

# The Asia Pacific Refugee Rights Network and the Promotion of Refugee Rights in Southeast Asia

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*Savitri Taylor*

## Introduction

This chapter discusses how the Asia Pacific Refugee Rights Network (APRRN) has contributed to the advancement of refugee rights in Southeast Asia up to the end of 2021 and whether it has the organizational capacity to make a continuing contribution. In doing so, it furthers the book's investigation of the impact of nonstate actors on refugee protection in Southeast Asia.

I have been an individual member of the APRRN since December 2008. Therefore, this chapter is written from an 'insider' position, with all the strengths and weaknesses that this entails. On the side of strengths, the chapter benefits from the insights that I have gained through participation as a trusted insider. On the side of weakness, however, my APRRN membership compromises my objectivity.

I have presented in-depth examinations of the APRRN in two previous publications. My first publication argued that states are not the only actors that matter in the formulation of policy responses to forced migration. Using the APRRN as a case study, I demonstrated the role that civil society had played in promoting refugee rights in the Asia-Pacific region. That publication dealt with the first three-and-a-half years of the APRRN's existence, from its establishment in November 2008 to mid-2012. It concluded that the existence of a transnational network in the form of the

APRRN had been an enabler for advancing refugee rights at the national level, though policy influence at a supranational level had been more elusive (Taylor 2013).

My second publication was entitled ‘Growing Pains: The Asia Pacific Refugee Rights Network at Seven Years’ (Taylor 2016). It was published around the same time as another in-depth study of the APRRN: Alice M Nah’s ‘Networks and Norm Entrepreneurship amongst Local Civil Society Actors: Advancing Refugee Protection in the Asia Pacific Region’ (Nah 2016). Nah’s article focused on how the APRRN had created a ‘community of practice’ (CoP – see Chapter 9 in this volume) among civil society actors in the region who were concerned about refugee protection, empowering them to promote refugee protection within their own societies, work at the regional, international and national levels in pursuit of their mission, and engage with ‘rival’ actors, such as the UNHCR, on more equal terms. By contrast, ‘Growing Pains’ evaluated the APRRN’s internal governance and resourcing, and the manner in which it was going about achieving its mission at the time of writing in late 2015. It argued that while the APRRN had made progress towards achieving its mission, its organizational strength, including the level of member commitment, might not be adequate to bear the weight of its expanding ambitions, which by then extended to regional agenda setting in the form of its ‘Vision for Regional Protection’ (APRRN 2014b).<sup>1</sup>

The other significant work on the APRRN up to the time of writing was Won Geun Choi’s Ph.D. thesis entitled ‘Advancing Refugee Protection from Bottom-up: Case of the Asia Pacific Refugee Rights Network’ (Choi 2020). Choi’s thesis, which covers the period from the APRRN’s founding to the end of 2018, was a detailed examination of the APRRN’s internal and external interactions and the evolution of its strategies for achieving its mission over time. It reinforced the themes of Nah’s article.

This chapter contributes to the literature on the APRRN by dealing with the period from 2016 to 2021. My previous publications and Nah’s article do not, of course, deal with this period. Two significant shifts in the international community’s approach to the governance of refugees and migrants were consolidated during this period. The first shift was from a state-centred governance approach to a multi-stakeholder partnership/whole-of-society approach (Milner and Klassen 2021: 32). The second shift was from treating refugees as only objects of governance to accepting them as important participants in the process of governance (Milner and Klassen 2021: 12). Although Choi’s thesis deals with part of the period under consideration – that is, to the end of 2018 – it does not examine the APRRN’s response to these shifts, while this chapter does.

The remainder of this chapter is divided into four sections. The second section provides background, explaining why the APRRN has become an

important actor working towards the advancement of refugee rights in the region. The third section deals with matters that are internal to the APRRN. It argues that the organizational challenges identified in ‘Growing Pains’ remain, but that they are being proactively addressed and are surmountable. The fourth section deals with the APRRN’s activities at the national, regional and international levels. It argues that during the period under consideration, the APRRN continued to contribute to taking concrete steps towards better refugee protection at the national level and also managed to increase its policy influence at the international level. The fifth section is the conclusion and summarizes the chapter’s main arguments and findings.

## **Background**

The APRRN was established in November 2008 by representatives of seventy civil society organizations (CSOs) from fourteen countries who met in Kuala Lumpur (APRRN 2009: 6). As of 30 September 2021, it had 188 organizational and individual members across twenty-five countries.<sup>2</sup> The APRRN aims ‘to advance the rights of refugees and other people in need of protection’<sup>3</sup> in the Asia Pacific region’ (APRRN 2018b: Article 3). The creation of the network was itself a significant step towards giving visibility to the issue of protection needs in a region that has tended to focus on the economic and security implications of transborder movement.

Prior to the APRRN’s formation, the CSOs in the region that were working to promote refugee rights were largely doing so in isolation from each other (Lewis 2021). Many did not have enough resources, knowledge, technical capacity and/or clout amongst policy makers to be effective (Lewis 2021). Moreover, in many countries, CSO members and/or employees were operating in contexts where openly advocating for refugee rights carried the risk of adverse attention from state authorities (Lewis 2021). The APRRN set out to overcome these challenges through three types of activities: ‘knowledge/resource sharing and outreach’, mutual capacity strengthening and joint advocacy (APRRN n.d.c). As I and others have argued elsewhere, the APRRN’s activities are indeed assisting CSOs to overcome these challenges (Taylor 2013, 2016; Nah 2016; Choi 2020). In particular, joint advocacy through the APRRN reduces the risk faced by individual CSOs (which can now speak with the APRRN’s voice rather than their own) and, at the same time, generates more clout among national policy makers and in regional and international policy forums than advocacy by a single CSO (Lewis 2021). The APRRN is now regarded as ‘an established and influential advocacy actor in the region’ (Asia Displacement Solutions Platform 2020: 21; see also Choi 2020).

## The APRRN's Enabling Foundation

The APRRN's *Strategic Plan* acknowledges the need for the APRRN to have a strong 'enabling foundation' in order to achieve its aims (APRRN 2021d). This enabling foundation is conceived of as including 'an engaged membership, dynamic and effective leadership, an adequately resourced and supported Secretariat, robust governance and finances, strong systems for [organizational learning], and financial sustainability' (APRRN 2021d). This section of the chapter evaluates each component of the APRRN's enabling foundation to determine whether the APRRN's organizational strength has improved since I last considered it and to assess its future prospects.

