

ASIAN SECURITY REASSESSED

Edited by Stephen Hoadley and Jürgen Rüland

This book traces changes in the concept of security in Asia from realist to cooperative, comprehensive, and human security approaches, and assesses a number of policy alternatives to management of both old and new security threats. It surveys not only orthodox security threats such as tensions between regional powers or armed ethnic antagonists but also new sources of anxiety such as source scarcity, economic instability, irregular migration, community fragmentation, and international terrorism.

Security policies of major powers such as China, Japan, and the United States, and the modeling roles of regional organizations such as ASEAN, ARF, SCO, and KEDO are evaluated in historical and contemporary perspectives. Contributors proffer policy-relevant insights where appropriate. The book concludes that traditional security approaches remain valid but need to be adapted to new challenges, and offers suggestions for incorporating fresh Asian security perceptions into agendas of policy-makers, analysts, and scholars.

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Chapter Ten

Irregular Migration as a Security Issue

Stephen Hoadley

UNREGULATED MIGRATION AS A SECURITY THREAT

Migration has long been a security-policy concern to Asian governments. But during the Cold War it was discounted by realist theorists as a social or economic problem, and thus relegated to "low politics", in contrast to the "high politics" of defence and diplomacy.¹ The rise to prominence of concepts of comprehensive security and human security has brought migration into clearer view as a security threat in the post-Cold War period.² This is most obvious in the cases of disorderly migrations forced by government oppression or expulsion, or precipitated by war, ethnic violence, or famine. Furthermore, illegal movement by economic migrants facilitated by document forgers, people-smuggling and people-trafficking gangs, and illicit employer networks, and other law-breaking activity such as labour exploitation, extortion, and forced prostitution, have made migration a central topic for security studies. Because realists and liberals differ on the cause and nature of migration problems and the proper policies to address them, political controversy is endemic.

Migration is an Asian security concern from the perspective of not only the migrants but also the source and host states. Migrants, particularly illegal migrants, are at physical risk during their perilous transit and at legal risk and vulnerable to economic exploitation until their status is regularized in their new abode and their rights protected by governments. Migrants' unauthorized or sudden appearance in the host country can inflame social tensions, raise costs of public services, and unsettle traditional institutions of administration and law enforcement. However, under certain circumstances migration can increase individuals' security, as in the case of escape from famine in North Korea or joblessness in Indonesia or ethnic war in Myanmar. High-skilled or wealthy migrants can be long-term economic assets to their new home countries. Moreover, migration can help a poor and overcrowded source country by relieving pressure and generating remittances. Conversely, it can threaten the source country by depleting its human capital or providing resources for insurrection. Herein lies the six-fold paradox of migration: It can enhance the security of both the migrant and the source and destination countries, or jeopardize the security of all three, or produce good outcomes for one and simultaneously negative ones for the others. This chapter is concerned with the negative outcomes, for they are associated with security risks and threats.

OVERVIEW OF MIGRATION IN ASIA

The following passages have several aims. The first is to sketch the demographic dimensions of migration in Northeast and Southeast Asia. Initial attention is paid to the movement of refugees because that phenomenon is monitored by the United Nations High Commission for Refugees (UNHCR) and international non-governmental organizations (NGOs), and is thus reasonably well documented. Second, illegal migration is spotlighted and related to security concerns by the destination governments, with examples. In this analysis, facts and figures become sparse and give way to anecdote and speculation. Third, the particular problems of people smuggling and people trafficking are spotlighted, and some responses by Asia-Pacific governments are described and their effectiveness is assessed. Finally, the security implications of emerging migration trends and the responses of governments are summed up and the chapter ends with speculation on future trends and policies.

At the outset one should be aware that there are no "countries of immigration" in Asia. There is no counterpart in the Far East to the United States, Canada, Australia, New Zealand, South Africa, or Argentina, underpopulated lands whose governments extend an official welcome to selected categories of immigrants. There are however, several counterparts to Germany inasmuch as the governments of Japan, China, Taiwan and South Korea maintain an open door to ethnic Japanese, Chinese or Koreans, respectively, who wish to return to their fatherlands after absences that may span generations. And there is a qualified counterpart to France and Great Britain inasmuch as Thailand has traditionally been a haven for political refugees from its neighbours Cambodia, Laos, and Myanmar. In the past Hong Kong played that role but it ceased doing so since its return to China's jurisdiction, and the authorities do not permit migration even from China, out of concern for the scarcity of Hong Kong's space and the efficiency of its economy.

