

NTS Bulletin June 2011 (Issue 2)

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MAIN HIGHLIGHT

The Malaysia-Australia Asylum Deal 2011

An asylum deal between Malaysia and Australia was announced on 7 May 2011. This deal is part of a wider arrangement, the Bali Process, to tackle irregular migration in the Asia-Pacific region and is linked to the Regional Cooperation Framework agreed upon at the recent Bali Process Ministerial Conference on 30 March 2011. The deal reinforces the Bali grouping's objective that regional states, whether they are source, transit or destination countries, should cooperate on tackling people smuggling and trafficking while adhering to the principles of burden-sharing and collective responsibility.

The core elements of the deal include, first, that the entire asylum arrangement will be funded by the Australian government. The costs are estimated to be AUD216 million over four years. This financial outlay demonstrates the Australian government's commitment to undermining the business model of human-trafficking and smuggling syndicates. Second, the deal guarantees that asylum seekers will have their claims considered and will be protected against refoulement. To ensure this, the UN High Commissioner for Refugees (UNHCR) will lead the refugee status determination process in Malaysia. Third, Australia will resettle over four years 4,000 persons (now in Malaysia) who have been determined to be 'refugees'. These refugees are believed to be of Myanmar origin. In return, Malaysia will receive 800 'irregular maritime arrivals' who enter Australia after the date of effect of the arrangement. These persons will not be fast-tracked over those already present in Malaysia. This numerical exchange based on a 5 to 1 ratio between Australia and Malaysia has triggered the interest of other Southeast Asian states such as Thailand. The final details of the asylum deal are still being negotiated.

In the wake of the announcement, human rights concerns have been raised, and opposition to the deal voiced, in Australia and Malaysia. Allegations that Australia is outsourcing its irregular migration problem have resurfaced. The UN High Commissioner for Human Rights, Navanethem (Navi) Pillay, and interest groups have taken issue with Malaysia's status as a non-signatory to the Refugee Convention 1951 and its Protocol 1967, and called on Malaysia to ratify relevant international refugee laws as a prerequisite to the asylum deal. Navi Pillay noted that, both in Australia and Malaysia, extended detention periods and processing times, and conditions in detention centres, are indicative of a weak culture of accountability towards the protection of refugee rights.

Additional Info:

- Daniel, Zoe, 'Malaysian PM Praises "Beneficial" Asylum Deal', *ABC*, 9 May 2011.
- 'Eyeing a Malaise Solution', *The Economist*, 10 May 2011.
- Menadue, John, 'Malaysia Refugee Deal a Rare Chance to End Cruel Treatment', *The Sydney Morning Herald*, 14 May 2011.
- 'Thailand "Interested" in Refugee Swap Deal with Australia', *The Australian*, 15 May 2011.
- 'Malaysia Deal "Much Worse" than Pacific Solution', *ABC*, 26 May 2011.
- Daniel, Zoe, 'Memorandum Calls for End to Asylum Deal', *ABC*, 26 May 2011.
- 'Australia Criticized over Child Asylum Seeker Plan', *AP*, 2 June 2011.

HUMAN TRAFFICKING



News & Commentaries

- Ehrlich, Richard S., 'Exploited Workers of Southeast Asia Unable to Unite', *Pacific Scoop*, 2 May 2011.
- Wang, Claire, 'Officials in Babies Snatching Scandal', *ShanghaiDaily*, 10 May 2011.
- 'Paradigm Shift in Women's Trafficking', *Asia News Network*, 10 May 2011.
- '2 Swedes Guilty of Human Trafficking', *Philippine Daily Inquirer*, 12 May 2011.
- Kerr, Keoki, 'U.S. Labor Judge Orders Back Wages for Hawaii Farm Workers', *KITV4 News*, 19 May 2011.
- 'Fighting Child Sex Slavery in Thailand', *CNN*, 24 May 2011 [video].
- Araneta, Sandy, 'FBI Group Launches 24/7 Human Trafficking Watch', *The Philippine Star*, 26 May 2011.
- 'Laos: Family Pressures Exacerbate Trafficking', *IRIN*, 26 May 2011.

Selected Publications

- International Development Law Organization (IDLO), 2011, *Preventing and Combating the Trafficking of Girls in India Using Legal Empowerment Strategies: A Rights Awareness and Legal Assistance Program in Four Districts of West Bengal, June 2010 – March 2011*, Rome.

