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Comparative Study of the Roles of ASEAN and the Organization of Islamic Cooperation in Responding to the Rohingya Crisis

Irawan Jati¹

Abstract

Since 2012, Southeast Asia has witnessed the human rights tragedy of the Rohingya people of Myanmar. Hundreds of thousands of Rohingya have been displaced from their homes and traveled to refugee facilities in Myanmar and Bangladesh, while others have been stranded on the Andaman Sea. The Rohingya crisis is perhaps the most horrific human rights tragedy after the crisis in Vietnam in the 1970s. As the crisis has developed, international communities, including ASEAN and the Organization of Islamic Cooperation (OIC), have responded to the crisis. As the main regional organization, ASEAN has been hoped to elucidate the crisis tactically through peaceful means. OIC, meanwhile, has been expected to join humanitarian action using a diplomatic approach to other international humanitarian bodies, including the UNHCR. However, it is obvious that ASEAN's response to the crisis has been limited to diplomatic oration and failed to prevent a wider crisis. For OIC, its humanitarian solidarity has lacked access to the target community. Therefore, this paper would like to attempt a comparative analysis to describe the central inquiry; how have ASEAN and OIC responded to the Rohingya crisis? This analysis involves studying ASEAN and OIC publications and related references. The initial argument of this paper is that both organizations have given reasonable responses to the crisis, but have been unable to halt its advance.

Keywords: ASEAN, Human Rights, OIC, Refugee, Rohingya

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Introduction

Since 1991, the plight of the Rohingya has gained global attention through articles in the media. These people have been identified as unfortunate people facing pressure from their own government, that of Myanmar. Early in the 1960s, the Rohingya had made a sea journey to neighboring countries to save their lives and to find better places to live. Unfortunately, the crisis has escalated severely since 2012. Some 120,000 Rohingya have taken the journey over Andaman Sea. This is a real-life tragedy in ASEAN's back yard. However, ASEAN's response to the crisis has been far from sufficient, particularly compared to those of the Organization of Islamic Cooperation (OIC). OIC's international efforts have included establishing fact-finding missions and providing humanitarian assistance to Rohingya. Unfortunately, international efforts to reduce the suffering of the Rohingya people have mostly been limited to rhetoric and had a limited impact (Southwick, 2015).

The Rohingya are 'forced' to take a long and dangerous journey. They cross jungles and sail the Andaman Sea to reach neighboring states. The push factor for this irregular migration is the threat of persecution, either by the Buddhist majority or by the government of Myanmar. The pull factor is the potential to find a more conducive environment and better job opportunities in other countries, such as Malaysia and Thailand. However, only a few of these people are able to arrive at their desired destinations. Most are stranded, or even drown, at sea. Early in 2015, some two thousand Rohingya were stranded on the Andaman Sea near the Indonesian border. Larger groups were sailing towards Malaysia and Thailand. Initially, the Indonesian, Malaysian, and Thai governments denied these people entrance into their territory. However, after pressure from national and international communities, they agreed to welcome Rohingya refugees. This decision was made during a three party meeting in Malaysia.

The three party, involving Indonesia, Malaysia, and Thailand, resulted in a temporary solution: the Rohingya could be settled for a period of one year. During the crisis, some ASEAN partners did not show much support. China and India looked elsewhere, while Australia faced allegations of paying people smugglers to send the Rohingya back to Indonesian waters. Meanwhile, the Myanmar government has yet to change its political and legal stance, which undermines the Rohingya as a people. At least as reported by the media, the Myanmar government continues to deny issues

with the Rohingya but still keeps them in camps (Graham, 2015). For the Myanmar government, even the word Rohingya is taboo; they term the group "Bengalis" and solely consider them stateless Bengalis (Hukil & Shaunik, 2013).

