

THE TRAGEDY OF ROHINGYA PEOPLE, THEIR TRAGEDIES OR OURS? A FILIPINO'S REFLECTION ON THE ROLE OF ASEAN COMMUNITY

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Abstract

The overwhelming dehumanisation of the Rohingya people by unrestrained violence put ASEAN member states on trial for ignoring their plight and tragedy. As a Muslim minority group, the Rohingya people were under attack by systemic physical, structural, and symbolic violence. It has been said that the uprising of Buddhist fundamentalist movements in this region is the face of the legalisation of lawlessness. It seems that this human tragedy is a state-sponsored crime carried out against the Rohingya people. In this regard, the most relevant question is where the ASEAN member states in the midst of this human tragedy are? It appears that the member states of the ASEAN are incapable of taking collective action to the ethnic cleansing of Rohingya Muslim minority group, as well as developing a comprehensive and regionally-relevant response. The Rohingya's elephant cried silently in the Myanmar room. This is one of the greatest modern human tragedies. Appropriating the notion of homo sacer, Giorgio Agamben used this concept to describe those people that removed or dismissed their fundamental rights as human beings. To consider the Rohingya people as homo sacer implied many things. As Agamben described homo sacer as stateless people, Rohingya people might be easily abducted and killed due to lack of rights and the denial of their citizenship. A worst-case scenario, no perpetrators were held accountable for criminal and moral acts due to their social status. This paper is a critical reflection of the commitment of the ASEAN member states which reads: "One Vision, One Identity, One Community" to uphold its significant role in promptly dealing with arising challenges and crises in the region.

Keywords: ASEAN Integration, homo sacer, Rohingya refugees, state violence

Introduction

Apparently, over the last few years, global crisis of refugees and forced migrations are considered regional and global humanitarian crises. In the context of the South-East Asian region, the rapid changing patterns of immigration in the ASEAN countries and the rising groundswell of public opinion on the ASEAN member states' commitment "One Vision, One Identity, One Community" call into question. Despite achievements and successes of the ASEAN Community Integration, the question remains about their goal and priority---for whom and for what? It is indicative that the present direction and priority of ASEAN Community Integration's policies are related, directly or indirectly, to economic integration free flow of goods, services, investments and skilled labor. It can be said that the overtones of the ASEAN Community Integration's activity are the pursuits of a single market and production base---free trade liberalisation, in particular (*ASEAN Community 2015*, 2015). The ASEAN Community has; of course, made it abundantly clear in statement after statement that its ultimate hope is further integrating ASEAN member states with the global economy (Association of Southeast Asian Nations, 2009).

The description of the declaration on the roadmap for an ASEAN Community 2009-2015 as an ideal has to be realised (Association of Southeast Asian Nations, 2009). At least three pillars need to be considered in examining the ASEAN Community overall master plan. In the declaration (1976 Bali Concord II), ASEAN leaders (including Myanmar), reaffirmed and adopted the following commitments: first, Political-Security Community (APSC); second, ASEAN Economic Community (AEC); and lastly, ASEAN Socio-Cultural Community (ASCC). Under the heading of Socio-Cultural Community Blueprint, the following guidelines were strongly recommended: (1) prioritising human development, (2) social protection, and (3) social justice ("ASEAN Community Councils," n.d.). Developments and trends indicate that important progress has been in Bali Concord II, particularly towards the goals of human rights and social justice concerns. These, of course, are ideal conditions and the questions that may immediately arise are whether this picture of ASEAN Community's ambitions is possible and how are these expansions and blueprints likely to be accomplished? Or, the most important challenge to ASEAN member states is how these principles should be put in practice.

It can be suggested that Rohingya refugee crisis is the elephant in the room, but it seems that no one in ASEAN member states addressed it properly, especially during massive exodus that began in 2012 and 2015. The Rohingya Muslim minority group uprooted themselves from the countries where they had been persecuted, killed, and dispersed to build a new life in other countries.

The Rohingya Refugees as Homo Sacer (Stateless or Abandon Individual or Group)

According to UNFPA Myanmar (n.d.), amid the remarkable variety of ethnic and cultural background characterising Burma/Myanmar society, the last recorded census population size was 53.7 million people in 2014. Burma/Myanmar is predominantly a Buddhist country in Asia. As the saying goes, "To be Burmese is to be Buddhist." This famous saying, concerning ethnic diversity, is not altogether exact geographically or historically. Undeniably, the British colonialisation played the principal role in establishing the modern state of Burma/Myanmar (Steinberg, 2010). Especially, facilitating and negotiating with those ethnic minority groups at the time Burma/Myanmar was gaining their independence in 1948 (Stenberg, 2010). Although the role of major players (such as British, Japan, China, US) in the face of enormous external influences (political, ideology, socio-cultural, and religious) in Burma/Myanmar, national and local conflicts were too complex as we expected. Aside from these, the active role of Buddhist nationalist movement rekindled the primordial value of ancient Burma society (Steinberg, 2010). This influential hardline nationalist movement started to link their political ideology to religious identity. Today, the National government failed to address continuous human rights violations against Rohingya Muslim minority group.

The recent Amnesty International report (October 2014) shows that the Burma central government implemented a Rakhine State Action Plan, a policy that would further ingrain and legitimise the 'apartheid-like' system upon Rohingya Muslim minority group in Myanmar (Amnesty International, 2015). With the support of the central government, the Rohingya Muslim minority group were persecuted, discriminated under this 'apartheid-like' system and Rohingya people were treated with hostilities by the predominantly Buddhist country and denied their citizenship. In their final act of desperation, thousands of Rohingya refugees left their homeland and set sail to any

possible benign and greener pastures in a number of relatively small vessels to avoid persecution back home. Many of them are now ownerless, homeless and stateless. Drifted hundreds of kilometers south of Myanmar, the Rohingyas were left abandoned on these boats cramped in such inhumane conditions with little or no food and water. Their rights as human beings are vehemently taken away from them. According to Asian Parliamentarians for Human Rights May 2015 report, the Rohingya Muslim minority group, are still under attack by systemic discrimination and physical assault ("Disenfranchisement and Desperation in Myanmar's Rakhine State," 2015).

In a letter sent to a local newspaper on 12 February 2009, Consul General Ye Myint Aung, a Myanmar senior official in Hong Kong, said, "In reality, Rohingya are neither Myanmar people nor Myanmar's ethnic group" ("Burmese official," 2009). It can be presumed that Rohingya people, due to lack of almost all basic rights, suffer frequent abuses in the hands of Myanmar authorities ("Disenfranchisement and Desperation in Myanmar's Rakhine State," 2015). This hate speech proposed that Rohingya people are considered excluded from the political-eco and socio-cultural community and can, therefore, be declared stateless people in the Buddhist majority society. This hate speech is also a common vocabulary in every existing fascist and apartheid state.

Taking Its Shape: An Agambenian Reflection on the tragedy of Rohingya people

The complicated situation faced by the Rohingyas as previously discussed challenges me to think and to reformulate how, an outsider, should we understand their tragic life. Certainly, there would be no sufficient reason to describe and analyse the tragedy of Rohingya people.

Giorgio Agamben is one of the most celebrated Italian political philosophers in his distinct contribution to the classical idea of politics and his active engagement on a continual erosion of the rights that make us 'the human' (Murray, 2010). The nature of Agamben's work does not fit into any of the usual categories. As indicated, Agamben provides a broad and multifaceted treatment of the complex topic of the relationship between politics, language, literature, aesthetics, and ethical formation. Agamben essential works include *The Coming Community*, *Homo Sacer: Sovereign Power and Bare Life*, and the *State of Exception*. In *Homo Sacer: Sovereign Power and Bare Life*, the primary source of his concept of homo sacer are evident (Agamben,

1998). He works out on greater details of the cultural origins of violence and how the state legalises violence against those individuals or groups that were excluded from the political community. Another important book of Agamben entitled *State of Exception* where he discussed that the notion of the sovereign is the one that determines the state of exception. Following Carl Schmitt, it depicts the idea of suspension of law (Agamben, 2005). Consequently, under the state of emergency, the state abuses the concept of sovereignty. It has the power to abandon, include (law), and exclude (human rights) those considered homo sacer. In other words, homo sacer are those people accused of committing a crime and oppressed by the state using and imposing the state of emergency (Agamben, 2005).

