



Refugee crisis in ASEAN: Challenges and opportunities for regional cooperation

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ABSTRACT

Background: The refugee crisis in the Southeast Asian region is increasingly becoming a serious concern as increasing conflicts, natural disasters, and political instability force thousands of people to seek refuge across borders. This article examines the dynamics of the refugee crisis in ASEAN member states by highlighting key challenges, including the lack of a binding regional legal framework, limited shelter capacity, and differences in national policies in responding to refugees. On the other hand, this crisis also opens up opportunities for ASEAN to strengthen regional cooperation mechanisms based on humanitarian solidarity, burden sharing, and upholding human rights principles. **Methods:** This article uses a normative legal research method to examine the refugee crisis in the ASEAN region with a focus on the legal basis, international principles, and relevant policy instruments. **Findings:** The analysis shows significant challenges, such as the absence of a binding regional legal mechanism, differences in domestic policies, and tensions between state sovereignty and humanitarian. **Conclusion:** The crisis also opens up opportunities for ASEAN to strengthen regional cooperation through the development of common legal standards, increased coordination, and arrangements for the division of responsibilities in handling refugees. The study concludes that ASEAN has the potential to develop a more coordinated and responsive approach to the refugee crisis, while still considering the balance between national interests, regional solidarity, and commitment to protecting human rights. **Novelty/Originality of this article:** This study provides a comprehensive analysis of the refugee crisis in ASEAN through a normative legal approach that specifically highlights the absence of a binding regional legal instrument. This study also offers a new perspective on the opportunities for the formation of common legal standards in ASEAN as a collective response to refugee protection.

KEYWORDS: ASEAN; refugee; regional.

1. Introduction

The refugee phenomenon has become an increasingly complex global issue, including in the Southeast Asia region. Ethnic conflicts, political instability, human rights violations, and natural disasters have forced thousands of people to move forcibly and seek protection across borders (Paripurna et al., 2024). One striking example is the Rohingya refugee crisis, which shows the absence of an integrated and effective handling mechanism at the regional level.

Although ASEAN as a regional organization is committed to respecting human rights and solidarity between countries, to date there has been no binding legal instrument specifically for the protection of refugees (Itasari, 2020). The policies and approaches of

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each member state still vary widely, from refusing entry to providing limited temporary protection (Putri et al., 2023). This condition poses serious challenges, both in legal, political, and humanitarian aspects (Asmara & Syahrin, 2021).

On the other hand, the refugee crisis also opens up opportunities for ASEAN to strengthen regional cooperation and formulate more responsive joint policies (Setiawan & Hamka, 2020). By paying attention to the principles of international law, such as the 1951 Refugee Convention and the 1967 Protocol (Kingston, 2018), ASEAN has the potential to play an important role in ensuring the protection of refugee rights while maintaining regional stability (Dedi, 2023). Therefore, this study is important to examine the legal challenges faced and opportunities for regional cooperation in responding to the refugee crisis in Southeast Asia in a more structured and equitable manner.

Although ASEAN does not yet have a specific legal instrument on refugees, a number of regional collaborations have been formed in response to the refugee issue. One of these is the shared commitment under the ASEAN Human Rights Declaration 2012, which generally affirms the importance of protecting the dignity, rights and fundamental freedoms of every individual, including refugees. This declaration serves as a normative basis for member states to consider human rights aspects in refugee policies.

ASEAN also has the ASEAN Intergovernmental Commission on Human Rights (AICHR) which serves as an intergovernmental body to promote and protect human rights in the region. Although the AICHR's mandate does not specifically focus on refugee issues, it has become a forum for discussion and exchange of information among ASEAN countries on the rights of vulnerable groups, including asylum seekers and refugees.

Cooperation within the framework of the ASEAN Committee on Disaster Management (ACDM) is also relevant for refugees affected by natural disasters. Through the ASEAN Agreement on Disaster Management and Emergency Response (AADMER), member countries have agreed on a coordination mechanism in providing humanitarian assistance to disaster victims, including people who have been forced to flee. This protocol is one of the important instruments in handling emergency situations involving massive population movements.

In certain cases, ASEAN also works with international organizations, especially United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM). This collaboration includes data exchange, provision of technical assistance, and facilitation of voluntary repatriation of refugees. This partnership-based approach allows ASEAN to play a more practical role, even without a binding legal framework.

ASEAN once demonstrated collective solidarity in 2015 when facing the Rohingya refugee crisis. Through the ASEAN Ministerial Meeting on Transnational Crime, member countries agreed to strengthen cooperation to address human smuggling and trafficking, which are closely related to refugee vulnerability. The agreement encouraged increased border patrols and the establishment of an information coordination center.

In addition, ASEAN has the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which although not an ASEAN-exclusive forum (as it covers more than 45 countries), many ASEAN member states actively participate. The Bali Process has become a significant regional platform in facilitating policy dialogue, training and operational cooperation on refugee and irregular migration issues.

At the social policy level, ASEAN through the ASEAN Socio-Cultural Community (ASCC) regularly raises the theme of protecting vulnerable groups in its declarations and action plans. The ASCC Blueprint 2025 Action Plan emphasizes the need for a collective response to human mobility due to disasters or conflicts, including internal and cross-border refugees.

At the technical level, ASEAN also initiated the ASEAN-Emergency Response and Assessment Team (ASEAN-ERAT) program that can be deployed in emergency situations. While primarily focused on disaster response, the presence of this team helps ensure that displaced victims receive basic protection, logistics, and medical assistance in a timely and coordinated manner.

Several ASEAN countries bilaterally and subregionally have established additional cooperation. For example, Thailand, Malaysia, and Indonesia often conduct ad hoc coordination for handling Rohingya refugees, especially related to the search and rescue process at sea. This kind of coordination shows the existence of informal mechanisms that have developed as a pragmatic response to urgent situations.

Despite these various collaborations, ASEAN still faces challenges in formulating a comprehensive and binding legal framework on refugees. However, these regional initiatives reflect a collective awareness and commitment to strengthen humanitarian solidarity, and open up opportunities for the formation of a more integrated regional policy in the future.

Several experts have previously conducted research discussing refugees in ASEAN. This research analyzes how ASEAN countries interpret the concept of refugees in a regional context. Kneebone (2014) emphasized that the absence of ratification of the 1951 Refugee Convention by most ASEAN countries has resulted in a very diverse approach and tends to be based on ad hoc policies. This study shows that regional solidarity is still weak because each country prioritizes national sovereignty over the principle of collective protection.

The second research by Caballero-Anthony (2018) in *Community and Resilience in ASEAN: The Role of Regional Cooperation in Humanitarian Assistance* highlights the role of ASEAN mechanisms in assisting victims of disasters and forced migration. This research emphasizes ASEAN's success in the AADMER framework and the formation of ASEAN-ERAT, which is the basis for collective response in emergency situations. However, Caballero-Anthony also criticized that success in the field of disasters is not automatically followed by a strong joint policy regarding refugees due to conflict.

The third study by Khin Khin Oo (2019) entitled *The Rohingya Crisis and ASEAN's Response: A Legal Perspective* specifically focuses on the Rohingya refugee crisis. In this study, Khin Khin Oo argues that ASEAN's response to Rohingya refugees is still limited to a diplomatic approach that avoids direct criticism of member states. Her analysis highlights ASEAN's inability to implement firm regional legal instruments, as well as the weakness of accountability mechanisms for countries of origin of refugees.

This study aims to analyze in depth the dynamics of the refugee crisis in the ASEAN region through a normative legal approach, with a focus on identifying the legal challenges faced by member states in providing protection to refugees. This study also seeks to examine the extent to which international legal instruments, such as the 1951 Refugee Convention and the 1967 Protocol, have been adopted or integrated into the domestic policies of ASEAN countries, and to assess the consistency of their implementation with human rights principles. In addition, this study aims to explore the potential and opportunities for strengthening regional cooperation in ASEAN in order to formulate a more comprehensive and responsive joint legal framework for refugee issues. Through comparative analysis and evaluation of existing cooperation practices, this study is expected to provide constructive recommendations for ASEAN in building a refugee protection mechanism that balances respect for state sovereignty and fulfillment of humanitarian obligations.

2. Methods

This study uses a normative legal research method, namely a method that focuses on the study of applicable legal norms as a basis for analyzing problems. The normative legal method is often referred to as doctrinal research because it aims to study legal principles, laws and regulations, legal rules, and doctrines that develop in legal literature. With this approach, the study does not collect empirical field data, but rather relies on written legal sources and library materials.

In the context of research on the refugee crisis in ASEAN, the normative legal method is used to examine relevant international and regional laws and regulations, such as the 1951 Refugee Convention, the 1967 Protocol, and various ASEAN declarations and policy documents. This study also examines the domestic regulations of each ASEAN member state

relating to refugees, asylum seekers, and human rights protection. Thus, this approach allows for a systematic analysis of the conformity or gap between international norms and national laws.

The collection of legal materials in this study was carried out through library research, which includes primary and secondary legal materials. Primary legal materials include laws and regulations, international treaties, conventions, and official ASEAN documents. Meanwhile, secondary legal materials include academic literature, previous research results, legal expert opinions, and publications from international organizations such as UNHCR and IOM. This approach aims to gain a comprehensive understanding of the legal framework governing refugee protection.

In the normative legal method, the reasoning used is deductive reasoning, namely drawing conclusions from general norms towards their application in specific cases. This study will begin by identifying general principles of refugee protection in international law, then analyzing how these principles are reflected in the policies and regulations of ASEAN and its member states. In addition, the comparative method is also used to see variations in domestic regulations among ASEAN countries.

By using normative legal research methods, this research is expected to provide academic contributions in the form of a comprehensive mapping of legal aspects related to the refugee crisis in the ASEAN region. The results of the analysis are expected to be able to answer research questions regarding the legal challenges faced by ASEAN in creating a refugee protection framework, as well as identifying opportunities for more effective regional cooperation based on international legal principles and humanitarian values.

3. Results and Discussion

3.1 Definition and concept of refugees in international law

The 1951 Convention Relating to the Status of Refugees is an international legal instrument that is the main basis for refugee protection (Syahrin, 2017). This document was first formulated after World War II in response to the millions of people forced to flee their countries due to conflict and persecution (Aling, 2024). This convention defines refugees (Kingston, 2018), the basic rights inherent in them, and the obligations of states parties to provide protection. According to Article 1A(2) of the 1951 Convention, a refugee is defined as:

"Any person who, owing to a 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 have recourse to that country for protection." (Article 1A(2) of the 1951).

This definition is a fundamental reference in international refugee law (Zulkarnain, 2023). The essential elements of the definition include several basic elements, namely the existence of a well-founded fear of persecution, specific reasons for persecution, being outside the country of origin, and the inability or unwillingness to obtain protection from the country of origin. These elements must be cumulatively met for a person to be legally recognized as a refugee under the 1951 Convention (Sudrajat et al., 2024).

Well-founded fear means fear that can be demonstrated objectively or subjectively. That is not just an unfounded personal fear, but a fear that arises from a real risk of persecution. UNHCR has interpretive guidelines explaining how this element should be evaluated based on the individual facts of each case (Sadjad, 2021).

Persecution in this context is understood broadly to include acts of physical violence, arbitrary detention, torture, deprivation of rights, or other forms of coercion that threaten a person's life, freedom, or dignity. Persecution may be carried out by states, non-state groups, or other parties beyond the control of the state of origin (McNamara, 2007).

The five grounds of persecution recognized in the Convention's definition are race, religion, nationality, membership of a particular social group, and political opinion. These five categories reflect protections for vulnerable groups who have historically been the targets of discrimination and violence (Adwani et al., 2021).

Another important element is the presence of refugees outside their country of citizenship. This means that this definition does not include people who are displaced but are still in their own country (who in legal terms are called internally displaced persons or IDPs). Therefore, refugee status is cross-border (Havez et al., 2024).

In addition, a refugee according to the 1951 Convention is a person who is unable or unwilling to seek protection from his/her country of origin due to fear of persecution. This means that if the country of origin is still able and willing to provide effective protection, then a person does not meet the definition of a refugee even though abroad (Soeryabrata, 2020). At the time the 1951 Convention was adopted, its geographical and temporal scope was limited to events occurring before 1 January 1951, and states parties could choose to limit its application to events in Europe. This limitation was later expanded by the 1967 Protocol Relating to the Status of Refugees, which removed the time and territorial limitations, making the definition of refugee universally applicable to events of persecution occurring at any time and in any place (Putri et al., 2024).

Thus, the 1967 Protocol complements the 1951 Convention and becomes an integral instrument that ensures more inclusive refugee protection. The combination of these two instruments is recognized as the main international legal framework in regulating the status and protection of refugees, which is also a reference in various regional policies, including ASEAN, although most ASEAN countries are not yet parties to the Convention or the Protocol (Anker, 2017).

3.2 ASEAN regulations and policies on refugees

ASEAN as a regional organization has various declaration instruments and policies that are indirectly related to refugee protection, although until now there has been no specific convention that regulates the status of refugees in a binding manner. One important document that serves as a normative reference is the ASEAN Human Rights Declaration (AHRD) which was adopted on November 18, 2012 in Phnom Penh, Cambodia. This declaration is a milestone in the joint commitment of ASEAN countries to uphold and protect human rights in the region.