### *Membership, Governance and Leadership*

The APRRN's membership is open to all CSOs and individuals who are committed to its aims, regardless of where they are based.<sup>4</sup> When I wrote 'Growing Pains' in 2016, the APRRN claimed to have 249 members across twenty-six countries. Of these, 135 were organizational members and the remainder were individual members. By the end of 2020, the APRRN claimed to have 452 members, including 225 organizational members, across thirty-eight countries (APRRN 2021c, n.d.a).<sup>5</sup> The APRRN was designed to be a network that is led by its organizational membership.<sup>6</sup> I argued in 'Growing Pains' that this presented challenges for network functioning because members varied greatly in their capacity and willingness to engage in network activities. I noted that, in practice, the proportion of members substantially engaged in network activities on an ongoing basis was small (Taylor 2016).

In 2021, the APRRN conducted a membership audit and pruned back its membership list to include only organizations and individuals who confirmed their desire to retain their membership. The APRRN's post-audit membership list consisted of 141 organizations and forty-seven individuals across twenty-five countries.<sup>7</sup> Of particular relevance to this book, thirty organizational members and eight individual members were based in Southeast Asia.<sup>8</sup> The post-audit figures provide confirmatory evidence that the APRRN's previous rapid growth in membership and geographical reach did not result in a corresponding strengthening of its enabling foundation because a large proportion of its membership was inactive. Conversely, it can be inferred that the APRRN's post-audit membership list consists of more engaged members and is therefore a more realistic gauge of its true membership strength.

The APRRN's organizational membership is diverse, ranging in size and location, from very small and local to very large and transnational, and

in its activities from legal, health and other service providers to research institutions, advocacy groups and other similar bodies. This membership is organized into overlapping communities of practice or Working Groups. The APRRN has four permanent geographical working groups, including the Southeast Asia Working Group. At the time of writing, it also had eight thematic working groups. In a practice that began in 2016, the thematic working groups are automatically dissolved at each General Assembly meeting. This is followed by the establishment of new thematic groups or the re-establishment of old ones, depending on the interests of the organizational members (APRRN 2018b: Article 21). The development is positive, as it enables the APRRN's organizational structure and activities to be responsive to the concerns of its very diverse membership and guards against member disengagement.

The APRRN's governance system is robust and, like its structure, constantly being tweaked to better meet the challenges presented by a large and diverse membership. An important design feature is that the chair of each working group automatically becomes a member of the APRRN's Steering Committee (APRRN 2018b: Article 17). This helps to ensure that there is 'balance' in the representation of all parts of the network on the Steering Committee, which is important for managing 'intra-network sensitivities' (Nah 2016: 235).

Unfortunately, leadership has, in practice, been unstable. Those organizational representatives who are elected or appointed to leadership positions quite frequently fail to serve full terms, either because of the pressure of their other work commitments or because their employment situation changes. Among other things, it is common for one or more Working Group Chair or Deputy Chair positions to be vacant at any given time.

### *Refugee Participation*

As was noted in the introduction to this chapter, there has been an international shift towards greater refugee participation in processes of governance that affect refugees – a trend that has increased its pace in recent years. The APRRN does not formally keep track of which individual members have refugee backgrounds or which organizational members are refugee-led, but, upon inquiry, the Secretariat identified nineteen member organizations as being refugee-led.<sup>9</sup> While this is a low proportion of the organizational membership (13%), the APRRN has always taken refugee participation and leadership seriously. From the outset, the APRRN's Steering Committee was required to appoint one member with a refugee background if none of the elected members had such a background. Further, the international trend towards refugee participation has been promoted externally by the APRRN and is increasingly reflected in its

internal structure and governance. The APRRN's Theory of Change,<sup>10</sup> which has guided the organization since 2018, sets out two equal aims: (1) the strengthening of refugee protection; and (2) refugees having a greater say in policies and programmes that affect their lives (APRRN 2021d: Annex).

The Asia Pacific Summit of Refugees was held in October 2018, with the support of the APRRN and others (APRRN 2019b: 14). One outcome of the Summit was the establishment of the Asia Pacific Network of Refugees (hereinafter 'APNOR'), while another outcome was the decision to establish a Refugee Leadership and Participation Working Group within the APRRN. This decision was implemented at the APRRN General Assembly that was held shortly afterwards (APRRN 2019b). At the 2019 Global Refugee Forum (see below), the APRRN and the APNOR jointly pledged to '[c]o-create enabling environments for refugees' and affected others' 'meaningful participation' (APRRN 2021b: 18). Since then, the APRRN has been working to implement this pledge in its internal policies and practices (APRRN 2021b).

The Chair of the Refugee Leadership and Participation Working Group is, of course, a member of the APRRN Steering Committee. However, it is probably not accidental that five other Steering Committee members elected at the General Assembly in 2021, including the Chair and Deputy Chair of the APRRN, also had a refugee background.<sup>11</sup> That is, 43% of the Steering Committee, which had a total membership of fourteen. In short, the APRRN was 'walking the talk' in relation to refugee participation and leadership.

### *Funding and Secretariat*

The APRRN's annual income is modest,<sup>12</sup> and a very high proportion of it is funded by grants.<sup>13</sup> At the time that I wrote 'Growing Pains', the OAK Foundation, the Open Society Foundations, the Planet Wheeler Foundation and the UNHCR were the APRRN's most consistent and significant funders, which continued to be the case in the period under consideration (Taylor 2016: 8; APRRN 2016a: 22; APRRN 2017b: 28; APRRN 2018a: 38; APRRN 2019b: 25; APRRN 2021a: 54; APRRN 2021b: 29). In October 2018, the APRRN General Assembly agreed to adopt a voluntary membership fee structure for organizational members, which operates as a sliding scale. Unfortunately, it is clear from the APRRN's financial statements that the introduction of these fees had not made a significant difference to the composition of its funding: the APRRN continued to be reliant on external funders to pay for its operational expenses. However, the fact that the APRRN is funded by a range of equally significant sources is probably an adequate safeguard against

any single funder having undue influence over the organization (Taylor 2016: 8).

Most of the APRRN's income is expended on its Secretariat. The APRRN membership sets priorities, but is heavily reliant on the Secretariat to organize and carry out the associated activities.<sup>14</sup> The staffing of the Secretariat has increased over time;<sup>15</sup> as of 25 April 2021, the Secretariat consisted of the Secretary-General and ten other paid staff (APRRN n.d.b).

