

Cross-border Human Flows and Human Security in East Asia: Implications for Regional Governance

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Scope and Focus

- Key concepts: human flows, human security, regional governance
- Human flows: (1) internal; (2) cross-border (Focus here is on [2].)
- Human flows and human security: (1) human security factors pushing cross-border flows; (2) human security issues resulting from cross-border flows (Focus here is on [2].)
- Human security impact: (1) on border-crossing persons; (2) members of host communities (Focus here is on [1].)

- Definition of “human security” : (1) freedom from fear (political); (2) freedom from hunger (economic)
- Emphasis varies depending on the history, culture, hegemonic ideology, and economic development of the society. Diversity among East Asian societies defies the formation of a uniform definition of “human security” in the region.
- How should the region deal with this reality? What role can regional governance play, to develop a shared view of “human security”?
- Regional and global governance: To what extent has East Asia accepted the globally shared ideas, values, norms, rules, and institutions? What are the prospects in the region?

The State of Global Governance regarding Human Flows and Human Security

- Universal human rights as seen in UN human rights conventions, etc.
- International human rights conventions regarding border-crossing individuals
- International organizations, NGOs actively promoting the human security of border-crossing individuals

International Human Rights Conventions

- International Covenant on Civil and Political Rights (Adopted in 1966, went into force in 1976)
- International Covenant on Economic, Social, and Cultural Rights (Adopted in 1966, went into force in 1967)
- International Convention on the Elimination of All Forms of Racial Discrimination (Adopted in 1965, went into force in 1969)
- Convention on the Elimination of All Forms of Discrimination against Women (Adopted in 1979, went into force in 1981)
- Convention on the Rights of the Child (Adopted in 1989, went into force in 1990)

International Conventions regarding the Human Rights of Border-crossing Persons

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted in 1990, went into force in 2003)
- Convention relating to the Status of Refugees (Adopted in 1950, went into force in 1954)
- Protocol relating to the Status of Refugees (Adopted in 1967, went into force in 1967)

- UN Convention against Transnational Organized Crime (Adopted in 2001, went into force in 2003)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Adopted in 2000, went into force in 2003)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Crime (Adopted in 2000, went into force in 2004)

- ILO Convention concerning Migration for Employment (ILO Convention 97; adopted in 1949, went into force in 1952)
- ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO Convention 143; adopted in 1975, went into force in 1978)

Main International Organizations and Groups Concerned with the Human Rights of Border-crossing Individuals

- IOM (International Organization for Migration)
- ILO (International Labor Organization)
- UNODC (United Nations Office on Drugs and Crime)
- UNFPA (United Nations Population Fund)
- UNICEF
- UNHCR (United Nations High Commissioner for Refugees)
- OHCHR (Office of the United Nations High Commissioner for Human Rights)

Ratifications of International Human Rights Conventions in East Asia

Status of Ratifications by East Asian Countries of Principal International Human Rights Treaties (as of 09 June 2004) and Principal International Conventions concerning Migrants, Refugees, and Human Trafficking and Smuggling (as of 30 June 2008)													
	CESCR	CCPR	CERD	CEDAW	CRC	CMW	RC	RP	CTOC	TIPP	MSP	ILO C097	ILO C143
Cambodia	a	a	r	a	a		a	a	r	r	r		
China	r	r	a	r	r		a	a					
DPRK	a	a		a	r								
Indonesia			a	r	r				r	s	s		
Japan	r	r	a	r	r		a	a	r	s	s		
Laos	r	r	a	r	a				a	a	a		
Malaysia				r	a				r				
Mongolia	r	r	r	r	r								
Myanmar				a	a				a	a	a		
Philippines	r	r	r	r	r	r	a		r	r	r		r
ROK	a	a	a	a			a		r	s	s		
Russia	r	r	a	r	r		a		r	r			
Singapore				a	a				r				
Thailand	a	a	a	a	a				r	s	s		
Vietnam	a	a	a	r	r				r				

CESCR: Covenant on Economic, Social, and Cultural Rights

CCPR: Covenant on Civil and Political Rights

CERD: Convention on the Elimination of All Forms of Racial Discrimination

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CRC: Convention on the Rights of the Child

CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

RC: 1951 Refugee Convention

RP: Protocol relating to the Status of Refugees

CTOC: UN Convention against Transnational Organized Crime

TIPP: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

MSP: Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

ILO C097: ILO Convention concerning Migration for Employment (Revised 1949)

ILO C143: ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

"r": ratification

"a": accession

"s": signature only

Sources:

Office of the United Nations High Commissioner for Human Rights, "Status of Ratifications of the Principal International Human Rights Treaties, as of 09 June 2004," (accessed 30 June 2008).

