

## **ASEAN'S STAND IN RAKHINE CASE: INVOLVEMENT OR NOT**

Aye Aye Myat<sup>1</sup>, Thida Tun<sup>2</sup>, Moe Ma Ma<sup>3</sup>

### **Abstract**

The international organizations have blamed the Myanmar government concerning the 2015 and 2017 problems in the Rakhine case. Some delegations of ASEAN Parliamentarian for Human Rights (APHR) that are from Indonesia, Malaysia, Singapore, and Thailand told that more substantial regional action and a stronger voice from ASEAN itself are needed. However, ASEAN has not put any blames on the Myanmar government. ASEAN has cooperated with the Myanmar government in providing humanitarian assistance. The purpose of this research is to highlight the ASEAN's attitude on Myanmar, to explore why ASEAN keeps silent and to express the strength of the regional organization, ASEAN. To complement this purpose, the research question has come whether ASEAN has involved or limited involved or not. By using the qualitative and archival research methods, this research has come up with solutions to why ASEAN has limited involvement in the Rakhine case is upholding the noninterference principle and ASEAN way. Preferring organizational unity, ASEAN has only involved in coordination with the Myanmar government in providing humanitarian assistance and not interfere to tackle the root causes of the Rakhine case by recognizing as a domestic complex issue.

**Keywords:** Rakhine, ASEAN, noninterference, consensus, recognition, repatriation

### **Introduction**

Occurred in late May 2012 and became the immediate cause, the rape and murder of a Rakhine woman by three Muslims incident triggered the Rakhine case. In 2015, thousands of Bengalis have fled to Bangladesh, Thailand, northern Malaysia and Indonesia. The tension of this Rakhine case has increased on 25 August 2017. According to UNHCR and the UN Refugee Agency, as the Tatmadaw (the Myanmar military force) attacked the militants from the Arakan Rohingya Salvation Army (ARSA) in northern Rakhine State, over 600,000 Bengalis have fled across the border into Bangladesh. Although ASEAN's remarkable role in Cyclone Nargis has been credited, problems in the Rakhine State has hindered its role. While the Rakhine case is very complicated, ASEAN has been difficult to play in exploring the root causes of Rakhine case.

Even the international organizations have blamed the Myanmar government; ASEAN has not put any blames on her. The purpose of this research is to highlight the ASEAN's attitude on Myanmar, to explore why ASEAN keeps silent and to express the strength of the regional organization, ASEAN. To complement this purpose, the research question has come whether ASEAN has involved or limited involved or not. The research is to explore why ASEAN involve limitation in Rakhine case if it involves. The finding of the research is why ASEAN has limited involvement in Rakhine case is ASEAN recognizes Rakhine case as domestic affairs, ethnic case and national problems. ASEAN's non-interference principle has limited ASEAN's involvement in it. Although some members especially Malaysia and Indonesia expressed their dissatisfaction on Myanmar case outside the bloc, they upholding the slogan "one ASEAN, one response" desire to raise ASEAN's unity and centrality role. Emphasizing all members consensus, ASEAN members conceal their dissatisfaction in the regional organization. ASEAN involves in coordination to contribute humanitarian assistance with the Myanmar government and to facilitate the repatriation process for the displaced persons. Therefore, this research explains ASEAN involvement in the Rakhine case but it has limited.

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In doing this research, qualitative research method has been applied to examine why ASEAN has limited involvement in the Rakhine case. And by using archival research method, this research explores the role of the non-interference principle and ASEAN's collective decision-making process. Furthermore, these qualitative and archival research methods are best suited to find out ASEAN's preferring organizational unity. As the aspect of constructivism, members of ASEAN construct Myanmar in recognizing the endeavours of the Myanmar government on the repatriation process and in providing humanitarian assistance to the displaced persons. ASEAN protecting more deteriorating situation keeps and constructs Myanmar in its pattern. ASEAN stands only limited involvement in the Rakhine case as its principles deter its involvement.

