

PRELIMINARY DRAFT

**The Southeast Asian “Boat People Crisis” of 2015:
Human (In)Security, Precarity, and the Need for an Ethic of Cohabitation**

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This paper problematizes the situation of vulnerable migrants, in particular, that of refugees and asylum seekers in Southeast Asia as against policy pronouncements towards a people-centered ASEAN. As a case in point, the paper highlights the so-called Boat People Crisis of 2015 and argues that the events that lead to and resulted from it reveal a situation of hyper-precarity, as well as a crisis of and for human security. Additionally, the paper offers Judith Butler’s notion of an ethic of cohabitation as a means of substantiating claims for a people-centered community.

I. From Visions of a ‘People-Centered’ Community to Precarity

Many trace the emergence of visions for a ‘people-centered’ ASEAN community to the development of human security or otherwise less state-centric approaches to security in the region. As early as the 1960s, Indonesia’s concept of *ketahanan nasional* or national resilience, Malaysia under Mahathir, and Singapore’s notion of Total Defence, all embrace a concept of security that goes beyond the military dimension to incorporate political, economic and socio-cultural dimensions (Caballero-Anthony, 2004: 160). Nishikawa argues that such formulations were still essentially state-centric because protecting territory and resources from internal and external threats continue to be the main concerns for Southeast Asian countries as a result of its postcolonial experiences. Nonetheless, since the 2004 Vientianne Action Programme (VAP), which outlines ASEAN’s program of actions towards the creation of an ASEAN Security Community (ASC), Nishikawa agrees that there has been a move away from a traditional military definition of security towards a more a more people-centered approach (Nishikawa, 2009: 217). According to Kraft, by emphasizing a commitment to “a just, harmonious, and democratic environment,” taken together with the vision of an ASEAN Economic Community, and an ASEAN Socio-Cultural Community, ASEAN did in fact begin to delve into the realm of human security (Kraft, 2011:19). ASEAN would also pay increasing attention to region-wide issues that require a cooperative approach

and that point to growing interest in individuals and individual communities as security referents. These issues include national disasters, the threat of pandemics, environmental security, and transnational trafficking, to name a few. Among the frameworks in place for the purpose of creating a people-centered ASEAN that are of particular interest to this paper are provisions in the ASCC Blueprint on the rights and dignity of migrant workers, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted in 2007, a committee for the implementation of said Declaration, the Declaration against Trafficking in Persons adopted in 2004 as well as an ASEAN Forum on Migrant Labor held annually since 2008.

Some scholars argue however that Human Security has been co-opted by Southeast Asian states for the purpose of reinforcing the state sovereignty and furthering other political objectives. For example, in his analysis of regional initiatives against transnational crime in ASEAN, Honna finds that “those who engage in power politics” have “hijacked” the human security discourse as a means of invoking new security threats that justifies efforts to build budgets, strengthen institutions, and gain power (Honna, 2007:11). In some ASEAN countries, the Human Security label has in fact been applied to a number of institutions. In Thailand, the government established a Ministry of Social Development and Human Security in 2002. Agencies under this ministry include the Department of Social Development and Welfare, the Office of Women’s Affairs and Family Development, and the Office of Children, Youth, the Disadvantaged, Persons with Disabilities and Older Persons. The primary purpose of the ministry is ‘to promote social development and create public equity and social justice’ (Nishikawa, 2009: 222). Today, Thailand remains under military rule and push-backs of migrants and refugees on boats as mentioned in the previous section have occurred frequently. In the Philippines, an anti-terrorism law named The Human Security Act was adopted in 2007 allowing security forces to detain suspects without a warrant for up to three days and authorities to access bank accounts believed to be used for money-laundering (BBC, 2007). Suspected terrorists may be placed under house arrest, prohibited from using their mobile phones, computers, the Internet and other forms of communication, and subjected to surveillance and wiretapping on mere suspicion of being part of a terrorist organization (Cabalza, 2011: 10-12). Arugay notes that the law does not even elaborate on how the government will address the root causes of terrorism, that it gives the executive branch the power to label organizations as terrorists, and that any role for civil society participation or involvement is omitted in the law (Arugay, 2011: 38-39). While the Philippines was not quite involved in the “boat people crisis,” it is also a country known for one of the highest incidences of extrajudicial killings and of one of the most dangerous places

in the world for journalists. In other words, it is also an example of a country in Southeast Asia where a human security approach appears to have been adopted into formal institutions alongside the maintenance of situations of human insecurity. Southeast Asia thus presents a clear case where Human Security has been co-opted by states while not having contributed in to enhancing the well-being of the most vulnerable populations.