"United Nations Treaty Collection, as of 5 February 2002"

<http://www.unhchr.ch/html/menu3/b/treaty2ref.htm> (accessed 30 June 2008).

"United Nations Treaty Collection, as of 5 February 2002," "Protocol relating to the Status of Refugees" <http://www.unhchr.ch/html/menu3/b/treaty5.htm> (accessed 30 June 2008).

United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist.html> (accessed 30 June 2008).

United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> (accessed 30 June 2008).

United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-migrantsmugglingprotocol.html> (accessed 30 June 2008).

International Labor Organization, <http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C097> (accessed 30 June 2008).

International Labor Organization, <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase> (accessed 30 June 2008).

International Human Rights Conventions Slow in Being Ratified in East Asia

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention relating to the Status of Refugees
- Protocol relating to the Status of Refugees
- ILO Convention 97
- ILO Convention 143

East Asian Countries Slow in Ratifying International Human Rights Conventions

- China__Yet to ratify: CMW, CTOC, TIPP, MSP, ILO Convention 97, ILO Convention 143
- DPRK__Yet to ratify: CERD, CMW, RC, RP, CTOC, TIPP, MSP, ILO Convention 97, ILO Convention 143
- Indonesia__ Yet to ratify: CDESCR, CCPR, CMW, RC, RP, ILO Convention 97, ILO Convention 143

- Laos__Yet to ratify: CMW, RC, RP, ILO Convention 97, ILO Convention 143
- Malaysia__Yet to ratify: CESCR, CCPR, CERD, CMW, RC, RP, TIPP, MSP, ILO Convention 97, ILO Convention 143
- Mongolia__Yet to ratify: CMW, RC, RP, CTOC, TIPP, MSP, ILO Convention 97, ILO Convention 143
- Burma__Yet to ratify: CESCR, CCPR, CERD, CMW, RC, RP, ILO Convention 97, ILO Convention 143

- ROK__Yet to ratify: CRC, CMW, RP, ILO Convention 97, ILO Convention 143
- Russia__Yet to ratify: CMW, RP, MSP, ILO Convention 97, ILO Convention 143
- Singapore__Yet to ratify: CDESCR, CCPR, CERD, CMW, RC, RP, TIPP, MSP, ILO Convention 97, ILO Convention 143
- Thailand__Yet to ratify: CMW, RC, RP, ILO Convention 97, ILO Convention 143
- Vietnam__Yet to ratify: CMW, RC, RP, TIPP, MSP, ILO Convention 97, ILO Convention 143

The State of Cross-border Human Flows in East Asia

Total Population, Migrant and Refugee Populations in East Asian Countries

Country or area	Total Population (thousands)	Migrant stock			Number of refugees a/ (thousands)	Net migration (average annual)		Remittances	
		Number (thousands)	Letter Code	Percentage of population		Number (thousands)	Rate per 1,000 pop.	Total b/ (Millions of US dollars)	Percentage of GDP
	2005	2005			2004	2000-2005		2004	
Eastern Asia	1,524,380	6,497		0.4	303	-300	-0.2	..	..
China	1,315,844	596	I	0.0	299	-390	-0.3	21,283	1
China, Hong Kong SAR	7,041	2,999	B	42.6	2	60	8.8	240	0
China, Macao SAR	460	257	B	55.9	..	2	4.4	..	..
DPRK	22,488	37	I	0.2	..	0	0.0	..	..
Japan	128,085	2,048	C	1.6	2	54	0.4	931	0
Mongolia	2,646	9	C	0.3	..	-10	-3.9	56	4
ROK	47,817	551	B	1.2	0	-16	-0.3	832	0
South-eastern Asia	555,815	5,664		1.0	149	-333	-0.6	..	..
Brunei Darussalam	374	124	B	33.2	..	1	2.0	..	..
Cambodia	14,071	304	C	2.2	0	-2	-0.1	138	3
Timor-Leste	947	6	I	0.6	0	16	19.2	..	..
Indonesia	222,781	160	C	0.1	0	-200	-0.9	1,700	1
Laos	5,924	25	C	0.4	..	-1	-0.2	1	0
Malaysia	25,347	1,639	B	6.5	25	30	1.2	987	1
Myanmar	50,519	117	C	0.2	..	14	0.3	78	1
Philippines	83,054	374	C	0.5	0	-180	-2.3	11,634	13
Singapore	4,326	1,843	B	42.6	0	40	9.6	..	..
Thailand	64,233	1,050	C	1.6	121	-10	-0.2	1,622	1
Viet Nam	84,238	21	C	0.0	2	-40	-0.5	3,200	7

Source: United Nations Department of Economic and Social Affairs Population Division, "International Migration 2006," October 2006, http://www.un.org/esa/population/publications/2006Migration_Chart/2006IttMig_chart.htm (accessed 4 July 2008).