### *Alliances and Cross-Relationships*

Although not explicitly mentioned in its *Strategic Plan*, the APRRN's strong alliances with other civil society networks are an important component of its 'enabling foundation'. While alliance building and maintenance has a resource cost, it widens the constituencies and enlarges the pool of resources to which the APRRN has access (Taylor 2016: 13). The manner in which the APRRN has leveraged its alliances is described below.

In addition, it is worth noting that many of the APRRN's members are also involved in one or more of the APRRN's other members or allies and other CSOs. Often, one individual wears many different hats. The existence of this very dense set of cross-relationships creates synergies and opportunities. Even where the APRRN has not been given a place at a table that it finds relevant and important, one or more APRRN members, who are conscious of the APRRN's concerns and willing to advance them, may be present. In other situations, the APRRN may be represented separately alongside representatives of one or more of its members. In these situations, they are able to increase their impact by delivering the same message in many voices.

As illustrated below, the APRRN's alliances and cross-relationships have indeed been resource and impact multipliers. However, this mode of working means that victories are achieved collectively rather than individually. In other words, it is not possible to evaluate the APRRN's contribution to advancing refugee protection in the region separately from the contribution of others working with it towards the same end.

### *The Key to Longevity*

In 'Growing Pains', I identified some weaknesses in the APRRN's enabling foundation. These weaknesses remained in the period under consideration, although they were being proactively addressed. As shown previously, the APRRN's 2021 membership audit revealed that many of those it counted as members prior to the audit were inactive. While those who are counted as members post-audit are more likely to be engaged, maintaining member commitment is likely to be an ongoing challenge. The new

mechanism for ensuring that the thematic working groups are reflective of member interests is likely to assist in this regard.

The APRRN's robust governance system is constantly evolving. In particular, it has evolved to reflect the international trend towards greater refugee participation in governance processes that affect them. Unfortunately, the exigencies of the nongovernmental sector will likely continue to have a negative impact on the ability of members to provide effective and stable leadership. This, in turn, means that the APRRN will continue to rely heavily on its Secretariat, which steadily increased in size during the period under consideration. However, Secretariat staff need to be paid, which means that the APRRN will remain under continuous pressure to maintain sources of income and find new ones.

The APRRN's alliances and cross-relationships are a strength, which, like its Secretariat, help to balance out the weaknesses. The manner in which the APRRN has leveraged its alliances and cross-relationships is discussed further below.

Arguably, the most critical factor that accounts for the APRRN's survival to the present and augurs well for its survival into the future, despite the challenges it faces, is its recognition of the importance of organizational learning. In 2013 and 2017, the APRRN commissioned organizational reviews by external consultants to assist this process (APRRN 2018a: 31). If the APRRN remains self-reflective and adaptive, there is every reason to believe that the organization will continue to play a positive role in promoting refugee rights in Southeast Asia and the rest of the region for a long time to come.

## The APRRN's Activities

Since late 2018, the APRRN's *Strategic Plan* for achieving its aims has been based on a Theory of Change, which emphasizes the interconnections between the national, regional and international systems of refugee and human rights protection, and the need to work at all levels simultaneously in order to advance refugee rights in the region (APRRN 2021d: Annex).<sup>16</sup> Picking up from where 'Growing Pains' left off, this section looks at how the APRRN has worked at these three levels and its approach to change from 2016 to 2021.

### *The National Level*

Few countries in the Asia-Pacific region have a domestic legal or policy framework for determining asylum seekers' protection claims or protecting refugees. In pursuit of its aims, the APRRN seeks to change this situation.<sup>17</sup> This section focuses on the APRRN's activities in relation to the top



refugee and asylum seeker hosting countries in Southeast Asia: Indonesia, Malaysia and Thailand.

The APRRN works to achieve national law and policy reform through supporting its members in their advocacy work with individual governments. For example, the APRRN arranged for its members to have side meetings with representatives of the Permanent Missions of Indonesia, Malaysia and Thailand during the UNHCR–NGO Consultations in Geneva (APRRN 2017b: 15; APRRN 2017c; APRRN 2018e; APRRN 2021a: 20). In 2019, these meetings resulted in requests for the APRRN to provide the Permanent Missions of Malaysia and Thailand with position papers on how their governments could engage with the 2018 Global Compacts (APRRN 2021a: 20).

The APRRN often works with partners when advocating at the national level. For example, the APRRN and SUAKA<sup>18</sup> worked together over several years to encourage the Indonesian government to practically implement the authority given to the President by Indonesia's Foreign Relations Law of 1999 to grant asylum to foreign nationals. On 31 December 2016, this implementation happened via PR 125 (Choi 2020: 120). While the precipitating factor for its promulgation was the 2015 Andaman Sea crisis, the content of the Regulation was influenced by the preceding civil society advocacy efforts (APRRN 2018a: 2–3; Choi 2020: 121–22; Sadjad 2021). As another example, in October 2019, the APRRN's Rohingya Working Group<sup>19</sup> and Southeast Asia Working Group, alongside ASEAN Parliamentarians for Human Rights (APHR)<sup>20</sup> and with the cooperation of the Office of the Speaker of Malaysia's House of Representatives, organized a briefing for Malaysian parliamentarians on a legal framework for refugees in Malaysia (APRRN 2021a: 15). The briefing led to the establishment of the All-Party Parliamentary Group (APPGM) on refugee policy to study the issue and work with civil society towards the development of a legal framework for refugees (APRRN 2021a: 15).

The APRRN has also partnered with the International Detention Coalition (IDC) and others in activities directed at promoting the use of alternatives to immigration detention, especially for children, in Indonesia, Malaysia and Thailand (APRRN 2016a: 5, 9; APRRN 2017b: 11; APRRN 2017d). In 2019, as a result of sustained advocacy on the issue since 2015 (see Chapter 7 in this volume), a number of Thai government agencies signed the Detention Memorandum (UNHCR 2019; APRRN 2021a: 11).

Likely because its Secretariat is based in Bangkok, much of the APRRN's national-level advocacy appears to be directed at the Thai government.<sup>21</sup> Since the early 2016 establishment of the Coalition for the Rights of Refugees and Stateless Persons (CRSP) in Thailand (see Chapter 7 in this volume),<sup>22</sup> the APRRN has focused on supporting the CRSP's advocacy efforts (APRRN 2018a: 16; APRRN 2019b: 7). As Choi notes, 'CRSP and APRRN mutually empower each other by bringing voices from both local and international levels' (Choi 2020: 116).

