

Irregular Migration and Security Concerns in the Bay of Bengal Region

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Abstracts

The Bay of Bengal region has always remained the center of geo-politics of Asia due to its commercial connectivity and trade bonds that it has developed across the coast. Interaction among civilizations and cultural exchanges across the sea-lane has also enriched the region. For the states located in the maritime zone, maintenance of security in the sea-lane is very crucial. From time and again the Bay of Bengal region has faced security threats, one of most sensitive ones is the problem of irregular maritime migration through the sea-route hampering the security of the nation-states located along the coast. In 2015, the massive exodus of stateless Muslims from the western zones of Myanmar, undergoing risky and hazardous sea voyages had attracted the international attention. The irregular migratory movements of the persecuted ethnic minorities had raised humanitarian concerns. The complex maritime migration has also enhanced the scope of transnational criminal activities through the vital international marine route. As the “Boat Crisis” got intensified, the bilateral relation among the neighbours got strained. States were in dilemma to balance between state security and humanitarian crisis. The situation demanded strong maritime governance, strict international laws and regional cooperation among the stakeholder countries. This paper will mainly focus on the contrasting security questions that have been raised in course of the crisis. Regional cooperation, mutual understanding and strengthening the maritime governance can only handle the situation and can control the complexities emerging out of the uncontrolled maritime migration. So, another area of highlight will be the nature of unfolding of the sea-governance in the Bay of Bengal region.

Keywords: *Maritime security, humanitarian crisis, maritime governance, migration, refugee crisis.*

Introduction

The significance of Bay of Bengal (BoB) has increased over years because of its strategic geo-location. The BoB connects some important sea-lanes facilitating commercial interaction across the region. Protecting the Sea Lines of Communications (SLOC) is of prime priority for the Asian countries located in that maritime zone. The BoB lies in the northern extension of Indian Ocean, connecting some vital sea-routes and two important regional economic blocs- South Asian Association for Regional

Cooperation (SAARC) and Association for South East Asian Nations (ASEAN). It stretches from Sri Lanka and the eastern coast of India in the west, connecting Bangladesh in the north, Myanmar in the north-east and Thailand, Malaysia in the east and extending to south up to the northern coast of Sumatra of Indonesia. It serves as a vital marine highway not only due to the deepening of the commercial exchange across the region but also due to the uncontrolled human migration and the intensifying security concern and geo-politics across the zone. The security threats that have developed over years has attracted global attention.

Among the security threats witnessed in the BoB region, the most significant is the problem of illegal maritime migration which is threatful to the national security of the receiving states creating infiltration of unrecognized non-citizens, creating socio-economic pressure and unprecedented demographic growth. On the other hand, it demands humanitarian responses like providing safe refuge to the distressed people, rehabilitating them, ensuring food and medical supply, providing return assistance etc. Disfranchisement and denial of citizenship rights to the people of Rohingya community in Myanmar has rendered them stateless and forcible persecution by the state authority has left them no option than to go for the hazardous life-risking voyages giving rise to the 'boat crisis'. The waves of irregular maritime exodus across the BoB escaping systematic violence and ethnic cleansing have left the national security of the receiving states in jeopardy. On the other hand, all the nation-states have some commitment to humanity. This paper will explore into the contrasting security question that has come up in course of the crisis.

A Brief Overview of the Crisis

The crisis has traced its origin in the pre-colonial times. Arakan, the coastal region under the confluence of Bay of Bengal is located in southern Myanmar. The independent kingdom of Mrauk-U was comprised of the present-day Chittagong-division of Bangladesh and Rakhine state of Myanmar where people of both Buddhist and Muslim ethnicities coexisted. With the arrival of Arab traders Islamic culture infiltrated into the Arakan culture. In 1784, Burmese king Bodawpaya invaded Rakhine to incorporate it in central Burma which gave rise to the Arakanese resistance movement and finally in 1824, British took over Arakan. (Farzana 2017:43-44). As the Arakanese people were oppressed by the Burmese king, the Burmese monarch lost the loyalties of the Arakan people and they lended their support to the Britishers.