Trends in International Labor Migration in East Asia

Labor Exporting			
Philippines	Cambodia	Laos	China
Indonesia	Vietnam	Burma	
Labor Importing			
ROK	Taiwan	Singapore	Japan
Hong Kong	Brunei		
Labor Exporting & Importing			
Thailand	Malaysia		

Source: Graeme Hugo, "Migration in the Asia Pacific Region," A paper prepared for the Policy Analysis And Research Programme of the Global Commission on International Migration, September 2005, p. 8.

Southeast Asian Nationals Working Abroad

Country of origin	Estimated number	Main destination countries/areas
Burma	1,100,000	Thailand
Thailand	340,000	Saudi Arabia, Taiwan, Burma, Singapore, Brunei, Malaysia
Laos	173,000	Thailand
Cambodia	200,000	Malaysia, Thailand
Vietnam	340,000	ROK, Japan, Malaysia, Taiwan
Philippines	4,750,000	Middle East, Malaysia, Thailand, ROK, Hong Kong, Taiwan
Malaysia	250,000	Japan, Taiwan
Singapore	150,000	
Indonesia	2,000,000	Malaysia, Saudi Arabia, Taiwan, Singapore, ROK, UAE

Source: Graeme Hugo, "Migration in the Asia Pacific Region," A paper prepared for the Policy Analysis And Research Programme of the Global Commission on International Migration, September 2005, p. 9.

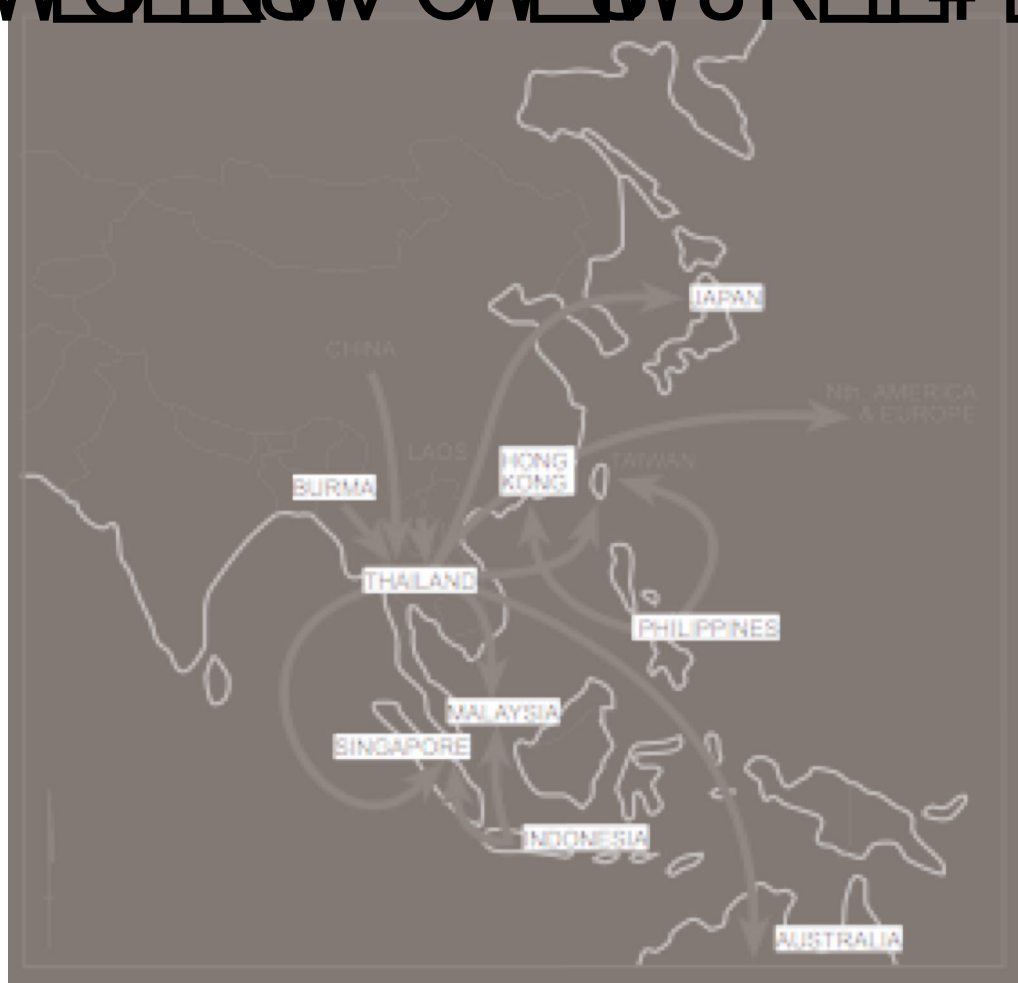
Northeast Asian Nationals Working Abroad

Country of origin	Estimated number	Main destination countries/areas
China	530,000	Middle East, Asia Pacific, Africa
DPRK	300,000	China
ROK	632,000	Japan
Japan	61,000	Hong Kong

Source: Graeme Hugo, "Migration in the Asia Pacific Region," A paper prepared for the Policy Analysis And Research Programme of the Global Commission on International Migration, September 2005, p. 9.