In December 2019, Thailand passed the Aliens Regulation in fulfilment of a pledge made at the 2016 UN Summit for Refugees and Migrants (Moretti 2021: 228–29). The work of the APRRN and its partners was a key factor in the passage of the regulation (APRRN 2021b: 13). However, at the time that this chapter was written, the Regulation, which formally entered into force in June 2020 (APRRN 2021b: 13), had not yet been implemented (APRRN and CRSP 2021: 5).<sup>23</sup>

### *The Regional Level*

The Asia-Pacific region lacks a regional refugee protection framework. This section discusses how the APRRN engages with the regional mechanisms that do exist to advance refugee rights.

The APRRN seeks to influence the Bali Process to create regional change. The Bali Process, which is co-chaired by Australia and Indonesia, is the most important Asia-Pacific forum in the refugee/asylum seeker context because it gives some consideration to protection issues (Kneebone 2014; Prabandari and Adiputera 2019: 133). In September 2012, a Regional Support Office (hereinafter ‘RSO’), which is co-managed by Australia and Indonesia, was established in Bangkok ‘to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the region’ (Bali Process n.d.b). As well as engaging with Bali Process members, the RSO engages with civil society actors (Bali Process n.d.a). The APRRN endeavours to influence the work of the RSO and use it as a conduit to influence the Bali Process – for example, by submitting Briefing Papers to the RSO (APRRN 2017b: 13).

In November 2012, the ASEAN Heads of State adopted the legally non-binding ASEAN Human Rights Declaration (AHRD). Article 16 of the Declaration states that: ‘Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements.’ At the time of writing, this rhetoric had not been transformed into ASEAN policy; however, it provided the APRRN with an opening for engagement with ASEAN mechanisms (Prabandari and Adiputera 2019: 133).

Engaging with ASEAN mechanisms is a priority for the APRRN’s Southeast Asia Working Group (APRRN 2017a: 27). As well as directly engaging with ASEAN mechanisms, the APRRN engages with these mechanisms through other regional collaborations such as the Solidarity for Asian Peoples Advocacy (hereinafter ‘SAPA’) network (APRRN 2019d). The APRRN has been SAPA’s focal point for refugee issues since 2010 (APRRN 2011: 18; APRRN 2018c; APRRN 2019b: 10).

One mechanism targeted by the APRRN is the ASEAN Intergovernmental Commission on Human Rights (AICHR), which was established in 2009. Although the AICHR has been a largely ineffectual mechanism (APRRN 2019d), the APRRN still makes submissions to it on matters relating to people in need of protection (APRRN 2016a: 12; APRRN 2018a: 19) and cultivates and makes use of relationships with individual AICHR members (APRRN 2017b: 12; APRRN 2019b: 1; APRRN 2021a: 21). At the time of writing, it was also planning to seek consultative status with the AICHR to expand its opportunities for engagement.<sup>24</sup> Another mechanism targeted by the APRRN is the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children (ACWC), which was established in 2010 (APRRN 2016b). For example, in 2016, the APRRN took part in ACWC meetings to discuss its Regional Plan of Action on the Elimination of Violence against Women and Regional Plan of Action on the Elimination of Violence against Children (APRRN 2016c). These plans of action, which cover the period of 2016 to 2025, explicitly reference migrant, refugee and stateless women and children, and asylum seeker children (ASEAN 2016a, 2016b). The pathway to change envisaged by the APRRN is: first, to convince AICHR and ACWC representatives to champion refugee protection issues; second, to have refugee protection expressly incorporated into AICHR and ACWC work plans;<sup>25</sup> and, third, to have the formal mandates of the AICHR and the ACWC expanded to embrace refugee rights.<sup>26</sup>

The APRRN relies on the overlap between its members and the members of the Asia Dialogue on Forced Migration (ADFM) to influence government processes. The ADFM is a civil society initiative that commenced in August 2015 and, twice a year, brings together UNHCR and IOM employees, senior government officials and nongovernmental actors from nine Asia-Pacific countries, including Indonesia, Malaysia, the Philippines and Thailand (McCaffrie 2020). Theoretically, these individuals meet in their personal capacities, but their governmental or other positions have enabled the ADFM to feed policy ideas into the Bali Process and ASEAN processes (McCaffrie 2020). The APRRN has been able to use the ADFM as a conduit into governmental processes because several APRRN members are also participants in the ADFM (APRRN 2016c) and, beyond that, the APRRN as an organization has accepted invitations to speak at a number of ADFM meetings (APRRN 2016c; APRRN 2018a: 29; APRRN 2019b: 16).

### *The International Level*

Most countries in Asia have made a deliberate choice to remain disconnected from the international refugee regime (Okabe 2021). In Southeast

Asia, only three countries (Cambodia, the Philippines and Timor Leste) are parties to the 1951 Refugee Convention and the 1967 Refugee Protocol. From the outset, the APRRN has sought to advance refugee protection by acting as a bridge between the national/regional context and the international context.

During the period considered in this chapter, the APRRN participated in the coordinated civil society advocacy that occurred in preparation for the UN's High-Level Meeting to Address Large Movements of Refugees and Migrants (APRRN 2016d). The International Catholic Migration Commission (hereinafter 'ICMC'), the International Council of Voluntary Agencies (hereinafter 'ICVA') and the NGO Committee on Migration co-convoked a Civil Society Action Committee, composed of about twenty NGOs, including the APRRN, to coordinate civil society advocacy on desired outcomes in the lead-up to the High-Level Meeting (APRRN 2016d; ICMC et al. 2016). The APRRN engaged in ongoing consultation with its own members and worked through the Civil Society Action Committee in an attempt to ensure that Asia-Pacific concerns were fed into civil society messaging to states and, ultimately, that these concerns featured in the High-Level Meeting's outcome document (APRRN 2016d; APRRN 2017b: 15). The then Chair and Deputy Chair of the APRRN, Dr Gopal Krishna Siwakoti and Professor Yiombi Thona, respectively, also participated in the informal, interactive, multi-stakeholder hearing hosted by the Office of the UN General Assembly President on 18 July 2016. The purpose of this hearing was to enable civil society actors and other stakeholders to engage with states on the topic of the High-Level Meeting (United Nations 2016; APRRN 2017b: 15).<sup>27</sup>

