



MALAYSIA AND THE VIETNAMESE REFUGEES,
1975-1980: AN EVALUATIVE STUDY

BY

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ABSTRACT

The study sought to investigate how Malaysia's 'first asylum' policy towards the Vietnamese refugees was made during the period of 1975-1980 by examining the roles of five factors that shaped the policy through the country's policy-making process. The five factors are: the role of the Prime Ministers and their respective idiosyncratic variables, Malaysian policymakers, agencies of the Executive branch namely the Cabinet, National Security Council, a number of Malaysian Ministries and Parliament, the United Nations High Commissioner for Refugees (UNHCR) and societal factors. The study shows that all of the above-mentioned factors had influenced the policy-making process of the policy. It also reveals that these factors had left varying degrees of influence on the country's 'first asylum' policy. While the Head of the Executive branch, that is Prime Ministers Abdul Razak and Hussein Onn, had the most influential role in the formulation of the policy, other members of the Executive branch namely, Ghazali Shafie, Tengku Ahmad Rithauddeen, members of the Cabinet as well those of the National Security Council (NSC), had also provided noticeable and significant input in the formulation and implementation of the policy. A variety of governmental ministries and agencies, including the UNHCR and the Malaysian Red Crescent Society (MRCS) played pivotal roles in the implementation of the policy. Finally, societal factors such as public opinion and local political parties appeared to be domestic constraints of the policy. The study concluded with, recommendations for further studies on refugees in Malaysia and formulating a coherent refugee policy in the country.

خلاصة البحث

سعت الدراسة إلى معرفة كيف تتم سياسة 'الملجأ الأول' في ماليزيا تجاه اللاجئين الفيتناميين خلال الفترة ما بين 1975-1980 من خلال البحث عن دور العوامل الخمسة التي شكلت السياسة عملية وضع القرار السياسي للبلاد. تلك العوامل الخمسة هي: دور رئيس الوزراء وفطرة كرامتهم المتعددة، وواضعي السياسات الماليزية، ووكالات السلطة التنفيذية أي مجلس الوزراء، ومجلس الأمن القومي، وعدد من الوزارات، والبرلمان الماليزي، ومفوض الأمم المتحدة السامي لشؤون اللاجئين، والعوامل الاجتماعية. وتبين الدراسة أن جميع العوامل المذكورة أعلاه قد أثرت على عملية وضع السياسة. وكما اكتشفت الدراسة أن تلك العوامل أيضا قد أثرت على سياسة 'الملجأ الأول' في البلاد بدرجات متفاوتة. وكان لرئيس السلطة التنفيذية، وهما رئيسا الوزراء عبد الرزاق وحسين أون، دور فعال في صياغة وضع السياسة؛ ومن الذين ساهموا في ذلك أعضاء السلطة التنفيذية من مثل غزالي شافعي، و تنكو أحمد رضا الدين، وأعضاء مجلس الوزراء، ومجلس الأمن القومي حيث قدموا قرارات، ومداخلات ملحوظة في صياغة وتنفيذ السياسة. لقد لعبت مجموعة مختلفة من الوزارات والوكالات الحكومية، بما في ذلك المفوض و MRCS أدوارا محورية في تنفيذ هذه السياسة. وأخيرا، ظهرت عوامل اجتماعية مثل الرأي العام والأحزاب السياسية المحلية كالقيود الداخلية لهذه السياسة. وختمت الدراسة بتوصيات لمزيد من الدراسات حول اللاجئين في ماليزيا، وصياغة سياسة متماسكة للاجئين في البلاد.

APPROVAL PAGE

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DECLARATION

I hereby declare that this dissertation is the result of my own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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*This thesis is dedicated to my beloved husband Rozman Abdul Rahim and
children, Ammar, Aliya and Ameer.*

