

The Rohingyas: Security Implications for ASEAN and Beyond

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Summary

In the last two months, the large-scale exodus of Rohingyas towards the coastlines of Thailand, Indonesia and Malaysia has been a concern not only for the region but also for the international community. Undoubtedly, the primary reasons of this mass exodus of a Muslim minority community from a Buddhist majority country can be found in the domestic socio-political situation in Myanmar. At the same time, we must not overlook another crucial aspect of the limits of ASEAN, the oldest regional organisation in the region, in handling an issue which is not only a humanitarian crisis, but also has serious security implications for the region and beyond.

Introduction

The Rohingya exodus has re-emerged as a point of concern for Southeast Asia since late April 2015. The recent crisis is a complex mix resulting from ethnic cleansing and sectarian violence inside Myanmar, human trafficking, illegal and irregular movement of people in Southeast Asia, lack of coordination in tackling human rights issues of this magnitude within the Association of Southeast Asian Nations (ASEAN) member states and a negligent approach towards social and democratic rights of people in the region. It is important to pay attention to the recent exodus of Rohingyas for several reasons. First, as Myanmar is fast approaching the next general election in late 2015, it is worth watching how the country is treating its minority. This would also explain the main drivers behind the crisis. Second, it would be logical to see how ASEAN, as a regional organisation, is responding to this situation which beckons urgent action. The way ASEAN is handling the Rohingya issue not only demonstrates the lack of proper institutional mechanism and political agreement within the regional grouping, but also showcases difference of opinion within its members. As the 48 year old organisation is moving towards building an ASEAN Community by the end of 2015, it would be interesting to watch its response and analyse its limitations towards resolving the Rohingya crisis (or the issue of the boat people, as often referred to by the media). Finally, it is important to understand the larger security implications of the Rohingya crisis.

The recent crisis has received large-scale attention from the international community as pictures of a great multitude of Rohingyas stranded in boats, accompanied with news about their abandonment by the Southeast Asian countries have been widely circulated and published by the media. Some rough estimates place the number of recently displaced Rohingyas at 8000. Malaysia, Indonesia and Thailand have denied taking responsibility and Myanmar has mentioned that no evidence is available regarding their origin of movement from Myanmar. Myanmar also indicates that there are many Bangladeshis in the boats and henceforth, the country cannot be blamed for this influx. The Rohingya migration within the region however is not an isolated instance of illegal movement of people in Southeast Asia. In fact, since 1980s, the region has been witnessing intra-regional migration, caused by socio-economic and political factors.¹

¹ Kaur, A. "On the Move: International Migration in South-east Asia since the 1980s", *History Compass*, 2007, 5(2):302-313. As cited in Larsen, Jacqueline Joudo, "Migration and People Trafficking in Southeast Asia", *Trends and Issues in Crime and Criminal Justice*, 401, November 2010, Australian Institute of Criminology, Australian Government, at http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi401.pdf, (Accessed on May 19, 2015).

