

Networks and norm entrepreneurship amongst local civil society actors: Advancing refugee protection in the Asia Pacific region

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Abstract

Research on transnational advocacy networks has tended to focus on how non-state actors from developed countries interact with those from developing countries to pressure states, often by drawing in liberal Western states. This article adds a different perspective, focusing on how local civil society actors in different locales interact with each other to persuade their own governments ‘from below’. It examines how these actors facilitate norm emergence amongst Asian states on issues with little domestic traction and for which there are well-developed international norms, standards and procedures. In studying the way local civil society actors conduct norm entrepreneurship, it is important to recognise the political, material and ideational conditions that constrain their work; their positionality and fragility in their own societies; and the way they relate to other actors working on the same issues. Focusing on the case of the Asia Pacific Refugee Rights Network, it is argued that working through a formalised network has changed the ways and the conditions under which local civil society actors engage in norm entrepreneurship on refugee protection. It has changed the attributes of actors, helping them develop visibility, capacity and connectedness through the formation of a ‘community of practice’; it has changed power relations between them and other actors – in particular, the United Nations High Commissioner for Refugees; it has facilitated the development of ‘regional imagination’ and the practice of ‘scale shifting’, helping local actors move beyond domestic contexts to engage with state and non-state actors through regional and international fora. It has also introduced shifts in the dynamics of norm entrepreneurship by introducing a new actor – the network itself, which exercises agency through a Secretariat – and intra-network sensitivities, which need careful attention to prevent member disengagement.

Keywords: civil society; norm entrepreneurs; networks; UNHCR; refugees

Introduction¹

In November 2008, over 110 participants from around 70 civil society groups and organisations based in 13 countries in the Asia Pacific region met in Kuala Lumpur to discuss the protection of refugees. It was an unprecedented gathering. Service providers, advocacy groups, lawyers, and refugee community-based organisations in countries of asylum – such as Malaysia, Thailand, India, Nepal, Japan, South Korea, and Australia – met human rights groups and activists in refugee-producing countries

such as Myanmar, Sri Lanka, and Pakistan. Organisations located in different countries serving refugees from the same country of origin were able to share their experiences, compare notes, and discuss the challenges they faced. Previously isolated in their work, championing issues with little domestic traction in their own countries, they experienced unexpected camaraderie.

The issues of their concern were – and indeed continue to be – pressing. In spite of the presence of millions of refugees and the existence of some of the largest and longest protracted encampment situations in the world, only a minority of states in the Asia Pacific region are party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. There are no regional conventions that recognise the rights of refugees, and most states neither have domestic legislation recognising refugees nor functioning national asylum systems. Without formal legal recognition, many refugees have been treated as irregular migrants and subject to arrest, detention, punishment for immigration offences, and deportation. Many refugees have been forced to eke out a living in the shadow economy, suffering violations of their labour and human rights. Some have languished indefinitely in immigration detention centres and prisons without access to protection. Some have fallen prey to traffickers in search of safety. In India, Bangladesh, Nepal, and Thailand, hundreds of thousands of refugees have been kept indefinitely in overcrowded refugee camps.

At the conference, participants expressed joy and surprise at meeting like-minded people, having felt alone and alienated in their work. They also shared common frustrations and concerns – with their governments, with the United Nations High Commissioner for Refugees (UNHCR), and with fellow citizens unsympathetic to the protection of refugees. The participants discussed a range of issues – from the challenges involved in gaining government recognition of the status and rights of refugees, to the abuses refugees faced in detention, to the specific risks that women and children experienced, and the inability of refugees to gain access to health care.² A unanimous observation at the conference was that it was crucial for states in the region to protect refugees. To this aim, the participants resolved to stay connected and to work together – the Asia Pacific Refugee Rights Network (APRRN) was born.

How do local civil society actors work together to facilitate the adoption of new norms amongst states? What are the challenges they face in facilitating ‘norm emergence’ on issues with little domestic traction and for which there are well-developed international norms? How does the formation and formalisation of a transnational advocacy network influence the ways and the conditions under which they engage in norm entrepreneurship?

In this paper, I analyse the role that local civil society actors play in advocating for refugee protection in the Asia Pacific region. This case study is particularly interesting because of the persistence of most states in the region in ‘rejecting’ norms on refugee protection in spite of the institutionalisation and implementation of these norms in most part of the world. Scholars refer to this as the ‘Asian exceptionalism’ to refugee protection³ or the ‘Asian rejection’ of refugee law.⁴ This is a case where norm diffusion has not been successful in spite of the significant effort of state and non-state actors in promoting these norms over decades – it is a case of the “dog who didn’t bark”.⁵

The domestic conditions for norm entrepreneurship on refugee protection have been unfavourable. Local civil society actors have had to contend with dominant (nationalist) ideas that the rights and welfare of citizens take precedence over those of non-citizens, and that non-citizens with irregular status are ‘criminals’. State officials in Asia also tend to see refugee protection as a ‘UNHCR problem’ or an ‘international problem’, rather than a domestic or regional one requiring long-term, local solutions. The treaty-based international refugee rights regime has become very technically sophisticated and exclusive, involving negotiations between actors and in spaces that exclude many Asian local civil society actors. Compared to other actors in the field of refugee protection – in particular, UNHCR and international non-governmental organisations (INGOs) – local civil society actors also tend to be smaller, less resourced, less financially stable, and more vulnerable to political attack.