At the other end of the spectrum, there are several countries that firmly discourage immigration except for co-ethnics or strictly limited occupational categories of persons. These include Japan, China, South Korea, Taiwan, and Singapore. North Korea and Myanmar stand as extreme examples of a closed-door policy. Other Asian countries attempt to regulate immigration but their maritime geography and the permeability of their borders due to ineffective enforcement allow substantial migration, much of it illegal; these countries include Indonesia, Malaysia, the Philippines, Vietnam, Cambodia, Laos, and Myanmar.

Besides migration within Asia, one must acknowledge also migration to Asia from the Middle East, and from Asia to Europe, North America, and Australia and New Zealand. These links with Asian migration also have security implications, and will be discussed as appropriate.

REFUGEES AND PERSONS OF CONCERN

Turning to the issue of refugees, one notes first that its impact on Asian societies differs, and the responses of Asian governments vary. Figures compiled by the UNHCR show that "persons of concern" numbered nearly twenty million at the start of 2002. The largest number, totalling nearly nine million, was found in Asia.³ These totals include not only registered cross-border refugees and others whose status in a country not of their birth was legally insecure or irregular, but also persons internally

displaced in their own homelands. But most were in South Asia or Southwest Asia, principally refugees from Afghanistan and Iraq taking refuge in Iran and Pakistan, and others in India and Sri Lanka displaced by armed conflicts and ethnic clashes.

Refugees in the countries of Northeast and Southeast Asia on which this book focuses were relatively fewer in number, totalling just over one-half million. Table 10.1 shows the numbers recorded in each country. Note the relatively large numbers in China due to internal displacement by economic hardship, and in Thailand as a result of permissive asylum policies regarding its neighbours. Note also the relatively small numbers in Hong Kong and especially Singapore, reflecting their restrictive policies and efficient management of displaced persons. One would expect small

Table 10.1
Number of Persons of Concern to UNHCR
at the Start of 2002, by Country of Asylum

Cambodia	1,100
China	295,000
Hong Kong SAR	1,900
East Timor	18,000
Indonesia	74,000
Japan	3,530
Korea (South)	80
Korea (North)	(n.a.; est. 50,000)
Malaysia	51,000
Myanmar (Burma)	280 reported (est. 1,500,000)
Philippines	2,180
Singapore	0
Taiwan	(n.a.)
Thailand	111,000
Vietnam	16,000
TOTAL	624,070

Source: Table 10, *2001 UNHCR Population Statistics (Provisional)*, Geneva: UNHCR Population Data Unit, 7 June 2002. Found at <www.unhcr.ch>. Data for North Korea found in *Country Report: North Korea 2002*. Washington, D.C.: U.S. Committee on Refugees, 2002, found at <www.refugees.org/world/countryrpt/easia_pacific/north_korea.htm>.

Data for Myanmar is vastly under-reported because of the secretive nature of the regime. Data for Taiwan not available.

numbers also in Taiwan for similar reasons, but data are unavailable. The U.S. Committee on Refugees estimates internally displaced persons at one million and refugees in neighbouring countries from ethnic and civil wars and oppression by the regime at another half-million.⁴ One suspects there are many more persons of concern in Cambodia and Laos than reported. And the U.S. Committee on Refugees estimates there are twice as many refugees and asylum seekers on temporary permits in Japan than reported by the UNHCR, although to be fair the reporting criteria of the two organizations differ.⁵

LABOUR MIGRATION

The situation of refugees blurs with that of undocumented labour migrants when economic hardship sends people abroad in search of a livelihood. Labour migration can be beneficial to the security of both the migrant and the host economy, and indeed the economic growth of many countries, not least the United States, can be attributed to this convergence of benefits. But unless labour migrants' rights are recognized and their status legalized, they can remain insecure in the longer term, and social insecurity can rise in times of economic downturn, when pressure to expel labour migrants rises. East Asia is the site of much labour migration, and much of it is non-legal. While some of East and Southeast Asia's labour migration prior to the 1980s was destined to the West and the Middle East, more recent migration flows were predominantly intra-Asian. Much of this migration is non-legal. Some estimates of undocumented labour migration in Asian host countries are summarized in Table 10.2 below.