The AHRD contains basic principles relevant to refugees, including respect for human dignity, protection from discrimination, and the right to life and security of person. Article 16 of the AHRD states that everyone has the right to seek and to enjoy in other countries asylum from persecution, in line with the principles recognized in the Universal Declaration of Human Rights (UDHR). Although declaratory in nature, this provision reflects ASEAN's normative recognition of the right to seek protection.

The ASEAN Declaration on Human Rights also affirms the principle of non-refoulement, which is the prohibition on returning a person to their country of origin if there are strong grounds to believe that they will face persecution, torture, or inhumane treatment. This principle is one of the key elements in international refugee law, although it has not been regulated in detail in the laws and regulations of all ASEAN countries.

In addition to the declaration, ASEAN established the AICHR in 2009 as an intergovernmental mechanism to promote and protect human rights in the region. The AICHR has a mandate to conduct consultations, public education, and thematic studies, including on issues related to refugees and asylum seekers. However, the AICHR does not have enforcement powers or receive individual complaints.

The role of AICHR in refugee issues is more facilitative and promotive, for example organizing regional discussions, workshops, and publications that raise the protection of vulnerable groups. Although the limitations of this mandate are often criticized, the existence of AICHR is an important forum that brings together representatives of ASEAN

countries to discuss developments in human rights, including the challenges of handling forced migration.

In addition to normative instruments, ASEAN has non-legal cooperation mechanisms that play a role in handling the refugee and irregular migrant crisis. One of the main platforms is the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime which was launched in 2002. The Bali Process is a regional forum involving more than 45 countries and international organizations, aimed at strengthening cooperation in dealing with people smuggling and trafficking in persons which are often related to refugees.

In the Bali Process, ASEAN member states work together to exchange information, conduct capacity building, and coordinate policies. Although the Bali Process does not result in a legally binding agreement, the platform helps create a common understanding on the protection of victims, including refugees who are targeted by human smuggling and trafficking networks.

ASEAN also developed the AADMER in 2005. Although the primary focus of AADMER is natural disaster emergency response, the instrument is relevant in the context of internally displaced persons and those forced to flee their territories due to disasters. Through AADMER, ASEAN has a mechanism for coordinating humanitarian assistance that can include providing temporary protection for refugees.

Under AADMER, ASEAN established the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) which serves as a coordination centre for logistics and emergency assistance. The AHA Centre has the capacity to coordinate the delivery of assistance, including the provision of temporary shelter and basic services to affected communities, which in practice often includes vulnerable populations similar to refugee situations.

Overall, ASEAN regulations and policies on refugees are still fragmentary and non-binding. The AHRD Declaration provides a normative basis, the AICHR facilitates discussions, while cooperation mechanisms such as the Bali Process and AADMER provide practical coordination. However, until now there has been no specific regional legal framework that comprehensively regulates the status and rights of refugees in the ASEAN region. This is both a challenge and an opportunity for strengthening regional cooperation in the future.

3.3 Opportunities to strengthen ASEAN regional cooperation

The refugee crisis in Southeast Asia shows the urgency of strengthening regional cooperation that is more structured and oriented towards protecting human rights. So far, ASEAN's approach has been more declarative and coordinative, without any binding legal instruments. This is an opportunity for ASEAN to begin formulating common legal standards that more clearly regulate the status, rights, and obligations of refugees and host countries (Sukendro et al., 2022).

The development of common legal standards can be done by drafting regional agreement documents, such as the ASEAN Framework on Refugee Protection, which contains basic principles, including the prohibition of refoulement (Hermawan, 2017), the right to minimum protection (Fadilah et al., 2024), and procedures for determining refugee status. This standard can adopt the principles of the 1951 Convention and the 1967 Protocol, although with adaptations that take into account the social and political context of the ASEAN region.

In addition, ASEAN can strengthen the coordination mechanism and division of responsibilities between member countries in handling refugee flows. This mechanism is important to prevent a disproportionate burden on certain countries, for example transit countries such as Indonesia, Malaysia, and Thailand. The scheme of responsibility sharing can be in the form of quota allocation for accepting refugees, joint logistical support, or collective funding through the ASEAN Humanitarian Fund (Janmyr, 2021).

Optimizing coordination can be done by strengthening the role of the AHA Centre, which has so far focused more on natural disasters. The mandate of the AHA Centre can be expanded to include handling of cross-border refugees due to conflict, including the provision of temporary transit centers, distribution of food and health assistance, and initial data collection.

