

NTS POLICY BRIEF

By C.R. Abrar

Multilevel approaches to human security and conflict management: The Rohingya case



The Rohingyas in Rakhine state, Myanmar, have been categorised by the UN as the most persecuted minority of the world. This brief discusses the plight of the members of the Rohingya community since June 2012 in both Myanmar and neighbouring Bangladesh, where they have been attempting to secure asylum. The case of the Rohingyas highlights the relevance of a widening of the security agenda. The two concepts currently in vogue in security studies – human security and the Responsibility to Protect (RtoP) – are operationalised when attempts to explain the turn of events affecting the Rohingyas are made and policy actions for the governments of Myanmar and Bangladesh as well as regional and international agencies are recommended.

Conceptual issues: Human security and the Responsibility to Protect

Security and conflict studies are experiencing a paradigm shift, from ‘government’ to ‘governance’. The traditional approach to security is underpinned by the view that states enjoy a monopoly over the provision of public goods, including security. Since the 1990s, however, the security agenda has been widened to include human security. Under such a view, states are no longer the sole security providers; other actors such as non-governmental organisations (NGOs) and regional and international organisations also play a role.

Protecting civilians suffering from serious harm has been the moot concern of the Responsibility to Protect (RtoP). Under RtoP, the international community is obliged to act in situations where states are unwilling or unable to protect civilians under their jurisdictions. Accordingly, the concept of state sovereignty has a restrictive application in cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The responsibility of the international community entails the prevention of such crimes, including their incitement, through appropriate and necessary means.

In the Outcome Document of the 2005 UN World Summit¹ and in the Secretary-General’s 2009 Report on Implementing the Responsibility to Protect,² the three pillars of RtoP are laid out as follows:

- The state carries the primary responsibility for protecting populations from genocide, war

crimes, crimes against humanity and ethnic cleansing, and their incitement.

- The international community has a responsibility to encourage and assist states in fulfilling this responsibility.
- The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.

The Rohingyas in Myanmar: Disenfranchisement, exclusion and discrimination

The year 2012 marked the 20th anniversary of the flight of the Rohingyas from Rakhine state in Myanmar to Bangladesh. This ethnic and religious minority, numbering about 800,000, was deprived of Myanmar citizenship in 1982 and expelled twice by the government, in 1978 and again during 1991–1992.³

Discrimination, violence and forced labour practices by the Myanmar authorities triggered an exodus of more than 250,000 Rohingya Muslims between 1991 and 1992 to Bangladesh.⁴ Most of them later went back to Myanmar, only to return to Bangladesh

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eventually. Their inability to stay rooted in Myanmar was shaped by many factors – the denial of citizenship rights, denial of freedom of movement, eviction campaigns, excessive taxation, forced labour, expulsion from their lands and property, violence and physical torture. In essence, the Rohingyas face severe human security threats.

From ethnic violence to state violence: Reaction of the Myanmar state

2012 also witnessed a series of violent conflicts between ethnic Rakhine Buddhists and Rohingya Muslims.⁵ Although the immediate cause of the riot was unclear, sources inform that the alleged rape and murder of a Rakhine woman by a few Rohingyas followed by reprisal killing of 10 Burmese Muslims by the ethnic Rakhines unleashed the violence.⁶ On 10 June 2012, a state of emergency was declared in Rakhine state, but sectarian violence continued.⁷

Citing eyewitnesses, human rights organisations reported that law enforcement agencies not only abetted the acts of violence of the ethnic Rakhines on the Rohingyas but also actively participated in the persecution of the Rohingyas and the torching of their shelters.⁸ Quoting the Office of the High Commissioner for Refugees (UNHCR), news reports inform that an estimated 80,000 people were displaced.⁹ It has been alleged that the armed forces and the police targeted the Rohingyas in conducting mass arrests and meting out arbitrary violence.¹⁰

