

RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical and contemporary issues. The authors' views are their own and do not represent the official position of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced with prior permission from RSIS and due recognition to the author(s) and RSIS. Please email to Mr Yang Razali Kassim, Editor RSIS Commentary at RSISPublications@ntu.edu.sg.

The Rakhine Crisis – Role of ASEAN

By Vishalini Suresh

SYNOPSIS

Violence in Rakhine state, involving the Myanmar national armed forces (Tatmadaw) and the outlawed Arakan army has added pressure on ASEAN to take concrete action to improve the situation in the state. ASEAN's own credibility and standing has been undermined by the world's fastest growing humanitarian crisis. ASEAN needs to show that it cannot be taken for granted by all the parties concerned.

COMMENTARY

Since August 2017, perceived widespread persecution and violence in the Rakhine state of Myanmar have forced hundreds of thousands of primarily Muslim minority residents to flee their homes and seek refuge in Bangladesh. According to UN figures, prior to that, an estimated 200,000 men, women and children from Myanmar were already taking shelter in Bangladesh as a result of earlier displacements. Many of them, often with the help of human traffickers, had also made the perilous journey across seas to reach the shores of Thailand, Malaysia and Indonesia.

The term "Rohingyas" is widely used to identify this group of people, mostly ethnic Bengalis originally from the British Indian territories bordering western Burma in colonial times, which later became Bangladesh in 1971. In Myanmar, civilian and military leaders have denied targeting Muslims in Rakhine and have insinuated that the international community were exaggerating the severity of the violence. Their views are echoed by the nationalist hardliners in Myanmar.

Recent Developments

The number of people taking refuge in the camps in Bangladesh has increased to more than 720,000, prompting ASEAN to deliberate a credible response. During the recent ASEAN Foreign Ministers' Meeting on 18 Jan 2019, in Chiang Mai, Thailand,

leaders focused their discussion around safe and voluntary repatriation of refugees who are currently living in displacement camps in Bangladesh. They finalised the Terms of Reference (TOR) for the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) to conduct a needs assessment in Rakhine to better understand areas of cooperation that ASEAN could support in the repatriation process and to build the confidence and trust of refugees to return home. ASEAN seeks to help establish a safe and sustainable environment that refugees would like to come back voluntarily, to resettle, in the interest of the people and the entire region.

However, recent escalation of violence between the Myanmar national armed forces and the outlawed Arakan Army, an insurgent group in Rakhine, has caused a three-sided conflict in Rakhine state, forcing ASEAN to postpone the deployment of the AHA Centre needs assessment team. ASEAN previously released a statement at the 33rd ASEAN Summit held in Singapore on 13 November 2018 to express their deep concern at the growing humanitarian crisis in Myanmar. This has been a positive step towards recognising that the humanitarian crisis in Myanmar requires urgent regional action and also highlighting to the Myanmar government that more needs to be done sooner than later to alleviate the suffering of the people. ASEAN must demonstrate its innovative spirit and practical problem-solving way once again to tackle the Rakhine crisis.

What can be done to improve ASEAN's role?

ASEAN Member States need to be willing to work with the affected countries bilaterally as well as in a team, through ASEAN. In the case of the Rakhine crisis, the other country that is most directly affected by the influx of displaced persons is Bangladesh. ASEAN Member States can individually engage with the UN and other international organisations operating in refugee camps in Bangladesh. Countries such as Indonesia and Singapore have provided humanitarian supplies in the past, and should continue doing so. For example, in 2017, the Republic of Singapore Air Force (RSAF) airlifted an estimated S\$270,000 worth of humanitarian supplies to Bangladesh to help the displaced populations from Rakhine. Similarly, Indonesia provided approximately Rp 18 billion of humanitarian assistance through the Indonesia Humanitarian Alliance, a group of 11 humanitarian organisation, till September 2018.

During Singapore's Foreign Minister, Dr Vivian Balakrishnan's visit to the refugee camp in November 2018, the two key concerns highlighted by refugees were safety of their families and livelihoods should they return to Myanmar. ASEAN as a group can address these concerns by continuing to engage Myanmar and facilitate discussions to develop long-term peace solutions. It is critical that the solutions should not only target those who are returning to Rakhine from displacement camps, but also aim at addressing the concerns of minority groups who are also currently living in desperate circumstance in the state.

It is important that the needs of all populations are addressed and everyone does not feel that they have been discriminated due to their cultural identities. Improving education by building schools and providing vocational training to help locals acquire skills for employment, and also developing community healthcare facilities so that the

poor too have access to decent medical care, are areas which ASEAN can directly support to enable sustained peace and security in Rakhine.

Some form of reconciliation process needs to be put in place so as to allay the distrust, fear and anger among different groups of people. Reconciliation is a long and tedious process as witnessed in other countries with internal conflicts. For Rakhine state, no systematic reconciliation processes have started. An Independent Commission of Enquiry (ICOE) has been set up by the Myanmar government. But will the process be properly pursued with impartiality and will those responsible for the violence be held accountable?

Establishing a legal redress mechanism, similar to The Extraordinary Chambers in the Courts of Cambodia which was set up to prosecute the crimes of the Khmer Rouge, could play a significant role in the reconciliation process. A country or organisation like ASEAN that has not been involved in any part of the conflict could be perceived as a trusted party to kick start a tribunal of such level to ensure that those who have committed crimes against humanity are dealt with accordingly. It is after all the moral and legal obligation of all states to abide by international law, which provides that those who commit mass atrocities against people have to be held accountable for their actions. To begin this process, ASEAN can start putting together lessons learnt from the conflict, organising support groups on the ground to better understand the grievances of the people living in the state and bringing together the different communities and the government to overcome the past and to move forward together.

ASEAN's adherence to the principle of non-interference is its biggest hurdle to playing a more instrumental role in Rakhine. Whenever it attempts to discuss a pressing problem in one of its Member States, the importance of upholding the principle of non-interference is surfaced. In order for ASEAN to function more effectively, there needs to be recalibration of the relevance of this non-interference rule in crisis situations.

The most upfront way to signal ASEAN's determination to search for a way forward would be to review the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). Currently, AADMER only allows ASEAN to act during a humanitarian situation at the specific request from the affected Member State. If there is a detailed framework and protocols on how ASEAN, through AHA Centre could be involved in dealing with conflict, post-conflict and other complex humanitarian circumstances, it would be easier to legitimise any form of assistance on humanitarian grounds. Experiences from Africa for instance would be useful in framing mechanisms to tackle complex humanitarian situations as they have undergone multiple guerrilla wars and pandemics such as the Ebola outbreak.

As ASEAN remains the only regional organisation in Southeast Asia, leaders cannot be seen to turn a blind eye to any form of human suffering in the region. The challenge of developing a strong and clear humanitarian mandate under the AADMER will become increasingly demanding in the future.

Vishalini Suresh is a Senior Analyst in the Office of the Executive Deputy Chairman of RSIS, NTU.

Nanyang Technological University

Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg