



## Migrant Forum in Asia (MFA)

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Women Rehabilitation Center  
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Federation of Trade Unions –  
Burma (FTUB)

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#### Taiwan

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## Rohingya Plight is an ASEAN issue: stop passing the buck!

6 April 2009

As ASEAN gears up for another series of meetings on 10-12 April in Pattaya, Thailand, Migrant Forum in Asia (MFA) calls on them to convene an urgent meeting to face the Rohingya issue squarely and not wait for the Bali Ministerial Conference.

Member-governments need to recognize that Rohingyas in the region are in need of international protection as forced migrants, and to facilitate the development of a regional solution to protect their human rights.

MFA finds it objectionable that the plight of the Rohingyas is being treated as an issue of transnational crime, and questions the appropriateness of using the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes to be held on April 14-15 as a forum to discuss regional solutions for the Rohingyas. We consider this to be an inadequate forum, and are concerned that the Rohingyas will be deemed as nothing more than being 'illegal migrants' or 'victims of trafficking'.

This characterization is foreshadowed by the statement of the ASEAN Chairman, Thai Foreign Minister Kasit Piromya, delivered on the close of the 14<sup>th</sup> ASEAN Summit, in which he referred to them as "illegal migrants in the Indian Ocean".<sup>1</sup> From the Summit, the only recommended action was "to obtain the relevant statistics" on the number of "illegal migrants" who had perished in the Indian Ocean between then and April.<sup>2</sup>

MFA strongly condemns the characterization of undocumented migrants from Burma, both those seeking protection and workers, as "illegal". ASEAN appears out-of-touch with the humanitarian calamity it faces. To dismiss those fleeing persecution from the Burmese military junta as "illegal" speaks to the persistent discrimination against Rohingya in the region.

For more than thirty years, minority ethnic groups from Burma including Rohingyas, have faced brutal persecution by the military junta.<sup>3</sup> The Rohingya in Burma have been subjected to state-sanctioned extortion, land confiscation, forced eviction and in many cases, forced labour. They are not able to move freely, unable to access schools without permission and have been marginalized into destitution.<sup>4</sup> The military *junta* continues to deny them full rights and recognition as citizens. Stateless and in acute poverty, they have fled to surrounding countries – in particular, Malaysia, Bangladesh, India, and Thailand – for safety and livelihood.

We affirm that all people have the right to seek and enjoy asylum from persecution, as stated in the Universal Declaration of Human Rights, and that the Rohingyas should not be criminalized for doing so. To seek refuge and protection is neither unlawful nor criminal. It is in this light that we deplore the ASEAN position to take up the situation of undocumented migrants at the Bali Conference.

<sup>1</sup> Chairman's Statement at the end of the 14th ASEAN Summit "ASEAN Charter for ASEAN Peoples" held in Cha-am, Thailand, 28 February - 1 March 2009.

<sup>2</sup> Ibid.

<sup>3</sup> Amnesty International (2004, May 18). Myanmar: the Rohingya Minority. Fundamental Rights Denied. Accessible online <http://www.amnesty.org/en/library/info/ASA16/005/2004>; Asia Watch (1992). Burma: Rape, forced labor and religious persecution in Northern Northern Arakan. Accessible online: [http://www.burmalibrary.org/docs/Northern\\_Arakan92.htm](http://www.burmalibrary.org/docs/Northern_Arakan92.htm)

<sup>4</sup> Refugees International. (2008, December 19). Rohingya: The Forgotten Minority. Accessible online at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/MYAI-7N45J8-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/MYAI-7N45J8-full_report.pdf/$File/full_report.pdf)

The Bali Ministerial Conference is an inadequate venue to discuss the protection of undocumented migrants from discrimination and the root causes of their displacement. The Bali Process relates to the issues of transnational crime and by no means provides an adequate framework to examine displacement, discrimination and marginalization of the Rohingya peoples. ASEAN Chairperson Piromya's reference to the Rohingya people as "illegal" and his decision to place the issue on the agenda for the Bali process suggests that ASEAN would like to equate migrants and refugees with criminals.

The plight of the Rohingya and other minorities from Burma is not a transnational crime issue but a human rights issue in the region that must be addressed. The rights and dignity of the peoples of ASEAN cannot be ignored under the pretext of non-interference and cultural relativism. ASEAN must stop shifting the blame and evading responsibility.

Recalling commitments by ASEAN governments "to promote and protect human rights and fundamental freedoms" (ASEAN Charter, Article 1(7)); and

Recalling statements made by MFA<sup>5</sup>, the Asia Pacific Refugee Rights Network, Amnesty International, Human Rights Watch, Refugees International and several other human rights groups who have issued statements of concern on the Rohingya 'boat people':

**MFA calls on ASEAN governments to:**

**Create a separate process for the design of a regional solution for the Rohingyas, rather than relying on the Bali Process;**

**Convene an urgent, special meeting to determine immediate actions and a long-term resolution to the situation;**

**Take immediate measures to end ongoing human rights violations in Burma and the systematic persecution of Rohingya and other minorities, which is the root cause of the largest movements of forced migrants in the ASEAN region;**

MFA further recalls its recommendations of 5 February 2009<sup>6</sup> to the governments of ASEAN:

**We appeal to the regional governments to stop the forced repatriation of Rohingya and undocumented migrant workers to Burma which would put their lives in extreme jeopardy;**

**We call for ASEAN states to ratify and implement the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, the 1954 Convention Relating to the Status of Stateless Persons as well as the 1990 Convention on Protection and Promotion of the Rights of Migrant Workers and Members of their Families.**

*MFA is a regional network of non-government organizations (NGOs), associations and trade unions of migrant workers, and individual advocates in Asia that are committed to protect and promote the rights and welfare of migrant workers. It is guided by a vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, particularly for migrant workers.*

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<sup>5</sup> MFA. (2009, February 5). Statement: MFA Condemns Thai Government for Atrocities at Seas and Calls for Comprehensive Approach to Protect Rohingya. Accessible online at: <http://www.mfasia.org/mfaStatements/MFA%20Statement%20on%20Rohingyas%20-%20Feb2009%20-%20Final.pdf>

<sup>6</sup> Ibid.