That ASEAN requires much more work in order to become a ‘people-centered’ regional grouping is thus not such a revelation (Morada, 2008). Not only are the provisions for protecting migrant workers lacking in teeth, it is also striking how discussions on a people-centered ASEAN tend to revolve around migrant labor or migrant workers, failing to even mention other categories of vulnerable people on the move, namely not only those undocumented or irregular migrant workers, but those whose connections to any state has been severed: those stateless, refugees, and asylum seekers. Features of international migration in Southeast Asia are said to include the feminization of labor migration, increasing undocumented or irregular migration, and labor exploitation, as well as an increasing role for civil society organizations (Chheang, 283-284). In fact, refugees, asylum seekers, and stateless persons on the move have long been a feature of migration in the region and CSOs have played an immense role in the absence of national asylum frameworks for protection. ASEAN efforts to tackle human trafficking which can be linked to the situation of refugees and asylum seekers, when mentioned, are nothing more than a read-out of the various agreements signed by ASEAN ministers. Why this omission of the refugee or asylum seeker category? First, the refugee category is both a legal and a political category, the use of which could present interference in domestic affairs. Second, as a political category, it is used only when it serves particular foreign policy goals of the host country. Third, as a political category, it is understood as a temporary occurrence relating to an unusual event that should be resolved. Hence, the creation of legal frameworks has, to date, been deemed unnecessary.

Bearing in mind the marginalization of some of the most vulnerable populations in Southeast Asia from the policy discourse regarding a ‘People-Centered’ ASEAN community, this paper presents the case of the so-called ‘Boat People Crisis’ of 2015 whereby thousands of Bangladeshis and Rohingyas stranded on boats were refused admission by admission by Southeast Asian states for several days and were eventually offered temporary shelter by Thailand, Indonesia, and Malaysia. The events leading to and resulting from it reveal a crisis for the cause of promoting human security in the region, as much as it represents a crisis of human security for migrants and refugees especially when their situation is understood as one of hyper-precarity. Precarity generally refers to the notion of uncertainty and instability resulting from workplace exploitation that emerged in Europe in response to increasing job

insecurity. However, more than just a condition or position in the neoliberal globalized market, precarity is also being understood in a wider sense. Lewis, et.al., (2015) summarize these broader views on precarity to include ‘the inability to predict one’s fate or having some degree of predictability on which to build social relations and feelings of affection’ (Oudenampsen and Sullivan, 2004); or in other words, ontological insecurity (Giddens, 1990; Neilson and Rossiter, 2008); an enduring feature of the human condition found within all micro-spaces of everyday life (Ettlinger, 2007); as well as a result of oppressive everyday governmentality (Butler, 2004); and a response to differential exposure to violence and suffering that emanates from socio-political contexts (Butler, 2009). In this more philosophical sense, precarity is a condition experienced by all, albeit to widely varying degrees, and implies normative calls for recognizing the common experience of precarity and an obligation to alleviate it. In order to avoid the risk of ‘flattening’ or homogenizing different experiences of precarity (Waite, 2009), this paper adopts the notion of hyper-precarity to characterize the lives of exploited migrants’ whose experience is a result of both the ongoing interplay of neoliberal labour markets and highly restrictive immigration regimes (Lewis, 2015: 582). Lewis identifies three features of hyper-precarity: (1) fear of return or ‘deportability in everyday life’ proposed by De Genova (2002) as a powerful disciplining device for irregular migrants, (2) risk of bodily injury coupled with restricted access to healthcare, and (3) resort to transactional (often exploitative) relationships in the absence of access to state welfare (Lewis, 2015: 593-594). These features, as the following section will show, are highly evident in the events that unfolded during the ‘Boat People Crisis’ of 2015.

