

The Issue of Human Rights Violation Towards Rohingnya Ethnic Group and the Role of International Community

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Abstract—This writing discusses the issue of human rights violation towards Rohingnya ethnic group in Myanmar, as well as the efforts made by international community to fight for Rohingnya's right to be free from Human Rights violation. This writing is descriptive and analytical by using qualitative method, the data collecting technic is "library research" where the data used to support the argument are obtained by collecting them from various sources such as books or literature, journal, newspaper, magazine, as well as data taken from the internet. The result of the discussion from this writing indicates the existence of the fact that human rights violation towards Rohingnya ethnic group occured in Myanmar as referred to International Human Rights Norm in United Nations Instrument (A universal declaration on Human Rights in 1948). In addition to that, international community is not yet able to persuade Myanmar Government to stop the human rights violation that occurs. International community with modern international network (Transnational Advocacy Networks) should be able to persuade Myanmar to respect human rights especially in the case of Rohingnya ethnic group so that this case ends.

Keywords: International Human Rights Norm, Rohingnya Ethnic Group, Universal Declaration of Human Rights, Transnational Advocacy Networks.

1. Introduction

The issue on human rights violation towards Rohingnya Muslim ethnic group that becomes the minority in Myanmar has been occurring for the last several decades. However, the increase of the number of Rohingnya refugee in several Southeast Asia that occurs recently raises the issue of human rights violation towards Rohingnya.

In the last several years, Indonesia, Thailand, and Malaysia become destination countries for Rohingnya refugees who escaped from Myanmar. Those three countries become destination countries because of distance factor that is relatively closer compared to other countries. Mostly, they go to Indonesia, Thailand, and Malaysia by boat. Often, they are found in ocean in very bad condition due to thirst and hunger. Many of the refugees even die on their journey to find protection from countries outside Myanmar.

United Nations High Commissioner for Refugee (UNHCR) notes that within the last three years, more than 120.000 Rohingnya people have fled outside the country by boat. In the first quarter of 2015, 25.000 Rohingnya people left Myanmar. This number is twice bigger than the number in the same period in the previous year. In Indonesia, there are 11.000 refugees from Rohingnya ethnic group.¹ Rohingnya ethnic group becomes a group that is labelled by United Nations as the most mistreated group.² However, international community including UN is not yet able to persuade Myanmar Government to stop actions that are considered as violating the rights of Rohingnya minority group. In several occasions, Myanmar Government still refuses to be considered as violating the rights of Rohingnya minority group and up until now there is still no solution to overcome the

¹ Antonius Purwanto, "Menelisik Akar Persoalan Rohingnya", in <http://print.kompas.com/baca/2015/06/03/Menelisik-Akar-Persoalan-Rohingya>, accessed on 22 Juni 2015.

² Dewa Gede Sudika Mangku, "KASUS PELANGGARAN HAM ETNIS ROHINGYA : DALAM PERSPEKTIF ASEAN", Media Komunikasi FIS Vol 12, No 2 August 2013, page 62.

problem faced by Rohingya ethnic group in Myanmar. UN as an institution or organization with most countries in the world as its members also has not yet made any step to overcome this problem.

The existence of the issue of human rights violation towards Rohingya minority ethnic group should be able to persuade Myanmar Government to stop any kinds of violation. The issue of human rights violation towards a group of people by a regime can be used as a weapon by international community to persuade the actor or regime that violates human rights.

The pressure given by international world can persuade Myanmar Government to stop human rights violation towards Rohingya minority ethnic group if conducted together and organized well as well as involving international relations actors from various levels, whether individuals, NGOs, INGOs, countries, and transnational organizations.

Such international pressure has ever been experienced by Indonesia when human rights violation towards Timor Leste people was suspected to happen since Indonesian occupation in Timor Leste in 1975 until they finally received their rights to hold a referendum in 1999. The international world uses human rights norms developed in international world to give pressure to Indonesia. At that time, Indonesia received many accusations and pressure from international community including UN. The pressure is political, economical, and moral. Various kinds of pressure in the form of diplomatic relations from various countries were also experienced by Indonesia. Indonesian identity as a democratic country was also questioned, at that time. Finally, the pressure given by international world that focused on human rights in Indonesia especially on Timor Leste case was successful in persuading Indonesia under B.J. Habibie to hold a referendum for Timor Leste in order to provide options for them whether to join or separate from Indonesia. At the end, the result of the referendum that was conducted on August 30, 1999 was Timor Timur people chose to separate from Indonesia (78,5%).³

The achievement of the international world in giving pressure to Indonesia in Timor Leste case should be used as a comparison and reference in overcoming Rohingya ethnic group in Myanmar even though both have different objectives. Timor Leste's objective is to struggle for independence and Rohingya's objective is to fight for their rights as humans and citizens. Compared to Timor Leste case, Rohingya's objective is lower in level (easier to achieve) even though the essence of importance of this case is in the same level since both have something to do with human basic rights, especially the rights to live.

