CHAPTER I

INTRODUCTION

A. Background

Over time, the rapid development of technology, the increase of globalization and the drive towards internationalization go hand in hand with the steady diversification of the center-policy making. The national government which operates under constitutional provisions cannot always keep pace with the rapid development of issues and situations that are very fast-changing. Facing this problem, various organizations and institutions are involved in the substantive development of international law and policy, such as NGOs and multinational companies. Many of these actors then acted as consultative agents or liaison between international organizations and governments that have authority. In addition, many NGOs exist as maintainers of compliance with basic principles of international law, such as human rights.

However, for the most part, NGOs and multinational companies are also involved in what can be called informal regulation. Informal regulation is not a form of laws but self-regulation, standard-setting, code of ethics, agreements, etc. Informal regulations originate from private or semi-private organizations, such as non-governmental organizations and businesses, or alliances and associations of organizations and society. The need for informal regulation usually came when social and moral problems arise with more or less urgency, which resulted some kind of collective action or policy is needed because solutions cannot be left to the initiative and wisdom of individuals or even individual organizations, while bodies such as the government authority that traditionally handle such problems, cannot do it. (Vedder, 2007)

Based on the annual report in 2018 made by Amnesty International, an impressive implementation of informal regulation from this NGO side can be seen after the agreement between Amnesty International and the government of Benin to commute the death sentences of 14 prisoners through meetings and petitions where it was also being affected from another effort made by Amnesty International with similar case resulting the positive development of moratorium on executions in the Gambia and Guinea have been announced that the death penalty has been abolished for all crimes. (Amnesty International, 2018)

In the realm of human rights, Amnesty International is one of the many NGOs that have long fought for the human rights that every human in the world has. While the state remains the primary protector - and violator - of human rights, NGOs such as Amnesty International have emerged as significant actors in promoting human rights around the world. With a total of more than 7 million people who have joined Amnesty International, this NGO invites them to fight together in fighting for justice.

Looking back to the history, Amnesty International was first established in 1961 in London and historically began with the case of two students from Portugal who toast in the name of freedom but were later imprisoned by the local government. From this case, a British lawyer named Peter Benenson who succeeded in loading it in an article titled 'The Forgotten Prisoners' in the newspaper *"The Observer"* which also received a massive attention which then became the forerunner of the formation of Amnesty International as a forum to accommodate all related aspirations human rights must be defended and also the beginning of the creation of social awareness actions by various groups of people throughout the world. (Amnesty International, 2015)

Amnesty International consists of members or people who care about human rights where their activities are not depending on political ideology, economic or religious interests. Amnesty International's activities are not

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under the supervision of a country's government but move according to the same values that each individual brings, making Amnesty International as an example of Non-Government Organizations that stands independently in upholding human rights. As the main focus of Amnesty International, this NGO believes that human rights are rights owned by humans since their birth, not because they are given by society or the state. Human rights cannot be eliminated or declared invalid by the state. These values of human rights include, among others such as the right to life, independence, the right to private ownership, the right to security, the right to fight against oppression, and the right to happiness. (Marbun, 2005)

Regarding the issue of justice and human rights that must be maintained, a case that occurred in Rakhine State, Myanmar is one example of a real case that occurred, and the impact is still ongoing until 2019. This case is also known as the case of the world fastest-growing refugee crisis because there were large number of refugees with around 640,000 people from Rohingya who moved to Bangladesh after receiving military treatment in the form of violation and human rights abuses. The refugees were leaving their house where hundred of their villages are now empty since most of them were burned to the ground.

Rakhine State is home to many Rohingya Muslims in Myanmar. The dynamic of historical agenda between the Rohingya and Myanmar's government was the reason for the 2015 Rohingya crisis. Since the late 1970s, the discriminatory policies of Myanmar's government have forced hundreds of thousands of Muslim Rohingya decided to flee their homes in the predominantly Buddhist nation. Most of them crossed land to Bangladesh, while others took the sea to reach Indonesia, Malaysia, and Thailand. Then, starting in 2017, renewed violence, including reported rape, murder and arson, sparked an exodus of Rohingya in the light of allegations of ethnic cleansing against Myanmar's security forces. They say that they are waging a campaign to restore stability in the western region of Myanmar, but

international pressure on elected leaders to rein in violence continues to rise.

