The Rohingya Refugee Crisis:
Between Persecution and Non-interference in Southeast Asia

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Abstract

Between August and February 2018, over 688,000 Rohingya refugees fled Myanmar for Bangladesh and the surrounding Southeast Asian countries. Since 1948, the Rohingya Muslims of Myanmar have been suffering from a violent persecution described by the UN as a "textbook example of ethnic cleansing" (Al Jazeera 2017). The response of the ten nations comprising the Association of Southeast Asian Nations (ASEAN), and of Bangladesh, to Rohingya refugees have been found lacking in humanitarian ideals, by repeatedly treating Rohingya as unworthy of protection or aid by ASEAN states. ASEAN throughout this crisis has attempted to avoid their obligations to refugees and human rights. I argue that it is ASEAN's institutionalized principle of non-interference that has lead to ASEAN's unwillingness to cooperate regionally on an effective regional refugee response to the Rohingya crisis, causing extensive tragedy and human rights abuses to Rohingya refugees. In order to improve the refugee situation, this paper concludes that ASEAN must cooperate together to organize constructive action that takes into account the human rights of Rohingya.
From between August 25, 2017 through December, over 600,000 Rohingya refugees have fled Myanmar for Bangladesh and the surrounding Southeast Asian countries. Since 1948, the Rohingya Muslims of Myanmar have been suffering from a violent persecution described by the UN to be a "textbook example of ethnic cleansing" (Al Jazeera 2017). They have fled Myanmar in waves over the decades, by sea and by land, in hopes of safe refuge. The Rohingya's persecution and resulting refugee crisis is an ongoing issue yet to be resolved by the Association of Southeast Asian Nations (ASEAN) (Anindhitya 2017), the political economic coalition of Southeast Asian nations and, along with Bangladesh, the countries most affected by the Rohingya's situation.

ASEAN institutionalized from its moment of conception a principle of non-interference, in which all party states ought to have complete sovereignty over their territory, people, and economy without any outside intervention. ASEAN, composed of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam, has no effective "human rights mechanism serving as a structure for the observance of human rights norms by the governments of countries in the region" (Kraft 2005, 2). Their response to Rohingya refugees have largely been found to be lacking in humanitarian ideals, repeatedly treating Rohingya as unworthy of protection or aid by ASEAN states. ASEAN, throughout this crisis, has tried to their obligations to provide economic assistance and accept criticism by the United Nations (UN) regarding their refugee response. I argue that it is ASEAN's institutionalized principle of non-interference that has lead to ASEAN's unwillingness to cooperate on an effective regional refugee response to the Rohingya refugee crisis, causing extensive tragedy and human rights abuses to Rohingya refugees.

As a consequence of the constant changes in the Rohingya's situation, the scholarly literature is generally behind on the most significant, recent developments in the crisis. This paper situates the most recent Rohingya refugee crisis in Southeast Asia within an understanding of migration and international relations in ASEAN. The existence of Rohingya refugees are explained within ASEAN's understanding of migration, therefore illustrating how ASEAN's history has influenced the Rohingya refugee response.

I will begin by first providing an overview of the Rohingya and their persecution. Then I will explain the history of ASEAN and the development of the principle of non-interference, before continuing into the development of the 1951 UN Convention and its relationship to ASEAN. Following that topic, I will discuss the legacy of ASEAN's their joint response with the UN High Commissioner of Refugees (UNHCR) to the 1980s Indochinese refugee crisis. I will then explain how the history of migration within the ASEAN region, along with how ASEAN's understanding of migration has thus affected ASEAN's response to the Rohingya. Lastly, I will finish up with a discussion of the current issues that the Rohingya face, with a highlight on Bangladesh, which has been a major player in this latest refugee crisis. I conclude that many of the issues inherent in the Rohingya response can be at the least de-escalated from its current
scale, if the ASEAN countries coordinated systematically to develop a more effective and comprehensive refugee response.

Literature Review

This paper pulls from scholarship from largely three fields to establish an understanding of the Rohingya crisis. These three different topics are as follows: on the structure, intentions, and function of ASEAN; on regional refugee responses in Southeast Asia, and on the Rohingya themselves, which consists of historical analysis of their situation as well as a small number of pieces that focuses on Rohingya in regards to international South and Southeast Asian state relations.

Authors such as Susan Kneebone and Sara E. Davies have done the largest body of work on Southeast Asian refugee response, with Davies most thoroughly developing the idea that Asian nations have normalized the rejection of refugees through legal processes such as stricter screening and defining of refugee status (Davies 2006; 2007). Kneebone, on the other hand, has written extensively on the development of modern refugee policy in Southeast Asia and its inadequacies, with a focus on the Comprehensive Plan of Action of the 1980s (Kneebone 2014; 2016). This paper draws extensively from both of these authors.

Norms are "principles of action that serve to guide, control or regulate proper and acceptable behavior...agreed upon principles that are binding upon members of a group," are a reflection of states' identity, and its place in the global community (Weiner 1998, 434). The norm of non-interference, and other such qualities of ASEAN has been extensively explored in the literature on bilateral relations between Southeast Asian states and ASEAN (Robison 1996; Ramcharan; Narine 2006; Jones 2010; Acharya 2003), though there are very few authors with similar depth of expertise as Kneebone and Davies.

Literature on Rohingya and the situation within Myanmar is not necessarily uncommon, although as of now, most of the literature is not up to date with the most recent developments in the Rohingya's situation (Rahman 2000; Khairi and Da-ohp 2016; Kipgen 2014; Khairi 2016). A few of the people who have written about ASEAN's issues with migration and non-interference have also touched upon the issue of the Rohingya. Non-governmental organizations (NGOs) such as Human Rights Watch and Medecins Sans Frontieres, have done highly detailed reports, with on the ground details and interviews with the Rohingya themselves (HRW 2013; Medecins Sans Frontieres 2012). Along with news reports from Al Jazeera and Reuters News, this paper draws from these NGO reports for up to date details of the Rohingya crisis. This paper will draw from all these sources to explain how ASEAN's lack of action has worsened the refugee crisis, starting with a description of the history of the Rohingya, and what has led to their current predicament within Southeast Asia.
The Beginnings

To understand how the current refugee crisis arose, there must be an understanding of the historical factors that have lead to Rohingya becoming refugees. This current refuge crisis is not an isolated event, but rather the latest result of actions taken by the Burmese government to isolate and "cleanse" Rohingya from Myanmar. The Rohingya have been persecuted and forced to become refugees several times in their history within Myanmar.

Rohingya Muslims are an ethnic, religious, linguistic minority that has lived in Myanmar’s northwestern Rakhine state for hundreds of years\(^1\), clashing multiple times with the Buddhist majority of Myanmar, suffering discrimination, displacement, and most recently, escalating levels of persecution. As a Muslim minority, Rohingya are considered a spiritual and physical threat to Buddhism. Buddhists in Myanmar fear that Rohingya will literally crowd out Buddhism through population growth and acquiring more territory (Tan 2017, 132).

