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## Research Article

# REGIONAL INTEGRATION AND THE MYANMAR CRISIS: Navigating The Delicate Balance Between Human Rights and Non-Interference Policy In ASEAN

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### **Abstract**

*Southeast Asian countries are currently grappling with a significant rise in authoritarianism within the region. In this context, the Association of Southeast Asian Nations (ASEAN) is expected to play a pivotal role in safeguarding peace and prosperity throughout the region. However, the Myanmar crisis has exposed a deep fracture within ASEAN. The stability and tranquillity that have characterised at some times the ASEAN region are now severely threatened. The full-scale civil war in Myanmar, which originated from the coup d'état in 2021 following a protracted period of internal strife and the marginalisation of the Rohingya population, is not an isolated incident. Instances of conflict and coup d'états persist across ASEAN. For example, the 2014 coup in Thailand, the chronic crackdown in Cambodia and Vietnam, the tensions around the South China Sea, and the growing separatist movement in Papua illustrate the volatile policy landscape within ASEAN. This work's main objective is to address whether ASEAN should consider reforming its mechanisms, with particular attention to its no-interference policy. This paper relies on desk-based research, entailing a thorough review and analysis of the literature on ASEAN's political history. The study employs a critical literature review approach with a historical perspective on regionalism within ASEAN. By utilising the advanced constructivist theory concerning the concept of norms, this article analyses the repercussions of steadfastly adhering to certain norms, explicitly focusing on the principle of non-interference. The study concludes that ASEAN's principle of non-interference is a significant barrier to effectively addressing internal conflicts and human rights issues within its member states. It suggests that ASEAN needs to evolve its policies to better balance regional stability with the protection of human rights.*

**Keywords:** Regionalism; Myanmar crisis, international relations, ASEANpolicy

## INTRODUCTION

Over the years, ASEAN has been extensively studied by scholars from various perspectives, including infrastructure and connectivity, the economic community, and its role as a diplomatic platform representing Southeast Asia in relations with major powers like the United States, China, and the European Union (Haacke, 2002; Hew & Soesastro, 2003; Bhattacharyay, 2010; Chongkittavorn & Anwar, 2019). The Association of Southeast Asian Nations (ASEAN) is Asia's most dynamic political organisation. Its establishment dates back to August 8, 1967, when Indonesia, Malaysia, the Philippines, Singapore, and Thailand, founded ASEAN with the Bangkok Declaration, a deliberate effort to create a non-political association (Chng, 1990). The primary objective of ASEAN was to enhance regional cooperation, particularly in economics and security (Weatherbee, 2019). Initially, ASEAN sought to build trust among newly independent nations in Southeast Asia by balancing against the influence of superpowers in the region, as highlighted by Vatikiotis (1999). However, it became a leading diplomatic platform for Southeast Asian countries to coordinate on various issues, including economic cooperation and integration.

Of the 11 countries in Southeast Asia, 10 are members of ASEAN. Brunei joined the Association in 1984, followed by Vietnam in 1995, Lao DPR and Myanmar (Burma) in 1997, and Cambodia in 1999. However, Timor Leste remains a unique country, as it has yet to become part of the Association. The delayed inclusion of Timor Leste in ASEAN can be attributed to the rigidity of the ASEAN Charter, which came into force in 2008. Interestingly, this charter still needed to be active when countries with concrete political instability issues during the 1990s, such as Myanmar or Cambodia, joined ASEAN without difficulty (Windraskinasih & Afriansyah, 2017).

Therefore, after the period of decolonisation in the region, authoritarian regimes came to power across Southeast Asia. Regimes like the Soeharto era in Indonesia, Marcos' regime in the Philippines, and military coups in Thailand gained control. However, following the first wave of democratic reforms in Southeast Asia and the subsequent downfall of these regimes in the late 1980s, the region faces new challenges that undermine the democratic system (Iannone, 2022; Iannone et al, 2023). Instances such as the military coup in Thailand in 2014, the ongoing military regime with the army-led constitutional reforms in the 2019 election, the post-Duterte era in the

Philippines, and the resurgence of the Marcos family all highlight the harsh realities of democracy in Southeast Asia. Furthermore, human rights abuses, such as those in Papua, exemplify the inconsistencies between prioritising stability and upholding human rights in the region, contradicting the principle of non-interference.