Labour migration generally reflects the economic change in the region.⁶ Accordingly, three types of countries can be discerned. First are the receiving countries. These are economically advanced countries such as Japan, South Korea, Taiwan and Singapore and, prior to its re-integration into the People's Republic of China, Hong Kong, despite many restrictions imposed on labour immigration. Second, fast-growing Southeast Asian economies like Malaysia and Thailand, previously labour exporters, that have become receiving and sending states at the same time. Third, the economically less successful economies such as the Philippines and Indonesia are mainly labour exporters. Myanmar, Laos, Cambodia and Vietnam may also be classified as sending states, though at a lesser scale than the Philippines and Indonesia.⁷

Table 10.2
Undocumented Labour Migrants in Asia in 1999

Receiving country	Estimated number	Sending country
Malaysia	1.3 million	Indonesia, Bangladesh, India, Philippines
Thailand	0.75 – 1.0 million	Myanmar, China
Japan	0.33 million	China, S. E. Asia, South Asia, Mid East
Taiwan	0.10 million	China, S.E. Asia
South Korea	0.085 million	China, Philippines
Singapore	0.010 million	Malaysia, Philippines, Thailand
Cambodia	1 million	Vietnam, China
Myanmar	0.5 – 1.0 million	China, Bangladesh

Source: Alan Dupont, *East Asia Imperilled: Transnational Threats to Security* (Cambridge: Cambridge University Press, 2001), Chapter 8, "People-Smuggling, Undocumented Labour Migration and Environmental Refugees".

SECURITY IMPLICATIONS OF UNREGULATED AND ILLEGAL MIGRATION

It is unregulated and especially illegal migration, not legal migration, which poses a security threat to governments, and is the concern of this chapter. Legal migration is regulated migration, wherein governments issue passports, visas, residence permits or other documents to approved persons, and refuse entry to all others. The numbers involved are usually manageable. This is the prerogative of every legitimate government. But the administration of legal immigration procedures often does not preclude entry by unregulated means, such as infiltration by job-seekers or a stampede of people fleeing civil strife, or illegal means, such as individuals deliberately avoiding or defrauding authorities to gain entry. Regarding prosperous countries, the more strictly their governments impose formal entry requirements, the more widespread and cunning become the attempts to evade those requirements by illegal means.

Examples of unregulated or illegal migration abound in Asia as shown in Table 10.2. But note that "illegals" can become "legals" overnight; host governments may decree blanket refugee status, or grant temporary visas, or simply announce that the "illegals" can stay *pro tem*. Then unregulated entry becomes regulated entry, which legitimates both the entrants' presence and the governments' authority over them. And "legals" can be transformed into "illegals" by similar means, for example when Malaysia in the wake of the Asian currency crisis in 1998 and more recently, in 2002, decreed summarily that Indonesian workers return home. The problems generated for the labour migrants by this policy reversal were compounded by the reluctance of Indonesian authorities to repatriate the expelled workers and the inability of the ailing home economy to accommodate the returning job-seekers.

With unregulated and illegal entrants come a variety of threats.⁸ These range from infiltration by criminals or insurgents to transmission of human, animal, or plant diseases, and include also economic costs, social tensions, and violent disturbances. The spread of AIDS in Myanmar through sex workers returning home from Thailand is just one recent example. Threats include also the smuggling of prohibited goods, funds, and even ideas and individuals, as in criminal and terrorist networks.

A case in point is Indonesian migration to Malaysia. Indonesian immigration was long tolerated by Malaysian authorities because ethnic Malay Indonesians were believed to assimilate easily with the local *bumiputra* population. They would thus help to tip the demographic balance in favour of the Malays over the Chinese and Indian immigrant population. In the face of increasing labour shortages in the plantation,

Table 10.3
Examples of Illegal Migrants

North Koreans in China and South Korea
Koreans in Japan
Chinese in Japan, Taiwan, Thailand and Cambodia
Filipinos in Taiwan
Burmese in Thailand
Filipino Muslims in Malaysia
Vietnamese in Cambodia and China
Cambodians and Laotians in Thailand
Indonesians in Malaysia

construction and manufacturing sectors, illegal immigrants working for less than the officially stipulated minimum wages were tolerated as part of a tacit policy to preserve the competitiveness of the Malaysian economy. In the last decade, in view of a swelling flow of illegal Indonesian immigrants, and as a result of a high crime incidence among Indonesian immigrants, repeated riots involving Indonesian workers, and economic recession in the aftermath of the Asian financial crisis, Malaysian attitudes toward Indonesian immigration turned negative. The 11 September 2001 attacks exacerbated these resentments, for Indonesians played a major role in organizing terrorist groups such as *Kumpulan Mujahedin Malaysia* (KMM) and *Jemaah Islamiyah* (JI), both operating in Malaysia.⁹ The expulsion of tens of thousands of Indonesian migrant workers in the first half of 2002, and their rude treatment in detention centers by Malaysian police and humiliating penalties meted out to them, instigated heated responses by the Indonesian media and politicians and led to a serious deterioration of bilateral relations. Earlier expulsions of Thai migrant workers from Singapore, and the execution of a Filipina maid convicted for murder, triggered similar emotional responses in the home countries of the migrants and soured diplomatic relations.