Buddhists in Rakhine State, when interviewed by Human Rights Watch on their view of Rohingya in the wake of the 2012 unrest, described Rohingya as a "monolithic group intent on waging an anti-Buddhist war in Arakan State or...spreading fundamentalist Islam" (HRW 2013), as "kalar terrorists" and that "'every mosque' in Arakan State has a store of weapons and that every imam has connections with al-Qaeda" (HRW 2013). As a result of this pervasive perception that Rohingya are a security threat to Buddhism and Myanmar, discriminatory measures and actions intended to contain and reduce the number of Rohingya in Myanmar have been taken. These include forced labor, sexual violence, the burning and razing of villages, land confiscation, physical isolation of Rohingya in internally displaced people's camps, economic isolation through the restriction of jobs available to them, draconian marriage and birth restrictions, restrictions on their freedom of movement, and of course, indiscriminate killing (Lowenstein 2015). Rohingya in Rakhine are thus physically, economically, and socially segregated from the predominantly Burmese Buddhist population (Ahsan Ullah 2016, 286).

Rakhine state, formerly known as the Arakan kingdom, was established in the fourth century as an independent kingdom separate from the rest of Myanmar (Mirante 1987, 59). The official government narrative is that Rohingya are illegal migrants from Bangladesh that came as migrant laborers during the British colonial period in the mid nineteenth century. The government calls them not by the name "Rohingya" which they deem as a modern political invention by Rohingya and Rohingya supporters, but "Bengali," expressing the widespread and government-endorsed perspective that Rohingya are illegal Muslim migrants from Bangladesh (Kipgen 2014, 236). Other historians argue that Rohingya have been in Burma for at least a millennium (Lee 2014, 324; Parnini et al 2013, 135). The current government stance and military regime is legitimizied by the Burmese Buddhist clergy’s vehement support of legal measures that marginalize the Rohingya (Szep 2013, 8), as the regime uses Buddhism to promote nationalism

\(^1\) I did not find scholarly consensus on the exact length of time in which the Rohingya have lived in Burma.
and unity. The regime promotes the idea that "to be Burmese is to be Buddhist" (Grundy-Warr et al. 1997, 101; Ahsan Ullah 2016, 289). Rohingya, being Muslim, cannot be Burmese according to the state.

The conflict between Rohingya and the Burmese government has existed since at least World War II. During World War II, the Buddhist Burmese sided with the Japanese, while Rohingya sided with the British who promised them autonomy. Though this promise for autonomy was never fulfilled, the Rohingya's support for the British colonialists, in addition to their Muslim religion, provoked the Buddhist majority to develop deep distrust towards them (HRW 2013). After the war, Myanmar achieved independence from Britain in 1948, establishing a short-lived democratic government, at which time Rohingya, though still discriminated against, were counted as part of the national consensus and had citizenship and representation in parliament. However, efforts to exclude and discriminate Rohingya had already begun with the Union Citizenship Act that only allowed people whose families had lived in Myanmar for at least two generations to have identity cards (Lowenstein 2015, 6). After the military coup d'état in 1962, Rohingya were deliberately excluded from the national consensus, another step to their official exclusion from Myanmar's political and social sphere. In 1974, the Emergency Immigration Act was passed, requiring all citizens of Myanmar to have national registration, but only the Rohingya had only foreign registration available to them (Lowenstein 2015, 7).

In 1978, the military implemented Operation Nagamin, translated as Operation Dragon King (Cheung 2011, 51) that lead to the physical destruction of many Rohingya's identification papers. According to official statements this operation was for the purpose of rooting out extremist Islamic rebels; in reality the operation was a front for targeting Rohingya, and seizing and destroying many Rohingya people's identification documentation. This was the start of the first Rohingya exodus. This operation sparked widespread violence against the Rohingya and caused over 200,000 Rohingya to flee Myanmar. Many of them returned later after the violence died down, some voluntarily, while others forcibly repatriated back to Myanmar. This pattern of Rohingya fleeing as a result of violence, and some returning in the quiet aftermath would continue in further Rohingya exoduses (Parnini et al 2013, 136).

Following Operation Nagamin, the government implemented the Citizenship Law of 1982, which recognized 135 different indigenous ethnic groups in Myanmar and established three different levels of citizenship, the lowest level being naturalized citizenship. Rohingya were deliberately excluded from the list of recognized ethnic groups, and were made ineligible for even naturalized citizenship (Parnini et al 2013, 134). To achieve naturalized citizenship, Rohingya needed to provide proof that they had been living in Myanmar since before the British colonial period. However, because of the Rohingya's poverty and lack of resources as a result of being discriminated from most jobs, and because of Operation Nagamin, virtually none of the Rohingya had the paper documentation to prove their residence. This law rendered most
Rohingya officially stateless, providing a legal basis for their rights to be blatantly and repeatedly denied (Ahsan Ullah 2016, 286; Brinham 2012).

In 1991, the military launched Operation Pyi Thaya, or Prosperous Country, that led to another 250,000 Rohingya leaving Myanmar. This operation established the Nay-Sat Kut-kwey Ye, or NaSaKa, a coalition of police, military, and other state officials government-authorized to persecute Rohingya (Cheung 2011, 52). In the next two decades there was a lull in violence, until May 28, 2012, when a Rakhine Buddhist woman was allegedly raped and killed by three Rohingya men. In retaliation, a bus was stopped by a group of Rakhine villagers who proceeded to force off and beat to death the ten Rohingya Muslims on board (HRW 2013). Consequently, the violence escalated rapidly, as military police soon joined into the rioting and violence by lay people, causing over 100,000 Rohingya fleeing Myanmar to other Southeast Asian nations, thousands of Rohingya deaths, and villages to be razed to the ground (Brinham 2012, 40). These Rohingya fled to nations such as Thailand, Malaysia, Indonesia, in addition to Bangladesh. Another hundred thousand or so Rohingya continue to live in internally displaced camps within Myanmar, generally provided with insufficient supplies and lacking the means or jobs to support themselves (Parnini et al 2013, 137).

The most recent major unrest occurred in 2017. Before the violence, there were over a million Rohingya in Myanmar. This changed in October 2016 when three border military posts around Maungdaw Township in Rakhine State were attacked by extremist Rohingya, leading to the death of nine policemen. In response, the Burmese military began cracking down on the Rohingya population once more ("Myanmar Policemen" 2016). A year later on August 25, 2017, the Rohingya extremist advocacy group, the Arakan Rohingya Salvation Army (ARSA), attacked thirty police stations and military bases, leading to the death of some twelve men. The already tense situation exploded, leading to a vicious campaign of burning villages and indiscriminate killing, sparking the current exodus of Rohingya refugees ("ARSA" 2017). As of the most current count, according to satellite footage taken by Amnesty International, eighty-some villages (roughly fifty percent of Rohingya villages) have been burned and razed down totally ("Rohingya crisis explained in maps" 2017). One especially extremist Buddhist, anti-Muslim nationalist group called the 969, led by a high-level monk named Ashin Wirathu, has continually stoked anti-Muslim sentiment and lobbied for anti-Rohingya, anti-Muslim measures (Lowenstein 2013, 21; Szep 2013, 7). They, along with the military government, have been complicit in perpetuating the current violence and intolerance against the Rohingya.