In October 2012, a fresh round of violence between the two communities broke out that resulted in 89 deaths and the displacement of more than 32,000 people.¹¹ Press reports indicated that extremist vigilantes attacked and burned homes and boats in the predominantly Muslim town of Kyaukpyu.¹² The UN reported that most of the victims were Rohingya.¹³ In Sittwe, the capital of Rakhine state, violence effectively segregated the Buddhist and Muslim populations, as many Rohingya took shelter in camps.¹⁴ The violence was followed by what UN High Commissioner for Human Rights Navi Pillay described as ‘a crackdown targeting Muslims, in particular members of the Rohingya community’.¹⁵ An undetermined number of Rohingya also took to the sea in panic, in houseboats, barges and fishing vessels, with over 130 people being reported to have drowned after their boat capsized in one incident.¹⁶

Satellite images published by Human Rights Watch indicated that the arson attack on settlements of Muslims in Kyaukpyu was apparently premeditated and involved elements from the military, and affected

some eight townships or districts, leaving over 4,000 homes and religious buildings destroyed.¹⁷ Kyaukpyu is said to be a strategic area that has been earmarked for a multibillion-dollar China-Myanmar oil pipeline project.¹⁸ Following the release of the satellite image on 27 October 2012 by Human Rights Watch, a spokesperson for the Myanmar President acknowledged ‘incidents of whole villages and parts of the town being burnt out in Rakhine state’.¹⁹ In early November 2012, the international health NGO, Doctors Without Borders/Médecins Sans Frontières (MSF), reported that fliers and posters were being distributed in Rakhine state threatening health workers who treated Muslims.²⁰ It was reported that close to 200 people had been killed and over 100,000 Rohingyas displaced in Rakhine state since the outbreak of violence in June 2012.²¹

During a meeting with the UNHCR in July 2012, President Thein Sein of Myanmar observed that, other than deportation, these camps were the ‘only solution’ for the Rohingyas.²² President Thein Sein also asserted that Myanmar would not take responsibility for the Rohingyas because they were not citizens and ‘not our ethnicity’.²³ On 1 November 2012, Myanmar’s information minister acknowledged that ‘Rohingyas are denied citizenship by Myanmar and as a consequence the rights that go with it’.²⁴

Anti-Rohingya sentiments are rife throughout Myanmar. University students have organised rallies against the Muslims while a number of Buddhist organisations – some of those of monks – have demanded the deportation of the Rohingyas.²⁵ Militant Buddhist organisations have effectively blocked the delivery of humanitarian assistance to the Rohingyas in displacement camps²⁶ and even forced the government to rescind a decision to allow the Organization of the Islamic Conference (OIC) to open an office in Myanmar.²⁷

Amnesty International highlighted the human rights abuses against the Rohingyas and other Rakhine Muslims – including physical abuse, rape, destruction of property and unlawful killings – carried out by both Rakhine Buddhists and the security forces.²⁸ It called on the Myanmar authorities to stop these acts and prevent others from occurring, declaring that ‘the Myanmar authorities are compounding the error by exacerbating the suffering of those displaced by the violence and violations’.²⁹ Meanwhile, the Global Centre for the Responsibility to Protect observed that the government of Myanmar was struggling to uphold its RtoP commitments and, in many cases, the Tatmadaw (the military) continued to commit possible mass atrocity crimes.³⁰

Without doubt, the recent turn of events only serve to highlight the failure of Myanmar's government to fulfil its responsibility to protect its people from mass atrocity crimes. The military has turned a blind eye to violence perpetrated by the majority even as access to external humanitarian assistance has been denied the Rohingyas.

Failure of Bangladesh to protect

For the last two decades, the Myanmar state has tenaciously, yet discreetly, pursued a policy of ethnic cleansing, while successive governments in Bangladesh despite being at the receiving end of large numbers of Rohingyas have opted to remain silent – the Bangladesh government appeared to be mainly concerned with the residual caseload of 27,000 registered refugees from the 1991–1992 inflow.³¹ Successive governments in Bangladesh have pursued 'look East' or 'constructive engagement' policies focusing on trade matters. In the process, Bangladesh failed to sound the alarm bell to draw the attention of the international community to the silent expulsion of the disenfranchised Rohingya community from Myanmar. One does not find much evidence of Bangladesh making a strong case in international forums on the persistent flow of the Rohingyas in the face of state oppression.