II. The ‘Boat People Crisis’ of 2015

A. The Rohingyas: Problematic Subjects

Majority of those so-called ‘boat people’ are known as Rohingyas living in northern part of Rakhine State, formerly Arakan, in Burma, and whose historical roots are highly contested. Some believe they are descendants of Moorish, Arab, and Persian traders who had arrived and settled in Arakan between the ninth and fifteenth centuries. Migrants arriving from Afghanistan, Persia, Turkey, northern India, and the Arabian Peninsula were later added to these settlers resulting in a distinct dialect that is a mix of Persian, Urdu, Pushtu, Arakanese, and Bengali (Ahmed, 2010: 56-57). Another view, one that is supported by the Government of Myanmar, is that the Muslims of the Rakhine State are descendants of Bengali migrants, particularly those from the Chittagong area of Bangladesh, who migrated only in the 15th or 16th centuries. In this view, the earliest Muslim settlers were those

Bengali retainees who were allowed to settle during the Mrauk-U Dynasty (1430-1784) or those who fled to Rakhine State during the Mughal invasion of Bengal in 1575 (Rosenblat, 2015). For those who acknowledge Rohingya as an ethnicity native to Burma, Arakanese Muslims who arrived after the British annexation of Burma in 1925 were returnees who had earlier fled to British Bengal from oppressive Burmese rule in Arakan (1784-1824). For those who deny Rohingya ethnicity, this migration was a deliberate British policy to repopulate Arakan with Bengalis. Either way, their arrival alongside the British served to instill the perception of Arakanese Muslims' loyalty to the colonial masters. Similarly, under Japanese occupation, Buddhist Arakanese supported the Japanese in their belief that the latter would aid them in their struggle for liberation from the British while Arakanese Muslims fled to Bengal where they sought support from the British. In the end, the Arakanese Muslims' affinity with the British worked against them and encouraged them to construct a new identity, 'Rohingya,' which distanced them from the majority Buddhist Arakanese (Ahmed, 2010: 58). Thus, from the moment the Union of Burma was formed, the Rohingyas had already been excluded. Among the various ethnic groups present during the declaration of the Union of Burma on February 12, 1947, there was no Rohingya representative from Arakan (Ahmed, 2010: 15). For the same reasons, the Government of Myanmar prohibits the use of the term 'Rohingya' arguing that it is the creation of 'Bengali intruders' whose claims to earlier historical ties to Burma are insupportable (Chan, 2005).

Under military rule led by Burmese Army General New Win between 1966 and 1988, the Rohingyas faced severe oppression. In 1978, in particular, a wide-scale census operation known as *Nagamin* (Dragon King) supposedly intended to clear out illegal immigrants turned into a brutal operation with reports of destruction of mosques, brutality, rape, and murder forcing more than 200,000 Rohingyas from northern Arakan into the area between Teknaf and Cox's Bazaar in Bangladesh (Grundy-Warr, & Wong, 1997; Matthieson, 1995). At that time, the government of Bangladesh lodged a strong protest against the "repressive measures resulting in the forcible expulsion of their nationals belonging to ethnic and religious minorities" while the Burmese government contended that those people were in fact Bangladeshi nationals who illegally settled in Burma (Anand, 1978). The following year, most of these Rohingyas returned to Myanmar under an agreement between the two countries (Ahmed, 2010: 16). In 1982, a new Citizenship Law effectively rendered the Rohingya stateless (along with people of Indian and Chinese descent). The Law allows for three categories of citizens: full, associate, and naturalized.¹ "Rohingya" is not listed as one the

¹ Full citizens are those belonging to one of 135 'national races' that settled into the territory before 1823. Associate citizenship is for those whose application for citizenship under the former citizenship law was

national races thereby disqualifying them from claiming full citizenship and very few Rohingyas can fulfill the requirements for either associate or naturalized citizenship (Lewa, 2009:11). Between 1991 and 1992, some 250,000 Rohingyas were once again driven to Bangladesh. Over the next few years, many Rohingyas returned to Myanmar in accordance with a 1992 Memorandum of Understanding (MOU) signed between the Bangladesh and Myanmar but whether their return was truly voluntary remains contested (Lewa, 2009; Grundy-Warr & Ong, 1995; Ahmed, 2010). In 1993, the UNHCR signed an MOU with Myanmar to allow access to the Rohingyas, promote repatriation, and monitor reintegration. Myanmar, however, at times withdrew from or halted the repatriation process while the Rohingyas opposed repatriation for fear of persecution. Abuses against the Rohingyas have continued in Myanmar causing many to refuse repatriation or to return to Bangladesh (Ahmed, 2010: 99-100). Abuses such as severe restriction on their movement, denial of religious freedom, sexual violence, forced labor, forced relocation, arbitrary confiscation of property, extortion and imposition of various arbitrary taxes, have been widely documented (Ahmed, 2010; Amnesty International 2015; Davies, 1995; Fortify Rights, 2014; Human Rights Watch, 1996, 2012, 2013, 2015; Lewa, 2008, 2009).