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LIST OF ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
AW	<i>Askar Wataniah</i>
CPA	Comprehensive Plan of Action
CPM	Communist Party of Malaya group
CPM-ML	Communist Party of Malaya Marxist-Leninist
CPM-RF	Communist Party of Malaya Revolutionary Faction
DAP	Democratic Action Party
DRV	Democratic Republic of Vietnam
EU	European Union
ICEM	International Committee for European Migration
ICP	Indochinese Communist Party
ICRC	International Committee of the Red Cross
IGP	Inspector General of Police
ISA	Internal Security Act
IRC	International Rescue Committee
IRCS	International Red Cross and Red Crescent Societies
JVAR	Joint Voluntary Agency Representatives
LRCS	League of Red Cross Societies
LWF	Lutheran World Federation
MFA	Ministry of Foreign Affairs
MINDEF	Ministry of Defence
MOHA	Ministry of Home Affairs
MRCS	Malaysian Red Crescent Society
MYC	Malaysian Youth Organization
NGO	Nongovernmental Organization
NSC	National Security Council
OAU	Organization of African Unity
OCSG	<i>Ops Cabut Support Group</i>
ODP	Orderly Departure Programme
OP	Observation Point
OXFAM	Oxford Committee for Famine Relief
PAS	Islamic Party of Malaysia
PEMADAM	National Anti-Drug Organisation
RELA	<i>Ikatan Relawan Rakyat</i>
RMAF	Royal Malaysian Air Force
RMP	Royal Malaysian Police
RMN	Royal Malaysian Navy
RTM	Radio Television Malaysia
RVN	Republic of Vietnam
SRV	Socialist Republic of Vietnam
TMS	Tracing, Mail and Money Transfer Services
UDHR	Universal Declaration of Human Rights
UMNO	United Malays National Organizations

UN	United Nations
UNRC	United Nations Refugee Convention
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
VCP	Vietnamese Communist Party

CHAPTER ONE

INTRODUCTION

1.0 PROBLEM STATEMENT

In analysing Malaysia's 'first asylum'¹ policy towards the influx of Vietnamese refugees from 1975 to 1980, this study asks the following question: How was Malaysia's 'first asylum' policy towards the Vietnamese refugees made during 1975-1980? Answering this question requires an examination of five factors: external, governmental, societal, role of policymakers and individuals, all of which contribute in shaping the policy. Collectively, these factors identify the many constraints and stimuli facing Malaysian policymakers, thus providing insight into the factors that shaped Malaysia's first asylum policy towards the Vietnamese refugees.

This study aims to answer the following supplementary questions:

1. In what ways and to what extent did societal sources affect Malaysia's 'first asylum' policy towards the Vietnamese refugees from 1975 to 1980?
2. Was Malaysia's policy in granting asylum status to the Vietnamese refugees a function of the individual characteristics of Malaysia's Prime Minister?

¹ The term 'first asylum' refers to 'temporary refuge', 'provisional asylum', 'temporary asylum', or 'temporary residence'. See G.J.L Coles, 1981). *Temporary refuge and the large-scale influx of refugees*, 1981, <<http://www.unhcr.org/excom/EXCOM/3ae68cd04.html>> (accessed 21 November, 2007). Malaysia's 'first asylum' policy towards the Vietnamese refugees, 1975-1980 is defined as the granting of temporary asylum status in Malaysia to the Vietnamese refugees from 1975 to 1980. The usage of the term 'first asylum' for such a policy is considered suitable by Tun Mahathir Mohamad. Tun Mahathir Mohamad, Interview by author, Putrajaya, 14 July 2008.

3. Did the portfolio position occupied by members of the political elite significantly shape Malaysia's policy in granting asylum to these refugees?
4. In what ways did the Executive and the Legislature contribute towards Malaysia's 'first asylum' policy regarding the Vietnamese refugees from 1975 to 1980?
5. In what ways did the United Nations High Commissioner for Refugees (UNHCR) contribute towards Malaysia's 'first asylum' policy concerning the Vietnamese refugees?

1.1 JUSTIFICATION OF THE PROBLEM

Malaysia is not a party to the 1951 United Nations Refugee Convention (UNRC).² Therefore, it is not formally obligated to follow the 1951 UNRC's rules and regulations regarding refugees. However, Malaysia does respond to the plight of refugees. For example, Malaysia provided shelter in Sabah to the Filipino refugees

