

Improving the Human Conditions of Refugees in Asia: *The Way Forward*

Asia has in recent decades been a generous host to millions of refugees. Yet, the human condition of refugees in the region is far from ideal. The principle of *non-refoulement* is not always respected, detention is a reality of life, the camps in which refugees are hosted often lack basic facilities, the right to education and employment are available only to some refugee groups, the special concerns of women and children have received virtually no attention, involuntary repatriation of refugees is often practised and local integration as a solution is frowned upon. In brief, refugees in the region are not often given the opportunity to live and reconstruct their lives with dignity. This essay is devoted to considering ways of improving the human condition of refugees in Asia¹. This is no easy task given sheer diversity of the region. As has been pointed out:

Asia is a region of vast proportions and marked contrasts. It is the largest continent on the globe, with some two-thirds of the world's population. Its multitude of races, languages, and cultures indicates the difficulties of attempting generalisations. *Its heterogeneity militates against the search for a comprehensive approach towards the refugee problem within the region* (Muntarhorn 1992: 3). Emphasis added.

But even if a comprehensive approach at the regional level is not feasible, it is not altogether difficult to identify the common problems which prevent the more humane and rights based treatment of refugees². I propose to identify these problems and make a set of recommendations. These *inter alia* include establishing national legal regimes on the status of refugees, emphasising durable solutions other than voluntary repatriation, addressing the problem of statelessness, stressing the need for international burden sharing, and making the UNHCR responsible in law for its acts of omission and commission. However, I would like to begin by delineating, albeit briefly, the governing paradigm of interstate relations in the matrix of which refugee issues

are addressed in the region, including the particular concerns of post-colonial States.

I

The Approach of Asian States to the Problem

Political realism and the welfare of refugees

The governing paradigm of inter-state relations in the region is known world wide by the name of political realism. Allow me to identify four of its features that have direct relevance to the status and welfare of refugees. First, it sees international politics as 'a struggle for power'; indeed, power doubles as both means and end. Morality has, in this scheme of things, only a marginal bearing on the conduct of foreign policy. Instead, refugees are most often seen as a resource, or a bargaining chip, to secure "national interests". Therefore, the final determinant of the fate of refugees is not their concerns and problems but the role that they can play in enhancing the power of the host state. Second, it examines all issues in the matrix of an omnibus concept of "national security". This causes State policy to be particularly suspicious of all alien groups present on its territory. While the perspective of political realism is willing to make an exception for aliens in distress, the commitment is limited both in terms of the quality of refuge offered and its duration. Those given refugees are expected to be satisfied with the assistance provided and to return home as soon as the host State decides. Third, the overwhelming concern with enhancing "power" makes states 'wary of accession to international instruments on human rights for fear of accountability at the international level' (Muntarhorn 1992: 13) When States do sign these instruments, 'human rights consideration are [...] secondary to political expediency' (Id). It follows that membership of humanitarian organisations is often used to pursue the power agenda. Fourth, the paranoia the realist approach engenders makes states limit the interaction of civil society with refugees. Thus, States often deny non-governmental organisations (NGOs) access to refugee camps, as they are worried about the impact of any negative reporting on its international image.

Stress relative autonomy of humanitarian issues

The language of political realism, it hardly needs to be reiterated, is not peculiar to Asia. For example, the international refugee regime has from the very beginning been hostage to foreign policy interests of dominant Northern States; as is well known, it was an integral part of Cold War politics. In other words, the vocabulary of political realism has been internalised by the ruling elites in the diverse regions of the world. But it is entirely unsuited to the resolution of humanitarian issues. Indeed, it corrodes even long held traditions of solidarity and internationalism. On the other hand, it is no easy task to displace the language of political realism as it is tied to deep-seated vested interests. What is however possible is to emphasise the *relative autonomy* of humanitarian issues (Chimni 1998). That is to say, the political classes need to be reassured that the call for the humane treatment of refugees will not mean that the special existential, ideological, or security concerns of individual states are to be ignored. It merely means that these concerns are to be given weight within a framework which recognises the distinctive essence of humanitarian problems. In this regard, there needs to be concerted action by concerned individuals, NGOs and the UNHCR to drive home the point that humanitarian issues should be given their proper place in the domestic and foreign policies of States.