In 2012, violence once again erupted, following reports of the rape of a Buddhist Rakhine woman by three Muslim men. Killings, arson, and destruction of property were perpetrated by both Arakanese Buddhists and Muslims but rights groups report that the situation soon escalated into sustained and targeted attacks by Rakhine civilians and security forces against Muslims, predominantly Rohingyas. Human Rights Now has documented excessive use of force, mass arrests, and killings perpetrated by military forces in collusion with Arakanese (HRW, 2012). Some argue that this was the result of simmering communal hostilities between Rakhine Buddhists and Muslims (Kipgen, 2015). Others maintain that Myanmar's military government is behind propaganda to stir up anger against the Rohingya and that they are responsible for Islamophobic pamphlets that have been circulating in Western Myanmar (McDonald, 2012). At least 200,000 Rohingya in the Rakhine State have fled their homes since June 2012 (Fortify Rights, 2014). The UN Office for the Coordination of Humanitarian Affairs reports that more than 143,500 remain internally displaced in Rakhine as of August 2015 (UNOCHA, 2015). Meanwhile, in 2014, Myanmar's Ministry of Information instructed all Rohingya to register as Bengalis, effectively excluding them from the national census. In February 2015, President Thein Sein announced the revocation of all

pending at the time the new law was passed, and naturalized citizenship could only be granted to those who could furnish "conclusive evidence" of entry and residence before Burma's independence in 1948, who could speak one of the national languages well, and whose children were born in Burma.

Temporary Registration Certificates thereby denying the vast majority of Rohingya any form of identity documents and preventing them from being able to vote in the upcoming November 2015 elections. The situation appears extremely dire that the UN Special Rapporteur on the situation of human rights in Myanmar has concluded, “the pattern of widespread and systematic human rights violations in Rakhine State may constitute crimes against humanity as defined under the Rome Statute of the International Criminal Court” (UN Human Rights Council, 2015).

B. Cycles of Flight and Insecurity

As a result of extreme hardships and outbreaks of violence, the Rohingyas have often sought refuge elsewhere. As mentioned earlier, Rohingyas have fled to Bangladesh in 1978 and again in the early 1990s. As of September 2014, more than 32,000 Rohingya refugees remained in camps administered by the UNHCR in the Cox’s Bazaar region of Bangladesh while anywhere between 200,000 to 500,000 Rohingya are believed to be living outside camps with no legal status or access to protection (UNHCR, 2014). The situation in Bangladesh appears almost as desperate as the situation in Myanmar. There the Rohingyas are stigmatized, resented by the local population, restricted in their movement, deprived of the most basic of needs such as sufficient food, proper shelter, sanitation, and clothing. They prohibited from seeking employment and are vulnerable to various forms of violence inflicted by security officials, locals, and other refugees as well (Ahmed, 2010: 27-35). Ahmed summarizes the human security implications of this situation that the Rohingyas in Bangladesh find themselves in, including politico-military, economic, social, and environmental dimensions (Ahmed, 2010: 69-85). First, a number of Rohingyas have taken up arms against the Burmese government. For example, the Rohingya Solidarity Organisation and the Arakan Rohingya Islamic Front together in 1996 formed the Rohingya National Alliance and later the Arakan Rohingya National Organisation. These armed groups, however, have been small and insignificant especially when compared to the Karen guerillas or other insurgent armies and thus have never posed a serious threat to the Burmese military state (Smith, 1991: 194-195). There are allegations that the Bangladeshi government supports these movements against the government of Myanmar which the former repeatedly denies. There are also reports that extremist Islamist groups have taken advantage of the Rohingyas, recruiting them to do the most dangerous tasks such as clearing mines and portering (Lintner, 2003: 7). Related to this is the problem of drug and arms smuggling. Ahmed maintains that insurgent groups, arms dealing, and narco-terrorism are deeply connected in and around the Thai-Myanmar, Indo-Myanmar, and Bangladeshi-Myanmar borders (Ahmed, 2004:8). It is

