

Southeast Asia and the disenchantment with resettlement

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While resettlement is nowadays considered as a solution to be resorted to only in exceptional circumstances, in Southeast Asia resettlement has always been, and remains, the most important durable solution for refugees.

There was a time when resettlement was considered as the ‘preferred’ solution for refugees. In the context of the Indochinese refugee crisis, from the mid-1970s to the mid-1990s resettlement played a particularly important role. The main countries of first asylum in the region – Thailand, Malaysia and Indonesia – made the provision of temporary asylum to refugees from Cambodia, Laos and Vietnam conditional on their rapid resettlement. Eventually approximately 1,315,000 people were resettled in some 30 different countries, to which should be added the 650,000 Vietnamese who were resettled in the United States (US) under the framework of the Orderly Departure Programme (ODP).

While resettlement undoubtedly played a key role in the protection of refugees and in the resolution of the Indochinese refugee crisis, the magnitude of the operations, according to UNHCR, the UN Refugee Agency, “proved costly to refugees and to some of the basic concepts of international protection”.¹ In particular, the resettlement efforts undertaken by Western countries in the first years of the crisis played an important role in the phenomenon of ‘compassion fatigue’ which led to increasingly restrictive measures being adopted by those same states in the first half of the 1980s. In turn, without guarantees that the refugees hosted in their territory would be resettled, countries of first asylum in the region tended to close their borders, refuse to grant temporary asylum, push back arrivals by sea, or return refugees to their country of origin in violation of the principle of *non-refoulement*.

UNHCR came to the conclusion that the decision to adopt an across-the-board approach to resettlement in the region had in many ways “cast a long shadow over the

role of resettlement as a solution and a means of protection”.² In UNHCR’s opinion, the decision taken in 1979 to offer resettlement to the Vietnamese boat people arriving on Southeast Asian shores “acted as a ‘pull factor’, helping to create an unmanageable exodus of people, an increasing number of whom left their homeland for economic and social reasons, rather than to escape from persecution”. In proposing a re-thinking of resettlement as a solution limited to specific protection cases, UNHCR noted that it would indeed “appear prudent to avoid the type of programme established for the Vietnamese” where efforts were made to resettle all the members of a particular refugee group. UNHCR considered that such measures would lead to traditional countries of resettlement adopting further restrictive policies.³ These developments contributed to a large extent to the shift towards voluntary repatriation as the preferred solution to refugee problems in the first half of the 1980s.

By the end of the 1980s, it was clear that what had started as a refugee exodus of people persecuted by the communist government in Vietnam had evolved into an influx of primarily economic migrants attracted by the prospect of quasi-automatic resettlement in Western countries. The Comprehensive Plan of Action on Indochinese refugees (CPA), adopted in June 1989 to put a definitive end to the exodus of Vietnamese boat people in the region, arguably represented the first international initiative designed to respond to a phenomenon of ‘mixed migration’. The CPA instituted a Refugee Status Determination (RSD) procedure at the regional level, which aimed to differentiate between economic migrants and refugees for those who arrived after a

certain date. The objective of the CPA was actually to channel departures through the ODP and, for the rest, to “limit entitlement to resettlement of recognised refugees”.⁴

While the CPA is often referred to as a particularly good example of a regional approach to large movements of migrants and refugees, it has to be noted that the wider international community played a central role in the success of the initiative. Indeed, it was decided that all those who arrived in the countries of transit before the deadline dates, as well as those who arrived after but were recognised as refugees through the RSD procedure, would be quickly resettled. Those found not to be refugees were to be repatriated to their country, “preferably on a voluntary basis” according to the CPA, but other measures would be envisaged if necessary. In total, some 80,000 Vietnamese were resettled in the framework of the CPA.

The current situation

Although the number of refugees in Southeast Asia is far smaller than during the Indochinese crisis and despite the fact that some of the states in the region are now more prosperous, in Southeast Asia resettlement has remained the preferred durable solution. Local integration is generally ruled out, except for specific groups of people with close ethnic ties with the local populations, while voluntary repatriation is rarely conceivable. More than 100,000 refugees from Myanmar have been resettled from the refugee camps in Thailand since 2004 and as many people have been resettled from Malaysia during this same period, representing a disproportionate part of the global resettlement effort. Since 2009, the Philippines has been hosting one of the three Emergency Transit Facility mechanisms, that is, a transit centre where refugees who cannot stay in their country of first asylum for protection reasons can be accommodated pending their resettlement in another country. This mechanism is particularly important in Southeast Asia, with the countries belonging to the Association of Southeast Asian Nations (ASEAN) largely reluctant to offer asylum to people coming from other ASEAN countries, on the principle of non-

interference in the internal affairs of other states, a cornerstone principle in the region.

In the context of the so-called Bay of Bengal and Andaman Sea Crisis in 2015, Malaysia and Indonesia again made the granting of temporary shelter to people adrift at sea conditional on the provision of a durable solution within one year, that is their resettlement, in the case of approximately 600 Rohingya refugees who could not be sent back to Myanmar.

Interestingly, while countries such as the US or Ghana announced that they could resettle some of the Rohingyas, this option was not supported by UNHCR, in part because it was feared (based on experience from the Indochinese refugee crisis) that resorting to this solution would create a pull factor and potentially exacerbate the problem by encouraging additional departures. It was also considered that in the Southeast Asian context, and given the limited number of people concerned, more innovative solutions could be envisaged, such as the grant of migrant worker status in the country of asylum. This option, however, was ruled out by the countries concerned, leaving resettlement again as the remaining option.

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2. UNHCR (1994) ‘Resettlement in the 1990s: A Review of Policy and Practice’ www.unhcr.org/3ae6bafd4.pdf
3. UNHCR (1995) *The State of the World’s Refugees 1995: In Search of Solutions*, Oxford University Press www.unhcr.org/3eedd8db4.html
4. UNHCR ExCom (1989) ‘Summary Record of the 443rd Meeting’ <http://bit.ly/UNHCR-ExCom1989>

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