The result of the High-Level Meeting, held on 19 September 2016, was the adoption of the nonbinding 2016 New York Declaration (United Nations General Assembly 2016), which includes commitments to work towards the 2018 adoption of the two Global Compacts. It also contains a comprehensive refugee response framework (hereinafter 'CRRF') in Annex I, which was intended to form the basis of the Global Compact on Refugees (GCR). A very significant feature of the 2016 New York Declaration is that it invited 'the private sector and civil society, including refugee and migrant organizations, to participate in multi-stakeholder alliances to support efforts to implement the commitments' that were made in it (New York Declaration for Refugees and Migrants 2016: [15]). It also envisaged that the Global Compacts themselves would embody a multi-stakeholder approach to managing migration and protecting refugees. The UNHCR was given the task of developing the text of the GCR in consultation with governments and other stakeholders. The text of the Global Compact for Safe, Orderly and Regular Migration (GCM) was to be negotiated by states over a period of eighteen months, with the input of other stakeholders.

The 2016 New York Declaration's emphasis on a multi-stakeholder approach opened an opportunity for exerting policy influence, which the APRRN seized. Throughout 2017 and 2018, the APRRN contributed to meetings and discussions on the GCM and the GCR.

In 2017 and 2018, the APRRN continued its involvement with the Civil Society Action Committee (APRRN 2018a: 21; APRRN 2019b: 12), which had moved to coordinating advocacy in relation to the GCR and the GCM (Civil Society Action Committee n.d.). As the APRRN was aware that the development of separate compacts on refugees and migration left scope for many people in vulnerable situations to be excluded from their coverage (APRRN 2018a: 23), in 2017 and 2018, a key focus for the APRRN was advocacy on the content of the GCR *and* the GCM. This effort was led by the APRRN's Regional Protection Working Group (APRRN 2018a: 21).<sup>28</sup>

In March 2017, the UNHCR established a UNHCR-NGO-IFRC (International Federation of Red Cross and Red Crescent Societies) Reference Group to facilitate consultations with NGO stakeholders throughout 2017 and 2018 (UNHCR 2017). All the NGO members of the Reference Group were required to be NGO networks and consortia that were able to channel input from, and disseminate information to, their respective members (UNHCR 2017). The APRRN was selected as one of the ten NGO members of the Reference Group (UNHCR 2017; APRRN 2018a: 21; APRRN 2019b: 12). In the second half of 2017, the UNHCR convened five multi-stakeholder thematic discussions in Geneva to inform the development of the GCR and, in particular, its programme of action (UNHCR n.d.b). The APRRN was invited to and participated in all these discussions and also made written contributions (APRRN 2018a: 21).

From 4 to 5 August 2017, the APRRN, the Migrant Forum in Asia and some other regional networks co-hosted the Asia Pacific Regional Civil Society Consultations on the GCM in Bangkok (APRRN 2017c). The outcome document of this event was submitted to the state-led ESCAP Regional Preparatory Meeting for the GCM, which was held in November 2017 in Bangkok (APRRN 2017c; APRRN 2018a: 22). The APRRN also attended the ESCAP Regional Preparatory Meeting and, together with UN Women, hosted an official side event entitled 'Exploring the Nexus of the Two Global Compacts from a Gender Responsive Perspective' (APRRN 2017d). In 2018, the APRRN continued to work closely with the Migrant Forum in Asia to develop messaging about the iterative draft texts of the GCM (APRRN 2019b: 12; APRRN 2018d).

Between February and July 2018, a series of six formal consultations on the GCR took place in Geneva and a series of six intergovernmental negotiation rounds on the GCM took place in New York (UNHCR n.d.a, n.d.b). The APRRN participated in these consultations and negotiations (APRRN 2018e). In partnership with the ACT Alliance,<sup>29</sup> it also hosted a series of

high-level roundtables in New York and Geneva with key states to promote the theme of complementarity between the GCR and the GCM (APRRN 2018e; Gottardo and Rego 2021: 443–44). According to Carolina Gottardo and Nishadh Rego, these activities in turn created new opportunities for the APRRN and led to the network becoming an accepted player at the international level, in relation to both the GCM negotiations and the GCR consultations (Gottardo and Rego 2021: 444).

The Preamble to the GCM refers to the GCR and states that ‘two global compacts, together, present complementary international cooperation frameworks’. While the Preamble acknowledges that migrants and refugees ‘may face common challenges and similar vulnerabilities’ and that they ‘are entitled to the same universal human rights and fundamental freedoms’, it goes on to state that ‘migrants and refugees are distinct groups governed by separate legal frameworks’ and emphasizes that ‘[t]his Global Compact refers to migrants’. Nevertheless, as a result of civil society advocacy, Objective 7 (‘address and reduce vulnerabilities in migration’) was included in the GCM (Gottardo and Rego 2021: 440). Moreover, in relation to Objective 21 dealing with return and reintegration, paragraph 37 of the GCM states:

We commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture and other cruel, inhuman and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law.

The inclusion of the nonrefoulement principle in this paragraph of the GCM was the outcome of successful advocacy by the APRRN, the ACT Alliance and the ICMC (Gottardo and Rego 2021: 442).

The final draft of the GCR, which was released by the UNHCR on 26 June 2018, was endorsed by a General Assembly resolution on 17 December 2018 (UNGA 2019). The text of the GCM was finalized on 13 July 2018 (United Nations 2018) and was formally adopted by states on 10 December 2018 at an intergovernmental meeting in Marrakesh (IOM n.d.). This was later endorsed by a General Assembly resolution that was adopted on 19 December 2018 (United Nations General Assembly 2018a). Neither compact is legally binding, but, as envisaged in the 2016 New York Declaration, both embody a multi-stakeholder partnership (GCR)/whole-of-society (GCM) approach to governance.

Part II of the GCR is the CRRF referred to above (United Nations General Assembly 2018b: [10]). Part III of the GCR contains the programme of action for operationalizing the CRRF. Among other things, it provides that a ministerial-level Global Refugee Forum should be held

in Geneva in 2019 and thereafter at four-year intervals (United Nations General Assembly 2018b: [17]). As suggested, the Global Refugee Forum (GRF) was held in 2019. At the Forum, states and other stakeholders announced what contributions they would be making towards the achievement of the GCR objectives. At future forums, states and other stakeholders are supposed to make new pledges, while also taking stock of the implementation of previous pledges and progress towards achieving the GCR objectives (United Nations General Assembly 2018b: [19]).