This paper focuses on the very early stage of the norm ‘life cycle’, in the phase of ‘norm emergence’ as identified by Martha Finnemore and Kathryn Sikkink.⁶ It focuses on the ways and the conditions under which local civil society actors conduct norm entrepreneurship on unpopular issues where there are well-developed international norms, standards, and procedures. Scholarship on transnational advocacy networks tends to focus on the interactions between transnational actors and local actors, and on the involvement of liberal Western states in socialising norm violators.⁷ This article seeks to add a different perspective, by focusing on how local civil society actors interact with each other through a formalised network in order to pressure governments ‘from below’.

In studying norm entrepreneurship amongst local civil society actors, it is important to recognise the political, material and ideational conditions that constrain their work; their positionality and fragility in their own societies; and the ways they relate to other actors working on the same issues. Focusing on the case of APRRN, I argue that working through a formalised civil society network has changed the ways and the conditions under which local actors in Asia engage in norm entrepreneurship in four main ways. Firstly, it has changed the attributes of actors, helping them develop visibility, capacity, and connectedness. It does this through the formation of a ‘community of practice’⁸, a ‘safe space’ through which civil society actors with common goals interact with each other to strengthen their own knowledge, expertise, practices, and connections. Secondly, it has changed power-relations between them and other actors – in particular, UNHCR. UNHCR is often the most dominant influence in socialising local civil society actors about refugee protection. It is also often a gatekeeper – not just of issues but also of tactics and strategies for advocacy. By networking with each other, local civil society actors are able to gain alternative perspectives on issues and to engage with UNHCR in multiple ways.

Thirdly, working through a network has helped local civil society actors to move beyond their local contexts and to develop ‘regional imagination’ about their struggle. It has facilitated ‘scale shifting’, coordinating claims making at different levels than where the claims first began⁹, thus opening up more diverse fora for engagement with states. When its members construct governmental audiences for advocacy, their primary strategy is not to draw in Western liberal states to pressure their own states ‘from above’. Instead, using a range of tactics and strategies, they appeal to their own governments and to governments in the region as concerned citizens and residents to adhere to norms on the basis that it constitutes ‘appropriate behaviour’.

Last but not least, the network has introduced shifts in the dynamics of norm entrepreneurship in two ways. It has introduced a new actor – the network itself, which exercises its own agency through a Secretariat – who sometimes (inadvertently) competes with local civil society actors in norm entrepreneurship. It has also introduced intra-network sensitivities that need careful attention – in particular, the need to ensure that power, leadership, and participation is balanced between members with different identities. If unattended to, these can lead to member disengagement.

Norm Emergence, Norm Entrepreneurs

In their landmark paper, Martha Finnemore and Kathryn Sikkink define a norm as a “standard of appropriate behaviour for actors with a given identity”.¹⁰ They identify three phases in a norm ‘life-cycle’ in international politics – norm emergence, norm acceptance, and norm internalisation. Drawing upon work of Cass Sunstein¹¹, they observe that norm entrepreneurs – agents who build support for the adoption of new norms – play a key role in the first phase. Norm entrepreneurs persuade a critical number of states to adopt new norms, usually through an organisational platform. A key task in this endeavour is to create and frame issues so that they resonate with local audiences.¹²

The states that adopt these norms then act as norm leaders, socialising other states to do the same. After a tipping point is reached, a norm cascade occurs, in which states rapidly take on these new norms.¹³ These norms are then internalised and institutionalised to the point that they are taken for granted. Finnemore and Sikkink note that: “Up to the tipping point, little normative change occurs without significant domestic movements supporting such change”.¹⁴ What is the ‘work’ that goes into building such support at the domestic level? What are the preconditions for ‘persuasion’? How do norm entrepreneurs with similar goals relate to each other?

Reflecting on the process of norm diffusion in Southeast Asia, Amitav Acharya contrasts a moral cosmopolitan perspective – in which transnational agents ‘teach’ cosmopolitan norms through ‘moral proselytism’ and regard local resistance to such norms as ‘illegitimate’ or ‘immoral’ – with a perspective that emphasises the importance of examining the domestic conditions that influence the receipt of new norms and the role that local actors play as norm-makers and norm brokers.¹⁵ Acharya observes that contestation between transnational norms and local beliefs and practices reduces the likelihood of norm diffusion. Local agents need to engage in ‘constitutive localisation’, reconstructing norms so that they become congruent with local beliefs and practices. “The success of norm diffusion strategies and processes”, Acharya argues, “depends on the extent to which they provide opportunities for localization”.¹⁶ He further states,

The prospect for localization also depends on its positive impact on the legitimacy and authority of key norm-takers [states], the strength of prior local norms, the credibility and prestige of local agents, indigenous cultural traits and traditions, and the scope for grafting and pruning presented by foreign norms.¹⁷

Acharya's analysis suggests why it is difficult for local civil society actors to persuade Asian states to commit to refugee protection. In addition to the existence of unfavourable local beliefs, the scope for 'grafting' (associating a new norm with a pre-existing norm) and 'pruning' (adjusting foreign ideas to fit more easily with local beliefs and practices) is limited. Local civil society actors seek the commitment and compliance of Asian states to the rules, principles, standards and procedures of the international refugee rights regime, a regime rooted in the 1951 Convention and its 1967 Protocol and supervised by UNHCR, who in turn is advised by an inter-state body, the Executive Committee.¹⁸ As such, while local civil society actors engage in reframing, applying, and strategically deploying international norms to local settings, their desire for state commitment to an existing international regime delimits the extent to which they (are willing to) adapt such norms.

