

## Constructive Indonesia's Conflict Resolution on Rohingya Refugees in Accordance With Myanmar's Case

Kintan Farhayanti Dewi<sup>1</sup>, I Gede Sumertha<sup>2</sup>, Eri Radityawara Hidayat<sup>3</sup>

<sup>1</sup>(Student of Peace and Conflict Resolution Study Program, Faculty of National Security, Republic of Indonesia Defense University)

<sup>2</sup>(Lecturer of Peace and Conflict Resolution Study Program, Faculty of National Security, Republic of Indonesia Defense University)

<sup>3</sup>(Lecturer of Peace and Conflict Resolution Study Program, Faculty of National Security, Republic of Indonesia Defense University)

**ABSTRACT:** *Indonesia is one among the countries which have the central role in managing and resolving the refugee impact of this humanitarian conflict caused by inter-ethnic and religious background in ASEAN. The research draft of conflict resolution submitted by Indonesia on behalf of mapping and resolving the conflict tied with ASEAN and United Nations (UN) rules of International Humanitarian Law. This research identified the refugee situations in Indonesia Indonesia's Conflict Resolution on Rohingya Refugees in Accordance with Myanmar's Case. The research was conducted using qualitative research based on case study analysis This research concludes that Indonesia has numerous humanity roles regarding the facility assurance of refugees impacted by Myanmar's conflict in coordination with UN, ASEAN, and other human rights NGOs. The analysis suggests resolving the era of conflict in Myanmar by implementing soft power diplomacy and the help of hard power diplomacy using more vital army forces in the name of peace missions.*

**KEYWORDS** – ASEAN, Conflict Resolution, Human Rights, Myanmar, Refugees

### I. INTRODUCTION

Human rights is a fundamental right of every human being which includes the right to life in the political, legal, economic, social and cultural fields. In the United Nations Declaration, it is acknowledged that humans are individuals who bear status as the subject of international law in addition to the country (Donnelly, 2013). The definition of human rights is also contained in Article 2 of the Universal Declaration of Human Rights 1948 (UDHR), that everyone has the right to all rights and freedoms without any exceptions, such as discrimination of race, color, sex, language, religion, politics or other views, national or social origins, property rights, birth or other positions. In general, based on the number of declarations and covenants relating to human rights issued by the United Nations, known as three generations of human rights, namely integrity, freedom and equality, in which to achieve these three aspects it is necessary to respect the dignity of every human being (Perwira & Yani, 2014). However, integrity, freedom, and equality are things that a country often cannot realize because of the many ethnicities in a country (Correa et al., 2020). As a result, several ethnic minorities in the country have become discriminated against.

The discriminated ethnic minorities often do not receive recognition as citizens of the country where they were born and reside. International law mentions groups that do not have citizenship are called stateless persons, namely individuals who are not recognized as citizens by a country based on the legal rules of that country, where the individual resides (Saraswati, 2004). In international law, obtaining citizenship status is one of the absolute rights of every individual, as stated in Article 15 of the UDHR. Theoretically, there should not be a single individual in this world who is stateless. However, in reality there are still many communities in a

country that are not recognized as citizens, one of which is the Rohingya ethnicity who has long lived in Rakhine State, Myanmar since the 7th century AD.

The Rohingya, a Muslim group in Myanmar of 1.3 million people (Aziz, 2020) have faced decades of systematic discrimination, statelessness, and targeted violence in Myanmar's Rakhine State. A group of Rohingya militants calling themselves the Arakan Rohingya Salvation Army (ARSA) carried out a series of attacks on military and police posts that killed more than seventy people, including twelve members Burmese security forces. In response, the Myanmar military launched a brutal crackdown on Rohingya villages, causing more than seven hundred thousand people to flee across the border into Bangladesh since August 2017. The conflict continued until 2008, there was a constitution that did not involve minorities, and in 2012 there was violence against the Rohingya tribe. Then in 2017, 700,000 Rohingya refugees came and spread to Malaysia, Thailand, and Indonesia (Fan, 2021). The Rohingya ethnic problem in Myanmar is considered a very serious violation of basic human rights. This poses a safety threat to certain ethnic groups, up to genocide attempts.

