

Refugees Crisis in Southeast Asia: The Challenges of International Peace During Covid-19 Pandemic

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Abstract: The purpose of this study is to find out the impact of Covid-19 outbreak on the refugee-crisis management in South-East Asia. The research focuses only on the Rohingya case which took a great deal of international attention and involved almost all ASEAN member states. Research is conducted through a qualitative method using analysis on relevant literature/documents such as news, reports, journals and textbooks. The research shows that ASEAN, as an international system, has failed to respond properly to the Rohingya refugee crisis, especially during and after the Covid-19 outbreak. Covid-19 has evidently weakened the international support system and solidarity. This happens as national security becomes the main focus and a priority to each ASEAN member state.

Keywords: Covid-19, human rights, humanitarian crisis, international system, refugees.

1. Introduction

The Rohingya refugees have suffered such distressing human rights crises, from being expelled from their home to being vulnerable to the spread of pandemic Covid-19. Hundreds of Rohingya people have tried to flee to other countries, yet some were thrown overboard because many countries prohibited them. Even though some Southeast Asian authorities sometimes gave them food and drinking water, the countries refused to give shelter. Ban Ki-moon said that the Rohingyas' plight today threatens to repeat the tragedy seen in 2015, when an estimated 4,000 refugees died at sea, while countries squabble over where they could disembark.

The dozens of wooden boats carrying Rohingya refugees were prevented from docking in countries. The United Nations has called a dangerous game of human boat as many countries refused to accept them. The New York Times reported that nearly 400 malnourished and dehydrated figures, many of them children, emerged from the hold, where they had been kept by human traffickers. The Rohingya who survived that journey are now in quarantine for the coronavirus at a temporary camp in Bangladesh. Amid this global pandemic, human security became the main concern of national security because of the high risk of transmission. Although refugees are considered as

vulnerable persons, the anti-refugee sentiments rise in midst of public anxiety. On the other hand, some of the host countries of refugees which are developing countries in Southeast Asia must face greater economic pressures due to this global pandemic. As a result, there are on-going debates between national security issues and the solidarity for refugees. The international community is encouraging Southeast Asian countries to take action to solve this regional problem.

Open latter have been addressed by International Amnesty to the government of Australia, Bangladesh, Brunei, Cambodia, India, Indonesia, Laos, Malaysia, Myanmar, Pakistan, Philippines, Singapore, Thailand, Sri Lanka, East Timor and Vietnam to work together and protect Rohingya refugees. Amnesty International also require all boats that carrying refugees and migrant to land as soon as possible. Furthermore, these organizations also request that each country not discriminate against the refugees. This letter was issued due to a received report by Amnesty International regarding hundreds of Rohingya refugees who have been rejected by several countries. This rejection will create another problem that will lead those refugees to be stuck in the middle of the ocean.

Malaysia has recently pushed back to sea at least two boats filled with Rohingya refugees. On April 16, 2020, the Malaysian navy intercepted a boat with approximately 200 Rohingya refugees off the coast of Malaysia and prevented the boat from entering Malaysian waters. The fate of that boat is unknown. The previous day, Bangladesh coast guard officials intercepted another boatload of refugees that, survivors said, had been turned away from Malaysian waters almost two months earlier. A total of 382 starving Rohingya refugees were taken off the boat and survivors reported that at least 30 people on board had died before the rescue.

2. Research Method

The research method is a way of research in order to collect accurate data that can be accounted for and guarantee the level of validity. The method is a way of working to be able to understand the objects that are the target of the relevant science.

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This research is conducted through a qualitative method. Writers use direct observation on relevant documents or literature, such as news, reports, journals and textbooks as a way of collecting data. Writers also use expert interviews to triangulate the data and minimize subjectivism.

In approaching the phenomena of refugee crises, writers use a study case approach. The purpose is to examine the phenomena based on its historical background, current situation, and international response to the current situation.

3. Theoretical Framework

From the beginning, the focus of international relations theory was to learn about the causes and conditions that create collaboration. Collaboration can be created as a result of adjustments in the behavior of actors in responding or anticipating choices made by actors in responding or anticipating choices made by other actors. Collaboration can be carried out in a real negotiation process or because each party knows each other so that no more negotiation is needed.

International cooperation generally takes place in decentralized situations that lack effective institutions and norms for culturally distinct and geographically separated units, so that the need to address problems that involve inadequate information about motivations and the goals of various parties are very important. Continued interaction, development of communication and transportation between countries in the form of exchange of information regarding the goals of cooperation, and the growth of various institutions which, although imperfect, in which patterns of cooperation describe elements in cooperative theory based on their own interests in the international system.