Scholars have assessed how different types of actors have engaged in norm entrepreneurship on different issues – from influential individuals¹⁹ to federal agencies²⁰, regional organisations,²¹ and states.²² There is also a large and growing body of work that examines how local civil society actors act individually and transnationally to (re)interpret, (re)represent, and (re)constitute 'global' ideas, principles and norms for domestic contexts.²³

Local Actors, Transnational Networks

Muthiah Alagappa provides a useful definition of 'civil society actors', referring to them as "self-organised, self-governing, nonstate, non-profit, nonprivate institutions that employ nonviolent means to achieve a public interest or good through collective action".²⁴ *Local* civil society actors typically comprise of citizens and non-citizens who engage in activities at the domestic level to achieve outcomes with governments.²⁵ As such, they are distinct from regional and international NGOs in terms of how they operate and how they are structured, governed, and resourced.

Local civil society actors are uniquely located socio-politically vis-à-vis their own governments. As 'insiders' they are able to shape public opinion in the local vernacular, and to engage with the judiciary, legislative, and executive with local legitimacy. They can raise critical reflections on 'appropriate behaviour' without facing some of the legitimacy challenges that INGOs face.²⁶ They are not as easily dismissed as 'outsiders' who 'interfere' in the domestic affairs of a state. The argument that refugee protection is a 'Western idea' – particularly salient in postcolonial, nationalistic societies – becomes harder to defend.

However, states shape the level of influence that local civil society actors have on national policy debates. As Robert Pekkanen observes in the case of Japan, the government's imposition of structural and ideational constraints on domestic civil society organisations has made it difficult for them to establish their authority and legitimacy based on expertise, which in turn, limits their influence on policy-making. Political opportunities for the advancement of rights also often occur when states are particularly concerned about their reputation, or domestic political elites perceive themselves to be vulnerable to condemnation.²⁷ Unfortunately, it is also in these moments of heightened perceived vulnerability when state and non-state actors react by threatening activists.

Sally Engle Merry also points out that local civil society actors can be vulnerable as they ‘vernacularise’ human rights ideas.²⁸ As intermediaries between global and local contexts, they can be distrusted and misconstrued as being ‘disloyal’. Indeed, in his report to the UN General Assembly in October 2015, the UN Special Rapporteur on the Situation of Human Rights Defenders identified defenders seeking to protect the rights of minorities and refugees as one of the ‘most at-risk’ groups of defenders.²⁹

There has been a growing body of work on how civil society actors work through transnational advocacy networks to facilitate change in state behaviour. Margaret Keck and Kathryn Sikkink provide the classic definition of such networks, referring to them as “networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation”.³⁰ They observe that transnational advocacy networks help local actors to gain momentum on issues with their own governments through building international pressure from ‘outside’ – what they call the ‘boomerang’ effect.

Scholarship on such networks has tended to focus on how transnational actors – often based in the North – collaborate with local actors to change state behaviour, often by involving liberal, Western states. There has been less scholarship on how local civil society actors in the South work together to build state commitment to people-centred norms without involving Western states. As César Rodríguez-Garavito observes, shifts in the relative power of states means that human rights work is now conducted in a ‘multi-polar world order’, in which:

states and NGOs in the Global North no longer have sole control over the creation and implementation of human rights standards, as new actors (from transnational social movements to transnational corporations to Global South states and NGOs) emerge as influential voices.³¹

Drawing on his experiences in Latin America, he describes how local civil society actors collaborated to put simultaneous pressure on their own states and another powerful state in the region to achieve their goals, bypassing a traditional ally, the United States – what he refers to as a ‘multiple boomerang’ strategy.³²

Although the primary aim of local civil society actors is to convince their own states of the need to adopt norms, such engagements can be located at multiple levels – at local, national, regional, and international fora. Social movement theorists observe that agents who operate at one level sometimes shift the scale of their action, either moving ‘upwards’, from local action outwards, or ‘downwards’, applying practices at a broader level to a local context.³³ They define a ‘scale shift’ as “a change in the number and level of coordinated contentious actions to a different focal point, involving a new range of actors, different objects, and broadened claims”.³⁴ As Sidney Tarrow elaborates, scale shifting involves five mechanisms: coordination (planning collaboration across space) brokerage (facilitating such linkages), theorization (generalising an idea from a particular reality so that it can be applied to other realities), target shifting (focusing on a new target), and claim shifting (changing the nature of the claim).³⁵ Formal networks can facilitate such scale shifting by identifying opportunities and fora for collaborative action and maximising the participation of members in these.