It was against such a backdrop of apathy and inaction that the fresh flight of the Rohingyas from Rakhine state took place in June 2012 and later again in October that year. Bangladesh refused entry to those displaced by the violence, and to justify its decision, the government of Bangladesh securitised the issue.³² The Rohingyas, it was argued, were a threat to Bangladesh's security. In sharp contrast to the previous policy of allowing entry, the government of Bangladesh ordered not only the sealing of the land and sea borders but also mobilisation of forces to stem the inflow of the Rohingyas.³³ Scores of boats were turned back in the Naf river and in the high seas.³⁴ Officially, the government refused to shoulder any responsibility for the incoming Rohingyas. Overpopulation and lack of resources were the key arguments put forward by key government functionaries while others pointed to the community's inherent proclivity to criminal activities and Islamic fundamentalism.

The anti-Rohingya attitude was not limited to government circles alone. The National Human Rights Commission (NHRC) provided credence to the government's position, based on a flawed interpretation of international refugee law, that actions of non-state actors did not comprise 'persecution' and therefore that the incoming Rohingyas did not

qualify for asylum status.³⁵ It was only after the Myanmar President openly justified the expulsion of the Rohingyas that the NHRC revised its stance.³⁶

Much like the government, the Bangladesh electronic and print media also securitised the Rohingya issue. The handful of Bengali and English dailies that were generally known to uphold and promote liberal values became susceptible to anti-Rohingya sentiments³⁷ and, in describing the incoming Rohingyas, terms such as 'intruders' and 'infiltrators' were used. Although images and reporting on the Rohingyas highlighted their distress, the commentaries, op-eds and talk shows were generally devoid of tolerance and were satiated with injudicious patriotism and petty nationalism.

Bangladesh had failed to meet its commitments under treaties where it had committed to protect the incoming Rohingyas fleeing persecution in their home country. Although Bangladesh is not a signatory to the 1951 Refugee Convention, the country has ratified an array of relevant treaties and conventions such as the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) that preclude the country from sending back people to places of origin where their life and liberty could be at stake. In this regard, Bangladesh had faltered in its responsibility to protect the Rohingyas.

International response

The October 2012 violence triggered a series of international reactions. UN Secretary-General Ban Ki-Moon, in a statement on 26 October 2012, demanded that 'the vigilante attacks, targeted threats and extremist rhetoric must be stopped. If this is not done ... the reform and opening up process being currently pursued by the government is likely to be jeopardized'.³⁸ The UN General Assembly (UNGA) adopted a resolution on 25 December 2012 that called on the Myanmar government to take action to improve the situation of the Rohingya Muslims and urged the government 'to protect all their [Muslims'] human rights, including their right to a nationality'.³⁹ The resolution also said there are 'systematic violations of human rights and fundamental freedoms' in the country.⁴⁰

The ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) noted that 'the Myanmar government's policy of segregating Muslim and Buddhist communities in Rakhine State is compounding a humanitarian crisis there, while ASEAN's failure to positively influence the situation points to continued

institutional failures in the regional grouping'.⁴¹ Earlier, in November 2012, ASEAN Secretary-General Surin Pitsuwan called on ASEAN members to extend humanitarian assistance to Myanmar's Rohingya Muslims.⁴² He warned that failure to address the problem could lead to extremism and radicalisation, which in turn could endanger the security of the Malacca Straits.