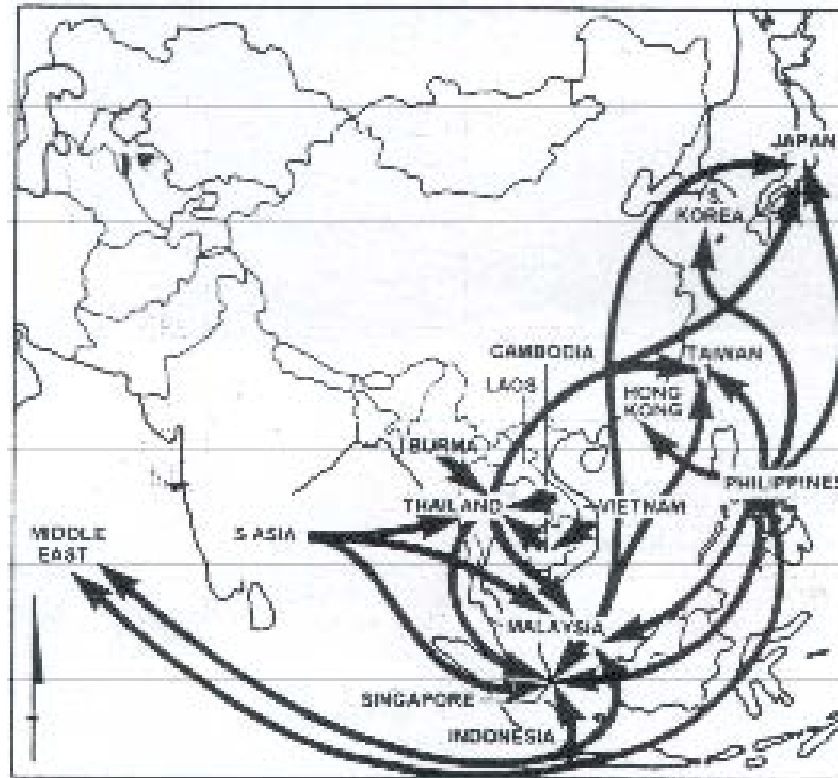
THE GREAT STRAITS MARITIME NETWORK

8 WEEKS SW ON S V 8 K 4 S



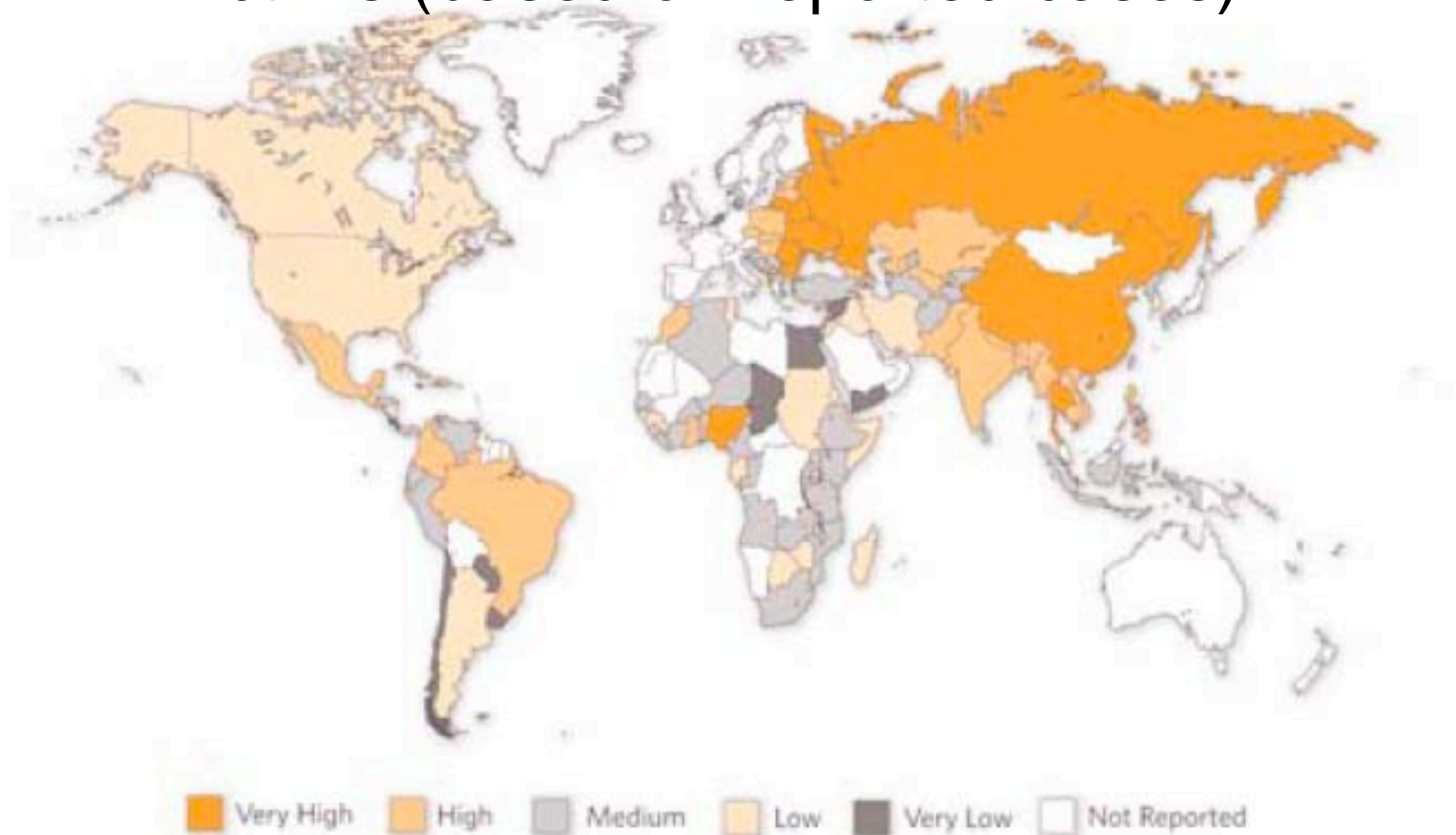
THE GREAT STRAITS MARITIME NETWORK
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Main Illegal Migration Flows in East Asia