² The 1951 UNRC is significant in two respects: Firstly, it provides a general definition of a refugee as "someone outside his or her own country and unable to return as a result of a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a social group" (Article 1). Secondly, it places obligations upon states which are party to it, the most fundamental of which is the principle of 'non-refoulement' (Article 33). This concerns the obligations of countries of asylum not to return people forcibly to situations where they have a well-founded fear of persecution. See, *1951 Convention and protocol relating to the status of refugees*, 1-56, <<http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>> (accessed 1 October, 2007). The 'non-refoulement' principle also found expressions in many other United Nations legal instruments such as Article 111(3) of the 1966 Principles Concerning Treatment of Refugees and Article (3) of the 1984 Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment. However, as a customary international law, the 'non-refoulement' principle expects signatory, as well as non-signatory states not to return refugees to a place where their lives or freedom would be threatened. See Elihu Lauterpacht & Daniel Bethlehem, "Nonrefoulement" in *Refugee protection in international law*, edited by Erika Feller, Volker Turk & Frances Nicholson (UNHCR: Cambridge University Press, 2003), 89-171, <<http://www.unhcr.org/publ/PUBL/419c783f4.pdf>> (accessed 1 October, 2007).

from Southern Mindanao³ and to the Vietnamese refugees who sought asylum in the country during the late 1970s.

In the 1990s, Malaysia offered resettlement for a small number of Bosnian-Muslim refugees in the country.⁴ During the same period, she allowed the entrance of the Rohingya and Achehnese refugees into the country and provided them with access to refugee protection in Malaysia.⁵ Generally speaking, while Malaysia's responses towards refugees are moderately known to the general public, what remains unknown are answers as to how Malaysia formulates her policies towards refugees seeking asylum in the country.

The aim of this study is to provide an answer to this 'how' question. It seeks to explain how Malaysia's 'first asylum' policy towards the Vietnamese refugees seeking asylum in the country from 1975 to 1980 was made. This is achieved by framing the study within the context of processes involved in the making of Malaysia's foreign policy. The focus is to examine the major factors that contribute to the making of such decisions, and how these factors in turn promote Malaysia's 'first asylum' policy towards the Vietnamese refugees via the policy-making processes.

The study argues that Malaysia's policy towards refugees is shaped by interrelated factors. It views that as a country which has no formal asylum system, the

³ Cited in Graeme Hugo, "Migration in Southeast Asia since World War 11" in *International migration in Southeast Asia*, edited by Aris Ananta & Evi Nurvidya Arifin (Singapore: Institute of Southeast Asian Studies, 2004), 43.

⁴ In 1996, it was reported that a total of 258 Bosnian Muslims were permitted to resettle in Malaysia. See United States Committee for Refugees World Refugee Survey 1997-Malaysia, 1 January 1997, <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6a8b960>> (accessed 21 November 2007).

⁵ It was reported in 1996 that Malaysia hosted 5,000 Burmese Rohingya refugees and an unknown number of Achehnese in refugee-like circumstances. See United States Committee for Refugees World Refugee Survey 1997-Malaysia, 1 January 1997, <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6a8b960>> (accessed 21 November 2007). In 2003, some 5654 Achehnese and 8979 Rohingyas who sought asylum in Malaysia were issued Temporary Protection Letters (TPL) by the UNHCR. See UNHCR Country Operations Plan 2005-Malaysia, 1 September 2004, <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4180ed564>> (accessed 29 November 2007).

granting of asylum status to asylum seekers in Malaysia often rests on humanitarian, political or foreign policy considerations of Malaysian policymakers.⁶ The study also views that Malaysia's refugee policy can be influenced by administrative issues pertaining to refugees and crops out of governmental ministries or agencies dealing with refugees in the country.⁷

In addition, since the issue of asylum seekers is one of political and social significance to Malaysia, the country's refugee policy can also be affected by factors at the societal level of the country. For example, the perception of the Malaysian public, political parties, politicians etc; on the consequences of asylum seekers' entrance into Malaysia over factors such as, the country's economic stability and ethnic balance, may trigger changes on the country's policies towards refugees in the country.⁸ On the other hand, this study also suggests that external factors such as the UNHCR can affect the government's decisions on asylum seekers. The UNHCR, for instance, through the constructive relationship it has with the government, can influence the latter to provide access of refugee protection to asylum seekers in the country.⁹

As this document is a case study, the author cannot argue that its findings can be generalised to other cases of refugee inflows that have affected Malaysia. Nonetheless, this study is significant. Policy-wise, the study would serve as a foundational study on how decisions concerning refugees are made by the Malaysian

⁶ Sanjugta Vas Des, "Accounting for state approaches to asylum seekers in Australia and Malaysia: The significance of 'national' identity and 'exclusive' citizenship in the struggle against 'irregular' mobility," *Identities: Global Studies in Culture and Power*, vol. 16, no. 1 (2009): 33-60.