This recent tempest of violence has resulted in the current crisis and flight of Rohingya, which has been described by the UN as the most pressing humanitarian crisis of the moment (UNHCR 2017); as of most recently, over 600,000 Rohingya refugees have fled, more than any

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2 A significant number of Rohingya women, as well as children and men, have also reported on there being a deliberate campaign of sexual violence, with the victims that have self reported numbering in the hundreds ("UN: 'Egregarious' sexual violence" 2017; Sarai 2017).
other previous Rohingya exodus. Over half the population of Rohingya in Myanmar that has fled so far. Most of these refugees have fled to Bangladesh. Others have fled outwards, to countries of Southeast Asia, to ASEAN. All of them are in need of humanitarian aid.

ASEAN and (non) interference

Rohingya flee to the countries geographically closest to Myanmar; primarily Bangladesh and the countries of Southeast Asia, of ASEAN. The Association of Southeast Asian Nations, or ASEAN, is the main political economic organization of Southeast Asia. They, as the largest political economic coalition in Southeast Asia, organize the regional multilateral policy responses and have the responsibility to acknowledge and respond to the Rohingya.

ASEAN was established in 1967 as a nation and regional identity building organization meant to encourage trade and economic growth, to create a "prosperous and peaceful community of Southeast Asian Nations" ("The Asean Declaration" 1967). Since its conception, the ten states that make up ASEAN have nominally adhered to a policy of non-interference.

The principle of non-interference is the ideal that each nation has its own sovereignty and that such sovereignty over its own land, people, culture, and regime is exclusive and final. Non-interference is considered a cornerstone of their political system, of the "ASEAN Way" (Jönsson 2010, 50), established in clear opposition to the Western norm of interference across state borders for the sake of human rights, political change, and economics. This ASEAN Way, in addition to non-interference, consists of consensual decision making, and conflict avoidance (Jones 2010, 480; Dosch 2003, 488). In contrast, Western-style interference for the sake of humanitarian reasons is often considered by Southeast Asian states to be a front for less savory or palatable reasons such as disagreement with countries' political systems. One such example is the American invasion of Iraq, which was justified by the US state as a humanitarian intervention after no weapons of mass destructions, the original flimsy reason for intervention, were found (Narine 2005, 466; 482). In day to day practice, non-interference is performed through conciliatory methods and conflict avoidance rather than direct confrontation.

Non-interference helped bring ASEAN into existence. ASEAN is not only an economic agreement between Southeast Asian nations, but also a non-aggression pact between the countries (Narine 2005, 475) produced out of the Cold War. One of the original purposes of ASEAN was to unify the countries against communism, to collectivize Southeast Asian countries against communist states such as Cambodia. Most Southeast Asian states at the time were vocally against communism, despite many still having closed or semi-closed economies (Acharya 2010, 379). Since then however, ASEAN has become a political economic bloc tied together by liberal trade deals and shared ideals. Although there was a shared enemy and

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3 Although ASEAN is not necessarily equivalent to all the Southeast Asian nations, the vast majority of Southeast nations are part of ASEAN, excluding a few smaller countries such as Christmas Island and East Timor. The Southeast Asian countries most involved in the current crisis are members of ASEAN.
incentive for Southeast Asian states to pool their power together against, some of the smaller, less developed states still felt insecure joining a multilateral coalition involving larger, more stable states. Non-interference provided a security guarantee to these smaller states.

Intervention by stronger states, even humanitarian interventions, was considered by most developing Southeast Asian states as a dangerous endeavor to navigate. The weaker states of ASEAN feared humanitarian intervention, that such interventions were fronts for less justifiable political and economic meddling, or even military invasion. In the 1990s, the rise of Western interest towards trade liberalization in the developing world was interpreted by the heads of state of Singapore and Malaysia as "disguised and cynical ploys to destroy the competitive advantages of Asian countries" (Robison 2007, 320). Thus, for states that have weaker political or economic systems, intervention by other states' threaten or delegitimize their sovereignty (Narine 2005, 472). By institutionalizing non-interference as a shared ideal among the states, the developing weaker states of ASEAN felt more secure in joining a political economic coalition with larger, stronger states, guaranteed that their sovereignty would not be at risk.

Despite fears regarding loss of sovereignty though, throughout ASEAN's history, actual adherence to non-interference has been inconsistent. In 1997, after Prime Minister Hun Sen's violent takeover of the Cambodian state, ASEAN membership for Cambodia was immediately suspended. ASEAN collectively expressed displeasure at Prime Minister Hun Sen, but provided options through which Cambodia could reacquire membership that were mostly restorative actions to improve Cambodia's governance. Despite these options, Hun Sen accused ASEAN of interference, leading to the Japanese government having to arbitrate another set of elections, the results of which ASEAN reluctantly accepted (Ramcharan 2000). In the 1990s, a "haze" caused by excessive wood burning in Indonesia spread to the rest of a number of other Southeast Asian countries, including Brunei, parts of Thailand, Philippines, Singapore, and Malaysia. Indonesian officials first reacted to the haze with nonchalance, despite the fact that the haze was causing losses in tourism revenue and a rise in healthcare costs. In reaction, ASEAN implemented the Co-operation Plan on Trans-boundary Pollution in June 1995, which left most of the actual policy implementation and improvement of air quality to each state's government, thus not actively interfering with each states' affairs (Ramcharan 2000). These two instances show that despite a lack of explicit interference, there are still subtler diplomatic actions that can fulfill similar needs, disproving the idea that non-interference necessarily means that ASEAN has no recourse in reacting to or managing the externalities of other countries’ internal issues.

However, avoidance of direct confrontation and intervention of other states’ has also lead to difficulties in dealing with all kinds of international issues involving illicit smuggling, drug trafficking, human trafficking, fishing infractions, and human rights violations (Jönsson 2010, 51). In 2003, ASEAN collectively responded to the Myanmar's house arrest of Aung San Suu Kyi for her political activism and dissent with "displeasure," without actually presenting any consequences. The following year, during the proceedings of the ASEAN Ministerial Meeting,
ASEAN attempted to more actively push Myanmar to release Aung San Suu Kyi and their other political prisoners. With few actual hard consequences to ASEAN's "displeasure" as any strict obligations would have fallen under the umbrella of "interference," no major political change was sparked (Ganesan 2010, 142).

As a result of non-interference being a primary principle in ASEAN states' interactions, refugees, as externalities of internal conflict, are considered to be other states' business and an unwanted problem to most states. States such as Myanmar, who have experienced numerous moments of internal instability continually produce vast quantities of refugees that are contrary to ASEAN’s principle of non-interference (Ramcharan 2000). ASEAN, unlike most states, are not signed to any of the mandates of the UN High Commissioner for Refugees (UNHCR), the UN Refugee Agency through which most international norms for refuge-hood have been established, further complicating refugee-hood within Southeast Asia.

The Global Standard for Refugees Everywhere?

