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THE CRISIS OF THE ROHINGYA AS A MUSLIM MINORITY IN MYANMAR AND ASEAN'S RESPONSE TO THE ROHINGYA REFUGEES

This paper explores the crisis of Rohingya as a Muslim minority in Myanmar and their forced migration to countries of Southeast Asia. The Rohingya problem is considered as composed of various clusters of past and present human rights violations in Myanmar which has caused their forced migration to neighboring countries of ASEAN, such as Bangladesh, Malaysia, Indonesia, the Philippines and Thailand, on boats through the waters of the Malacca Strait and the Andaman Sea.

This study analyzes the local and international responses to manage and resolve the Rohingya problems as well. For understanding the nature of this problem, the forced migration of the Rohingya to countries of Southeast Asia and its internationalization process are also singled out.

Keywords: ASEAN, Rohingya, Myanmar, South East Asia (SEA), the United Nations High Commissioner for Refugees (UNHCR).

*«It is difficult for anyone who has never been
forcibly displaced to imagine what it is like to be a refugee»
Kofi Annan*

Problem in general and its relationship with important scientific and practical tasks. The Rohingya crisis is a human rights crisis with serious humanitarian consequences. In Myanmar, the Rohingya have very limited access to basic services and viable livelihood opportunities due to strict movement restrictions and denied citizenship rights. This has rendered them one of the largest stateless populations in the world.

The purpose of the study is exploring the crisis of Rohingya in order to understand the nature of this issue in Myanmar and ASEAN's response to this problem.

Analysis of recent research and publications. The analysis of foreign and Ukrainian publications on this subject demonstrates that foreign researchers highlighted the issue of Rohingya crisis more often and thoroughly.

The main material studies with full justification of scientific results. The Rohingya, an ethnic minority of Myanmar (previously known as Burma) is one of the most persecuted groups of people in the world. They speak a version of Chittagonian, a regional dialect of Bengali which is also used extensively throughout south-eastern Bangladesh. The Rohingyas are virtually friendless amongst the Myanmar group of other ethnic, linguistic and religious communities. They were not formally recognized as one of the country's official national groups when the country gained independence in 1947, and they were excluded from both the full and the associate citizenship when these categories were introduced by the 1982 Citizenship Act¹.

Back in the fifteenth century, history of the Rohingyas can be traced back when Muslims originally migrated to the Arakan Kingdom known today as the Rakhine State, which is a part of Myanmar. Myanmar together with Bangladesh were both British colonies for a time. That being so, Muslims from Bangladesh migrated and made their journey to Myanmar. Majority of the Rohingyas live in the Rakhine State. They represent the largest percentage of Muslims in Myanmar. They claim a long-standing connection to the Rakhine State and identify themselves as a distinct ethnic group with their own language and culture. These

¹ Al Imran, H., Md. Nannu, M. (2014). *The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy*. Dhaka, Bangladesh: Infinity, 235.

claims were successively rejected by the Government of Myanmar, excluding the Rohingyas from the list of recognised 135 ethnic groups of Myanmar¹.

The 1982 Citizenship law of Myanmar left the Rohingyas as stateless and rendered them illegal migrants in their own country. According to the new citizenship law, there were three categories of citizens: full, associated, and naturalized citizens. The Rohingyas don't fulfill any of these three criteria. They are the only ethnic group in Myanmar restricted from marriage, traveling beyond their village or building as well as maintaining religious structures. In addition, they are subject to frequent forced labor, arbitrary taxation, and sexual violence and land confiscations by the Nasaka. Even, Rohingya women cannot become pregnant without official permission. Some deliver their babies secretly in Bangladesh and many young couples flee to Bangladesh because of the inability to obtain permission to marry in Myanmar.

It has been criticized that the effect of the Burma Citizenship Law 1982 is to make it almost impossible for the Rohingya to gain citizenship. This violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child and international norms prohibiting discrimination of racial and religious minorities. The legal and practical constraints imposed by the Burma Citizenship Law 1982 render it «almost impossible» for the Rohingyas to be recognized as the legitimate citizens of Burma.

Because of such discrimination, large numbers of Rohingyas have left Myanmar and taken up residence elsewhere. While there is a general lack of precision with respect to the number of people involved, they are estimated to be up to 400,000 in Bangladesh, a similar number in the Gulf States, some 200,000 in Pakistan, 20,000 in Thailand and 15,000 in Malaysia. UNHCR estimates some 750,000 Rohingyas remain in northern Rakhine state and other parts of Myanmar².

