THE RELEVANCE OF NON-INTERFERENCE PRINCIPLE IN ASEAN
(STUDY CASE: ROHINGYA)

1MUH HIDAYAT HASAN, 2MUHAMMAD AKBAR YUDARSAN
1,2Students of International Relations. Islamic University of Indonesia
E-mail: 1muhhidayath@gmail.com, 2akbaryds@gmail.com

Abstract - This research aimed to explain the relevance of non-interference principle in ASEAN through qualitative method. The violence towards race nowadays is getting increase especially in Southeast Asia region. Those problems caused by a lot of factors such as the differences of ideologies, stereotype and many others. The problem towards human right should be solved by ASEAN as a regional organisation. However, ASEAN could not do much efforts because of the one of ASEAN way’s principle which known non-interference. Due to the increasing number of slaughter towards human in southeast asia’s countries, the authors would like to discuss the relevance of ASEAN's non-interference principle in case of preventing and solving conflicts in ASEAN.

Keywords - ASEAN, Non-Interference, Conflicts, Human Rights.

I. INTRODUCTION

THE PRINCIPLE NON-INTERFERENCE IN ASEAN

Non-interference is one of the fundamental principles in ASEAN and as the manner of member countries in conducting cooperation. This principle is stated in the Treaty of Amity and Cooperation ASEAN February 27, 1976 article 2 (c). This principle's purposes to respect the sovereignty, good relations of cooperation, as well as maintaining the privacy of the domestic affairs of respective countries. This principle, provides full comfort to the ASEAN member countries to collaborate without worrying of the foreign intervention related to the internal affairs of each country. In domestic politics, the principle of non-interference is a political gold. (Sharma, Goria, & Mishara, 2011) This paper focusing on, how this principle can be applied in case of internal problems in a country which effect the stability of the region, or even a domestic problem of a country against human rights violations that require immediate intervention from other countries to take the responsibility to protect.

II. THEORETICAL APPROACH

CONSTRUCTIVISM

The constructivist theory in analyzing this case is very precise. Constructivist theory argues that aspects of international relations is a result of the actors construction, not happened by itself. In the other words, actors in international relations can construct their own conditions in the surrounding areas. In this case, the application of the principle of non-interference can be reviewed based on its benefits.

III. FOCUS STUDY

3.1. THE CHALLENGE OF NON INTERFERENCE PRINCIPAL.

In its practice, the concept of non-interference was initiated by ASEAN turned out to be faced with a complicated dilemma. (Arendshorst, 2006) From Realism perspective, the world is a system of anarchy. In the other words, the absence of circumstances to organize state's relations, giving possibility and tendency towards war anytime. (Paul R. Viotti, 1998) Moreover, the absence of binding mechanisms engendering the low essence and decreases of common value. Whereas common value is an important factor to establish and maintain a regional identity, and ensuring the countries that do not only put their own interests but also the interests of the whole region. Therefore, regionalism will face many challenges in resolving a problem if the common value not strong.

However, the principle of non-interference and the absence of binding mechanisms in ASEAN give impression on building an identity as a whole in the region is only run-of-the-mill. When there is an internal problem in the country, although it can impact and influence the conditions of another country or region, other countries will not and should not interference to the country. For examples excessively problem in the ASEAN about haze pollution that has been happen more than a decade. (Nurhidayah, 2014) In fact, Indonesia is one of the exporting countries of smoke to Singapore and Malaysia. As a result, the problem of haze pollution has impact on many sectors in both countries, such as tourism, aviation, ground transportation and even hampered because of reduced visibility. When the two countries was interrupted on the emergence of their country smog from Indonesia, they could not intervene to solve the case but could only provide technical and financial assistance. As a result, these problems constantly protracted because not resolved together. Foreign countries that are not directly involved with regard ASEAN principle of non-interference was the cause there are a lot of cases and
problems that exist in the ASEAN happened protracted and difficult to find a way out. (Manthorpe, 1996)

On the other hand, the principle of non-interference is regarded as a country respect the sovereignty of other countries not to harass other country’s internal affairs. Moreover, the principle of non-interference is also present based on history, ASEAN has many misconceptions when it should be involved in the domestic affairs of its members. For example, when the third ASEAN Summit in Manila, there are many ASEAN member countries that submitted a statement to the President of the Philippines at the time, Marcos and Corazon Aquino, as the opposition, in response to the election results in 1986 which eventually became known as the ASEAN Joint Statement 1986. (Haacke, 2007)

S. Jayakumar, Singapore’s senior politicians argue that the principle of non-interference is a fundamental value in ASEAN and the reasons why the ASEAN Countries since 1967 until today never involved in an armed conflict directly involving military. (Manthorpe, 1996)

3.2. ROHINGYA - VIOLATION OF HUMAN RIGHTS

Rohingya is a group of people living in rural Burma since several centuries, where they live in a state that discriminated by the local community as a result of differences in background or ethnic indigenous communities in Burma. By the 135 ethnic groups, they are the only ethnicity that is not officially recognized by the government. There are at least approximately one million who admit that they are Rohingya, where they experienced lack of freedom to be in a region of sovereign states with their human rights. In 2012, where the peak discrimination by the Buddhist Rakhine to Rohingya which more than 140,000 people who prohibit access to all places so that they remain in a particular region with properties that are isolated. (Office, 2014)