Refugee Protection in the Asia Pacific Region: An Overview

UNHCR notes the presence of 3.5 million refugees and 1.4 million stateless persons in the Asia Pacific region in 2015, with the majority of refugees originating from Afghanistan and Myanmar.³⁶ Most refugees in this region seek asylum in neighbouring countries. A smaller proportion of refugees travel across multiple borders to reach their preferred destination, sometimes after various periods of settlement in different countries. Refugees from Myanmar, for example, travel through Thailand to reach Malaysia, and refugees from Sri Lanka, Afghanistan and Myanmar travel through Indonesia and Malaysia in an attempt to reach Australia. Refugees from outside the region are relatively small in number, coming primarily from the Middle East and Africa. Well-developed smuggling and trafficking networks cut across Asian states, often involving chains of smugglers and traffickers. On the whole, the movements of refugees in this region are ‘mixed’ with the movement of migrant workers, students, and tourists, and constitute a very small proportion of people on the move. Over two-thirds of refugees live outside of camps, typically in urban areas with insecurity.³⁷

In countries with relatively large refugee populations, UNHCR takes on operational responsibilities belonging to states, such as refugee status determination (RSD), protection intervention, community services, and resettlement, acting as a ‘surrogate state’.³⁸ Without the resources to fully substitute the role of a state, UNHCR’s capacity to protect refugees is limited. In Thailand and Malaysia, for example, asylum seekers wait years for UNHCR to register and determine their status, a situation that UNHCR itself recognises as a significant protection problem. The lack of prospects for repatriation and local integration has led UNHCR to rely upon resettlement as a means of ‘unlocking’ protracted refugee situations. In 2013, Nepal, Thailand, and Malaysia were the top three countries in the world from which UNHCR-assisted resettlement occurred.³⁹ However, resettlement only benefits a fraction of the refugee population – most refugees live in limbo, waiting with fear and uncertainty for a durable solution.

Nationalist pride and anti-colonial sentiments colour the interpretation of Asian governments of the efforts of UNHCR. Refugees are often seen as politically sensitive populations, as threats to national security, and unwanted ‘irregular migrants’.⁴⁰ The advice of UNHCR thus touches on how a state manages foreign relations and national security, which are fundamental expressions of state sovereignty.⁴¹ Governments sometimes dismiss UNHCR’s interventions as a ‘Western imposition’. The Eurocentric origins of the 1951 Convention and the 1967 Protocol, and the perceived exclusion of the perspectives of Asian governments in their drafting, does not help.⁴²

In South and Southeast Asia, only one of the eight members of the South Asian Association for Regional Cooperation (SAARC)⁴³ – Afghanistan – and only two of the 10 members of the Association of Southeast Asian Nations (ASEAN) – Cambodia and the Philippines – are parties to the 1951 Convention and its 1967 Protocol.⁴⁴ The lack of legal infrastructure poses a significant challenge for their protection. The existing practice in South and Southeast Asia is that states accommodate refugees on the basis of ‘hospitality’ or humanitarian concern rather than obligation. States have preferred to negotiate over the protection of specific groups of refugees rather than grant asylum to all refugees in a systematic and impartial manner. These negotiations

have tended to be temporal, contingent, and politicized, informed by foreign policy considerations and the political affiliations of government leaders.

While UNHCR, scholars, and practitioners alike have praised Asian states for protecting refugees on humanitarian grounds, this non-binding, non-legal approach has resulted in uncertain protection.⁴⁵ As Martin Jones critiques, this ‘protection space’ approach also

privileges international interests, fora, and UNHCR as the negotiator; devalues the normative strength of obligations towards refugees; and, allows the underlying responsibility for the provision of refugee protection to drift from the state to UNHCR.⁴⁶

The operational environment for refugees in Australia, New Zealand and the Pacific is somewhat different. While many states are party to the 1951 Convention and the 1967 Protocol, there is significant variation in the way they protect refugees. Australia, in particular, has interpreted its international obligations in controversial ways – engaging in ‘third-country processing’ (sending asylum seekers arriving by boat to Nauru and Manus Island in Papua New Guinea for the determination of their protection claims); practicing the mandatory detention of non-citizens unlawfully present in its territory, resulting in the non-reviewable and indefinite detention of asylum seekers⁴⁷; and in 2014, negotiating a multi-million dollar transfer arrangement with Cambodia, in which refugees recognised in Nauru would be ‘resettled’ to Cambodia.

China⁴⁸, Japan, and the Republic of Korea are all party to the 1951 Convention and 1967 Protocol. The latter two countries have introduced domestic law on refugees and conduct RSD. However, asylum seekers do not have full access to fair and timely RSD procedures. These countries detain asylum-seekers, and tend to provide protection only as a matter of discretion and humanitarian action rather than as a matter of responsibility or obligation.⁴⁹ Asylum-seekers and refugees are largely marginalized and excluded from society, resulting in serious discrimination, destitution, homelessness, and abuse.⁵⁰

Local Civil Society Actors and Challenges to Norm Entrepreneurship on Refugee Protection

In many countries in the Asia Pacific region, local civil society actors are the main service providers to refugees. They engage in a wide range of activities, from education, legal aid in domestic courts, legal representation for RSD (conducted by states and UNHCR), and medical assistance, to shelters, livelihood projects, welfare support and resettlement referrals.⁵¹ They also advocate for reforms in laws, policies, and administrative practices using a range of tactics and strategies, so that refugees are formally recognised and their rights protected.