In 2013, the president Thein Sein made public statements towards the Rohingya issue in the Rakhine State. He publicly announced that, «outside elements are just exaggerating, fabricating news, there is no ethnic cleansing whatsoever», and that, there is «a peaceful and harmonious society in Rakhine State»³. These statements, however, voices out a different story when a violence occurred in June and October 2012, where at least 192 Rohingyas were killed and close to 150,000 homeless⁴.

The deadly violence erupted between ethnic Arakanese Buddhists and Rohingya Muslims in early June 2012 in Burma's Arakan State began as sectarian clashes in four townships. When violence resumed in October, it engulfed nine more townships and became a coordinated campaign to forcibly relocate or remove the state's Muslims.

The October attacks were against Rohingya and Kaman Muslim communities and were organized, incited, and committed by local Arakanese political party operatives, the Buddhist monkhood, and ordinary Arakanese, at times directly supported by state security forces. Rohingya men, women, and children were killed, some were buried in mass graves, and their villages and neighborhoods were razed. While the state security forces in some instances intervened to prevent violence and protect fleeing Muslims, more frequently they stood aside during attacks or directly supported the assailants, committing killings and other abuses. In the months since the violence, the Burmese government of President Thein Sein has taken no serious steps to hold accountable those responsible or to prevent future outbreaks of violence.

In the Aung Mingalar area of Sittwe, the Arakan State capital, the government has imposed such severe restrictions on the remaining Muslim residents that they are effectively locked up in their own neighborhood. United Nations officials have been denied access to them.

The violence in October was clearly much more organized and planned. For months, local Arakanese political party officials and senior Buddhist monks publicly vilified the Rohingya population and described them as a threat to Arakan State. On October 23, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons descended upon and attacked Muslim villages in nine townships throughout the state. State security forces either failed to intervene or participated directly in the violence. In some cases, attacks occurred simultaneously in townships separated by considerable distance.

¹ Kimberly, R.G. (2017). *Examining the ASEAN Intergovernmental commission on human rights (AICHR): the case study of the Rohingya crisis*. The Netherlands: Tilburg University.

² Al Imran, H., Md. Nannu, M. (2014). *The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy*. Dhaka, Bangladesh: Infinity, 235.

³ Kimberly, R.G. (2017). *Examining the ASEAN Intergovernmental commission on human rights (AICHR): the case study of the Rohingya crisis*. The Netherlands: Tilburg University.

⁴ The Rohingya crisis. <<http://edition.cnn.com/specials/asia/rohingya>>.

In the deadliest incident, on October 23 at least 70 Rohingya were killed in a massacre in Yan Thei village in Mrauk-U Township. Despite warning of the attack, only a small number of riot police, local police, and army soldiers were on duty to provide security. Instead of preventing the attack by the Arakanese mob or escorting the villagers to safety, they assisted the killings by disarming the Rohingya of their sticks and other rudimentary weapons they carried to defend themselves.

Satellite images obtained by Human Rights Watch from just 5 of the 13 townships that experienced violence since June 2012 show 27 unique zones of destruction. Images of affected areas in Sittwe, depicting destruction that occurred in June 2012, show 2,558 destroyed structures. Those from 4 of the 9 townships that experienced violence in October show 2,304 destroyed structures. This partial picture of the violence means that at least 4,862 structures were destroyed in Arakan State since June, altogether covering 348 acres of mostly residential property¹.

The recent events in Myanmar's south western province of Rakhine have drawn considerable global and local attention. Dubbed as «clearance operations» by the Myanmar's government, nearly 436,000 Rohingya Muslims have fled from their homes in northern Rakhine regions into neighboring Bangladesh, while approximately 400 people have been killed since August 24, 2017.

The Myanmar's government claims that the ongoing operations in the northern Rakhine region is being carried out in response to terrorist attacks conducted by the Arakan Rohingya Salvation Army (ARSA) that killed 11 members of the security forces.

The issue and origins of the latest violence directed against ethnic Muslim in the Rakhine province cannot be seen in the narrow context of terrorism as the history of dispute is old and the current political context unique enough to warrant a deeper inspection².

The exodus of Rohingya from Rakhine state has sparked concerns that politicians in countries such as Malaysia, Indonesia, Bangladesh and India could seek to capitalize on public anger over the treatment of a group that is considered stateless in Buddhist-majority Myanmar.