In a statement on 16 February 2013, UN Special Rapporteur Tomás Ojea Quintana called upon the Myanmar Parliament to amend the 1982 Citizenship Act 'to ensure that all persons in Myanmar have equal access to citizenship and are not discriminated in such access on grounds of ethnicity or religion', and that 'in the meantime, the current Act should be applied in a non-discriminatory manner to enable those with a just claim to citizenship, to claim it on an equal basis with others, including those from the Rohingya community'.⁴³

The ethnic violence in Rakhine state drew sharp reactions from the Islamic world. It led to condemnation and protest marches in many countries. On 15 August 2012, at a meeting, the OIC condemned Myanmar authorities for the violence against the Rohingyas and its denial of citizenship to members of the community.⁴⁴ The Council of Ministers of Saudi Arabia condemned 'the ethnic cleansing campaign and brutal attacks against Myanmar's Muslim Rohingya citizens'.⁴⁵ Saudi Arabia urged the international community to protect 'the Muslims in Myanmar',⁴⁶ even as the Saudi King announced USD50 million in aid for the Rohingyas.⁴⁷

During his November 2012 visit to Myanmar, US President Barack Obama observed that there was 'no excuse for violence against innocent people'.⁴⁸ Obama welcomed the Myanmar President's letter to the UN Secretary-General in which he promised to tackle the root causes of the problem. Earlier, the US State Department called on the Myanmar government to 'halt the on-going violence, begin a dialogue toward a peaceful resolution, and ensure an expeditious and transparent investigation into these incidents that respects due process and the rule of law'.⁴⁹

The international community as well as regional actors have acknowledged the systematic persecution of the Rohingyas, stating that 'the government of Burma/Myanmar must uphold its Responsibility to Protect all populations, regardless of their ethnicity'.⁵⁰

Policy recommendations

A multilevel approach will be needed to resolve the issue. The Myanmar government, which has primary responsibility for protecting the Rohingyas, needs to end the violence. It should also cooperate with international actors to provide humanitarian assistance. The Myanmar government would also have to respect the rights of the Rohingyas in order to prevent future violence. On the part of Bangladesh, the country should open its borders to the displaced Rohingyas and allow UN agencies and NGOs to provide humanitarian assistance. UN agencies and NGOs should, in addition to providing aid and assistance, monitor the situation and provide early warning.

Government of Myanmar

Under its obligations related to the RtoP, the Myanmar government should:

- urgently bring an end to violence and protect all individuals within its territory and ensure that they enjoy fundamental rights and freedom.
- restore the citizenship rights of the Rohingyas, repeal all discriminatory laws and exclusionary practices, and stop segregating the Rohingya and Rakhine communities so that Rohingya can live in and return to Rakhine state with dignity.
- initiate an independent inquiry into the violence, identify and bring perpetrators to justice, and arrange compensation for the victims.
- allow the presence of international development and human rights organisations in the affected areas to enable monitoring and documentation as well as provide humanitarian assistance to the communities affected by violence.

Government of Bangladesh

In espousing the principles of RtoP, the Bangladesh government should:

- honour its international commitments under the UDHR, the ICCPR, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and CRC, and open its border to Rohingya asylum seekers and refrain from refouling them from the land and sea borders.

- allow national and international NGOs to provide specialised humanitarian services to the Rohingyas outside of camps.
- refrain from securitising Rohingya asylum seekers and help create a milieu of understanding and empathy for the expelled Rohingyas among the Bangladesh population.

ASEAN

In pursuit of RtoP, the ASEAN Intergovernmental Commission on Human Rights (AICHR) should:

- initiate a regional dialogue to address the human security needs of the Rohingya community to exert pressure on Myanmar to grant the Rohingyas citizenship status and bring an end to discriminatory and exclusionary practices. The dialogue should also urge ASEAN member states to protect Rohingya asylum seekers and stateless people.

UN and the international community

In upholding their RtoP commitments, the UN and the broader international community should:

- apply pressure on the Myanmar government to create an enabling environment in the northern Rakhine state by restoring the citizenship rights of the Rohingyas and repealing all discriminatory laws, and to accept the deployment of international observers to monitor human rights situations in the affected region.
- urge the Bangladesh government to refrain from forcibly sending back Rohingya asylum seekers and allow them entry and asylum in Bangladesh.
- actively pursue a policy of third-country resettlement, so that generations of the Rohingyas do not grow up in camps in Bangladesh and Myanmar.
- mobilise resources and share the burden of the rehabilitation of the affected Rohingyas in Myanmar and their maintenance in Bangladesh.

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Notes

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