

The Dilemma of Rohingya Refugees “Boat People”: The Role of Malaysia, its Neighbors and ASEAN

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Abstract

This paper examines about the dilemma of Rohingya refugees who were fled from their homeland due to the denied of the rights by the Myanmar's government by using boats. The problem happened when the agents who brought up the Rohingya left them because they aware about the presence local enforcement authorities. Thus, the Rohingya were stranded in the middle of sea, particularly in the Straits of Malacca area. The situation make their lives in limbo due to the starvation and the health issue. At first, the nearby governments like Malaysia and Indonesia as well as Thailand take the responsible to save them when some of the Rohingya boat people arrive at their shore. Nevertheless, those governments seems not to recognize the status of Rohingya as refugees due to the national's interest. But, after some advocacy process from the international body, those governments have been organized the diplomacy meeting in order to look at this issue. This process can be describes throught the ASEAN platform. The issue of Rohingya refugees “boat people” in Straits of Malacca cannot be solve solely by Malaysia, but it needs collaboration between the particular countries in ASEAN to share the responsibility in dealing with it.

Keywords: Rohingya Refugees “Boat People”, Malaysia and its neighbors, ASEAN

Introduction

Malaysia's history has been replete with the influx of refugees from other countries. In the beginning of 1970s until early 2000, these refugees come from Philippines, Vietnam, Cambodia, Bosnia, and Indonesia. More recently, the various peoples from Myanmar sought refuge in Malaysia. There is also a small number of refugees and asylum seekers that come all the way from Africa, Middle East and some parts of Asia. However, it was during 2012 to 2015 that a mass arrival of Rohingya people to Malaysia became a significant event as a result of the violence in the Rakhine State in Myanmar. The United Nations High Commission on Refugees (UNHCR) in Kuala Lumpur shows a registration record of 150,700 refugees and asylum seekers. There is 90 percent of them that originate from Myanmar, and including

53,140 Rohingyas. And out of this total number of refugees and asylum seekers, 34,000 are children who are under the age of 18 years old (UNHCR Malaysia, 2016).

Literature Review

Background of Rohingya in Myanmar

Geographically, Rakhine State covers an area of about 20,000 sq. miles and has a narrow mountainous strip of land with 360 miles coastal belt from the Bay of Bengal. It is bounded by Bay of Bengal on the west and Chin Hills on the north-east. In addition, it borders 176 miles with Bangladesh, 48 miles of which is covered by river Naf and is a natural physiographic unit clearly divided from the rest of Burma by the mountain range of Arakan Yoma running north to south (Charney, 2009). According to the population in Rakhine from the Central Statistical Organizations of Myanmar, there were about 3.3 million of people in Rakhine State and Rohingyas were estimated about 1.3 million in 2013 (Dapice, 2014).

Rohingya people live in Rakhine State which is located on the western coast of Myanmar. The state also formerly known as Arakan but the military junta changed it to Rakhine in 1989 to give a clear message that the state's inhabitants are all Rakhine Buddhists (Parnini, 2013). Nevertheless, the Rohingya people have been there long time ago before the colonial era by the British (Ba Tha, 2007). According to the historical perspective, the Rohingya people embrace to Islamic religion during the Mrauk-U dynasty (1430-1785) of the Arakan Kingdom by the Arab, Indian and Persian traders (Moshe, 2002).

Persecuted by the Junta (Military Ruler)

After the Rohingya Muslims and Rakhine Buddhists lived together under the rule of the King, the British came and turned down the throne (Aung-Thwin, 2013). The discrimination of the Rohingya people begin during the British colonialization when they cannot hold a single high position in the government (Neimoto, 2005). The condition for the Rohingya people seems became better when Myanmar had won an independence from Britain in 1948. The Myanmar's civil leader, U Nu had been promised to accord the autonomous region in northern Rakhine for Rohingya people. Unfortunately, the plan was interrupted by the 1962 coup by the military led by Jeneral Ne Win. The military rule had been denied the rights of the Rohingya people in Myanmar because the ruler accused them due to their heritage that the Rohingya are a Muslim community of South Asian descent, closely related to the Chittagonian Bengali of neighbouring Bangladesh (International Crisis Group, 2014).

The climax of the oppression by the junta of Myanmar was reached in May 1978 when the ruler had launched the operation called Naga-Min (Dragon-Min Operation) to abolish the illegal immigrants who were reside in Myanmar. The Rohingya people also included as victims of the operation since the junta could not recognize as well as failed to differentiate them among illegal immigrants. This was the first time for Rohingya people became refugees because of more than 250,000 displaced people were victimized by Burmese Army personnel. Majority of them abandoned their houses and fled across the Naf River as international border towards Teknaf and Cox's Bazar in Bangladesh. The second mass influx occurred in July 1992 for Rohingya when the junta had made a new policy so-called as 1982 Myanmar Citizenship Law and this policy was totally denied the right for Rohingyas to become citizen in Myanmar. This was in line with the press statement made by the junta's representative:

“In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a ‘Rohingya’ race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith form the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants they do not hold immigration papers like other national of the country.”
(Ministry of Foreign Affairs, Union of Myanmar, February 26, 1992.)

