

CHAPTER V

CLOSING

A. Conclusion

1. On the research above, based on the international law pertaining to the issue of refugees, the Rohingya people could be categorized as the refugee. Because they, the Rohingyas, fulfilled the requirements to be categorized as a refugee, based on the meaning of refugee in the 1951 Convention Relating to the Status of Refugee and the 1967 Protocol.

Before the Rohingyas get a refugee status, they are an asylum-seekers who should get a protection from all of the state. It is based on the article 14 of Universal Declarations of Human Rights which states that everyone has the right to seek and to enjoy in other countries asylum from persecution. The Rohingyas escaped from their former habitual residence because of many persecution happens to them.

UNHCR as one of international organization which mandate by the United Nations have a duty to protect the right of refugees, in this case is the Rohingyas. They categorized as refugee because the Rohingya fulfilled the characteristics as a refugee based on the UNHCR statute. UNHCR give an assistance and to determine the status of the asylum-seekers whether they are refugee or not to the

states have not been ratified the convention relating to the status of refugee.

2. Indonesia as a state which has not ratified the 1951 Convention and its protocol relating to the status of refugees, however Indonesia has its own regulation pertaining to the issue of refugee which could be applied to the Rohingyas case. The beginning of Indonesian regulation pertaining to the issue of refugee is the Prime Minister's Circular Letter 11/RI/1956 Protection on Political Escaped. This regulation as a response to the customary international law relating to the issue of refugee which is principle of non-refoulement. The principle of non-refoulement is a part of customary international law and is therefore binding on all states, including Indonesia, whether or not they are parties to the 1951 Convention and its protocol.

B. Suggestion

Every states, especially ASEAN countries, should reatified the 1951 Convention Relating to the Status of Refugees and its protocol in order to facilitate the handling of refugees, in this case is the Rohingyas refugees case. At least all the states should respect the customary international law which is non-refoulement principle as the guidance to their applicable regulation relating to the refugees.