Benjamin McLellan  *Editor*

# Sustainable Future for Human Security

Society, Cities and Governance

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*Editor*
Benjamin McLellan
Graduate School of Energy Science
Kyoto University
Kyoto, Japan

# Contents

# Chapter 1
# Myanmar's Worsening Rohingya Crisis: A Call for Responsibility to Protect and ASEAN's Response

**Agus Trihartono**

**Abstract** Violence accompanied by a discriminatory state policy continues to place Myanmar's Rohingya at risk of mass atrocity crimes. The United Nations (UN) has classified the Rohingya among the world's most persecuted minorities. A democratized Myanmar failed to protect the Rohingya from violence and human insecurity. The implication of the violence has also spilled over into neighbouring countries in Southeast Asia. Regional responses throughout the Association of Southeast Asian Nations (ASEAN) are thus inevitable. Although ASEAN has issues related to preserving sovereignty and non-interference and could not necessarily intervene through coercive measures, ASEAN could provide a framework through the ASEAN Political-Security Community (APSC) to assist Myanmar in fulfilling its primary responsibility to address the violence in the Rakhine State. This chapter suggests that ASEAN utilize a comprehensive approach to handling the Rohingya crisis comprised of two levels of actions. Firstly, ASEAN supports the new democratized Myanmar in fulfilling the Responsibility to Protect (RtoP). Secondly, through the framework of APSC, ASEAN should ensure that the fundamental principles of the RtoP can be in line with ASEAN development in Political-Security Community.

A. Trihartono (✉)

Center for Research in Social Sciences and Humanities (C-RiSSH) and Department of International Relations, The University of Jember, Tegalboto Campus, Jember 68121, Indonesia

e-mail: atrihartono@unej.ac.id

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## 1.1   Introduction

This chapter investigates the human insecurity issues that threaten the Rohingya, in Myanmar, previously known as Burma, and identify to what extent Myanmar and ASEAN have responded. The work investigates, especially but not exclusively, a call for implementing the Responsibility to Protect (hereafter RtoP) principles in Myanmar by appraising actions taken to protect the Rohingya. Intercommunal violence in Myanmar accompanied by a discriminatory state policy continues to place the Rohingya at risk of mass atrocity crimes. Hence, the crisis of Myanmar's Rohingya falls within the very core issue of human security. Although some studies have conducted investigations, there has been limited research connecting the Rohingya's problems with a regional response to the RtoP, in particular within the Southeast Asian region.

Since the ongoing Rohingya crisis has become a regional and international concern and has spilled over into other ASEAN member states, this work suggests that ASEAN needs to pay full attention to the resolution of the political problem of Rohingya. ASEAN also needs to help the new democratized Myanmar through capacity building towards to fulfilling its responsibility under the RtoP. Although ASEAN has constraints due to issues of sovereignty and non-intervention, the organization can focus on providing assistance and support to Myanmar to address the violence within Myanmar's jurisdiction, the Rohingya. ASEAN in particular has an opportunity to strengthen the RtoP through the framework of ASEAN Political-Security Community (APSC) because the APSC has been in line with the RtoP. The concept of Responsibility to Protect (RtoP) can offer a solution to one of the severest issues in international politics, namely, mass atrocities. By appraising the relevant trends to implementing the RtoP, this chapter contributes to opening the possibility of applying the RtoP in Southeast Asia's most forgotten issue in human security, the Rohingya crisis.

This chapter explores the current situation of the Rohingya, the present policy of the Myanmar government and international attention towards the Rohingya and to what extent the regional's response has addressed the issue, most notably through the ASEAN. In doing so, it first examines the present Rohingya crisis and how the Myanmar has responded to it. The second underscores the international response, especially by ASEAN, to the issue. The chapter suggests that under as a member of United Nations (UN) and ASEAN, Myanmar has an obligation to apply RtoP to find a solution to one of the gravest issues on the planet.