also worth noting that in China, India, and Bangladesh, drug addiction rates are highest in the areas bordering Myanmar (Ahmed, 2010:81). Rohingyas are also reported to be involved in illegal trade and smuggling of various other goods such as wood, diesel, various food and agricultural products, including of the rations they receive from the UNHCR (Ahmed, 2010: 78-79). Meanwhile, physical safety and security inside the camps is also highly problematic. Scarcity of resources fuels competition and refugees sometimes resort to violence and crime; the presence of combatants contributes to militarization, clashes occur between Rohingyas and local Bangladeshis resentful of the former, security provided by local police and state agencies is poor and are sometimes themselves reported to harass and inflict violence on refugees. The situation has also caused tremendous stress to the environment; to supplement their livelihood and to acquire firewood, Rohingyas have been cutting trees and clearing forests leading to deforestation. As a result of poor sanitation and sewage management, there is also worsening pollution. It is therefore not surprising under these conditions of extreme insecurity that the Rohingyas in Myanmar and Bangladesh are forced to go on dangerous journeys in the hope of seeking refuge.

In the early 1990s, instead of fleeing to Bangladesh, some 15,000 Rohingyas fled to Malaysia where they received some assistance from the Malaysian Red Crescent Society and some limited documentation from the UNHCR (Cheung, 2011: 53). This movement has continued since then with some fleeing to Saudi Arabia, Pakistan, and the UAW, but many of them primarily aiming to reach Malaysia by boat. By 2005, some 11,000 Rohingya were registered with the UNHCR in Kuala Lumpur and soon, they would earn for themselves the title of “Asia’s New Boat People”² (Lewa, 2008). In 2009, international outcry erupted when Thai authorities were found to be pushing-back a number of these boats. Thailand then changed to a so-called “help on” policy, where officials were ordered to refuse disembarkation but were to re-provision boats with humanitarian supplies and then direct them south towards Malaysia (HRW, 2015). After that incident, it seemed that the number of boat arrivals subsided only to capture the world’s attention once again in 2015.

C. Crisis Averted?

The so-called “boat people crisis” of 2015 was triggered in May when Thai police discovered more than 175 graves of suspected migrants at dozens of vacated trafficking camps along the border between Thailand and Malaysia. The discovery prompted a crackdown leading traffickers to abandon their human cargoes at sea instead of bringing them

²This is a reference to the “Boat People Crisis” in the 1970s and 1980s when hundreds of thousands of Indochinese fled in the aftermath of the US’ withdrawal from Vietnam (Lewa, 2008).

ashore where police may be waiting for them (Lefevre & Marshall, 2015). Over the next few weeks, boats carrying hundreds of people would arrive on Thai, Indonesian, and Malaysian shores momentarily capturing the world's attention and eliciting responses from the highest levels of government. A total of some 8,000 people were believed to have been stranded at sea in May 2015 (IOM, 2015 May 26). The UNHCR estimates that many of these Rohingyas and Bangladeshis spent an average of 76 days on board these boats and rights groups such as Amnesty International have documented grave abuses inflicted during these journeys including extortion, beatings, being thrown overboard, and killings (Amnesty International, 2015).