The Rohingya crisis is a real test of ASEAN's commitment to protect its people, as declared in its Charter and declaration of human rights. Unfortunately, ASEAN has made little effort to address the crisis. At the diplomatic level, ASEAN lacks the confidence to address the Rohingya crisis, instead relying on diplomatic rhetoric. Another international organization has shown greater concern for this case: the Organization of Islamic Cooperation (OIC), whose concerns are related to the fact that the Rohingya are Muslim. OIC's response to the crisis has included delivering humanitarian assistance, using a diplomatic approach with international organizations such as the United Nations (UN), and establishing a fact-finding group to collect factual information on the root of the crisis. This article, therefore, tries to discuss the question of how ASEAN and OIC have responded to the Rohingya crisis.

Literature Review

Numerous articles discuss the Rohingya case, particularly ASEAN's involvement, from different perspectives. Many of these articles critique ASEAN as the primary regional organization in Southeast Asia. The critiques mostly focus on ASEAN's non-intervention principle, which is depicted as the main source of the organization's weakness in solving humanitarian crises in the region (Arendshorst, 2009; Goh, 2002; Jones, 2009; Othman & Othman, 2010; Singh, 2014). The non-intervention principle has become both a strength and weakness of ASEAN in advancing its cooperation. On the other hand, ASEAN's policy on Myanmar is usually depicted as one of 'constructive engagement' (Vinh, 2014). This policy implies that ASEAN takes a positive attitude towards non-democratic countries such as Myanmar. The accession of Myanmar, Vietnam, and Cambodia is the result of this constructive engagement policy.

An effort to compare ASEAN's response to refugee crises with that of other organizations has been made by Alistair Cook, who compares ASEAN's stance towards refugee issues with that of the European Union. Based on his study, he concludes that both ASEAN and EU approaches have no "significant impact" to changing regime (Myanmar) behaviors (Cook, 2010). Unlike ASEAN's constructive engagement

approach, the European Union tends to use a 'carrot and stick' or sanction approach in dealing with Myanmar (Balossi-restelli, 2015; Jom & Sidhu, 2015).

The OIC, meanwhile, has used a 'humanitarian' approach towards Myanmar. The organization's transforming role in humanitarian assistance has been well researched in the Humanitarian Policy Group's Working Paper (Svoboda, Zyck, Osman, & Hashi, 2015). Unfortunately, OIC's capability to solve conflict is still lacking. The recent case in Yemen is one example of OIC's 'failure' in settling the problem (Qadir & Rehman, 2015). However, research on OIC's policies or politics remains rare. Therefore, this research finds its significance in contributing to research on OIC politics.

Research Method

This study is based on qualitative analysis of both ASEAN and OIC's responses to the Rohingya crisis. The study applies a comparative politics method. The focus of this study is the diplomatic responses to the crisis and practical humanitarian assistance of ASEAN and OIC. This research also uses a literature study for research. The general procedures of this research consist of three main phases: (1) Pre-Research: Most of the activities during this phase are related to the preparation process, including research planning and administrative works; (2) Data Collection: Since the research employs a literature study, all data collected in this research is categorized as secondary data. In collecting data, the researcher utilized digital data, particularly electronic journals, online articles, and selected news resources; and (3) Data Analysis: To obtain research results, the collected data must be analyzed, first by scanning/reading the literature to reveal patterns and tendencies in the organizations' behavior then by labeling each pattern with some codes. This coded data was then interpreted based on explicit statements or arguments.

Findings and Discussion

The Rohingya Plight

The previous military junta of Myanmar intended to 'Burmanize' the entire country (Lay, 2009). Its Burmanizing politics were practiced soon after it first took the leadership in Myanmar after the 1962 military coup. As reported by Fortify Rights, the totalitarian political practices of the military junta have included the stripping the Rohingya of citizenship rights; implementing a two-child policy, birth control policy,

marriage restrictions, and restrictions on movements; and conducting invasive monitoring (Matthew & Taylor, 2014). Since the political transition to a military junta, Myanmar has been considered the 'world's greatest violator of human rights' (Deppermann, 2013). Who are the Rohingya? What is their history?