This publication focuses on the issue of child trafficking in West Bengal, India. The analysis is based on research accumulated over nine months, describing the problem of child trafficking, and offering entry points for legal, regulatory and institutional reform for the state and the country.

- Dumienski, Zbigniew, 2011, 'Critical Reflections on Anti-human Trafficking: The Case of Timor-Leste', *NTS Alert*, May (Issue 2), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies for NTS-Asia.

The notion of human trafficking is critically analysed from the perspective of illegal migration. Drawing on field research in Timor-Leste, the disjunct between well-meaning anti-trafficking measures and their (adverse) effects on migrants is examined. The paper suggests that an alternative approach to the challenges faced by illegal migrants is needed.

- Kaur, Manpavan, 2011, 'Recognising the Economic Relationship between Sex Workers and Sex Businesses', *NTS Alert*, May (Issue 1), Singapore: RSIS Centre for Non-Traditional Security (NTS) Studies for NTS-Asia.

This paper examines narrow interpretations of sex work which equate it to sex trafficking, arguing that this may have adverse implications for sex workers in Southeast Asia. It looks at the economic relationship between sex workers and sex businesses in Southeast Asia, thus revealing the shortcomings of approaches which focus on sex workers as 'victims' of trafficking. This suggests that a broader interpretation of sex work is needed if the exploitation experienced by sex workers is to be adequately addressed.

Events & Announcements

- 'Judicial Colloquium on Human Trafficking and Forced Labour for Magistrates', 8–9 August 2011, Ahungalle, Sri Lanka.
- 'Human Rights International Organization Global Combine Seminar 2011: Conference on Human Trafficking', 22–24 August 2011, Hanoi, Vietnam.

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INTERNAL AND CROSS-BORDER CONFLICT



News & Commentaries

- 'Indonesia Elected to UN Rights Panel despite Concerns', *Jakarta Globe*, 21 May 2011.
- Apps, Peter, 'Economic Unrest Making World Less Peaceful: Survey', *Reuters*, 25 May 2011.
- 'Pakistan: Forced out of Town by Ethnic Violence', *IRIN*, 27 May 2011.
- Drew, Kevin, 'Dissident Plans a More Active Role in Myanmar', *The New York Times*, 30 May 2011.
- Nugroho, Bambang Hartadi, 'Cambodia-Thailand Border Dispute: Observer that Desperately Seeks Trust', *The Jakarta Post*, 30 May 2011.
- Alexandra, Lina A., 'Bringing Peace and Reconciliation to ASEAN', *The Jakarta Post*, 31 May 2011.
- Ghoshal, Baladas, 'Political Transition in Myanmar: Thinking Outside the Box', *The Jakarta Post*, 31 May 2011.
- 'Philippines Massacre: Andal Ampatuan Sr Denies Killings', *BBC*, 1 June 2011.

Selected Publications

- RSIS Centre for Non-Traditional Security (NTS) Studies, 2011, *2nd Dissemination Meeting and Policy Roundtable on the Responsibility to Protect (RtoP) (28 March 2011)*, Summary Report, Singapore.

This report highlights three issues pertinent to the operationalisation of the RtoP: the need to identify the value-added that the RtoP can offer to existing civilian protection mechanisms, the regional preference for Pillars I and II of the RtoP over Pillar III, and the possibility of civil society movements assuming the role of regional champions of the RtoP in East Asia.

- World Bank, 2011, *World Development Report 2011: Conflict, Security, and Development*, Washington, DC.

This report examines the seriousness and impacts of cyclical political and criminal violence on both the people and states in the world, and points out that underdevelopment and social injustice are among the major causes. It notes that improvement in national institutions and governance is crucial for restoring and maintaining peace.

Events & Announcements

- 'New Perspectives on Conflict and Security: Understanding Civil War and Intrastate Conflict', 11–12 July 2011, Birmingham, UK.
- 'Conflict Research Society Annual Conference 2011', 6–7 September 2011, Lancaster, UK.