## 1.2   The Most Forgotten Human Insecurity

The Rohingya is one of the several groups that have suffered systematic persecution. There are more than a million Rohingya, a predominantly Muslim group in Myanmar. They live mainly in Rakhine State, formerly known as Arakan. This area

on the country's western coast of Myanmar is a dismal state, the second poorest state in one of the poorest countries in Southeast Asia. Myanmar gained its independence in 1948, but the Rohingya have lived in Myanmar since the seventh century and founded a Muslim empire known as the Arakanese Kingdom in 1430. In contemporary Myanmar, Rohingya have no safety and are not wanted to be part of the nation. The law renders most of the Rohingya stateless, which fuels extreme rhetoric insisting that the Rohingya are foreigners who have no right to live in Myanmar.

After the independence of Myanmar, the country recognized ethnic diversity. Thus, ethnic minorities also obtained equal rights to those of other ethnic groups. However, in 1962, General Ne Win, the leader of the military, known as the Tatmadaw, came to power. In 1982, under Ne Win's leadership, the government announced the Citizenship Act or the 1982 Burma Citizenship Law. Under the law, the government has been refusing to recognize the Rohingya as one of the ethnic groups in the country. The Myanmar government states that the Rohingya are Bengali migrants as a part of a legacy of colonial times. Myanmar excluded the Rohingya from the list of groups awarded citizenship and eliminated the Rohingya from the 135 'national races' that received government recognition (International Crisis Group 2016).

Based on Amnesty International's reports, the Rohingya have suffered from human insecurity and human rights violations since 1978. Since the announcement of the Citizenship Act, approximately half a million people, mostly Muslims in the Arakan region, have experienced discrimination. The absence of government recognition of Rohingya citizenship in particular means the Rohingya people do not have access to health care, employment and public facilities. The Rohingya also have limited access to education and less freedom to travel. Restrictions on movement also affect their access to work, essential public services and religious liberties. Most importantly, their names and the very word Rohingya are even forbidden to be spoken in Myanmar.[1]

In the context of political management to maintain power, the military-ruled Myanmar for half a century relied on assimilating Theravada Buddhism and nationalism to create a political commodity in domestic political games. Serious discrimination against the Rohingya and other minorities like the Chinese people such as the Panthayshad and Kokangs was the ultimate 'game in town'. Also, anti-Muslim and minority sentiment have been manufactured by the military and spread broadly by and to some conservative societies. The emerging political atmosphere has become complex in the Rakhine State. The Rakhine are the nation's dominant ethnic group, and Rohingya Muslims are living alongside the (mostly) Buddhist Rakhine people. Consequently, ethnic strife has broken out anew in Rakhine.

The military has also encouraged the Buddhist Rakhine community not to hesitate to struggle for power in the Rakhine region and to do violence against the Rohingya. The violence has ranged from the seizure of land to damaging settlements and even to killing of Rohingya people. This humanitarian catastrophe

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[1]Confidential interview with a journalist, Naw Phi Taw, Myanmar, January 26, 2016.

has become so widespread that Rohingya people have determined to leave the country.[2] The level of violence against the Rohingya also reached a stage of brutality in 2012, when violence resulted in the heavy losses of hundreds of Rohingya and left a further 140,000 homeless; many Rohingya people are now housed in internal displacement camps (Than and Thuzar 2012). The violence continued in March 2013 with bloody clashes between Buddhists, Muslims and anti-Muslims, leaving nearly 200 people passed on. More than 120,000 Rohingya remain displaced within the state. As a result, the UN estimates that out of 100,000 Rohingya's boat people left Myanmar by sea. The International Organization for Migration (IOM) reports that there are currently 8000 boat people stranded at sea. Most of the Rohingya who leave Myanmar by sea flee to the neighbouring countries such as Thailand, Malaysia, Indonesia and Bangladesh (Morada 2014).

Furthermore, amid military suppression of insurgents in Myanmar's western Rakhine State, tens of thousands of Rohingya have fled to Bangladesh. However, the Bangladesh government closed its borders to the migrants under the rationale that the Rohingya from Myanmar are not Bengali ethnics. Thus, Dakka did not recognize the Rohingya as refugees.