This research is essential for analysing the mechanism of integration within ASEAN, using the coup in Myanmar 2021 as a case study. The study will analyse the concept of security in ASEAN in post-coup in Myanmar. The choice of Myanmar as a case study, among other potential examples of integration mechanisms in ASEAN, is justified by the significance of the event within the country. Therefore, the Myanmar case is of paramount importance due to its profound impact on regional security, stemming from the widespread violence against its citizens and the resulting mass displacement. The ongoing conflict has created a volatile situation that not only jeopardizes the well-being of the Myanmar population but also poses significant threats to the stability and security of the entire region.

While Thailand has experienced military coups, the country's core political structure has not changed drastically. Notably, despite the military regimes, Thailand has retained its monarchy, though constitutional modifications during these periods have made governance more authoritarian to facilitate military control (Badgley, 1969). In contrast, the Myanmar coup presents a different scenario. The military intervention in Myanmar overthrew a legally elected democratic government, disrupting a functioning democratic system. This study primarily employs a constructivist and historical-political approach to analyze state behavior beyond the principle of non-interference and assess the validity of this principle in the current structure of ASEAN.

## **RESEARCH METHODS**

This study focuses on the case of Myanmar as a critical analysis. By tracing the history of ASEAN, Myanmar is a devastating example of how the existing norms of non-interference inadequately address internal and cross-border conflicts within ASEAN. The coup in Myanmar has set a precedent within ASEAN. ASEAN has yet to announce significant sanctions against Myanmar, and only a few countries, including Malaysia and Indonesia, are attempting to address the issue diplomatically. This research reveals weaknesses in ASEAN regulations and institutions,

particularly regarding the principle of non-interference. The primary concern lies in the organisation's response to challenges related to sovereignty, the foundational pillar of ASEAN. ASEAN's sovereignty is based on the national sovereignty of its member countries. Mere shared history must be revised, as the principle of national sovereignty and self-preservation often precedes ASEAN's collective sovereignty. The 2021 coup in Myanmar raises security concerns in the region. Resolving the issue through diplomacy could prove effective if ASEAN did not suffer from institutional weaknesses. Even if ASEAN were to coordinate efforts to evolve the norm of non-interference, such endeavours may face resistance from other less democratic countries, such as Cambodia, which could be criticized for their authoritarian tendencies.

### *The complexity of Myanmar politics*

Myanmar's political landscape has been marked by enduring struggles since gaining independence in 1948. The power struggle in Myanmar mainly causes by the military involvement in politics and the ongoing efforts of ethnic groups to have their rights acknowledged. Myanmar had been under military rule, also known as Tatmadaw, since General Ne Win did the coup in 1962. Their dominance faced a significant challenge with the 8888 Uprising in 1988, which was ended by the brutal coup carried out by the State Law and Order Restoration Council (SLORC). Although, there was a subsequent election, in which the National League for Democracy (NLD) and Aung San Suu Kyi secured a majority, it was rejected by SLORC. SLORC, later change its name to The State Peace and Development Council (SPDC), introduced the seven-point "Roadmap to Discipline-Flourishing Democracy," which led to the formulation of the constitution in 2008. (Holliday, 2011, 82). This constitution, a process spanning nearly two decades under military rule, emphasized the power struggle and the military's firm grip on authority.

Initially, there was promising progress toward democracy, as evidenced by the 2008 constitution and NLD victory in 2015 election. During this period, the NLD chose not to directly confront military-related issues, particularly the Rohingya crisis, which the military perpetrated mass atrocities against the Rohingya (Farrelly and Simpson, 2024, p.21-22) The NLD triumphed once again in the 2020 elections. However, the military contested the results, alleging unfairness, ultimately leading to the recent coup. After almost 50 years under military rule, with a brief interlude of civilian government, the military regained control again in 2021.