For example, amongst APRRN members, in South Korea, the Korean Public Interest Lawyers' Group (Gonggam), Dongcheon Public Interest Foundation, Refuge Pnan, Nancen, and Advocates for Public Interest Law played a key role in drafting and advocating for a domestic Refugee Act that was passed in 2012 and took effect in 2013.⁵² Members of the Migration Working Group in Malaysia use human rights

mechanisms such as the Universal Periodic Review Process to advocate for refugee protection.⁵³ In India, the Organisation for Eelam Refugees Rehabilitation, which runs and supports most of the services in camps for Sri Lankan refugees, is the primary interlocutor and advocate for refugee issues with the Indian government, NGOs and donors. In addition to providing legal and social assistance to refugees, the Japan Association for Refugees conducts policy advocacy, pressuring Japan to adhere to its international obligations concerning refugees.⁵⁴

Nevertheless, building momentum and support for refugee protection continues to be an uphill task. When arguments for refugee protection are made, a common opposing refrain – from government officials, the public and some civil society actors – is that governments should first focus on improving the conditions of (disenfranchised) citizens before focusing on non-citizens.⁵⁵ Local civil society actors also contend with strong beliefs and practices that erode refugee protection, such as the perception of migrants with irregular status as ‘criminals’. As described earlier, most refugees in the Asia Pacific region are part of ‘mixed migration flows’ – that is, they often travel using the same routes as other migrants and rely on the same smuggling networks to cross borders. Refugees sometimes have mixed motives, fleeing from their country of origin not just out of fear of persecution but also to seek a better life. As such, in public imagination, they are easily dismissed as irregular migrants. In states where there is strong securitization of migration and no national asylum systems, refugees are legally and socially indistinct from irregular migrants. Antipathy towards irregular migrants makes it challenging to build public support for refugees.

As stated earlier, government officials in Asia tend to see refugees as an ‘international’ or ‘UNHCR’ problem, rather than a domestic problem. In Southeast Asia, this is part of the legacy of the Comprehensive Plan of Action for Indochinese Refugees (from 1988-1996), in which states agreed to host refugee populations temporarily while UNHCR conducted RSD and arranged for their resettlement or repatriation. This ‘arrangement’ is the expectation of government officials today. In Malaysia, government officials expect UNHCR to conduct RSD and blame them for not resettling refugees quickly enough. In Thailand, government officials still call the decades-old refugee camps along the Thai-Burma border ‘temporary shelters’. As a result of this line of thinking, government officials do not focus on local integration as a durable solution, thinking instead that the ‘right’ treatment of refugees is their return or resettlement.

The international refugee regime has also grown in complexity over time. In order to participate in global debates concerning refugees, local civil society actors concerned about the rights and welfare of refugees have had to learn unfamiliar terminology, procedures, standards, and systems – such as those related to RSD, the care of vulnerable groups (such as unaccompanied minors and survivors of sexual and gender-based violence), and resettlement. International negotiation and strategy development concerning refugee protection tends to privilege some types of actors while excluding others. For example, every year, states, UNHCR and NGOs discuss global resettlement through the Annual Tripartite Consultations on Resettlement in Geneva. While these discussions are a key part of global strategising on protection⁵⁶, and while Thailand, Nepal, and Malaysia have historically been amongst the top five countries from which UNHCR-assisted refugees have been resettled, local civil society actors in these countries have rarely participated in these dialogues, because

they are not directly involved in resettlement. In summary, the professionalization of refugee protection has alienated local civil society actors and refugees.

Local civil society actors are also different operationally and structurally from UNHCR and INGOs. Often formed and run by very committed, independent-minded, strong-willed leaders, they tend to be smaller and have fewer resources than their international and regional counterparts. They often struggle to meet overwhelming needs and to keep programmes viable in the face of scarce financial resources. In most countries in Asia, governments do not fund domestic refugee programmes. Some institutional donors do not support civil society groups in middle- and high-income countries; some require grantees to have formal registration as a non-profit organisation, which is difficult for groups restricted by domestic laws. Local civil society actors are also subject to scrutiny, surveillance and regulation by state authorities; they can be targeted easily by their own governments for their activities.⁵⁷

Networking for Refugee Protection: Forming a transnational ‘community of practice’

APRRN was set up specifically to foster collaboration between members and to equip them to influence state behaviour on refugee protection. It does this through joint advocacy, capacity strengthening, and knowledge/resource sharing and outreach.⁵⁸ In an effort to create a ‘safe space’ for civil society, membership in the network is restricted to civil society actors alone – those who work for the government, intergovernmental bodies, and the media are not permitted to join this network. At point of writing, in 2015, APRRN has 136 organisational and 114 individual members.⁵⁹ Most of APRRN’s organisational members comprise local civil society groups and organisations based in the Asia Pacific region, such as legal aid providers, service providers, human rights advocacy organisations, universities, and refugee community-based organizations.⁶⁰ Its individual members primarily comprise academic scholars, researchers, students, and lawyers.

When APRRN was formed in 2008, its members created Working Groups so that they could interact with each other in a number of ways. There are four geographic Working Groups: South Asia, Southeast Asia, East Asia, and Australia, New Zealand and the Pacific, and five thematic Working Groups: Legal Aid and Advocacy, Immigration Detention, Women and Girls at Risk, The Right to Health, and Statelessness. This crosscutting structure enables APRRN members to work on multiple issues at the same time and to avoid ‘gate-keeping’ in issue adoption⁶¹, which is important, given the complexities of the issues that refugees faced in the region.

A Steering Committee comprised of elected and appointed members provides strategic leadership to the Network; a Secretariat based in Bangkok operationalizes its plans.⁶² The Steering Committee is responsible for the governance of the Network, and is accountable to APRRN’s members who meet at its biannual conference, the Asia Pacific Consultation on Refugee Rights (APCRR).⁶³ Over time, APRRN has become more formalised, transitioning from a member-driven network to a Secretariat-based one.