Based on testimonies from refugees who fled the violence and from other investigation reports up until October 2016, human rights activists have documented numerous extrajudicial killings, rapes and beatings by state security forces. Human Rights Watch indicated that the Tatmadaw had launched a campaign of arson, murder and rape against ethnic Rohingya. Terrible violations on the Rohingya population in northern Rakhine State are thus a dark reality (Human Rights Watch 2016). In the most current report, the crisis has been escalating since October at outposts along Myanmar's border with Bangladesh. Nine police officers were killed in attacks, allegedly by the local and Middle East-trained group of Rohingya. At the time, the Tatmadaw's leaders claimed a search for unidentified insurgents, and the Myanmar military launched a brutal retaliatory operation in Maungdaw Township (Munir 2017). However, the government denies allegations of genocide.

Myanmar's Rohingya have been rejected by the nation they called home. They are not wanted by neighbouring nations and are being detained in even more miserable conditions in refugee camps. Borrowing Dummett words, it is a sorrowful illustration that the *Rohingya are among the world's least wanted societies* (Dummett 2010).

Currently, neighbouring countries of Myanmar are also becoming embroiled in the crisis. Most of the Rohingya who left Myanmar went to Thailand, Malaysia, Bangladesh and Indonesia. More than 100,000 Rohingya who were forced from their homes by violence in 2012 are in resettlement camps (Paddock 2016). Also, the United Nations reported that about 65,000 Rohingya have fled to Bangladesh, and the United Nations High Commissioner for Refugees or UNHCR had made many efforts to negotiate repatriation of Rohingya from Bangladesh. However, human rights abuses in the resettlement camps threatened repatriation (Mathieson

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[2]Confidential interview with a university professor, Yangoon, Myanmar, January 28, 2016.

2017). Since Rohingya seek asylum, stable neighbouring countries are increasingly affected by the spill over effects of the crisis. Therefore, Myanmar's Rohingya crisis can no longer be seen merely a domestic problem.

## 1.3  The International Spotlight

Issues regarding the systematic violence against Rohingya have gradually gained attention from the international community. In 2005, under the RtoP principle, the UN General Assembly unanimously emphasized that violence and discrimination against the Rohingya amount to a violation of Responsibility to Protect within Myanmar's borders ('Spotlight on R2P: Myanmar and Minority Protection under the NLD, Challenges and Opportunities', 2016). In October 2012, the UN Secretary General Ban Ki-moon urged an end to 'vigilante attacks, targeted threats and extremist rhetoric' in Rakhine State. Myanmar's Rohingya crisis has become an international and regional concern. Most importantly, the United Nations and human rights advocates have described Myanmar's Rohingya as 'the world's most persecuted minority' (Kingston and Kingston 2015). In 2013, US President Barack Obama started to strongly urge the Burmese government to end its persecution of the Rohingya minority ('US President Barack Obama urges Myanmar to stop violence against Muslims' n.d.). In 2015, Obama again expressed this stance, urging Myanmar to halt the violence against the Rohingya. In March 2017, the UN once again issued a report regarding the violence in Myanmar. It accused Myanmar's security forces of having committed mass killings and gang rapes in a campaign in which crimes against humanity and possibly ethnic cleansing are 'very likely'. Therefore, the UN human rights body has come to an agreement to send a fact-finding team to investigate allegations of killing, raping and torturing Rohingya Muslims by Myanmar's security forces[3] ('Burma Rohingya Muslims: UN Launch Investigation into Claims Security Forces Are Torturing and Raping Minority Group | The Independent', 2017). Currently, Rakhine Advisory Commission, led by former UN Secretary General Kofi Annan, for instance, has called on Myanmar to consider a programme to verify Rohingya citizenship and repeal restrictions on free movement.

Myanmar's Rohingya crisis also has affected neighbouring countries—Malaysia, Indonesia, the Philippines and Thailand—that gradually have become target destinations of Rohingya refugees. Those countries have had limited choices except to prove help to any refugee reaching their shores. The countries currently follow some humanitarian policies towards Rohingya problems. Kuala Lumpur and Jakarta finally agreed to provide temporary refuge to the boat people of Rohingya. Bangkok also provided humanitarian assistance and does not turn away boats aimed

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[3]Based on the interviews conducted by the UN with 220 Rohingya out of 75,000 who have fled to Bangladesh since October 2016.

at entering Thailand's waters. Manila has committed to providing shelter for up to 3000 Rohingya.