Even when migrants are law-abiding, they can threaten social stability by tipping the demographic balance between residents and newcomers, or between one ethno-religious group and another, or between job-holders and job-seekers, raising the potential for struggle for space, services and economic opportunities, and generating social strife. Unwanted entry from particular countries can sour relations between the destination and source governments as the former protests and the latter prevaricates. In the event of conflict the migrant communities will be under suspicion of sympathizing with their country of origin or even of espionage, sabotage and insurrection. They may also be recruited, or infiltrated, by the source country government for these purposes. During the Cold War period, for instance, Chinese minorities in Southeast Asia were suspected of serving as Beijing's "fifth column" in the region. And in Cambodia the genocidal Khmer Rouge tagged Vietnamese immigrants as agents of the government in Hanoi.

Finally, the very fact of illegal entry undermines the credibility of the destination government by showing that its borders cannot be protected. This may be exacerbated by blackmail, bribery or other forms of corruption which will erode the probity of administration and law enforcement of the destination government.

PEOPLE SMUGGLING AND PEOPLE TRAFFICKING

Governments are increasingly pitted not only against the ingenuity of individual aspiring migrants but also the cunning and adaptability of international criminal conspiracies engaged in moving people across national borders illegally. These activities are named people smuggling and people trafficking. They arise out of similar "push" circumstances such as civil disorder and economic deprivation but are analytically distinct in terms of means and consequences. People smuggling is the facilitation of voluntary illegal migration for profit. It is, in effect, an illicit travel service for economic migrants and refugees with money. People smuggling has grown into a major international business in the past decade. Some estimates place the number of smuggled persons annually at four million and the revenues earned by smuggling networks at over US\$5 billion.¹⁰

People trafficking involves fewer persons but is more insidious, particularly for the victims. It is the moving of people under false pretences or by coercion, for the purpose of exploiting them, as in the trafficking of children for inappropriate work and young women for prostitution. The U.S. State Department estimates up to 900,000 victims are trafficked annually. This earns up to US\$10 billion for the traffickers, putting this criminal activity in the same league as drug and gun smuggling in profitability.¹¹ And it takes its toll. The evils accompanying trafficking include not only the harmful effects on the victims' human security but also the undermining of public health and social order and the encouragement of organized crime and terrorism. Table 10.4 summarizes the U.S. State Department's inventory of the threats to security posed by human trafficking.

Table 10.4
People Trafficking Threats to Security

Trafficking is a human rights violation
Trafficking increases social breakdown
Trafficking deprives source countries of human capital
Trafficking undermines public health
Trafficking subverts government authority
Trafficking promotes organized crime
Trafficking can finance illicit activities and terrorism

Source: Abridged from *Trafficking in Persons Report, June 2004* (Washington: U.S. Department of State Bureau of Public Affairs, 14 June 2004), found at <www.state.gov>.

While distinct in conception, in practice the smuggling and trafficking networks tend to overlap in routes, organization, personnel, and methods. Their structures are decentralized, segmented, and flexible. Typically, these structures put down roots in three venues: First, countries of out-migration, second, countries of transit, and third, countries of destination. The latter especially applies to people-trafficking networks. A simplified pattern would be thus: First, recruiters in countries of out-migration make contacts, collect initial payments, coach migrants, provide travel and identity documents (often fraudulent or forged), and introduce the migrants to their travel escorts. The second group conducts the migrants by land, sea, or air through intermediate countries to the port of destination. The transit organization may in fact be several segmented organizations and include different modes of transport, such as trucks, boats, or airlines. The organization at the destination point may be rudimentary in the case of people smugglers, whose main job is to retrieve the fraudulent documents for recycling to the next bunch of migrants, and who often abandon the migrant at the port of entry or at a desolate beach, jungle, or mountain wasteland. People traffickers by contrast have a permanent presence in the destination country. They may bribe officials, meet new arrivals, and physically escort their hapless "clients" to prospective employers, from whom they get payment, and then watch over the illegal migrant-worker, often extorting money and threatening or meting out violence to assure compliance and secrecy.¹²

In Asia, the overwhelming bulk of illegal migrants originate in China, whence they attempt to move to Europe, the United States, Australia, or other countries of the Asia-Pacific. According to a U.S. estimate, three-quarters of a million Chinese migrated illegally in the early 1990s, 200,000 to the United States, 100,000 to Europe, 150,000 to Russia, and 200,000 to the Asia-Pacific. The business was worth US\$3 billion to the smuggling and trafficking networks.¹³ Those who do not leave by air tend to exit by two main routes. The first is *via* the Fujian coast in Southeast China. From there, Taiwan fishermen turned smugglers transport them to Taiwan, Southeast Asia, or directly to the United States. The second is overland through Yunnan Province south through Laos or Myanmar to Thailand and thence to Western destination countries by air or boat. Bangkok is a notorious way-station for illegal migration not only from China but also from Southeast Asia, and as a transit point for the numerous refugees from Afghanistan and the Middle East that proliferated in the 1990s.

