

REFUGEES AND HUMAN SECURITY-A STUDY OF THE ROHINGYA REFUGEE CRISIS

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ABSTRACT

In contemporary international relations the notion of security is grounded in the Western tradition, where the concept of security is portrayed as the security of states, especially of the European nation- state system. This Western tradition of security is defined in Realist terms of military security only, which in fact neglects the other dimensions of security as well as the security conception of the third world states.

KEYWORDS: *Rohingiyas, Ethnic Genocide, Statelessness, UNHCR, Human Security*

INTRODUCTION

During the late 1980s, in the theoretical field of security studies, the Realist notion of security was challenged by Barry Buzan in his book “People States and Fear”, which is written from a neo-realist perspective. Buzan agreed that states remain the focus of security but he examined the security from the individual perspective as well, argued for the expanding dimensions of security, wanted to make the realm of security, more comprehensive and this in fact sparked into the notion of non-traditional security.

In the post-cold war period there has been a redefinition of the notion of security, from traditional state- centric military dimension to a non- traditional, individual centric security with the aim of achieving more comprehensive dimension of security. This non-traditional individual centric security essentially focuses on intra-state security and the security of citizens within a state. Hence it also concerns the plight of those citizens who are forced by the circumstances like ethnic war, intra and inter-state conflict, to become alien, displaced persons, stateless and ultimately refugees – herein lies the linkage between refugee crisis and human security; and hence refugee crisis is essentially a problem which fails within the ambit of human security.

Refugee crisis in South Asia has an adept potential to transcend or escalate to the levels of an acute ‘human security’ crisis that may lead to systematic extermination of erstwhile civic populace of a state, who are presently displaced and haplessly living under extremely inhuman ‘stateless’ conditions which in one of the most serious but unknown violation of basic human rights and a factor conditioning human security. This term paper particularly focuses on the Rohingya refugee problem

The human security concept is linked with neo-liberalism. In the regional context, the term ‘comprehensive security’, which was officially proposed by the Japanese government in 1978, opened up a space in which to deal with transnational threats. This term incorporates not only military aspects but also elements such as economy, diplomacy and politics. Mixed migration issues were also included as one of the critical non-traditional security threats in the notion of comprehensive security, especially within the Asia Pacific region.

The human security concept, according to the UNDP's HDR report, can be defined as

“to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruption in the patterns of daily life - whether in jobs or in communities”

There have always been two major components of human security called the spirits of ‘freedom from want’ and ‘freedom from fear’. The UNDP's human security definition has also proposed a list of threats to human security. These include economic, food, environmental, health, personal, community and political security.

Human security, according to the report, can be described as “a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did - Table 2.1 UNDP's human security components (United Nations Development Programme (UNDP), Human Development Report (HDR), New York: Oxford University Press, 1994, p. 23).

Mahbub ul-Haq elaborates the concept as “for people, not just territory, for the individual, not just for nation, through development, not through arms; of all people everywhere in their homes, jobs, streets, communities and environment”. According to ul-Haq, “conflicts are occurred largely within nations rather than between states - and with 90 % casualties being civilians rather than soldiers, this concept could be effective in managing recent trends of security threats that directly threaten people rather than the state”. (Mah-Bub-Ul-Haq, UNDP, 1994)

Refugees and Human Security

Generally speaking, Refugees and Migrants have a few things in common. These include travelling alongside one another and using similar smuggling channels to reach their destination country, seeking for employment opportunities, and seeking basic needs such as access to education, healthcare, settlements, as well as facing the risk of their rights being persecuted during their time at the host country. Migrants may move internally (within their country of origin) of cross boundaries (to other countries). Refugees do essentially cross international borders

However this does not mean that refugees have or share parallel status with migrants, mainly in the eyes of international law. According to the 1951 Refugee Convention, a refugee denotes a person who is; (The United Nations High Commissioner for Refugees (UNHCR), 1951 Refugee Convention.)

“Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the county of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to its country” (UNHCR)

The international law provides special protection to refugees due to the fact that their government (government of origin country) fails to protect its citizens.