Because Myanmar is a member of the ASEAN, Rohingya's suffering has been a call for action for ASEAN leaders to formulate an effective diplomatic solution to the crisis. ASEAN's responses to domestic issues within the member states of ASEAN will spark the old concept of so-called non-interference, which has cast a shadow over the behaviour of ASEAN members. The lack of certainty about Myanmar's problem-solving of the Rohingya crisis has triggered disputes within ASEAN, which has always adhered to the concept of diplomacy consensus and non-interference.

Relying on the argument that interference in the domestic affairs of other ASEAN member states was not allowed, ASEAN has not taken any action in the Rohingya issue, and even ASEAN tends to refuse to engage. The issue remained conspicuously absent from the agenda of the all ASEAN Summits. At that time, thousands of Rohingya were even being denied entry to some ASEAN countries. However, since June 2015, the fate of the Rohingya has been thrust into the world's spotlight after waves of refugees from Myanmar entered the territorial waters of Indonesia, Malaysia and Thailand. Although the refugees were asylum seekers, economic migrants and human trafficking victims, almost 10,000 people have sailed into the Bay of Bengal and the Andaman Sea, thus entering the waters of neighbouring countries. The Rohingya crisis and the broader enmity towards other ethnic minorities in Myanmar are not just a Myanmar problem—they are an ASEAN problem.

## 1.4  Myanmar Responds

The Myanmar government has initiated several important steps to handle the Rohingya issue. However, it seems that the government has been half-hearted in resolving the problem of violence against the Rohingya. This attitude is a result of domestic political dynamics due to acrimonious political transition as well as the political risk of dealing with Myanmar's military. The Myanmar government has not found the most plausible reason for defending the Rohingya. The violence against ethnic Rohingya is not entirely related to religious differences between Muslim and Buddhists but is also related to the political economy of violence sponsored by the Myanmar military (Saskia Sassen 2017).[4] Expecting the initiative of solution to come from the Myanmar government seems too good to be true.

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[4]In this sense, any attempt to resolve the Rohingya issue will always have to include the military, which has an interest in the region. Briefly, the Myanmar military's opportunity to benefit economically by taking control of areas occupied by Rohingya is among the main factors perpetuating the issue. Presumably, until now, the only factor that encourages Myanmar to open up about the Rohingya issue is international pressure, in particular; the strict stance of the major member countries of ASEAN encourages Myanmar to fulfil its responsibility in humanitarian issues occurring within its territory.

Burma/Myanmar under the new civilian government Thein Sein embarked upon a historic transition by initiating a series of meaningful economic and political reforms. Regarding the Myanmar Rohingya crisis, in September 2014, the military announced the so-called Rakhine Action Plan, designed to handle the issues of security, displacement, citizenship and economic unfairness in Rakhine State. Accordingly, the international community had praised Myanmar for its attempt to establish a more tolerant and peaceful society and end gross human rights abuses.

However, the scheme obliged the approximately one million Rohingya to accept ethnic classification as 'Bengali' to obtain citizenship. On March 31, 2015, the government voided the identification cards of many Rohingya, forcing them to apply for citizenship as 'Bengali'. This latest situation followed the government's rejection of the Rohingya's ability to identify themselves in the national census in March 2014. This situation is the first since 1983. Since then, being displaced and neglected is the bitter consequence of being Rohingya. An estimated 700,000 are effectively stateless, and the government has recently voided a temporary identity card that never gave them the right to residency. In short, Rohingya's future has become increasingly bleak.

In contemporary Myanmar, the National League for Democracy (NLD) led by Aung San Suu Kyi won elections shortly after the dramatic exodus of Rohingya people. Aung Sang Suu Kyi came to power in the first open election in the last 25 years. Since she has come to authority, she is facing enormous expectations to make fundamental changes both politically and economically in Myanmar. Regarding the violence against the Rohingya people, enormous hope soared that Aung Sang Suu Kyi would govern more openly and democratically. Even the idea of granting citizenship to the Rohingya in Rakhine is among the realistic expectations.

