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John Carter  
Secretary, Foreign Affairs Sub-Committee  
Joint Standing Committee on Foreign Affairs, Defence and Trade  
Parliament House, Canberra  
ACT 2600

August 21, 2008

SUBMISSION TO THE INQUIRY ON AUSTRALIA'S RELATIONS WITH ASEAN

Dear Mr Carter,

I write on behalf of the Centre for Peace and Conflict Studies, at the University of Sydney, after consultations with the Thai Burma Border Consortium. Main points of my submission:

- Australia can improve its relations with ASEAN by helping to improve the prospects for thousands of refugees from Burma, who have sought sanctuary along the border with Thailand.
- Australia can do this by using some of its aid budget to work in the border region with the Royal Thai Government to lift the level of services and opportunities available to Thais and Burmese alike.
- This will be part of a plan under which the Thai authorities can be induced to open the refugee camps supported by the TBBC, allowing refugees to find jobs and access local health and educational facilities.
- At the same time, the Australian government could join with other governments in advocating with the Royal Thai Government for proper screening mechanisms to be introduced, with UNHCR participation, to ensure that access to asylum is available for new arrivals fleeing conflict and systematic human rights abuses in Burma.
- These initiatives will alleviate the pressure on the refugee population and the donor community alike.
- They will also remove a potential long-term security threat from a population becoming embittered and showing increasing signs of stress.
- Such an initiative will help to make good on ASEAN's commitment to human rights, now formalised in the ASEAN Charter, while simultaneously respecting the ASEAN principle of non-interference in the internal affairs of member states.

## Background

TBBC provides food and shelter for nine camps in remote areas of western Thailand, which are home to some 140,000 refugees. In recent years, 30,000 have found new homes and opportunities in third countries, including Australia. However, this has had the effect of stripping out a generation of skilled, experienced workers, leaving the camp communities in trouble.

The Thai authorities do not allow refugees outside the camps. Instead, refugees run all services inside the camps themselves, including schools and clinics. The skills and experience of the now-departed workers are proving difficult, if not impossible to replace. The resettlement program has solved one problem – providing opportunities to people whose potential was being stunted by being stuck in a refugee camp – but it has created another.

The obvious answer is to allow the refugees to find work and use schools and health facilities in the host community. However, this would entail opening the camps, something the Thai authorities have, so far, refused to do. This prevents the refugees from attaining and enjoying their full human rights, in particular, from the Universal Declaration of Human Rights:

- Article 9: No one shall be subjected to arbitrary arrest, detention or exile;
- Article 13 (1): Everyone has the right to freedom of movement and residence within the borders of each State;
- Article 21 (2): Everyone has the right to equal access to public service in his country;
- And Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

The Royal Government of Thailand has grown accustomed to receiving lectures from the international community on its obligations – and nothing has changed. It is worth noting, however, that Thailand agreed to the adoption of the ASEAN Charter in 2007 (even though it has yet to ratify it); a document which commits ASEAN to “protect and promote human rights and fundamental freedoms” (Article 1 (7)). This development does perhaps expand the scope for well-intentioned outsiders to help Thailand, in an ASEAN context, to improve its human rights record vis-à-vis the Burmese refugees.

Developments inside Burma mean the number of refugees will continue to grow. TBBC has documented the destruction of 3,077 villages since 1996 – cleared to make way for plantations or developments used to raise foreign currency by the regime to pay for its vast military. In the past ten years, the Burmese army has doubled its presence in border areas, intensifying the pressure on civilians, who are forced to endure slave labour, rape, torture and summary executions.

## Opportunity for Australia

The reality is that the border area is impoverished, even on the Thai side. Communities are adequately resourced, in terms of amenities and services, but not lavishly. It would be very

difficult for the Thai authorities to make the case for extra provision, solely for Burmese refugees, in order to alleviate pressure on resources.

The opportunity for Australia, therefore, is to work with the Royal Thai Government to transcend the ‘tug-of-war’ formula familiar from so many debates – in so many countries – about providing for refugees and asylum seekers, where a gain for one is portrayed as a loss for the other. Australia could propose to use its aid budget to help lift the level of development in the entire border area, by providing services accessible to Thais and Burmese alike, for instance:

- Educational facilities;
- Health facilities;
- Human development training and facilitation;
- Seed funding for small enterprise development.

This would improve Australia’s role in and relations with ASEAN, because the trans-border nature of this problem, and the ASEAN charter commitment to human rights, bring it into the ASEAN ‘basket’. If and when the ASEAN Human Rights body is set up, as provided for in Article 14 of the Charter, the plight of Burmese refugees will be high on its agenda.

The proposed initiative would help to sustain the safe haven for refugees fleeing persecution, violence and danger in Burma, as it would enable the existing camps to function as part of a wider community. And it would open further opportunities to forge cultural and trading links through ‘twinning’ initiatives with Australian communities, Fair Trade purchasing of goods made by refugees and suchlike initiatives.

Jake Lynch, Director, CPACS

And the following students, friends and supporters of CPACS:

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