The UNHCR is the only mandated international body to protect and find durable solutions for refugees in accordance to provisions enshrined in the 1951 Refugee Convention. Meanwhile, the 1951 Refugee Convention is the main and first international agreement to protect refugees across the world.

Several factors act as catalysts in generating the outflow of refugees from their country of origin in search of protection and a safe place outside their home country. These include civil wars, ethnic and religious conflict, human rights persecutions, food crisis, economic devastation and environmental degradation. As an example, a huge flood took place in Pakistan in 2010 caused the deaths of about 2,000 people and left 10 million people without shelters at Karachi. The flood forced thousands of people to become internal displaced persons (IDPs) within the country. Given the massive impacts of the flood and the failure of the government to quickly react to protect its people, thousands of Pakistanis had to leave the country and reached Indian-Pakistan borders to gain international protection. As they were in search of international protection, they became refugees (after being recognized by the UNHCR) and asylum-seekers, as enshrined in the 1951 Convention.

On the security concerns, threats brought by the massive influx of refugees are often intricate. Refugees are considered as a threat to the government of destination country, a threat to their country of origin and sometimes will be a threat to their own community.

For refugees and asylum-seekers that live in a non-signatory country to the 1951 Refugee Convention, they (refugees) have to deal with various risks due to the absence of legal documentation and formal protection by the government of destination country. From a human rights dimension, refugees have no access to a few critical fundamental rights such as access to education, employment and livelihood, freedom of movement, right to family reunion, and others. Refugees are frequently targeted by local enforcement agencies in immigration related operations and therefore at risk of being sentenced under immigration acts and detained at immigration detention centres.

In certain cases, refugees are involuntarily deported to their home country where their lives would be in danger. Refugees will be deported to their home country by local enforcement agencies after being detained for certain a period. This is a direct violation against the non-refoulement principle (non-deportation) where the government of the destination country cannot send refugees back to their origin country in whatever circumstances. Deportation of refugees and asylum seekers to their origin country may cause these people to be threatened by their own government, or even by smuggling and trafficking syndicates that operate at the border areas.

Refugees who live in refugee camps are usually at risk of being recruited as members of rebel groups, armed groups, and religious or political based movements. For instance, many Sudanese refugees living in Northern Uganda, especially at several refugee camps located at Arua District, were forcibly recruited as armed members by the Sudanese People's Liberation Army (SPLA). Apart from that, access to material accessibility and basic needs such as clean water, electricity, settlements, food, health, education and employment are in poor condition. Living in refugee camps are not a better solution for refugees. Many refugees thus prefer to live independently rather than to be placed in refugee camps.

The risks and dilemmas encountered by refugees are adequate to express the relationship between refugees and human security. Refugee issue need concrete and durable solutions while refugees themselves need immediate protection and humanitarian assistance from the governments of origin, destination, and third country. At the same time, the elements of human security and global promotion are needed to encourage the making of this refugee protection system and wide range humanitarian assistance.

The Rohingya Refugee Crisis: Genesis and Growth

The Rohingya, a Muslim ethnic-minority group lived for centuries in the Buddhist majority province of Rakhine in Myanmar. They are often termed as the "world's most persecuted minority". Rohingyas have not been placed in the ranks of the 135 officially declared ethnic groups of Myanmar and have been denied citizenship status since the enactment of the Nationality Act of 1982. Statelessness is the starting point of their crisis.

According to the historians, Rohingya Muslims have lived in the area since as early as the 12th century, while the Arakan Rohingya National Organisation (ARNO) says Rohingyas are living in Arakan (now known as Rakhine) from time immemorial.

According to Human Rights Watch (HRW), the significant amount of migration of labourers from Burma, now known as Myanmar came from India and Bangladesh during more than 100 years of the British rule. Since then, such migration of labourers was considered as the internal migration because Myanmar was one of the provinces of India administered by the British. But after Burmese independence in 1948, it has become one of the major reasons of disturbance in the region where the majority of the native population and even the government considered such migration which was happened before independence as illegal and void. On this basis, the citizenship of Rohingyas has been denied.