The concerns of post-colonial states

In addition to the problems arising from the language of political realism are the particular concerns of countries in the region. First, there is the impoverishment of a large majority of peoples living in these States, legitimising the absence of concern with the condition of refugees. Second, there is the "cartographic anxiety" of post-colonial States flowing from a bid to create a "national identity" (Sammadar 1999: 108). The post-colonial State often sees as its primary function the separation of its peoples from those inhabiting neighbouring territories. Therefore, borders are manned by individuals whose job training is to push back rather than to express solidarity with the condition of those fleeing persecution or conflict. The "national identity" the post-colonial State endeavours to create is often in tension with establishing a plural polity and with the respect for minority rights. This makes it doubly hesitant to

allow groups from neighbouring countries to reside in its territory even if they are fleeing danger to their life or freedom, that is, unless 'there is an ethnic link between the incoming refugees and the receiving state' (Muntarbhorn, 1992: 16). The cartographic anxiety has been accentuated in South Asia by porous borders and the fact that States have been carved out of peoples inhabiting a "common space" for long periods in history³. Third, there is the demographic anxiety (Id: 17). Thus, the argument (mostly unjustified) has often been heard that the influx of refugees increase pressure on land and employment.

Strengthen human rights regime and institutions

The tensions engendered in post-colonial States in the process of creating a national identity makes it necessary to ensure, first, that sufficient protection exists in law to protect the rights of minorities and aliens. Second, that there are independent human rights institutions, both at the governmental and non-governmental levels to take up their concerns. Thus, for example, the National Human Rights Commission (NHRC) of India (established in 1993) took up in 1995 the case of 65,000 Chakma refugees settled in Arunachal Pradesh in India since 1965 and successfully sought the intervention of the Supreme Court of India to safeguard their life and freedom (NHRC *vs State of Arunachal Pradesh and Union of India (1996)*). In deciding that it was the duty of the state of Arunachal Pradesh to protect the life and liberty of the Chakma refugees the Supreme Court did not give any weight to the argument that the settlement of such large numbers of them would disturb 'its ethnic balance and destroy its culture and identity'. The Supreme Court unequivocally affirmed that 'the State is bound to protect the life and liberty of every human-being, be he a citizen or otherwise'⁴. Third, there is a need for the international community to devise policies which help to combat poverty and institutionalise the principle of burden-sharing, a point to which I shall return later.

II

Establish National Legal Regimes

A striking feature of the Asian region is the complete absence of national legal regimes dealing with the status of refugees:

.... the status of refugees in these countries is precarious. More often than not, it is subject to executive discretion, bolstered by claims of national security and foreign-policy considerations. Law for the protection of refugees is the exception rather than the rule in the majority of Asian countries (Muntarborn 1992: .5).

Thus, despite Asia having been host to hundreds and thousand of refugees there is the absence of any formal legal regime. Refugee issues are dealt with at the political and administrative levels. The absence of national legal regimes pose a major obstacle to improving the human condition of refugees. As Muntarborn notes: 'A perennial problem facing all asylum-seekers in the region has been the uncertainty of their rights upon arrival, pending the search for long-term solutions' (Muntarborn 1992: 154)⁵. To take another example, the *Human Rights Watch* writes of Thailand:

Thailand has no domestic legislation covering the treatment of refugees. The 1979 Immigration Act (amended in 1980) is the only relevant piece of legislation, and under this law all undocumented asylum-seekers are considered "illegal immigrants" and liable to summary deportation. Appeals by asylum-seekers against deportation are rare since, although such appeals can generally be made to the Ministry of Interior, they are not allowed in the case of those without passports, equivalent identification documents, or visas. Even in cases of appeals against deportation made by asylum-seekers, the courts have rejected attempts to invoke the Refugee Convention (Human Rights Watch 1998)⁶.

While a legal regime does not necessarily ensure that refugees secure the conditions in which they can reconstruct their lives with dignity, and is not a pre-condition for the expression of solidarity, its lack can become a serious hurdle in the pursuit of a favourable environment. That is to say, even though the language of rights is formalistic and distanced from the life-world of refugees it helps circumscribe the area of state

discretion. For example, in the absence of the right of refugees to refuse to be repatriated, the State can easily substitute its own decision for that of the refugee. Of course, in implementing the rights of refugees the refugee community must be consulted at all stages; refugee representation should be required in all decisions which crucially affect their lives. Finally, there is the need to familiarise the judiciary in the region to refugee law, in particular to the rights of refugees. Some effort has already been made in this direction. The International Law Association of Refugee Law Judges (IARLJ) has held symposiums on refugee law for judges in the region. However, much more needs to be done.

