

# Rohingya Crisis and the 'Boat People' Conference: Towards a Regional Solution?

Written by Siegfried O. Wolf

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SIEGFRIED O. WOLF, JUN 18 2015

To respond to the 'alarming rise in the irregular movement of persons in the Indian Ocean', the Royal Thai Government organized the 'Special Meeting on Irregular Migration in the Indian Ocean' on May 29th, 2015 in Bangkok. Subsequently seventeen countries convened in Thailand's capital to address the then called 'boat people problem' in the Andaman Sea and Bay of Bengal. Among the participants [1] were high-level representatives of the five most affected countries namely Bangladesh, Indonesia, Malaysia, Myanmar, and Thailand. The fact that Sri Lanka, India as well as Afghanistan joined this significant event underpins the fact that the 'boat people' crisis is an issue which involves not only the intersection between South Asia and South East Asia but also the respective subcontinents on the whole.

The meeting was convened to address the continuing exodus of migrants from Myanmar. These refugees are mainly Rohingya, a Muslim religious-ethnic minority officially located in Myanmar's Rakhine state (known as Arakan state by the Rohingya). Being treated as 'second-class citizens', suffering from social discrimination, massive violent repression, human rights violations, and political exclusion, the marginalized Rohingya fled the country in masses. Additionally, the Rohingya not only were confronted by strict repressive policies by the central government but also had to face extremely anti-Muslim sentiments enforced by public policy supported Buddhist fundamentalism in Myanmar, like the 969 movement spearheaded by radical Theravada Buddhist monk Wirathu). Consequently, the region witnessed tremendous movements of some hundreds of thousands of refugees trying to enter neighbouring countries illegally, as well as other states in the extend region by land or sea.

Based on the fact that most countries became increasingly reluctant to accept additional migrants, thousands of Rohingyas became stranded in the seas under disastrous humanitarian conditions. Additionally, the discovery of mass graves in Malaysia and Thailand [2], which have created international awareness about the 'plight of the Rohingyas'. This is a new phenomenon, since the course and consequences of the Rohingya crisis was largely ignored by policy-makers worldwide in the past. Even democracy icon and Nobel Prize laureate Aung San Suu Kyi surprised political observers by evincing a disturbing silence regarding the fate of the Rohingyas. Nevertheless, a growing number of international actors have become involved in raising awareness about the extremely worsening situation of Rohingyas, especially such which are currently on the run via the sea lanes. The latest conference in Bangkok on 'illegal migration' has to be seen in the context of these efforts to improve the situation of the unwanted and stranded people.

The 'boat people' conference was characterised by a complex balancing act of proposing concrete measures to deal seriously with the crisis of the Rohingya while attempting to appease Myanmar. The latter was declared by many conference participants as the most important since any open 'finger pointing' would lead to a boycott or 'un-cooperative' behaviour of Myanmar's delegates. Keeping this in mind, the language used during the talks speaks for itself and it is worth looking at what the conference achieved or failed to achieve. Overall, despite numerous hurdles and criticisms, one can state that the meeting was a crucial step in the right direction accomplishing several, noteworthy 'promises' by the participating countries. Firstly, the meeting made states of South and South East Asia talk with each other about the issue of the Rohingya. This is already an achievement since major cooperation between these two Asian sub-regions has not taken place yet. Secondly, it was the first time that the participating

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states exchanged their views in a comprehensive manner on how to tackle the 'illegal migration problem' (meaning the Rohingya crisis without mentioning it by name) and to be able to find at least a common proposal on how to implement immediate action. Thus, despite the fact that no date was set for the next round of talks, it was important that the participating countries agreed to continue the dialogue. Thirdly, the gathering achieved that donor countries pledged money, especially the US, Australia, and Japan. It is envisaged to use the money to pay for temporary shelter, food and other urgent needs for the refugees as well as for humanitarian aid for needy people in Myanmar's Rakhine state and Bangladesh's Cox's Bazaar district. Nevertheless, the amount of provided financial aid is far away from being sufficient. For example, the International Organization for Migration (IOM) appealed for \$26 million. Fourthly, besides several other measures, the enhancement of maritime search and rescue missions to help refugees who are vulnerable "boat people" stranded in the region's seas marks an extraordinary step for immediate help.