The clash between Rohingya and other ethnic was coming from the difference of skin colour, language, religious belief, culture and custom. The Rohingya people that settled in northern Myanmar near Bangladesh made them has proximity with Bengalis ethnic in Bangladesh. This situation made the majority Myanmar to accuse Rohingya as the refugee from the Bengali in Bangladesh. On the contrary, the leaders of Rohingya emphasized that they were initially from Arakan, and they felt that their rights to determine their fate was violated. According to U Kyaw Min, one of the Rohingya people, Islam had entered Arakan since the 8th centuries and started from that time, Islam spread in Myanmar. As also, most of Myanmar Muslims was the descendant coming from the marriage between India people and Burmese people since long centuries ago. However, the majority Buddhist which has more power, they considered Rohingya as the Bengalis coming from Bangladesh. So, the Rohingya could be defined as the foreign people and only deserved for the ordinary migrants, not deserved to be considered as the citizen of Myanmar. It also led to the concern of the majority of Myanmar Buddhist towards the differences with Rohingya people.

In Arakan, there was not only Rohingya ethnic that settled but also Rakhine ethnic. The Rakhine ethnic sometimes felt disturbed with the action and policies of Myanmar's military junta towards Rohingya because they were in the same location. Rakhine people thought that Myanmar wanted to occupy Arakan by merging Rakhine with the other majority group. However, Rakhine people also considered the existence of Rohingya as the form of Bangladesh Islamisation, and they did not want to accept Rohingya as part of Rakhine state. Even though Rakhine people were never noted to harm Rohingya ethnic, but they quietly supported the majority group to do ethnic cleansing to take care of their nations from the Islamisation and illegal migrants.

The conflict was worsened by the demand from Rohingya's people to be considered like other ethnic groups. Furthermore, with the Panglong Agreement 1947, the demand from Rohingya's people considered as political effort to separate from Myanmar. The conflict continued by the different perspective towards their ethnic history in Arakan. In this case, Myanmar's military junta gave more support to Rakhine ethnic with the reason of they are obedient towards the Buddhism and also they were considered as the gate in western Myanmar to resist the Islam expansion in Mynamar coming from Bangladesh. Then, it became more severe with the claim which was doing harm over the others. The Rakhine's people claimed that Rohingya's people harmed Arakan people first, but it then replied by Rohingya's ethnic that stated more than 100.000 Muslims killed by Buddhist in World War II.

The Myanmar government refuses to grant the Rohingya citizenship, and as a result, most of the group's members have no legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until 2019, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990s. The white cards conferred limited rights but were not recognized as proof of citizenship. Still, Lewa says that they did provide some recognition of temporary stay for the Rohingya in Myanmar. (Kusumaningsih, 2015)

Since the refugee crisis case that occurred in Rakhine State, Myanmar has left a lot of violence and other human rights violations, it raises the concern from the international community including NGOs such as Amnesty International to involve in solving this issue. As recorded until August 2019, more than 730,000 Rohingya refugees from the northwestern Rakhine State of Myanmar moved to

Bangladesh after a military-led crackdown in response to attacks by Muslim militants at Myanmar police posts. (Moon, 2019) As an advocacy organization, NGOs focused on human rights issue such as Amnesty International is slowly gaining recognition as human rights combatants and have the power to work with or against the government in developing an agenda for action. As their numbers of member and supporter increase, their various activities continue to grow and open up the opportunities for them to facilitate the advocacy process in resolving the refugee crisis in Rohingya.

In United States for example, as reported on Amnesty International USA page, it shows that Amnesty International have conducted some advocacy process to US Government in responding to the crisis occured in Myanmar. In addition, as they also have established a strong relations with the Organization of American States since 1988 to uphold human rights and discuss the policy made by US Government focus on worldwide human rights issue making Amnesty International involvement to influence the Government's act and decision not only in the US, but also other countries is essential in raising the awareness of the human rights issues.

B. Research Question

Based on a set of background above, the research question of this research is formulated as follows: ***How does the advocacy of Amnesty International in addressing the Rohingya refugee crisis?***

C. Theoretical Framework

The concept is an abstraction that represents an object, the nature of an object, or a particular phenomenon. The real concept is a word that symbolizes an idea. The concept in social science refers to the characteristics and objects learned (for example, people, groups, countries, or international organizations) that are relevant to certain studies. (Mas'oed, 1990)

In order to answer the problems that exist in the study, it is necessary to have concepts or theories that will become the basis of research. In this study, the writer used two concepts, concept of Non-Government Organization (NGO) people movement and concept of Transnational Advocacy Network (TAN).