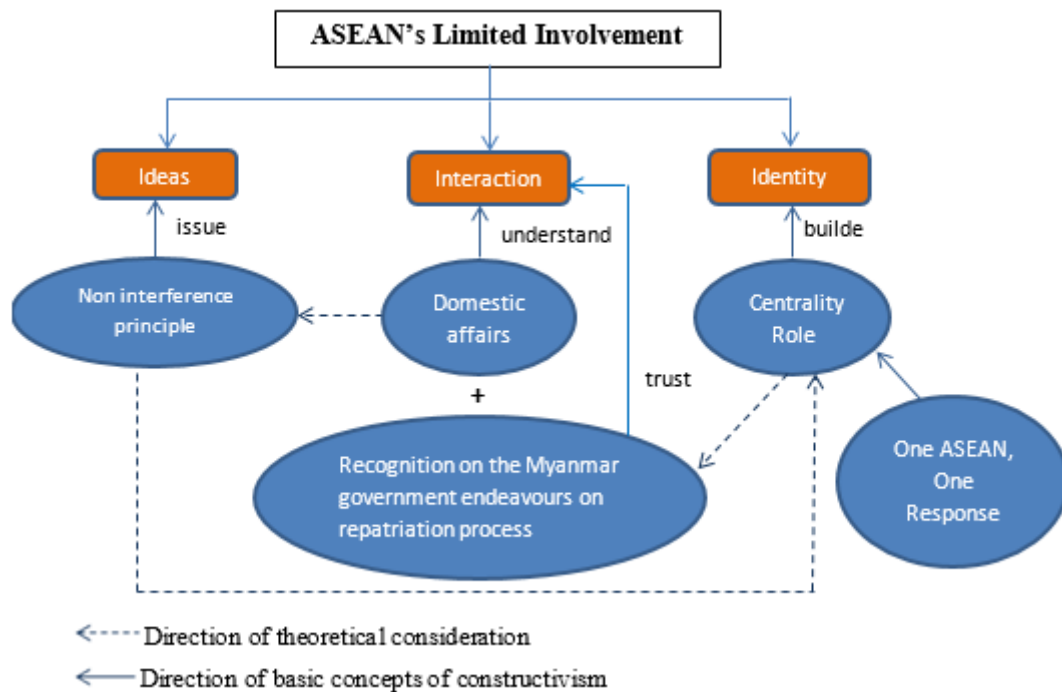
This research will cover the Rakhine cases occurring after 2012. This research is organized into three parts. Part I explores how ASEAN has been holding its non-interference principle by recognizing the Rakhine case as merely complex domestic affairs. Part II focuses on ASEAN's centrality role as raising unity. It attempts to elucidate how the members of ASEAN have been enhancing in collective decision making and concealing the negative side of some members inside the regional organization in the Rakhine case. Part III examines to what extent ASEAN recognizes on Myanmar's endeavours by issuing the Chairmanship statements of the ASEAN Summits and ASEAN has worked together with the Myanmar government to ease the repatriation of the displaced persons in Rakhine state through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre). The conclusion assesses ASEAN's preference for unity and ASEAN's humanitarian cooperation. It concludes that ASEAN has involved in the Rakhine case in providing humanitarian assistance but limited in tackling it.

### **Theoretical Context**

The 3Is that are Idea, Identity, and Interaction are focal factors and considerations in the aspects of Constructivism. Constructivists contend that states have identities constructed socially by interacting with others. Alexander Wendt states the two basic principles of Constructivism: "(1) that the structures of human association are determined primarily by shared ideas rather than material forces and (2) that the identities and interests of purposive actors are constructed by these shared ideas rather than by nature." Peter J. Katzenstein contends that constructivism emphasizes history occurred "the process of change" that construct state identity and interactions between states. During the Cold War, ASEAN has been organized to protect the influence of big superpowers by implementing collective security and to keep the non-interference principle on domestic affairs among members. They believe among members that they never fight with each other and peaceful settlement of disputes. As this effect of ideas and beliefs, states develop a sense of identity in the organization. States that keep identity are expected to comply with the norms. Implementing the collective identity, the ASEAN members do prefer to enlighten their regional identity. ASEAN has been formulating a motto "One ASEAN, One Identity, One Community". The ASEAN members make interactions between ASEAN and the members of it by solving any problem peacefully and diplomatically through collective decision making.