Internal conflict between the military and Ethnic Armed Organizations (EAOs) is another key factor contributing to Myanmar's political complexities. The government officially recognizes 135 ethnic groups, including the Burmese, Chin, Kachin, and Karen. Some of these groups have established armed organizations such as Karen National Union (KNU) and the United Wa State Army. The conflict has led to recurring violence, conflicts, and mass displacements, both internally and as refugees. Ceasefire negotiations, including the Deed of Commitment for Peace and National Reconciliation with the NLD government in 2015, have been attempted. Unfortunately, not all ethnic groups have engaged in these discussions, and, notably, only four from thirteen participating groups signed the agreement. (Win & Maung, 2015).

The most significant ethnic-related challenge arises in Rakhine State with the Rohingya people. The military government stopped recognizing Rohingya citizenship according to the 1974 Constitution and the Citizenship Law of 1982. Consequently, the Rohingya lack citizenship documents, rendering them stateless. The military's actions, especially the mass atrocities in 2015, have resulted in severe human rights violations, such as arbitrary arrests, torture, and extrajudicial killings. (UN GA, 2023) This dire situation has forced many Rohingya to seek refuge in other countries, including Bangladesh, Thailand, Malaysia, and Indonesia. This situation making it one of the largest refugee challenges in the region and for ASEAN member states since the Vietnam War days.

Following the 2021 coup, Myanmar reverted to military control, marking a significant setback in its path toward democracy. The military, led by Senior General Min Aung Hlaing, contested the legitimacy of the election results, claiming they were false. The coup was met with widespread resistance from citizens, including the EAOs. The conflict's persistence has led some individuals to undergo training with ethnic armed forces, participating in guerrilla warfare activities (Pedersen, 2024, p. 81). The National Unity Government of the Republic of the Union of Myanmar (NUG), functioning as a government in exile, incorporates members from NLD and various ethnic groups. It is actively engaged in the development of a new constitution for a federal democratic union. The NUG also have its own armed forces, known as the People's Self-Defense Force. As of 2022, the NUG exerts control over 52% of the territory, while the military holds sway over only 17%.

(Special Advisory Council for Myanmar, 2022) Despite a four-year period of ongoing struggle, the resistance and opposition to military rule persist, with a noticeable decline in the effectiveness and influence of the military faction.

### *Constructivism and the ASEAN Way*

The advanced constructivist theory influences this work. The constructivist perspective asserts that ASEAN has established a regional order in Southeast Asia, where norms and regional identity have become embedded in the concept of the ASEAN Way (Jones, 2010). Unlike more conventional approaches to international relations, such as realism and liberalism, constructivism primarily focuses on the social construction of the world (Barkin, 2017). It emerged as a new theory following the neo-neo debate in international relations. The predictions of Fukuyama (1992) and Huntington (1996) regarding the "end of history" and the "clash of civilisations" have proven to be unfounded.

In contrast, Alexander Wendt reconsiders the nature of politics, challenging Robert Keohane's theory of reflection with a constructivist perspective on the international order. While neorealism and neoliberalism view the state as the primary actor in the international order (Hopf, 1998), constructivism emphasises the significance of intersubjective practices in shaping the state's identity. In constructivism, anarchy is understood as what the state makes of it (Wendt, 1992), where anarchy provides a framework within which various structures (such as culture and ideas) can take root.

Contrary to the neo-realist notion that anarchy compels states into a security competition, Wendt's constructivism argues that anarchy does not inherently lead to conflict or peace between states; rather, the shared ideas conveyed through discourse shape outcomes. Wendt's conception of anarchy is crucial to the social structure of actors, regardless of whether a Hobbesian, Lockean, or Kantian approach is adopted. Indeed, this paper holds significant importance in constructivism, which recognises social structure as distinct from the neorealist notion of structuralism advocated by scholars like Mearsheimer. While neorealists view structure as a result of the distribution of material capabilities (Wendt, 1995, p. 73), constructivism contends that social structure encompasses shared knowledge, material resources, and practices (Wendt, 1995).

The concept of structure, particularly as a practice, plays a crucial role in explaining ASEAN as a social structure shaped by shared understandings, as well as the role of ideas within Wendt's theory. In the constructivist perspective, ideas are considered a normative system of meanings connected to interests and the identification of self and others, which can influence power and interests (Wendt, 1999; Kratochwil, 2006).