The organization that which usually organizes international refugee responses is the UNHCR, the UN Refugee Agency. The UNHCR functions on a global scale; there are 145 countries signed to the Convention, and 146 countries signed to the Protocol. ASEAN nations, contrary to most states around the globe, have generally avoided joining the UNHCR, as UNHCR standards are considered by ASEAN to be inapt for the region's needs (Cheung 2015, 52). Thus, most of ASEAN are not signatories, except for Cambodia and the Philippines ("State Parties" 2015). Indonesia, although they have declared their intention to join the Convention, have yet to actually do so (Jones 2014, 255). As most ASEAN countries are not party to the UNHCR, they are not officially party to the UNHCR's international norms for refugee response and treatment through which most countries' around the world's are derived by. However, UNHCR provides the international context and standard through which ASEAN's responses are understood and compared to.

The UNHCR is mandated by the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol to provide aid to refugees according to a predetermined set of standards and conventions. Signatories of the Convention are mandated to safeguard the human rights of refugees that enter their jurisdiction without discrimination as according to the Convention and Protocol (Ragland 1994, 317). The core principle of these UNHCR treaties is all refugees' right to non-refoulement, which "asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom" (UNHCR). A refugee, in other words, has the right to seek asylum in any signatory country and be reasonably assured that said asylum will not be disposed of without their consent.

One of the main arguments against the UNHCR asserted by Southeast Asian countries is that the UNHCR is a Western-centric institution, and that its refugee definitions are overly Western-centric. For the UNHCR was established in 1951, in the wake of World War II in order
to organize a response to the thousands of peoples displaced as a result of the warfare in Eastern Europe. The explicit objective of the 1951 Convention was to protect people who were fleeing "oppressive, totalitarian, and especially Communist regimes" (Davies 2016, 44). As such, the UNHCR was from the beginning, formulated to serve mainly Western interests and political purposes, and was created without the input of any Asian nations (Davies 2016, 24). The extensive numbers of displaced peoples at that time, some being economic migrants and others being displaced as a result of warfare, incentivized the newly established UN to develop a thorough, widely agreed upon definition of refugee so as to distinguish between economic migrants and political refugees. According to the UN definition of "refugee," refugee status is to be granted on an individual basis. This methodology was another point of contention for ASEAN, who viewed this methodology as inadequate for the categorization of the larger masses of refugees more common in the ASEAN region (Davies 2006, 572).

According to the 1951 Convention and 1967 Protocol, refugees are defined as individuals who:

...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a 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 country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UNHCR Convention and Protocol)

This is the definition by which this paper will abide by when stating the term "refugee." ASEAN does not strictly have its own definition of refugee, although most Asian countries technically subscribe to the Asian-African Legal Consultative Organization (AALCO)'s 1966 Bangkok Principles (Davies 2006, 563-4), which describes the appropriate treatment of refugees and defines refugees as:

a person who, owing to persecution or a well-founded fear of persecution for reasons of race, colour, religion, nationality, ethnic origin, gender, political opinion or membership of a particular social group:

(a) leaves the State of which he is a national, or the Country of his nationality, or, if he has no nationality, the State or Country of which he is a habitual resident; or,

(b) being outside of such a State or Country, is unable or unwilling to return to it or to avail himself of its protection;

...to every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole
of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

3. A person who was outside of the State of which he is a national or the Country of his nationality, or if he has no nationality, the State of which he is a habitual resident, at the time of the events mentioned above and is unable or unwilling due to well founded fear thereof to return or to avail himself of its protection shall be considered a refugee. (AALCO 1966)

Although fairly extensive and in theory meant to create the normative framework for responding to refugees within ASEAN (Kneebone 2014, 316), the Bangkok Principles provides virtually no enforcement and are in practice only a guideline for state behavior (Davies 2006, 564). However, they provide an alternative definition to the term "refugee," illustrating that the definition provided by the 1951 Convention and 1967 Protocol are not universal.

The UNHCR definition is, being a post-World War II construction, fairly limited in scope. The UNHCR focuses on refugees fleeing as a result of persecution, though there are other reasons that people flee for, such as economic insecurity, state fragility, and environmental change (Betts 2015, 368). In comparison to the UNHCR, the Bangkok Principles do acknowledge some of these alternative reasons. Migrants who do fit the UN definition of a refugee though, are eligible to official designation as a UN refugee and thus entitled to receive aid and asylum from Convention signatories. The definition of refugee thus determines who gets economic and political protection from the UNHCR. That is to say, to fall into the class of "refugee" is in and of itself a "position of privilege" (Chimni 1998, 356). Therefore, to follow the UN's definition is to be subject to the authority of the UNHCR and its decisions on where to provide aid. Consequently, it is appropriate that most ASEAN countries have avoided signing the Convention, as the UNHCR is a supranational entity with its own laws that all signatories are obligated to follow. Membership in the UNHCR is thus contrary to ASEAN's principle of non-interference in which no outside forces are meant to be of greater influence in a nation than its' own state.

The UNHCR has not been oblivious to these obvious limitations of its original Convention and has taken steps to widen its jurisdiction. In 1967, the 1951 Convention was amended by the 1967 Protocol to expand the physical scope and legal reach of the Convention, reducing the geographical and chronological restraints that was making the Convention irrelevant in the changing global landscape. The aim of the Protocol was to universalize the Convention beyond its original purpose of responding to World War II refugees, and its inherent Europe-focused functioning (UN Convention and Protocol). As most Asian states still have yet to become signatories, the outsider perception of the UNHCR still seems to be that of a Euro-centric institution, even if the UNHCR has somewhat universalized since its original conception.
As of now, the UN Convention and Protocol are the main global instruments and propagator of norms of the international refugee regime. Other agreements have been established since the 1951 Convention, though the Convention continues to be the established international standard for the norms, rights, and guidelines for refugee treatment. The UNHCR is mandated by the UN General Assembly to seek and aid all refugees, to ensure the correct implementation of international refugee laws and refugee protection (UNHCR Convention and Protocol). Despite ASEAN's hesitance to sign the Convention and continual refusal to follow UNHCR standards in the contemporary context, the protection provided to refugees by the UNHCR has extended even into Southeast Asia, specifically into the 1980s Indochinese refugee crisis.

The Indochinese Crisis and its Response

The Indochinese refugee crisis was when the concurrent conflicts of the Vietnam War, the Khmer Rouge in Cambodia, and the Laos Insurgency in the 1980s resulted in millions of refugees. In that decade, over three million refugees would leave their homelands in search of asylum. The colossal scale of this crisis led to the intervention of the UNHCR in order to organize a refugee program in which thousands of refugees were resettled into the United States, Thailand, and other Asian nations (Davies 2014, 327). The current Rohingya crisis is thus not the first time that Southeast Asia has had a humanitarian need to organize. The Indochinese crisis is a situation in which the refugee response may be described as fairly successful, illustrating ASEAN's capacity to organize effectively and humanely - yet paradoxically, the main policy legacy of this crisis is ASEAN's legitimization of the rejection of refugees.

In the 1980s, as it became apparent that the number of people fleeing was escalating rapidly, the UNHCR intervened into the situation, and organized the surrounding Southeast Asian nations into taking in the migrants. Most of the people who fled from Vietnam, Laos, and Cambodia never received official UNHCR refugee designation, which was usually considered necessary for states to be obligated to provide aid and asylum to refugees. The sheer number of refugees along with the Convention's clunky methodology in defining refugee-hood on a case-by-case basis meant that the Convention was unable to efficiently provide refugee designation. Refugee designation was then chiefly left to the individual countries to determine. The lack of official designation despite the fairly obvious warzones these people had fled was found to be a glaring flaw in the UN Convention by many of the ASEAN nations, increasing ASEAN's distaste for the UN Convention (Davies 2016, 24).