In the perspective of constructivists, there has two norms diffusion that is norm localization and norm subsidiarity. In considering the norm subsidiarity, the ASEAN members have built the non-interference principle and signed the agreements that are the local solution to local issues, non-use of force, and peaceful settlement of disputes. Upholding these ideas and beliefs, the ASEAN members have been adhering strongly to the non-interference principle to avoid the disunity of the organization. By implementing "One ASEAN, One Response", "identity" emerges among members. Any decision does not come out without the agreements of all ASEAN members. The members have been deeply prioritizing and creating the ASEAN's centrality role. Providing collective identity as a priority through a regional organization, ASEAN constructs understanding

and builds trust among members. ASEAN understands the Rakhine case that is the complex domestic issue in taking a very long time to solve. ASEAN also trusts Myanmar's endeavours on the repatriation process and describes ASEAN's recognition through the ASEAN chairmanship statements. Myanmar has complied with the decision of ASEAN and ASEAN also "interacts" by cooperating to provide humanitarian assistance under the leadership role of the Myanmar government. At the 27<sup>th</sup> ASEAN summit meeting, ASEAN expressed its desire that it can work together to address the Rakhine issue positively. By involving very limited in Rakhine case to resist the international pressure, ASEAN did not give any blame to Myanmar. This formation can be illustrated in figure.



**Figure** Considerations of ASEAN's Limited Involvement in Constructivist View

### I. ASEAN's noninterference principle

Founded during the Cold War, ASEAN was born together with the term indirectly used of "non-interference" to prevent foreign interference in the members' domestic affairs and to preserve their national identities by issuing in the Considering Paragraph on the first page of *the 1967 Bangkok declaration*. This non-interference provides the guarantee to the member states' maintaining independence, respecting the sovereignty, and not interfering with domestic affairs to keep domestic and regional stability. In the origin of ASEAN, the target of the member states is to prevent the intervention of the competition of the two great powers East and West in the South East Asia region. And the members committed to solve in peace any problems and to give collective security in the region. The term "non-interference" is also one of the six fundamental principles of *the Treaty of Amity and Cooperation (TAC)* stated on February 27, 1976, in article 2(c). This principle aims to respect sovereignty, to construct good relations, and to maintain the privacy of the domestic affairs among member countries. This principle reduces the member countries' worries getting from the intervening of foreign countries in their domestic affairs.

In *the ASEAN Vision 2020* adopted in Kuala Lumpur, Malaysia on 15 December 1997, ASEAN members have emphasized peace with one another and at peace with the world. Stubbs stated "*the Kuala Lumpur Declaration of 1997* was reinforced in the 1976 TAC that the principle

of non-interference in members' internal affairs was explicitly referred to as one of the association's fundamental principles." In the sector of ASEAN Security Community in article A(4) of *Bali Concord II*, it mentions that the ASEAN Security Community uphold ASEAN's principles of non-interference, consensus-based decision making, national and regional resilience, respect for national sovereignty and peaceful settlement of differences and disputes. The non-interference principle and consensus-based on collective decision making is a very important factor in the Rakhine case.

ASEAN has continuously been trying to promote non-interference by respecting territorial sovereignty. *The ASEAN Charter* promulgated in 2008 focuses on the principle of non-interference and respect for territorial integrity and sovereignty. This principle is highlighted by incorporating through consultation (*Mushawarah*) and consensus (*Mufakat*). Under Article 2(e) of *the ASEAN Charter*, ASEAN and its member states have committed to act the principle of non-interference in the internal affairs of ASEAN member states. This article pointed out the limited involvement of ASEAN. Moreover, Article 20 (1) of *the ASEAN Charter* mentions that decision making in ASEAN is based on consultation and consensus as a basic principle. If one member denies in decision making, the involvement of ASEAN in the Rohingya case will be impossible. Under this article, ASEAN has no right to interfere in the Myanmar Rakhine case.

On the other hand, Article 1(7) of *the ASEAN Charter* states that the purpose of ASEAN is to promote and protect human rights and fundamental freedoms. Myanmar was accused of human rights violations at the International Court of Justice (ICJ). Therefore, ASEAN has been facing difficulty deciding on the Rakhine case. They have already considered the human rights concerns but they need to consider avoiding interference to each other domestic affairs. Marty Natalegawa being a diplomat, former ambassador and foreign minister of Indonesia mentions the transformation of ASEAN from state-centric to a people-centric entity, focusing more on the adjustments to the needs of its people by comparing *the 1967 Bangkok Declaration* and *the 2008 ASEAN Charter*. He explains widely people-centered ASEAN on human rights. But the principles of non-interference and human rights are contradicted. Whenever these two principles meet, the non-interference principle prevailed the principle of human rights. Applying the principle of protecting human rights, ASEAN members organized the ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009. But this Commission has not got full of mandate to protect human rights because ASEAN has been upholding the principle of non-interference and the ASEAN Way that is consultation and consensus in all ASEAN institutions. This fact provides the ASEAN limited involvement in the Rakhine case.