To venture on one of Giorgio Agamben works, particularly the concept of homo sacer, we would be able to understand how Rohingyas become the embodiment of Agamben's idea of homo sacer. Hence, Agambenian perspective at the Myanmar political state embraces and implements such culture of violence and indeed not a democratic one. In this sense, Agamben's achievement is considerable. In his work, we can see several challenges that political philosophers raised for both theoretical and practical questions. In an attempt to understand Rohingyas misery, I employed the concept of homo sacer in order to organise the vast and complex struggles of Rohingyas.

Adopting Giorgio Agamben's description towards the cases of Rohingya Muslim minority group is appropriate (Agamben, 1998). Rohingya people as homo sacer or reducing their lives into bare existence is a life (a life exposed to death) no longer covered by any legal or civil rights. In short, being a homo sacer is 'set-apart' or 'abandoned' individual or group (Agamben, 2009). For Agamben, homo sacer is a state of legalisation of violence (physical, structural, and symbolic violence). It can be suggested that when the Burma central government implemented a Rakhine State Action Plan, it worsens the situation from the ground. Rohingya Muslim minority group were treated with hostilities by hardline Buddhist nationalist movements and authorities. By castrating their basic human rights and dignity as citizens, Rohingya people reduced to homo sacer, a life exposed to penetration of physical, structural and symbolic violence. It is a state-sponsored crime, which involves deliberate attacks on Rohingya people as civilians. The Amnesty International report states the alarming cases of discrimination, religious intolerance (anti-Muslim sentiment), and denial of their citizenship rights under the 1982 Citizenship Law, illegal detention of Rohingya activists, repression of freedom of expression (including social network), impunity (state officials, including members of security forces protected under the immunity provisions in the

2008 Constitutions), and international scrutiny (2015). The conditions of Rohingya Muslim minority group are depicted as the embodiment of what Agamben meant in his concept of homo sacer in this state. They are just being hunted for torture, abuse, social exclusion, and being killed through castrating their rights and dignity as a human being (Agamben, 1998).

In line with the facts above, it is safe to presume that those Rohingya people living under the Myanmar central government specifically in Rakhine State are not a democratic one, but indeed a fascist, racist and apartheid state. Obviously, a state which legalises and promulgates state-sponsored crime and sporadic massacres of Rohingya Muslim minority group (Albert, 2015).

At the 1976 Bali Concord II, ASEAN leaders (including Myanmar), reaffirmed and adopted the following commitments to achieving the Socio-Cultural Community Blueprint: prioritising human development, social protection, and social justice (Association of Southeast Asian Nations, 2009). Myanmar as an active member of ASEAN Community is facing a litmus test to Rohingya Refugee Crisis. As a responsible member state of ASEAN community, the central government should uphold social justice, and it must be held accountable for the crimes against humanity--Rohingya Muslim minority group. We, as ASEAN member states should put pressure on the central government of Myanmar and vote to ensure accountability and justice for all violators of Rohingya people's rights. We must also reiterate that the International Criminal Court (ICC) brings those alleged individuals responsible for the ethnic cleansing of Rohingya people, violators, of article 49 of the Fourth Geneva Convention (Mohd. Hazmi Rusli, 2015). Lastly, those domestic policies implemented by the central government of Myanmar to Rohingya Muslim minority group are a betrayal of the ASEAN Community commitment which states, "One Vision, One Identity, One Community."

One Vision, One Identity, One Community, for whom and for what?

I am firmly convinced that ASEAN member states should address these issues accordingly and persuade its member states to comply with ASEAN aspirations and goals. It might be possible that the fate of Rohingya Muslim minority group lies in the collective action of ASEAN member states. At the same time, it is observable that ASEAN member states are tepid in response to the ethnic cleansing of the Rohingya Muslim minority group. This should be called into question. The massive exodus in 2015, for obvious reasons, was not officially recognised and discussed at the regional level. On the other hand, as noble Philippine tradition, in response to the human tragedy of Rohingya, the

Philippines offers refuge to desperate Rohingya Muslims minority group stranded at sea. This serves as the ASEAN Community's dilemma. ASEAN member states must observe their mantra, "One Vision, One Identity, One Community." ASEAN member states should be held responsible as this humanitarian disaster takes place within our respective region. ASEAN member states should persuade and put pressure on Myanmar government to take action and accountability. Myanmar central government should provide them with the right of return to their homeland; grant them with citizenship, free from persecution and state-sponsored crime. The study found that economic integration (free trade liberalisation) is consistently more concerned about socio-cultural community blueprint by ASEAN member states.