In the beginning of the crisis, before the surrounding Southeast Asian nations realized that the numbers of refugees were not decreasing, most of the nations openly accepted significant numbers of refugees in the several of thousands. As the conflicts wore on and the flow of refugees continued without end many of these nations increasingly experienced "compassion fatigue." Southeast Asian states became less willing to provide refugee aid and began demanding other countries in the West such as the US to financially contribute, while other countries insisted that better screening processes for refugees was necessary, to decrease the number of
people they were obligated to accept in (Davies 2008, 192). The UNHCR and ASEAN, as a result, collaborated in establishing a Comprehensive Plan of Action (CPA) in 1989, whose primary purpose was to screen "real" refugees from non-refugees (Davies 2008, 198-199). In reality, the CPA provided Southeast Asian states a means to legitimately expel asylum seekers and reject refugees. It ended in 1996 with a closing program of voluntary repatriation (Davies 2008, 220-221). Overall, although the UNHCR's intervention in the Indochinese crisis provided effective organizational assistance to the region, the primary sentiment of Southeast Asian countries at the conclusion was of resentment and compassion fatigue towards refugees.

The UNHCR's intervention led to a fairly successful resettlement program that significantly decreased the number of displaced and stateless refugees. Nonetheless, the lasting impression of the crisis to Southeast Asian countries was not a increase of trust in the UNHCR or confidence in resettlement but a disillusionment with the system as a result of the flaws within the UNHCR and the 1951 Convention (Moretti 2017). During the Indochinese crisis, ASEAN countries developed many of the reasons and justifications for why they continue to refuse to be party to be international refugee treaties and for their norm-breaking behavior towards Rohingya in this current crisis. The refugee pushback that occurred during the Indochinese refugee crisis, especially (Davies 2016, 191), is a precedent to the ASEAN states' refugee responses in the current Rohingya crisis. The screening process of refugees as well, became a major factor in the legal justification for why many Southeast Asian countries more recently only acquiesce to receiving limited numbers of refugees (Davies 2008, 213). The screening process provided a means for Southeast Asian countries to control the migration of people in a region where migration, as the next section explains, has been a long-term regional trait and issue.

The Irregular Migrant within ASEAN

The issue of migration and ethnic minorities has been a long-standing issue within ASEAN, for both physical and cultural reasons. The Indochinese refugee is only one of many cases in which unregulated flows of migrants caused issues between Southeast Asian countries. Migration, as movements of people that cross state borders, is contrary to the principle of non-interference. Upholding non-interference, the principle that each state ought not to meddle in other states' regions or issues, becomes an extremely flimsy endeavor when people move across arbitrary state lines. Migrants as people from another state that encroach upon other states' territory, physically complicate the principle of non-interference. Refugees being externalized products of internal political economic issues, unforeseeable, lacking resources, and full of possible security risks, are thus the migrants most difficult to respond to.

Most Southeast Asian nations have relatively porous borders, with large borderland populations and hundreds of different ethnic minorities of varying levels of "outsiderness," whose conflict with majority groups often lead to conflict and displacement. The promotion of nationalistic identity throughout Southeast Asia, in which the majority culture is defined as most valuable has often led to the unequal provision of human rights to majority and minority groups
(Jönsson 2010, 55-56). For example, Thailand's citizenship regime, like Myanmar, politically separates minorities and majorities. Minorities in the northern region, such as the Karan, are issued either "alien" or hill tribes" identification cards, rather than national identity cards that most ethnically Thai people receive. This special identification allows the state to enact surveillance on such groups through actions such as highway identity checkpoints (Latt 2013, 42). Other minority groups who suffer similar forms of isolation and persecution include the Orang Asli tribes in Malaysia, and of course, the Rohingya of Myanmar. As a result of such conflict and the porous borders of Southeast Asia, there is a large amount of migration in the region, in which refugees and economic migrants blend and are sometimes one and the same.

Migration, especially illegal labor migration, has long been an issue in fishing, farming, and other low-skilled industries. Southeast Asia has around 13 million migrant workers, with around 5 million whose destination is a different ASEAN state than the one they started from. Migrant labor is vital part of many Southeast Asian countries' economy. In Malaysia, migrant labor is especially important in construction, and for Singapore, in domestic service. For the Philippines, migrant labor in other countries provides a notable amount of remittances to the economy (Hedman 2013, 1). Large flows of migrants are often feared to be job competition by local people, despite their overall economic importance. However, migrants generally fill the least desirable jobs. In Thailand for example, despite fears that migrants create an overabundance of low-skilled labor, there is no evidence so far that supports the fear that migrant workers (and refugees) increase unemployment rates. According to some estimates, they provide five to six percent of Thailand's GDP, and help expand markets for suppliers; they are thus an economic boon, not a burden (Brees 2010, 41-42).

Migrants are a vulnerable population easily extorted by those with power, often not having fluent language skills and in economically precarious positions, being poor and in need of employment. To preserve their immigration status, migrants in Thailand often have to pay protection fees to the police who randomly invade their homes (Latt 2013, 50-52). In spite of, or because of, their vulnerable positions, migrants are feared in Southeast Asia as a threat to social stability, for economic as well as political reasons.

Refugees are the most irregular of migrants (Nah 2016, 229; Kneebone 2014, 296), having unpredictable movements that ebb and flow dramatically in very short periods of time. Asia currently contains roughly 30% of the global refugee population (Kneebone 2016, 158), thus in addition to the significant economic migration in the region, there is also extensive movement as a result of persecution. Southeast Asian states, however, if strictly adhering to the principle of non-interference, cannot effectively stymie refugee movements at the source, as refugee movements are most often the result of internal issues such as Myanmar's poor treatment of its own people, like the Rohingya.

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4 In fact the places with the lowest migrant worker rates have the highest unemployment rates (Bree 2010, 41).
In response to the issue of irregular migration and refugees, there are a couple systems of burden-sharing within Southeast Asia established prior to the Rohingya crisis; the Bali Process and the ASEAN Intergovernmental Commission on Human Rights (AIHCR). The Bali Process, officially called the Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, is a regional process framework first established between Indonesia and Australia. The Bali Process provides a channel through which irregular migrants are to be resettled in the region and establishes greater regional cooperation on the issue of irregular migration (Kneebone 2014, 600). The Bali Process was first activated in 2002 and 2003, and was reactivated in 2009 in response to a rise in transnational crime, becoming significantly more restrictive in its treatment of asylum seekers than its prior incarnations. Around forty countries, including most of Southeast Asia, are members of the Bali Process; however, the Bali Process, like ASEAN, has no refugee protection mandate (Kneebone 2016, 166), nor does the Bali Process support the universal right to asylum like the UN Convention (Kneebone 2014, 614).