Constructivism plays a crucial role in the analysis of ASEAN. While ASEAN's norm structure may be more structured than the European Union, the constructivist theory provides a comprehensive understanding of ASEAN due to the significance of concepts such as identities and norms in the ASEAN perspective (Busse, 1999). Moreover, the constructivist approach allows for a deeper exploration of ASEAN's history and identity norms as expected by the participating states (Busse, 1999). For example, establishing the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 1975 exemplifies the region's security expression. According to Busse (1999), the TAC demonstrates ASEAN's alternative approach to dealing with conflicts. ASEAN opted for cooperation rather than forming a military alliance against Vietnam during the Vietnam-Cambodia conflict, in line with the TAC article that prohibits using force or threats.

Furthermore, ASEAN's norms are designed to safeguard and reinforce the sovereignty of its member states (Narine, 2002). Narine (2002) highlights the significance of identity in Southeast Asia, where sovereignty stands as the cornerstone of ASEAN's foundation. Indeed, Narine argues that the sense of regional identity within ASEAN needs to be stronger. According to Narine, ASEAN members are fundamentally individual states cooperating for mutual interest rather than sharing a profound regional identity (Naride, 2009). The regional community within ASEAN relies more on shared norms regulating state behavior than on a common identity.

He contends that the crisis exposed the organization's weakness in being a credible economic institution and highlighted the dysfunctionality of the "ASEAN Way," which emphasizes consensus and non-interference in decision-making. While the "ASEAN Way" may have minimized tensions within ASEAN, it has limited capacity to resolve disputes effectively. Essentially, the "ASEAN Way" focuses more on managing and containing issues than solving

them. Indeed, ASEAN has reached its limits as a political organization, and prospects for institutional reform are not encouraging. In his view, only a greater commitment to regionalism, requiring member states to cede some sovereignty and build a genuine Southeast Asian identity, can save ASEAN. This shift towards regionalism would involve a more profound integration process and a rethinking of ASEAN's foundational principles to foster a stronger regional identity (Naride, 2002, Naride, 2009). Indeed, Narine's observations are instrumental in comprehending ASEAN's behaviour.

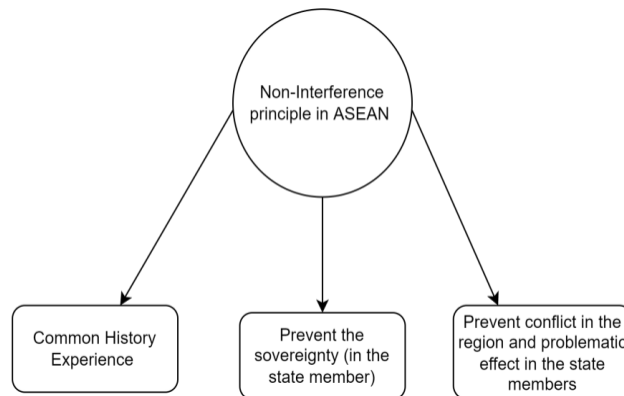
According to Tan (2006), Narine's constructivist idea, whereby states collectively shape to notion of regional identity, fosters a strong state identity. The concept of regional identity is cultivated to protect and preserve state identities. This process has been well-established and holds great prominence within ASEAN. ASEAN places significant emphasis on nation-identity construction, reflected in the sovereignty of ASEAN member countries (Narine, 2002). In the ASEAN way, as Acharya argues, norms are shaped by the identities of those who use them (Acharya, 1997, 2001, 2005).

#### *Exploring Security in the ASEAN Idea: A Constructivist Perspective*

The constructivist perspective highlights the significance of ideas that reflect the state's desires. Ideas play a role in shaping collective identities (Acharya, 2001, 2006). Within the ASEAN context, one crucial idea revolves around security or mutual security (Acharya, 1995; Bellamy, 2004). Khoo (2015) argues that the community's notion of security in ASEAN draws inspiration from Deutsch's concept of security in the context of European Union integration (Deutsch et al., 1957). In an organisation like ASEAN, the absence of conflict between member states underscores the importance of multi-faceted regional security. One notable example is the Vietnam-Cambodia conflict in 1978. During this conflict, ASEAN did not form a military alliance against Vietnam. Busse (1999) noted that ASEAN had three options: disregarding the conflict with a mere statement against Vietnam. However, adopting a strategy of ignoring the conflict would contradict ASEAN's efforts to promote regional security (Busse, 1999, p.49).



Forming a military alliance against Vietnam would not be strategic or conducive to the desired outcome. Ultimately, ASEAN chose cooperation and diplomatic dialogue to address the conflict. The idea of security in ASEAN has been debated among scholars (Leifer, 1980, 1992, 2000; Acharya, 2001; Khoo, 2015). However, an analysis of this idea must consider the principle of non-interference.



source: The authors

### ***The human rights and the non-interference principle in ASEAN***

Considerable analysis has been conducted not only on ASEAN's internal and international relations but also on its internal structure, particularly focusing on the principle of non-interference and sovereignty among its members. As Noel (2014) highlighted, ASEAN was initially established during the Cold War by countries that had endured decades of colonialism. Furthermore, as Ramcharan (2000) noted, the principle of non-interference has served as a cardinal principle in shaping ASEAN's identity and defending the equality of sovereignty. From a historical standpoint, it emerged in response to the Cold War era in the region. Additionally, the principle of non-interference permeates all ASEAN documents (Ramcharan, 2000; Jones, 2010). In "Beyond Non-Interference in ASEAN: The Association's Role in Myanmar's National Reconciliation and Democratization," Katanyuu (2006) analysed how the conflict in Myanmar (Burma) in 2005 exposed the principle of non-interference was no longer congruent with the ASEAN of the early 2000s. The principle of non-interference was integral to ASEAN's ideology from its early years. During the Cold War, the Bangkok Declaration already presented a shared viewpoint among ASEAN nations (Stubbs, 2008). This viewpoint was exemplified in the confrontations between Malaysia and Indonesia, known as the Konfrontasi conflict, as well as the involvement of the United States, England, and the Netherlands in the region to counter the spread of communism in Indochina (Katanyuu, 2006; Thompson & Chong, 2020).

Consequently, the notion of preventing external interference in ASEAN member states solidified into a principle of non-interference during the Kuala Lumpur Declaration 1997. This principle was emphasised during the Treaty of Amity and Cooperation in 1976 (Stubbs, 2008; Molthof, 2012). According to Katsumata (2003), the principle of non-interference is not unique to ASEAN and is also adopted by other countries and organisations, such as the United Nations. However, what distinguishes ASEAN is the importance and the diverse interpretations given to this norm by its members.

The ambiguous interpretation of the norm makes the non-interference policy a norm that restricts member countries from intervening in the internal affairs of other member countries, aiming to prevent political interference that could disrupt a country's stability (Nusadari, 2009; Bellamy & Drummond, 2011; Molthof, 2012). However, the non-interference principle encounters challenges when addressing issues such as conflicts and human rights within ASEAN. As highlighted by Mohd (2015), despite ASEAN's consideration of the ASEAN Charter and the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR), there is a prevailing prioritisation of non-interference over human rights, as seen in cases of human rights violations in Thailand and Myanmar (Noel, 2014; Mohd, 2015). AICHR itself lacks the substantive authority to request a response from the state, as exemplified in the case of the Rohingya in 2013. Although it sought to address this issue, it encountered opposition, as it was perceived as an internal matter of Myanmar (Petcharamesree, 2016, p. 181). Davies (2013) argues that the human rights system in ASEAN exhibits an action-identity gap. As declared in ASEAN's chapters, human rights in ASEAN are utilised not primarily to defend freedom but often for political purposes, leading to a moral validity gap in applying human rights (Davies, 2013, p. 224). However, certain events challenge the non-interference principle, such as the 1997-1998 financial crisis, the transboundary haze pollution problem in Indonesia, the Severe Acute Respiratory Syndrome (SARS) epidemic, and the political issues in Myanmar (Othman, 2010). To these historical issues, one can add challenges like separatist movements in South Thailand or West Papua, the South China Sea conflict, the COVID-19 pandemic, and the 2021 coup in Myanmar.