Strengthening Visibility, Capacity, and Connectedness

APRRN helps to make visible local civil society support for refugees, thus positioning refugee protection as an issue of domestic interest. The work of APRRN members is featured in APRRN's newsletters, wiki pages, blog, Facebook pages, and tweets. APRRN organises panels and sessions at regional and international conferences, creating opportunities for APRRN members to build support for refugee protection with civil society groups working on other issues. It provides its members and external stakeholders with a network of contacts that they can use to identify and access those with knowledge, skills and expertise on refugees in different countries. Before APRRN was formed, it was difficult to work out who was doing what and where with refugees across the region.⁶⁴

APRRN's activities have fostered the building of a 'community of practice' amongst its members. APRRN members consult each other on thorny problems, express solidarity, discuss ideas, and share resources through APRRN events and communication channels. In addition to its biannual conference, APRRN runs specialist courses and workshops aimed at strengthening the technical expertise of members on the international refugee rights regime as well as on specialist topics such as refugee mental health, legal aid provision, and ending and limiting immigration detention. APRRN also releases joint statements to draw attention to human rights violations and state practices that erode refugee protection. These public statements not only reiterate the principles, standards and values which APRRN members promote, the process of writing them are an important way in which members debate advocacy positions and develop consensus.⁶⁵

APRRN's added value is most evident when it facilitates collaboration between civil society actors in different locales who work on the same issue. In 2015, for example, in response to the maritime crisis in which Rohingya refugees and Bangladeshi migrants were left stranded at sea by smugglers and traffickers, the APRRN Secretariat facilitated a number of teleconferences through which local civil society actors pieced together their understanding of the movements and government responses, and coordinated advocacy initiatives. Similarly, when UNHCR announced that year that it was rethinking its approach to RSD fundamentally, recognising its structural inability to process overwhelming caseloads according to procedural and other standards, APRRN's Legal Aid and Advocacy Working Group met in teleconferences to discuss their engagement with UNHCR.

The interactions and relationships between members at APRRN activities have led to a number of bilateral and multilateral collaborations initiated by members themselves. In Indonesia for example, dialogues facilitated by APRRN members and UNHCR led to the formation of the Indonesian Civil Society Network for Refugee Protection (SUAKA) in 2012, which provides legal assistance to asylum seekers, conducts advocacy, and engages with refugee communities on protection issues.⁶⁶ Similarly, in Pakistan, APRRN members formed a national Refugee Rights Network (RRN-Pakistan) in 2015 to strengthen their advocacy with the government of Pakistan.⁶⁷

Reconfiguring power-relations with UNHCR

A key way in which APRRN has changed the way in which local civil society actors engage in refugee protection is the way it has reconfigured power-relations between

them and UNHCR. The relationship between UNHCR and local civil society actors is multi-layered, ambivalent, and complex. In many countries in the Asia Pacific region, UNHCR takes the lead role in advocating for refugee protection. Many civil society actors are dependent on UNHCR for resources, expertise, and the preservation of ‘protection space’.

Partnerships with UNHCR are particularly important in contexts where refugees are vilified as irregular migrants, as they legitimize the work of local civil society actors. As such, local civil society actors often work under the protection of UNHCR – but also under their shadow. Their understanding of refugee protection, prioritisation of issues, and imagination of possibilities tends to be shaped in large part by what they are told by UNHCR officers based in country offices.⁶⁸ While UNHCR desires the support, services, and cooperation of local service providers, it is usually less welcoming of their criticism. The attitudes of individual UNHCR officers range from respect for the work of local civil society actors to disdain.

APRRN events and communication structures provide members with ways of obtaining alternative perspectives on issues, thus reducing UNHCR’s dominance in defining and framing domestic protection agendas. For example, one of the contentious issues between local civil society actors and UNHCR has been the way that UNHCR conducts registration and RSD in countries such as Malaysia, Indonesia and Thailand. Most UNHCR country offices do not welcomed the involvement of civil society actors in these procedures. However, APRRN members who provide RSD legal aid have been able to come together to raise concerns as a collective with UNHCR about the way RSD is conducted, when they would otherwise have been silenced.

APRRN members have helped each other to develop productive working relationships with UNHCR based on positive experiences elsewhere. For example, when Ara Legal Initiative, a provider of RSD legal aid in India, launched its organization and programs, the APRRN Secretariat put them in touch with Brian Barbour, the Chair of the Legal Aid and Advocacy Working Group, who had already developed Standard Operating Procedures with UNHCR in Hong Kong. As a result, Ara Legal Initiative was able to finalize its own Letter of Understanding (LOU) with UNHCR, secure access to RSD interviews, and reach agreement for UNHCR to provide all asylum seekers with detailed reasons for rejection, whether or not they are represented.⁶⁹ Other legal aid providers in India can also sign this LOU with UNHCR, which is available as a template.