In course of the colonial period, the British rulers followed the 'divide and rule' policy by playing with the loyalties and instigating the ethnic communities. It led to the ethnic animosities and hostilities between the ethnic groups. The imperial rulers also reformed the administration by introducing limited parliamentary home-rule system in few areas. The administrative rearrangement and separation of

Burma as a separate self-governing administrative unit led to intra-regional labour flow from India seeking employment opportunities stimulating the rise of Indian diaspora in Burma. The situation became more complex with the invasion of the Japanese. The Burmese government supported the Japanese to end the British-rule. On the other hand, few ethnic minority groups like Shan, Kachin, Karens, and Rohingyas supported British imperialists leading to ethnic tensions and divided loyalties.

The end of colonial rule in 1948 has led to the redrawing of the ethnic boundaries. Through the Panglong Agreement, different ethnic minority groups participated to represent their interests respectively. But only Rakhines were allowed to represent Arakan, the interest of the minority communities remained unrepresented. The Union Citizenship Act recognized different ethnic groups but Rohingyas and few minority groups were not recognized. Coexistence of different ethnic groups have made the socio-political fabric complex and the nation-making process more critical. The ruling elites were also divided- some wanted to promote Burmese Buddhist identity. On the other hand, other group preferred to make the Burmese society more inclusive with non-discriminatory state laws. After the assassination of General Aung San in 1947, stimulated the process of the forceful unification of the polity and militarization of the society. In the post-independence times, taking advantage of the weakness of the civilian government, the “Tatmadaw” (Burmese army) started becoming powerful and finally in 1962, the militaries took over the power. With the official establishment of the military rule, a tougher approach was adopted towards the ethnic minorities. The Constitutional amendment of 1974 made the citizenship protocols stricter. Many ethnic minority groups including the Rohingyas were denied citizenship and constitutional recognition. The military-controlled nation-making process was intolerant to the diversity and was utterly homogenizing in nature. Co-option of Buddhism as the state religion was the most radical step taken by the military regime to enforce the uniform Burmese identity. The military bases were installed from strict surveillance. The Arakan region was heavily militarized with Tatmadaw bases installed to instil fear among the Rohingyas. In the name of unifying the fragmented nation, the government policies promoted majoritarianism. Buddhism was promoted as a state-religion provoking communal intolerance and inter-regional violence. “Operation Nagamin” was launched in 1977 to persecute the illegal migrants. As the Rohingya community was already denied citizenship and did not possess the state approved identity cards, they automatically became targeted by the operation. Operation Nagamin led to the internal displacement of many Rohingya families and many Rohingya people fled to Bangladesh. The Burma Citizenship Law (1982) promulgated by Ne Win tried to codify the exclusionary citizenship laws. The citizenship law had categorized the citizens with colour-coded identity cards to identify their citizenship status. But the eligibility criteria of each category were framed in such manner that Rohingyas would hardly have any possibility to gain citizenship. When the legitimacy of the military-rule was challenged Ne

Win was replaced by General Saw Maung. Maung wanted to gain the public support by reforming the political system of the country. As a result, in 1988 a new political movement emerged- National league for Democracy (NLD). NLD tried to generate a mass protest against the military rule and to gain public support to establish democracy in Burma. The democracy was established could not penetrate down to the ethnically marginalized communities. The 2008 Constitution was also restrictive to the Rohingyas to gain citizenship. In 2011, the military junta was formally dissolved in Myanmar and military-aligned Union Solidarity and Development Party (USDP) was formed to gain the popular base and thus the militaries gained control in disguise of democracy. In June 2012, on a rape and murder of a Buddhist woman took place. The rape was alleged to be done by three Muslim men and a mass anti-Muslim violence broke out. President Thein Sein called for forceful persecution of the entire Rohingya community from Myanmar. The return of the NLD in power in 2015 election also could not benefit the Rohingyas much.