The militant group al-Qaida has also urged Muslims, especially those in Bangladesh, India, Pakistan and the Philippines, to support Rohingya in Myanmar financially, militarily and physically, warning that Myanmar will face «punishment» for its «crimes»³.

ASEAN has been adopting a policy of constructive engagement towards Myanmar since its process of democratization. It was quite useful back then, but from 2012 onwards when the plight of Rohingya people began to suffer again, the policy «proved counterproductive and even divisive as ASEAN was placed in a quandary to pressure the Myanmar government regarding the Rohingya issue».

To step into the Rohingya crisis, using the refugee threat argument was not useful since refugees are seen as a non-traditional threat and ASEAN lacks effective instruments and mechanisms. Therefore, the Rohingya crisis has no longer local consequences, but the potential growth of terrorist network across Southeast Asia, which means ASEAN needs to put aside its non-interference principle to present its regional solution. ASEAN could recall on the full implementation of the ASEAN Convention on Counter Terrorism (ACCT) and the ASEAN Comprehensive Plan of Action on Counter Terrorism (ACPoAonCT). Through these frameworks, ASEAN may persuade other member states to raise awareness of the terrorist threat in the region and support Myanmar to solve this problem. However, it may be not easy since Myanmar argues that its military is currently combating the Arakan Rohingya Salvation Army (ARSA) which Myanmar perceived as a terrorist movement. Thus, the first task for ASEAN is to identify the root problems from ARSA's violence besides analyzing the Myanmar's military forces arguments. Therefore, ASEAN could provide continuous dialogue with Myanmar and other member states concerned and search for suitable regulations. The adherence of noninterference principle could be put aside if ASEAN could recognize the regional consequences because of the humanitarian crisis of the Rohingya people, as ASEAN did in the past when it did not entirely abide by its non-interference principle when it urged the democratization process of Myanmar in 2005. Thus, ASEAN could also endorse its own moral foreign

¹ All You Can Do is Pray. <<https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims#page>>.

² The Rohingya Crisis: History and Politics. <http://issi.org.pk/wp-content/uploads/2017/10/IB_Majid_dated_02-10-2017.pdf> (2017, October, 02).

³ Security concerns build in South Asia as Rohingya crisis worsens. <<https://www.japantimes.co.jp/news/2017/09/15/asia-pacific/security-concerns-build-south-asia-rohingya-crisis-worsens/#.WisIW99I-Mo>> (2017, September, 07).

policy in response to the human rights violations of the Rohingya Muslims through the ASEAN Intergovernmental Commission on Human Rights¹.

Since the 1980s, the Rohingyas have been seeking refuge in **Malaysia**. Records show that UNCHR in Malaysia registers about 150,662 refugees and asylum seekers as of end of April 2017.

In addressing refugee matters, Malaysia does not have any law for the protection of refugees because it is also not a party to the 1951 Refugee Convention. In 2015, it was declared publicly by Malaysia's Deputy Home Affairs Minister Wan Junaidi Tuanku Jaafar that boats will be turned back to where they came from, and deport those who enters Malaysia. He also added that tough measures will be used by his country to send the right message, even if it means turning back asylum seekers boats and deporting them, should they even get the chance to land on Malaysian territory².

But 2 years later the Malaysian policy concerning this matter total changed and Malaysia became the first member of ASEAN to call on the Myanmar government to end the brutal violence happening to the Rohingya Muslim. On 24 September 2017, Malaysia's foreign minister, Anifah Aman, criticized an ASEAN statement stating support for Myanmar in its efforts to «bring peace, stability, rule of law and to promote harmony and reconciliation between various communities». Malaysia publicly disassociated itself from the statement as ASEAN did not refer to Rohingya people when saying «the persecuted Muslim minority group». Adding to that, the Prime Minister Malaysia, Najib Razak, has in the past year or so routinely spoken out on the treatment of Rohingya by Myanmar, and stated that «its persecution of Rohingya Muslims may fuel militants to radicalize the community». The unprecedented action of Malaysia on this issue has awakened the Muslim mass to conduct rallies in the country and to also influence the Muslim solidarity in Indonesia as well³.

In early December 2017 Malaysia's Prime Minister Najib Razak criticized the Myanmar authority for military crackdown on Rohingya Muslims, and described the ongoing persecution as «genocide». Malaysia also cancelled two football matches with Myanmar in protest of the crackdown⁴.