1951 Convention: Need for Constructive Linkage

The passage of national laws can be secured only through a campaign which, as earlier stressed, emphasises the distinctive essence of humanitarian problems. It should not however be confused with the separate question of persuading States to become part to the 1951 Convention or the 1967 Protocol. No country in Asia, other than Cambodia, China, Japan and Philippines, is party to the 1951 Convention or the 1967 Protocol. In my view, any talk of accession to the 1951 Convention or the 1967 Protocol should be linked to the withdrawal of the *non-entrée* regime established by affluent North. That is to say, the countries of the region should collectively argue that they would consider acceding to the Convention and/or Protocol only if the Western world was willing to withdraw those measures which violate the principle of burden sharing and instead practice burden shifting. Asian member States of the Executive Committee of the UNHCR must make this case in that forum to place in perspective the refusal of States in the region to become parties to the existing international instruments.

III

Some Issues to be addressed in Framing National Refugee Policies and Laws

Principle of *non-refoulement*: ensure non-rejection at the frontiers and ratify CAT

One of the problems I identified is that border guards and officials are trained essentially to turn people back rather than accept their explanation for presenting themselves without proper papers. It is therefore important that any domestic legislation on the subject ensures that the principle of *non-refoulement* include non-rejection at the frontiers. There is a precedent in this regard in the Bangkok Principles adopted by the Asian African Legal Consultative Committee (AALCC) in 1966. Article III Paragraph 3 *inter alia* states:

No one seeking asylum in accordance with these Principles should, except for overriding reasons of national security or safeguarding the populations, be subjected to measures such as rejection at the frontier....

There is also the need for the countries in the region to ratify the Convention Against Torture (CAT) for it offers a wider legal basis for respecting the principle of *non-refoulement*. Article 3 of CAT states:

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

As of May 1998 only six Asian countries (Afghanistan, Cambodia, China, Nepal, Philippines, and Sri Lanka) had become party to it.

Clarify definition of "refugee"

There is a need to clarify several issues in relation to the definition of a refugee where the 1951 Convention definition is adopted. First, whether persecution by non-state agents will be treated as "persecution" in terms of the 1951 Convention definition of a "refugee". Second, whether the availability of an internal flight alternative (IFA) will be taken into consideration in the process of determining refugee status. Third, whether gender guidelines on the lines of those which

have been issues by countries like Canada and United States should accompany a national law.

Prevent unlawful detention

Despite the widespread consensus that detention should be viewed as an exceptional measure, a problem which confronts the asylum-seeker in the region is detention without justification. In 1986, the Executive Committee of the UNHCR adopted Conclusion No. 44 which clarifies the situations in which detention may be deemed appropriate:

if necessary, detention may be resorted to only on grounds prescribed by law to verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or to protect national security or public order.

This understanding should be included in any national law on the status of refugees. It may be added that international human rights law goes much further in offering protection against arbitrary arrest and detention⁷. Under human rights law, as Goodwin-Gill has pointed out, 'arbitrary embraces not only what is illegal, but also what is unjust' (Goodwin-Gill 1996: 248).

In the case of mass influx of refugees a key question is whether keeping refugees in closed or restricted camp conditions amounts to detention. While much would appear to depend upon the circumstances of the particular case, and the nature of the restrictions which have been imposed on the freedom of movement of refugees, the keeping of refugees in camps should in general be avoided, other than for reasons of national security (See generally Black 1998; Crisp and Jacobsen 1998; and Black 1998a).

Prescribe minimum standards of material assistance and other rights

One of the problems in giving meaning to the rights of refugees in the region is the arbitrary determination of what

constitutes minimum material assistance which should be provided to refugees. Consequently, the fate of refugees can differ even within the same country with one refugee group getting better treatment than another group. Without being entirely insensitive to the general standard of living of the local population there needs to be some effort at defining at the governmental level the material assistance which must be given to all refugee groups.