The first boat to run aground was on May 10th in North Aceh in Indonesia from which 578 people disembarked either by swimming to shore or by floating in large cooking pots guided by others. Of these were 100 Bangladeshis who were deported in August while the rest remain in temporary shelters in Lhokseumawe in Indonesia. On May 11th, another boat carrying 1,107 passengers arrived in Langkawi in Malaysia. Of these were some 600 Bangladeshis who have also been repatriated while the rest are in Belantik Immigration Detention Centre in Kedah. The UNHCR was granted access to these people in August. On the same day, passengers and media report that a gray smugglers' boat carrying between 800-900 passengers was provided with food and water and then towed by Indonesian authorities towards Malaysia (ChannelNewsAsia, 2015). The same gray vessel was believed to be turned away by Malaysian authorities two days later, on May 13th, along with yet another vessel, this time a green one, carrying about 400 passengers (Ng & Dokson, 2015). On the same day, the UNHCR issued a press release expressing alarm at reports of push-backs by Southeast Asian countries (UNHCR, 2015 May 13). On May 14th, journalists and Thai naval authorities found the second green vessel floating off the coast of Thailand while the other gray vessel sank off the coast of Aceh in Indonesia. On May 15th, 820 passengers from the sunken gray vessel were rescued by fishermen off the coast of Aceh. Of these were 500 Bangladeshis who were later repatriated while the rest are in temporary shelters in Langsa and Medan in Indonesia. Meanwhile, the green vessel was once again escorted out to sea by Thai authorities on May 15th and again by Malaysian authorities on May 16th. By May 19th, the UNHCR along with the Office of the High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), and the Special Representative of the UN Secretary General (SRSG) for International Migration and Development issued a joint statement urging countries in the region to search for and rescue refugees and migrants at sea, allow them to disembark, and protect their human rights. The following day, on May 20th, the Foreign Affairs Ministers of Indonesia, Malaysia and Thailand met in Kuala Lumpur to

discuss their common problem and subsequently issued a Joint Statement setting out agreed upon “interim measures” for dealing with the crisis. On the same day, May 20th, 409 passengers of the green vessel were rescued by fishermen from Aceh. Over 300 of them are in a temporary shelter in Langsa, Indonesia. Hundreds of other passengers were found stranded on islands in various locations along the coast of Myanmar. The UNHCR estimates as of the end of June 2015 that more than 5,000 refugees and migrants in at least 8 vessels had been abandoned by human smugglers in the Bay of Bengal and the Andaman Sea. Of these, at least 70 died while on board due to exhaustion, dehydration, or disease and at least 1,000 remain unaccounted for (UNHCR, 2015 April - June).

The Joint Statement issued by Indonesia, Malaysia and Thailand is seen as some measure of success. Among other things, Indonesia and Malaysia indicated that they would provide “temporary shelter” to the estimated 7,000 people stranded at sea, but they made it clear that they expected the “international community [to] take responsibility for the repatriation of the irregular migrants to their countries of origin or resettlement to third countries within a period of one year” (Joint Statement, 2015). Another condition is that the international community must take on all financial responsibility. So far, Turkey has pledged \$1 million to IOM and Qatar \$50 million to Indonesia (Missbach, 2015). Perhaps more impressive, on May 29th, the Thai government convened another meeting with representatives from UNHCR, the IOM, the United Nations Office on Drugs and Crime, and senior officials from 17 countries in the region. The meeting resulted in a list of 17 proposals concerning immediate responses, the prevention of irregular migration, and addressing root causes. Observers point out that this second meeting was significant for having raised substantial pledges by donor countries (\$3 million by the US in response to an IOM appeal for \$26 million and \$4.6 million by Australia for assistance in Rakhine State), for getting Thailand to allow the US to fly over its airspace in search for other migrants still believed to be lost at sea, and for the meeting to have taken place at all with the inclusion of Myanmar (Ganjanakhundee, 2015). At the same time, the meeting is seen as insufficient for not having tackled persecution and abuse faced by the Rohingya. Observers also note that the statements released from the meeting did not even mention the word refugee or Rohingya (an acknowledgement of Myanmar’s refusal to use this term) and instead referred to them as either migrants, irregular migrants, or vulnerable migrants (Foster & Gecker, 2015). Yet another meeting was held by the members of the Association of Southeast Asian Nations (ASEAN) on July 2nd entitled “Emergency ASEAN Ministerial Meeting on Transnational Crime Concerning Irregular Movement of Persons in Southeast Asian Region” at the Grand Hyatt Hotel in Kuala Lumpur. Among the possibilities mentioned were the creation of a Task

Force to respond to similar situations in the future and the establishment of a trust fund for humanitarian and relief efforts related to the irregular movement of people in Asia (ASEAN, 2015). At the time of writing, implementation of such measures are yet to be seen.