The GCM provides for an International Migration Review Forum to be held every four years, commencing in 2022, to discuss its implementation at the local, national, regional and global levels and to identify opportunities for further cooperation.<sup>30</sup> It also invites:

relevant subregional, regional and cross-regional processes, platforms and organizations, including the United Nations regional economic commissions or regional consultative processes, to review the implementation of the Global Compact within the respective regions, beginning in 2020, alternating with discussions at the global level at a four-year interval, in order to effectively inform each edition of the International Migration Review Forum. (United Nations General Assembly 2018a: [50])

The UN Secretary-General established a UN Network on Migration to ‘ensure effective and coherent system-wide support for implementation’ of the GCM, which also serves as a means for follow-up and review (United Nations General Assembly 2018a: [45]).<sup>31</sup> The IOM is the Coordinator and Secretariat of the UN Network on Migration and, at the time of writing, thirty-nine UN agencies, including the UNHCR, were members of it (UN Network on Migration n.d.a). The UN Network on Migration has three core working groups and six thematic working groups. Reflecting the whole-of-society approach of the GCM, the working groups bring together UN agencies, CSOs and other stakeholders (UN Network on Migration 2020).

Once the final texts of the GCR and the GCM were bedded down in June/July 2018, the APRRN’s focus switched to the implementation of the two compacts at the international, regional and national levels (APRRN 2019a: 43). Among other things, the APRRN and the APNOR co-convened a Regional Protection Forum in September 2019 that was focused on promoting self-representation by people with lived experience, a whole-of-society approach and complementarity in the implementation of the GCR and the GCM (APRRN 2021a: 11). The APRRN also participated in the GRF preparatory meetings that were hosted by the UNHCR during 2019 (APRRN 2019d) and was part of a core group that worked to gather signatories for the ‘Mobilizing the Global Legal Community to Protect and Find Solutions for Refugees and Others Forcibly Displaced’ pledge that

was launched at the Global Refugee Forum in December 2019 (APRRN 2019c).

In relation to the GCM, the APRRN participates in the annual consultations of the UN Network on Migration (APRRN 2021a: 11, 31). It also participated in the consultations on, and engaged in advocacy around, the establishment of the Regional UN Network on Migration for Asia and the Pacific (APRRN 2021a: 11, 31) and the Asia-Pacific Regional Review of Implementation of the GCM (APRRN 2020). Most significantly, the APRRN is a co-lead – with the ACT Alliance and the Office of the UN High Commissioner for Human Rights – of the UN Network on Migration’s Thematic Working Group 4 (Regular Pathways for Migrants in Vulnerable Situations) (UN Network on Migration n.d.b). Apart from the APRRN and the ACT Alliance, the only other CSO that co-leads a UN Network on Migration working group is the IDC.<sup>32</sup> The APRRN is also part of Thematic Working Group 2 (Alternatives to Detention – ATD) and Thematic Working Group 5 (Returns and Reintegration).

### *The Same Game, Just Different Levels*

Earlier, I detailed how the APRRN has worked at the national, regional and international levels to advance refugee rights in the Asia-Pacific region. I will now evaluate what it achieved through this multilevel strategy during the 2016–21 period.

As illustrated above, during this period, the key Southeast Asian countries of Indonesia, Malaysia and Thailand took steps towards improving their refugee protection systems, with the APRRN playing a part in achieving these steps.

During the same period, the APRRN also endeavoured to influence the Bali Process and ASEAN mechanisms towards a greater focus on refugee protection. The channels of influence that the APRRN has used in relation to the Bali Process have been very indirect, so it is likely that any influence that was generated by it has been minimal at best. The APRRN has used both direct and indirect channels to influence ASEAN mechanisms and may be making headway. For example, Yuyun Wahyuningrum, the Indonesian representative to the AICHR, has indicated that she seeks advice from the APRRN on refugee issues.<sup>33</sup> In the lead-up to the ASEAN high-level conference in June 2020, she encouraged the ASEAN to establish a refugee protection body (*Antara News*, 26 June 2020).

At the international level, the High-Level Meeting and Global Compact processes have consolidated a shift from a state-centred approach regarding the governance of refugees and migrants to a multi-stakeholder partnership/whole-of-society approach. Possibly the most important strategic choice made by the APRRN during the period under consideration was to



seize the opportunity presented by this shift.<sup>34</sup> The concrete outcomes of the APRRN's engagement with the processes included the nonrefoulement commitment in the GCM and the APRRN's appointment as a co-lead of the UN Network on Migration's Thematic Working Group 4. However, equally as important is that by engaging with these processes, the APRRN established itself as a significant policy player at the international level and ensured that it will, at least, be given an opportunity to be heard by those it seeks to influence going forward.

Talk at the regional and international levels can help to create a favourable environment for advancing refugee protection, but it does not automatically or necessarily result in protection gains on the ground. However, the APRRN is also putting in the work to ensure that words are being translated into action at the national level. By way of an example, the APRRN's Women, Gender and Diversity Working Group,<sup>35</sup> alongside the UNHCR and others, partnered with the Forced Migration Research Network at the University of New South Wales on a three-and-a-half-year action research project on refugee women and girls, which commenced in late October 2018 (APRRN 2019a: 43). The project was intended to support and monitor the implementation of the GCR gender commitments in Bangladesh, Malaysia and Thailand (APRRN 2021b: 19).

## Conclusion

CSOs seeking to advance refugee protection are working against a long history of states moving in the other direction (Milner and Klassen 2021). Building CSO networks to pursue desired policy changes increases the chances of success by enabling CSOs to engage with states on more equal terms (Milner and Klassen 2021). As explained in this chapter, this is why the establishment of the APRRN was an important development in the region. However, advocacy efforts in relation to refugee protection can take a decade or more to come to fruition (Milner and Klassen 2021), with many players involved and many complex political and social factors interacting en route to any particular outcome. In such a context, it is impossible to measure the precise contribution that the APRRN has made to advancing refugee rights in the region.