Rohingyas and their Moves: A Brief History

The irregular and illegal movement of Rohingyas is not a recent phenomenon. The 1982 Citizenship Law in former Burma made the Rohingyas stateless people. They are perhaps one of the most persecuted minorities in the world. The government of Myanmar has severely restricted their freedom of movement; and denied them basic human rights (including land rights) which are necessities of a dignified living in any part of the world. United Nations High Commissioner for Refugees (UNHCR) estimates that approximately 800,000 people live in Rakhine state (traditional Rohingya base in Myanmar).² Harassment and discrimination forced them to leave Burma and the trend witnessed a surge since the late 1980s, shortly after the military government staged a coup-d'état in the country and came to power by weakening the democratic movement and ignoring the outcome of the general election held in the same year. Zafar Ahmad bin Abdul Ghani's story is one example. He was a Rohingya living in the then Burma who fled persecution in 1988. He first moved to Bangladesh, then to India. He then undertook a boat journey to Thailand only to be caught by the Thai Police who handed him over to an 'agency'. Zafar finally reached Malaysia in 1992 after paying the 'agency' \$300. He was lucky that he could borrow the required amount from his relatives in Thailand.³ Another story is of 27 year-old Mohammed Salim Ullah's, who migrated to Delhi along with his wife and 2 year-old son in 2012. Ullah said in an interview that the brutality on the Rohingyas by the government forces in Myanmar is endless and he has no reason to expect any change. He runs a small tea-shop in the settlement where they live along with 60 other Rohingya families in a slum (without access to clean water, sanitation and electricity) and he prefers to stay here rather than going back to his own country because of the freedom of religion and movement being enjoyed here.⁴ The reluctance of the Rohingya migrants living in low-lying slums in Delhi and other states in India to return to Myanmar reflects on the much worse situation back home in Rakhine state. They prefer staying in other countries, even though there is very little hope of any change in their everyday life which is at stake as they are not eligible for any civic rights except the scanty aid provided by the UNHCR. Like Zafar and Ullah, there were thousands of Rohingyas who fled from Burma and reached various destinations including Bangladesh, India, Pakistan, Saudi Arabia, China, Australia and various Southeast Asian nations. While most of them undertook the boat journey, few of them could acquire (illegal) passports of other countries (like Bangladesh) and reached third countries.⁵ The Burmese/

² "Myanmar Global Appeal 2015 Update", *UNHCR*, 2015, at <http://www.unhcr.org/5461e60bc.html>, (Accessed on May 19, 2015).

³ "Rohingya the Easy Prey", *The Daily Star*, May 19, 2015, at <http://www.nationmultimedia.com/aec/Rohingya-the-easy-prey-30259691.html>, (Accessed on May 20, 2015).

⁴ "Delhi Slum Better Than Life in Myanmar, Rohingyas Say", *Radio Free Asia*, May 19, 2015, at <http://www.rfa.org/english/news/myanmar/india-rohingya-05192015101001.html>, (Accessed on, May 20, 2015).

⁵ See Note 3.

Myanmar government believes that Rohingyas are migrants from Bangladesh who moved to Burma during the British period and hence, they are not native to Myanmar. Derogatory words like 'Kala' are often used to describe the Rohingyas who are considered *Bengalis* by Myanmar. Bangladesh is the largest recipient of Rohingya refugees and as of now, around 32,000 Rohingyas are staying in the camps run by UNHCR in Bangladesh and an approximate 50,000 are living outside the camps.⁶ They fled from Burma/Myanmar in various waves since the 1970s. These are rough estimates and actual figures are likely to be much higher.

Table 1: Figures of Internally Displaced Population (IDP) in Myanmar (as of September 2014)

IDPs in Kachin State	97,000
IDPs in Rakhine State	140,000
IDPs in Southeast Myanmar (Mon, Kayah, Kayin States and Tanintharyi Region)	230,400
People Without Citizenship	1,090,000

Source: UNHCR⁷

The recent crisis has received large-scale attention for few reasons. Myanmar is a country which is being closely watched as after five decades of military government, the country has its first nominally civilian government since late 2010 and is slowly and gradually transiting towards democracy. Most of the financial and economic sanctions imposed on the country have been lifted by the United States, European Union, Australia and other countries who had placed those restrictions during the *Junta* era. Myanmar is now considered as one of the last frontiers of globalisation and the country is receiving huge foreign investments in fields like infrastructure, energy, human resources development, health care etc. World leaders have shown their optimism regarding the path that Myanmar has taken towards democracy. However, there are three issues which are still jeopardising the image of Myanmar and its government. These include the problem of ethnic unrest which is still persistent despite the government's efforts to sign a nation-wide ceasefire agreement; the issue of amendment of the Constitution which bars Daw Aung Saan Suu Kyi from participating in the upcoming general election in late 2015; and the issue of Rohingyas and their rights. Rohingyas, as mentioned earlier, are a continuing victim of discrimination and oppression in Myanmar, both by the government and by the majority community,

⁶ See Note 3.