Cooperation also needs to be expanded by involving international organizations, such as UNHCR, IOM, and UNDP. This collaboration can provide technical support in terms of determining refugee status, camp management, voluntary repatriation, and strengthening the capacity of national officers. The experience of international institutions in refugee emergencies will help ASEAN adopt best practices that are in accordance with international law.

In addition to international organizations, the role of civil society and local humanitarian organizations is also important. Many non-governmental organizations in ASEAN are actively providing legal assistance, psychosocial assistance, and education for refugees. ASEAN can facilitate a multi-stakeholder cooperation platform that connects governments, international organizations, and civil society to make refugee management more inclusive and participatory.

To strengthen the legitimacy and effectiveness of policies, ASEAN needs to develop a monitoring and evaluation mechanism for the implementation of refugee protection commitments. This mechanism can take the form of an annual report containing data on the number of refugees, the latest national policies, and achievements of regional cooperation programs. With transparent monitoring, the accountability of member countries will be more assured.

In the long term, ASEAN needs to consider establishing the ASEAN Refugee Coordination Mechanism as a special structure tasked with coordinating policies, formulating operational standards, and becoming a regional refugee data center. This mechanism can also facilitate inter-ministerial policy dialogue, so that the regional response becomes faster and more coordinated.

As a strategic step, ASEAN can start by developing a regional action plan that includes: harmonization of national policies, strengthening institutional capacity, providing joint emergency funds, increasing protection of refugee children and women (Afriansyah et al., 2022), and public education on refugee rights. This action plan should have a clear time target to ensure implementation.

By developing common legal standards, optimizing coordination, involving international organizations and civil society, and implementing concrete strategic measures, ASEAN has a great opportunity to become a responsive and humane region in facing the refugee crisis. This collaborative approach is expected to not only increase solidarity among member states, but also strengthen ASEAN's image as a community that upholds humanitarian values (Zetter & Ruadel, 2018).

3.4 Humanitarian challenge in ASEAN

The refugee crisis in ASEAN presents a complex humanitarian challenge, with significant implications for regional stability and international law. Over the years, the Southeast Asia region has witnessed a growing number of displaced persons, particularly due to conflicts, persecution, and environmental disasters. These refugees often seek asylum through perilous maritime routes, resulting in increasing numbers of individuals attempting dangerous sea voyages in search of safety. In light of this, it is crucial to examine the scale and trends of international displacement in the region, particularly through maritime channels, which are a common route for refugees fleeing violence and seeking asylum in neighboring countries. The following table illustrates the alarming statistics related to international refugees in the ASEAN region, highlighting the urgency of addressing both the immediate and long-term challenges faced by these displaced populations. The refugee crisis in ASEAN presents a complex humanitarian challenge, with significant implications for regional stability and international law. Over the years, the

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Table 1. Trends of refugee arrivals by sea in ASEAN 2015–2021

Year	Number of Refugees Arriving by Sea	Main Countries of Origin	Primary Destinations in ASEAN	Key Factors Contributing to Displacement
2015	25,000	Myanmar, Bangladesh	Thailand, Malaysia, Indonesia	Political persecution, ethnic violence, poverty, environmental disasters
2016	15,000	Myanmar, Bangladesh, Vietnam, Sri Lanka	Thailand, Malaysia, Indonesia	Armed conflict, religious persecution, trafficking
2017	12,000	Myanmar (Rohingya), Bangladesh	Thailand, Malaysia, Indonesia	Ethnic violence, human trafficking, refugee camps in neighboring countries
2018	10,500	Myanmar, Bangladesh, Sri Lanka	Malaysia, Thailand, Indonesia	Forced migration, religious persecution, economic hardship
2019	8,000	Myanmar, Bangladesh, Sri Lanka	Malaysia, Thailand, Indonesia	Natural disasters, conflict, political instability
2020	6,500	Myanmar, Bangladesh, Sri Lanka	Malaysia, Indonesia, Philippines	Pandemic impact, worsening economic condition, ethnic violence
2021	7,500	Myanmar, Bangladesh, Afghanistan	Thailand, Malaysia, Indonesia	Post-coup conflict in Myanmar, climate change, political persecution

The refugee crisis in ASEAN continues to evolve, reflecting the increasing vulnerability of displaced populations in the region. As the table illustrates, the number of refugees arriving by sea has fluctuated in recent years, with a notable decrease from 2015 to 2019, followed by a slight increase in 2020 and 2021. This pattern highlights the complex interplay of factors that drive displacement, particularly in Southeast Asia. The maritime routes that refugees use to flee conflict, persecution, and environmental disasters have become increasingly perilous, with many refugees forced to endure dangerous sea voyages in search of safety and stability. The increasing number of refugees attempting such voyages underscores the urgency of addressing both the humanitarian needs of these populations and the broader regional and international legal challenges they pose.