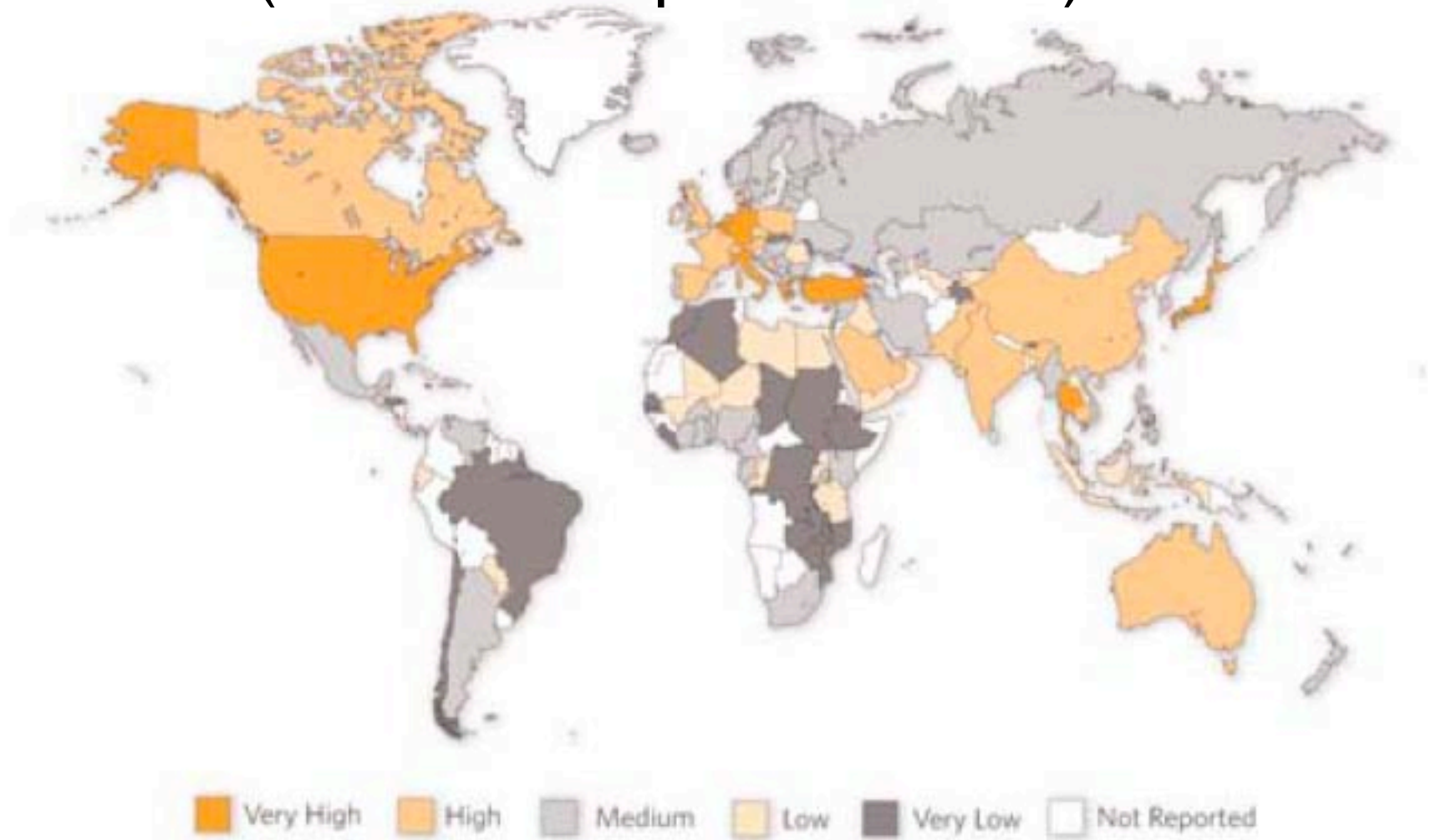
Source: Graeme Hugo, "Migration in the Asia Pacific Region," A paper prepared for the Policy Analysis And Research Programme of the Global Commission on International Migration, September 2005, p. 22.