⁷ See Azizah Kassim, "Filipino refugees in Sabah: State responses, public stereotypes and the dilemma over their future," *Southeast Asia Studies*, vol. 47, no. 1 (2009): 52-88.

⁸ Sanjugta Vas Des, 36.

⁹ *Ibid.*, 45.

decision-makers and would shed some light in understanding the state's orientation towards the refugees.¹⁰

The scope of this study is confined to the analysis of the Vietnamese refugees' influx from 1975 to 1980. Such a choice of scope can be attributed to two reasons. Firstly, the time period under scrutiny represents the most significant challenges posed by the Vietnamese refugee influx to Malaysian policy makers, who during that time were mainly preoccupied with nation-building.

The influx of Vietnamese refugees occurred in the midst of the Cold War and the Communist expansion in Southeast Asia. It involved refugees who fled from Vietnam, a Communist country. In the 1970s, Communism was still a major threat to Malaysia's domestic policy. Malaysian policy makers were worried about the implications to Malaysia's own national unity and long term national goals by accepting the Vietnamese refugees.

Secondly, the case study on the influx of Vietnamese refugees presents an opportunity to examine the contribution of the UNHCR as one of the factors actively shaping Malaysia's policy in granting 'first asylum' status to the refugees during this period of time. Very rarely has academic attention been given to this agency, although it has been operating in Kuala Lumpur, Malaysia since 1975 when the Vietnamese refugee inflow began. The agency has, since its establishment, contributed to the field of refugee protection in Malaysia. One of its key functions during the Vietnamese refugee influx was to coordinate resettlement for refugees in the 'first asylum' countries.

¹⁰ This study views 'state' in its broader context. 'State' encompasses all the government apparatus and all aspects of society affected by the government. These societal aspects include public opinion, political parties, organized groups etc. See 'state' definition by Anthony Giddens, *The nation state and violence* (Berkeley: University of California Press, 1987), 17, and William Lawrence Neuman, *Power, state and society: An introduction to political sociology* (New York: McGraw Hill Higher Education, 2005), 17.

Although Malaysia has been admitting Vietnamese refugees into her territory from 1975 until the 1990s due to continuous refugee outflows from Vietnam, the time-frame of 1975 to 1980 has been chosen for three reasons. Firstly, this five-year period was the beginning of Malaysia's long commitment as a 'first asylum' country towards the Vietnamese refugees. Secondly, the refugee numbers that reached its peak in 1979¹¹ had considerable impact in Malaysian attitudes towards the refugees. Thirdly, throughout these years, two international meetings on Southeast Asia refugees were convened under the auspices of the UNHCR which, the study argues, had considerable impact thereafter on Malaysia's policy towards granting 'first asylum' status to Vietnamese refugees.

1.2 LITERATURE REVIEW

The field of refugee studies has grown dramatically over the latter part of the twentieth century. The growth in the study of refugee parallels with the rising significance of the phenomenon of forced migration. Refugee studies have attracted political science scholars in a number of ways.

Scholars are concerned with the impact of refugee movements on states, both domestically and internationally,¹² and have developed interest in the international

¹¹ The number of Vietnamese boat people in Malaysia from 1975-1979 was 124,103 out of total 254,495 from 1975-1995, UNHCR, *The state of the world's refugees* (Oxford: Oxford University Press), 98.

¹² Judith Fai-Polidlipnik, "Hungary's relationship with Poland and its refugees during World War II," *East European Quarterly Boulder*, vol. 36, no. 1 (2002): 63-78, Gil Loescher, "Refugee movements and international security," *ADELPHI Papers*, International Institute for Strategic Studies, no.268 (1992): 41-55, David A. Coleman, "International migration: demographic and socioeconomic consequences in the United Kingdom and Europe," *International Migration Review*, vol. 29, no.1 (1995): 155, <<http://www.proquest.umi.com>>.

refugee regime processes, functions and problems.¹³ A number of studies have discussed the pull and push factors of migration or patterns and flows of refugees.¹⁴