In the pro-democracy protests the active participation of the Buddhist monks was remarkable. In 2011, the 969-movement spread the extremist rhetoric of Islamophobia. The teachings of Buddhist monks Ashin Wirathu and Ashin Wimala incited deadly religious violence against the minorities. The spread of extremist Buddhist nationalism violence from years 2013-2015 had provoked genocides in the Muslim-majority areas of Arakan like Buthidaung, Maungdaw and Rathedaung. Though a state of emergency was declared but that also could not stop the recurrent violence. The state-sponsored violence against the targeted Rohingya minorities and their forcible migration has compelled them to undertake the precarious sea-journey in search for security.

The Boat Crisis and Concerns for National Security

The boat crisis and uncontrolled irregular migration across the marine zone of BoB has raised major security concerns. The infiltration through the exposed coast-line has raised the navies and coast-guards on alarm. Penetration of non-citizens and unrecognized asylum seekers exhausted after the hazardous voyage has given rise of the security dilemma among the nation-states whether to prioritize the state security or on humanitarian commitment.

Among the countries receiving the flows of migration, Bangladesh was the most significant one. As Bangladesh has a Muslim-friendly environment, and a close linguistic and religious affinity exists between the Rohingya and Chittangong's Muslims, previously had a humane approach to the refugee crisis. In 1990s, as the wave of refugee influx took place, Bangladesh had a 'safe and return' policy led to the repatriation of the refugees back who were accommodated in the make-shift camps and were provided refugee status. In 1992, the Office of Refugee Relief and Repatriation Commissioner (RRRC) were set up in, as a unit of Ministry of Disaster Management to handle the refugee management.

In response to the third wave of the crisis, The Ministry of Foreign Affairs of Bangladesh adopted a refugee policy to identify the undocumented Rohingya refugees, strengthening the Bangladesh-Myanmar border management to control the influx, strengthening bilateral and multilateral engagement with Myanmar to deal with the crisis and to form inter-ministerial committees at regional and national level to handle the matter (Ashraf 2021:8-9). In April, 1992, a Memorandum of Understanding (MoU) was signed between the Government of Bangladesh and Myanmar for repatriation with limited involvement of United Nations High Commissioner for Refugees (UNHCR). Though Myanmar accepted the repatriation proposals, but did not accept the repatriates by providing them permanent citizenship, but they were just allowed as “temporary residents of Arakan.” This stood in the way of the permanent solution to the problem (Farzana 2017:69-71). In spite of sympathetic accommodation in the initial years, Bangladesh government tried to repatriate to end the refugee crisis. The influx in 2017, brought a profound change in the approach to deal with the refugees. The problem arose at a time when Islamic State (IS) was reportedly trying to expand their bases in Southeast and South Asia and thus to take inroads in the continent of Asia complicating the entire situation. Arakan Rohingya Salvation Army (ARSA), a Rohingya insurgent group involved in insurgent activities in northern Rakhine state, was waging ethno-nationalist insurgency in Rakhine, and was alleged to have connection with IS. On September 12, 2017, Al-Qaeda Central released a statement calling for revenge attacks to punish the government of Myanmar for the persecution of the Muslim-minority Rohingya population has raised a security concern in Bangladesh. Bangladeshi militant groups like The Jama’atul Mujahideen Bangladesh (JMB) and Harkat ul Jihad al Islami Bangladesh (HuJI-B) thinks that it is their Islamic duty to protect the Muslims stuck in the troubled zone (Bashar 2017:5-7). The fear that eastern Bangladesh could be used as a launch pad for the terrorists to launch the counter-attack is a great security challenge to the Sheikh Hasina administration. For Bangladesh’s humane approach to the refugees, Myanmar government has accused Bangladesh for providing refuge to the insurgent groups. As any type of terrorism activity launched from Bangladesh may hamper the bilateral ties between Bangladesh and Myanmar.