However, I have argued above that during the period under consideration (namely 2016 to 2021) the APRRN contributed to the achievement of concrete steps towards better refugee protection in Indonesia, Malaysia and Thailand. It also managed to increase its policy influence at the international level by seizing the political opportunity that was presented by the High-Level Meeting and the Global Compact processes. In this chapter, I also described how the APRRN is attempting to influence the Bali Process and ASEAN mechanisms. The fact that there has been little visible progress

so far does not mean that these efforts have been wasted. Studies in other issue areas establish that in order to achieve breakthroughs, advocates need to be long-term players who ‘spread their bets’ and keep themselves in a state of readiness to seize moments of political opportunity (Teles and Schmitt 2012: 8–12). Many of the APRRN’s member CSOs have narrowly focused mandates which preclude them from considering the bigger refugee protection picture when setting priorities and allocating resources. Many member CSOs also have short-term planning horizons forced on them by client needs and/or donor demands (Lewis 2021). In contrast, the APRRN, as an organization created to advance refugee rights in the region, is more able to consider the big picture, think in the long term, and identify and seize political opportunities for progress if and when they arrive. These are great strengths.

However, as its *Strategic Plan* recognizes, the APRRN needs to have a strong enabling foundation to continue working effectively towards the achievement of its overall aims. While this chapter identified some challenges, they are manageable as long as the APRRN continues to be an organization that learns from its experiences. One way in which the APRRN’s adaptiveness to circumstances manifested in the period under consideration was in its embrace of the international trend towards meaningful refugee participation in governance. This bodes well for the APRRN’s future impact in the region, as no one is more committed to advancing refugee rights than refugees themselves.

In sum, the APRRN is a continual work in progress which has played, and will likely continue to play, an important role in advancing refugee protection in the region.

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**Savitri Taylor** is an Associate Professor at La Trobe Law School, La Trobe University. She holds a Ph.D. from the University of Melbourne and is a barrister and solicitor of the Supreme Court of Victoria. Over the past thirty years, she has published numerous academic papers and has also been an active contributor to wider public discussions on the topic of refugee and asylum seeker policy. She is an individual member of the Asia Pacific Refugee Rights Network and of its Australia, New Zealand and the Pacific Working Group. She is also a current member of the Management Committee of Refugee Legal in Victoria.

## Appendix: The APRRN's Organizational Structure and Governance as in 2021

The APRRN's General Assembly, which only encompasses its organizational members, is its 'supreme authority' (APRRN 2018b: Article 11). It makes decisions about the APRRN's activities and governance.<sup>36</sup> The APRRN has four geographical working groups: Australia, New Zealand and the Pacific; East Asia; South Asia; and Southeast Asia. It also has eight thematic working groups: Durable Solutions; Immigration Detention; Legal Aid and Advocacy; Refugee Leadership and Participation; Regional Protection; Rohingya; Women, Gender and Diversity; and Youth. Each Working Group elects a Chair and a Deputy Chair, with the Chair automatically becoming a Steering Committee member (APRRN 2018b: Article 17). In addition, the Chair and Deputy Chair of the APRRN/the Steering Committee are elected at each General Assembly (APRRN 2018b: Article 17). If at least one man and one woman with a refugee background have not been elected, the Steering Committee is required to appoint such individuals to serve on it (APRRN 2018b: Article 17). The Steering Committee, which is accountable to the General Assembly, is responsible for the APRRN's leadership and developing its *Strategic Plan* in consultation with members (APRRN 2018b: Article 17).

In 2018, the APRRN registered as a local foundation in Thailand.<sup>37</sup> The registered name is the Foundation for the Rights of Disadvantaged Populations (Choi 2020: 101). Registration made operating in Thailand administratively easier and facilitated the pursuit of local advocacy initiatives (Choi 2020: 101). In the same year, the APRRN was registered in Switzerland as a nonprofit association governed by its Statutes<sup>38</sup> and the Swiss Civil Code. This was done to ensure that the APRRN could continue to operate safely if it was deregistered in Thailand for some reason.<sup>39</sup> To meet the Swiss registration requirements, the APRRN introduced a seven-member Board of Directors immediately following its 2018 General Assembly.<sup>40</sup> The Board of Directors, which is accountable to the Steering Committee, is responsible for ensuring that the APRRN complies with its legal, governance and financial duties (APRRN 2018b: Article 19).

The final component of the APRRN's structure is the Secretariat, which is based in Bangkok.<sup>41</sup> The Secretary-General of the APRRN<sup>42</sup> is appointed by the Steering Committee and accountable to the Steering Committee and Board of Directors (APRRN 2018b: Articles 17 and 22).

The Secretary-General is responsible for implementing the decisions of the Steering Committee and Board of Directors and managing the Secretariat (APRRN 2018b: Article 22).

## Notes

1. In 2015, the APRRN commenced work on a Plan of Action for achieving the ‘Vision for Regional Protection’ (APRRN 2016a: 11). However, the ‘Vision’ was rendered somewhat obsolete by the 2016 beginning of the High-Level Meeting and Global Compact processes, which are discussed later in this chapter. It is part of the APRRN’s *Strategic Plan 2018–2022* to update the ‘Vision for Regional Protection’ to ‘reflect the evolving context’ (APRRN 2021d). However, this work had not begun at the time of writing.
2. Email from the APRRN Secretariat to the author (6 October 2021) (copy on hand with the author).
3. The term ‘other people in need of protection’ embraces ‘asylum seekers, torture survivors and complainants, trafficked persons, internally displaced persons (IDPs), stateless persons and returnees’ (APRRN 2014: 1). For convenience, the term ‘refugees’ is used by the APRRN and in this chapter to cover other people in need of protection as well.
4. Membership is not open to ‘governmental, inter-governmental, para-governmental and para-military bodies; national human rights institutions; or members of the media’ (APRRN 2018b: Article 7). In general, membership is not open to employees of the foregoing either, though there is scope for exceptions to be made (APRRN 2018b: Article 73). The intention is to create a ‘safe space’ in which CSOs can interact (Nah 2016: 231).
5. Also email from the APRRN Secretariat to the author (10 June 2021) (copy on hand with the author).
6. See the Appendix to this chapter for a description of the APRRN’s organizational structure and governance.
7. Email from the APRRN Secretariat to the author (6 October 2021).
8. Email from the APRRN Secretariat to the author (6 October 2021).
9. Email from the APRRN Secretariat to the author (18 November 2021) (copy on hand with the author).
10. For an explanation of the Theory of Change concept, see Centre for Theory of Change (2021).
11. Email from the APRRN Secretariat to the author (25 October 2021) (copy on hand with the author).
12. In 2020, the APRRN’s income was THB 17,447,095.17 (US\$526,148.91): (APRRN 2021b: 29).
13. This was 97% in 2015, 99% in 2016 and 2017, 94% in 2018, and 91% in 2019 and 2020 (APRRN 2016a: 22; APRRN 2017b: 28; APRRN 2018a: 38; APRRN 2019b: 25; APRRN 2021a: 54; APRRN 2021b: 29).
14. For a description of the Secretariat’s responsibilities see APRRN (n.d.b).
15. It had one paid staff member in 2010 (APRRN 2011: 6), two paid staff in 2011, five in 2015 (APRRN 2016a: 4, 7), six from 2016 to 2018 (APRRN 2017b: 4; APRRN 2018a: 7; APRRN 2019b: 3) and seven in 2019 (APRRN 2021a: 9). At any given time, there are usually also one or two volunteer interns working in the Secretariat.
16. See Nah (2016) for a discussion of the utility of ‘scale-shifting’ and the APRRN’s role in facilitating this. See Choi (2020) for a discussion of the