The term Rohingya, also pronounced Rooinga, 'refer(s) to Sunni Muslims living in the former Arakan State, designated the Rakhine State in 1989' (Robinson & Rahman, 2012). Rakhine is an area of Myanmar that borders Bangladesh. Before the Burmese army took over this area, it was the site of a Buddhist kingdom that enjoyed bilateral relations with the Mughal Empire in India. This kingdom recognized the Mughals as their patrons and used Muslim titles (ICG, 2014). Rohingya can be understood as meaning 'Tiger from the old village'; it also means 'the tiger who is sick of life goes to the strange forest' (Saw, 1993).

During the British colonial era, many of the people of Bengal migrated to Rakhine area. This migration was supported by the British, as they needed a workforce for rice production (ICG, 2014). The term Rohingya began to surface at the beginning of the 1950's; before, they were called Bengalis, Muslims, or Mohammedans by the British (Nemoto, 1991). Several stories exist regarding the meaning of the word Rohingya. For Saw (1993), the Rohingya are illegal migrants who came to Arakan State from Bangladesh. Saw claims that they have no legitimate historical knowledge of their Rohingya name (Saw, 1993). However, this does not mean that they do not deserve Burmese citizenship. A counter argument is made by Tha (2007), who argues that the Rohingya are descendants of Arabs who come to Arakan more than 1000 years ago. He suggests that their name is closely related to that of Arakan, which is derived from the Arabic word *Ar Rukun*, meaning the land of peace (Tha, 2007).

ASEAN's Role

As the core regional organization, ASEAN should take a leading role in resolving the Rohingya crisis. ASEAN and its members have a moral obligation to take necessary measures, which should be greater than humanitarian assistance. ASEAN should concretize its 'ASEAN community' identity by working together to address the crisis. Nevertheless, ASEAN has shown reluctance in its response and focused on formal diplomatic processes.

ASEAN Member Meetings

As its general response to any case, ASEAN—particularly member states such as Indonesia, Malaysia, Thailand, and Myanmar—conduct diplomatic efforts to formulate a solution. Institutionally, ASEAN has not hosted any official meetings to deliberate the Rohingya crisis. Only in 2012, during a meeting of the heads of state in ASEAN, was the question of Rohingya issues raised to high-level representatives from Myanmar and Bangladesh (Lipes, 2012). Personally, former ASEAN Secretary General Surin Pitsuwan expressed interest in the issue. However, this came without further action to prevent atrocities. Similarly, in 2015, ASEAN behaved in the same manner: ignoring the catastrophic plight of the Rohingya. The failure of ASEAN to take immediate action has been called 'the greatest embarrassment ASEAN has ever faced' (Hunt, 2015).

During the height of the Rohingya crisis (2012–2015), only two noteworthy meetings were held by ASEAN member states. The first was the three party meeting between Indonesia, Malaysia, and Thailand, which was held in Putra Jaya. This meeting was conducted in the face of international pressure that these countries welcome the Rohingya into their territory, rather than allow them to remain stranded at sea. During the meeting, Indonesia, Malaysia and Thailand agreed to accept the Rohingya within their territory for a duration of one year. During this period, these countries called international society to participate in providing a conclusive ending to the Rohingya crisis. It appears that ASEAN, or more precisely some of its members, would like to turn the crisis into one of international liability. Unfortunately, the meeting failed to reprimand the principal actor behind the crisis: the Myanmar government itself.

Myanmar's reluctance to address the Rohingya crisis reflects its political stance, which can be describe as discriminatory policies. Myanmar has sent the clear message that it will not accept the use of the term 'Rohingya' during any bilateral or multilateral discussions. Myanmar, as discussed earlier, insists on the term 'Bengali' and treats refugees as irregular migrants. To date, Myanmar's political stance has been respected by ASEAN and its member. Although the crisis began in 2012, no ASEAN meetings have addressed the Rohingya crisis as a specific issue, and no ASEAN members dare challenge Myanmar. Any attempt to discuss the Rohingya crisis with Myanmar must not mention Rohingya in the agenda of the meeting. Such a strategy was used by Thailand in May 2015 when it hosted a special meeting concerning Rohingya refugees.