The Various Dimensions of the Rohingya Crisis-Statelessness, Genocide and Beyond

The Rohingyas are a victim of state-induced genocide and they have been the primary target of the violence perpetrated by both the state as well as Buddhist nationalists. The Rakh in the State, the epicentre of the conflict, has Buddhist as a majority in groups and Rohingya Muslims as a minority.

The first reason is the existence of serious inter-communal and inter-religious conflict with ethnic Muslim minority communities, coupled with the extreme poverty and under-development of such groups.

Second, the Myanmar government and the military junta has clamped down upon the livelihood of the minority Rohingyas through restrictions like family planning, marriage, language, employment education, religious choice and freedom of movement for the livelihood. Lack of democratization in Myanmar and steadfast militarization of the polity has compounded matters.

Third, during the violence broke out in 2012, Rohingya men were accused of raping and killing Buddhist women. As a revenge, the Buddhist nationalists responded by burning Rohingya homes, killing more than 280 people and displacing tens of thousands, later, which was termed as the "crimes against humanity" by Human Right Watch (HRW).

Fourth, the huge demographic expansion rate of the Rohingyas, over population and high birth rate seemed to have sparked of an ethnic identity crisis in the minds of the Myanmarese bhumiputras.

The situation in the Rakhine state steadfastly worsened, leading to a mass exodus of the Rohingya populace to neighbouring countries like Bangladesh, India, Malaysia, Thailand, Indonesia, etc. but some of the countries have refused to provide shelter to Rohingya including India. Many have been killed by security personnel in Myanmar or in inter-ethnic clashes. Rohingyas have been victims of ethnic genocide at home, and those who could survive and flee, have turned into stateless persons and the condition of statelessness is a basic human rights violation as per international human rights legal regime. As per the report of the United Nations High Commissioner for Refugees (UNHCR), 123,000 Rohingya refugees have fled western Myanmar since August 25, 2017. In India, as per the Ministry of Home Affairs, around 40,000 Rohingya Muslims have sheltered in India, while about 16,500 Rohingya living in India is registered with the UNHCR.

Indian Government's Stance on the Rohingya Crisis

The Indian government has stated its stand on deportation of Rohingya Muslims refugees from India. The government has said that the stay of Rohingya refugees would create a "social unrest" in the country referring one of the reports of the United Nations (UN) in which UN has termed the Muslim people who are fleeing Myanmar to escape as ethnic cleansing. The Central government has presented an affidavit in the Supreme Court on 18 September 2017 on the issue and told the apex court that there are enough intelligence inputs regarding Rohingya refugees' assertiveness with Pakistan's ISI and Islamic State operatives thrown into the mix. The illegal immigrants have "a serious security threat to the country" and it has become a witches' brew of terrorism and Pan-Islamic terrorism.

India does not want to compromise on national security concerns in the issue of providing asylum for Rohingya refugees. The Government fears the engendering of terrorist elements among the Rohingya who are active in Delhi, Hyderabad, Mewar and Jammu. Rohingya refugees are spread across six locations in India — Jammu, Nuh in Haryana's Mewat district, Delhi, Hyderabad, Jaipur and Chennai.

Rohingyas-The 'Nowhere People'

The Rohingya people have been described as "one of the world's least wanted minorities" and "some of the world's most persecuted people".

The Rohingya are denied freedom of movement as well as the right to receive a higher education. They have been denied Burmese citizenship since the 1982 nationality law was enacted. Post the 1982 law, Burma has had different types of citizenship. Citizens possessed red identity cards; Rohingyas were given white identity cards which essentially classified them as foreigners who were living in Burma. Limitations and restrictions imposed on Rohingyas are facilitated by this difference in citizenship. For example, Rohingyas cannot enlist in the army or participate in the government, and they are potentially faced with the issue of illegal immigration. The citizenship law also significantly underlies the human rights violations against the Rohingya by the military.