Apart from that, there is a moment of democratization in Myanmar that is marked by the release of Aung San Suu Kyi in 2010 after being on a house arrest for many years under Myanmar military regime. Furthermore, the general election that will be conducted at the end of 2015 can be used as an indicator for the running of democratization process in Myanmar recently. This should be used by the international world as a good timing to propagate human rights norms developed in the international world in order to give influence to Myanmar Government to become a democratic country and respect human rights with the short term objective of saving Rohingya from human rights violation that has been occurring.

1.1. Library Research

1.1.1. International Human Rights Regime

Human rights is basic rights or main rights brought by humans since birth as God's gift. Human rights is respected, highly honoured, and protected by the country, law, government, and every person. Human rights is universal and eternal. Everything that cause suffering is considered as human rights violation.

The thoughts about human rights are established by scholars and developed by John Locke (1632-1704), Montesquieu (1689-1755), Voltaire (1694-1778) which then can be seen in modern constitution countries.⁴

³ Ardli Johan Kusuma, "KEMERDEKAAN TIMOR LESTE DARI INDONESIA ANALISIS KONSTRUKTIVIS", thesis, Master Program of International Relations Faculty of Postgraduate Study Universitas Muhammadiyah Yogyakarta, 2014, page. 123.

⁴ John Locke, "The Second Treatise of Civil Government and a Letter Concerning Toleration", in J.W. Gough, Blackwell, Oxford, 1964, in "EVOLUSI PEMIKIRAN DAN SEJARAH PERKEMBANGAN HAK ASASI MANUSIA", in http://pusham.uui.ac.id/ham/7_Chapter1.pdf, accessed on 24 mei 2014.

The thoughts of those figures who are considered as the pioneers of thoughts about respect towards human rights influence several big revolutionary events in several countries and are considered as the history of respect towards human rights.

Talking about human rights enforcement in the international world can not be separated from UN. It is because UN is an international organization whose members consist of almost all countries in the world. Also, UN is often considered as an organization that can make the member countries bound to its decision since every decision that UN make involves the country members. Therefore, every decision that UN makes is already approved by its country members.

The efforts done by UN in human rights enforcement is known as “International Bill of Human Rights”. This term is used to point out three main instruments on international human rights as well as the optional protocols designed by UN. The three instruments are: (i) Universal Declaration of Human Rights; (ii) *International Covenant on Civil and Political Rights*; and (iii) *International Covenant on Economic, Social and Cultural Rights*).

The three instruments designed by UN indicates that international community interpreted by UN cares about norm called as human rights. This mean that the emergence of human rights has become a norm that is acknowledged together universally throughout the world.

Meanwhile, when we discuss a phenomenon about human rights violation issue experienced by a society that has something to do with a governance as experienced by Rohingya minority society in Myanmar, then it is closely related to the instruments designed by UN, especially the first and second instruments namely *Universal Declaration of Human Rights* and *International Covenant on Civil and Political Rights*. Those two international covenant are the most representative of human basic rights that cover several aspects except the rights about economy that is specifically explained in *International Covenant on Economic, Social and Cultural Rights*. This covenant is the third one that protects human rights.

1.2. The Framework of Thinking

1.2.1. Transnational Advocacy Networks

In analyzing about what methods that can be done by the international world in fighting for Rohingya’s ethnic rights, this research uses *transnational advocacy networks* that explains how modern international actor network – whose members are not only countries but also NGO – build networks and work together in achieving certain interest and objective. The interorganizational networks built can be local or international and can cover the whole international actors. This is in accordance to: “*Advocacy networks are significant transnationally and domesticall. By building new links among actors in civil societies, states, and international organizations, they multiply the channels of access to the international system.*”.⁵ Modern international networks or transnational advocacy networks must be formed by involving all international actors and conducted in a well organized way in fighting for Rohingya’s ethnic rights that experienced human rights violation.