Kasit Piromya who is a former Thai Prime Minister and member of ASEAN Parliamentarians for human rights comments that despite respecting and protecting human rights and fundamental freedoms in *the ASEAN Charter*, members hide behind its policy of noninterference regarding with Myanmar case by naming as domestic affairs. Kasit also shows that ASEAN has trusted Myanmar's highly narrative. ASEAN members of Parliament (MPs) also criticized ASEAN's non-interference principle that is reluctant to get a decisive response and provokes the ASEAN leaders to be devious manner. They also told that ASEAN leaders should give more pressure to the Myanmar government and Tatmadaw to stop the attacks, to end racial discrimination, and to the safe return of Bengalis to their homes in Rakhine region.

Malaysian Member of Parliament (MP) Charles Santiago, Chairperson of ASEAN Parliamentarians for Human Rights (APHR) also said that the non-interference policy is only a tool for Myanmar government to give covers her persecution to Bengalis and her commitment atrocities. He also said that it was the ripe time for ASEAN members to cancel the obsolete non-interference principle and give pressure to Myanmar to end her atrocity. MPs called on Senior General Min Aung Hlaing, who is the current Commander-in-Chief of the Myanmar Armed Forces

(Tatmataw), to restraint his command and avoid civilian casualties after the August 2017 problem in Rakhine and State Counsellor Daw Aung San Suu Kyi to attempt not to increase tensions and to implement policies to get long-term peace and prosperity for Rakhine region.

APHR urged the Indonesian and the Philippines governments to lead the charge to Myanmar in the Human Rights Council to investigate on the Rakhine case. Eva Kusuma Sundari who is a member of the Indonesian parliament stated at Bangkok Post Newspaper on 6 September 2017 that this Rakhine situation is not simply a domestic affair and has the potential to directly impact other ASEAN members. The region faced that experience in 2015 when the thousands of Bengalis fled with boats in the Andaman Sea. During the 2012 violence, the Secretary-general of ASEAN Surin Pitsuwan warned that the issue could have led to radicalization and further destabilizes the region. Therefore, Eva told that the words of Pitsuwan are priceless. If the Rakhine case is resolved and innocent civilians are protected, ASEAN needs to speak louder, with one voice and take action.

Although Myanmar was accused of committing genocide and violating human rights, ASEAN has been holding its adherence to a non-interference principle. As long as ASEAN has recognized the Myanmar-Rakhine case as domestic affairs, ASEAN will give the shell to Myanmar in the international arena concerning the human rights violations case. Human rights observers have claimed that ASEAN members have done very little to save Bengalis and asserted that ASEAN members practice diplomacy among them in the Rakhine case concerns and uphold the non-interference principle. However, some ASEAN governments gave strong support to Myanmar by recognizing the case as domestic affairs. For example, Thai Prime Minister Prayut Chan-o-cha vowed not to intervene by describing this case as Myanmar's domestic affairs. According to U Kyaw Tin who is the Minister of International Cooperation in a press conference on 18 November 2018 mentioned in the New Light of Myanmar newspaper, ASEAN has not intervened in Myanmar's domestic case but ASEAN is ready to provide humanitarian assistance. ASEAN works together in providing humanitarian aid in cooperating with the Myanmar government. Facing with accuse, ASEAN has good reasons that are their trust in the activities of the Myanmar government to Bengalis and the recognition of the Rakhine case as merely complex domestic affairs.

## **II. ASEAN's Centrality Role**

ASEAN was accused that it prefers diplomacy than human rights concerns on the Myanmar Rakhine case. One of the human rights groups, the Human Rights Watch (HRW) accused ASEAN that it focuses heavily on repatriation by providing humanitarian assistance not recognized the Myanmar government's atrocities against humanity. Some ASEAN governments, like Malaysia, did not want to participate in ASEAN implementation on the Rakhine case and put blame but they did not show its tension in the field of regional organization and kept silent on the regional arena. They emphasize in priority of the ASEAN's agreements and all consensus. This highlights that ASEAN members enhance the implementation of ASEAN's centrality role and members have not accepted the disunity of ASEAN. Its strong attention is integrity of member countries keeping in cooperation and consensus. Improving identity, ASEAN upholds a motto "One ASEAN, One Response" and needs all members' consensus on decision making in any case.