What happened in the Rohingya is a gross violation of human rights. They are not given the right to live comfortably and do not receive proper recognition as citizens of Myanmar. This conflict began because of indications of voting fraud which became a controversy in the democratic process in Myanmar regarding the presidential election. This conflict then developed into a political conflict that occurred internally in the Myanmar state, which threatened the sustainability of democracy and federalism, and exacerbated by the emergence of casualties (Breen, 2021). Instead of dying at the hands of the ARSA group, many victims finally decided to flee in order to get protection for their rights. The Rohingyas are an ethnolinguistic and religious minority belonging to no state (Uddin, 2015). Most of the ethnic Rohingya now choose to live in neighboring countries, both as refugees and illegal migrants. Refugees and asylum seekers are also considered as noncitizens in host countries and frequently are also deprived of rights conferred by international human rights law (Uddin, 2015).

Indonesia is one of the destinations for the Rohingya ethnic groups to flee. However, the presence of Rohingya refugees in Indonesia raises various pros and cons. The absence of peace efforts and serious solutions from the Myanmar government in dealing with this ethnic conflict has caused the future of the Rohingyas to be unclear in refugee countries. The arrival of the Rohingya refugees is now starting to be greeted with cynicism by local residents because they are considered a source of trouble. This situation later turned into a pessimistic view for residents by the Rohingya ethnicity in Indonesia, which was previously greeted with an atmosphere of brotherhood based on religion.

The ongoing political conflict in Myanmar has caused concern for countries hosting the Rohingya ethnicity to take refuge in the destination country, including Indonesia. This conflict raises the issue of distrust and the tendency of the Myanmar government to neglect to provide a comprehensive solution related to the Rohingya ethnic conflict, which is an issue of bilateral relations between countries, especially in the conditions and situation of the global COVID-19 outbreak, which has become a potential crisis for the international world. The existence of bilateral relations between Indonesia and Myanmar related to the Rohingya ethnicity makes Indonesia a country that is expected to play an active role in solving the crisis (Bonasir, R., 2021). Based on these problems, the author would like to present the idea of a resolution for Indonesia which plays an active role in overcoming the Rohingya refugees.

## **II. METHODS**

This study uses a qualitative approach (qualitative research) with a case study model. Qualitative methodology is research that uses descriptive data in the form of words and actions as a data source. In the

research process, case studies allow researchers to use diverse and flexible instruments so that the data collected is diverse. In this study, data were collected using in-depth interviews with several sources with interests and authority on the research topic, namely Constructive Indonesia's Conflict Resolution on Rohingya Refugees in Accordance with Myanmar's Case. Therefore, in order to be able to answer and play an active role in providing conflict resolution that occurs in Indonesia-Myanmar bilateral relations and peace within ASEAN, this study focusing on a Constructive Indonesia's Conflict Resolution on Rohingya Refugees in Accordance with Myanmar's Case through ASEAN and Indonesian role.

### **III. RESULT AND DISCUSSION**

#### **1. Rohingya Refugees in Indonesia**

Since the occurrence of a repressive and indiscriminate military operation from the Myanmar government, the Rohingya people have chosen to leave their territory and seek refuge in other countries. The Rohingya people are currently scattered in several countries. Their number continues to grow in various countries. Initially, most of the Rohingya refugees went to Bangladesh. The majority of Rohingya refugees in Bangladesh are housed in Cox's Bazar, one of Bangladesh's districts closest to the Myanmar border. However, Rohingya refugees in Bangladesh are living in difficult conditions in overcrowded camps in Cox's Bazar with no freedom of movement outside the camps, and restricted access to rights including education and livelihoods (Sengupta, 2021). Therefore, The Rohingya are 'forced' to take a long and dangerous journey. They cross jungles and sail the Andaman Sea to reach neighboring states such as Thailand, Malaysia and Indonesia (Jati I, 2017).

The Indonesian government's first response to its Rohingya refugees was the same as Thailand and Malaysia, namely 'Refuse'. The Indonesian Armed Forces had tried to close the access of refugees into Indonesian territory in order to safeguard the security from foreign infiltration (Sari, 2018). The TNI commander at that time was only allowed to provide food and water assistance to the Rohingya refugees who were still on the ship in the middle of the sea in Aceh waters. He did not allow the refugees to land his ship in order to maintain the security of Indonesian territory. However, local Acehnese did not comply with this order by still accepting refugees on the mainland. Until finally, the migration wave of Rohingya refugees has come unstoppable from Aceh waters since late 2015 (Sari, 2018).

