>

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introduced a new Cambodian Refugee Office. 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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4 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).

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**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.