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## **The Airstrike on Pazigy – Time for ASEAN to Enlarge Humanitarian Protection**

*By Anthony Toh Han Yang and Alan Chong*

### **SYNOPSIS**

*Myanmar's recent airstrike on Pazigy village highlighted ASEAN's inability to protect civilians from armed violence. This raises important questions on how ASEAN can reform its humanitarian framework to safeguard civilians more comprehensively beyond environmental harms, financial meltdowns, and natural disasters.*

### **COMMENTARY**

The Tatmadaw's 11 April airstrike against a purported concentration of insurgent forces in Pazigy village killed more than 100 civilians in the name of the military government's campaign to crush internal rebellions. The horror of this mass killing has rattled many quarters in ASEAN and elicited strong reactions.

Indonesia, which holds the current chairmanship of ASEAN, issued a condemnation of the airstrike soon after details on the loss of lives became available. It read "All forms of violence must end immediately, particularly the use of force against civilians... This would be the only way to create a conducive environment for an inclusive national dialogue to find a sustainable peaceful solution in Myanmar."

Although official ASEAN documents are against external interference in domestic affairs, ASEAN has incrementally articulated that the peace and safety of national populations is a significant priority of ASEAN community building. This can be read directly from the visions of the ASEAN political and security community, the economic community, the social and cultural community. The underlying safeguarding of population well-being can also be inferred from the 1967 Bangkok Declaration and the 1976 Treaty of Amity and Cooperation, two foundational documents of ASEAN.

Questions were raised on mass and social media in several ASEAN capitals about ASEAN safeguarding population security from armed violence: How can ASEAN frame the use of force in a civil war context within a member state? And how might ASEAN evolve a humanitarian doctrine that transcends natural disaster humanitarianism?

### **ASEAN and Civilian Welfare**

ASEAN has always broadly regarded civilian welfare as a priority since its inception in 1967. This is evident in key ASEAN documents. For instance, Article 1 of the ASEAN Charter and Article 12 of ASEAN Community Vision 2025 require member states to promote quality of life, protect human rights of vulnerable groups, and provide equitable access to social welfare and justice.

One might add that this is entirely consistent with the evolution of humanitarian law since the interwar Geneva Conventions and especially, the Conventions against Genocide and other Crimes against Humanity after 1945. But what happens when an ASEAN member state – in this case Myanmar – says that exceptions must apply in situations of civil war and dire threats to public order? This depends on how ASEAN temporally or expediently defines interference in domestic affairs.

### **Non-Interference Principle and Human Security**

ASEAN's failure to protect Myanmar's civilians amidst brewing civil chaos can be attributed to how member states perceive the "use of force during civil war" through the lenses of non-interference and sovereignty. The ongoing oppression and humanitarian emergency in Myanmar have been regarded as internal affairs with member states bearing no rights to interfere. Intervention in Myanmar's humanitarian situation will apparently wreck the core foundation that has upheld ASEAN development for the past five decades.

Member states, notably Malaysia, Indonesia, and Singapore, may be critical of the abuses of fundamental human freedoms but are reluctant to intervene directly to improve the austere conditions in Myanmar. The failure in resolving Myanmar's humanitarian crisis is also partly due to ASEAN becoming more inward-looking since the COVID-19 pandemic whereby member states focus increasingly on individual benefits.

The reluctance of Thailand, Cambodia, Laos, and Vietnam to condemn Myanmar's State Administration Council (SAC) while staunchly defending the non-interference principle can be explained by their priority to safeguard their niche political and existing economic interests in Myanmar. For instance, some [observers](#) have pointed out that Vietnam supports non-interference in Myanmar because of its strong economic interdependence with Naypyidaw and that Hanoi fears intervention as it would subject its own political system to unwanted external criticisms.

### **Constructive Intervention in Small Steps?**

But if one harks back to ASEAN's early post-Cold War "tests" like the recurring transnational haze crises, controversies over electoral integrity and political

conciliation in various member states, and the 1997-8 Asian financial crisis, the realisation is that ASEAN member states have come up with delicate steps for offering support for their neighbours. During the haze crises, they entertained firefighting assistance across their frontiers.

In the wake of Cambodia's 1997 coalition government collapse, Malaysia's then Deputy Premier Anwar Ibrahim suggested the idea that ASEAN should develop protocols and precedents for constructive intervention when political or democratic processes run into civil war-like impasses.

Following the currency meltdowns and credit crunch across ASEAN economies in 1997-8, ASEAN ministers vocalized a technical self-help mechanism they dubbed "enhanced surveillance" to assist one another's central banks to pre-empt financial market turbulence and consequent contagion afflicting the entire region's stock exchanges. These infant steps did materialize, often out of pragmatism.

There is also the overt venture into human security, manifested in the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre). This was the result of cumulative low political responses by member states to address the need to protect civilians from natural catastrophes.

The [AHA Centre](#) gets around the sovereignty and non-interference "barricades" by stating that the Centre "primarily works with the National Disaster Management Organisations (NDMOs) of ASEAN Member States. Furthermore, AHA also partners with international organisations, private sector, and civil society organisations, such as Red Crescent Movement, and AADMER Partnership Group."

This may be politically correct, but AHA Centre has shortened the decision-making time during recurring humanitarian crises across ASEAN arising from natural disasters. Setting aside questions about the AHA Centre's efficiency, there can be no doubt that its existence and precedents for cooperation have generated positive legitimacy for ASEAN governments to work together to advance palliative care for civilian populations throughout ASEAN.

## **Conclusion**

This brings us back to the humanitarian problem in Myanmar. It seems that the authorities in Naypyidaw believe that humanitarian considerations apply to their domestic situation only at their whim. It is also no small irony that ASEAN member states have had to walk over eggshells in talking to Myanmar over its repeated brutal suppression of student and Buddhist monk protests throughout the 1990s and 2000s.

There was also the Tatmadaw's morally repugnant delay of ASEAN assistance to its domestic refugees in the wake of Cyclone Nargis in 2008. But this should not mean that ASEAN cannot creatively forge diplomatic innovations according to the pace of the time-honoured ASEAN Way to encase protection of civilians in dimensions other than financial meltdowns, environmental crises and merely talking about extreme clampdowns on political dissidence in domestic contexts.

The underlying foundation of a more comprehensive ASEAN humanitarian framework

can be afforded by the many benign spaces within the ASEAN Charter, whereby member states are required to safeguard human security within the confines of non-interference. This ought to be one significant instance of a positive outcome from that terrible aerial bombing in Pazigyi.

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