APRRN facilitates member engagement with UNHCR at different levels, for example, through organising meeting with UNHCR’s Regional Office in Bangkok and with its Asia Bureau in Geneva. These meetings are particularly helpful when dialogue with UNHCR country offices has deteriorated. Before APRRN existed, UNHCR relations with civil society largely occurred at the country level with a handful of local actors, often their implementing partners. APRRN provides UNHCR with an interlocutor with whom it can discuss regional priorities, policy positions and good practice with a much broader constituency of civil society actors. This engagement helps UNHCR to understand the nature, interests, and potential of civil society in the region, which strengthens the way it engages with them.⁷⁰

Scale-shifting: Regional Imagination, Alternative Political Opportunities

APRRN helps its members to develop ‘regional imagination’ on refugee protection; it helps them situate their own experiences in the broader refugee movement. APRRN conferences, workshops and meetings provide members with an audience of peers. These interactions serve as a mirror of sorts through which local civil society actors reflect on their own domestic and regional roles. As Hotaeg Lee, of Refuge Pnan in South Korea observes, deliberations at APRRN’s East Asia Working Group meetings prompted a sense of responsibility amongst Korean NGOs for leading efforts for refugee protection at the domestic and sub-regional level.⁷¹ This multi-level perspective helps local civil society actors recognise opportunities for collaboration and advocacy at sub-regional, regional and international levels.

The target audience of APRRN’s members are states in the Asia Pacific region. They call on these states to commit to higher standards of behaviour in a number of ways. However, they do so not by shaming these states before liberal states in Europe and North America. Instead, they appeal to these states as concerned (and outraged) citizens and residents who witness the suffering of refugees and believe that this should not happen in their own countries. These appeals are for their own states to demonstrate behaviour that is morally upright – not because such behaviour is good for international image, but because it is the right thing to do.

When APRRN members do appeal to other governments, these are primarily other governments from within the region. There are two main types of such appeals. The first are appeals to regional blocs, such as SAARC and ASEAN, whose collective behaviour influences the individual behaviour of states. Secondly, APRRN together with organisations such as the International Detention Coalition, have organised multi-lateral roundtables that bring together civil society actors and government officials from a number of adjacent states.⁷² The purpose of these dialogues is to focus on constructive problem solving and collaboration. They encourage the development of ‘pilot projects’ as a method of trust building. These roundtables are unique because they are non-adversarial in tone, focused on practical solutions, and subtly appeal to governments to show leadership in the region.

There is untapped potential for engagement in sub-regional and regional processes. For example, over the past decade, there has been unprecedented development in the regional infrastructure for human rights in Southeast Asia. In 2009, ASEAN established the ASEAN Intergovernmental Commission on Human Rights (AICHR) whose 2010-2015 Work Plan⁷³ includes thematic studies on issues such as migration; trafficking in persons, particularly women and children; child soldiers; and women and children in conflicts and disasters – all of which are related to refugee protection. In 2012, ASEAN adopted the ASEAN Human Rights Declaration, which states: “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” (Article 16). In November 2015, ASEAN members signed its first legally binding regional treaty, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, which bears on the protection of refugees.

At a broader geographical level, in 2009, states reaffirmed their commitment to the multilateral Bali Process on People Smuggling, Trafficking in Persons and Related

Transnational Crime, co-chaired by Australia and Indonesia. At that time, there was an increase of asylum seekers arriving by boats to Australia, Rohingyas were being forcibly expelled from Myanmar, and there was a humanitarian crisis in northeast Sri Lanka.⁷⁴ In 2011, members of the Bali Process endorsed a Regional Cooperation Framework to reduce irregular migration in the Asia Pacific region. Although UNHCR's attempts to feature refugee protection strongly in this Framework have not been successful⁷⁵, the Regional Support Office that operationalizes the Framework is open to dialogue with civil society actors on irregular migration and refugee protection.

APRRN's value lies in facilitating norm entrepreneurship and collaborative relationships amongst local civil society actors in different locations across the region, and in identifying (and indeed creating) political opportunities for advocacy at sub-regional, regional, and international levels. APRRN members are often too engrossed in their own work at the domestic level, and too overwhelmed by the daily needs of refugees to engage effectively at these broader levels. The APRRN Secretariat can help members participate in these by monitoring developments in these processes, building alliances with relevant stakeholders, briefing APRRN members on the technicalities and politics of these processes, strategising advocacy, and facilitating the participation of members in key meetings at key moments. At point of writing, there is consensus amongst states, civil society and UNHCR that regional cooperation and regional solutions are required for refugee-related crisis in South and Southeast Asia, such as the maritime movement of Rohingyas. The APRRN Secretariat is well placed to facilitate the engagement of members in the development of such regional cooperation arrangements.

Managing intra-network sensitivities

The formation and formalisation of APRRN has changed the ways in which local civil society actors relate to each other. These reconfigurations of ties, however, also bring about new challenges. The first is how APRRN creates and maintains space for local civil society actors (both members and non-members) to advocate for refugee protection without 'taking over' scarce resources and political space. As it is unique network, it has become the 'go-to' civil society actor on refugee protection in Asia. When UNHCR, states, or civil society groups want Asian civil society voices in workshops or events, they often turn to the APRRN Secretariat. APRRN Secretariat staff can either decide to attend these events themselves, or recommend the participation of the most relevant member – in most cases, the member closest to the ground and/or the one with the greatest expertise or knowledge of issues.

Decisions like these, apparently simple, are not easy to make. On one hand, strengthening the work of members is the *raison d'être* of the Network. Participation in events and meetings can be valuable opportunities for APRRN members to build their own visibility, conduct advocacy, and engage in networking. On the other hand, to continue to exist, the Secretariat needs to ensure that it remains relevant to movement building.⁷⁶ That is, its own visibility – as a group of experts, coordinators, and facilitators – is important. Should they extend invitations to members, or attend events themselves? When allocating such resources, transparency, fairness, and collective accountability in decision-making is important. Otherwise, it is easy for

decisions to be made on (what are perceived to be) arbitrary criteria and for members to feel resentful.