The United Nations and other observers, note that around 2,000 to 2,500 people may still be adrift in boats on the Andaman Sea and Bay of Bengal. Leading South East Asian experts, like Paul Chambers at Thailand's Chiang Mai University, are stressing that the situation for the Rohingya in Myanmar is turning even worse: "Myanmar is headed toward a policy veering toward genocide of the Rohingya,"[3] which, of course, will create further movements of migrants and increasing the pressure on host countries. Therefore, the outlining of clear procedures for immediate help for the refugees is of existential importance for the survival of the refugees. Fifthly, and most significant was to get Myanmar involved. This was a major challenge since the country is obviously the source and focal point of the Rohingya crises. In the past, Myanmar was quite reluctant to talk about the Rohingya at all and blocked several international initiatives to improve the situation of this community. Therefore, it can be interpreted as a positive sign that the country showed up at least.

Myanmar's participation came with a price. Acceding to the demands of Myanmar, the term Rohingya was not mentioned at all. Instead the words 'illegal migrants' or 'boat people' determined the rhetoric of the conference trying to avoid the specification of the people which should be helped. By having said this, the limitations regarding aims and achievements of the conference become obviously and pre-assigned. Firstly, the participating countries failed to enforce a binding agreement. Instead, the recommendations of the meeting are just non-committal proposals for immediate responses of individual states. Taking the socio-political and economic constraints of the affected countries into account, the ambiguous aim to promote "full respect for human rights and adequate access of people to basic rights and services, such as housing, education and health care" appears as sole aspirations, at least at the moment. Secondly, without doubt, the meeting was an urgent and promising milestone regarding the number one priority: saving the lives of the 'boat peoples' in distress. But the gathering failed not only to produce any short term commitment but also lacks any substantial endeavour to deal with the Rohingya crisis in a long-term perspective. Thirdly, the meeting only dealt with the consequences but not with the course of the problem. Due to the appeasement policy towards Myanmar, the conference failed to publicly address the root causes of the problems, namely the persecution of the Rohingya in Myanmar.

There were also no talks about resettlement of the Rohingya in Myanmar on the basis of granting full citizenship for the migrants. Any talks relating to issue of granting citizenship for Rohingya in Myanmar was clearly rejected by Myanmar's delegates as undue interference in domestic affairs. As such, the reluctance to accept the legitimacy of Rohingya as an official minority and granting them full citizenship rights in Myanmar remains. By calling the Rohingya as Bengalis, Myanmar's authorities are indicating that they are originating from Bangladesh. However, Dhaka also does not recognize them as citizens (and the Rohingya themselves state that they are from Myanmar). As a result, both countries have rendered them effectively stateless—though the Rohingya find fault most with Myanmar (Wolf 2014; Ahmed 2010). This is gaining significance since other countries in the region have remarkable difficulties in finding an appropriate legal status for the refugees. Therefore, it does not come as a surprise, that Volker Türk, UNHCR's Assistant High Commissioner for Protection, stated at the conference that "granting citizenship is the ultimate goal" for Myanmar in order to manage the current migration crisis.