Overall, the response by regional governments has been seen as lackluster by members of civil society. The Asia-Pacific Refugee Rights Network (APRRN), an umbrella organization of more than 200 organizations concerned with protecting and assisting refugees issued a statement welcoming recognition by governments of the need (1) to intensify search and rescue operations, (2) to ensure the safety of migrants and refugees at sea, (3) to explore disembarkation options and reception arrangements. At the same time, the organization expressed concern that (1) the pledges made on May 29th were one-time offers rather than long-standing commitments, (2) refugees including women and children are still being detained in Malaysia and Thailand in woefully overcrowded and inhumane conditions, (3) the taskforce promised on the July 2nd meeting was yet to be created, and (4) ongoing persecution, sectarian violence, and root causes of discrimination faced by the Rohingya have yet to be addressed (APRRN, 2015). Meanwhile, rights groups such as Amnesty International have commended the response by local people and officials in Indonesia, particularly in Aceh. As earlier mentioned, although the Indonesian central government only permitted disembarkation on May 20th, local officials in Aceh with the assistance of local residents allowed some 578 people to disembark on May 10th, while Acehese fishermen had rescued 820 passengers and 490 passengers on May 15th and 20th, respectively. Amnesty International also found that local officials in Lhokseumawe donated land to house hundreds of arrivals in an integrated community shelter for Rohingya, and numerous civil society organizations are working to meet the Rohingyas' basic needs such as housing, food, water, medical care, and education (Amnesty International, 2015).

III. Human (In)Security, Precarity, and the Need for an Ethic of Cohabitation

A. Human (In)Security

The previous section began with a discussion concerning the identity of the Rohingya in the same way that much of the literature concerning their plight does. This reveals a lamentable fact: that as far as states and the larger international community are concerned, a humane or humanitarian response is not necessarily justified by the fact of being human by those in need. Concern for all human lives, as Human Security appears to promote, has fallen far short of its promise. Instead, those to be assisted and protected, whose human security may be provided for, must also fulfill or belong to some other category or identity. Earlier

sections of the paper have described the debate concerning the Arakanese Muslims historical roots' – whether they were Bengali infiltrators or a distinct ethnic group native to Burma. The outcome of this debate is then meant to justify either concern that those 'Bengali intruders' might serve as a threat to internal stability or whether they are deserving of recognition and protection by the government of Myanmar. This debate is closely related to another set of categories: illegal immigrants versus refugees. For many in the international community, the Rohingya clearly have a claim for refugee status. This has justified the UNHCR's involvement, their demands for access to Rohingya populations, and the concern by many human rights organizations for protecting the Rohingyas' rights. On the other hand, the Burmese government's claim that they are illegal immigrants has served as a form of justification for their security concerns. The countries of ASEAN to some extent have legitimized this justification in invoking the principle of non-interference in internal matters and thereby acknowledging that the Rohingya are illegal immigrants falling under Burma's domestic concerns. Responses to the Rohingya are conditioned by their identity as a Muslim minority. For the international community, the fact of the Rohingyas being Muslim is a major and obvious cause why Buddhist-dominated Burma has sought to exclude such a minority. At the same time, the fact of their being Muslim has sometimes served as a call for charity from the Islamic community. For instance, the secretary-general of the World Zakat Forum has said that the Rohingya refugees are eligible to receive zakat, shadaqah, or waqf,³ and has called on all Muslims and the world community to give special assistance (The Jakarta Post, 2015). Malaysia while often stopping short of overtly admitting co-religionist tendencies has a notable pattern of providing assistance to Muslim refugees, including to some extent, the Rohingya (Nair, 1997).

Thus, for many in civil society and the larger international community, a humane response is necessary because of their identity as refugees. For others, it is on the basis of their being Muslim that charity must be forthcoming. Only the Acehese fishermen, themselves mainly Muslim, who actually rescued those "boat people," found the fact of their being human a sufficient cause for responding humanely. In an interview, one fisherman from Langsa, Aceh said, "We helped out of solidarity. If we find someone in the ocean we have to help them no matter who they are. The police did not like us helping but we could not avoid it. Our sense of humanity was higher. So we just helped with the limited resources that we had at the time" (Lamb, 2015). The Southeast Asian "boat people crisis" therefore, along

³ Zakat is a kind of obligatory alms or religious tax and is one of the Five Pillars of Islam, shadaqah on the other hand refers to non-obligatory alms or charity, while waqf is a kind of shadaqah that has the character of a foundation or an endowment (Ariff, 1991).

with the problematization of who the Rohingya are, reveals a larger crisis. It is a crisis not just for the Muslims of Arakan, but for humanity, or the idea that the fact of being human must serve as a basis for providing a humane response. This, of course, is not a new crisis. Hanna Arendt wrote half a century ago that citizenship rather than humanity has become the basis for the right to have rights. Perhaps what we are seeing now is merely the continuation, if not the normalization, of this trend.