The power-relations between members also need careful navigation. Sub-regional identities and related sensitivities matter. At a broad level, it is important for there to be ‘balance’ in participation across the four sub-regions in the Network – South Asia; Southeast Asia; East Asia; and Australia, New Zealand and the Pacific – so that one sub-region does not dominate in terms of leadership and decision-making. It is also particularly important for ‘Northern’ members in the network respect the agency and views of ‘Southern’ members, and to refrain from ‘telling them what to do’. Such behaviour is frowned upon (often implicitly, in the ‘Asian way’), and would work against the ethos of APRRN, which values mutual respect and solidarity. Similarly, it is important for the Network to consider gender, class, and other identity-based dynamics in the life of the Network, and to ensure that all members enjoy inclusion and substantive equality.

A lack of attentiveness to intra-network sensitivities can result in member disengagement. Emphasising the importance of recognising the voluntary nature of civil society networks and thus the capacity for members to exit the network (or to remain dormant), Kathryn Sikkink observes,

For networks-as-actors, network nodes choose whether to participate in networks. This gives networks their informal nature and means that you can’t “lock-in” either members or commitments. Thus networks must create benefits for network members, what many authors refer to as network externalities, in order for networks to continue to exist. These benefits may be of a very diverse sort – but because networks are voluntary, nodes will exit if they do not perceive benefits, and seek out other kinds of arrangements.⁷⁷

Conclusion

Local civil society actors play a key role in persuading states to adopt new norms. Crucially, they do so as ‘insiders’ appealing to their states to adhere to standards of ‘appropriate behaviour’. However, they often face significant challenges in doing so. Without an understanding of the political, ideational and material constraints on their work, it is easy for outsiders to dismiss their efforts as being ‘weak’. This can delegitimise and disempower them, especially if such thinking leads to their exclusion from processes and fora relevant to their work.

Working through a formalised network can change the ways and the conditions under which local civil society actors engage in norm entrepreneurship. As the case of APRRN demonstrates, participation in a formalised network can strengthen the visibility, capacity and connectedness of local civil society actors. It can reconfigure power-relations between them and other powerful actors. It can facilitate the development of ‘regional imagination’ and help them engage in ‘scale shifting’ in order to maximise opportunities for advocacy at multiple levels.

A formalised network can also become an actor in itself even as it functions as an organisational platform for members. If the aim of the network is to foster norm entrepreneurship amongst members, it is important for it to avoid taking over the role

of members, absorbing valuable resources and opportunities for advocacy. Working in a diverse network introduces sensitivities between members. In order to prevent member disengagement, it is important for these sensitivities to be understood and managed so that an enabling environment can be created for norm entrepreneurship to flourish amongst members until the desired norm cascade occurs.

¹ This paper is based on my observations as one of the founding members of APRRN as well as an analysis of data produced by APRRN. As a volunteer for FORUM Asia, I was the main organizer of the inaugural conference in 2008 described in this paper. I served as APRRN's first Chair (2008-2010) and subsequently as a Steering Committee Member (2010-2014; 2015-present). The views expressed in this paper are my own, and do not represent the official view of APRRN. This paper was presented at a workshop organized by Susan Kneebone on 'Comparative Regional Protection Frameworks for Refugees: Norms and Norm Entrepreneurs' on 15 November 2013 at the Institute of Advanced Legal Studies, London. I am indebted to Alexander Betts, Brian Barbour, Helen Brunt, Vivienne Chew, Tamara Domicelj, Petrice Flowers, Martin Jones, Susan Kneebone, Julia Mayerhoffer, Mauricio Angel Morales, Aeden Pillai, Alejandro Peña, and James Thomson for their constructive comments on earlier drafts of this paper. Any mistakes remain my own.

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- ⁴³ Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka are not state parties.
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⁵⁸ Constitution of the Asia Pacific Refugee Rights Network, available at <http://www.aprrn.info/1/images/APRRN-Constitution-2014-final.pdf>, accessed 14 December 2015.

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⁶³ Since the first Asia Pacific Consultation on Refugee Rights (APCRR1) in 2008, APRRN members have met again in Bangkok in 2009 and 2010, Seoul in 2012, and Bangkok in 2014. The reports from these conferences are available on APRRN's website.

⁶⁴ I am indebted to James Thomson for sharing this observation (personal communication, 6 November 2015).

⁶⁵ Nevertheless, APRRN's joint statements now include a standard disclaimer: "While APRRN statements are prepared in consultation with APRRN members, they do not necessarily reflect the views of all APRRN members". See for example, APRRN Statement: Japan's Review of their Refugee Status Determination System Raises New Concerns", available at

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⁶⁷ See SSRN (2015) Launching Ceremony: Refugee Rights Network (RRN) Pakistan, <http://rrnpk.org/launching-ceremony-of-rrn-pakistan/>, accessed 14 December 2015.

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⁷⁶ It is often difficult to justify the 'added value' of coordination and facilitation to donors through traditional rubrics of 'impact' and 'effectiveness'. Most discernible outcomes are by definition the product of partnerships and often have long gestation periods.

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