According to Roel Van Der Veen (2020), to explain the phenomenon of relations between countries, there are four concepts of cooperation between countries: multilateral, multipolar, network, and fragmentation. International cooperation is cooperation carried out by each country to build relations between countries that aim to help each other in all aspects of life.

4. Discussion

1) *South-East Asian Response to the Rohingya Refugee Crisis*

Via an open letter, Amnesty International urged South-East Asian countries to help supervise the Rohingya refugee crisis. In a letter sent on May 8th, 2020, they announced that a fishing boat carrying hundreds of women, men, and children—believed to be the Rohingya refugees—were left afloat in the sea after they were denied access to enter neighboring countries due to pandemic concerns. Subsequently, Amnesty International encouraged all national governments in this region to cooperate and carry out immediate action for protecting these so-called imperiled people. They suggest that a national and regional action should be taken as an implication of the international humanitarian law and human rights protection for migrants and refugees. Furthermore, each national government was required to take steps to overcome the primary cause of this situation.

Amnesty International concludes that throughout several

decades the South-East Asian countries have been proven successful in protecting the discriminated and persecutions-fled people. However, during the Covid-19, this sense of solidarity is weakened as the pressure of national security arises. So far, there has been a lack of coordinated response, which is evidenced by hundreds of refugees left to wander in the ocean. This situation should have been a momentum for ASEAN countries to demonstrate its regional protection framework for migrants and refugees as it is implied in the ASEAN's charter—which greatly values human rights.

Malaysia, unequivocally stated that it can no longer accept Rohingya refugees due to the growingly difficult economy and limited resources caused by Covid-19. They urged the UNHCR to speed up the resettlement process for Rohingya refugees from Malaysia into third world countries. Malaysia's Prime Minister, Muhyiddin Yassin, during the ASEAN Summit stipulated that ASEAN should act more to help Myanmar, as Myanmar needs to show more commitments in order to solve this issue. He reminded that many of the Rohingya refugees are now traded in human trafficking and are at risk of being exploited, enslaved, and recruited as militants.

Malaysia's considerable apathy can be seen as a projection of the feeble coordination and cooperation on refugee supervision in ASEAN. This is quite the opposite to what Amnesty International expected, which demands concrete cooperation.

Thailand is one of the ASEAN countries which is committed to protect Rohingya refugees. However, in the midst of Covid-19, the access to nine refugee camps across Thailand-Myanmar border had been strictly limited due to the increase of virus spread in South-East Asia. Many of the refugees—who formerly looked out for jobs in the informal economy sectors—are compelled to return to the camps since the local governments have shut down workplaces in the cities that are likely causing more virus spread.

Indonesia, although it did not ratify the Refugee Convention 1951, had shown commitment to participate in the humanitarian crisis. This commitment is manifested through a Presidential Decree No. 125 Year 2016 on Treatment of Refugees from Overseas. The decree explains Indonesia's political stance and negotiation regarding the particular issue. It affirms that Indonesia is willing to provide special treatment for refugees with special needs, such as those who are ill, pregnant, disabled, children and the elderly. In terms of housing, the decree instructs that facilitation of refugee shelters support can be sought from international organizations.

Indonesia's commitment to protect the international refugees can also be seen through the Andaman Sea crisis (2015), where Indonesia had participated in helping migrant workers from Bangladesh and Rohingya from involuntary labors. This action took the spotlight of the international communities and later on was praised as a humanistic action. Indonesia's response to the refugee crisis during the pandemic of Covid-19 also obtained appreciation from several parties. During a virtual meeting with IOM and UNHCR, Indonesia's Foreign Minister, Retno Marsudi, conveyed that the Rohingya refugees have rights for international protection. Therefore, for the sake of humanity,

Indonesia will allow them to settle in temporarily. Nevertheless, Indonesia's top priority will still be returning them to Rakhine State in Myanmar after the crisis. For this reason, Retno urged Myanmar's government to resolve its internal conflict and foster peace in Rakhine, so that the Rohingya would want to return home safely, voluntarily, and with dignity. On the same occasion, Retno also announced that the Rohingya refugees in Aceh have all been tested for COVID-19 and were found negative for infection

2) *International Community Response to The Actions of Southeast Asian Countries Towards Refugees Amid Global Pandemic*

The Rohingya refugees are one of main issues in Southeast Asian countries, as it involves Myanmar as ASEAN member. Many Rohingya people had been fleeing their homes because of the discriminatory policies and violence. Most of them crossed into neighboring countries such as Bangladesh, Thailand, Malaysia and Indonesia. One of the main problems is that most Southeast Asian countries have not ratified the 1951 UN Refugee Convention of 1951 and 1967 Protocol Relating to the Status of Refugees. Another problem is many Southeast Asian countries lack the capacity to accommodate the growing number of refugees. These problems are exacerbated by the impact of the Covid-19 pandemic on the national stability of the country.