Countries of Origin of Human Trafficking Victims (based on reported cases)



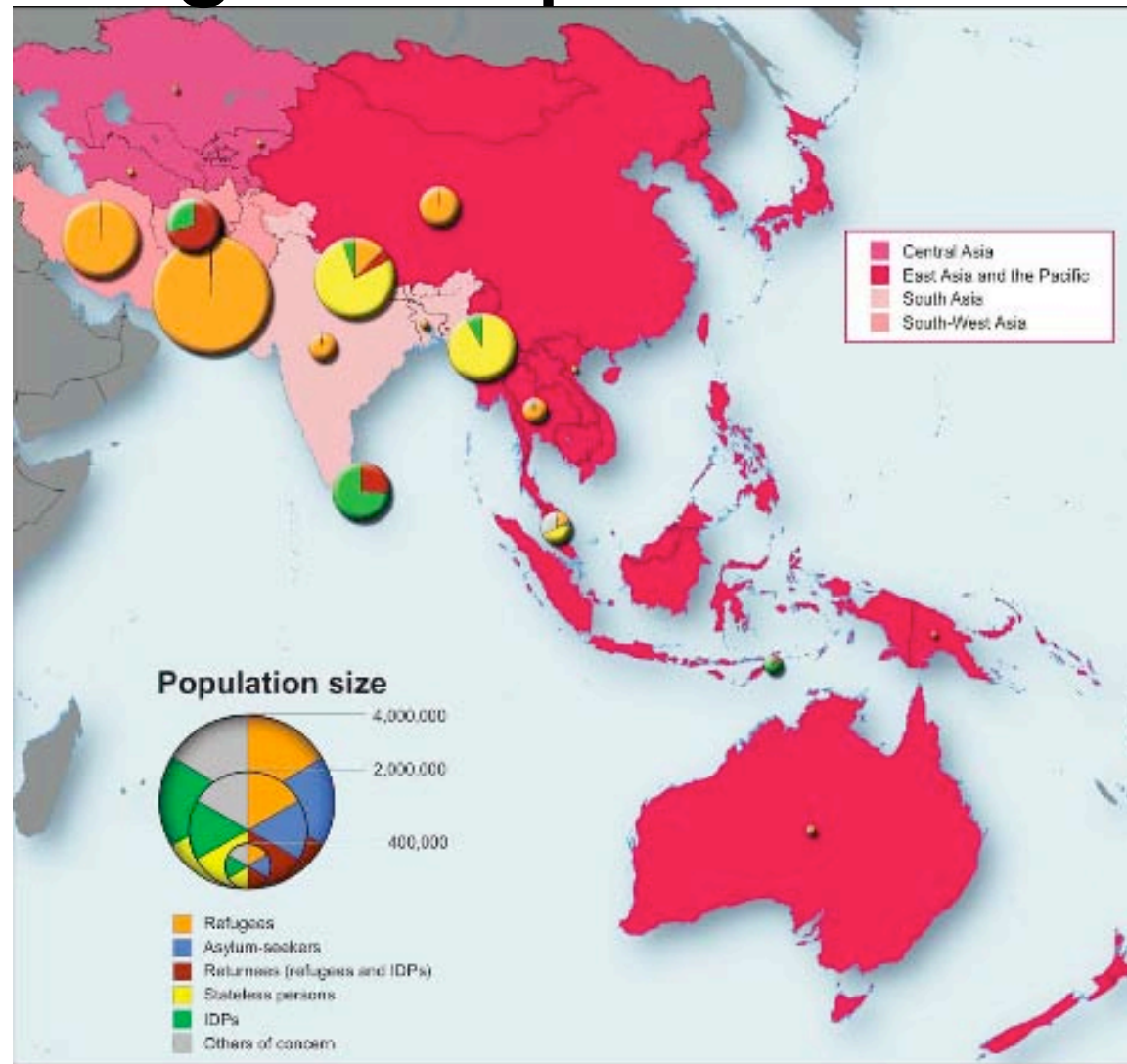
Source: United Nations Office on Drugs and Crime (UNODC). 2006. *Trafficking in Persons: Global Patterns*, p. 38.