This meeting, the Special Meeting on Irregular Migration in the Indian Ocean, was the second meeting held by individual members of ASEAN to address the Rohingya crisis. It was an attempt to put the issue on the table for discussion among multiple parties. This meeting showed improvement, in that it reflected a more coordinated effort among concerned parties in Southeast Asia, its neighbors, and international organizations. More importantly, the meeting was able to include Myanmar. The Bangkok special meeting was attended by 25 high-level representatives from Afghanistan, Australia, Bangladesh, Cambodia, India, Indonesia, Iran, Laos, Malaysia, Myanmar, New Zealand, Pakistan, Papua New Guinea, the Philippines, Sri Lanka, Vietnam, and Thailand. Three international organizations under the United Nations (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 also attended as participants. Meanwhile, representatives of Japan, Switzerland, and the United States of America attended as observers. A number of ambassadors and chargé d'affaires based in Bangkok also observed the meeting (MFA, 2015). The special meeting reached 17 prospective conclusions, including the continuous commitment of the 'five most affected countries' to provide humanitarian assistance for the irregular migrants and to solve the root causes of the problems. The meeting also welcomed the United States and Australia's pledged humanitarian assistance to Rakhine State and Cox's Bazar. Most importantly, the parties in the special meeting agreed to forward the issue to the ASEAN Ministerial Meeting on Transnational Crimes; the Bali People Smuggling, Trafficking in Person, and Related Transnational Crimes (Bali Process); and other relevant regional frameworks (MFA, 2015).

Emergency Meeting

The Emergency ASEAN Ministerial Meeting on Transnational Crimes Concerning Irregular Movement of Persons in Southeast Asia (EAMMTC) was a more focused ASEAN meeting concerning the Rohingya crisis. Held on 2 July 2015 in Kuala Lumpur, Malaysia, the meeting discussed three main agendas, namely; preparing a scenario for the irregular movement of persons in Southeast Asia (by land and by sea), its connection with irregular movement of persons through human trafficking and people

smuggling, and preparing a plan of action/way forward to resolve these issue (ASEAN Secretariat, 2015). In the chairman's statement of the EAMMTC, people smuggling was described as one aspect of transnational crime. In this respect, ASEAN categorized the irregular movement of persons as a non-traditional security issue under the auspices of the ASEAN Ministerial Meeting on Transnational Crimes (AMMTC) (Reliefweb. Int, 2015).

The application of the term 'irregular movement of persons' is clearly an effort to shift human rights issues to regional security issues. ASEAN likely prefers to treat irregular migrant issues under AMMTC because is it simply more negotiable than human rights. However, categorizing the Rohingya crisis as an irregular migrant issue will only redirect the case and blur the lines between it and people smuggling and human trafficking issues.

ASEAN Foreign Ministerial Meeting (AMM)

From 1 to 6 August 2015, the foreign ministers of ASEAN countries met in Kuala Lumpur to hold an annual ASEAN Ministerial Meeting. In its joint communiqué, the leaders of ASEAN welcomed the international humanitarian and relief efforts to deal with the irregular movement of people (Reliefweb. Int, 2015). As in the statement of the chairman of EMMTC, AMM's joint communiqué adopted the broad term 'irregular movement of persons'. AMM welcomed the outcomes of the EMMTC and Thailand-initiated meeting on the irregular movement of persons in Southeast Asia. However, the joint communiqué does not address Myanmar as the country of origin for this crisis, and as such effective responsibility in resolving it cannot be ensured.

ASEAN Intergovernmental Commission on Human Rights

In 2009, ASEAN finally agreed to establish a regional human rights commission to promote and protect human rights and fundamental freedoms. The ASEAN Intergovernmental Commission on Human Rights (AICHR) is the realization of ASEAN leaders' commitment to coordinate, actively participate, and contribute to the application, promotion, and protection of human rights, as indicated in the first purpose of AICHR under its Terms of Reference (ToR) document. The document concludes fourteen mandates and functions. One is for the AICHR to actively and

independently observe, evaluate, and investigate human rights practices in each ASEAN member states.