The AICHR is the human rights mechanism of ASEAN, established in 2009 (Jati 2017, 24). AICHR contains fourteen mandates, one of which is to independently observe, evaluate, and investigate human rights practices within ASEAN states. Unfortunately, like the Bali Process, the AICHR is considered ineffective, better in concept than execution, and a "toothless... declaration of government powers disguised as a declaration of human rights" (Biedermann 2017, 14). The AICHR lacks the initiative and legal power to force states to actually change their processes (Jati 2017, 25), as the principle of non-interference excludes intervention even for humanitarian reasons, placing states' autonomy over human rights. Therefore, though the AICHR ought to provide a means by which ASEAN may constructively respond to the Rohingya crisis, or mandate more humane refugee responses by ASEAN countries, the AICHR individually is capable of neither.

Although there have always been high rates of migration within Southeast Asia, Southeast Asian states provides little support to either economic migrants or refugees. To be a refugee in ASEAN is dangerous, regardless of origin or destination state. Structures of support for refugees exist only nominally, being neither effective nor according with UNHCR norms of refugee aid. This is the context of migration into which the Rohingya are fleeing into, from which ASEAN countries' responses to the Rohingya are derived from.

The Rohingya within Southeast Asia

The Rohingya refugees, as a result of the lack of migrant support and the dearly preserved sovereignty of Southeast Asian states as expressed through the principle of non-interference, thus fall into the refugee "protection gap" of Southeast Asian nations. That is to say, their "stateless" condition means that the Rohingya are not citizens of any state, and thus no Southeast Asian state is under strict obligation to protect them or provide them with aid (Hurwitz 2012, 431, Jones 2014, 256). ASEAN is capable of coordinating en masse as seen by their work in coordinating in the Indochinese refugee crisis. However, since ASEAN has tried to concede as
little sovereignty to the UNHCR as possible in order to preserve the ideal of non-interference within ASEAN there continues to be no effective refugee response framework. No overarching system exists that compels ASEAN states to adhere to international refugee standards. ASEAN states have thus responded to the Rohingya with varying levels of effectiveness and humanity.

This section will expand on three different areas in which ASEAN's lack of coordination has affected the Rohingya. Firstly, how different ASEAN states have been complicit in human trafficking by neglecting and by participating in human trafficking. Secondly, how ASEAN takes advantage of the ambiguity of international sea laws to disregard the human rights of refugees. Thirdly, how ASEAN's unwillingness to invest in refugees camps has led to a distinct shortage and exploitation of resources for refugees. This section will conclude with an assessment of ASEAN's reasoning and economic justifications for their rejection of refugees.

The failure of Southeast Asian states to react quickly and provide effective support for Rohingya refugees have pushed Rohingya towards traffickers (Kneebone 2016, 160) with grave consequences. Rohingya refugees, desperate to flee from Myanmar and with few options, are vulnerable to human trafficking, being willing to pay exorbitant fees to traffickers to smuggle them into other Southeast Asian countries. From the coast of Myanmar, Rohingya are stuffed into rickety boats and trucks to be driven through checkpoints and borderlines. Upon arrival on land however, many Rohingya find themselves held ransom by traffickers in order to extort more money from their relatives, before being taken to their actual destination (Szep and Grudgings 2013, 4-6). Without organized protection, the Rohingya easily become victims of human trafficking and smugglers.

Rohingya are not only at risk from exploitative smugglers but also state officials who work together with crime rings. According to one 2012 report, Thai security forces were implicated in working closely with human trafficking rings to smuggle and extort Rohingya refugees. Thai immigration officials were to found to have been part of the process of selling Rohingya men, who were sold anywhere from 155 to 1550 dollars (Szep and Marshall 2013). Rohingya men unable to pay their smuggling dues are forced into fisheries, a common location for trafficked men in Thailand. In Malaysia and Bangladesh, many Rohingya women and children are sold to be wives or into sex slavery ("Rohingya women" 2017). A single boat filled with one hundred refugees could line the pockets of Thai police with 16,100 US dollars (Szep and Grudgings 2013, 2;7). In 2015, Thailand made news again when a mass grave of over thirty refugees was found near the coast, in an abandoned trafficking camp, illustrating the desperation of the refugees, and the complicity of the Thai police with human trafficking rings in macabre fashion (HRW 2015). The Rohingya thus suffers distinctly violent consequences, such as death and slavery, as result of the lack of aid by ASEAN states.

On the international seas, ASEAN's lack of involvement becomes an active choice to not provide assistance to Rohingya refugees despite international humanitarian obligations. One of the most popular as well as dangerous ways to escape Rakhine state is by sea. Refugees cram
themselves onto overfilled, barely sea-worthy boats and home-made rafts to make their way to primarily Thailand, Indonesia, and Malaysia ("Desperate Rohingya" 2017; "Asia boat migrants" 2015). According to Budz (2009), as state lines become blurred on the open seas international laws conflict and cancel out, producing ambiguity in states' obligations to provide aid to refugees (Budz 2009, 21). When there are few strict demarcation lines of state territory, it becomes easy for states to say that refugees are not in their jurisdiction; this ambiguity of location thus provides easy opportunities for states to forgo their humanitarian obligations. In January 2009 for instance, Thailand made headline news when nine hundred and ninety-two refugees were pushed back out to sea by the Thai Navy, reportedly with no engine or resources to survive. Over half of them, according to survivor reports from Indonesia and India, drowned at sea ("Thais admit" 2009). For the "stateless" Rohingya, the international seas thus become death traps, places in which few Southeast Asian states feel obligated to provide assistance to the Rohingya.

Thailand, as well as Bangladesh, Indonesia, and Malaysia have all implemented this "pushback" policy (Amnesty International 2017), in which they physically reject asylum seekers. Technically, all states have the right to control their maritime borders and control migration through their waters (Espenilla 2010, 49). According to international human rights norms as established by the UNHCR, states are obligated to help people in such forms of distress. However, as ASEAN is not signatory to the UNHCR or any other human or refugee rights body there is no legal instrument obligating Southeast Asian states to provide aid to asylum seekers out at sea, or let refugees disembark in their territory. As a result, many Rohingya refugees are treated by security forces as illegal migrants. They are put in detention centers without access to the process of claiming UN refugee status (Espenilla 2010, 52;54). Luckier refugee boats are provided with food and water with varying levels of adequacy and sent along to other countries-who would often then respond to the refugees similarly and continue to not let the refugees disembark (HRW 2017). As a result of Southeast Asian states' responses to the Rohingya, refugees died out at sea by the hundreds.

Contrary to Southeast Asian states' responses to Rohingya refugees out at sea, according to the UN Convention, the refugees are entitled to asylum and non-refoulement. However, in states such as Malaysia and Thailand where the Rohingya are still marked as illegal migrants, the Rohingya stay at risk for refoulement (Khairi and Da-ohp 2016, 94). Refugees lucky enough to receive official refugee designation receive white cards that display their UNHCR refugee status; however corrupt officials will confiscate or refuse these cards until bribed (Khairi and Da-ohp 2016, 96). Consequently, many Rohingya refugees receive few of the benefits and aid that having official UNHCR refugee status would entail, leaving them to find shelter on their own (Shafi 2017), rather than living in refugee camps.