In fact, her response to the crisis in Rakhine State and of the Rohingya people suggests that Aung Sang Suu Kyi is far from defending the weak, the oppressed and the minorities. She does not seem ready to resolve the dilemma. There have been many reports that the government of Myanmar, so far, has even lifted discriminatory state policies by refusing to acknowledge and grant the Rohingya access to citizenship. Moreover, the government failed to limit anti-Rohingya activities, supports ongoing violations of their fundamental human rights and, most importantly, has reinforced the public perception of the Rohingya as outsiders.

The failure of democratized Myanmar to help the Rohingya has incited criticism that the leader Suu Kyi is merely a common politician, not a statesperson, who is trying to maintain the power balance in the military, even to covering up crimes committed by the Myanmar military. Suu Kyi has particularly been criticized for her silence and inaction over the Rohingya crisis. Moreover, many human rights observers criticized Suu Kyi's failure to prevent conflict. Much evidence also suggests the government's (the military's) involvement in violence against the Rohingya.

Therefore, solving the problem of Rohingya cannot solely depend on the efforts of the government of Myanmar—that is not realistic. ASEAN also needs to take a comprehensive approach to handling the Rohingya issue.

## 1.5  Calling for the RtoP: Defending the Defenceless

Calling for Myanmar to run RtoP is necessary. ASEAN's role is crucial because Myanmar has failed or at least seems incapable of coping with the crisis to protect the Rohingya from crimes against humanity and ethnic violence. ASEAN might be able to address the issue if only ASEAN's member states have a more calibrated understanding of the difficulties faced by the current Myanmar government. Therefore, ASEAN should play a significant role in yielding practical measures that could provide some alleviations of the Rohingya's suffering. Helping Myanmar apply the RtoP to the Rohingya and to other human right abuses in Kachin and Karen states is the most pragmatic way to address the issues directly. ASEAN needs to assist Myanmar in fulfilling its primary Responsibility to Protect (RtoP) the Rohingya.

RtoP is designed to handle pervasive human rights violations that any society in the world faces. RtoP is a journey through the growth of human rights protection, including efforts to protect internally displaced persons and more recently the development of a norm that refuses to accept mass atrocities. RtoP is a crucial role in the development and application of the norm to rearticulate sovereignty as something that entails real obligations (Cohen 2012). The term 'RtoP' was coined in a 2001 report by the International Commission on Intervention and State Sovereignty (ICISS). It underpins the concept of sovereignty as a responsibility. In a similar vein, RtoP points out that sovereignty needs to yield to egregious violations of humanitarian and international law. The responsibility should include safeguarding people from 'genocide, war crimes, ethnic cleansing and crimes against humanity.' The RtoP concept underscores prevention as 'the single most important dimension' and identifies 'military intervention as a last resort' in the face of mass atrocity crimes. RtoP is an instrument to defend those who cannot defend themselves.

Regarding the application of RtoP in ASEAN countries, Bellamy and Drummond noted that interference in the domestic affairs of other ASEAN states was unlikely. It mostly regards the issues of sovereignty, and non-interference remains delicate in the region.[5] However, there has been movement over recent years that suggests that the gap between ASEAN's position and the demands of RtoP are less substantive than might have been anticipated (Bellamy and Drummond 2012). Therefore, application of RtoP in the region is not unlikely anymore. Similarly, Caballero-Anthony (Caballero-Anthony 2012) stresses that in the context of

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[5] ASEAN endorsed a remarkable document, the Treaty of Amity and Cooperation (TAC), in which non-intervention, and hence the strengthening of the sovereignty of ASEAN states, was formally institutionalized. The document indicates that member states have a commitment to respect each other's sovereignty, emphasizing the principle of self-restraint in other states' internal affairs. TAC was admittedly a basis for exercising the so-called ASEAN Way, which obliges member states to adhere to quiet diplomacy and principled non-intervention. Unfortunately, this approach has caused the states to be too cautious about the Rohingya issue. The ASEAN Way faces serious challenges due to the rise of transnational issues flow across boundaries. Admittedly, non-interference lies at the heart of agreements between the states of the region, and ASEAN members are still sensitive about discussing that issue.

