

A Path through ASEAN to Avoid the upcoming Regional Humanitarian Crisis

Followed by the declaration of state emergency on 1st February, the situation in Myanmar has been shifting into a country of unpromising and fragility, leading to a failed state in South East Asia region. Currently, Myanmar is heading to a country-wide civil war (Pierson & Hsan Hlaing, 2021), alongside with the humanitarian refugee crisis. According to the UNHCR (2021), 175000 becomes internally displaced since the 1st of February. During the recent armed confrontation in Karreni (Kayah) state, more than 100,000 civilians left their homes (K C, 2021). These figures verify that an enormous refugee or displacement crisis has been commenced at the heart of South East Asia. At the same time, 883 civilians were killed and 6399 were politically arrested until 28th June, 2021 (Assistance Association for Political Prisoners, 2021).

Concerning with such dreadful setting, the ASEAN Leaders Meeting was convened and reached the five-point consensus (The ASEAN secretariat, 2021). On the international stage, these five-points seems a beacon of hope to deescalate the Myanmar political crisis. The United Nations, the United States of America, European Union and even China referred them as a possibility to break through the crisis (Samet, 2021). Nevertheless, there is no signs of their implementation until today. The scenario of Myanmar is transformative time for the honor and reputation of ASEAN as it can be an opportunity to move forward to a next level of political integration or a possibility to disintegration.

The ASEAN itself seems too much oriented on the principle 2(e) of the ASEAN Charter; "2(e). Non-interference in the internal affairs of ASEAN member States" (The ASEAN secretariat, 2008, p.8). There, it needs to reassess whether Myanmar affairs is still the internal affairs or shifting into the regional affairs, since there were more than Karen 3000 refugees flee to Thailand only during the air strike in March alone (Olarn & Regan, 2021) and thousands of civilians fleeing to Thailand illegally due to the brutal arrestment of security forces (DW, 2021). Interpretation of that principle 2-(e) needs to be undertaken in accordance with the Article 51 of the ASEAN Charter. In the interpretation, the ASEAN secretariat and the ASEAN Coordination Council take the significant role. With the proper interpretation process, the implementation of five-point will be more proactive and more engaged.

Another standing problem is the issue of representation of Myanmar as there are two governments; the National Unity Government (NUG) and the State Administration Council (SAC). Giving the SAC the representation without any accreditation assessment means ignorance of fairness and justice towards the people Myanmar. The accreditation meeting should be convened in line with the Article 7–ASEAN-Summit and Article 46- Foreign-Ministers-Meeting to decide whether SAC, NUG or both represent in the ASEAN. With that accredited representation, the ASEAN's intervention would be more effective in terms of implementation and getting the Myanmar people's support. If both NUG and SAC gets the representation together, the ASEAN can become a platform for their bilateral engagement, since both parties need ASEAN recognition in seeking international support.

In terms of dispute settlement, the ASEAN needs to approach the non-traditional mean but still in line with ASEAN charter. The ASEAN should form the Task force instead of single special envoy. It needs to invite the participation, consultation and technical assistance from the dialogue partners, especially, China, EU, India, Russia, Australia and the United States. Because these dialogue partners have some extend of leverage on both NUG and SAC. That task force is mandated to pressure concerned parties to release the political detainees, cease the violence, to convene and facilitate the dialogue, and to provide the independent humanitarian assistance including cross-border supplies support and building safe shelters.

In conclusion, the involvement of ASEAN is the only hope of international intervention to deescalate the political tensions. Despite having the loud voices of Myanmar people, many countries are still reluctant to listen. By ignoring these voices, there would be meaningless solutions. In line with principles, the ASEAN needs to adopt more active, inclusive and well-engaged mediation tactics. As a final note, the ASEAN intervention should not mean the chance of getting the impunity for those who committed the crimes against humanity and the justice needs to prevail.

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