Though Indonesia had a sympathetic approach to the refugees but it never allowed their permanent resettlement in their country. Hospitable treatments were provided to them who landed in the coast of Aceh, trying to reach Malaysia. Indonesian government was wary of possible contact between Indonesian extremist groups and ARSA militants which may disrupt the national security. A domestic political pressure was generated on an Indonesian government and the Yudhoyono administration due to the widespread violence in Myanmar against the Rohingyas, and Indonesian government was forced to respond. Indonesia decided to raise the Rohingya issue at the OIC Extraordinary Summit in 2012, and that ultimately resulted in the formation of the OIC Contact Group on the Rohingya Muslim

Minority. Foreign Minister Marty Natalegawa outlined the government's effort to persuade Myanmar to open access for international actors to provide humanitarian support and succeeded in getting the Myanmar authorities to accept an OIC visit to Rakhine. As Indonesia faced a new wave of migration, and Jokowi administration came to power, The Indonesian government did not grant asylum status to the Rohingyas but allowed them to stay temporarily with the assistance of UNHCR and the International Organization for Migration (IOM). The first boat arrived in Aceh, northern Indonesia is on May 10, 2015. Around 578 people on board either swam ashore or were assisted by locals and rescued. Though initially they were sheltered in Meunasah, later they were transferred to a converted warehouse near Lhokseumawe. Later the Deputy Governor of Aceh, Muzakir Manaf accommodated them in a purpose-built site near Blang Adoe. (Tom 2016:47). With the second set arrived in 15th and 20th May respectively, they were given shelter in a converted warehouse in Langsa harbour and Bayeun. Apart from the four sites, Rohingyas were accommodated in the North Sumatra. On 23 March 2016, Foreign Minister Retno Marsudi, while opening a meeting of the Bali Process urged for the safety of BoB by controlling illegal human trafficking across the region and to ensure victim protection, strict law enforcement and humanitarian response. In response to the breakout of violence in Rakhine in 2016, Indonesia decided to send humanitarian relief through civil society.

Malayasia is not a signatory of 1951 Refugee Convention, so the refugees in Malayasia are considered as illegal migrants and are subjected to detentions. Malaysian government lacked coherent policy and administrative framework to respond to the crisis. The Malaysian government had a dual approach to the issue- on one hand, it was of limited and tacit acceptance, and on the other hand, formal abdication of any responsibility for responding to the needs of the asylum seekers. A major influx of the Rohingyas in Malayasia took place in 2011. They were considered as illegal migrants and were detained in northern Malayasia in Belantik Immigration Detention Centre. The detention centres were characterized by utter mismanagement and detainees were kept in unhygienic living conditions in the overcrowded camps (Togoo & Ismail 2021: 16). Malaysian government has an ad-hoc and reactive policy to the refugee issue which prevents refugees from accessing social services or security like the host population, and undermines efforts to support refugees through long-term programming. The assistance took form of short and medium-term humanitarian intervention (Wake 2016: 5-7).

Thailand government faced the dual challenge of maintaining security of its porous border on one hand and protecting the refugees on the other. Thai government prioritized its national security over humanitarian commitment so in 2009, the Royal Thai Navy was publicly criticised for multiple human rights violations against Rohingya migrants, which includes arbitrary detention and cruel, inhuman treatment prior to pushing them back out to the sea without petrol or food, putting their lives

at risk. In 2013 also the boats fleeing persecution from Myanmar were pushed back. Many who were transiting towards Malayasia were handed over to the brokers to assist them to reach their destination. Approximately 2000 Rohingya were officially allowed entry into the country in 2013, but were detained in immigration detention centres (IDCs) as “illegal immigrants”. As the Rohingyas are not recognized, they are unable to seek employment, register births of the children and provide them proper education and healthcare facilities.