Regarding this concern, the International Commission of Jurists (ICI) issued a memorandum on problematic provisions in the document. This includes the narrow interpretation of non-interference principle, the critique on ASEAN Human Rights Declaration, the detachment of human rights in civil society and non-governmental organizations in dialogue and consultation forums, the ineffectiveness of AICHR's mandate and functions, inefficient consultative functions with other internationally recognized human rights institutions, indistinctive qualifications and selection processes for representatives, lack of guarantee of tenure for representatives, and lack of secretarial and administrative supports for the AICHR (ICJ, 2014). The ICJ memorandum was followed by recommendations for revising the TOR. The ICJ criticism on AICHR TOR, especially the narrow interpretation of the non-interference principle, and the ineffectiveness of its mandate and functions is shown accurate in AICHR's response to the plight of the Rohingya.

Despite its novel mission of promoting and protecting the human rights of the ASEAN people, AICHR has lost its primary role in promoting and protecting the Rohingya people. It has been criticized by many observers as insensitive and as failing to protect its people (Gecker & Ng, 2015; Nolan, 2015; Bowen, 2015). During the Rohingya crisis, AICHR has failed to make a solid move in the form of policy and action. It has lacked the initiatives to force ASEAN into taking the lead on resolving the Rohingya crisis. Not only until the ASEAN Special Meeting of the AICHR in Bandar Seri Begawan on 13-15 June 2015, did the AICHR country representative of Indonesia, Rafendi Djamin, propose that AICHR 'discuss and address the humanitarian and human rights plight – migration flow and seafaring refugees' (AICHR Indonesia, 2015). The proposal was bundled in the AICHR annual report to AMM, which held a meeting on August.

OIC's Role

The atrocity in Southeast Asia has caught the attention of the Organization of Islamic Cooperation (OIC). A day after President Thein Sein announced a state of emergency in Myanmar, the Secretary General of the OIC released his concerns and condemned violence against Rohingya Muslims (OIC, 2012; OIC (b)). Unfortunately,

violence against Rohingya re-emerged in October 2015 during the celebration of Eid ul Adha, which caused fatalities. Responding this situation, the OIC Secretary General once again stated his grave concern and asked the Myanmar government to 'deploy concrete measures' to stop violence (OIC, 2015). In 2013, the OIC Contact Group on the Rohingya Muslim Minority held a ministerial level conference to evaluate the prolonged human rights violations in Myanmar. The conference forwarded several recommendations for OIC members to take necessary diplomatic and humanitarian actions to support the Rohingya and urged Myanmar to work with UNHCR in returning refugees to their homes (OIC, 2013). Two months later, OIC made another statement recommending that the Myanmar government lift the 2005 regulation that implemented a two-child limit for Rohingya families (OIC, July 2013). Such family restrictions are direct violations of human rights and contribute the pressure put on the Rohingya.

Despite protests from Buddhist society, in November 2013 an OIC delegation was able to reach Western Rakhine, Myanmar, to meet with the Rohingya and discuss the situation with local civil society organizations (Thiri, 2013). Aside from enforcing humanitarian efforts, OIC's top leader also established diplomatic approach to international societies. A firm effort was made by OIC during the UN Human Rights Council meeting in July 2015. Previously, OIC adopted a Pakistani proposal for resolving the crisis that was forwarded to the organization (Ali, 2015). The proposal comprised some noteworthy points: condemning the human rights violations in Myanmar, calling Myanmar to ensure the security and protection of its people without any racial discrimination, and urging Myanmar to resettle all displaced persons in their respective homes. The adoption of the UNHCR on OIC proposal, titled 'Situation of Human Rights of Rohingya Muslims and other Minorities in Myanmar', is a representation of the international community's robust opposition to human rights violations on Rohingya. Moreover, it sends the message to ASEAN and its human rights institutions that they must take bold actions to push Myanmar to comply with human rights mechanisms.