Organized by the request of the State Counsellor in September 2016, the Advisory Commission on Rakhine State led by Mr. Kofi Annan, former Secretary-General of the United Nations, consisting of (6) national members and (3) international members has submitted the report to the State Counsellor on 23 August 2017. This report has (88) recommendations in the areas of conflict prevention, humanitarian assistance, reconciliation, institution-building, and development at the national level, bilaterally with the Government of Bangladesh, as well as in the ASEAN

region. It mentions the important role of ASEAN for Myanmar. ASEAN leaders also discussed the Rakhine issue at the ASEAN summit in Manila on 13 November 2017 to consider the recommendations of Kofi Annan's Advisory Commission. The fact states in the Chairman's Statement of the 31<sup>st</sup> ASEAN Manila Summit that ASEAN urged Myanmar to implement the recommendations of the final report of the Advisory Commission on Rakhine state. ASEAN is a focus group to support Myanmar's endeavors for the Rakhine region to ensure freedom of movement and to provide a clear path to citizenship. As a chair of the ASEAN Summit, Thailand's strong words are very important to get ASEAN supports for Myanmar. ASEAN strongly stated that "ASEAN is in a unique position to work with the government of Myanmar" to address the Rakhine case. Myanmar also needs to show the progress of equal rights to the people returning to Rakhine.

ASEAN can act as the pipeline between international and Myanmar government by engaging in Myanmar. It has strong evidence that ASEAN's engagement on May 2, 2008, Cyclone Nargis is the productive way that Myanmar accepts the external aid after refusing it as ASEAN act as a broker. But in the Rakhine case, as the One ASEAN, One Response, ASEAN members no longer treat humanitarian crises as national emergencies but as collective region-wide challenges. ASEAN entered to Myanmar-Rakhine case as regional disaster prevention and relief mechanisms that are the AHA Centre. It is difficult to distinguish between man-made and natural disasters. While the operation of the AHA Centre includes the repatriation process, ASEAN expands the activities of AHA Center to assist the man-made crises. Recognizing the Rakhine case as internal politics, ASEAN focuses on humanitarian response through the AHA center. The involvement of ASEAN's peacebuilding and conflict resolution still limited. But on the Myanmar side, to reduce the international pressure, Myanmar gets the evidence in humanitarian assistance in collaboration with ASEAN.

Although the agreement of Myanmar and Bangladesh to implement repatriation announced, Bengalis have not desired to go back voluntarily. They feeling unsafe think that they will face the same persecution and violence and the Myanmar government will not be ready to accept them. Watching the Rakhine region situation, they would not return if the region has no change. As ASEAN chair, Thailand was recognized to solve this issue by the Asia Pacific Refugee Rights Network (APRRN). At the 34<sup>th</sup> ASEAN Summit held in Bangkok, Thailand strongly mentioned making activities continue with the recommendations contained in the Preliminary Needs Assessment (PNA) stated by the ASEAN Emergency Response and Assessment Team (ERAT). Based on the mandate given by ASEAN, the PNA focus on capacity-building, dissemination of information and support to the provision of basic services in Rakhine State, and recognized the need for adequate resources for these activities. The PNA has been conducted in working together with the Secretary-General of ASEAN (ASG), the AHA Centre, and Myanmar officials of the Department of Disaster Management. The PNA issued in May 2019 has described Myanmar's endeavors and arrangements for the returnees; and expressed perceptions on access to basic needs that are about the need to nutrition, the cost of transportation for health, the hygiene practices, the need of seeds for re-start agriculture activities, and the priority programs of job creation, vocational training, women empowerment and creation of small-medium enterprises. The ASEAN expresses its attempt of an enhanced role by dispatching the assessment team. Keeping identity "We all are ASEAN", ASEAN has been trying to solve Myanmar's difficulties and to reduce the distrust of the Bengalis on the Myanmar government.