Ethnic Riots in Rakhine and Mass Influx of Rohingya Refugees

The plight of the Rohingya people in Rakhine still in dark side when not only the junta not recognized their citizenship, but at the same time the local Rakhine’s Buddhist also treated them unequally. Thus, on 2012 the riots emerge in Rakhine State due to sectarian misunderstanding between the Muslim Rohingya and the Rakhine’s Buddhist. The clash had been spread widely and it made things became worse because many house were burned and many people were killed. Therefore, a lot of Rohingya people became refugees because during the riots the Burmese army and police of playing a role in targeting Rohingya through mass arrests and arbitrary violence (Habibollahi, McLean, and Diker, 2013). According to International Institute for Democracy and Electoral Assistance (International IDEA) some 265,000 of Rohingya refugees were cross over the Rakhine State and majority of them took refuge in Bangladesh (International IDEA, 2013).

Discussion

The Rohingya “Boat People” in the Straits of Malacca

Year of 2015 shows the rights of Rohingya people from Myanmar are still in denied and persecuted. Due to the lack of justice and recognition from the government of Myanmar, the long-building discriminatory policies have caused them to flee from their hometown to another uncertain destination. Malaysia is the one of the most wanted destination for Rohingya refugee due to the sea route while escaped by boat (Equal Rights Trust, 2014). According to McBeth (2015) the Rohingya refugees embarked from Rakhine State in Myanmar and Bangladesh’s shore and headed to the south, perhaps their most destination is Australia. However, the Rohingya were not to Australia but they reach to Malaysia, Thailand and Indonesia. So, on year of 2015 this main issue between the Rohingya refugee and Malaysia was about the issue of stranded “boat people” in the Straits of Malacca.

Situation of the Rohingya “boat people” emerged in 2015 due to the Myanmar’s government policy which keep denied their rights as citizen officially. For example, on February 11, 2015, President Thein Sein announced that all Temporary Registration Certificates (TRC), known as ‘White Cards’, would expire on March 31, 2015, and had to be returned to the authorities by May 31, 2015. At a stroke, this move has disenfranchised around a million people, mostly ethnic Rohingya, from the upcoming general election due in Burma in November 2015. It also prevents the Rohingya from taking part in a possible referendum on Burma’s constitution, which could take place that year (Ahmed, 2015). So, result from the Myanmar’s official statement, there were about 25,000 Rohingya left Myanmar in the first quarter of this year. During the period of March until May, about thousands of Rohingya left Myanmar with the help of human traffickers by boat. According to the report of the International Organization

for Migration (IOM), about 8,000 Rohingya were stranded at the sea, left by human traffickers. The IOM's official named Jeffrey Labovitz said:

"The Arakan Project, which monitors the Rohingya refugee situation and maritime movements in Bangladesh, Thailand and Malaysia, has provided the figure of 8,000 which IOM believes is credible. With disembarkations in both Indonesia's Aceh and Malaysia's Langkawi we are seeing a confirmation of boats stranded at sea. It is estimated that a journey can take four to six weeks. With an estimated 7,800 departures in March and a further 5,000 in April it follows that there will be a sizable number that remain off shore." (Deutsche Welle, 2015).

The first boat people had been founded at the area between Andaman Sea and Straits of Malacca. About 575 or nearly 600 Rohingya refugees have been rescued from two wooden boats stranded off the coast of northern Aceh province in Indonesia. Report from North Aceh police chief Achmadi, many of them were in starvation and exhausted because they were left about seven days and some of them died during the journey (The Guardian, 2015). On the other hand, there were a boat consisting around 2,000 people landed in Langkawi Island, Malaysia on May 10. Based on local authority report, not all the boat people were Rohingya, but there were also have Bangladeshi nationality which travel on the same boat. All of them have been brought to the Malaysia's immigration detention center located in Belantik, Kedah. In addition, the government intent to send them back to their country of origin but not decided yet until the result of meeting which involve related enforcement agencies chair by Home Ministry (Free Malaysia Today, 2015).

The Response of Malaysian Government and its Particular Neighbors towards the Rohingya Boat People Issue

The government refused to take care all the stranded boat people due to the security reasons as stated by the Malaysian former Deputy Home Minister, Wan Junaidi Jafaar said *"We have been very nice to the people who broke into our border. We have treated them humanely but they cannot be flooding our shores like this"* (The Star, 2015). Meanwhile, Chris Lewa, one of the activist group of Arakan Project said the European countries strives to make an effort an effort to stop North African migrants from drowning in the Mediterranean, instead of Myanmar's neighbors which are reluctant to provide any assistance to the Rohingya boat people. Moreover, there were several feedback from the international organizations as well as local non-governmental organizations who urged the government to save Rohingya people. For example, Human Right Watch (HRW) advised Malaysia and others neighbor countries like Thailand and Indonesia to stop from playing a deadly game in refusing stranded "boat people" from landed on their shores (Human Rights Watch, 2015).