B. Hyper-precarious Conditions

The situation of the Rohingya is therefore confirmation of what has already been identified as a serious flaw in an international system of territorialized nation states, not that there are occasional aberrations but that there never was a seamless relationship among state, citizen and territory (Haddad, 2008). These inevitable fissures have become the root cause of insecurities for many of the world's populations. As the foregoing discussion reveals, the 'Boat People Crisis' of May 2015 was just one episode in a longstanding cycle of human insecurity faced by a population whose identity has been made problematic. Their historical roots have become the basis for contesting their membership, excluding them from both Burmese and Bangladeshi society, and depriving them of the means to a life of dignity. This exclusion has resulted in, among others, a lack of citizenship or *de facto* statelessness, and all the rights that accrue to being a citizen in one state or another. Whether in Bangladesh or Myanmar, this has meant being denied the right to live in peace free from persecution, violence, or brutality, the right to practice their religion, the right work and make a decent living free from extortion, among others. To put in another way, the condition of Southeast Asia's vulnerable migrants, as exemplified by the 'Boat People' not only demonstrate a condition of insecurity but of hyper-precarity: one in which uncertainty is brought about and exacerbated by extreme levels of deportability, exposure to bodily injury, and subjection to exploitative transactional relationships. For the 'Boat People,' their contested refugee status has rendered them highly deportable, if not inadmissible by Southeast Asian states who refused them disembarkation until the very last minute. Their condition, like that of many asylum seekers all over the world, has led them to enter into highly exploitative and risky transactions with human traffickers. This mode of transportation has then in addition to its inherent risks to bodily integrity further exacerbates their inadmissibility in the eyes of potential host countries.

C. The Need for an Ethic of Cohabitation

The foregoing discussion demonstrates that the concept of Human Security as it currently stands has not nearly been a sufficient catalyst for the protection of all human lives. The protection of migrant workers in Southeast Asia leaves much to be desired while national asylum frameworks for the protection of refugees and asylum seekers are altogether absent. If anything, Human Security has been co-opted by states and adopted into formal institutions focused on promoting state interests in some Southeast Asian countries. Amidst such institutions, Southeast Asia's most vulnerable refugees and asylum seekers were ignored in the course of the 'Boat People Crisis' and practically left for dead if not for the action of local communities. Judith Butler argues that such indifference towards human suffering is possible everywhere in the world and throughout history because of an intellectual condition in which some lives are rendered grievable while others are not. She argues, "specific lives cannot be apprehended as injured or lost if they are not first apprehended as living" (Butler, 2009:1). Precarity, a condition common to all human beings, presents itself as a common thread that requires recognition and compels us to contribute towards alleviating it in one another's condition. Moreover, the political condition in which all societies find themselves living alongside each other, regardless of their choice also necessitates an ethical response. Unwilled proximity and unchosen cohabitation, according to Butler, are preconditions of political existence, rejection of which is to enter into genocidal tendencies. Thus, echoing Arendt, she proposes notions of "universality and equality that commit us to institutions that seek to sustain human lives without regarding some part of the population as socially dead, as redundant, or as intrinsically unworthy of life and therefore ungrievable" (Butler, 2011:16). Perhaps such a focus on hyper-precarity and the ethical demands of cohabitation will allow us to somewhat narrow our focus and bring to our attention the plight of the most vulnerable among us. This paper has only sought to give clearer terms for describing the vulnerability and disregard for human security and precarity that was obvious in the course of the 'Boat People Crisis.' In truth, such vocabulary is not even necessary to compel action as the Acehese fishermen who assisted the 'Boat People' show. For those of us who are armed with these conceptual tools, much work needs to be done to translate them into concrete action.

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