

This article is an overview to the peace and human security situation in ASEAN as regional organisation seen from the viability of its principles when facing with a human security situation namely the current influx of Rohingya Minority refugee who are now settling in Aceh Province, Indonesia.

ASEAN (Association of Southeast Asian Nations), established in 1967, was considered as performing a stable regional co-operation in terms of intra-state economic co-operation, although it has received a great deal of criticism, it is recognized as a force that establishes greater security in the region. ASEAN was formed during the period of regional tension ignited by Vietnam war in line with critical point in China where the Cultural Revolution took place in 1950's. As a result, ASEAN was established "As a response to perceived external threats, while deliberately avoiding setting up more than the most minimal institutional structures, or defining its economic goals, in other than the vaguest and most flexible terms". Such common anti-communistic spirit among member states drove ASEAN to sign the Treaty of Amity and Co-operation during the Bali Summit in 1976. This Summit stressed the guidelines of co-operation at all sectors, based on principles of non-interference and mutual respect among member states. During 1980 to 1990, ASEAN performed more 'integrated' co-operation which reflected its priority in economic, rather than in political, affairs. The Zone of Peace, Freedom and Neutrality (ZOPFAN) marked the direction in which ASEAN moved towards greater liberalisation and development of intra state industrial projects to a larger scale. For instance until the early 1990's, major member states were favoured for an export oriented and Foreign Direct Investment (FDI)-led approach to economic development until the financial crises hit the region in mid 1997. Besides economic relations, ASEAN is also praised as the backbone for regional security stability. ASEAN as a regional institution is facing a situation which tends to invite wider concerns on peace and human security in the region. Many parties expected that ASEAN mechanism can functioned in creating regional peace and in solving the human security situation as shown in the case of Rohingya refugee, which also have some implications to the trans national security. However, critics question whether in reality ASEAN as regional security exists, or whether it is able to resolve disputes within the region.

The Asian financial crises occurred at the same time democratisation took place in several member states. The period during late 1990's illustrated how each member state struggled with internal economic crises, while others were dealing with violent internal conflicts. It was then that Anwar Ibrahim launched the term "constructive intervention" during the period after Cambodia coup d'état. Anwar Ibrahim concluded after the involvement of ASEAN in Cambodia issue that regional actors could involve in internal conflict resolution mechanisms by fostering the development of a progressive and democratic political environment, so that conflict can be managed in a non-violent fashion. Scholar Nordin Sopie for instance, claimed the success of ASEAN in its involvement on Cambodia issue is a result of the application of ASEAN Way, which serves as, much more than the principle of non-intervention, which consists of a

consistent non- confrontational style to the situation, through direct and indirect measures of restraint, pressure, diplomacy, communication and trade-offs.

In the last twenty years ASEAN tried to implement constructive engagement i.e. engaging Burma as a strategy to prevent the country in forging a closer ties to China. Putting it into ASEAN security arrangement, constructive engagement is consistent with ASEAN background which established as a regional security community during the anti communism era in 1960s. Further, discourse on constructive intervention was launched by Prime Minister of Malaysia, Anwar Ibrahim during peace building process in Cambodia in 1997, although his proposal was met by resistance from a majority of ASEAN leaders.

ASEAN basic principles, concluded within the "ASEAN Way" and "non interference", which conformed informality rather than formality and direct approaches to security, nonetheless have been frequently questioned as they halted ability for concrete steps in conflict settlement and fostering regional peace. Constructive engagement approach which taken by ASEAN is seen as a method of an inter state conflict management. expanded its membership following the end of Cambodia conflict in 1997.

### **ASEAN's Capacity in Resolving Influx of Rohingya Minority Refugee**

How a value can shape the attitudes of regional actors in dealing with regional issue also can be seen when ASEAN apply a constructive engagement policy with Burma which at the time being subjected to international critics due its frequent human rights abuse. Other than following majority of European and the US steps in isolating Burma, ASEAN opted to take Burma as a member state based on multiple reasons: that political reintegration will facilitate a more democratic climate in the country following an opening of Burma's economy; besides will prevent Burma from building closer relations with India. Viewing in this light, one can argue that the principle of non intervention as the basis of constructive engagement of ASEAN actually became irrelevant especially when putting forward examples where Indonesia and Malaysia protested against the expulsion of Rohingya Minority to Bangladesh; as well as on events which show that member states are not as neutral as what the 'non interference' meant.

It is not surprising if the relevance of ASEAN Way, which based on non-interference principle, is now being tested given the current humanitarian crisis as shown in an influx of Rohingya refugees on January 7 and February 3, 2009 to Aceh Province, Indonesia. Of the total 391 refugees, Aceh Province facilitated two refugee camps namely in Pulau Weh, Sabang, and in Idi Rayeuk at Aceh Timur District of Aceh Province. Calls from international and domestic that Indonesian government release a more humane policy to the refugees has met complex responses since in reality the mobility of Rohingya refugees—Rohingya ethnic is a minority Muslim in majority Buddhist citizens of Burma—involved three countries: Thailand as the 'state of transit', where authority expelled boat refugees back into the open seas; Burma, as the

## ASEAN-Rohingya Refugee: Is 'Constructive Engagement' still Viable?

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Jumat, 27 Maret 2009 23:18

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country of origin; and Indonesia as the destination country. So far parallel official statements have come out from Thailand Prime Minister Abhisit Vejjajiva and President Susilo Bambang Yudhoyono during the former's visit to Jakarta on February 21, 2009. Both the President and Thai PM agreed that Rohingya refugee issue would be settled through multilateral forums namely ASEAN Summit Meeting in February in Thailand, the regional ministerial forum of the Bali Process in the middle of 2009, and UN forums. The Secretary General of ASEAN, Surin Pitsuwan commented in a normative fashion on February 2009 from a teleconference on February 20, 2009, which aired in University of Indonesia, Jakarta, that in solving the Rohingya refugees require a broad consideration. Recognising that Rohingya question had existed even the country has not become an ASEAN member, the ASEAN Secretary General therefore asserted that discussing the 'Burma issue' depends upon ASEAN member states. Nonetheless the Secretary General also highlighted the importance to maintain solidarity among ASEAN member states.

So far no concrete actions have yet taken under ASEAN mechanism but the aforementioned plans explained by ASEAN Secretary General, Surin Pitsuwan. Official gestures shown by President Susilo Bambang Yudhoyono and Thai PM Abhisit Vejjajiva that Rohingya issue will be brought to attention in multilateral dialogue forums on the one hand can be seen as good signs that member states addressing the humanitarian crisis. On the other hand, if looking at the level of urgency on the life of refugees who have been treated indifferently by Thailand authorities before they stranded to Indonesia's Westernmost Province, the official statements made from state leaders seem incompatible. ASEAN member states need to develop more assertive strategies in solving Rohingya refugees issue by understanding the roots of the problems. As ASEAN has embarked upon Cold War situation where frameworks of action are based on perspectives to halt Communism threats, at the current context such frameworks is no longer work. Establishing common grounds for ASEAN is more possible due to the acute human security issues in the region, which featured the majority of ASEAN members. **(Irine H. Gayatri)**