- APRRN's utilization of national, regional and international human rights regimes to address gaps in refugee-specific regimes.
17. Initially, the APRRN focused on advocating for regional countries to ratify the 1951 Refugee Convention and its 1967 Refugee Protocol. See Choi (2020) for a discussion of the APRRN's realization that treaty ratification does not, in itself, protect refugees and its shift to advocating for better national laws, policies and practices.
  18. SUAKA, which means 'asylum' in Bahasa Indonesia, is the name of the Indonesian Civil Society Association for Refugee Rights Protection. SUAKA's formation was itself an outcome of connections formed through participation in the APRRN's activities (Taylor 2016).
  19. The Rohingya Working Group was established at the 7th Asia Pacific Consultation on Refugee Rights (APCRR7), which took place on 23–25 October 2018 (APRRN 2019a: 18). It continues the work of the APRRN's Rohingya Sub-Working Group and Rohingya Taskforce, which was established in late 2017 in the wake of a mass movement of Rohingya to Bangladesh (APRRN 2018a: 19).
  20. The APHR is a network of current and former parliamentarians, which was established in June 2013 (ASEAN Parliamentarians for Human Rights n.d.).
  21. In 2019, this included successfully advocating, along with many other civil society actors, for Thailand not to return a Saudi woman, Rahaf al-Qunun, or a Bahraini man, Hakeem al-Araibi, to persecution in their respective countries of nationality (APRRN 2021a: 16–17).
  22. The establishment of the CRSP was given impetus by the Regional Expert Roundtable on Alternatives to Immigration Detention of Children, which was co-hosted by the APRRN and the IDC in Bangkok in November 2015 (Choi 2020: 115). See Chapter 7 in this volume.
  23. Editors' note: see further discussion in Chapters 5 and 10. The Regulation was implemented and came into effect on 22 September 2023.
  24. Email from the APRRN Secretariat to the author (10 June 2021). At the time of writing, thirty CSOs had a consultative relationship with the AICHR (AICHR n.d.).
  25. The *ACWC Work Plan 2016–2020*, which was the latest available on the ASEAN website at the time of writing, does not make express reference to refugee women or children. Similarly, the *Five-Year Work Plan of the AICHR 2020–2025* does not make express reference to refugees. However, both Work Plans do refer to migrants and 'vulnerable and marginalized groups'.
  26. Email from the APRRN Secretariat to the author (10 June 2021).
  27. Yiombi Thona was, in fact, selected to speak as a stakeholder panellist in the session on the GCR (United Nations 2016).
  28. The Regional Protection Working Group was first established at the 6<sup>th</sup> Asia Pacific Consultation on Refugee Rights (APCRR6) (report retrieved 21 May 2024 from [https://aprrn.org/media/Publications/files/APCRR6\\_Report\\_Online.pdf](https://aprrn.org/media/Publications/files/APCRR6_Report_Online.pdf)), which took place on 20–22 September 2016 to continue the work of the APRRN's Steering Committee Sub-Committee on Regional Protection, which was established in late 2012 (APRRN n.d.a; APRRN 2014: 17).

29. The ACT Alliance is a coalition of 135 churches and faith-based organizations. See the ACT Alliance website: <https://actalliance.org> (retrieved 21 May 2024).
30. The International Migration Review Forum replaces the High-Level Dialogue on International Migration and Development that was previously scheduled to take place in the General Assembly at four-year intervals (United Nations General Assembly 2018a: [49]).
31. The UN Network on Migration replaces the previously existing Global Migration Group (Global Forum on Migration and Development n.d.).
32. The IDC is a co-lead of Thematic Working Group 2 (Alternatives to Detention) (United Nations Network on Migration n.d.b).
33. This remark was made at the Rethinking Refugee Protection in Southeast Asia: Between Responsibility and Sovereignty Workshop, 22 July 2021.
34. See Milner and Klassen (2021: 19) for a discussion of the importance of identifying and using windows of political opportunity.
35. The Women, Gender and Diversity Working Group was first established when the APRRN was established, but was named the Women and Girls at Risk Working Group until APCRR7 in 2018 (APRRN 2019a: 46).
36. Each organizational member has one vote (APRRN 2018b: Article 11).
37. Prior to this registration, the APRRN was hosted by the Institute for Human Rights and Peace Studies at Mahidol University in Bangkok (APRRN 2018a: 31).
38. To meet Swiss registration requirements, the APRRN's Constitution was renamed its Statutes at the General Assembly meeting at APCRR7 in October 2018: email from the APRRN Secretariat to the author (10 June 2021).
39. Email from the APRRN Secretariat to the author (10 June 2021).
40. Email from the APRRN Secretariat to the author (10 June 2021); see also APRRN 2019b: 17. The APRRN Chair is the President of the Board of Directors and the APRRN Deputy Chair is the Vice President/Secretary of the Board (APRRN 2018b: Article 19). The other five Directors are 'preferably from the Steering Committee and/or from a refugee background' and are appointed by the Steering Committee for a renewable two-year term after each General Assembly (APRRN 2018b: Article 19).
41. Prior to February 2010, the APRRN was given Secretariat support by Forum Asia (Choi 2020: 96–97).
42. Prior to April 2014, the position title was 'Coordinator' and, from April 2014 to June 2016, it was 'Executive Director'.

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