An issue which would thus need to be addressed is the extent to which certain assistance and facilities made available to refugees could also be accessed by the local populace. It is usual in a poor country to hear the complaint that refugees are using resources meant for nationals of the country. For example, despite the fact that Bihari refugees in Bangladesh live below sub-human levels it is said that their care 'puts an enormous burden on Bangladesh economy' (Rahman 1999: 28)⁸. Likewise, in the instance of Rohingya refugees in Bangladesh, the local people have expressed their dissatisfaction over the refugee day labourers whose presence and involvement almost halved labourers' salaries in the region and called for their repatriation⁹. These sentiments are reflected in most countries of the region (see for example Baral 1996: 172). If this problem can be dealt with it would raise the possibility of States in the region to lift the prohibition on refugees taking up employment in the host State. At present, nearly all States do not allow refugees the right to employment. This prohibition greatly reduce the chances of refugees to escape the syndrome of dependence on external agencies which often encourage the situation for their own ends.

Provide access to Camps

A key problem in the region relates to the frequent denial of access to refugee camps to NGOs and the UNHCR. Some like India deny access to both. Others do so from time to time depending on the political perception of the refugee problem. While a country may have legitimate concerns that motivated NGOs and States may indulge in disinformation to embarrass it before the international community, the problem can be handled through establishing more effective communicative channels and diplomacy.

Need to address special problems of refugee women

No State in the region has addressed the concerns of women and children refugees. The result is often a complete insensitivity towards their special concerns. For example, as has been pointed out in the case of Afghan refugees in Pakistan, 'women have suffered much more than any other group due to their identity as women, both at the hands of the State and donor agencies policies and of their own men at the family level. Ranging from the right to make decisions about their own lives to personal security to the right of education and employment have all eroded in the case of Afghan women' (Khattak 1998). The organisational structure of camps, the conservative ideologies of those who dominated the politics of Afghan refugees, and the overall environment in which Cold War politics dictated refugee policies, have all contributed to the oppression of Afghan refugee women (Id). This situation prevails despite the fact that a range of international human rights instruments prohibit discrimination against women and the UNHCR has issued guidelines which focus on how to best protect and assist refugee women. These provisions need to be integrated into the official refugee policy, and in some form, the proposed national law dealing with the status and rights of refugees.

Need to address concerns of refugee children

There exist few surveys of the problem of the child refugee in the region. Refugee children are confronted with a range of distinct problems, especially in relation to the registration of their birth, the security of their person, and education. Nearly all countries in the region are parties to the Convention on the Rights of the Child, 1989 (CRC), which contains a special provision on the refugee child (Article 22). Yet there is little done at the level of implementation with particular reference to the refugee child. To take the example of Afghan refugee children in Pakistan, 'their special needs and rights have not received much attention from Pakistani policy makers' (Ghufran 1998: 1).

There are a number of measures which states need to take in order to deal with the special problems of children. Above

all, the principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children needs to be respected. It should also be mandatory for States to register the birth of refugee children and provide parents with legally validated birth certificates. It is also crucial to remove threats to the security of person of the child and guarantee the right of children to education, adequate food, and the highest attainable standard of health. These are rarely ensured. In 1997, the UNHCR Executive Committee adopted Conclusion No. 84 (XLVIII) which listed some of these measures. These should be given serious consideration by states in the region.

Address the problem of environmental degradation

One of the concerns that host States have is the environmental degradation which results from the activities of refugees. The concern is real and needs to be addressed. In this regard the national law can place certain duties on the local administration, the aid agencies, and on the refugee community. Often simple measures can avoid causing harm to the environment. For example, in Bangladesh the UNHCR has distributed compressed rice husks as cooking fuel to all families in the refugee camps in order to minimise the collection of firewood and mitigate against deforestation around the camps. Since 1996, kerosene used for the ignition of the compressed rice husks is also being distributed to refugee families, so as to ensure that they do not need to collect firewood for this purpose (UNHCR 1997).

Ensure voluntary repatriation

The increasing emphasis of the UNHCR in the last decade on voluntary repatriation as a solution has meant that refugees are often returned against their will. For instance, take the case of the repatriation of Rohingya refugees from Bangladesh. It has raised a good deal of controversy. In 1992, 'beatings and other forms of abuse were used to 'encourage' the refugees to change their intransigent attitude towards repatriation. The allegations of coerced repatriation have been confirmed by independent observers (The World Refugee Survey 1997:

p.126). The national laws should therefore provide that no refugee will be returned against his or her will.

Where return has been voluntary there needs to be thought given to devising effective mechanisms to ensure that the state of origin lives up to the promises which it had made in order to persuade refugees to return. Thus, the Chakma refugees who returned from India to the Chittagong Hill Tracts in Bangladesh found that the government did little to give them back their lands or to provide them with enough resources to guarantee a minimum standard of life (Chakma and Chakma 1999: 14). While the UNHCR has in the past played an important role in monitoring the welfare of returnees it is no longer effective given its policy preference of encouraging repatriations. It needs to rethink its policies in this regard.