Southeast Asia, a sincere effort to implement RtoP is not only relevant but also timely. This argument is in line with that of Rizal Sukma, who stated that one of the ASEAN community's pillars, the ASEAN Political-Security Community (APSC), is an essential element that takes the same approach in the application of RtoP (Sukma 2012). Thus, APSC is ASEAN components that are compatible with and able to support RtoP.

Regarding RtoP under the APSC framework, Sukma (2012) specifically pointed out that the APSC, which was originally conceived as the ASEAN Security Community (ASC)[6] in the 2003 Bali Concord II (Trihartono 2016), is widely seen as the most promising platform for advancing RtoP in Southeast Asia. Since the 9th ASEAN Summit in October 2003,[7] APSC has become an instrument to bring ASEAN's political and security cooperation to generate a 'cohesive, peaceful, stable and resilient region with shared responsibility for the comprehensive security'. Sukma points out that APSC's mission should also include safeguarding ASEAN member states' people from 'genocide, war crimes, ethnic cleansing and crimes against humanity'. In brief, APSC remains relevant by providing a robust framework for implementing RtoP in Southeast Asia. In the context of ASEAN, RtoP has space to function.

Encouraging Myanmar to resolve its Rohingya crisis is on the critical agenda of ASEAN. The Rohingya's suffering has been a high calling for ASEAN to start urging Myanmar to protect its people. More importantly, ASEAN's involvement in the issue may prevent it from breeding more extremism in the region, diminish illegal migration and improve border security. In the context of Myanmar's Rohingya crisis, however, ASEAN could not necessarily impose strong measures to intervene through coercive actions such as economic sanctions. However, ASEAN could provide a framework for using various mechanisms and tools to help Myanmar deal with the Rohingya issue.

There have been huge expectations that ASEAN could play a constructive role in resolving the Rohingya crisis for several reasons. First, the Rohingya crisis is the most serious issue on the planet and has affected ASEAN countries' security. Myanmar is an ASEAN member that has become to be the country most at risk of experiencing genocide or politicide towards the Rohingya between 2011 and 2015 (APR2P 2012). In an increasingly globalized world and with the spread of new security challenges, it is crucial for ASEAN to address Myanmar's Rohingya crisis. The issue undoubtedly contributes to peace and stability regionally. The Rohingya crisis is a sensitive case involving multilateral ASEAN members. But ASEAN's involvement in domestic issues of member states is limited. Thus, the

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[6]In the 14th ASEAN Summit in 2009 in Cha-am/Hua Hin, Thailand, ASEAN member's leaders committed to adopt a blueprint of ASEAN Political-Security Community (APSC) 2025. In this blueprint, ASEAN extended the cooperation to both security and political development. Therefore, at this stage, ASEAN is moving into a full-fledged of a security community.

[7]The Bali Concord II consists of the ASEAN Security Community (ASC), the name of which has been changed to ASEAN Political-Security Community (APSC); the ASEAN Economic Community (AEC); and the ASEAN Socio-Cultural Community (ASCC).

Rohingya crisis can be a pebble in ASEAN's 'shoe'. Since ASEAN members are concerned about both traditional and nontraditional security, discussion of traditional issues is not only normal but also unavoidable.

Second, although the Rohingya crisis has not only a religious aspect but also socio-economic and political implications (Saskia Sassen 2017; Suaedy and Hafiz 2015),[8] the protracted crisis may affect the real solidarity of ASEAN members both at the state and the community level. The Rohingya conflict could split religious sentiment in Southeast Asia, the population of which is 60% Muslim and 18% Buddhist, with the rest being Christians and Hindus. The Rohingya crisis can raise great sympathy, especially in Muslim-majority countries such as Indonesia and Malaysia that could affect the harmony of interreligious relations. Surin Pitsuwan, the former Secretary General of ASEAN, warned that failure to respond in a timely and efficient manner could make the Myanmar's Rohingya crisis a factor in destabilizing the international community—especially the ASEAN community ('Surin calls on ASEAN to act on Rohingya' 2012).