Influx of Rohingyas in India mainly took place after the state riot in 2012. As India is not a signatory of 1951 Refugee Convention and the 1967 Protocol relation to status of the refugees, India does not have a proper legal framework to deal with the refugee issues. With refugee influx in the northeastern states of India, resentment started among the local population and the migrants are alleged to steal their jobs, grabbing and occupying land and associated with criminal activities endangering the state security. So Rohingyas are stigmatized in India as “illegal migrants” and “terrorists” who are associated with radical activities and provoking insurgent activities (Verma 2019: 2-3). India, being a multi-ethnic country with the democratic environment attracts refugee population. The rising anti-Muslim sentiment has threatened the existence of the Rohingya refugees and in 2017; the Home Ministry had issued orders to deport all the illegal foreign nationals from the country. As India is not a party the refugee convention, it is not bound by the principles of non-refoulment and hence has not violated the international law. India’s National Investigation Agency’s suspicion towards Rohingya emerged with a Rohingya boy named Mohammed Khalid was found to be associated with Burdwan blast in West Bengal and was trained by Tehreek-e-Taliban of Pakistan¹. The controversial Citizenship (Amendment) Act 2019, aimed at identifying the non-national elements stationed in India without formal consent from the government.

Rohingya Refugee Issue and the Human Security Crisis

Maritime migration is not a new phenomenon. It is recurrent crisis engendering the maritime security in any maritime zone especially in the BoB region. Many people without proper navigation aids had undergone the dangerous voyages to have a secure life. In this section the humanitarian crisis the Rohingya community is facing would be focus with reference to the documented narratives collected from different sources.

In Bangladesh, the Rohingyas have mainly settled down in the Ukhiya and Teknaf sub-division in the Cox’s Bazar area. Refugee Repatriation and Relief Commissioner is responsible to look after the administration of the camp. The camps are shabby with bamboo sheet walls and plastic covered roofs. Half-bamboo fence or old clothes are often used as divider. As the refugees are a burden for the asylum-providing country, the ration provided are not sufficient and not enough nutritious. Food aids

have been refused due to shortage of funds. Hamida, a female refugee in Cox Bazar camp shares her experience. She said, "I am not getting any fish, meat or salt now. My kids are not getting food to eat. We used to get these things."² Prolonged starving leads to mal-nourishment among the refugee children. As the refugees are not allowed to go out of the refugee camp, they could not seek employment to meet their daily needs. The health issues also remain unattended. Worst sufferers are women, they are vulnerable to unsafe deliveries, sexually transmitted diseases, pregnant and breast-feeding women are often found anaemic. Rohingya children are deprived of proper vaccination and medical attention in case of lethal diseases. So, the health security is in precarious condition. The overcrowded camps suffer from lack of clean and safe drinking water and proper sanitation facilities. Sarah, a refugee from Balukhali 2 Camp described her experience, "Living conditions here are really bad. The closest toilets are closed today and there are too many people at the next ones. All the other toilets are too far. Water's far away too."³ The living conditions were not convenient to lead a healthy life.

On the other hand, in Thailand as well, the Rohingyas were not permitted citizenship rights or minority status. As Thailand is not a signatory of the 1951 Refugee Convention, the displaced Rohingyas were not allowed to get refugee status under United Nations High Commissioner for Refugees (UNHCR). Though in 1970s and 1980s, Thai government was accommodative to the Rohingyas and provided refuge to people evading Myanmar's military operations, but with the intensification of conflict, the Rohingyas were pushed back from the Thai shores. Thai policies towards Rohingyas shifted from indifference to that of non-acceptance. Rohingyas feeling to Thailand had to undergo hazardous voyages. Amlha Areecha, Rohingya woman from Sittwe village who had undergone the voyage after her two sons were shot dead said "There was no water on the boat and we were desperate. Some people passed out; others vomited". She wanted to there as she no family left in Sittwe, they have all been killed. Thailand has been found to be a hub of human trafficking networks. Taking the advantage of the helplessness of the persecuted Rohingyas, they were trafficked from Bangladesh and Myanmar with the false assurance to providing employment and a secure life. Often, they were illegally transported to Malayasia and other countries. Since 2017, the Thai Navy has adopted a three-step action plan. The Thai Navy can intercept Rohingya boats nearing the coast and only after ensuring the occupants will travel further to any other state, provide essential supplies like fuel, food, water, etc. (Banerjee 2021).