They are not allowed to travel without official permission and they were previously required to sign a commitment not to have more than two children, though the law was not strictly enforced. They are subjected to routine forced labour. (Typically, a Rohingya man has to work on military or government projects one day a week, and perform sentry duty one night a week.) The Rohingyas have also lost a lot of arable land, which has been confiscated by the military and given to Buddhist settlers who have moved there from elsewhere in Myanmar.

The military is partially responsible for the human rights violations which have been committed against the Rohingya. These violations include destruction of property and forced relocation to another country. One such violation was committed when the military forced Rohingyas in Rakhine to move to Bangladesh. Other human rights violations against Rohingya Muslims include physical violence and sexual violence.

Members of the Rohingya community were displaced to Bangladesh where the government of the country, non-governmental organisations and the UNHCR gave aid to the refugees by providing them with homes and food. Despite earlier repatriation efforts by the UN, the vast majority of Rohingya refugees in Bangladesh are unable to return to Myanmar due to the communal violence which occurred there in 2012 and their fear of persecution.

Steps to repatriate Rohingya refugees began in 2005. In 2009, the government of Bangladesh announced that it would repatriate around 9,000 Rohingyas who were living in refugee camps inside the country back to Myanmar, after a meeting with Burmese diplomats. On 16 October 2011, the new government of Myanmar agreed to take back registered Rohingya refugees. However, these repatriation efforts were hampered by the Rakhine riots in 2012.

Myanmar has been charged of instituting a policy of ethnic cleansing against the Rohingyas and international criticisms and concerns are flowing in, but that is not in any way helping the cause of the hapless Rohingya refugees who continue to languish in Bangladesh and elsewhere in the refugee camps or otherwise. Leaders across the globe have voiced concerns but still proper repatriation and resettlement issues are yet to see the light of the day.

Since late August 2017, more than 600,000 Rohingya refugees have fled to Bangladesh while hundreds of thousands of internally displaced people remain in Burma's Rakhine State. Rohingya refugees have the right to return to their homes in Burma, but all returns must be voluntary and safe with full respect for returnees' human rights. World leaders need to press Burma to end its abusive operations, prevent future atrocities, and create the conditions necessary for Rohingya to choose to return home in safety and dignity, Human Rights Watch said.

Refugee camps in Bangladesh are not a sustainable solution, Human Rights Watch said. The Bangladeshi government and its humanitarian partners should regard refugee camps as a temporary fix during this crisis and should transition as soon as practically possible to accommodations that are conducive to free movement and that promote dignified self-sufficiency.

Bangladesh is constructing a large refugee camp in the Cox's Bazar district of the country, which officials have said they plan to surround with barbed wire which would deprive refugees of their rights to freedom of movement, livelihood, food, and education, in violation of Bangladesh's obligations under international human rights law.

The Burmese government has indicated that Rohingya who wish to return to the country should live in camps for internally displaced people. Camps for displaced people and "safe zones" in Burma are not an acceptable solution for returnees, Human Rights Watch said. The Rohingya refugee population in Bangladesh consists not only of those who have fled the recent ethnic cleansing campaign, which Human Rights Watch has determined amounts to crimes against humanity, but also hundreds of thousands who have fled previous Burmese government repression and violence. In all, as many as one million Rohingya refugees may be in Bangladesh.

The Burmese government has arbitrarily stripped the Rohingyas of their citizenship rights under the discriminatory 1982 Citizenship Law, where they are not categorized as Naturalized, or Associate Citizens but effectively

as ‘foreigners’, leading to their de facto status as ‘aliens’ living within the country. This has facilitated random rights violations, including restrictions on movement; limitations on access to health care, livelihood, shelter, and education; and arbitrary arrests and detention. One can easily label the same as a process of state-engendered genocide, whereby many a Rohingya populace has been systematically exterminated.

