

## **Malaysia must lead in addressing Rohingya woes**

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**By Suaram**

COMMENT Suara Rakyat Malaysia (Suaram) adds its voice to those urgently urging the Malaysian government, as the present chair of Asean and member of the UN Security Council, to take a firm and decisive lead in rescuing the Rohingya and Bangladeshi migrants stranded at sea in South-East Asia.

More importantly, Malaysia must set an example by leading the Asean community into addressing the root cause of this humanitarian catastrophe and to put together a framework that would end Myanmar's abusive regime in denying and violating the rights of the Rohingya - without any delay.

### **The Rohingya**

Questions have arisen as to who are the Rohingya and why are they fleeing their own country? The simple answer to that is they don't belong to a country. Or that they are not recognised by their own country.

The Rohingya are a Muslim minority who have been living in Arakan state in Myanmar for centuries. Many were brought across as workers from what was then neighbouring India by the British colonial administration between 1826 and 1948. They have their own language, and had their own representatives in early Burma parliaments.

However, there have long been tensions in what is a majority-Buddhist Myanmar. In 1982, the government introduced the Burma Citizenship Law, under which the Rohingya were stripped of their citizenship. The law further restricts their access to education, services, rights to property and liberties.

Many live in internally displaced persons camps in the Rakhine state, where they are entirely dependent on international humanitarian aid, as reported by Human Rights Watch in 2014. They are effectively stateless. The persistent and awful violations against the Rohingya population have been well documented for over thirty years.

This systematic violence and harassment has forced thousands of Rohingya to flee, many to camps on the Bangladeshi border, and thousands of others are desperate to leave. The human traffickers and criminal syndicates then prey upon their vulnerability and desperation - by offering them a new hope and new land.

There is plenty of documentation from regional organisations and NGOs about how these Rohingya pay (extortionate rates) for a passage but for far too many, 'smuggling' becomes quickly 'trafficked' or 'held for ransom' and further extortion.

The boats leaving Myanmar have become larger; the big syndicates apparently operate

them with impunity; there are allegations that the Myanmar government are actively involved; there are allegations that the syndicates include people from key agencies and authorities for example in Thailand and on the Malaysian border.

As of end of February 2015, the UN Refugee Agency (UNHCR) recorded a total of 45,170 Rohingya in Malaysia. Showing the desperation of the situation, the UN has qualified the Rohingya as one of the more persecuted populations of the world.

### **Refugees and asylum seekers in Malaysia**

Malaysia is not party to the UN 1951 Refugee Convention which would legally bind the government to recognise and protect refugees and asylum seekers. Indeed, there is no administrative or legal framework at all relating to refugees or asylum seekers in this country.

Instead the Malaysian government has 'allowed' asylum seekers and refugees to be in Malaysia, but has given responsibility for the assessment and processing of such people to the United Nations High Commission for Refugees (UNHCR) on the implicit assumption that all will be resettled to a third country.

But this is unrealistic and many refugees and asylum seekers have been here for years. And in many circumstance, including in the present situation, the Malaysian government labels refugees and asylum seekers as "illegal migrants", the same category as economic migrants.

As previous Suaram Reports and a plethora of other reports and articles have catalogued, the fact that refugees and asylum-seekers have no rights in Malaysia has led to a situation where they are live in a highly precarious environment, subject to arbitrary treatment by the authorities, forced to work as 'undocumented workers' with all the vulnerabilities this brings, and have no right to redress where things go wrong.

### **The crisis**

Boats filled with thousands of desperate, hungry and exhausted Rohingya and Bangladeshis have arrived in Thailand, Malaysia and Indonesia in the past weeks, and thousands more migrants are believed to be still stranded at sea after the human traffickers prompted their captains and smugglers to abandon the boats.

This situation has unravelled because there has been a crackdown in Thailand, where previously traffickers would take the women, men and children in the boats to be held in camps, for further extortion, torture, rape and murder, as is evidenced by recent findings.

Now the boats have 'nowhere to go' and of course the situation has been aggravated by the Thailand, Malaysia and Indonesia governments pushing back the boats, putting thousands of lives at risk of imminent death.

There are no easy answers to this heart-wrenching mess. But turning the vulnerable away

cold-heartedly when their lives are on the edge is not acceptable morally and arguably illegal under international maritime law. Further, it puts a damning image on the reputation of the Malaysian government, allowing the country to be ridiculed.

As a matter of utter urgency, the boats still at sea need to be properly provisioned and people's lives saved. The Malaysian Navy and Maritime Agency are in the best position to do this, with thousands of Malaysians responding to the urging for humanitarian help and ready to support such an initiative. Further, the Malaysian government must change their policy and allow the boats to land; not to do so is to condemn thousands of innocent women, men and children to die.

At the same time, it is clear that initiatives must also be taken also urgently at Asean and international level, to bring the Myanmar government to account and to tackle the pervasiveness of human trafficking and exploitation of people in the region. It is because of the actions and policies of the Myanmar government that ethnic minorities like the Rohingya are fleeing. A way has to be found to stop the Myanmar government from its horrific and persistent abuse of people.

Unsurprisingly, the Myanmar government has refused to admit that it is the source of the problem. If Asean is genuinely seeking a solution, they should demand the Myanmar government to end the discriminatory policies and treatment towards to the Rohingya, recognise their inherent rights as human being, and ensure that the Rohingya can return safely, with full dignity back to their homes in Myanmar.

Failing this, penalties should be imposed, including the potential for Myanmar to be suspended or ejected from Asean. The international community also has its part to play.

Further, the crisis calls for national governments and Asean as a collective to commit to a coherent, determined and properly resourced strategy to combat human trafficking.

The fact that both Thailand and Malaysia have been categorised as Tier 3 (the lowest of all Tiers) by the US Trafficking in Persons Report 2014 indicates that these countries have 'categorically failed to comply with the most basic international requirements to prevent trafficking and protect victims within its borders'.

Let us hope that the awfulness of the present situation - the discovery of horrific holding camps in Thailand (which were being reported for years but no action taken), the fate of the thousands of women, men and children on the boats - galvanises us into realising what is happening in our region, and the many things we have to do as a country and as a region to stop the killings, trafficking and ruthless exploitation of people. We have no time to waste.