Humanitarian Assistance

Unlike ASEAN, since the beginning of the Rohingya crisis OIC has taken immediate humanitarian actions. OIC humanitarian assistance to Rohingya has been

offered through bilateral and multilateral approaches. In the bilateral approach, OIC members have made individual contributions within their human rights bodies. In 2012, for instance, the Turkish Red Crescent and Myanmar Red Cross society reached a cooperation agreement on humanitarian assistance operations in Myanmar (Myanmar Red Cross Society, 2012). With the support of OIC, the Indonesian Red Cross (PMI) delivered humanitarian aid to Rohingya (The Jakarta Post, 2012). Other member states of OIC, such as Saudi Arabia, Turkey, Qatar, Malaysia, and Iran, have also made significant contributions to Myanmar. At the multilateral level, OIC was able to gather US\$ 25 million from its members during the second consultative meeting on humanitarian aid in Doha (The Jakarta Post, (b)).

Table 1. *Humanitarian Assistance to the Rohingya Made by OIC Member States in 2012*

Country	Description	Amount
Indonesia	Official aid Indonesian Red Cross sent a team of aid workers	US\$1 Mil 500 hygiene kits, 3,000 blankets, and 10,000 sarongs
Iran	Members of Majlis (the Iranian Parliament), the Iranian Foreign Ministry, Imam Khomeini's Relief Committee, and the Iranian Red Crescent Society (sent one shipment)	Food, tents, blankets, and other basic commodities to be distributed to Muslims Total weight: 24 tons
Malaysia	Putra 1 Malaysia Club, collected and transported relief supplies	Aid package Total weight: 500 tons
Qatar	Qatar Red Crescent undertook relief efforts in Rakhine State with assistance provided by the Qatar government	US\$ 1.5 Mil
Saudi Arabia	Saudi King Abdullah donated money to be distributed by the UNHCR for Rohingyas The Khalifa Bin Zayed Humanitarian Foundation, under the directive of President His Highness Shaikh Khalifa Bin Zayed Al Nahyan	US\$ 50 Mil 3 ambulance vehicles and 1,300 tons of basic relief items
Turkey	The prime minister's Disaster and Emergency Management Directorate, the Turkish Religious Affairs Foundation, and the Kimse Yok Mu Association (a charitable foundation) donated to	60 million Turkish lira (US\$ 33 million) Sent 30 tons of humanitarian aid, including 2,280 boxes of candy, 960 packages of instant rations, 11,000 bags of

Rohingya Muslims, the Turkish Foreign Minister distributed humanitarian aid administered by the Red Crescent which consisted of kitchen sets and food during a visit in August 2012, sent relief assistance in October, 2012	biscuits, 500 boxes of slippers, 1,000 bales of clothes, 1,000 items of stationary, and 500 boxes of toys
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(Source: Myanmar Peace Monitor)

Conclusion

The above discussion of ASEAN and OIC's response to the plight of the Rohingya, it can be concluded that ASEAN has had a limited response compared to OIC, which has taken further steps in the form of a bilateral and multilateral approach. The difference between ASEAN hindrance and OIC immediate response lays fundamentally in their policymaking mechanisms and noninterference principles. In ASEAN, decisions are made through a single consensus mechanism. While IOC also has a consensus mechanism, as stipulated in Article 33 of the Charter it is still open to a two-third majority vote of members. Meanwhile, ASEAN's consensus mechanism and noninterference principle has somehow discouraged decisions, particularly regarding human rights issues. The ASEAN human rights body—AICHR—also lacks authority due to its restrained mandate.

Recommendations

Recommendations put forward here are: (1) ASEAN should reevaluate its understanding of the consensus and noninterference principle; (2) ASEAN needs to grant a greater mandate to AICHR; (3) ASEAN should join OIC's campaign in defending the rights of refugees at the international level.

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