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MIGRATION

News & Commentaries

- 'Experts Weigh In on Human Trafficking', *Vietnam News*, 9 May 2011.
- 'Burmese Migrants in Thailand End Up in "Seafood Slavery"', *WBEZ 91.5*, 9 May 2011 [audio].
- 'Migrant Survivors Speak of Boat Tragedy off the Coast of Libya', *International Organization for Migration (IOM)*, 9 May 2011.
- Win, Nyunt, 'More Migrant Offices to Open: Abhisit', *The Myanmar Times*, 9–15 May 2011.
- 'IOM Seoul Launches Expert Forum for Protection of Victims of Trafficking', *International Organization for Migration (IOM)*, 16 May 2011.
- Rawat, Dinesh Singh, 'UN General Assembly Debates International Migration and Development', *ABC*, 20 May 2011.
- Burnside, Julian, 'Asking the Hard Questions on the Malaysia Solution', *ABC*, 6 June 2011.
- 'Health Risk from Illegal Migration', *Athens News Agency-Macedonian Press Agency*, 7 June 2011.



Selected Publications

- Phillips, Janet, 2011, *Asylum Seekers and Refugees: What Are the Facts?*, Background Note, Department of Parliamentary Services, Parliament of Australia.

Amidst the ongoing debate on Australia's policy on asylum seekers and refugees, particularly its rationale for a policy of mandatory detention, this publication aims to address some of the common misconceptions surrounding the controversial issue. For instance, it examines the common conflation of the terms 'asylum seeker' and 'refugee', the issue of their legal status, and queries terms such as 'queue jumper' that are often part of the debate's rhetoric.

- Hyndman, Jennifer and Alison Mountz, 2008, 'Another Brick in the Wall? Neo-*refoulement* and the Externalization of Asylum by Australia and Europe', *Government and Opposition*, Vol. 43, No. 2, pp. 249–69.

Australia and Europe's approach to asylum seekers has shifted from one derived from international legal imperatives to an increasingly politicised – and securitised – approach that essentially attempts to externalise the asylum issue altogether, often against a backdrop of fear of uninvited asylum seekers and the 'other'. The authors argue that this has manifested in 'neo-*refoulement*', a policy which essentially seeks to prevent asylum seekers arriving by boat from reaching sovereign territory in which the state will be obliged to offer protection to refugees.

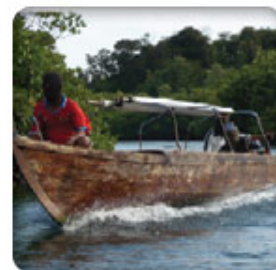
Events & Announcements

- 'Environmental Change and Migration in Historical Perspective', 4–6 August 2011, Munich, Germany.
- '51st European Regional Science Association (ERSA) Conference – Special Session on Cultural Diversity, Skills and Productivity: The Labour Market Impacts of Immigrants', 30 August – 3 September 2011, Barcelona, Spain.

TRANSNATIONAL CRIME

News & Commentaries

- Kelso, Paul, 'Match Fixing: Fifa and Interpol Join Forces in \$20 Million Bid to Fight Match-fixing Menace', *The Telegraph*, 8 May 2011.
- Kelso, Paul, 'Match Fixing: Police Say Organised Crime Fixers in Scandal Have Resorted to Murder', *The Telegraph*, 10 May 2011.
- 'India Ratifies UN Convention against Transnational Crime', *IBNLive*, 13 May 2011.
- Jayaseketa, Sandun A., 'Money Laundering Severely Undermines Development', *Daily Mirror*, 14 May 2011.
- 'Police Co-operation between SA and China', *Times Live*, 30 May 2011.
- Tubeza, Philip C., 'Chinese-Filipino Trader Tagged in Smuggling of Black Coral', *Philippines Daily Inquirer*, 31 May 2011.
- 'Laos Urges More Asean Efforts in Transnational Crimes', *Bernama*, 1 June 2011.



Selected Publications

- Global Commission on Drug Policy, 2011, *War on Drugs*, Report.

This report was written by a commission that includes former heads of state and a former UN Secretary-General. It argues that the war on drugs has failed, with devastating consequences for communities and individuals around the world. It suggests a different approach to the drug problem, one that includes legalisation and control of certain drugs, as well as measures directed at improving the health and well-being of all members of society.

- Stevenson, Bryan, 2011, 'Drug Policy, Criminal Justice and Mass Imprisonment', Working paper prepared for the *First Meeting of the Global Commission on Drug Policy*, Geneva, 24–25 January.

This paper's central argument is that the criminal justice system has been ineffective at managing or controlling the drug trade or illegal drug usage. While the number of people currently incarcerated worldwide primarily as a result of drug policies is at an all-time high of 10 million, the problem of mass drug usage is far from resolved. It suggests strategies to tackle the problem that depart from the traditional approach centred on law enforcement.