Fig. 1. Rohingya refugees rescued by local authorities after being stranded (Al-Jazeera, 2023)

In 2015, over 25,000 refugees arrived by sea in ASEAN, with Myanmar and Bangladesh being the main countries of origin. Refugees from these nations were primarily fleeing political persecution, ethnic violence, poverty, and environmental disasters. These factors, particularly in Myanmar, which faced intense ethnic violence and political instability, played a significant role in pushing large numbers of people to seek refuge in neighboring countries such as Thailand, Malaysia, and Indonesia. The vulnerability of these populations underscores the importance of creating protective frameworks that can adequately respond to such crises.

By 2016, the number of refugees arriving by sea decreased to 15,000, with an expanded range of countries of origin, including Myanmar, Bangladesh, Vietnam, and Sri Lanka. Armed conflicts, religious persecution, and human trafficking emerged as key drivers of displacement. The continued outflow of refugees from Myanmar and Bangladesh, coupled with the ongoing conflict in Sri Lanka, demonstrated the region's growing need for both international and regional cooperation to ensure the protection and rights of refugees. However, despite international legal frameworks, refugees continued to face dangerous journeys, with their rights often unprotected and their safety compromised.

In 2017, the refugee crisis continued to evolve, with 12,000 refugees arriving by sea. A significant proportion of these refugees were Rohingya Muslims from Myanmar, who faced ethnic violence and human trafficking. The humanitarian situation in Myanmar, particularly for the Rohingya population, reached a breaking point in 2017, resulting in thousands of refugees fleeing to neighboring ASEAN countries, including Malaysia, Thailand, and Indonesia. The lack of legal status for the Rohingya in Myanmar, compounded by the humanitarian crisis, exacerbated their vulnerability, leaving them with few options other than to embark on dangerous sea journeys in search of safety.

The years 2018 and 2019 saw a decline in the number of refugees arriving by sea, with 10,500 and 8,000 refugees respectively. The drivers of displacement during this period included forced migration, religious persecution, economic hardship, and natural disasters. In Myanmar and Bangladesh, economic instability and political strife, particularly related to the situation of the Rohingya and the continuing crisis in the Rakhine State, remained persistent. At the same time, Sri Lanka faced internal challenges related to ethnic tensions and the aftermath of the civil war. Refugees from these countries sought asylum in ASEAN countries, though the legal and social frameworks for accommodating them were still insufficient.

The refugee numbers saw a slight decrease in 2020 to 6,500, primarily due to the global impact of the COVID-19 pandemic. This unprecedented global crisis exacerbated the challenges faced by displaced populations, as border closures, travel restrictions, and strained resources made it even more difficult for refugees to access basic services and safety. Ethnic violence in Myanmar, combined with economic instability in Bangladesh and

Sri Lanka, continued to push people to seek asylum in ASEAN countries, but the pandemic significantly hindered their ability to seek protection.

By 2021, the number of refugees arriving by sea increased slightly to 7,500, driven primarily by the post-coup conflict in Myanmar and the ongoing effects of climate change. The military coup in Myanmar, which occurred in February 2021, intensified the already volatile situation in the country, leading to further displacement of Myanmar's ethnic minorities and pro-democracy activists. Refugees fleeing Myanmar sought refuge in neighboring countries, such as Thailand, Malaysia, and Indonesia, which were already burdened with large numbers of displaced persons. At the same time, the impact of climate change on vulnerable populations in Bangladesh and Sri Lanka also contributed to the continued refugee flow.

Throughout this period, the ASEAN region has been confronted with numerous challenges in managing refugee flows, especially as countries like Thailand, Malaysia, and Indonesia continue to bear the brunt of refugee arrivals. Despite existing international conventions, such as the 1951 Refugee Convention, ASEAN countries do not have a unified legal framework for managing refugees, and this has led to inconsistent policies and practices across the region. The lack of a binding regional legal instrument for refugee protection further complicates the situation, as refugees often find themselves in legal limbo, without access to basic rights or services.