The UN secretary general, Ban Ki-moon, requested to those involvement countries to open their sea borders in order to help the boat people and at the same time reminded the local authorities keep the sense of humanity and responsiveness in providing assistance aid and to respect an international ban on expelling prospective refugees (United Nations News Centre, 2015). Furthermore, Phil Robertson who is Deputy Asia Director for HRW stated that Thailand, Malaysia and Indonesia should not make the situation even worse with cold-hearted policies

to push back this new wave of boat people that puts thousands of lives at risk as the case may have been created by the Burmese government with their continued persecution of the Rohingya. He added other governments should urge those three governments to work together to rescue these desperate people and offer them humanitarian aid, help in processing claims, and resettlement places for those in need of international protection (Human Rights Watch, 2015). In addition, IOM also plea to those governments to save the boat people in the name of humanity (BBC World News, 2015).

Several days later, there were an immediate diplomatic meeting as mentioned by Malaysia Foreign Minister, Anifah Aman together with his counterpart from Thailand and Indonesia about the stranded boat people issue (The Star, 2015). Result from the meeting, Malaysia and Indonesia agree to help, but not Thailand to those boat people due to Thai Foreign Minister, Tanasak Patimapragorn said even Thailand did not sign on to the offer in taking care of Rohingya, they would not push back them stranded in Thai waters. Thus, Malaysian Prime Minister Najib Razak has ordered Royal Malaysian Navy (RMN) and Malaysia Maritime Enforcement Agency (MMEA) to assists the local NGO so-called Mercy Malaysia to deliver to conduct search and rescue efforts on Rohingya boats and given the humanitarian assistance (The New Straits Times, 2015).

Malaysia and Indonesia are agree to help in bringing the rickety boats to come ashore regarding to an official statement that the humanitarian assistance is only for temporary basis. This is a latest shift policy by Malaysia and Indonesia which not push back the boat people to the sea, instead bring them to come ashore and later on to the temporary shelter which will be set up. The action seems to be underline with the international humanitarian law in order to help those Rohingya who were deal with the crisis. However, both countries also made a clear statement that the international community could not expected Malaysia and Indonesia to deal with this problem again if there is another influx happen again in the future (Japan Times, 2015).

The Involvement of ASEAN towards Rohingya Refugees “Boat People”

There is not good enough to ask only Malaysia, Indonesia and Thailand to solve the issue of boat people alone. Therefore, the Association of Southeast Asian Nations (ASEAN) global solution through its network of member states should be taken in handling the Rohingya refugee’s problem before it getting worse. For example, Malaysian Prime Minister, Najib Razak state Malaysia should not to be blame regarding this issue, instead the problem was emerged at another place. He also added:

“We are very sympathetic to them (refugees) who are adrift in the open sea. Many were killed, including children and so on... We will not allow, is pleased with this. That is why we receive some for landing and provide humanitarian assistance to them, but Malaysia is not supposed to be charged with this issue because thousands more waiting to escape from their regional area...” (Malaysiakini, 2015).

The Prime Minister in stating Malaysia's stand as ASEAN chairman was in line with the United Nations (UN) secretary-general Ban Ki Moon and Australian Prime Minister Tony Abbott statement about the efforts to resolve the boat people problem. Although they were respect

to the ASEAN principles about non-interfere policy in any ASEAN countries, but when a particular issue had been rise and spread among the countries, those ASEAN leaders should seat together and cooperate to find possible solution towards it. Meanwhile, the Malaysian former Deputy Prime Minister, Muhyiddin Yassin said this durable problem should be solve by Myanmar internally as this country is the source of problem (Bernama, 2015). Others ASEAN members like Malaysia, Thailand and Indonesia were the one which the burden borne by the boat people issue.

Malaysian Foreign Minister Anifah Aman also said Malaysia and his counterparts (Thailand and Indonesia) to work out a collective proposal under ASEAN and discuss it with Myanmar to resolve the issue (The Star, 2015). He hope that Myanmar will agree to find solutions together before they take it to the international level. Meanwhile, Singapore agree with the role of ASEAN to solve the Rohingya boat people issue. His Foreign Affairs Minister K. Shanmugam said the Singapore Government willing to solve this problem through ASEAN by offering USD 200,000 as contribution (Channel News Asia, 2015). The amount is part of an ASEAN-led initiative and Singapore would consider if there is a specific request in order to solve this problem. Singapore give full supports and welcomes the initiatives of Malaysia and Indonesia to provide temporary shelter for Rohingya refugee as this country is unable to receive them due to the limited land. Singapore also stated Myanmar should be responsible about this issue and ASEAN as well as international community needs cooperate to find better solution.

Conclusion

The issue of Rohingya refugees' stranded "boat people" influenced towards the Malaysian government's policy. Nevertheless, this issue merely was not push Malaysia and its neighbors to deal with it. Others factors that also influenced were the international community as well as local NGOs. The policy have been changed from rejected the boat people to receive them and provide the temporary shelter. The ASEAN community assisting Malaysia and its neighbors by spent amount of money and organized the resettlement program to another countries. The cooperation between Malaysia and its counterpart is initiated by the platform of ASEAN. Throughout ASEAN, all the particular state's members will have possibility to solve the problems together by discussions and negotiations.

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