Different with Thailand, which tend to push boats towards a third country, and Malaysia, which is hugely a Rohingya refugee destination, Indonesia has been categorized as a transit country (Pudjibudojo et al., 2019). Then, Indonesia become a transit country frequently visited by refugees. Based on data from the UNHCR world refugee agency, as of 2016 there were 795 Rohingya refugees in Indonesia (UNHCR, 2021). Then, there are 244 who are still waiting for status determination or in other words are asylum seekers (Folia, 2019). Then in 2020, Indonesia received Bangladeshi refugees who arrived in North Aceh. Actually, Indonesia is not a destination country, but Rohingyas are challenging to accept in some other countries due to the closure of entry access due to COVID-19. Therefore, with the displaced Rohingya in the middle of the ocean, local Acehnese took the initiative to provide assistance (International Organization for Migration, 2017). The majority of them are in Indonesia after navigating the sea with makeshift ships. In 2017, 700,000 Rohingya refugees came and spread to Malaysia, Thailand, and Indonesia (Fan, 2021).

IOM has examined cases reported by Rohingya refugees who have lived in Bangladesh for years, those who arrived within the past few years, and those who have more recently arrived since August 2017 (International Organization of Migration, 2018). After the military coup on February 1, 2021, the data on Rohingya Refugees in Indonesia was updated. Refugees who came to Indonesia came from several countries, most of whom came from the Middle East and spread across the islands in Indonesia (Sulistiyanto, 2021). And from June 2018 noted that 119 Makassar Refugees were placed in the Bolangi Rudenim, including 7 women, 5 children and 2 children under 5 years old (LBH Makassar, 2021). There were at least 13,497 individuals in Indonesia who were refugees and asylum seekers, with 4.99% or as many as 672 refugees from Myanmar

(UNHCR, 2021). The refugees are spread over at least ten major points, including Jakarta, Medan, Makassar, Tanjung Pinang, and Pekanbaru.

## **2. Indonesia's Role in Handling Rohingya Refugees**

While the international community has continued to focus on supporting the Rohingya response in Bangladesh and advocating for an expanded protection and operational space, adequate attention has not been paid to acknowledging and addressing the regional dimensions of the Rohingya crisis (Sengupta, 2021). In addition to Bangladesh, other countries in South and South-East Asia such as India, Nepal, Thailand, Malaysia and Indonesia, are also hosting Rohingya refugees in lesser numbers, without granting them legal status and access to rights and durable solutions (Brunnstrom David & Wroughton Lesley, 2018). Whereas, handling refugees and determining refugee status are regulated in the 1951 Convention and the 1967 Protocol.

The goals and international commitments of the Indonesian state have been stated in the preamble to the 1945 Constitution of the Republic of Indonesia in the fourth paragraph of the second paragraph, namely:

“... to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace and social justice...” (*The text of the 1945 Constitution of the Republic of Indonesia*)

Regarding to the Indonesia's commitment to resolve Rohingya refugees's problem, Indonesia in 2010 issued a directive allowing illegal migrants to live in Indonesia temporarily. It would only be possible if they either have recognition of refugee status from UNHCR or an attestation letter that they are seeking asylum with UNHCR. Although Indonesia has not ratified the 1951 UN Convention, Indonesia must uphold the standards of legal protection for refugees regarding international legal instruments, Such as the principle of non-refoulement, which recognized as jus cogens. Jus cogens is an international legal norm that the international community has recognized and accepted, although it is difficult to identify because there are no clear requirements to determine a norm that can be said to be jus cogens. It is feared that certain countries will use this to determine jus cogens in opposing legal regimes (Luhulima, 2018).

Since the beginning of the Rohingya crisis Indonesia has taken immediate humanitarian actions. Indonesia's humanitarian assistance to Rohingya has been offered through bilateral and multilateral approaches. In the bilateral approach, Indonesia have made individual contributions within their human rights bodies (Jati I, 2017). Indonesian fishers have even sailed the seas in search of rescuing women and children from the stranded Rohingya. The funds are channeled through the Indonesian Red Cross (PMI) to assist in handling clean water, sanitation facilities, health care, psychosocial support, as well as essential materials, such as bedding and blankets, hygienic items, and personal protective equipment. Not only that, PMI will also carry out socialization regarding maintaining cleanliness to avoid coronavirus and dengue fever. Indonesia is also a country that has received financial assistance from the US to meet urgent humanitarian needs in an effort to deal with the Rohingya Muslim minority outside Myanmar (Khan & Ahmed S, 2019)

Furthermore, Indonesia should not only focus on humanistic assistance to its Rohingya refugees, but be actively involved in helping ASEAN determine policies in a constructivist manner. The coup situation forced ASEAN to do something real so that the violence that occurred in Myanmar against its civilians did not cause more casualties and refugees who were scattered into safe havens to other ASEAN countries (Renshaw, 2013). ASEAN countries should prioritize the collective identity process in viewing the Rohingya conflict, that conflicts can be resolved with the role of these regional organizational bodies (Rosyidin, 2017). However, due to the absence of collective identity priorities among ASEAN countries, there has not been an ASEAN policy that leads to the resolution of the Rohingya conflict. On the other hand, Indonesia's concern in its diplomatic mission is to help resolve the conflict in Myanmar with a universal humanitarian paradigm, not compartmentalized in a particular identity. All this time, Indonesia has made efforts to help resolve the Rohingya conflict but has always

been constrained by the non-intervention principle. The state of Indonesia is aware of this dilemma. Therefore, the government has finally helped to resolve the conflict by taking the diplomatic route.