Destinations of Human Trafficking Victims (based on reported cases)



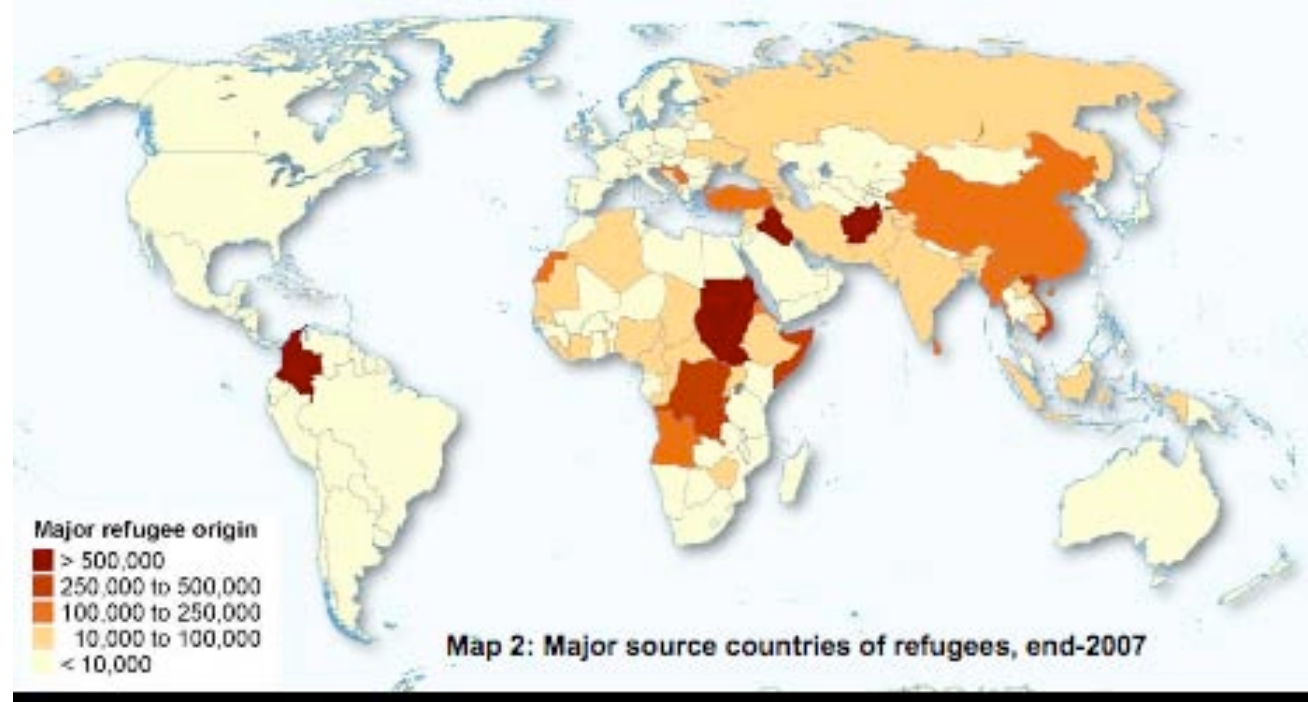
Source: United Nations Office on Drugs and Crime (UNODC). 2006. *Trafficking in Persons: Global Patterns*, p. 39.