On admission of asylum seekers, **Thailand**, do not have any national legislation to address this issue because it is not a party to the 1951 Refugee Convention. As a result, the Royal Thai Government does not carry out proper refugee status determination, since it does not have an explicit law with reference «to the rights and obligations of refugees and asylum-seekers». Having said that, there are other human rights agreements in which Thailand is a party to, this includes the International Covenant on Civil and Political Rights (ICCPR), which can be shown by argument that these agreements contains the rights of stateless Rohingya in Thailand. For instance, in Article 2 and Article 26 of the ICCPR, we can find the Convention that are directly relevant in the protection of statelessness. Provisions of Article 2 emphasizes, «to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind...». Furthermore, Article 26 is also relevant to the protection of statelessness, stating that, «the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground...». However, the above-mentioned provisions of the ICCPR were rendered ineffective because of lack of enforcement⁵.

For Rohingya refugees, **Indonesia** is an attractive destination country, being a Muslim country. Indonesia has decided to use diplomatic approach to the Rohingya crisis. The Jokowi administration has repeatedly held bilateral dialogues with State Counsellor Daw Aung San Suu Kyi. Jokowi conveyed Indonesia's thoughts on the Rohingya crisis to Aung San Suu Kyi at the 30th ASEAN meeting, when the two leaders met, that Indonesia's support for solutions to the Rohingya crisis and reminded her that the unsolved problem would not only affect the stability and peace in Myanmar but also the Southeast Asian region. Besides, Indonesia Foreign Minister, Retno Marsudi, has actively conducted visits and meetings to related stakeholders, such as the Bangladesh government, the Myanmar military commander-in-chief

¹ Dwiastuti, I. (2017). Why does the Rohingya issue matter to ASEAN? <http://admin.thcasean.org/assets/uploads/file/2017/10/Thinking_ASEAN_October_compressed.pdf>.

² Kimberly, R.G. (2017). *Examining the ASEAN Intergovernmental commission on human rights (AICHR): the case study of the Rohingya crisis*. The Netherlands: Tilburg University, 36-37.

³ Dwiastuti, I. (2017). Why does the Rohingya issue matter to ASEAN? <http://admin.thcasean.org/assets/uploads/file/2017/10/Thinking_ASEAN_October_compressed.pdf>.

⁴ Rohingya persecution in Myanmar. <https://en.wikipedia.org/wiki/Rohingya_persecution_in_Myanmar>.

⁵ Kimberly, R.G. (2017). *Examining the ASEAN Intergovernmental commission on human rights (AICHR): the case study of the Rohingya crisis*. The Netherlands: Tilburg Universi, 34-35.

Senior General U Min Aung Hlaing, and State Counsellor Aung San Suu Kyi. She claimed that Indonesia's rapid response has been recognized by other countries sharing the same concerns on the devastating situation. Muslim communities in Indonesia have also conducted their own ways to provide support to the Rohingya Muslim. The largest Indonesian Muslim organizations, Nahdatul Ulama (NU) and Muhammadiyah gave strong statements to call for an end to the violence and held a peaceful rally demanding justice for Rohingya people in big cities across Indonesia, such as Jakarta, Bandung, and Medan. Tracking the historical event in responding to the Rohingya crisis in Indonesia and Malaysia, it is obvious that both Indonesia and Malaysia, including Muslim communities in these countries, are more active and responsive in providing humanitarian assistance towards the long-standing crisis of Rohingya rather than ASEAN as a regional institution is which Rohingya existed¹.

In 2012, for the first time **Bangladesh** refused to accommodate the Rohingyas. The Government of Bangladesh decided not to welcome the Rohingya refugees in the territory of Bangladesh because of national security and unmitigatingly over burdening the country due to the Rohingya refugees, who have been staying in Bangladesh for more than 20 years without contributing any economic and social benefit to the host country. In June 2012, Bangladeshi security forces turned back 16 boats carrying more than 660 Rohingya people, most of them women and children as they tried to enter from neighboring Burma a crossing the Naf River. A senior official of the Foreign Ministry said, «Our position is clear that we won't accept any more refugees in Bangladesh. There are already 400,000 Rohingyas here and we cannot allow anymore. Rather, we are in a process to send back the existing refugees». On 17 August 2012, the Foreign Minister further said that Rohingyas would definitely be sent back to Myanmar soon, categorically adding, «We have finalized to send them back to their homeland through discussion with the Myanmar authority but could not do so due to the occurrence of a riot there».