One particular area of refugee studies which has received considerable scholarly attention is the field of refugee policy. Scholars of international relations and comparative politics, in particular, have explained and assessed the responses of states towards refugees. States' policies towards refugees vary according to the types and numbers of refugees seeking refuge, and the degree of political, social, and economic implications on the host countries. This variation is the result of states' rational calculation on the nexus between sovereignty and humanitarian concern. Most studies identifying states' responses to refugees comprise three types of durable solutions: providing asylum, repatriation, and third country resettlement.¹⁵

¹³ See Howard Adelman, "From refugees to forced migration: the UNHCR and human security," *International Migration Review*, vol. 35, no.1 (2001): 7-32, Gil Loescher, *The UNHCR and world politics: A perilous path* (Oxford: Oxford University Press, 2002), Raimo Vayrynen, "Funding dilemmas in refugee assistance: political interest and institutional reforms in UNHCR," *International Migration Review*, vol. 35, no.1 (2001): 143-167, S. Alex Cunliffe and Michael Pugh, "The politicization of UNHCR in the former Yugoslavia," *Journal of Refugee Studies*, vol. 10, no. 2 (1997): 134-153, Shelly Pitterman, "International responses to refugee situations: the United Nations High Commissioner for Refugees" in *Refugees and world politics*, edited by Elizabeth G. Ferris (New York: Praeger, 1985), 43-77, Irene Khan, "Protecting the Rights of Refugees" in *Peace studies; an introduction to the concept, scope and themes; South Asian peace studies*, edited by Ranabir Samadar, vol. 1 (New Delhi: Sage, 2004), 190-205, and Astri Suhrke and Kathleen Newland, "UNHCR: Uphill into the future," *International Migration Review*, vol.35, no.1 (2001): 284-302.

¹⁴ See works by Stephen Castles, "The factors that make and unmake migration policies," *International Migration Review*, vol. 38, no. 3 (2004): 852-884, Aristide R. Zolberg, "The formation of new states as a refugee-generating process" in *Refugees and world politics*, edited by Elizabeth G. Ferris (New York: Praeger, 1985), 26-42, Graeme Hugo, "International migration in Southeast Asia since World War II" in *International migration in Southeast Asia*, edited by Aris Ananta and Nurvidya Arifin (Singapore: Institute of Southeast Asian Studies, 2004), 28-70 and Sara Gonzalez Devant, "Displacement in the 2006 Dili Crisis: Dynamics of an ongoing conflict," *Refugee Studies Centre Oxford University*, Working Paper no. 45 (January 2008), <http://www.rsc.ox.ac.uk/PDFs/RSC_workingpaper45.pdf>.

¹⁵ Gallagher Dennis, "Durable solutions in a new political era," *Journal of International Affairs*, vol. 47, no. 2 (1994): 429 <<http://proquest.umi.com>>, Christine A. Stevens, "Asylum seeking in Australia," *International Migration Review*, vol. 36, no. 3 (2002): 864-893, Gil Loescher and Laila Monahan, *Refugees and international relations* (Oxford: Clarendon Press, 1990), Valerie O' Connor Sutter, *The Indochinese refugee dilemma* (Baton Rouge: Louisiana State University Press, 1990), Barry N. Stein, "Durable solutions for developing country refugees," *International Migration Review*, vol.20, no. 2 (1986): 264-282, Graham Wood and Jake Phelan, "Uncertain return to Southern Sudan," *Forced Migration Review*, vol.25 (May 2006): 49-50, <<http://www.fmo.qeh.ox.ac.uk>>.

For convenience, the discussion on literature review on refugee policy is organised and divided into the following two sections: 1) two broad approaches explaining refugee policy, and 2) substance of refugee policy. Then, a discussion is done on studies on refugees in Malaysia. Finally, the gaps within the literature on refugees are presented to conclude this section.

1.2.1 Two Broad Approaches Explaining Refugee Policy

1.2.1.1 Inside-out Approach

In general, research studies on responses of states towards refugees offer explanations using either domestic or systemic variables. In other words, we can study states' responses towards refugees using the 'inside-out' perspective or the 'outside-in' perspective. Studies which follow the 'inside-out' perspective include variables such as, the influence of organized groups, bureaucratic politics, political culture and public opinion.

Many studies on states' responses towards refugees elevate states' policy structures to the status of an important variable in the making of policy on refugee issues. State structures include bureaucracy, the legislature, and executive implications on policy process. For example, a number of studies ponder the making of refugee policy from the bureaucratic model of decision-making.

