

UNIVERSITI TEKNOLOGI MARA

**THE MANAGEMENT OF REFUGEES
BY THE NON-RATIFICATION
COUNTRIES IN ASEAN**

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ABSTRACT

The growing crisis of refugees in Southeast Asia have received an attention from the international community. Southeast Asia is the main hosting countries of refugee populations in the region, yet they have weak protection of refugees. This is because the main destination countries like Malaysia, Indonesia and Thailand are not ratify to the 1951 UN Refugee Convention and its 1967 Protocol. These countries are unwilling to ratify the convention due to the concerned of state sovereignty, national interest and security threat. At the same time, they need to respect with the principle of non-refoulement as generally accepted under customary international law. As a result, these countries have no legal framework to manage refugees and asylum seekers in the countries. Therefore, the purpose of this research is to scrutinize on the limitations in managing refugees by Malaysia, Indonesia and Thailand. Then, this research aimed to identify the initiatives taken by ASEAN as the main regional organization in Southeast Asia. This research used content analysis to study on the limitations and initiatives in order to draw conclusion on the issue of refugees. This research found out that the most factors that contribute to the limitations in managing refugees are lack of domestic legal framework and the used of Immigration Act to address refugee matters that lead to weak protection on the rights of refugees. The results of this study hope that it can contributes to the understanding behaviour of states in the management of refugees as well as the role of ASEAN in handling the issue of refugees.

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CHAPTER ONE

INTRODUCTION

1. Preamble

Chapter one focused on the background of the study which is managing the refugees' protection in the Association of Southeast Asian Nations (ASEAN). It emphasized on the initiatives taken by ASEAN as a regional organization and limitations in managing the issue of refugees' protection by the member states of ASEAN which are Malaysia, Indonesia and Thailand. Then, Section 1.2 discussed on the background of the study and Section 1.3 explained on the problem statement. Section 1.4 stated the research questions and on the other hand, Section 1.5 stated the research objectives. Lastly, section 1.6 is on the information about the scope of the study and Section 1.7 is the significance of the study.

2. Background of the Study

This research is about the “The Management of Refugees by the Non-ratification countries in ASEAN”. According to Article 1A (2) of Convention and Protocol Relating to the Status of Refugees, the term “refugee” implied to *“a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

In a simple word, a refugee is somebody who has been forcibly to escape from his or her own nation due to mistreatment, war or savagery. A refugee has a fear of persecution because of their race, religion, nationality, political sentiment or participation in a specific social gathering. Some of them may stay permanent in the host country, some of them may come back to their country when the conflict has ceased