UNILATERAL POLICIES TO CURB ILLEGAL MIGRATION

National governments have the primary responsibility to curb not only people smuggling and people trafficking but also to manage unregulated refugee and migrant labour flows.¹⁴ Their goal is mainly to protect their own national security and stability. But the rising profile of international human rights standards, backed by the initiatives of the UNHCR and the human rights agencies, has induced governments to pay closer attention also to the protection of the security of the victims, the migrants. As suggested above, governments fall into three categories depending on whether they have jurisdiction in source countries, transit countries, or destination countries.

- The source country governments have the hardest task. They are obliged not only to outlaw and police the illegal networks facilitating the migrant outflow but also to create stable and secure political conditions and economic opportunities so as to minimize the incentive for emigration. But closing the border to keep people in is not practical, nor is it legal in international law.
- Transit country governments are obligated to monitor and manage cross-border migration and curb illegal organizations; they are also obliged to treat the migrants humanely. They must refrain from returning them to harm in their countries of origin or irresponsibly pushing them on to the next country.
- Destination country governments are likewise obliged to observe the human rights of the migrants, provide for their basic welfare, and grant them political asylum if necessary. Once they grant visa, refugee or protected status, they are obliged to facilitate the permanent settlement and integration of the new migrants, to maximize both the migrants' welfare and the stability and prosperity of the destination society and economy. And governments should act against the criminal smugglers or traffickers based or operating in their country, including supporters such as document forgers, financiers, couriers, escorts, enforcers, and employers and landlords.

Australian scholar Andreas Schloenhardt offers a comprehensive inventory of illegal migration activities which is summarized in Table 10.5.¹⁵ He also surveys the governments of the Asia-Pacific and finds that laws prohibiting these activities are spotty and often non-existent. These lacunae suggest

Table 10.5
Migration Activities to be Outlawed

Mobilizing migrants by false promises
Offering illegal migration
Organizing illegal migration
Facilitating illegal migration
Transporting illegal migrants
Harbouring and concealing illegal migrants
Immigration fraud by false statement
Forgery and falsification of documents
Transfer of documents to unauthorized migrants
Conspiracy to commit a crime
Criminal organization

Source: Abridged from Andreas Schloenhardt, "Trafficking in Migrants in the Asia-Pacific: National, Regional, and International Responses", *Singapore Journal of International and Comparative Law* 5 (2001): 696-747.

that a valuable first step by governments keen to curb illegal migration activities would be to legislate comprehensively against them. This would set standards publicly, deter illicit migrants and operators, and provide a legal basis for detection, apprehension, and prosecution of smugglers and traffickers.

Governments serious about curbing illegal migration networks and activities must go beyond providing a legal basis for cracking down on particular offenders. They are well advised to strengthen their capacities for intelligence gathering and processing, immigration administration, border control, non-corrupt and effective law enforcement, expeditious execution of justice, and public education.

INTERNATIONAL EFFORTS TO DEAL WITH ILLEGAL MIGRATION

The roles of the UN High Commission for Refugees and the International Organization for Migration (IOM) are central to monitoring and ministering to refugees, many of which become illegal migrants in the course of their flight. Numerous other international and national organizations deal with localized or specialized aspects of the refugees' plight such as the World Food Programme (WFP), the World Health Organization (WHO), and the International Labour Organization (ILO). And a myriad of churches and NGOs contribute to ameliorating the refugees' conditions and advocating their claims in transit and destination

countries. These organizations have done much to raise the security of the migrants en route. Their initiatives also assuage the fears of transit governments that the refugees might stay forever, stimulating political hostility and precipitating in the extreme case summary expulsion or refusal of entry despite the hazards to the vulnerable migrants, and recriminations with neighbouring governments.

But as people smuggling and people trafficking emerged as serious new threats to security, and governments found it impossible to cope alone with increasing illegal flows outside the Refugee Convention paradigm, leaders began to search for more cooperative and comprehensive responses. These took three forms: (1) standard-setting and law-making by treaty; (2) coordination through international organizations, and (3) Asian regional policy consultation through *ad hoc* conferences and bilateral diplomacy.