⁷ "Myanmar Factsheet 2014", UNHCR, September 2014, at <http://www.unhcr.org/50001cf99.html>, (Accessed on May 20, 2015).

predominantly Buddhists. In an attempt to further discriminate against the religious minorities (including Rohingyas) the Myanmar government has been trying to pass a package of few acts including the Religious Conversion Bill, Buddhist Women's Special Marriage Bill, the Monogamy Bill and the Population Control Healthcare Bill. In March 2015, the government has withdrawn the white cards or temporary registration cards which had enabled the Rohingyas to cast their votes in 2010 general election that ended the five decades of *Junta* rule in Myanmar. During the last census in Myanmar organised in 2014, the Rohingyas were instructed to identify themselves as 'Bengalis'. The Burmans too (the ethnic majority community in Myanmar) have shown their hostility towards the Rohingyas many times. The 2012 riots in Rakhine state forced the displacement of nearly 100,000 Rohingyas. President Thein Sein declared an emergency but did little to recognise the Rohingyas. Even last year, nearly 140,000 Muslims were displaced as riots surfaced in the aftermath of a killing of a Buddhist monk and gang-rape of a Buddhist woman.⁸ Inside Myanmar, the Rohingyas, thus, not only face the wrath of the government but are also victims of sectarian violence with no one coming to their rescue but for a few international human rights groups. On May 19, Myanmar's Foreign Ministry issued a media statement and mentioned that the Myanmar government is concerned for the boat people, but Myanmar cannot be held responsible for this problem and a long-term solution is required. Nowhere in the statement has the government acknowledged that it would consider giving the citizenship to the Rohingyas.⁹

Response from Neighbours and Beyond

The plight of the Rohingyas does not seem to end and pictures taken by reporters, volunteers and staff of international human rights organisations are a testament to this. However, UNHCR data show that even before the recent displacement, the agency office in Indonesia has already received 888 refugees from Myanmar as of September 2014.¹⁰ One UNHCR report indicates that till May 19, a total of 1396 boat people have landed in Indonesia, 1107 at Malaysia and 106 in southern Thailand.¹¹ The same report indicates

⁸ "An ASEAN Emergency", Editorial, *Jakarta Post*, May 18, 2015, at https://www.google.co.in/search?hl=en&gl=in&tbn=nws&authuser=0&q=ASEAN&oq=ASEAN&gs_l=news-cc.3..43j0110j43i53.737146.738040.0.738616.5.4.0.1.1.0.324.431.3j3-1.4.0...0.0...1ac.1.7ERXzta01Wg#hl=en-IN&gl=in&authuser=0&q=Rohingya+issue, (Accessed on May 19, 2015).

⁹ McKirdy, Euan and Mohsin, Saima, "Lost at sea, unwanted: The plight of Myanmar's Rohingya 'boat people'", *CNN*, May 20, 2015, at <http://edition.cnn.com/2015/05/19/asia/rohingya-refugee-ships-explainer/index.html>, (Accessed on May 21, 2015).

¹⁰ "Indonesia Factsheet 2014", *UNHCR*, September 2014, at <http://www.unhcr.org/50001bda9.html>, (Accessed on May 20, 2015).

¹¹ "UNHCR says time running out for stranded boat people; urges South-east Asian governments to act", *UNHCR*, May 19, 2015, at <http://www.unhcr.org/555b03ee9.html>, (Accessed on May 20, 2015).

that another 4000 were stranded in water as of May 19. The concerned countries in the region are worried that if they accept the Rohingya refugees from Myanmar, they would have to accept the Bangladeshi economic migrants too who are on the same boats.