1.2.2. The Power of Norms

Constructivists in The Study of International Relations basically assume that international politic is a result of a “social construct”, that is a dialogue process between “structure” and “agent”, where social and political environment and humans interact with each other to produce social and political changes.⁶

Meanwhile, in the interaction process between those international actors, both agent and structure are influenced by the existing norms. The existing actors will influence the actors that influence each other in order to form an identity that will be able to influence the interest and the behaviour of international actors including countries.

The identity that will influence the interest and the behaviour of the actors of international relations that includes countries can be influenced by the existing norms through a process called

⁵ Margaret E. Keck and Kathryn Sikkink, “*Activists Beyond Borders Advocacy Networks in International Politics*”, Cornell University Press, London, page 1.

⁶ Margaret E. Keck and Kathryn Sikkink, “*Activists Beyond Borders Advocacy Networks in International Politics*”, Cornell University Press, London, page 1.

“norms socialization”. In this process, a norm goes through several steps that then can form an identity and an interest of a country according to the existing norms. *“Three types of socialization process: 1) processes of adaptation and strategic bargaining; 2) processes of moral consciousness-raising, “shaming”, argumentation, dialogue, and persuasion; 3) processes of institutionalization and habitualization”*.⁷

Basically, Norms Socialization is a process that indicates that an international norm can influence the identity of a country in which the identity will lead the country to an interest and behaviour that is appropriate with the existing norm. The international world can influence Myanmar identity to become a democratic country and respect human rights through the process of norms socialization.

1.3. Method of Writing

In this research, the focus of the discussion is finding the answer to these questions: 1). Whether Rohingya Muslim minority experience human rights violation in Myanmar if observed with international human rights norms? 2). What efforts are possible to do to fight for Rohingya ethnic human rights? The answers to these questions will be the focus in this research.

This writing is qualitative where the data used will indicate phenomenon about (situation, process, event, etc) that will be described in the form of words or sentences so that it will be understood well. The type of the writing is descriptive analytical. Descriptive means that this writing will describe in detail about phenomenon related to the object of the research that is Rohingya ethnic group in Myanmar. Analytical means that the process of analyzing in this research uses several concepts towards the phenomenon that occurs (human rights violation issue towards Rohingya ethnic group in Myanmar). Regarding the data collecting, the writer collects supporting data from various sources such as books or literature, journals, newspapers, magazine, or data from the internet.

2. Findings and Discussion

2.1. Human Rights Violation Toward Rohingya Ethnic Group

The minority ethnic group, Rohingya, has lived in Myanmar for centuries. However, the Myanmar Government does not admit Rohingya as an original ethnic group. The Rohingya descendants are considered as Bengali's illegal refugees from Bangladesh. On the other side, Bangladesh also does not admit them as their citizens. Today, there are 300.000 Rohingya people in Bangladesh, especially in the border area in Myanmar. In the other words, the status of Rohingya ethnic group can be said as having no citizenship and without national protection from any countries. It definitely violates the Rohingya's human rights. Especially, if it is connected to the concept of International Bill of Human Rights, specifically Universal Declaration of Human Rights in the article 13, 14 and 15 which explain about someone's rights to get status of citizenship and protection from suppression. The article 13 verse 1 and 2 stating: *(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.* Then, article 14 verse 1 and 2 stating: *(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.* And the next is article 15 verse 1 and 2 stating: *(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.*⁸ If we read the article, it has been very clear that the Rohingya's rights to have their certain citizenship status have been taken even though they have lived in Myanmar for centuries.

Beside the issue, according to Burmese Rohingya Organisation UK (Brouk) or Rohingya organization in England, Myanmar Government always makes policies which oppress Rohingya

⁷ Thomas Risse dkk, “The Power of Human Rights-International Norms and Domestic Change”, New York, Cambridge University Press, 1999, hal 11.

⁸ The Universal Declaration of Human Rights, in <http://www.un.org/en/documents/udhr/>, accessed on 24 June 2015.

ethnic group since 1970's. The oppression toward Rohingya people gradually increases since the reformation process which was introduced by President Thein Sein in 2011.⁹

In June and October 2012, the conflict in Rakhine or Arakan happened which made Rohingya group as the violence target. If it is analyzed further, the conflict happened in 2012 and still remains until today is not a thing which happened by itself. Considering its history, the Rohingya crisis cannot be separated from the discrimination issues done by Myanmar Government.