The response of the international community has brought pressure on ASEAN as a collective Southeast Asian countries' mechanism. During the time of global pandemic, the refusal of many countries to accept refugees has led the international community to alarm the recurrence of refugee crisis in the Andaman Sea in 2015. On the other hand, of Asia Pacific Refugee Rights Network Themba Lewis said that the crisis was accentuated by the pandemic due to the travel restrictions and the closure of borders across the region. In addition, the other impact of global pandemic is rise of xenophobic

The former United Nations Secretary General, Ban Ki-moon argued that ASEAN must act to save Rohingya refugees in the Bay of Bengal. To encourage the commitments of responsibility-sharing and collaboration, there are two key areas that the international community needs to step up. The first key is to support the countries of the Bali Process and the regional organisation ASEAN to resettle refugees, and the second is to help Bangladesh to decongest camps, especially in the context of Covid-19. In addition, he said that Indonesia and Australia should activate the Consultative Mechanism to convene affected countries and facilitate a timely and regional resolution of the crisis in the Andaman Sea as Bali Process Co-Chairs.

Prior to the 36th ASEAN Summit, Human Rights Watch said that Southeast Asian leaders should urgently adopt concrete plans for addressing the crisis facing ethnic Rohingya. Addressing the issue, Asia director Brad Adams criticized ASEAN leaders having done almost nothing for years and the need to coordinate regional response. According to Human Rights Watch, Covid-19 pandemic does not justify a broad crackdown on migrants and refugees nor a blanket policy of turning away boats in distress. Furthermore, Adams said that

ASEAN members should drop their non-interference principle and respond to Myanmar's abuses and lack of cooperation with international agencies.

On other hand, Malaysia Prime Minister Tan Sri Muhyiddin Yassin urged the United Nations High Commissioner for Refugees (UNHCR) to work closely with ASEAN to expedite the resettlement of UNHCR cardholders to third countries. Speaking at the 36th ASEAN Summit, the Prime Minister said that Malaysia can no longer take more refugees because of its limited capacity compounded by global pandemic Covid-19. While Malaysia argued about the spillover from the Rakhine crisis, Myanmar State Counselor Aung San Suu Kyi responded that the two issues faced in Rakhine were terrorism and human trafficking.

The people of Indonesia, for example North Aceh and civil society groups, are active not only providing humanitarian assistance but also giving their voice about refugee issues. Indonesia, like most Southeast Asian countries, is not a party to the UN Refugee Convention of 1951 and Protocol Relating to the Status of Refugees. As a consequence, Indonesia would not be legally obliged to take in any refugees that arrive at its territory. UNHCR representative to Indonesia Ann Maymann said that Indonesia has several times been a country that has set an example to others in the region, having also provided life-saving humanitarian assistance to Rohingya boat people in Aceh in 2015 and in 2018.

Senior director for research, advocacy and policy at Amnesty International, Clare Algar said that Covid-19 is no excuse for regional governments to let their seas become graveyards for desperate Rohingya people. (VOA News, 2020). In response to the Malaysian government, Algar pointed out that Malaysia could carry out international refugee tasks while simultaneously fighting global pandemic. On the other hand, keeping refugees in developing countries is a complex condition, especially the current Covid-19 pandemic will make the situation even more difficult for Southeast Asian countries. The issue of refugees is not a problem of one country but a global (regional) concern that requires international cooperation.

3) *ASEAN's Response as An International System*

The management of refugees is one of the manifestations of the Association of South-East Asian Nations (ASEAN) communities in the field of security politics. As explained in the previous discussion, where at the regional level, Southeast Asia is a region that faces major challenges in the security sector. Looking back at the history of the past, Southeast Asia has never escaped conflict, including conflicts with other countries and also internal conflicts of each country. Conflict and political oppression often occur, this then has caused many people to try to flee from conflict areas and to other areas that are considered safer. ASEAN as a regional organization does not yet have a mechanism to deal with refugees. Of the ten ASEAN member countries, only Cambodia and the Philippines have signed the Convention relating to the Status of Refugees 1951 (Refugee Convention 1951). Rohingya refugee recipient countries also do not have a specific legal framework to provide protection or law for refugees and asylum seekers. Without legal access, these refugees are at great risk of being exploited

or restricting them from accessing basic services. In the case of Rohingya refugees, the handling is complicated by the lack of cooperation between member countries. The response of ASEAN member countries to the Rohingya refugee problem can be divided into three groups, as follows:

- a) Countries that pay attention to this problem and provide solutions proactively (Indonesia, Malaysia, and Thailand);
- b) Countries that pay attention to this problem but do not provide proactive solutions in conflict resolution (Singapore, Brunei Darussalam, and Filipina);
- c) Countries that tend to be silent, do not play an active role and seem reluctant to pay attention to this problem (Vietnam, Laos, and Cambodia).