Thus, Myanmar is not the only country refusing accountability towards the Rohingyas; its other ASEAN neighbours too are on the same track. The recent problem emerged as the poverty-stricken Rohingyas, in their attempt to flee the camps, were lured into human trafficking. Their alleged traffickers abandoned them as they understood that no ASEAN country is ready to welcome them. Now as they are helpless stranded in the water, Thailand, Malaysia and Indonesia conveyed their strong reservation to accepting them as permanent settlers in their territories. Among these countries Malaysia, has been a favourite destination for many Rohingyas until recently as the country is in need of cheap labour. Even this time, the boat people were quite sure and optimistic about their destinations in these countries. Unfortunately, for them, while the push factors in Myanmar are still in force, the pull factor has suddenly disappeared. Malaysia, which recently hosted the 26th ASEAN Summit in Kuala Lumpur and Langkawi in April 2015 under the theme of *Our People, Our Vision, Our Community* did not take long to forget about the 'people' of the region except providing them with temporary shelter, food and medicine as decided in a meeting between the foreign ministers of Indonesia, Malaysia and Thailand on May 20 at Putrajaya in Malaysia.¹² The Joint Statement issued by the Foreign Ministries of Thailand, Malaysia and Indonesia mentioned that 7000 stranded people will be given humanitarian assistance on a temporary basis.¹³ Besides ASEAN members, the UNHCR has been assisting the internally displaced Rohingyas in Rakhine state as well as in Bangladesh through camps and shelters. On May 19, UNHCR along with the Office of the High Commissioner for Human Rights (OHCHR), International Organisation for Migration (IOM) and Special Representative of the UN Secretary-General for International Migration and Development (SRSG) issued a Joint Statement urging Southeast Asian countries, especially, Indonesia, Malaysia and Thailand to take urgent action towards search and rescue operations, to work in accordance with the *principle of non-refoulement* and other basic human rights, avoid imprisonment of the boat people, act against traffickers and smugglers and strengthen international

¹² "Breakthrough in Asian migrant crisis as Indonesia and Malaysia agree to help", The Guardian, May 20, 2015, at <http://www.theguardian.com/world/2015/may/20/hundreds-more-migrants-rescued-off-indonesia-as-pope-calls-for-help>, (Accessed on May 21, 2015).

¹³ "Joint Statement: Ministerial Meeting on Irregular Movement of People in Southeast Asia", Ministry of Foreign Affairs, Malaysia, May 20, 2015, at http://www.kln.gov.my/web/guest/press-release/-/asset_publisher/t3pS/content/joint-statement:-ministerial-meeting-on-irregular-movement-of-people-in-southeast-asia-english-version-only?redirect=%2Fweb%2Fguest%2Fpress-release, (Accessed on May 21, 2015).

cooperation vis-à-vis the push factors – the original factors responsible for the move of the Rohingyas.¹⁴

The Philippines, a relatively distant neighbour of Myanmar, has offered official help to the boat people. Its Presidential Communications Operation Office's spokesperson, Herminio Coloma Jr. mentioned in a statement that Philippines would extend humanitarian assistance to the boat people and do the needful as sketched under the 1951 Convention Relating to the Status of Refugees, to which Philippines is a signatory.¹⁵ Indonesia, Malaysia, Thailand and Myanmar are not parties to the 1951 Convention or its 1967 Protocol.

Rohingyas and the Limits of ASEAN Community

The ASEAN Secretariat has not yet issued any official statement on the issue. So far, ASEAN has not been successful in formulating a legal framework to address the issues of refugees, illegal migration and movement. The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) makes a reference to a free environment as well as equity for the workers who migrate in search of better livelihood within ASEAN. Likewise, in 2012, ASEAN adopted the ASEAN Human Rights Declaration. But in an ethos where the ASEAN Way and its principle of non-interference are of primary importance, none of these documents had any mention about addressing the root causes of illegal movement (which are often found in the domestic situation of a country) of people across the region. In a true sense, the non-interference policy of ASEAN is holding it back as the organisation has incapacitated itself from devising any strong policy that can prevent a member from harming its own people.¹⁶ In 2014, when Myanmar was the country chair of ASEAN, it took the advantage of the policy of non-interference of the grouping and successfully kept the Rohingya agenda out of the ASEAN Summit and its Foreign Ministers' meeting.¹⁷ ASEAN is now looking to adopt an ASEAN Convention on Trafficking in Persons (ACTIP) and a related action-oriented document, the Regional Plan of Action (RPA). Both

¹⁴ "Joint Statement by UNHCR, OHCHR, IOM and SRSG for Migration and Development: Search and rescue at sea, disembarkation, and protection of the human rights of refugees and migrants now imperative to save lives in the Bay of Bengal and Andaman Sea", *UNHCR Press Release*, May 19, 2015, at <http://www.unhcr.org/555aee739.html>, (Accessed on May 21, 2015).