CONCLUSIONS

South Asia is a refugee-generating region since the nation-building process therein, is incomplete and competing nationalist forces are on the rampage leading to the region being mired in ethnic conflict, arrested by ethno-nationalist forces; intra-state, group conflicts – these in turn often lead to forced displacement, migration, ethnic-cleansing, thereby engendering refugee crisis. Besides refugee movement influx from across bordering states like, Pakistan (Baluchis), Myanmar, Bangladesh (Rohingyas), (Chakmas)Bangladesh, (Lhotsampas)Bhutan, Tibet (Tibetan, Lomas); also has been a perennial and recurrent factor. South Asia, being an Indo-centric region, India’s ominous presence, huge geographical size and demography and spatiality, ironically seems to project her ‘image’ as potential third/ rehabilitating state. In case of refugee generation, movement and crisis- India often cannot remain ‘unaffected’. In the case of occurrence of refugee crisis across her borders, it seems to be a factor affecting her security dynamics as well, because refugee crisis can have the inherent and dangerous potential of escalating to levels of human security crisis that in turn can lead to disillusionment among the displaced and hopeless refugee populace which in the volatile border terrains, can have the potential to turn into insurgent movements, guerrilla, anti state groups and even terrorist activities that can threaten the core of state-security in that region.

India is home to the largest number of refugees in South Asia. Yet it lacks of specific legal framework to deal with the problem. India is not a signatory to the 1951 UN Convention on Refugees, or its 1967 protocol and there is no domestic law establishing asylum or refugee status. India generally adheres to the principle of ‘non- refoulement’ of asylum seekers. India’s refugee policy has been conditioned by her perception of ‘security’ and perception of her territorial integrity and sovereignty. Security dynamics may have been the core factor conditioning India’s refugee policy.

But India has followed a variable / differential policy in her attitude towards refugees. While whole- heartedly welcoming the Tibetan/ Lama populace and granting asylum to them, in face of Chinese persecution in 1950s on the Tibetans, India has also granted asylum and citizenship rights to Bengali ‘refugees’ from former East- Pakistan since 1971, in the wake of West –Pakistan endangered ‘ethnic clearing’ and ‘genocide’ launched by Gen Yahya Khan (Operation Searchlight).

But in the case of Lhotsampa refugees from Bhutan, India has not officially offered her ‘rehabilitation’ facilities; neither has proposed to ‘mediate’ between Nepal and Bhutan in the crisis, treating the issue as strictly a ‘bilateral’ one and maintaining a diplomatically nonchalant stance.

In case of Rohingyas from Myanmar, there has been a shift in Indian policy in different phases. Initially India viewed the Rohingya crisis as an ‘internal’ affair of Myanmar and announced a ‘relief’ package and even allowed rohingya refugees to enter the country, but didn’t make it an issue in its domestic politics nor in its bilateral relations with Myanmar. But when NDA govt. came to power in 2015, Narendra Modi’s govt. changed India’s policy stance towards the Rohingyas, citing reasons of security and did not want the Rohingya factor to be a spoiler in the path of smooth India-Myanmar relations- geopolitical, security and economic interests and humanitarian concerns were key factors in moulding India’s Rohingya policy. Since mid-2017 India is following policy of *deportation of Refugees* settled in India that has invited international criticism and outrage.

The Rohingya refugees seem to be a case of the most persecuted, discriminated, refugees, across the Globe. In terms of a Human Security crisis, The Rohingya crisis should rank high. The Rohingya populace was never considered as a part of the Myanmar citizens, so they were virtually 'stateless' even in their native state (Arkan in Myanmar). They had been ethnically violated, persecuted and have been victims of ethnic genocide in Arakan. When their status changed to 'Refugees' and they were forced to flee their native place to Bangladesh, Thailand, India etc, they turned to be a hapless flock of 'nowhere' people or what Prof OPMishra and Prof AJ Majumdar terms as 'elsewhere people'. They were subjected to and even now, victims of unhealthy living conditions in Refugee camps in Bangladesh, Thailand etc. Their right to a healthy living and being a proper citizen of a state are constantly violated. So Rohingyas seem to be the worst case of Human Rights and Human Security crisis in Asia.

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