Sir Earnest Satow in his book *Guide to Diplomatic Practice* says that diplomacy is the application of intelligence and tactics to the implementation of official relations between the government and sovereign states (Prayuda & Sundari, n.d.). In this case, it is necessary to understand further that diplomacy also has two forms in its implementation, namely Hard Power Diplomacy and Soft Power Diplomacy. According to Joseph Nye Jr. Soft power is a concept developed to describe the ability of a country to invite other countries to cooperate without using hard power, namely weapons or materials. There are several things that support the creation of soft power, including: Culture, Political Values, Diplomacy (Mochamad Yani & Lusiana, 2018).

The problem of refugees in Myanmar cannot be handled by one or two countries alone, in this situation ASEAN requires enhanced cooperation and commitment from member countries to resolve it (Khan & Ahmed S, 2019). However, ASEAN realizes that their diplomatic efforts will not significantly impact the development of the situation in Myanmar, especially if the coup government does not have the desire and intention to open a good line of communication with ASEAN (Suzuki, 2019), so that the implementation process of the five consensuses that has been generating has experienced problems (Wahyuningrum, 2021). When ASEAN as a regional organization cannot play its role in handling a problem optimally, Indonesia as a member country can help reconcile the situation in Myanmar. Even though diplomatic efforts sometimes look less accurate and optimal to be carried out in today's situation (Thinzar, 2021).

In diplomatic ways, Indonesia has played a strategic role in humanitarian crises when helping its Rohingya ethnic groups. In the era of Joko Widodo's government for the first period (2014-2018), Indonesia became a Regional Leader in ASEAN by raising the Rohingya issue in various forms of ASEAN meetings to successfully lead the humanitarian case in Rohingya so that ASEAN took part in its resolution (Akmaludin, 2019). In addition, Indonesia has become a Faithful Ally for Myanmar by sending aid to become a door in opening dialogue in supporting the resolution of the Rohingya conflict by Myanmar itself, and becoming a Mediator-Integrator by continuing to communicate with the Myanmar government and continuing to open communication with various international actors. In addition, Indonesia through the Indonesian Humanitarian Alliance (IHA), an alliance consisting of NGOs and zakat institutions in Indonesia, has responded to the Rohingya humanitarian crisis (ACT News, 2021). IHA as an alliance in collaboration with the Indonesian Ministry of Foreign Affairs has succeeded in providing humanitarian assistance to victims and refugees in Myanmar and Bangladesh.

#### **IV. CONCLUSION**

The conflict between the Rohingya and the Myanmar government is one of the most difficult conflicts to resolve. Apart from the principle of non-intervention among ASEAN countries as stated in the ASEAN charter, Myanmar has also closed itself off from the intervention of other countries in the affairs of its country. On this basis, Indonesia uses various diplomatic approaches, both at the formal G to G (Government to Government) level, both between Indonesia and the Myanmar government, between Indonesia and the OIC and through humanitarian channels through logistical assistance for the Rohingya ethnic. The diplomatic efforts made by Indonesia in stopping this vertical conflict. Meanwhile the diplomatic efforts carried out by ASEAN resulted in five consensuses, unfortunately did not significantly impact the efforts to reconcile Myanmar conflict.

As a recommendation, various parties already have views and opinions on what action that should be taken to resolve the conflict which has implications for the increasing number of citizens leaving Myanmar and becoming refugees or asylum seekers to ASEAN countries which will affect regional security stability. So the action that should be made to stop the violence carried out by the Myanmar military is to fight it using a stronger military force (hard power), at least until the humanitarian violations committed by the Tatmadaw against the

Myanmar citizen can be stopped. In this case the United Nations and ASEAN, should be work together to restore democracy, peace, and conflict resolution efforts in Myanmar through peacekeeping operations until the Myanmar democratic government can be established and bureaucratic functions as should be. In terms of legal protection for refugees in Indonesia, refugees and asylum seekers are often the same thing in its arrangement. Whereas broadly, international law provides a different meaning even though the term is related to relatively the same problems.

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