¹⁵ See Note 9.

¹⁶ "Amid migrant crisis, ASEAN's noninterventionist policy comes under fire", *AFP-Jiji*, May 17, 2015, at <http://www.japantimes.co.jp/news/2015/05/17/asia-pacific/amid-migrant-crisis-aseans-noninterventionist-policy-comes-under-fire/#.VVmJGPBQ2Vp>, (Accessed on May 19, 2015).

¹⁷ McLaughlin, Tim and Lynn Aung, Nyan, "Govt succeeds in keeping Rohingya off ASEAN Summit agenda", *Myanmar Times*, May 12, 2014, at <http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/10324-govt-succeeds-in-keeping-rohingya-off-asean-summit-agenda.html>, (Accessed on May 27, 2015).

these drafts will be submitted at the 10th ASEAN Ministerial Meeting on Transnational Crime (AMMTC), to be held in Kula Lumpur on September 28 to October 1, 2015.¹⁸ The Rohingya issue and ASEAN's little attention to the problem actually puts a question mark on the regional organisation's much-hyped ASEAN Community project which is expected to be achieved by the end of 2015. It seems like the group and its members are talking about a community minus its people.

In the latest movement, the Rohingyas from Myanmar and Bangladesh boarded on boats and sailed towards Thailand. In the face of the Thai government's vigorous attempt to curb irregular movement of people along its shore, the boats were diverted towards Indonesia and Malaysia. While closing Malaysia's door to the displaced people, its Deputy Home Minister Wan Junaidi Tuanku Jaafar said, "We need to send a very strong message to Myanmar that they need to treat their people with humanity".¹⁹ Tan Sri Muhyiddin Yassin, Malaysia's Deputy Prime Minister mentioned that Myanmar government has to take the responsibility of the recent influx of the Rohingya people and other ASEAN countries should not be burdened with this.²⁰ Former ASEAN Secretary General Surin Pitsuwan, who is a Thai national, categorically stated that the origin of the boat people is not Thailand. However, he admitted to Thai traffickers' involvement in the incident. As a whole, the ASEAN countries are busy in blame-game while avoiding their own responsibilities. The fact is, countries in Southeast Asia, especially, Malaysia, Indonesia and Thailand have already adopted a huge number of Rohingyas and therefore, it is not surprising that they are now unwilling to take any further responsibilities. The concerned members of ASEAN are however trying to resolve the issue amicably as they are signatories to Jakarta Declaration on Addressing the Irregular Movement of Persons. In 2013, Indonesia, Malaysia and Myanmar became signatories to the Jakarta Declaration and pledged to foster "political, social and economic conditions to mitigate the underlying factors that make individuals more vulnerable to irregular migration" as well as recognised the need for collaboration between countries of origin, transit and destination to resolve issues of illegal migration and trafficking mutually and peacefully.²¹ In view of that, ASEAN countries will host a

¹⁸ "Recent Influx of Illegal Immigrants from Myanmar And Bangladesh into Malaysia", Ministry of Foreign Affairs, Malaysia, May 15, 2015, at http://www.kln.gov.my/web/guest/press-release/-/asset_publisher/t3pS/content/recent-influx-of-illegal-immigrants-from-myanmar-and-bangladesh-into-malaysia?redirect=%2Fweb%2Fguest%2Fpress-release, (Accessed on May 19, 2015).

¹⁹ See Note 8.

²⁰ "Malaysia DPM: It's Myanmar govt's woes, not ASEAN", *Asia One.com*, May 18, 2015, at <http://news.asiaone.com/news/malaysia/malaysia-dpm-its-myanmar-govts-woes-not-asean>, (Accessed on May 19, 2015).