Refugee Population in Asia



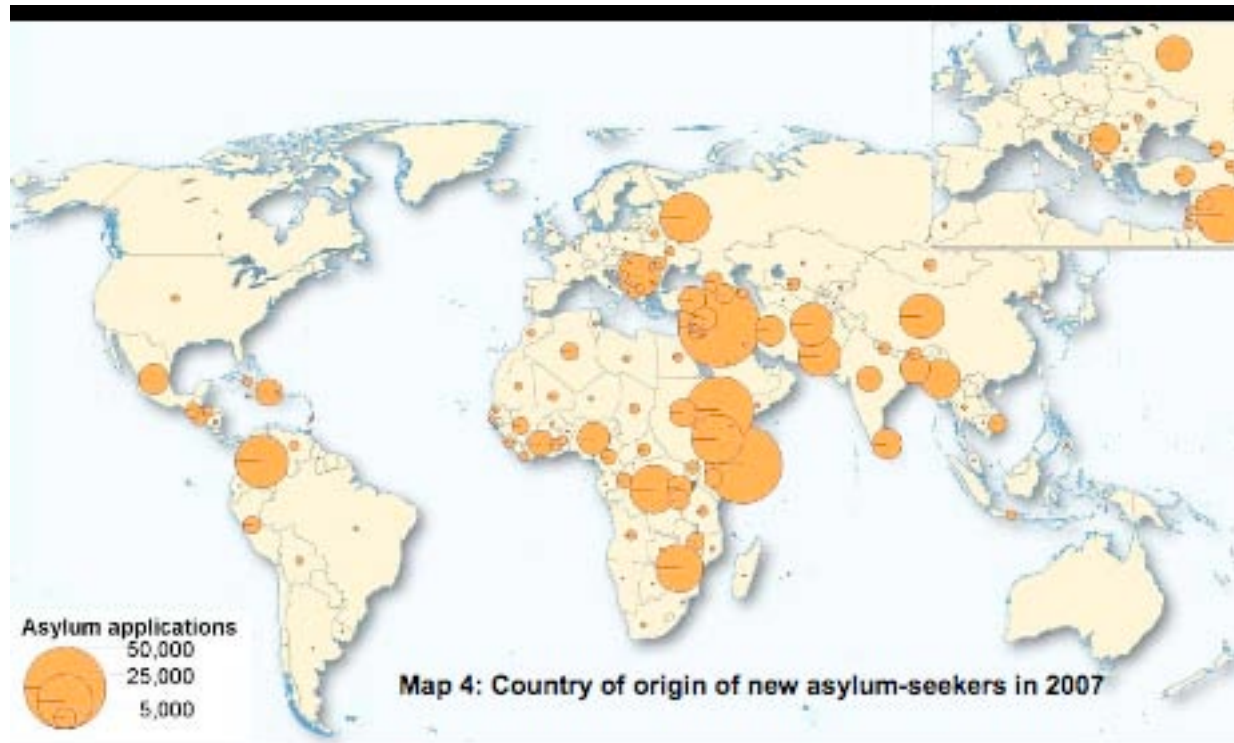
UNHCR, "Global Report 2007," p. 120.

Main Countries of Origin of Refugees



Source: UNHCR, "2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," June 2008, p. 9.

Countries of Origin of New Asylum Seekers 2007



Source: UNHCR, “2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless persons,” June 2008, p. 15.

Human Rights Problems Facing Border-crossing Persons

- Universal problems
- Particular features within East Asia
 - Legacies of history
 - Issues arising out of cultural background
 - Issues arising out of differences in political systems
 - Issues arising out of differences in economic development

Need to Establish a Human Security Regime for Border-crossing Persons in East Asia

- Problems with ratification and compliance for universal human rights conventions
- Problems with ratification and compliance for conventions regarding human rights of border-crossing persons
- Border-crossing persons are increasing and expected to continue to increase.
- Hence, the need to establish a human security regime for the protection of human rights of border-crossing persons in the region.

Required Elements of Regional Governance for the Human Rights of Border-crossing Persons in East Asia

- Shared recognition of border-crossing human flows as reality and human security as need
- Recognition of the need to establish regional governance
- Establishment and universalization of basic principles in regional governance
- Organization and institutionalization for regional governance
- International aid and cooperation for capacity building
- International cooperation at the global level
- Cooperation with other regions

Regional Consultative Processes regarding Border-crossing Persons in East Asia: Main Examples

- Manila Process (est. 1996)
- Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons, and Migrants (APC) (1996)
- Bali Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime (Bali Conference) (2002).

Regional Consultative Processes: Common Principles

- Promotion of exchange of information toward a common understanding of migration issues;
- Protection of the fundamental human rights of migrants, including the right to non-discrimination;
- Reinforcement of efforts to prevent and combat irregular migration including smuggling and trafficking; and
- Facilitation of voluntary return as a strategy to reduce irregular migration

(*Source: IOM, "World Migration, 2003"*)

Preliminary Recommendations for National Measures regarding Cross-border Human Flows

- National measures should accord with international rules and standards.
- The interests of all stake-holders should be represented, including diplomatic, labour, social welfare, public safety, child welfare, police, and local government agencies; management, labour, lawyers, human rights advocacy groups, women's groups, education community.
- Bilateral agreements should not result in discriminatory treatment of individuals of different nationalities.
- National measures should be harmonized and adopt the best practices rather than seeking the least common denominator practices.