The views of these ASEAN member countries are related to the fundamental principle of 'ASEAN Way'. Although the existence of the principle of the 'ASEAN Way' which was born by the Treaty of Amity and Cooperation in Southeast Asia 1976 (TAC) on the one hand is an advantage as a guarantee of security stability in the Southeast Asian region, but often also the TAC which gives birth becomes an obstacle to the effectiveness of solving problems ASEAN is facing, including issues relating to the handling of Rohingya refugees. The normative joints contained in the 'ASEAN Way' include principles for peaceful, harmonious, mutual respect for national sovereignty, not interfering in the domestic affairs of member countries, egalitarian, applying consensus rules in producing various decisions, tolerance and non-confrontation, mutual assistance, conducting diplomacy secretly not through the media, upholding solidarity, non-legalistic and pragmatic.

With that in mind, the handling of refugees in ASEAN is closely related to the height of sensitivity of ASEAN countries to the issue of sovereignty. The more sensitive countries are to the issue of sovereignty, the more difficult it is to develop an 'integrated' attitude in solving common security problems. In this regard, a study is needed that can provide an overview of the role of ASEAN, as a regional organization, in handling Rohingya refugees.

Furthermore, The Association of Southeast Asian Nations (ASEAN) has been keeping an eerie silence over the ongoing ill-treatment and trafficking of Rohingya refugees. In fact, Myanmar has kept such a strong grip over its own domestic affairs that no amount of ASEAN diplomacy has been able to properly address the burgeoning refugee crisis faced in the Southeast Asia region – hamstrung by ASEAN's own charter of no interference. Human Rights Watch blasted the Southeast Asia-based intergovernmental organization for having put "blinders" over the crisis, and further calls for actions by various rights groups have continued to fall on deaf ears. The Rohingyas continue to be oppressed in their own country and conversations about sending them back to Myanmar have been met with harsh criticism by human rights groups that deem what they face back in Myanmar as a form of genocide.

The pandemic has not just brought out the worst instincts in Myanmar, but also among fellow Southeast Asian brethren. In Malaysia, the previous welcoming tone toward refugees has now shifted, with heightened hate speech and xenophobic

treatment. The recent placement of an anti-Rohingya banner in front of a mosque in the Malaysian state of Johor summed up the local sentiments against refugees. There has been no voice of reason and leadership from the new Malaysia government led by Prime Minister Muhyiddin Yassin, with the administration more concerned about an internal game of political musical chairs. Muhyiddin's ascension to power in March was the result of political mudslinging between him and the former Prime Minister Mahathir Mohamad.

Last month, a letter signed by a collective group of activists and human rights organizations was sent to Muhyiddin, urging the government to combat online hate speech and xenophobia in Malaysia. The letter seems to have been conveniently left in the trash bin. Malaysia once positioned and prided itself as a leader in the Muslim world by being especially vocal and at the forefront of issues such as the Israel-Palestinian conflict and the American-led wars in the Middle East.

However, the Muslim refugee crisis in its own backyard has not been treated with the same fervor and language of justice and human rights. As a result, many Rohingya refugees are currently living in fear of deportation. Online witch-hunts frame them as scapegoats for the many unhappy citizens anxious about the uncertainty in the economy and their way of life. Many refugees are facing deep mental health trauma and food insecurity as they navigate inconsistent realities of shifting government policies and public sentiments.

Indonesia can play a key role in ASEAN and setting up a paradigm for leadership in addressing the ongoing refugee crisis. The failure of ASEAN to respond to the influx of refugees and provide a basic framework of human rights has now showcased the failure of each and individual ASEAN government at its unifying vision of "One ASEAN Community."

5. Conclusion and Recommendation

Based on the findings and the discussions that emerged, writers conclude that ASEAN, as an international system, has failed to respond properly to the Rohingya refugee crisis, especially during and after the Covid-19 outbreak. Evidently, Covid-19 has weakened the international support system and solidarity as national security becomes more prominent and a priority to every ASEAN country. Other factors contributing to the failure are ASEAN's limited capacity and resources, as well as its lack of regulation and mechanism to deal with international refugees.