(1) Treaties

Because smugglers and traffickers exploit discrepancies in law and policies between countries, international treaties to harmonize laws function to narrow differences and thus opportunities for manipulation. An overarching treaty finalized in December 2000 is the Convention Against Transnational Organized Crime. This major convention is bolstered by two subsidiary agreements, the Protocol Against the Smuggling of Migrants by Land, Air and Sea and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Other treaties, some recent, some mature, have been brought to bear on the new threats posed by illegal migration. These include the:

- ILO Convention on the Elimination of the Worst Forms of Child Labour,
- Optional Protocol to the Convention of the Rights of the Child,
- Optional Protocol on the Sale of Children, and
- Optional Protocol on the Rights of the Child in Armed Conflict.

In addition, many conventions outlawing slavery can be applied to trafficking.

Over all these international agreements stands the International Bill of Human Rights. This includes Universal Declaration of Human Rights, and its two principal buttresses the International Convention on Civil and Political Rights and the International Convention on Economic, Social

and Cultural Rights. The Refugee Convention 1951 applies their provisions to persons fleeing persecution. Unfortunately, not all Asian states have adopted these instruments. For example, as of mid-2003 seven East and Southeast Asian states had neither ratified nor signed the Protocol on People Smuggling: Brunei, Myanmar, China, Laos, Malaysia, North Korea, and Vietnam. The Philippines was the only state to both sign and ratify; the remainder have signed but not ratified. And of seventeen Asian states, only three, South Korea, Hong Kong, and Taiwan, were judged by the U.S. State Department as complying with the U.S. Trafficking Victims Protection Act, and seven (Japan, Singapore, Malaysia, Indonesia, Nepal, Sri Lanka, and Cambodia) were judged to be non-complying but making efforts to comply. But seven (India, Japan, Laos, Pakistan, Philippines, Thailand, Bangladesh and Vietnam) were placed on a watch list indicating significant abuses despite good intentions, and two — Myanmar and North Korea — were condemned as neither complying nor making efforts to do so.¹⁶ It is apparent that until acceptance of the People Smuggling Protocol and other relevant instruments becomes more widespread, international legal gaps will remain in which smugglers and traffickers will operate with impunity.

(2) International Organizations

Treaties set legal standards, but these can be made effective only by institutions to monitor, implement, and enforcement them. These responsibilities rest on states in the first instance. But states increasingly work together to share risks, costs and administrative burdens, and to match the multi-national character of smuggling and trafficking networks. A number of multilateral institutions have been established in recent decades; those of especial relevance to the migration issue include the following:

- The UNHCR, the IOM, the ILO, and the UN human rights agencies have adapted their work in part to take into account intensifying refugee and migrant worker issues, in Asia and elsewhere.
- The G-8 governments at their 1999 Moscow summit adopted common principles and an action plan to combat people trafficking.
- In parallel, around fifty states have cooperated voluntarily for the past several years in the Inter-governmental Consultations on Asylum, Refugees and Migration Policies in Europe, North America, and Australia.

- In 2002 the UNHCR convened a meeting of 127 member states to endorse the Agenda for Protection and a Programme of Action to coordinate refugee policies; the agenda also distinguished between legitimate and refugee movements and illegal migration by means of smuggling and trafficking.¹⁷

(3) Asian Initiatives

But these efforts needed to be supplemented to focus on illegal migration as manifested in particular regions of the world such as Asia where the problems were unique in magnitude and complexity. Out of these needs emerged a number of Asian regional and *ad hoc* meetings, supplementing international treaties and institutions. Many have become regular events despite the absence of headquarters or formal organizations, with member governments providing leadership, hosting, and secretarial services. These include the following:

- The Asia-Pacific Consultations on Refugees, Displaced Persons, and Migrants (APC), organized originally in the mid-1990s by the UNHCR and the IOM with encouragement by Australia, now includes twenty-four member states with a focus on population movements generally.
- "The Manila Process". This annual meeting of seventeen regional governments, with a focus on irregular migration and migrant trafficking, has been coordinated by the IOM with the help of the Philippines since 1996.
- The Bangkok Declaration on Irregular Migration was conceived by the IOM in consultation with concerned Asian governments in the mid-1990s. The government of Thailand convened the meeting at which fifteen Asian region governments adopted the Bangkok Declaration. This instrument set legal goals and standards and provided a common vocabulary to encourage convergence of national laws on smuggling, trafficking, and organized crime.
- The Association of Southeast Asian Nations (ASEAN) proclaimed its Declaration on Transnational Crime in 1997 and followed that up by drafting a Plan of Action on Cooperation on Immigration Matters and organizing an officials working group that continues to meet periodically.