This conflict remains until today. In July 2013, only in a month, there were 650 Rohingya people died, 1.200 people were lost, and another 80 thousands lost their homes. For years, the Government junta Myanmar military does not only deny the democracy but also violates the minority human rights.¹⁰

All forms of discrimination and violation experienced by the Rohingya ethnic group in Myanmar has been more than enough to show there are some violations toward rights which are supposed to have by Rohingya ethnic group people. Actually, these basic rights have been clearly written in (*Universal Declaration of Human Rights*), specifically in article 3, 5, and 18. The article 3 stating: *Everyone has the right to life, liberty and security of person*. While, article 5 stating: *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*. And the next is article 18 stating: *Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*.¹¹

From the articles written in Universal Declaration of Human Rights, it clearly mentions that there is protection for human from any kinds of persecution and violation, security warranty, and religious freedom. And all kinds of discrimination, persecution, violation, and threats which make Rohingya ethnic group feel insecure. It happens in Myanmar as it has happened before which reflect the human rights violation in the country. It must be considered that universal declaration about the human rights is explicitly adopted for the aim to define the meaning of "fundamental freedom" and "human rights" shown United Nations Charter which ties all of the member countries. For this reason, the Universal Declaration is the United Nations' fundamental constitutive documents. Besides, there are many international lawyers believe that the Declaration is a part of customary international law.¹² It is a powerful tool in implementing diplomatic and moral pressures for the government which is against the content of the declaration articles. In 1968, in the International Conferences about Human Rights, United Nations suggests that the Declaration "is an obligation for the international community member", and is applied for all. Therefore, it means Myanmar has violated the universal declaration about Human Rights which should be applied for all international community without exception.

Besides, all of violation kinds done by the Myanmar Government toward Rohingya ethnic group are also against the content of International Covenant (Treaty) on International Covenant on Civil and Political Rights; (apart from the ratification procedures which have not been done by Myanmar), in which in this treaty held in the United Nations Assembly on 16 December 1966, has treaty points consisting of 53 articles divided into 5 parts which manage the basic civil and political rights of every people throughout the world. The unratified international covenant on civil and politics rights by Myanmar Government shows that the international world has not been able to socialize the human rights norms especially to Myanmar Government which creates the human rights phenomenon toward the Rohingya ethnic group.

2.2. The International World Efforts in Releasing Rohingya Ethnic Group From Human Rights Violation

⁹ Antonius Purwanto, "Menelisik Akar Persoalan Rohingya", in <http://print.kompas.com/baca/2015/06/03/Menelisik-Akar-Persoalan-Rohingya>, accessed on 22 June 2015.

¹⁰ Dewa Gede Sudika Mangku, "KASUS PELANGGARAN HAM ETNIS ROHINGYA : DALAM PERSPEKTIF ASEAN", FIS Communication Media Vol 12, No 2 Agustus 2013, page 63.

¹¹ The Universal Declaration of Human Rights, in <http://www.un.org/en/documents/udhr/>, accessed on 24 June 2015.

¹² Office of the High Commissioner for Human Rights. "Digital record of the UDHR". United Nations. Dalam https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights#cite_ref-27, diakses 1 Juli 2015.

Apart from all kinds of human rights violation happened in Myanmar, there are some steps which have been taken by the international world to handle the issues, even though, in fact, it cannot solve the human rights violation cases toward the Rohingya ethnic group. Various efforts in solving Rohingya crisis have been done by some sides. Malaysia as the rotating chairman of ASEAN 2015 for instance, urges Myanmar to be responsible in making solution of humanity crisis faced by the Rohingya ethnic group. As the form of awareness on crisis and to give pressure to Myanmar, some of ASEAN members will meet in Malaysia.¹³

Before, in November 2014, United Nations General Assembly adopts the resolutions which urge the Myanmar Government to admit Rohingya's citizenship. The resolution is adopted unanimously in the Human Rights Committee Assembly, United Nations General Assembly in New York, America.

Basically, the resolution states "a deep concern" to the fate of about 800.000 Rohingya people living in Rakhine State, West Myanmar, and the ones who are excluded to the refugees camps in Myanmar, Bangladesh, and in the border of Myanmar-Thailand. United Nations urge Myanmar Government in Naypyidaw to give citizenship status for the Rohingya minority ethnic group.¹⁴

However, those efforts have not been able to give real solution for the Rohingya minority ethnic group which is today, their rights are still seized even though these are supposed to have by each individual including the Rohingya ethnic group. It happens because the international solidarity movement which struggle for the Rohingya ethnic group rights in Myanmar has not been organized well. Therefore, all kinds of efforts are done in not well-organized ways and not done simultaneously in international world. Thus, the pressure effect pointed to Myanmar Government has not been able to force them to make any solutions on Rohingya cases.