Refugee camps, while one of the better options for refugees, are no paradises by any means. In a 2002 Doctors Without Borders brief, Rohingya refugees who had been in refugee camps of upwards ten years were interviewed on their camp experiences. Many of them described how in the last ten years, as a result of corruption in the aid distribution network, they
had repeatedly received insufficient food rations for their families, leaving their families chronically malnourished and dehydrated (MSF Holland 2002, 37). According to an October 2017 UNHCR update on the Rohingya situation, it took five weeks to develop enough infrastructure such that 17,800 people had potable water and to distribute tarpaulins for shelter to forty-five thousand refugees (UNHCR 2017). Therefore, there are still hundreds of thousands of Rohingya refugees without adequate shelter or water access. Even in the relative safety of the camps, Rohingya children are especially vulnerable, there being thousands of children either orphaned or separated from their family (Rahman 2003, 237). In order to supplement their lack-luster rations, a growing number of Rohingya children seek work illegally outside of their camps ("Rohingya refugee children" 2017). Seeking work as well as other forms of movement that involve going outside of the camps have generally been restricted in Rohingya refugee camps, negatively affecting the dignity of refugees and their ability to provide for themselves (MSF Holland 2002, 14). Refugee camps can only provide so much assistance to the Rohingya as the UNHCR cannot currently keep up with the numbers of refugees entering refugee camps. As a result these camps become oppressive, rather than places of refuge.

Refugee camps are also feared by Southeast Asian states to be recruiting grounds for extremist Rohingya groups. While there are extremist groups in the region, these groups are a minority among the Rohingya. As the lack of political and financial support for the Rohingya is known be a radicalizing factor (Rahman 2003, 235) providing less financial assistance is ineffective at actually decreasing extremism among Rohingya. Yet, these fears have led to states such as Indonesia, for example, to provide only temporary asylum to refugee and offering only year-long stays to asylum seekers (Biedermann 2017, 21). Thus, the fear of the Rohingya and their possible radicalism decreases Southeast Asian states' willingness to financially support refugees, creating even more instability for Rohingya refugees.

Another major reason that Southeast Asian states refuse to accept the Rohingya refugees is because of the sheer financial cost of providing refugee aid. To some extent, this is not an unfounded concern. According to the most recently updated statistics provided by the official UNHCR site, an additional 87.3 million dollars are necessary for taking care of the existing refugee population in Bangladesh from September 2017 through February 2018. However, these numbers were generated near the beginning of the most recent exodus; as of most recently, the number of new arrivals has increased to nearly 700,000 refugees, rather than the 471,000 as the UNHCR document states ("Rohingya emergency" 2017; "Thousands of Rohingya" 2018). Considering the escalation of the problem, the UNHCR estimate is likely an underestimate of the actual financial need of these refugee camps. Providing aid to the Rohingya will take a significant amount of financial assistance, even according to this preliminary estimate.

However, the UNHCR, the main international responder to refugees, is actually mostly funded by the US, EU, and other European governments and had a budget of 1.6 billion dollars in 2016 (Biedermann 2017, 7). During the last major Rohingya refugee crisis in 2012, other than an initial 2.5 million dollars fronted by Bangladesh, the UNHCR, donor governments and NGOs
such as Medecins Sans Frontieres almost entirely covered the rest of the cost of the camps (Parnini 2013, 139). Therefore, considering the amount of money that the UNHCR has at its disposal and the amount of aid given by many different parties, international assistance is definitely significantly offsetting the economic burden engendered by Rohingya refugees. Keeping refugees out of one's state will almost always be cheaper than inviting them in one's own country (Suhrke 1998, 413) regardless of UNHCR standards of states' humanitarian obligations to refugees. The expense of refugee aid is thus an easily justifiable reason for ASEAN states to avoid their humanitarian obligations.

ASEAN states do not lack the capacity to provide refugee aid; being not strictly obligated to do so however, ASEAN takes the easier, cheaper way of refugee rejection. Southeast Asian states enable human traffickers to take advantage of refugees, utilize the ambiguity of the open seas to ignore the plight of refugees, and provide little aid for the establishment of refugee camps, despite international assistance. Thus, while Southeast Asian states continue to contemplate their willingness to receive refugees and fulfill their humanitarian obligations, Bangladesh continues to host the vast majority of Rohingya refugees.

The Rohingya in Bangladesh

Without ASEAN countries committed to sharing the burden of refugees, Bangladesh as the geographically closest state to Myanmar consequently accepts the bulk of Rohingya refugees. Within Bangladesh are, at latest count, over 900,000 Rohingya refugees ("Rohingya crisis explained maps" 2017), many of whom had been there prior to the most recent crisis. Bangladesh, like ASEAN, is not a signatory to the UN Convention ("State Parties" 2017). However, Bangladesh has taken in hundreds of thousands of Rohingya in the aftermath of every crisis, in part because of the non-humanitarian reason that their border with Myanmar is land-based, porous and poorly demarcated (Schendel 2006, 3). In an exploration of ASEAN's response to the Rohingya refugees, ignoring the presence of Bangladesh would provide an incomplete picture of states' responses to Rohingya refugees, as the vast majority of the most recent Rohingya refugees are situated in Bangladesh.

Bangladesh is poorly suited to receiving hundreds of thousands of refugees. It is one of the poorest nations in the world, having a GDP per capita of only $3,900 per year and over 40% of its population underemployed (CIA 2017). Bangladesh also has weak, underdeveloped infrastructure, and a heavy reliance on NGO aid. Coz's Bazaar, the Bangladesh borderlands where the main refugee camps are situated, is especially resource-poor and day-labor reliant. Thus, the heavy presence of the camps and refugees is causing significant economic strain and social tension (Parnini et al 2013, 139; Rahman 2003, 237).

Despite its economic weaknesses, Bangladesh has long been a popular destination for Rohingya refugees. During the 2012 crisis, so many Rohingya refugees were coming over the border that Bangladesh stationed dozens of soldiers there in hopes of dissuading future refugees
and stymieing further migration (Parnini et al 2013, 142). This is because the camps in Cox's Bazaar have long been severely overcrowded. In September, there were plans of establishing a refugee camp on the island of Thengar Char, an isolated, flood-prone island in the Bay of Bengal ("Crowded Bangladesh" 2017; "Bangladesh Looks at Island" 2017). This plan was criticized as inhumane as the island is rendered uninhabitable several months a year by severe flooding. The tropical rains characteristic of the area, and the tight quarters have also stoked fears of contagion. The UNHCR recently implemented a program of cholera inoculation in hopes of stopping any possible diseases in their infancy (The Associated Press 2017), and began offering voluntary sterilization as birth control and preventative care in reaction to the lack of health care and resources in camps ("Voluntary sterilisation" 2017). As ASEAN countries have been so reluctant to take refugees in, the refugee camps of Bangladesh have become underfunded and overcrowded to a dangerous degree.

Bangladesh and Myanmar recently began repatriation talks in order to organize a better refugee response. Unfortunately, said repatriation talks are occurring with little actual input from the Rohingya refugee population in regards to whether or not they want to be repatriated (Quadir 2017). The haste at which the talks began also caused alarm among the Malaysian ambassador of the European Rohingya Council, and other civil-society and faith-based organizations (Bemma 2017), as there is no proof that Rakhine state is actually safe for Rohingya.