As the camps on Bangladesh are becoming overcrowded, people are trying to move to some better place. Many had undergone voyages to Aceh in Indonesia. For days they had to sail without food and medical treatment. Those who could not survive the journey, their dead bodies were put in sack and thrown into sea water. Thirteen years old young Rohingya girl shared her journey, "Sometimes they say that the boat will merge, we feel that we are drowning.... I miss my parents. I feel like crying

for them.” Another young nineteen years old young Rohingya woman after completing 40 days voyage to escape persecution, while sharing her experience says, “After few days, people started jumping from the boat into the sea. Some five men wanted to find boats around, we don’t know where they went. Then after a few days five men jumped because they couldn’t handle the hunger. After 12 days water started coming into the boat and more people jumped as they felt that the boat would sink into the ocean. There were bodies floating into the water.” Like her, many more Rohingya children have undergone the precarious journey. But they are often targeted by the human trafficking rackets. Lilianne Fan of Geutanyoe Foundation⁴, said, “They are people who potentially prey on these children. I mean use them, exploit them in this way, try to move them voluntarily or not across borders.” The criminal rackets always search for these vulnerable situations where the helpless people can be targeted. Arrival of the refugees has provided a grand opportunity for the traffickers to victimize them. International Organization for Migration’s (IOM) head of protection on Cox’s Bazar camp has said, “A lot of abuse occurs under cover of darkness, when the presence of agencies and authorities in communities and camps is limited.” Thus Rohingyas are becoming victim of trans-national criminal activities across the international water. Unknowingly they are falling into the traps of the rackets which is hampering their security.

Young Rohingya girls are often trafficked into prostitution. A fourteen years old Rohingya girl shared her experience, said, “Women came with a van, they asked me if I go with them. Not long after that in a building in Cox’s Bazar they brought two boys to me. They showed me a knife and punched me in my tummy because I was not cooperating. Then the boys raped me. I was not willing to have sex with but they kept going.” In many cases the family members out of desperation allow the young girls to go for prostitution to escape extreme hunger and poverty. A girl of thirteen year said, “She came to our home, we know her. She said you are not being fed properly. Come with me to Cox’s Bazar, I will give you job. When we got there, she put me in a hotel in the morning. By the afternoon a boy was put in my room. He beat me and raped me. I asked the woman why I should do these? She told me if you don’t do this, I will kill you.” Taking advantage of the conditions of the Rohingyas, the traffickers have formed an established network to run their sex trade. Pimps are planted inside the camps to take the girls to the city for business. Camp brothels are hard to spot and looks similar like other shabby huts. A Rohingya women from Kutupalong camp having two children and abandoned by abusive her husband, explained the situation that made her go into this business. She said, “The food handout is not enough. When my kids cry for rice, from where will I get it from? I am only doing this support my family. I feel bad doing it but I have to survive somehow.”⁵ Women were often sexually abused and dumped into the ocean. A 15years old Rohingya girl sharing her horrifying experience said, “The Myanmar soldiers got hold of me, they beat me, tied my hands and feet and hung me from a tree. Next

to me there was another woman. The soldiers cut her belly and vagina. They cut off her breasts and put them in a plastic bag. I started screaming and a soldier bit a piece of cheek off. Then they pull me down and gang-raped me. After that, they stabbed me and dumped by body into the river thinking I was dead.” The girl somehow survived and managed to swim to Bangladesh. Thus the maritime lanes are insecure. International waters are used to traffic children and young girls forcefully. A Rohingya girls fallen prey of human trafficking racket said, “They put us in fish refrigerators, the coast guards later took us out of it. I don’t know exactly how many people were there on the boat... something like 10 women and 15 children I suppose. They only kept women in fish refrigerator.” Trafficked victims also face brutal tortures and women face sexual violence.