This type of model, together with the interest group theory, and institutional and organizational approaches, emphasizes the importance of the political system itself. Adelman's¹⁶ study on Canadian refugee policy, for instance, employs the bureaucratic model to explain the struggle of values among Canadian bureaucrats on the issue of the Rwandans' right to repatriation. His analysis provides a useful

¹⁶ Howard Adelman, "The right of repatriation—Canadian refugee policy: The Case of Rwanda," *International Migration Review*, vol.3, no.1 (1996): 289, <<http://www.proquest.umi.com>>.

understanding of the issue from the perspective of a third country dealing with refugees, vis-a-vis the country of origin and with the country of 'first asylum'.

Zucker and Zucker¹⁷ show that bureaucrats play an important role in balancing competing interests on refugee policy. Their study, which focuses on the asylum decisions and asylum admission policy in the United States, assumes that the American refugee policy is swayed by the weight of foreign policy interests, interest group pressures and cost factors. According to them, the outcome of United States' refugee policy reveals that, as rational actors, the bureaucrats base their decisions on cost benefit analysis which sometimes debases foreign policy arguments.¹⁸

Several other studies carried out by Ravi¹⁹ and Dirks,²⁰ look at the workings of the legislature in examining states' responses towards refugees. Focusing on the refugee protection policy in India, Ravi provides an interesting insight on the role of legal bureaucratic decisions in the making of India's refugee-protection policy. Ravi's study is not a comprehensive account of how policy is formulated. However, he employs the input-output approach of the systems theory and shows that legal-bureaucratic decisions affect subsequent refugee policy decisions. This suggests that legal bureaucratic decisions can be regarded as independent variables.

Dirks' study reveals that despite humanitarian concerns, Canada has responded to refugees in a pragmatic way by taking into account its overall economic and national objectives. In Dirks' view, Canadian immigration law has played a prominent

¹⁷ Norman L. Zucker and Naomi F. Zucker "The uneasy troika in US refugee policy: Foreign policy, pressure groups, and resettlement costs," *Journal of Refugees Studies*, vol.2, no.3 (1989): 359-372.

¹⁸ Ibid., 360.

¹⁹ Ravi Nair, "Refugee protection in South Asia," *Journal of International Affairs*, vol.51, no. 1 (1997): 201-220, <<http://www.proquest.umi.com>>.

²⁰ Gerald Dirks, "Canadian refugee policy: Humanitarian and political determinants" in *Refugees and world politics*, edited by Elizabeth G. Ferris (New York: Praeger, 1985), 120-135.

role due to a strong connection between its refugee policy and the country's overall immigration objectives.²¹

Decisions on refugee matters are not solely the product of the state's competing organizational interests. In many democratic countries like the United States and its European counterparts, a pluralist political culture provides a leeway for organized interest groups to take part in the state's external policy processes. A number of research documents show that states' refugee and asylum policies have been shaped by politically organized interest groups, such as labour unions, kinship networks, various diasporas, migration lawyers, civil libertarians and humanitarian advocates.²²

These research documents reveal the making of policy towards asylum seekers and refugees in pluralist states as society-centric. For example, the role of liberals inside liberal democracies is seen as incumbent in eliminating unequal state treatment towards the immigrants. Liberals are those who devote their attention to international norms as a constitutive principle of liberal-nation states, and give equal moral weight to the welfare of all individuals, regardless of nationality.²³ The liberal theory is applicable when a state has distinctively well-established liberal institutions, and enables scholars to highlight the competing values or norms among humanitarian advocates and liberal courts.

²¹ Ibid., 134.

²² See works done by Connie G. Oxford, "Protectors and victims in the gender regime of asylum," *National Women's Studies Association Journal*, vol.17, no.3 (2005): 18-38, Zachary Whyte, "Fake passports and appointed communities; Nation and transnationalism in the Danish asylum system" in *Middle East and North African immigrants in Europe*, edited by Ahmed Al-Shahi and Richard Lawless (London: Routledge, 2005), 263-274 and Aspasia Papadopoulou, "Give us asylum and help us leave the country! Kurdish asylum seekers in Greece and the politics of reception" in *Middle East and North African immigrants in Europe*, edited by Ahmed Al-Shahi and Richard Lawless (London: Routledge, 2005), 247-262.

²³ Christina Boswell, *The ethics of refugee policy* (England: Ashgate, 2005), 4.