Third, ASEAN has instruments to help Myanmar resolve the conflict. The regional framework that can be used is APSC, ASEAN's most important security pillar. APSC is institutionally designed to manage security challenges of its members via the 2025 APSC Blueprint. APSC stresses that ASEAN's peoples could 'enjoy human rights, fundamental freedoms and social justice'. APSC also wants the region to be 'peaceful, secure and stable' and enable 'ASEAN Centrality' in handling the dynamic of ASEAN politics. Addressing the Rohingya crisis could provide an entry point for ASEAN to match the APSC's rhetoric to its deeds.

ASEAN involvement in handling the Rohingya crisis could accelerate resolution of the crisis. In its limited history, ASEAN has contributed to resolving conflicts in Southeast Asia, especially in Myanmar (Oishi 2016). The organization's previous contribution in Myanmar arose from the country's democratizing process. It was about settlement long-standing political conflict between the military and the pro-democracy movement. ASEAN was successful in influencing the Myanmar government's journey to national reconciliation (Trihartono 2017). Internationalization of the Rohingya issue precisely in the spirit of maintaining ASEAN's centrality and cohesiveness also represents a greater chance for ASEAN to take a role in solving the crisis. In the context of humanitarian assistance in Myanmar,

[8]There are two mainstream insights regarding Myanmar's Rohingya crisis. Several reports and studies have focused entirely on religious/ethnic aspects. Religious persecution, violence and crimes against humanity against the Rohingya are part of the agenda of ethnic cleansing. The head of the UN refugee agency, John McKissick, stated that the Myanmar government was carrying out ethnic cleansing of the Rohingya people. Several reports from Human Rights Watch and other organizations concurred. Not only had Buddhist chauvinists exploited this newly opened free space as the arena to fuel prejudice and incitement against Rohingya but also intercommunal violence has spread, affecting the broader Muslim community. Another perspective states that violence against ethnic Rohingya is not entirely related to religion but rather to the political economy of violence sponsored by the Myanmar army. In this view, the economic interests of the military drive its motivation to take control of areas occupied by Rohingya. This approach sees that the victim is not only the Muslims Rohingya but also some non-Rohingya Buddhist communities.

ASEAN has a success story about involvement in domestic issues in the country. Over 130,000 in Myanmar's Delta townships perished in Cyclone Nargis in May 2008. ASEAN, the UN and the Myanmar government successfully organized huge international aid contributions for the survivors.

Placing RtoP within the framework of the APSC will be a more pragmatic approach. On the one hand, the Rohingya issue is an emergency because it involves the lives of hundreds of thousands of Rohingya people. There can be no compromise when it comes to saving people in the region. RtoP thus could be ASEAN's instrument that is open and available. On the other hand, resolving the Rohingya crisis will not be achieved without the widespread participation of the government and military in Myanmar. Therefore, understanding the complexity of the political transition of the young democratic regime in Myanmar is imperative. Assisting Myanmar's political transition will, directly and indirectly, facilitate the process of settlement of the Rohingya crisis.

In addressing the issue of Rohingya, ASEAN could help Myanmar tackle the root causes of conflict, manage conflict and create political reconciliation. Some possible measures include the development of society's and government's capacities to mediate, make peace, prevent conflict and strengthen the ability of local government to manage a peaceful society. When the ASEAN countries also have experience in conflict management, Myanmar could take lessons from its counterparts' experience. In short, ASEAN could help Myanmar build capacity in law enforcement, the rule of law, human rights protection and good governance.

ASEAN also needs to understand the political reality and the complexity of the political transition in Myanmar to help that nation carry out its Responsibility to Protect the Rohingya (such as the main characteristic RtoP). From this perspective, ASEAN needs to acknowledge necessary steps that have already taken by the administration of Aung San Suu Kyi to address these deep fissures. Responding to the current situation, ASEAN also may appreciate the initial steps of Aung San Suu Kyi, who responded to international pressure on the Rohingya issue. Among other things is the announcement of the creation of the so-called 'Central Committee for Implementation of Peace and Development in Rakhine State' and a comprehensive economic development plan, both gestures of openness. An Advisory Commission on Rakhine State was also formed and chaired by the former United Nations Secretary General Kofi Annan. The new civilian government led by State Counsellor Aung San Suu Kyi welcomed the proposals by the Advisory Committee Rakhine.