IV

Focus on other Solutions

Resettlement in third countries

In recent years too much emphasis has come to be placed on the solution of voluntary repatriation. It is even recommended for individuals and groups for whom repatriation is not the appropriate solution. Resettlement in third countries, for long the most favoured solution, is now offered to less than 1 per cent of the world's refugees and actively discouraged. The major resettlement effort in Asia related to Indo-Chinese refugees when countries of first asylum (Thailand, Singapore, Malaysia, Indonesia and the Philippines) denied permission to refugees to stay permanently; temporary protection was given on the understanding that the refugees would be resettled in third countries. While the Northern States may be unwilling to take in the same numbers today, there is certainly a need to greatly increase the number of resettlement places which are being offered today.

Allowing local integration

The solution of local integration is unpopular with States in the region. According to Muntarbhorn, '... this was out of the question in most countries of the Asian region unless there were

specific ethnic and religious links' (Muntarhorn 1992: 160-61). Of course, there is at least in the case of one group of refugees the *offer* of local integration viz., the Tibetan refugees in India. But in this instance it does not appear to be acceptable to the refugees themselves as they want to maintain their distinctive culture. I think the solution needs greater attention of researchers, the UNHCR, and the international community of states in order to identify situations in which local integration is an appropriate solution and in defining the conditions in which it can be realised.

The Concept of Operation Relief Centres (ORCs)

In the context of solutions it is perhaps worth drawing attention to the Open Relief Centres (ORCs) which have been established in Sri Lanka under the protection of UNHCR. As of 1 January 1997, 20,429 internally displaced persons were accommodated in the two ORCs in northern Sri Lanka (UNHCR 1997). The Centres operate on the principle that basic necessities such as shelter, food, sanitation and medical care are provided for displaced persons, who are free to move in and out at will (Clarance 1993). The open nature of the Centres means that the surrounding population can seek safety whenever it feels threatened, and leave when the situation improves. Thus, and this is what distinguishes ORCs from the concept of safe zones or areas, it is without prejudice to the right to seek asylum (Id). It is difficult to come to a firm conclusion whether the experiment of establishing ORCs should be tried out elsewhere in the region. However, it is worth a closer look in view of the fact that people are not prevented from leaving and seeking asylum.

V

Address the Problem of Settlement

From the perspective of solutions, an important question which needs to be addressed concerns the problem of stateless persons in the region. For, among other things, the problem of disputed nationality is a major obstacle in the process of repatriation. For example, there are four large groups of stateless persons in the South Asian region: Rohingyas from

Myanmar, Bihari Refugees in Bangladesh, Lhotsampa refugees from Bhutan, and Chakma refugees in India.

A stateless person has been defined in international law as one 'who is not considered as a national by any state under the operation of its law' (Art.1 of 1954 Convention relating to the Convention on Statelessness). But this definition is confined to what are termed *de jure* stateless persons. There are in addition *de facto* stateless persons 'who are unable to establish their nationality or whose citizenship is disputed by one or more countries' that is, all those who lack "effective nationality'. In this context, the accession to the 1954 and 1961 conventions on statelessness, as well as the expansion of their ambit through amendment, need to be explored.

No country of Asia is a member of these conventions. They should be persuaded to become parties for as the Universal Declaration of Human Rights puts it, 'everyone has a right to a nationality' and that 'no one shall be arbitrarily deprived of his nationality'. In addition, States in the region need to respond to the call of the Executive Committee of the UNHCR which in 1995 adopted Conclusion No.78 (XLVI) requesting states 'to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality, and by eliminating provisions which permit the renunciation of a nationality without the prior possession or acquisition of another nationality'. In 1998, the United Nations Commission on Human Rights adopted resolution 1998/48 which, among other things, called upon States 'to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to a nationality, especially if it renders a person stateless, and to repeal such legislation if it already exists'.