The year 2021 witnessed a significant event in Myanmar that holds utmost importance in this paper. In February, Min Aung Hlaing and the Tatmadaw (the Burmese army) staged a coup, overthrowing

the democratically elected government led by the National League for Democracy (NLD) and detaining Aung San Suu Kyi, one of the prominent figures in Myanmar's struggle for democracy. The coup occurred despite the NLD's victory in the 2020 election. This incident unfolded within the ASEAN context. Similarly, Cambodia experienced a power seizure in 1997, establishing one of the longest-lasting authoritarian regimes in history. However, Cambodia had yet to become a member of ASEAN at that time, although it would soon join. This hindered any coordinated response or strategy in dealing with Hun Sen's rise to power.

Furthermore, it is important to note the difference with the Indochina war, where the conflict between Cambodia and Vietnam, two countries outside of ASEAN, caused regional destabilization. In that case, ASEAN opted for cooperation and diplomacy, which involved a conflict between two Southeast Asian countries that were not yet part of ASEAN. Moreover, the current structure of ASEAN still requires further development and refinement. Additionally, other countries, such as Thailand, have experienced military coups and revisions of their constitution in an authoritarian manner. Myanmar, too, has faced multiple military coups in its history, occurring in 1958, 1962, and 1988 (International Crisis Group, 2021). However, during the recent coup, Myanmar was already a member of ASEAN. In the case of Thailand, particularly during the period of the Shinawatra government and the tragic events in Tak Bai (Suzuki, 2019), it is evident that Thailand, prior to Shinawatra's rise to power, leaned towards embracing the principle of non-interference and altering its policies to prevent any compromise of national sovereignty. Similar circumstances arose during the coups in Thailand and the crackdown on the Muslim minority in Myanmar in 2007, where the principle of non-interference hindered intervention by ASEAN and the United Nations in Myanmar, delaying the search for a resolution (Suzuki, 2019, p. 169).

## **CONCLUSIONS**

Indeed, this study on ASEAN, with a focus on the case study of the 2021 coup in Myanmar, provides valuable insights into the complex dynamics of regional integration, security, and the principle of non-interference within the organization. The study employs a constructivist and historical-political approach, emphasizing the role of ideas, norms, and identity in shaping ASEAN's behavior. The research highlights the historical context of ASEAN's formation,

initially driven by the need for regional cooperation in economics and security. The principle of non-interference emerged as a fundamental norm, reflecting the historical struggles of member states against colonialism and external interference during the Cold War. However, as demonstrated through the Myanmar case study, the rigid adherence to non-interference has revealed weaknesses within ASEAN, particularly in addressing internal conflicts and human rights abuses. The Myanmar coup serves as a critical case study, showcasing the inadequacy of existing norms in responding to challenges that threaten regional security. The research points out that the coup in Myanmar, where a democratically elected government was overthrown, challenges the traditional understanding of non-interference. It raises questions about the effectiveness of ASEAN's response, highlighting institutional weaknesses and the prioritization of national sovereignty over collective sovereignty. The constructivist perspective, emphasizing the role of shared ideas and identities, offers a nuanced understanding of ASEAN's regional order. The ASEAN Way, influenced by constructivism, underscores the importance of cooperation and diplomatic dialogue in addressing conflicts, as seen in the handling of the Vietnam-Cambodia conflict. However, the research also acknowledges the limitations of the non-interference principle, especially in the face of human rights violations and internal strife. The study delves into the complexity of Myanmar's political landscape, exploring the historical struggles, military rule, and ongoing conflicts with ethnic armed organizations. The Rohingya crisis and the military's actions against ethnic groups underscore the challenges ASEAN faces in balancing stability and human rights, challenging the principle of non-interference. The research identifies the need for ASEAN to revisit and evolve its norms, especially in the context of the Myanmar coup, to effectively address security concerns in the region. The study suggests that the current structure of ASEAN requires further refinement to reconcile the tension between the principle of non-interference and the organization's responsibility to protect its citizens and maintain regional stability. In conclusion, this research contributes to the academic understanding of ASEAN's mechanisms of integration, shedding light on the limitations of existing norms and the evolving challenges within the region. It provides a foundation for future studies and discussions on the potential reforms and adaptations needed for ASEAN to navigate contemporary security issues effectively.

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