1. Non-Government Organization (NGO) People Movement

As the number of NGOs increases, the spread of NGOs spreads widely, and the recognition of the presence of NGOs as important non-state actors in international relations emerges, previously some scholars have identified the different conceptions or types of NGOs based on their roles, functions, networks and interactions between them and other actors. One of the leading scholars who succeeded in conducting this was David Korten, through his writing in his book *"Getting to the 21st Century: Voluntary Action and the Global Agenda"*, he tried to classify NGOs into several stages or what he usually called generations and argued that NGOs have moved through a linear evolution. (Korten, Getting to the 21st Century: Voluntary Action and the Global Agenda, 1990)

One of the classifications made by David Korten that focus on shaping a better world by the empowerment of society is NGO people movement. This NGO strives to transform the social structure of society and every sector of development that affects life. The initial vision is the idea of achieving a better new world because it needs to involve all the world's inhabitants. In addition, these NGOs have an indefinite timeline, and their management focus consists of networks of different organizations which have specific roles to contribute to the development of developing countries. Thus, the NGO people movement look beyond specific initiatives aimed at changing specific policies and institutional sub-systems that drives their objective of stimulating a critical

mass of independent, decentralized initiatives in support of a social vision. (Korten, Getting to the 21st Century: Voluntary Action and the Global Agenda, 1990)

2. **Transnational Advocacy Network (TAN)**

The Transnational Advocacy Networks concept according to Margaret E. Keck and Kathryn Sikkink in their book, *Activist Beyond Borders: Advocacy Networks in International Politics* are as follows:

"Transnational Advocacy Networks (TAN) is defined as networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation. Besides, TAN is a World politics at the end of the twentieth century involves, alongside states, many non-state actors who interact with each other, with states, and with international organizations." (Keck & Sikkink, Transnational Advocacy Networks in International Politics: Introduction, 1998)

TAN advocates on issues related to human rights, women's rights and the environment. In this research, as mentioned in the background, the research aims to see the role of Amnesty International in addressing the case of the Rohingya refugee crisis by using the analysis of transnational advocacy network. Through the advocacy process by Amnesty International towards the government of Myanmar, the process is expected to analyze the action taken by Amnesty International in addressing the crisis.

TAN's strategy in mobilizing the community and pressing the government are as follows:

a. Information politics, which is a strategy that is carried out by collecting and providing information for the community and dramatizing facts through victim statements and so on that attract attention.
b. Symbolic politics, a strategy that is carried out by holding ceremonies, commemorations of events or

special days related to the issues being fought so that people pay attention to the issue.

c. Leverage politics is a strategy to leverage / link the issue being fought with the issue of state prestige, smooth trade or smooth foreign assistance or foreign debt.

d. Accountability politics, according to Keck and Sikkink, is a strategy that is carried out always to remind the government to account for its policies in accordance with agreed values. (Azizah, 2014)

D. Research Argument

In this research, it is expected to provide some arguments regarding the advocacy of Amnesty International in addressing the Rohingya refugee crisis.

a. In the view of NGO people movement, this research shows that Amnesty International can be classified as one of the NGO strategies proposed by David Korten which is people movement where it shows that Amnesty International uses its power by involving the world's population in order to create a transformation of the social structure of society, to urge the government, and to encourage improvements in every sector of development that affects the lives of the Rohingya people.

b. In the view of transnational advocacy network, it is expected to show the existence of advocacy process through information politics, symbolic politics, and leverage politics that have been carried out by Amnesty International as a concrete manifestation of its contribution to the Rohingya refugee crisis case.

E. Research Method

1. Research Method
In conducting this research, the writer used qualitative methods wherein this research, the writer conducted descriptive and analysis research.

2. Data Collection Technique

The data collection technique that the writer used in this research is a secondary data collection technique or library research, which is by collecting data and information related to the issues discussed. In this research, the writer did not make a direct observation of the field, but did collect data and information and carried out literature through some literature such as:

a. Books

b. Journals

c. Articles and data from the internet (website)

F. Writing System

In order to make systematic content to the readers, this research is divided the topics into chapters where it involved with each other as a united structural topic.

Chapter I: Introduction which consists of Background, Research Question, Theoretical Framework, Research Argument, Methodology of Research, and Writing System.

Chapter II: Explain the classification of Amnesty International as a people movement non-governmental organization through strategy and position in contributing to the human rights issue.

Chapter III: Explain the case of Rohingya refugee crisis as a human rights issue in Myanmar.

Chapter IV: Analyzes and Discusses the importance of Amnesty International's role through transnational advocacy network by elaborating the concepts with the issue, and giving the relevance data where the result is expected to answer the question why their role in advocating the issue is essential for the prosperity of Rohingya people.

Chapter V: Conclusion of the research