In conclusion, the refugee crisis in ASEAN is a complex issue that requires urgent attention and coordinated action from both regional and international actors. The table clearly shows the fluctuating number of refugees arriving by sea, with significant peaks during times of conflict and political instability. The challenges of managing refugee flows are compounded by the lack of legal frameworks for protection, insufficient resources, and the complex social dynamics in receiving countries. To address these challenges, ASEAN must work toward creating a comprehensive regional framework that provides legal protection and humanitarian assistance to refugees, ensuring their safety and dignity while mitigating the impact of displacement on regional stability.

3.5 European regulations and policies on refugees

The phenomenon of migration and refugees in Europe has become one of the most complex global issues of the past two decades (Donato & Ferris, 2020). The reality on the ground shows that Europe, particularly since the 2015 migration crisis (Buonanno, 2017), has faced an influx of hundreds of thousands of refugees from Syria, Afghanistan, Iraq, and North African countries. This situation has created social, political, and legal tensions in various European Union (EU) countries, as the refugee influx concerns not only humanitarian aspects but also security, social integration, and the sustainability of public policy.

The EU established a common legal framework to address refugee issues, based on the 1951 Geneva Convention and its 1967 Protocol (Syahrin, 2018), which establish the fundamental rights of refugees. These rules form the foundation of the Common European Asylum System (CEAS), which aims to unify procedures, protection standards, and the distribution of responsibilities among member states. This regulation reflects a collective effort to ensure that refugees' human rights are protected equally throughout the region.

One of the main instruments within the CEAS is the Dublin Regulation (Adwani et al., 2021), which determines which member state is responsible for processing a refugee's asylum application. This regulation is designed to prevent "asylum shopping," or the simultaneous filing of applications in multiple countries. However, in practice, this regulation has drawn much criticism because it places the greatest burden on border countries such as Italy and Greece, which are the main entry points for refugees.

In addition to the Dublin Regulation, there is the Asylum Procedures Directive, which regulates standard mechanisms for examining asylum applications; the Qualification Directive, which outlines refugee criteria; and the Reception Conditions Directive, which

sets minimum standards for housing, food, and healthcare for asylum seekers. All of these legal instruments form a normative framework that member states must adhere to.

The reality on the ground shows that policy implementation is often inconsistent across countries (Zulkarnain, 2023). Some countries, such as Germany and Sweden, are known for their more open approach to refugees, providing broad access to education, healthcare, and employment. However, other countries, such as Hungary and Poland, tend to reject refugee relocation, citing security and national identity concerns.

The 2015 refugee crisis became a critical point that exposed the weaknesses of the European legal system. The surge in refugee arrivals led many member states to impose internal border controls in the supposedly visa-free Schengen area. This demonstrated the limited solidarity among European countries in the face of massive migration pressures.

In response, the EU launched the European Agenda on Migration, which includes policies on the distribution of refugee quotas, strengthening border security through Frontex, and external cooperation with countries of origin and transit. One controversial measure was the 2016 EU-Turkey agreement, which aimed to stem the flow of migrants in exchange for billions of euros in aid to Turkey.

However, many NGOs and international institutions have criticized European policies that often emphasize border control over humanitarian protection. For example, reports indicate that conditions in refugee camps on the Greek island of Lesbos are dire, with extreme overcrowding, poor sanitation, and limited access to healthcare.

European governments' treatment of refugees varies widely. In Germany, the government integrates language and job skills programs to accelerate refugee adaptation. In France, access to public services is guaranteed, but social integration challenges remain high due to discrimination and difficulties in finding employment. European governments' treatment of refugees varies widely. In Germany, the government integrates language and job skills programs to accelerate refugee adaptation. In France, access to public services is guaranteed, but social integration challenges remain high due to discrimination and difficulties in finding employment.

Eastern European countries, such as Hungary, have adopted a restrictive approach by building border fences and rejecting relocation mechanisms. This policy has raised serious debate about the commitment to the principle of solidarity within the EU and has also called into question compliance with international human rights standards.

Beyond formal policy aspects, public opinion in Europe also significantly influences the treatment of refugees. In some countries, rising anti-immigrant sentiment has led to increasingly restrictive national policies. Right-wing political parties often exploit the refugee issue to gain support, creating a political dilemma for governments.

However, there are also positive initiatives from European civil society. Many local communities, non-governmental organizations, and volunteers provide direct assistance in the form of food, shelter, and even informal education for refugee children. This demonstrates that humanitarian solidarity remains strong despite sometimes repressive formal state policies.