Bangladesh has been taking in the bulk of Rohingya refugees for the last several decades, with significantly more regard for Rohingya's human rights than ASEAN, despite neither Bangladesh nor ASEAN being signatories to the UN Convention and Protocol. Bangladesh is economically ill-suited for taking in thousands of refugees and is definitely not the ideal humane state, yet demonstrates how even a relatively poor state is capable of providing humane refugee assistance. Bangladesh's situation also demonstrates how ASEAN's avoidance of humanitarian obligations have affected not just the Rohingya, but also other states such as Bangladesh. The bulk of the refugee burden continues to be left for Bangladesh, as ASEAN continues to gloss over the full scope of the issue, as the next section will elaborate on.

ASEAN and the Global Community

ASEAN as a whole has been largely silent on the Rohingya situation, officially saying very little about the Rohingya and their persecution. Nevertheless, people around the world have not stayed silent, criticizing both ASEAN and Myanmar with vitriol. ASEAN continues uphold its principle of non-interference, and the idea that the Rohingya are an internal issue of Myanmar. Myanmar also refuses to change its behavior, despite global criticism and calls for change.

The UN, for example, has continually criticized the Myanmar state for its treatment of its Rohingya population. In 2012, the UN Secretary General, Surin Pitsuwan, and the General Assembly stated that Myanmar's recent democratic improvements and political reforms were
nullified as a result of the violence against the Rohingya, and that the increase in violence would only radicalize the Rohingya (Kipgen 2014, 241). The UN thus, at the least, acknowledged the Rohingya's situation, even if there is still little that the UN can do.

Aung San Suu Kyi, the current leader of Myanmar, Nobel Peace Winner, and former global humanitarian activist darling has also been heavily and repeatedly criticized for her lack of response and action in regards to the Rohingya. In 2012, her response to that outbreak of violence and refugee outflow was that there had been "human rights violations on both sides" (Kipgen 2014, 242). In September 2017, Suu Kyi broke her month-long silence on the most recent violence between the state and Rohingya that began in August. In a televised speech, she refused to call the Rohingya, "Rohingya," using instead the term "Bengali," and said that there had been "violence on both sides" ("Aung San Suu Kyi" 2017) without once acknowledging that the vast majority of the violence was caused by the Burmese military ("Rohingya Crisis" 2017). Suu Kyi glossed over the actual violence of the situation, portraying the Rohingya crisis as more like a civil war, with equivalent violence on both sides, rather a one-sided ethnic cleansing.

Suu Kyi was internationally criticized for this speech, for not actually acknowledging the problem of the Rohingya's persecution. She was described as a political sell-out and accused of becoming too close to the military. Many Rohingya especially, expressed disappointment at her lack of acknowledgment (Khalid 2017). Suu Kyi's reaction to the Rohingya crisis can be attributed to an attempt to establish herself as serious politician by accommodating to the nationwide unpopularity of the Rohingya. Or having caution in her choice of minority group to champion, because of the military's influence and power (Robinson 2017), rather than motivated by genuine intolerance towards the Rohingya. However, because of her prior image as a voice for marginalized minorities, her seeming about-face was especially traitorous to the global community (Lee 2014, 328) undermining her legitimacy as a leader for democracy. In response to her continual and distinct lack of action, people have been asking for her Nobel Peace Prize, and other assorted honors to be rescinded, with some organizations having actually rescinded their honors. The Oxford and Glasgow City Councils in the UK, for instance, have both stripped her of their respective "Freedom of the City" honors (Safdar and Mandhai 2017, BBC News 2017). There is increasing amounts of international acknowledgment of and revulsion at the treatment of the Rohingya, which is more than can be said about ASEAN.

The global community has thus begun attempting more definitive responses to the Rohingya situation. In December 2017, the US passed a bipartisan resolution (423-3) within the House of Representatives condemning the violence in Myanmar, an important first step to establishing economic sanctions on Myanmar and thereby putting financial pressure on Myanmar (Gypson 2017). In comparison, only one ASEAN state so far, Malaysia, has officially acknowledged the Rohingya's situation, stating that the official ASEAN stance "misrepresent[s] the reality" of the atrocities occurring in Rakhine state (Kyodo News 2017). ASEAN states are thus much less proactive about the Rohingya's situation than states outside of Southeast Asia.
For despite the growing international outcry, at the most recent ASEAN Summit in Manila, Philippines in November 2017, the Rohingya crisis was mentioned only in passing. Aung San Suu Kyi's only comment on the Rohingya was that the issue was being handled and was not further pressed on the issue. In the current chair of ASEAN, Philippines president Rodrigo Duterte's official "Chairman's Statement," the only mention of the Rohingya was a passing reference to "the affected communities in Northern Rakhine State, Myanmar" and a comment that the issue was being effectively managed (Gotinga 2017). ASEAN thus continues to refuse to unequivocally acknowledge the scope of the Rohingya's plight. The principle of non-interference has been interpreted by ASEAN to mean ignoring the Rohingya issue simply because it is an "internal" issue, and continuing to do little to no constructive action regarding the Rohingya's persecution and refugee crisis.

Concluding remarks

This paper began with a question: what is worsening the situation of these Rohingya refugees and what can be done about it? In order to answer this question, this paper explores a singular ideal within ASEAN; the principle of non-interference, and how this principle has affected the way that ASEAN functions and interacts with people throughout the region. There is nothing inherently negative about non-interference as an international relations tactic. However, non-interference has been used by the ASEAN states as a means of avoiding international humanitarian obligations.

The Rohingya refugee crisis, is not just a refugee crisis but a minority persecution crisis that has been ongoing for years. ASEAN, despite its avoidance of UNHCR mandates, is capable of organizing the humanitarian, cooperative action that the Rohingya refugee crisis necessitates. Considering their response to the Indochinese refugee crisis, ASEAN has the capacity to create a comprehensive response plan that involve multilateral cooperation with both Southeast Asian countries and the UNHCR.

Regardless of the intensity of Southeast Asian states' commitment to the principle of non-interference, migration will continue to disrupt its image of individual state sovereignty. In the deeply interconnected Southeast Asia, Rohingya refugees' existence will continue to grate against the invisible lines of sovereignty drawn by ASEAN countries. Their status as a mostly stateless people, in a region where most states have institutionalized rejection of outsiders, will continue to conflict with the principle of non-interference.

ASEAN is capable of more than rote diplomatic messages of displeasure, and of actually pushing for Myanmar to protect its own population. Yet these countries continue to be unwilling to respond to the Rohingya refugees as well as the causes of the Rohingya refugee crisis. Although the current response is clearly inadequate, ASEAN countries continue to hold the position that the international refugee regime as facilitated by the UNHCR is unsuited for the
region, that official agreement to the current international refugee and human rights regime is a level of interference that diverges too deeply from ASEAN principles.

As consequence, Rohingya are left forgotten in refugee camps in Cox's Bazaar in Bangladesh, in the sea, or in detention centers. Rohingya people are not saints, nor are they the devils that the Burmese government and Buddhist monks insist. They are humans, a group of people in search of a better, safer life. ASEAN, and its ingrained ideal of non-interference, continues to refuse to make the humanity of these people a priority.
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