Events & Announcements

- '12th Annual Fraud Summit 2011', 28–29 June 2011, Sydney, Australia.
- 'Conference on Global Supply Chain Security', 7–8 July 2011, London, UK.

WATER SECURITY

News & Commentaries

- 'Chile Approves \$7bn Hydroelectric Dam in Patagonian Wilderness', *Guardian*, 10 May 2011.
- Nandi, Jayashree, 'Isro: 75% of Himalayan Glaciers Retreating', *The Times of India*, 16 May 2011.
- 'Three Gorges Dam Has Caused Urgent Problems, Says China', *Guardian*, 19 May 2011.
- Menon, Meena, 'Glacial Lakes, a Potential Threat', *The Hindu*, 24 May 2011.
- Khadka, Navin Singh, 'Mountain Tsunamis – A Rising Threat', *chinadialogue.net*, 24 May 2011.
- Gibbons, Fiachra and Lucas Moore, 'Turkey's Great Leap Forward Risks Cultural and Environmental Bankruptcy', *Guardian*, 29 May 2011.
- Bosshard, Peter, 'Three Gorges Lessons for Vietnam', *Thanh Nien News*, 3 June 2011.
- Buckley, Chris, 'Drought Exposes Water, Power Woes Threatening China Ascent', *Reuters*, 3 June 2011.
- 'Major Step in Improving Forecasts of Weather Extremes such as Floods and Droughts', *ScienceDaily*, 6 June 2011.



Selected Publications

- United Nations Environment Programme (UNEP), 2011, *Decoupling Natural Resource Use and Environmental Impacts from Economic Growth*, Report of the Working Group on Decoupling to the International Resource Panel.

The UNEP's International Resource Panel demands an urgent rethink of the links between resource use and economic prosperity. It

argues that there needs to be massive investment in technological, financial and social innovation so as to at least freeze per capita consumption in wealthy countries and help developing nations develop along more sustainable paths.

- Amede, Tilahun, Shirley Tarawal and Don Peden (eds), 2011, 'Improving Water Productivity in Crop-livestock Systems of Drought-prone Regions', *Experimental Agriculture*, Vol. 47 (S1), pp. 1–5.

Crop-livestock systems that are mostly dependent on rainfall and are based in fragmented, marginal lands are vulnerable to soil erosion, drought and variable weather conditions. Expanding demand for food and feed, and inappropriate land use, further increase the threat of water scarcity. The author identifies strategies to improve water productivity in such systems.

- Maplecroft, *Water Stress Index 2011*, 25 May.

The Water Stress Index, released by risk analysis and mapping firm Maplecroft, is developed for companies to identify risk of water interruptions to supply chains, operations and investments in various countries. Seventeen countries are categorised as 'extreme risk', most of them in the Middle East and North Africa. Water stress is also a major issue for emerging economies such as India and South Korea.

Events & Announcements

- 'The International Conference on Water Resources Management and Engineering (ICWRME) 2011', 22–24 July 2011, Zhengzhou, China.
- 'The Aquaculture Roundtable Series (TARS) 2011', 17–18 August 2011, Singapore.
- 'Third International Conference on Management of Natural Resources, Sustainable Development and Ecological Hazards', 13–15 December 2011, Shah Alam, Malaysia.

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About the Centre:

The Centre for Non-Traditional Security (NTS) Studies of the S. Rajaratnam School of International Studies was inaugurated by the Association of Southeast Asian Nations (ASEAN) Secretary-General Dr Surin Pitsuwan in May 2008. The Centre maintains research in the fields of Food Security, Climate Change, Energy Security, Health Security as well as Internal and Cross-Border Conflict. It produces policy-relevant analyses aimed at furthering awareness and building capacity to address NTS issues and challenges in the Asia-Pacific region and beyond. The Centre also provides a platform for scholars and policymakers within and outside Asia to discuss and analyse NTS issues in the region.

In 2009, the Centre was chosen by the MacArthur Foundation as a lead institution for the MacArthur Asia Security Initiative, to develop policy research capacity and recommend policies on the critical security challenges facing the Asia-Pacific.

The Centre is also a founding member and the Secretariat for the Consortium of Non-Traditional Security (NTS) Studies in Asia (NTS-Asia). More information on the Centre can be found at www.rsis.edu.sg/nts.