The international communities accuse the Rakhine case of human rights violations. Indonesia and Malaysia alleged that the Myanmar government has violated human rights. Although members of ASEAN have voiced as the human rights violations outside the organization, they keep the ASEAN's centrality role as a collectivity carefully by avoiding in use of the words human rights violations. In August 2018 at the summit of regional parliamentarians in Bangkok, the Indonesian

delegation attempted to put the Rakhine case to the agenda as a number. But this intention was obstructed; it became merely an expression of their disagreements. It highlights the centrality role of ASEAN that collective decision making is more important than the desire of the individual member state.

According to the 33<sup>rd</sup> ASEAN Summit on 13 November 2018, the Secretary-General expressed his attitude on Myanmar's Rakhine case that is to highlight the ASEAN's collective efforts by following the decision of ASEAN leaders. By dispatching the needs assessment team to ease the activities of the repatriation process and addressing the needs in Rakhine, ASEAN has been taking forward to enhance its role through the AHA Centre. Although they blamed to the Myanmar government, the members of ASEAN do care the ASEAN's centrality role. Despite other ASEAN members view the negative side to the Rakhine case and even voice outside ASEAN, they conceal their view inside the regional organization, ASEAN. Preferring to ASEAN's centrality, they follow the decisions of all ASEAN members. They don't decide disunity and refrain from the factors of disunity. They emphasize the unity and collective decision making to centrality role.

### **III. ASEAN's recognition of Myanmar's endeavours and cooperation on the repatriation process**

ASEAN recognizes all of the Myanmar government's repatriation activities by neglecting any blame of the international communities. ASEAN assumes the Rakhine case as a domestic affair that is regarded as a complex and sensitive issue in the long history. Therefore, ASEAN is ready to support by providing humanitarian aid rather than tackling the problem and exploring the root causes of the case. Although the international communities have accused that ASEAN's aid gives a little benefit to the Rakhine case, ASEAN has more emphasized regional cohesion and refrained from the disunity of the organization.

In October 2016, as the Bengalis fought the government border guards in Rakhine state, the Tatmadaw attacked them. Malaysia's Prime Minister, Najib Razak, accused the military operations as genocide and proposed to send the ASEAN fact-finding mission to Rakhine state. While Malaysia requested, Daw Aung San Su Kyi held an informal ASEAN foreign ministerial meeting at Yangon on December 19, 2016. While Myanmar expressed her willingness and her efforts to control and address its case, Malaysia retracted its proposal. At this meeting, ASEAN has decided to cooperate with the Myanmar government in providing humanitarian assistance via the AHA Centre. Governed by the ASEAN Committee on Disaster Management (ACDM), the AHA Centre has the mandate to cooperate in working towards repatriation and resettlement of the Bengalis.

However, on 4 September 2017, Indonesian Foreign Minister Retno Marsudi visited Naypyitaw and met with Senior General Min Aung Hlaing and State Counsellor Daw Aung San Suu Kyi to discuss the situation. On the same day, Indonesian President Joko Widodo issued a statement calling for the international community to work together to address the Rakhine crisis. Eva Kusuma Sundari, a representative from the Indonesian Democratic Party of Struggle (PDI-P) who also serves as a Board Member of ASEAN Parliamentarians for Human Rights (APHR) said "Committing humanitarian aid is important, but our leaders must recognize Rohingya's suffering will only cease when the Tatmadaw halt their attacks. Indonesia needs to fulfill its role as a regional leader by moving for the issue to be placed on the ASEAN agenda as a fundamental matter of regional peace and security."

Indeed, this Rakhine case is a long-term problem to find the root causes of the problem and address issues like citizenship and inter-communal tensions. The Bengalis have no chance to get citizenship under *the Myanmar 1982 Citizenship Law*. They need to show the clarity of their birth

registration. If they complete the needed forms, Myanmar is ready to accept them. Although Myanmar has already called to them who fled to Bangladesh, they didn't enter as the reason is that they have afraid of getting safe in living, moving, and earning. Some international non-governmental organizations (INGOs) reported that Myanmar has not prepared and has not tried to get ready for the fled Bengalis.