Finally, under the APSC's auspices, ASEAN needs to ensure that Myanmar could run any efforts to fulfil its Responsibility to Protect the Rohingya. The international spotlight, including support and pressure from ASEAN, brings the Rohingya issue to the attention of the contemporary leaders of Myanmar. The regular meeting of ASEAN members is the venue for solving the Rohingya issue within the ASEAN framework.

There is a significant shift in Myanmar towards more openness on the Rohingya crisis. In a meeting between Retno Marsudi, the Indonesian foreign minister, and Myanmar's leader Aung San Suu Kyi in Nay Pyi Taw on December 6, 2016, they

discussed on examining the situation in Rakhine State, which the Myanmar government responded to positively. Furthermore, after the meeting with Indonesian Foreign Minister, Aung San Suu Kyi invited foreign ministers of ASEAN members to discuss developments in northern Rakhine State at an informal meeting on December 19, 2016 in Yangon. This session is a great step towards providing ASEAN an opportunity to constructively review the situation in Rakhine State, including the Rohingya issue. ASEAN countries can concretely support the efforts of Myanmar to make the situation in Rakhine State more stable and conducive and to support inclusive development there. There is also a demand for an independent inquiry led by ASEAN on various charges of human rights abuses by Myanmar's military.[9] In particular, the session urged full humanitarian access to areas that are now closed, where more than 130,000 people were imprisoned for 2 months without any outside assistance.

It was true that the ASEAN foreign ministers meeting is only the initial step, but there were high expectations that the meeting would open up the possibility of a greater role for the association in addressing Myanmar's Rohingya crisis. The meeting marked the first time in history that the government of Myanmar acknowledged the significance of the problem. The meeting also reflected a significant shift towards more transparency and kept the door open for ASEAN to continue engaging Myanmar on the Rohingya issue. Although there was no specific agreement reached or specific action plan made, Myanmar promised to allow essential humanitarian access for ASEAN to work to resolve the crisis. At least, the good initial step to open up the previously taboo subject of the treatment of the Rohingya in Rakhine State is a move in the right direction.

The Rohingya crisis is an emergency humanitarian problem. Asking Myanmar to run RtoP can reduce the severe impact of humanitarian challenges in Rakhine State, and even the impact regionally in Southeast Asia and beyond. However, this step is intricate and is not easy. Therefore, ASEAN needs to take a more flexible approach. This chapter suggests that in resolving the Rohingya crisis, ASEAN needs to take a comprehensive approach by helping Myanmar to achieve the Responsibility to Protect the Rohingya by providing any assistance Myanmar might need. At the same time, ASEAN can use the framework of APSC to ensure that the fundamental principles of the RtoP can constantly take their proper place in political development. By doing so, the road to protect humanitarian issues, including those of the Rohingya, will not lead to an ivory tower. The deficit of problem-solving of Myanmar's Rohingya crisis and Myanmar's reformation into a new democratic state could make development of an ASEAN community longer and harder.

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[9]Regarding the new revelations about the military's actions in Rakhine State, ASEAN foreign ministers addressed core issues and pushed for a regional investigation of the allegations of abuses in Rakhine by an independent group of experts. The Myanmar government and military asked immediately for such an investigation, which may include observers and empower investigators from the third parties to visit all affected areas and interview victims.

## 1.6   Concluding Remarks

The grave Rohingya crisis in Rakhine clearly falls within the scope of RtoP. The Rohingya issue has become a serious problem for other ASEAN members and a high calling for Myanmar to start exercising its Responsibility to Protect its peoples. This chapter posits that ASEAN needs to pay serious attention to the settlement of the political problem of the Rohingya issue. ASEAN has yet not necessarily imposed strong coercive measures such as economic sanctions. However, to assist Myanmar in fulfilling its Responsibility to Protect its people from the gravest mass atrocities on the planet, ASEAN could provide a framework and tools to help Myanmar address the Rohingya issue. ASEAN should also map the complex realities of Myanmar's continuing transition, which have been inherited after decades of military mismanagement. Therefore, a comprehensive approach to both the Rohingya crisis and the Myanmar transition seems a historical necessity.

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