The expulsion of Rohingya not only because of the conflict initiated by the indigenous ethnic predominantly Buddhist, also because of the differences in overall, urge the Government of Myanmar to create rules, which bans the Rohingya in the country. Where more than a million refugees already stranded on the sea despair in the hope a rights they should get in a land (country), as well as domestic policies of Myanmar’s not to give citizenship to rohingya ethnic. (Perlez, 2014)

The tragic incident that befell the ethnic minorities has become one of the internal conflict in instability comrades in southeast Asia, where there is alot of human trafficking who came from Malaysia and Thailand. And also causing slavery related to the Rohingya refugees to be able to survive in the place they were displaced, in other respects also it is a conflict that resulted in disharmony between ASEAN countries with Myanmar, where Rohingya should be an absolute responsibility of Myanmar as the countries where they originated. (WSJ, 2015)

Not limited to the aforementioned points, after being in the open sea, the refugees suffered many diseases in which nutritional deficiencies and insufficient food for their supplies on board make the disease worse. In the data taken by the UN itself, from 2013 to 2014 there are 300 migrants had died due to starvation, and it is still possible that there are still many deaths are not recorded by them. In another cases also occurred many offenses such as rape and torture to women when they are still in the journey undertaken by their smuggler, they also have to be wife in the same time to “serves” the smugglers. (Graham, 2015) Base of the data from the economist, rohingya are probably the most persecuted people in the world. (Sittiwe, 2015) In the case that further discrimination by Myanmar against ethnic minorities in which there are a lot of human rights violations to them, as reported by the website of the UN which, say that the actor violation itself comes from the government in violation to the ethnic minorities, as well as UNHCR processing laws and policies related to protection of treatment of Myanmar against the Rohingya. (Chief, 2016)

3.3. ASEAN DEMEANOR TOWARDS ROHINGYA

Human Rights violations committed by Myanmar against the Rohingya can not be justified at all. In the context of nationalism, Myanmar should be subordinate to the ASEAN charter, including rules and treaties under the coordination of ASEAN. In the context of human rights, ASEAN has agreements namely, the ASEAN Human Rights Declaration (AHRD). Thus, Myanmar should respect all human rights, including the Rohingyas. Based of AHRD number 18, explained that every person has the right to have a nationality. “Every person has the right to a nationality as prescribed by law. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality” (ASEAN SECRETARIAT PUBLISHER, 2013)

The Violation of Human Rights by Myanmar is very real and discernible. (Siddiqui, 2008) However, ASEAN as a regional organization as described previously did not have a binding system and it caused not enough power to push Myanmar to stop such violations of human rights. On the other hand, member states also tend to be pragmatic in
responding to cases of human rights violations against the Rohingya. Perhaps, another member state especially Islamic countries such as Indonesia, Malaysia and Brunei Darussalam, wanting to help solve this problem.

But once again, the basic principles of cooperation in ASEAN is to promote non-interference in cooperation in order to respect the sovereignty of other countries. Worse, the absence of any other state efforts in resolving this country have an impact on public perceptions of the Rohingya itself. In other words, ordinary people will only accept this view of what and how the Rohingya was actually using the viewpoint of Myanmar, as the actor of the case.

Based on the data we have quoted from the Asian Correspondent, ASEAN member countries as well as Australia tend to reject refugees and asylum seekers who come from ethnic Rohingya. (Tan, 2015) The rejection was based on many things like xenophobic, political, economic competition, etc. But clearly, there is no legal rights in this world and let the people refused to allow displaced in the middle of the sea with no clear status.

3.4. HOW SHOULD ASEAN ATTITUDE TOWARD ROHINGYA

In this section, authors have several points to be explained. First, it is important for ASEAN as a regional organization to give role and contribution, especially to maintain the stability of the region. ASEAN very likely be considered a failure as a regional organization if it is unable to regulate its members. (Webadmin, 2009) Second, it is also important to the ASEAN member countries in order to resolve such cases Rohingyas, based on the principle of responsibility to protect. (Evans, 2001) Third, more importantly, interference from other countries to resolve the internal problems of Myanmar in this case is rohingyas, will save the position of Myanmar itself. Myanmar could be prosecuted in the ICC or ICJ for violation of human rights, violence, and other human rights abuses. (Petty, 2012) Furthermore, the intervention of any other country is a relief for Myanmar. Fourth, ASEAN need to revisit the principle of non-interference. In International or regional relations' pattern, the organization institution or other countries' interventions to the internal affairs of a country is possible in terms of necessity and if not done would threaten regional stability. (Nowak, 2011)

CONCLUSION

The principle of non interference in asean contain positive values, to respect the sovereignty of other countries and not interfering its domestic affairs. However, in certain contexts, intervention toward country are sometimes needed to keep the situation remain stable. In the case of the Rohingya, the authors noticed that the principle of non-interference can not be interpreted simply that there should be no interference. Instead of interference do leads to a positive goal, to solve problems together and more importantly protect myanmar of the rules of international law.

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