Indonesia, a major transit country between the Middle East and Australia, in the early 2000s hosted (with Australian support) two major Asian

regional meetings to address the problems. Each was attended by representatives from over fifty governments from Asia and neighbouring regions. These meetings were:

- the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, in 2001, and
- the Regional Conference on People Smuggling, in 2002.

SHORTFALLS

It was noted above that a number of governments had not acceded to major international agreements on refugees and trafficking, notably Brunei, Myanmar, China, Laos, Malaysia, North Korea, and Vietnam, and that others such as Indonesia, Bangladesh, Cambodia, and Thailand were lax in policing their borders and otherwise meeting their international obligations. These were the same governments whose attendance at the Asian regional meetings and other initiatives was irregular and unenthusiastic. The reasons were several. For the poor countries with porous boundaries, lack of resources was a practical obstacle. For governments sceptical of the West, illegal migration was conceived as a problem for the West, not themselves; for others it was a private affair not requiring government attention. Some governments tacitly welcomed out-migration as a means of reducing overcrowding and eventually generating remittances from successful emigrants. Endemic corruption and collusion with smugglers and traffickers reduced incentives to cooperate with international and regional efforts to curb these activities, and some governments regarded them as legitimate sources of income.

When international and regional efforts fell short, some concerned governments took bilateral action, notably Australia, an attractive destination for thousands of illegal migrants in the 1990s. Australia has become especially active as a result of a surge of unauthorized arrivals by air and sea from Asia and the Middle East in the late 1990s.¹⁹ The Australian Government was particularly worried by what it regarded as lax law enforcement by Indonesia, at whose southern ports many illegal migrants bound for Australia have embarked, often with the knowledge and tacit permission of local authorities. In the late 1990s and early 2000s the Government of Australia undertook not only to tighten up its regulations on asylum seeking and to enforce them stringently, but also to make direct approaches to governments of countries from which migrants came, or through which they passed en route to Australia.

In the past five years Australia has engaged at government-to-government level source and transit countries such as China, Indonesia, Vietnam, Pakistan, Afghanistan, and Iran. Australia's ministers enjoined the cooperation of their counterparts in retarding illegal migrant flows and sharing information with Australia. In many cases written pledges of mutual cooperation were made in Letters of Exchange or Memoranda of Agreement. Australia has given aid to train partner country migration and law enforcement officials to raise standards of information-gathering and management of migration flows in their countries. Australia has provided funding bilaterally and through the UNHCR and the IOM also, and controversially, to support migrant and refugee processing camps in Southeast Asia and the South Pacific to deflect the movements of asylum seekers away from Australia. Those illegal migrants who manage to reach Australian soil are subject to compulsory detention while their claims are being authenticated. These policies have attracted criticism at home and internationally for their adverse consequences for human rights and their insensitivity to partner governments, but have proved effective in reducing numbers of fraudulent arrivals, and show no signs of easing.

CONCLUSION

It is evident that unregulated and illegal migration in and through Asia will continue, given the combination of push factors of political disruption and economic deprivation in source countries, the pull factors of stability, jobs, and prosperity in destination countries, and the lure of easy profits for smugglers and traffickers in between. Countervailing policies are being discussed, devised, and implemented throughout Asia and also in Australia, North America, and Europe, all destinations affected by Asian migration flows. Many of the policies involve interception, deflection, detention or expulsion of migrants. But these policies, entailing tougher laws and stricter enforcement, are becoming controversial inasmuch as they infringe on rising human rights standards and humane sensibilities in liberal countries, and are yielding only short-term results. Longer-term policies are emerging amongst progressive governments; these involve relief aid, economic assistance, support for good governance, and bilateral and multilateral cooperation to reduce the motives for migration. But emerging also is a concern to take the critical focus off the migrants and put it on the smugglers and traffickers and the governments who allow them to operate with impunity. Liberal theorists and NGO activists

prefer to recast migration as a human rights issue rather than just a law enforcement issue.²⁰ While acknowledging the security dimensions of the problem for governments, they would emphasize the need to criminalize the smuggler or trafficker but not the migrant, who should be protected. Thus the concepts of state security and human security are seen once again to interact, this time on the issue of irregular migration. The policy challenge is to balance them humanely as well as effectively so as to protect the rights of individuals as well as the integrity and stability of governments.