Trafficked Rohingya women often were forcefully married. A helpless Rohingya woman trafficked to India shares her experience. She said, “They drew my mother out of the room and took advantage of me inside my own house. They beat me, they drag me by my hair, and finally they force me to get married.” Women are also sold as brides. Another Rohingya girl named Rubel Hasina made perilous boat journey to Malayasia alone to unite with her family but had fallen prey to a marriage broker and was forcefully married in exchange of money. Now she is suffering in the abusive marriage. She said, “He used to use abusive words about my family and kept abusing me. During an argument I told him that I would leave him for my parents. And he threatened to chop me and throw me away to the sea.”

These experiences are horrifying and prove how the human rights of the Rohingyas are getting violated and their human security is in precarious state.

International Laws and Responses to the Crisis

Rohingya crisis became a matter of concern seeking international response. Strengthening of the legal framework to deal with the irregular maritime migration and proper implementation of the laws with the willing consent of the stake-holders and the impacted states can only contain the crisis. The UN Refugee Agency, UNHCR tried to trace the people undergoing the hazardous plight via the marine-way. Many have died in course of the journey; many are missing and the accounts of the survivors were horrifying. UNHCR has made appeal to the coastal authorities to take urgent action to prevent further casualties. The 1951 Refugee convention and 1967 Protocol are the main instruments to deal with refugee issue. But in case of the maritime migration, Article 98 (1) of the United Nations Convention on the Law of the Sea (UNCLOS) mentions about providing assistance to any person found to be stuck at sea who in the danger of being lost. It urges the states for speedy rescue operation to help the distressed sea-stuck people who are in need of assistance. Article 98 (2) mentions about prompt assistance should be given and the coastal states must establish, operate as well as maintain an effective search and rescue service and be protective regarding safety on and over the sea and, where

circumstances requires, by mutual regional arrangements cooperate with neighbouring states for this purpose. Article 12 of the 1958 Convention on the High Seas reinforces the same matter. But the drawback of the UNCLOS lies in the fact that it does not have any explicit reference to the protection of human rights at sea. The human rights of the boat people are often being violated. The International Tribunal for the Law of the Sea (ITLOS) has appreciated the application of humanity in case of the law of the sea. But the human right violations of the migrants in the sea remains unreported, Rohingyas are illegally trafficked through the BoB region. Article 6 of the Smuggling of Migrants protocol has criminalized human trafficking through sea. Article 8 has empowered states to take action against the suspected vessels and to rescue the victims. Though ASEAN's initial response was that of non-interference, later it held a series of meetings to address the crisis as the majority of the impacted states are its member. International organizations like UNHCR, IOM and United Nations Office on Drugs and Crime (UNODC) are working hard to stop the criminal activities along the marine zone. In 2020, they have issued a joint statement that the situation like 2015 may return and the countries in that zone must be committed to the 2016 Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which sought to promote multilateral dialogue, awareness, information sharing, and cooperation on human trafficking, smuggling, and related crimes (Lean2023: 71). Affected states through bilateral and multilateral interactions are trying to control the crisis but the states are also in dilemma where to prioritize their state security or to remain committed to their humanitarian needs.

Conclusion

This paper has mainly focused on the boat crisis and the contrasting security questions that has arose in course of years. The boat crisis has endangered the national security of the states located along the coastline receiving the wave of refugees seeking asylum. But at the same time, the states cannot deny their humanitarian commitment. The human rights violation of the Rohingya refugees has attracted global media attention and criticism from the international community for the drawbacks in the maritime governance. As the BoB region is the most vulnerable maritime zone facing the irregular wave of migration, controlling the trans-border criminal activities centering the migration issue is a serious challenge for the stake-holder countries. Through bilateral and multilateral mechanisms, the states are trying to control the crisis but reaching a permanent solution to the problem is very hard to achieve.

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