Within the context of international law, European policies have also come under scrutiny from agencies like the UNHCR. Several forced return (push-back) policies in the Mediterranean Sea are considered to violate the principle of non-refoulement, which prohibits the expulsion of refugees to their countries of origin where they may face persecution or danger.

Refugee regulations and policies in Europe are constantly adapting to global dynamics, including the effects of climate change, which are triggering ecological migration. The EU is attempting to balance the moral obligation to protect refugees with increasingly complex domestic security and political interests. The tension between humanitarian values and national interests is at the heart of this policy debate.

In conclusion, European refugee policy reflects the contradiction between normative regulations emphasizing human rights and political and social realities that often limit protection (Dragostinova, 2016). Differences in attitudes between countries, pressure from public opinion, and the need for more effective solidarity mechanisms are key challenges.

Therefore, strengthening the implementation of the CEAS, commitment to the principle of non-refoulement, and developing a socio-economic integration strategy are key to ensuring that the treatment of refugees in Europe is in line with universal humanitarian values.

3.6 UNHCR important role in handling refugees in ASEAN and European

UNHCR plays a crucial role in handling refugees in the ASEAN and European regions. Although these two regions have different political and social contexts, UNHCR's role remains vital in ensuring the protection and fulfillment of refugee rights.

In the ASEAN region, UNHCR acts as an observer of Refugee Status Determination (RSD) procedures and provides technical assistance to member states in developing policies that align with international standards (Sumarlan, 2019). For example, in Indonesia, UNHCR has helped reduce the processing time for refugee status through technical support and training for immigration officers and relevant government officials.

Furthermore, UNHCR also supports ASEAN countries in designing more inclusive protection mechanisms. For example, through the Regional Relocation Programme, UNHCR assists countries like Malaysia and Thailand in handling refugee flows, including those from Myanmar and the Rohingya. This program aims to distribute the burden fairly and ensure that refugees receive adequate protection.

In Europe, UNHCR collaborates with EU institutions to strengthen protection for refugees and asylum seekers. Through policy advocacy and legal intervention, UNHCR strives to ensure that EU member states adhere to international protection principles, such as non-refoulement and the right to asylum. For example, UNHCR has been involved in efforts to suspend the UK government's proposed deportation policy to Rwanda, arguing that it does not meet human rights standards.

UNHCR also plays a role in designing and implementing the Regional Refugee Response Plan (RRR) in Europe. This plan coordinates the efforts of various parties, including governments, international organizations, and NGOs, to provide effective humanitarian assistance to refugees. Through the RRR, UNHCR ensures that assistance is tailored to the needs of refugees and supports their integration into their host communities.

Furthermore, UNHCR supports integration initiatives in Europe, such as language and job skills training programs for refugees. In Cyprus, for example, UNHCR collaborates with local universities to provide Greek language courses for refugees and develops mentoring programs to help them adapt to the local work culture. In addressing the global refugee challenge, UNHCR also plays a role in promoting long-term solutions, such as voluntary return, local integration, and resettlement to third countries. Through this approach, UNHCR strives to ensure that refugees can rebuild their lives in safety and dignity.

Overall, UNHCR's role in ASEAN and Europe reflects the organization's commitment to protecting and fulfilling refugee rights, and working with various parties to create sustainable solutions. Through an inclusive approach based on international standards, UNHCR contributes significantly to addressing refugee issues in both regions.

4. Conclusions

The refugee crisis in the ASEAN region is a complex challenge because it is closely related to political dynamics, differences in state capacity, and the absence of a binding regional legal framework. Although ASEAN already has several normative instruments, such as the AHRD which recognizes the basic principles of human rights protection including the right to seek asylum, its implementation is still limited to moral commitments without coercive legal force.

In addition, the role of the AICHR is more promotive and consultative in nature so that it has not been effective in encouraging harmonization of policies between countries in protecting refugees. Non-legal cooperation mechanisms such as the Bali Process and AADMER show efforts to coordinate and solidarize in dealing with forced migration, especially in the context of disaster management and human smuggling. However, these

policies have not been able to answer the need for a more comprehensive and consistent approach to cross-border refugees in Southeast Asia.

Therefore, strategic steps are needed to strengthen a more comprehensive regional cooperation framework, including the preparation of common legal standards, increasing the capacity to enforce the principle of non-refoulement, and fair sharing of responsibilities among member states. With stronger political commitment and closer collaboration with international organizations, ASEAN has the opportunity to develop a refugee protection system that is more responsive, humane, and in line with the principles of international law.

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