The ASEAN leaders admitted that the Rakhine State issue is complex and sensitive and voiced their support for Myanmar's efforts. They said they would actively provide constructive cooperation in creating a good environment for returnees from Bangladesh and in promoting stability, development, and harmony between the communities in Rakhine State. ASEAN also provides relief services through the AHA Center under the supervision of the Myanmar government and in cooperation with domestic organizations. ASEAN recognized that the Myanmar government established the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD) on 17 October 2017 by Order No.86/2017 of the office of the President. This establishment is facilitating to work in cooperating with international organizations. At the 31<sup>st</sup> ASEAN summit at Manila on 13 November 2017, ASEAN recognized Myanmar's efforts in cooperation with the Red Cross Movement and urged Myanmar to implement the recommendations of the final report of the Advisory Commission on Rakhine State.

ASEAN recognizes the Myanmar government's efforts on the repatriation process. At the invitation of Union Minister U Kyaw Tint Swe, Bangladesh Foreign Minister Mr. Abdul Hassan Mahmood Ali visited Nay Pyi Taw on 22-23 November 2017. On 23 November 2017, they signed the Arrangement on the Return of Displaced Persons from Rakhine State. It specifically focused on the repatriation of the displaced persons who have crossed over to Bangladesh after the ARSA terrorists' attacks on 9 October 2016 and 25 August 2017. It consists of general guiding principles, information, evidence, and criteria for eligibility for returns and other policy aspects of arrangement for return. The Physical Arrangement containing detailed procedures for repatriation was signed in Nay Pyi Taw on 16 January 2018. Both sides have started the repatriation process by 23 January 2018. The Myanmar Government has already put in place adequate logistic and physical preparations to receive the verified returnees. The Government opened two reception centers at Taung Pyo Latwe (land route) and Nga Khyu Ya (river route) and transit center at Hla Phoe Khaung since 23 January 2018. Myanmar also shared the Bangladesh side with information relating to resettlement plan, provisions of livelihood assistance, access to basic services, and safety arrangements for verified returnees. In paragraph 9 of the Physical Arrangement states that Myanmar will receive, to ensure a smooth and safe return, 300 returnees (150 per reception center) per day and five days per week. The number will be increased based on the progress of the return and shall be review within three months.

In the Chairman's Statement of the 33<sup>rd</sup> ASEAN Summit in Singapore on 13 November 2018, ASEAN stands ready to support Myanmar in its repatriation process. And ASEAN also expressed its continued support for Myanmar in its efforts to bring peace, stability, the rule of law, to promote harmony and reconciliation among the various communities, and to ensure sustainable and equitable development in Rakhine state.

Arnel who is the AHA Centre Deputy Executive Director expressed by focusing on the preliminary needs assessment conducted from 4 to 13 May 2019 by an ASEAN Emergency Response and Assessment Team (ASEAN-ERAT) participating in the persons of the ASEAN Member States, the ASEAN Secretariat, and the AHA Centre. The report expresses the three collaborative areas that are enhancing the capacity of reception and transit centers, strengthening information dissemination and supporting to the provision of basic services. Dato Lim Jock Hoi, the Secretary-General of ASEAN, deeply emphasized that these three collaborative areas are a priority to safe and secure the voluntary return of displaced persons to Rakhine state. He stimulated



ASEAN partners to contribute to getting peace and keeping sustainable development in Rakhine state.

In the statement of 34<sup>th</sup> ASEAN Summit held in Bangkok on 23 June 2019, ASEAN leaders recognized the efforts of Myanmar to save and secure the returning of the displaced persons. It did not mention the term “Rohingya”. Showing the reasons of insecurity and lack of citizenship, the Bengalis did not agree the returning to Myanmar. According to the decision of the ASEAN Leaders of the 35<sup>th</sup> ASEAN Summit held in Bangkok on 3 November 2019, the ASEAN Secretariat has been working together with the Myanmar government in the Rakhine region's repatriation activities recognized as the priority plan. The report written by ASEAN's disaster management unit recognizes the efforts of Myanmar for the returning persons. Myanmar is ready to accept them and blame to Bangladesh government not for forcing them to return.

Most refugees are not willing to move back to Myanmar without guarantees for their rights and safety, whereas ASEAN has recognized the Myanmar government's endeavours in the repatriation process. ASEAN has worked together with the Myanmar government in facilitating the repatriation of displaced persons in Rakhine state. Although the claims of Indonesia and Malaysia are against Myanmar, they pointed out this Rakhine case as domestic affairs. Therefore, their opinions have never been stated in the official ASEAN agenda. ASEAN will never involve because member states share an understanding that domestic issues should be solved on their own, since they enjoy their state strength, whether they are democratic regimes or not.