NOTES

1. Astri Suhrke, "The 'High Politics' of Population Movements: Migration, State, and Civil Society in Southeast Asia", in *International Migration and Security*, edited by Myron Weiner (Boulder: Westview Press, 1993).
2. Suhrke (above) and many of the chapters in *The Cambridge Survey of World Migration*, edited by Robin Cohen (Cambridge: Cambridge University Press, 1995), show that unregulated migration is hardly a new threat but, as described in Chapter One of this book, it is now appreciated in a new security policy context.
3. *Basic Facts: Information about UNHCR: Refugees by Numbers 2002*. Geneva: UNHCR, 2002. Found at <www.unhcr.ch>.
4. *Country Report: Burma 2002*. Washington D.C.: U.S. Committee on Refugees, 2002. Found at <www.refugees.org/world/countryrpt/easia_pacific/burma.htm>.
5. *Country Report: Japan 2002*. Washington DC: U.S. Committee on Refugees, 2002. Found at <www.refugees.org/world/countryrpt/easia_pacific/japan.htm>.
6. The Asia Pacific migration system with reference to theories of economic motivations is surveyed by Douglas S. Massey et al., *Worlds in Motion: Understanding International Migration at the End of the Millennium* (Oxford: Clarendon Press, 1998), pp. 160–95.
7. Suriya B. Prasai, "Intra-Asian Labor Migration", *Asian Survey* XXXIII, no. 11 (November 1993): 1055–70; Joseph Liow, "Malaysia's Illegal Indonesian Migrant Labor Problem: In Search of Solutions", *Contemporary Southeast Asia* 25, no. 1 (April 2003): 44–64.
8. Peter Chalk, *Non-Military Security and Global Order* (Macmillan, 2000), especially Chapter 6 on "Mass Unregulated Population Flows", is a useful introduction to the problem. Also see Warren Zimmerman, "Migrants and Refugees: A Threat to Security?" in *Threatened Peoples, Threatened Borders*, edited by Michael S. Teitelbaum and Myron Weiner (New York: W.W. Norton, 1995) and Myron Weiner, "Introduction: Security, Stability and

- International Migration" in *International Migration and Security*, edited by Myron Weiner (Boulder: Westview Press, 1993), especially pp. 9–21.
9. See Rüland in this book, p. 240.
10. Prime Minister's [of Australia] Coastal Surveillance Task Force Report, Executive Summary, June 1999 found at <www.dpmc.gov.au>.
11. *Trafficking in Persons Report, June 2004* (Washington: U.S. Department of State Bureau of Public Affairs, 14 June 2004), found at <www.state.gov>. The International Organization for Migration offers a similar estimate, found at <www.iom.int>.
12. Alan Dupont, *East Asia Imperilled: Transnational Threats to Security* (Cambridge: Cambridge University Press, 2001) Chapter 8, "People-smuggling, Undocumented Labor Migration and Environmental Refugees".
13. Graeme Hugo, "Illegal International Migration in Asia", in *The Cambridge Survey of World Migration*, edited by Robin Cohen (Cambridge: Cambridge University Press, 1995), p. 398.
14. James F. Hollifield, "The Politics of International Migration: How Can we 'Bring the State Back In'?", in *Migration Theory: Talking Across Disciplines*, edited by Caroline B. Brettell and James F. Hollifield (New York: Routledge, 2000).
15. Andreas Schloenhardt, "Trafficking in Migrants in the Asia-Pacific: National, Regional, and International Responses", *Singapore Journal of International and Comparative Law* 5 (2001), pp. 696–747.
16. *Trafficking in Persons Report, June 2004* (Washington: U.S. Department of State Bureau of Public Affairs, 14 June 2004), found at <www.state.gov>.
17. *The Agenda for Protection* arose from the Global Consultations on International Protection. See <www.unhcr.ch>.
18. Australia's policies have become notorious amongst media commentators and humanitarian NGOs, for example see Peter Mares, *Borderline: Australia's Treatment of Refugees and Asylum Seekers* (Sydney: University of New South Wales Press, 2001). For the Australian Government's view of illegal migration problems besetting the country and its policies to meet them see <www.immi.gov.au>.
19. Ibid.
20. William Malley, "Refugees and Forced Migration as a Security Problem" in *Asia's Emerging Regional Order: Reconciling Traditional and Human Security*, edited by William T. Tow, Ramesh Thakur, and In-Taek Hyun (Tokyo: United Nations University, 2000); Andreas Schloenhardt, "Migrant Trafficking and Regional Security", *Forum for Applied Research and Public Policy* 16, no. 2 (Summer 2001): 83–88; Myron Weiner, *The Global Migration Crisis: Challenge to States and to Human Rights* (New York: HarperCollins College Publishers, 1995); Bill Jordan and Franck Duvel, *Irregular Migration: The Dilemmas of Transnational Mobility* (Cheltenham: Edward Elgar, 2002), especially Chapter 10, "In Search of Global Justice".