The outcome of the conference is 'no major breakthrough' at all. However, it would be totally unrealistic to expect any kind of 'miracle solution' after a "one-day-conference". Or in the words of Volker Türk, "it would be disingenuous to suggest that there are any simple solutions to this phenomenon". But most important is that the actors involved understand that an extended regional framework is needed to deal with the complexity of the Rohingya crisis. In this

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direction, the Association of Southeast Asian Nations (ASEAN) offers an excellent platform to bundle efforts in South East Asia. But its effectivity regarding the solution of the ongoing Rohingya crisis will be limited because of following factors: The respective ASEAN countries are (feeling) affected differently by the crisis. Subsequently, there will be only limited political will and interests among several member states to solve the issue via procedures/mechanism offered by ASEAN. Additionally, any solution regarding consequences and courses of the Rohingya crisis will have a remarkable impact on national sovereignty. This determines a factor which is not in line with the original, founding spirit of ASEAN focusing on the promotion of economic cooperation and development. However, theoretically the new ASEAN Charter of 2007 would allow ASEAN countries to interfere in the affairs of other member states in a vocal manner despite the 1976 Treaty of Amity and Cooperation.

In practical terms, the new charter does not sufficiently equip ASEAN to deal with controversial issues and certainly does not offer anything new that could help to convince Myanmar to change its 'Rohingya policy'. It is important to stress that, unlike the European Union (EU), ASEAN is not a political project of unifying a regional entity including more or less all spheres of state and society. Furthermore, there is an imminent threat that bilateral conflicts (like Thailand-Cambodia) and asymmetries regarding power and geographical location between ASEAN member states might hamper the decision-making process of ASEAN. One only has to look at the tensed India-Pakistan relations, paralysing more or less completely any substantial regional cooperation via the South Asian Association for Regional Cooperation (SAARC), South Asia's pendant to ASEAN. These phenomena could have severe negative ramifications for a sustainable solution for the Rohingya crisis. However, ASEAN could become important especially on the sub-regional level in order to promote transnational cooperation. The fact, that the latest conference in Bangkok was gaining a significant boost from the successful bilateral talk between Malaysia and Indonesia on how to deal with the current Rohingya problem, can be seen as an indication therefore.[5] Nevertheless, in order to find a comprehensive and sustainable solution for the crisis including consequences as well as courses, South Asian states must be included too. Therefore, a new regional organisation or regime would be needed which serves as a platform for dialogue between South Asia and South East Asia, including not only cultural and economic but political and security dimensions too. The development of a transnational coherent refugee policy, which is actually hard to find anywhere in Asia (not even in Europe), could serve as a point of reference for new regional collaboration. It could be something like an Organisation for Security and Co-operation in Europe (OSCE) for Southern Asia based on a closer cooperation between the areas of South and South East Asia (and beyond). However, it is essential that such an institution is understood as an instrument to strengthen the existing organisations of ASEAN and SAARC and not to substitute them.

To conclude, the need of the hour is that regional governments in South and South East Asia identify the unsolved Rohingyas problem finally as a chance for constructive regional cooperation instead of a roadblock for further collaboration. It seems that the actors involved understand that an (extended) regional framework is needed to deal with the complexity of the Rohingya crisis. Therefore, the conference marks a significant step towards the institutionalisation of mechanism in order to deal not only with the problems of the current humanitarian crisis of the migrants but could also serve as a roadmap for future challenges.

## Notes

[1] High-level representatives from the countries in the region, namely Afghanistan, Australia, Bangladesh, Cambodia, India, Indonesia, Iran, Lao PDR, Malaysia, Myanmar, New Zealand, Pakistan, Papua New Guinea, The Philippines, Sri Lanka, Viet Nam, and Thailand, as well as the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the United Nations Resident Coordinator for Thailand attended as participants. Representatives of Japan, Switzerland, and the United States of America attended as observers.

[3] Paul Chambers in an interview with the author, 2.6.2014.

[5] Here it is interesting to note, that one of the crucial steps forward in the ongoing crisis was done in Putrajaya (Malaysia) a couple of days before the Bangkok conference took place as Indonesia and Malaysia agreed "to provide temporary shelter to thousands of migrants stranded at sea in the first breakthrough in the humanitarian crisis

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confronting Southeast Asia". These commitments were encouraging other neighbours to get active too.

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