²¹ See Note 8 and Sukumaran, Anoop, "Forced Migration in the ASEAN", *Asia-Pacific Refugee Rights Network*, at <http://aseanpeople.org/wp-content/uploads/2014/03/HR21-Forced-Migration-in-South-East-Asia-Presentation-1.pdf>, (Accessed on May 19, 2015).

talk on May 29 on the issue in Thailand to resolve the catastrophe. Initially, Myanmar responded to this invitation negatively. Zaw Htay, a Director in the office of President Thein Sein, mentioned that Myanmar will not participate in the meeting if the name 'Rohingya' is mentioned.²² However, after holding separate meetings with the visiting Foreign ministers of Indonesia and Malaysia, President Thein Sein softened his attitude and Myanmar declared that its representative would participate in the meeting. It was however decided that the name 'Rohingya' would not be used during the discussion. Hence, it is unlikely that the ASEAN talk would be able to crack the issue. On the contrary, it actually proves how inept ASEAN is in handling such issues as a regional organisation. The ineffectiveness of ASEAN in handling the issue of illegal migration has also been tested earlier when few hundred forced labourers, mostly from Myanmar, were rescued from Benjina Island in Indonesia, as they were deprived of basic facilities including food and payment for work on a regular basis. Even those labourers had illegally migrated to Indonesia in search of daily earning of wages. In fact, illegal migration and trafficking are rampant in ASEAN especially from the countries like Myanmar, Laos and Cambodia to countries like Indonesia, Malaysia and Thailand.

Security Implications of Neglect of Rohingyas

At the time of writing, according to the UNHCR report, several hundred Rohingyas (the recent boat people) have been forced to go back to Myanmar as they found it difficult to enter countries like Thailand, Indonesia or Malaysia.²³ For their return, they paid approximately US\$ 200 to the agencies that brought them to the shores of those countries. Largely, the ASEAN countries feel that it should be the government of Myanmar's concern to prevent illegal migration of the Rohingyas to the neighbouring countries. Countries like Indonesia and Malaysia have only agreed to assist the Rohingya migrants with temporary relief which is no permanent solution to the problem. The question is, whether ASEAN members can deny responsibilities towards its people, as it aims to create an ASEAN Community by the end of 2015 where economic integration is not the sole criterion, socio-cultural issues and political security do have their due share in forming an integrated ASEAN Community. Shared sense of responsibility, protection of human rights, social rights and justice and social welfare- all are parts of the projected ASEAN Community and by denying responsibilities towards the Rohingyas, ASEAN is actually contradicting its own agenda. The response from the international political community too is not very encouraging. The US, EU and neighbours like India and China are most unlikely to exert international pressure on Myanmar to stop discriminating against the Rohingyas largely because of their own economic interests in the country. Therefore, any lasting solution to the humanitarian aspect of the problem seems unattainable right now. In the meantime, one should not overlook

²² See Note 9.

²³ See Note 11.

another equally serious implication of the unaddressed Rohingya issue. A few months ago, the Islamic State has announced their possible future operational areas, which also include Myanmar, a country where Muslim population has to face discrimination based on their ethnicity and religion. Hence, it is likely that the dreadful experience of the boat people and other Rohingyas living inside Myanmar and other Southeast Asian countries may push them towards Islamic extremism. This adds to the reasons why the Rohingya issue requires immediate attention not only from Myanmar, but also its regional neighbours and the international community.

Conclusion

The Rohingya issue has so far been a concern of the human rights groups. The government of Myanmar has been urged to stop discriminating against the Rohingyas based on their religion and ethnicity. The Myanmar government, on the other hand, has always claimed that the Rohingyas are migrants from Bangladesh and hence, they should be deported there. However, in this tussle of words, the security aspect of the Rohingya issue has largely been overlooked. Illegal movement of people, combined with human trafficking and cross-border migration, can weaken Myanmar's relations with its neighbour Bangladesh and its ASEAN partners. It may, in effect, undermine ASEAN's efforts towards integration by spoiling mutual trust and confidence in each other. In addition, continuous ethnic violence inside Myanmar goes against its own agenda of being recognised as a democratic nation. In view of that, it can be concluded that Myanmar needs to take a pragmatic approach towards the Rohingyas and denying responsibilities would result in more criticalities not only for the country, but also for the region as a whole.