### **Research Findings**

Holding the non-interference principle, ASEAN did not play a role in helping Myanmar to tackle the root causes of the crisis by neglecting the international organizations' blames on the Rakhine case of Myanmar. ASEAN did not intervene on it by recognizing as Myanmar's domestic affairs and long complex and sensitive issue. Promoting collective decision making and enhancing the centrality role, ASEAN members refrain from the disunity of ASEAN. Although some ASEAN members eg. Indonesia and Malaysia told their negative view on the Myanmar government concerning with the Rakhine case, they kept silent and concealed their view in the regional arena. Keeping the slogan "One ASEAN, One Response", ASEAN did not mention the term "Rohingya" in any communiqué and statements issued by ASEAN. By issuing the statements of ASEAN summits, ASEAN recognized on Myanmar's endeavours and cooperated with the Myanmar government on the repatriation process. By holding the non-interference principle and keeping the unity, ASEAN has involved in the Rakhine case in humanitarian assistance but limited.

### **Discussion**

Since the Bengalis were displacing in August 2017, the international organizations have accused Myanmar of committing genocide and bringing pressure to the Bengalis. Moreover, ASEAN was blamed that it has not been playing a role in helping Myanmar to tackle the root causes of the Rakhine case and taking steps toward restoring citizenship rights and lifting discriminatory movement restrictions. In reality, ASEAN did not attempt to explore the root causes of the Rakhine case and ASEAN does express no words in the ASEAN Summits about Myanmar citizenship rights. Because of the ASEAN's non-interference principle and the ASEAN's centrality role that is the policy (one ASEAN, one response) of no decision making without all members consensus on any case, ASEAN has limited involvement in Rakhine case.

ASEAN holds the diplomatic protocols by avoiding discussions of member states' internal affairs and refraining from the intervening of internal affairs. Although the different view of ASEAN members on Myanmar in Rakhine case, for example, the attitudes of Malaysia has the

negative view, the producing statements of the ASEAN summits are that ASEAN is recognized as an important role in providing aid, supporting the development and helping with the repatriation process. Moreover, by not using the term "Rohingya" in the ASEAN-ERAT's PNA report, ASEAN shows her standing on Myanmar. ASEAN also recognizes the Myanmar government's endeavours on the repatriation process, the establishment of UEHRD to facilitate in cooperating with international organizations, and the Rakhine Advisory Commission led by the ex-UN Secretary-General Kofi Annan. By involving in the Rakhine case, ASEAN has been merely working together with the Myanmar government in providing humanitarian assistance through the AHA center. To strengthen the unity of ASEAN, it has been connecting with Myanmar by refraining from the interfering of the Rakhine case as internal affairs. Cooperating with the Myanmar government in humanitarian assistance, ASEAN involves in the Rakhine case, but considering the principle of non-interference, ASEAN has limited involvement in tackling the root causes of the Rakhine case.

### **Conclusion**

Although ASEAN is a constructive and solution-oriented player, it has not tackled the root causes of this problem because the Myanmar's Rakhine case is related to ethnicity, religion, and national identity. While Myanmar's Rakhine case is recognized as domestic affairs and political problems by ASEAN, the AHA center that was formed in 2018 and is cooperating with the Myanmar government has been working only in providing humanitarian support. ASEAN's non-interference and ASEAN way give limitations to solve this Rakhine case. The agreement of all members of ASEAN on the chairmanship statements and without using the word "Rohingya" in the statement expresses the standing of ASEAN on Myanmar. It shows that ASEAN is the buffer for Myanmar facing the blame of international organizations of the Bengalis on the destruction and displacement.

ASEAN's preference of state to state relations and ASEAN's humanitarian cooperation with the Myanmar government on the Rakhine case conceal ASEAN's unresolved the root causes of problems that is the blame of international organizations. Although Malaysia and Indonesia against the Myanmar government activities, the final decision has been produced by the agreements of all ASEAN members. Considering the assumptions of Constructivists' 3Is that are idea, interaction and identity, all ASEAN members have emphasized to issue idea of non-interference principle, to understand interaction recognizing Myanmar's endeavours and to build identity raising ASEAN's centrality role. Therefore ASEAN has been taking part at a limited involvement in the Rakhine case.

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