VI

Stress Need for International Burden Sharing

The human condition of refugees in any part of the third world cannot be seen in isolation from developments in the first world. While the rights of refugees in any region or country is not in any way linked to how h/she is treated elsewhere, the fact of the matter is that the *non entrée* (no entry) regime established in the North has had a retrogressive impact world-wide on the observance of the core principles of international refugee law. The need for international burden sharing has been given legal expression in the Asian region by the Asian-African Legal Consultative Committee (AALCC) through adopting, in 1987, an addendum to its 1966 Bangkok principles. The addendum articulates the belief of countries of the region that the principle of burden sharing should be given a *global* and not a *regional* interpretation. The additional principles adopted are:

- I. The refugee phenomenon continues to be a matter of global concern and needs the support of the international community as a whole for its solution and as such the principle of burden sharing should be viewed in this context.
- II. The principle of international solidarity and burden sharing needs to be applied progressively to facilitate the process of durable solutions for refugees whether within or outside a particular region, keeping in perspective that durable solutions in certain situations may need to be found by allowing access to refugees in countries outside the region due to political, social and economic considerations.
- III. The principle of international solidarity and burden sharing should be seen as applying to all aspects of the refugee situation, including the development and strengthening of the standards of treatment of refugees, support to States in protecting and assisting refugees, the provision of durable solution and the support of international bodies with responsibilities for the protection and assistance of refugees.
- IV. International solidarity and co-operation in burden sharing should be manifested whenever necessary, through effective concrete measures in support of

States requiring assistance, whether through financial or material aid or through resettlement opportunities.

VII

Making UNHCR Responsible in Law

There have been charges, both in the region and elsewhere, that the UNHCR has acted in a manner which has led to the violation of the rights of refugees. For example, it has been accused of promoting the involuntary repatriation of Rohingya refugees from Bangladesh to Myanmar. It has also been charged with reducing the assistance given to refugees under its charge. Thus, for example it is said to have reduced assistance to Afghan urban refugees in New Delhi who now face difficult times (South Asia Human Rights Documentation Centre 1999). I have not done sufficient study of these situations to state with any degree of certainty as to whether these charges are correct. What I merely want to suggest is that where such charges are found to be accurate, the UNHCR needs to be made responsible for its acts of omission and commission. However, it 'still remains largely unaccountable' for the violation of its mandate (Gilbert 1998: 377ff). This is unfortunate as a correlative of international institutions possessing legal personality and rights (to offer humanitarian assistance, to advance claims etc) is responsibility in international law (Brownlie 1990: 701). Of course, any law (hard or soft) that is adopted on the subject will have global application.

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Notes:

¹ As of 1 January 1997, some 1.5 million persons were of concern to UNHCR. This population comprised 905,000 refugees and asylum-seekers, 406,000 returnees and 229,000 internally displaced persons.

Of the refugees, the largest caseloads were in China (290,100), India (268,400), Nepal (126,800), Thailand (108,000) and Bangladesh (30,700). The largest assisted returnee caseloads were in Myanmar (219,300), Viet Nam (105,600) and Sri Lanka (54,000).

² Of course, other than one or two problems which are unique to the region, these are much the same as that which confronts much of the Third World.

³ For a detailed analysis of the problems in the region see Chimni 1998.

⁴ On the status of refugees in India see Chimni 1994.

⁵ With reference to South-East Asia he writes:

Even for those screened in as refugees under the 1951 Convention, there was no complete recognition of rights enumerated in that Convention. They had limited freedom of movement and selective access to employment, and there was a tendency to keep them in semi-closed camps, pending resettlement. Often they need passes to leave the camps on a daily basis for activities outside the camps' (Muntarbhorn 1992: 155).

⁶ It recommends:

Thailand should establish refugee status determination procedures by which asylum seekers can seek recognition as refugees in order to distinguish them from other migrants, thereby enabling Thailand to act consistently in accordance with its obligations under international law to provide refugees with international protection (Human Rights Watch 1998).

⁷ Ibid. See, for example, Article 9 of the 1966 Covenant on Civil and Political Rights and Article 5, 1985 United Nations Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live. For the texts of these instruments see UNHCR 1995 vol.2.

⁸ The estimated expenditure of Bangladesh government on the Bihari refugees for the period 1971-89 is said to be 160 crore taka (Rahman 1999: 28). This is hardly much. More often than not the amount of resources invested in refugees is very meagre. Thus, India spends a mere 5 crore on the 100,000 Sri Lankan Tamil refugees who have sought refuge in India.

⁹ Local residents under the banner of Rohingya Refugee repatriation Action Committee (RRRAC) set up a six-hour road block at Ukha on the Cox's bazaar Teknaf highway on 4th August '92 demanding an early repatriation of more than a quarter-million Rohingya refugees' (Siddique 1999: 40)

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