



## Going Beyond Non-interference

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Non-interference in the internal affairs of member-states has long been one of the Association of Southeast Asian Nations' (ASEAN) fundamental principles as stated in the ASEAN Charter. This has often been invoked in the name of regional peace, security, and stability. On the other hand, another fundamental principle of ASEAN is adhering to the rule of law, good governance, democratic principles, and constitutional government. The situation in Myanmar (the persecution of the Rohingya, the more recent coup, and the subsequent military takeover) has left the regional organization conflicted and divided as to the next steps to take. Despite the Rohingya genocide and the military coup being clear violations of ASEAN's fundamental principles, the body as a whole seems incapable of effecting meaningful action in the name of non-interference.

The first step ASEAN could take to greater protect human rights, fundamental freedoms, and democratic principles is to revise and review the ASEAN Charter, specifically the non-interference provision. It can achieve this by adding clauses regarding when the principle is inapplicable or can be bypassed, such as when it conflicts with the Charter's other fundamental principles. Another route the regional body could take is simply to remove the non-interference principle altogether, enabling it to take on a more proactive approach in addressing future crises.

Chong and Thongyoojaroen (2021) suggest that ASEAN should commit to the Responsibility to Protect (R2P) doctrine as it enables a wide range of options to address genocide, ethnic cleansing, and crimes against humanity beyond and outside United Nations Security Council (UNSC)-mandated military intervention. Whilst facing a test of legitimacy as an organization, this would be a good second step for ASEAN to take if it wishes to uphold the Charter's principles. As Chong and Thongyoojaroen (2021) again note, the regional body can

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utilize numerous R2P options such as economic sanctions, arms embargoes, criminal accountability, and greater international engagement given the violence in Myanmar which has seen not only genocidal acts, but also systematic attacks on civilians. Alongside recognizing Myanmar's civil government as its legitimate representative, such acts could help pressure junta leaders to de-escalate tensions and meaningfully resolve the crisis. Moreover, under the framework, refugee protections would be expanded, and regional human rights mechanisms augmented. With solid grounding in international law, ASEAN member-states should at least grant temporary legal status to all Rohingya refugees in their jurisdiction (Chong and Thongyoojaroen, 2021).

Furthermore, the R2P framework provides ASEAN with more options to resolve the crisis in Myanmar. One option is that it enables greater bilateral and multilateral cooperation with countries such as China, the United States, and supranational bodies such as the European Union. This would significantly aid efforts to get humanitarian assistance on the ground in Myanmar including not only food and other basic services, but also Coronavirus 2019 (COVID-19) related aid such as vaccines and relevant medical equipment. These forms of assistance are crucial to rebuild a post-coup Myanmar.

Another option is to utilize the R2P doctrine in tandem with the recently created Five-Point Consensus. With broader international support, ASEAN will have greater collective capacity to enforce the Consensus, namely: (1) to encourage the immediate cessation of violence in Myanmar and involved parties to exercise maximum restraint; (2) to promote constructive dialogue among all concerned groups; (3) to facilitate dialogue mediation via an ASEAN Chair Special Envoy; (4) to enable humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre); and (5) to enable the visit of a special ASEAN delegation to Myanmar to meet with all involved parties. This is on top of other provisions agreed to during the April 24 ASEAN Leaders' Meeting.

In resolving ASEAN's worst diplomatic and humanitarian crises yet, the message is clear – old ways need to change. With the world watching, ASEAN must be at its boldest – not just to pass the test of legitimacy, but also because it is the right thing to do.

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