Besides, the issues of Rohingya ethnic group human rights violation have not been an international issue. It is only a regional issue. If the issue is delivered to the United Nations Security Council, it is caused by the efforts done by ASEAN countries especially the countries getting direct impacts of the Rohingya ethnic group's escape from Myanmar. The United Nations' efforts and some ASEAN countries done not simultaneously and not make this issue as the international issue shows that the international community does not concern on this case. It shows that the international community has denied the international human rights commitment. It is supported by the Universal Declaration of Human Rights Article 28 clearly stating: "*Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.*"¹⁵ The unavailability of social order which internationally respects human rights caused by the absence of efforts from international community to simultaneously create an ideal social order is a denial to the mentioned article 28 above.

The efforts of the international world in struggling Rohingya ethnic group's human rights will be different if it is compared to the human rights violation issues toward Timor Leste people done by the Indonesian Government when the Timor Leste has become the part of the NKRI since 1975 until finally it succeeded doing the referendum in 1999. Timor Leste people succeeded doing referendum which the result shown that its majority still prefer to be independent apart from Indonesia since at that time the struggle of Timor Leste people freedom was done simultaneously and orderly. Also, it involved all level of international relations actors from the individuals, non government organization, government, to intergovernmental countries including United Nations. Therefore, at that time, the human rights issues in Timor Leste done by Indonesia became an issue which got the attention from the international world.

In Timor Leste case, the Transnational advocacy networks concept can run. The international actors' involvement came from various levels as well as from individuals such as Xanana Gusmao, Priest Belo and Ramos Horta who fought for the rights of Timor Leste worldwide. Even Ramos Horta was able to speak in front of United Nations forum as the movement representative with the help from one of the Australian activists named David Scott. Besides, another individual actor was Paus

¹³ Kompas, 17 May 2015 edition.

¹⁴ Antonius Purwanto, "Menelisik Akar Persoalan Rohingya", in <http://print.kompas.com/baca/2015/06/03/Menelisik-Akar-Persoalan-Rohingya>, accessed on 22 June 2015.

¹⁵ The Universal Declaration of Human Rights, in <http://www.un.org/en/documents/udhr/>, accessed on 24 June 2015.

Yohanes Paulus II who visited Timor Leste and was able to attract the international world related to Timor Leste issues. Moreover, in the non-government organization level (INGO), there was East Action Network (ETAN) from United States. There was also Four Women from England. INGO always tried to struggle for Timor Leste people's rights by building networks and communication with various actors in every levels worldwide. In the country level, there were some influencing countries supporting Timor Leste at that time such as United States, Australia, United Kingdom and Portuguese which were very serious in struggling for Timor Leste people's rights. All actors from those various levels were able to build modern international networks which resulted in building international opinion and influenced United Nations for simultaneously giving influences or pressures toward Indonesia. After that, human rights norm socialization process was also able to be simultaneously done in the international world which was able to influence Indonesia's identity as a democratic country which respects human rights. Therefore, at that time, after decades ruling Timor Leste, Indonesian government under BJ Habibie's reign decided to give agreement for Timor Leste in doing referendum.

The performance of Transnational Advocacy Networks, and norms socialization, especially human right norms and democracy, should have been adopted by the international world to give pressures to Myanmar government for saving Rohingya minority ethnic group from any kinds of human rights violations.

3. Conclusion

Rohingya minority moslem ethnic group in Myanmar experiences various kinds of human rights violations for decades, especially if it is seen from Universal Declaration of Human Rights which is the international human rights protection instrument. There are some crucial articles which are violated if they are applied in Rohingya case such as article 3, 13 (verse 1 and 2), 14 (verse 1 and 2), 15 (verse 1 and 2), 5, 18. In Universal Declaration of Human Rights, Rohingya ethnic group people do not get their rights which are clearly written in the universal declaration about human rights in 1948. Besides, the efforts being done by international world in handling this human rights violation have not involved all international relations actors. In other words, Transnational Advocacy Networks has not run well for handling Rohingya ethnic issues. It is different if it is compared to human rights violations issues in Timor Leste, in which the international world succeeded in influencing Indonesia to give referendum to Timor Leste under various pressures and human rights norms socialization process and democracy. The international world should adopt Transnational Advocacy Networks, as it had happened in Timor Leste issues to save the Rohingya minority ethnic groups rights in Myanmar.

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