Writers also find that Covid-19 had helped uplifted ethnocentrism against the Rohingya. This phenomenon does not only occur in Myanmar, but also in Malaysia as the country is starting to fear that the Rohingya would slowly decrease their national resources.

Taken as a whole, Rohingya refugee crises do not seem to face a brighter day, yet it is even more and more challenging to solve. However, Indonesia may use this opportunity to take a leadership position, and to initiate a sensible and agreeable solution upon this matter. Indonesia could offer a new mechanism for ASEAN to respond to international refugees apart from what is already stated in the Refugee Convention

(1951). This is considered necessary since not all of ASEAN countries—including Indonesia—ratified the so-called convention.

References

- [1] Dougherty, J.E. & Pfaltzgraff, R.L. "Contending Theories". New York: Happer and Row Publisher, 1997, P. 418.
- [2] Soekamto, S. "Pengantar Penelitian Hukum". Jakarta: Universitas Indonesia, 1981., p. 5
- [3] Susastro, H. (eds), "ASEAN in a Changing Regional and International Political Economy", Jakarta: Center for Strategic and International Studies (CSIS), p. 3-4, 1995.
- [4] Untoro, Y., Idris, M., & Hardiwinoto, S., "Peran ASEAN dalam Penanganan Pengungsi Pencari Suaka Yang Ada di Indonesia (Studi Kasus Pengungsi Rohingya di Aceh)", *Diponegoro Law Journal*, Vol 5, No. 3, p. 5-6, 2016.
- [5] Van Der Veen, R., "After the Crisis, International peace?" Presentation of Online Overseas Study for Peace and Conflict Resolution Program, Indonesia Defense University, Bogor, Indonesia, June 17th, 2020.
- [6] Amnesty International. (2020, May 8). Surat Terbuka: Nyawa Pengungsi dan Pencari Suaka Rohingya Terancam di Laut. Retrieved July 1, 2020, from Amnesty International: <https://www.amnesty.id/surat-terbukanyawa-pengungsi-dan-pencari-suaka-rohingya-terancam-di-laut/>
- [7] Ariesta, M. (2020, June 30). Pengungsi Rohingya di Aceh Negatif Covid-19. Retrieved July 1, 2020,
- [8] Babulal, V. (2020, June 27). Work with Asean in expediting refugees' resettlement, UNHCR told. Retrieved from New Straits Times
- [9] Beech, H. (2020, May 1). Hundreds of Rohingya Refugees Stuck at Sea With 'Zero Hope'. Retrieved from The New York Times
- [10] Human Rights Watch. (2020, June 26). ASEAN: Overhaul Regional Response to Rohingya Crisis. Protect Asylum Seekers, Press Myanmar to End Persecution. Retrieved from Human Rights Watch
- [11] Ki-moon, B. (2020, Mei 26). ASEAN must act to save Rohingya refugees in the Bay of Bengal. Retrieved from Thomson Reuters Foundation News:
- [12] Matamata Politik. (2020, April 6). Ancaman COVID-19 di Kamp Pengungsi Bangladesh, Thailand, dan Indonesia. Retrieved July 1, 2020, from Matamata Politik.
- [13] Pudjiastuti, T. N. (2020, May 1). Kerentanan Pengungsi pada Masa Pandemi COVID-19 di Indonesia. Retrieved July 1, 2020, from LIPI Pusat Penelitian Politik
- [14] *Republika.co.id*. (2020, June 26). Malaysia: Kami tak Bisa Lagi Menampung Pengungsi Rohingya. (T. Firmansyah, Editor).
- [15] Septiari, D. (2020, June 26). 'Totally shameful': Outrage as ASEAN nations abandon Rohingya boat people. Retrieved from The Jakarta Post
- [16] United Nations Office for the Coordination of Humanitarian Affairs. (2020, April 28). Malaysia: Allow Rohingya Refugees Ashore - Covid-19 No Basis for Pushing Back Boats. Retrieved July 2, 2020.
- [17] United Nations Office for the Coordination of Humanitarian Affairs. (2020, April 28). Malaysia: Allow Rohingya Refugees Ashore - Covid-19 No Basis for Pushing Back Boats. Retrieved July 2, 2020.
- [18] VOA News. (2020, April 20). Could Virus See Rohingya 'Floating Coffins' Crisis Return to ASEAN? Retrieved from VoA.