On 29 August 2013, Foreign Minister Dipu Moni continued further, «Bangladesh was already hosting a huge population of Rohingya refugees from Myanmar and cannot take in anymore», to newly appointed country representative of the UN refugee agency UNHCR, Stina E Ljungdel. Bangladesh turned down the requests made by some international agencies, NGOs and friendly countries to open its border to Rohingyas fleeing sectarian violence in Myanmar. Foreign Minister Dipu Moni in a statement in Parliament requested those agencies and friendly countries to request the Myanmar government to resolve their internal problem without over spilling it into its peaceful neighboring countries. She also advised the donor agencies to extend their help to the Rohingya victims in Myanmar instead of in Bangladesh².

Subsequently, in November 2017, the governments of Bangladesh and Myanmar signed a deal to facilitate the return of Rohingya refugees to their native Rakhine state within two months, drawing a mixed response from international onlookers³.

Conclusions. Based on the conducted analysis, one can draw a conclusion that the crisis is not only Myanmar's internal matter, but it has regional consequences which could pose threat to regional stability, such as the growth of terrorism network because of frustrated and hatred feelings embedded in Rohingya people and their sympathizer. Moreover, the rise of Muslim solidarity across Southeast Asia region especially coming from Indonesia and Malaysia could be considered as advantages and disadvantages as well. Therefore, ASEAN should no longer endure with its non-interference principle since the Myanmar national problem has escalated to a regional problem with wider impacts. Following violent incidents in Northern Rakhine in August 2017, over 530,000 Rohingyas have fled across the border into Bangladesh; during the previous year, some 87,000 people had already fled after the October 2016 security incidents. To address this humanitarian crisis, the Rohingya issue needs a permanent solution and not incremental fixings. Any such solution needs to take the following steps: first, provide them full citizenship status and rights. The conditions mentioned in the 1982 citizenship rights must be removed. Second, the government of Myanmar should to take back all the Rohingyas who have fled to different parts of Asia due to military operations against them in their country. Also, a safe zone should to be demarcated for the Rohingyas in Myanmar where they can live after their return. Third, the process of further «Burmanisation» of Myanmar should to be stopped. Finally, although the global community has come forward to provide

¹ Dwiastuti, I. (2017). Why does the Rohingya issue matter to ASEAN? <http://admin.thcasean.org/assets/uploads/file/2017/10/Thinking_ASEAN_October_compressed.pdf>).

² Al Imran, H., Md. Nannu, M. (2014). *The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy*. Dhaka, Bangladesh: Infinity, 235.

³ Rohingya persecution in Myanmar. <https://en.wikipedia.org/wiki/Rohingya_persecution_in_Myanmar>.

humanitarian assistance to the Rohingyas, the world should to exert more pressure on the Myanmar government to end the violence against the ethnic minority.

References:

1. Al Imran, H., Md. Nannu, M. (2014). *The Rohingya Refugees in Bangladesh: A Vulnerable Group in Law and Policy*. Dhaka, Bangladesh: Infinity, 235.
2. Kimberly, R.G. (2017). *Examining the ASEAN Intergovernmental commission on human rights (AICHR): the case study of the Rohingya crisis*. The Netherlands: Tilburg University.
3. The Rohingya crisis. <<http://edition.cnn.com/specials/asia/rohingya>>.
4. All You Can Do is Pray. <<https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims#page>>.
5. The Rohingya Crisis: History and Politics. <http://issi.org.pk/wp-content/uploads/2017/10/IB_Majid_dated_02-10-2017.pdf> (2017, October, 02).
6. Security concerns build in South Asia as Rohingya crisis worsens. <<https://www.japantimes.co.jp/news/2017/09/15/asia-pacific/security-concerns-build-south-asia-rohingya-crisis-worsens/#.WisIW99I-Mo>> (2017, September, 07).
7. Dwiastuti, I. (2017). Why does the Rohingya issue matter to ASEAN? <http://admin.thcasean.org/assets/uploads/file/2017/10/Thinking_ASEAN_October_compressed.pdf>.
8. Rohingya persecution in Myanmar. <https://en.wikipedia.org/wiki/Rohingya_persecution_in_Myanmar>.