The Philippine Noble Response, Are we Filipino, not looking hard enough?

During the outbreak of 2015 Rohingya refugee crisis, the Philippines was the first country in Southeast Asia region to offer refuge to desperate Rohingya people. It appears that this catastrophe was out of the mainstream media. Not until the international community made a public pressure at the regional level to find collective action towards Rohingya refugee crisis. However, it seems that ASEAN member states are incapable of taking collective action on ghettoization, discrimination, and sporadic massacres of Rohingya Muslim minority group. The Philippine national government with its long tradition and known reputation pledged to provide haven to thousands of refugees stranded at sea. Before the establishment and formulation of ASEAN Community's aspirations, The Philippines has a long tradition of providing safety to refugees seeking asylum and humanitarian aids. Despite Philippine's slow economic development, Jews, Vietnamese, and Russian refugees enjoy the asylum granted to them ("The Philippines Haven for Refugees," 2015). As a signatory of 1951 U.N. Convention Relating to the Status of Refugees and the 1967 Protocol (New York Protocol), the Philippines proved its sincere commitment as a sanctuary to many kinds of refugees ("The Philippines Haven for Refugees," 2015).

The response of the Philippine national government to Rohingya people might compromise the welfare of poor Filipinos. I do not necessarily oppose the admirable response of the Philippine government to this kind of situation, but this issue can be used by this government to cover up its failures to address several problems of the country. According to the recent survey of IBON Foundation in May 2015, contrary to President Aquino's administration claim, seven out of 10 Filipinos (about 67 Million Filipinos) considered

themselves poor. The great concern of poor Filipinos is persistently high cost of power, deteriorating transportation infrastructure, and expensive, unreliable services such as water and internet (Olea, 2015). Despite the persistent grand rhetoric of Aquino's government as "Tuwid na Daan" and "inclusive growth," two-thirds of the Filipinos feel that they are disadvantaged. Of course, a variety of factors are strongly related to Philippine poverty. The technocrats (economists and financial experts) blame the rapid growth of population why most Filipinos are poor. However, we, Filipinos must recognise the following reasons: first, the ruling yellow oligarchy in the Philippine government; second, failure of the implementation of past and present government of genuine land reform; third, only a few control the economy or feudal bondage and a graft-ridden government; and lastly, the continuing invocation of neoliberal ideology in the Philippine domestic and foreign policies.

It seems that the Aquino administration struggles to confront our domestic problems such as, the cycle of immoral debts (World Bank), alarming trends of human rights violations, impunity (alleged individuals and government officials) and killings of lumad (ethnocide of indigenous tribes), displaced people in Mindanao due to conflict, raising urban poor settlers, chronic graft and corruption within government offices, and disorganised and failed disaster management response to Typhoon Hayan (Yolanda). Aquino administration should clean up its backyard first and should prioritise and advance the national interests over foreign corporations.

Conclusion

In conclusion, as a Filipino, I am proud of my country for being a sanctuary to many kinds of refugees and asylum seekers. The Philippines as a signatory of 1951 U.N. Convention Relating to the Status of Refugees and the 1967 Protocol (New York Protocol) proves its sincere commitment as a sanctuary to Rohingya Muslim minority group. On the regional level, ASEAN member states should persuade and put pressure on the Myanmar government to take action and be held accountable. The three community pillars should be upheld by member states. In fact, these three community pillars should mutually reinforce each other (*ASEAN Community 2015*, 2015). However, the overtones of the ASEAN Community Integration's activity are the pursuits of a single market and production base---free trade liberalisation, in particular, should be questioned. The ASEAN Community should have a concrete collective action to the Rohingya migrant crisis. The Myanmar central government should

provide them with the right of return to their homeland, grant them with citizenship, and enable them to be free from persecution and stop the state-sponsored crime against them. We should remind ourselves, as well as the ASEAN Community, which the tragedy of the Rohingya people is also our tragedy.

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