



## NON-INTERFERENCE PRINCIPLE OF ASEAN IN THE ROHINGYA CRISIS: INTERNATIONAL HUMAN RIGHTS LAW AS ALTERNATIVE Foothold

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### Abstrak

*Artikel ini mengevaluasi prinsip non-interferensi Association of Southeast Asian Nations (ASEAN) dalam mengelola krisis Rohingya. Studi ini menekankan pada standar etika dan integritas penting yang ditemukan dalam hukum hak asasi manusia internasional. Dalam penelitian ini, literature review digunakan untuk mengumpulkan data dari berbagai sumber ilmiah yang relevan dengan menggunakan metode penelitian deskriptif kualitatif. Berdasarkan kerangka teoritis akuntabilitas hak asasi manusia dengan hukum hak asasi manusia internasional dalam konteks hubungan internasional, temuan menyoroti bahwa ASEAN harus bertindak sesuai dengan hak asasi manusia internasional di bawah aturan etika dan integritas dalam mengelola krisis regional. Temuan tersebut menegaskan perlunya membandingkan kerangka kerja hak asasi manusia internasional yang lebih baik untuk mengatasi masalah regional seperti krisis Rohingya, serta segala kekhawatiran yang mungkin berkembang di masa depan. Sebagai saran praktis, badan pengelola konflik perlu dibentuk di dalam ASEAN.*

**Kata Kunci:** Akuntabilitas, ASEAN, hukum hak asasi manusia internasional, krisis Rohingya

### Abstract

This article evaluates the non-interference principle of Association of Southeast Asian Nations (ASEAN) in resolving the Rohingya crisis. The study emphasized the essential ethical and integrity standards found in international human rights law. In this study, literature review is employed to gather data from relevant scientific sources by utilizing descriptive qualitative research methods. Based on theoretical frameworks of human rights accountability with international human rights law in international relations context, the findings highlighted that ASEAN should act in conformity with international human rights under the rules of ethics and integrity in managing the regional crisis. The findings assert the necessity of comparing a better framework of international human rights to address regional problems like the Rohingya crisis, as well as any concerns that may develop in the future. As a practical suggestion, a conflict management body needs to be established within ASEAN.

**Keywords:** accountability, ASEAN, international human rights law, Rohingya crisis

## Introduction

The fundamental principle underlying human dignity in the context of global affairs rests on ethics and integrity. Consequently, the three fundamental elements of contemporary human rights are intrinsic, interconnected, and indivisible. Firstly, this suggests that those rights cannot be bestowed or withdrawn, as they are intrinsically linked to human dignity. Secondly, interdependence refers to the idea that the exercise of one right has an impact on the exercise of others. This is valid not just when weighing one person's rights against those of another, as is done when the equality principle is being upheld, but also when those rights are being balanced against one another. Third, as human rights are unalienable, they must all be upheld without exception (Söllner, 2007). The moral basis of human dignity as seen in human rights abuse can be seen in how ethics and integrity are constructed and used. Put simply, the concept of human dignity has a universal presence that is acknowledged and applied by means of ethics and integrity. Therefore, nations have an ethical duty to honor human rights. According to international legal philosophy, when there is a violation of human rights, states should be held legally responsible and required to operate within the bounds of the law at all times (Sassòli, 2002). This issue is especially difficult because when ethics and integrity are lacking, there is less respect for the law, no one is held accountable, and abuse of power ends up becoming the law's custodian. The correct response is that society and its institutions must value law-abiding behavior. Hence, if the other compound parts are not exposed in society, international relations become abstract and superficially twisted. If this is the case, ethics and integrity can also be seen as characteristics that the law must have in order for us to handle human rights issues under international relations (Nartey, 2022).

The Rohingya crisis presents a pressing obstacle to the management and resolution of issues in the Association of Southeast Asian Nations (ASEAN), specifically crimes against humanity. The Myanmar government stands accused of systematically committing human rights abuses and persecuting the Rohingya people. These refugees, who were mostly Muslim, fled to neighboring countries such as Bangladesh, Malaysia, Thailand, and Indonesia. The Rohingya crisis has been ongoing for decades, but it reached a critical level in 2017 when the Myanmar military launched a brutal crackdown against the Rohingya people in Rakhine State. The military's actions

resulted in the displacement of around 700,000 Rohingya, many of whom fled to Bangladesh, which has since become the world's largest refugee camp. These refugees faced numerous challenges, including lack of access to necessities such as food, water, and medical care. They also faced discrimination and violence from the Bangladeshi government and local population. The Rohingya crisis has sparked international outrage, with many calling for Myanmar's government to be held accountable for the atrocities committed against the Rohingya people. The United Nations has described the situation as ethnic cleansing and has called for an investigation into the human rights abuses. However, the Myanmar government has denied any wrongdoing and has refused to allow international organizations and media to access Rakhine State.

The crisis has been characterized by mass displacement, violence, and human rights abuses (Martin et al., 2018). As a result, the Rohingya as a Muslim ethnic group from Myanmar become stateless (Parashar & Alam, 2019). While ASEAN has been criticized for its lack of action in addressing the crisis (Rosyidin, 2017), the non-interference principle has been cited as a reason why ASEAN has been unable to intervene in the conflict (Morada, 2021). Some authors (Ha & Htut, 2016; Aizawa, 2019; Barber, 2019) have argued that ASEAN's adherence to the non-interference principle has been detrimental to resolving the crisis, as it has prevented the organization from taking any meaningful action. Others have pointed out that the principle is a cornerstone of ASEAN's approach to regional cooperation and that violating it could set a dangerous precedent for other member countries (Renshaw, 2019; Składanek, 2015). Suzuki (2019) highlighted that ASEAN's silence in the current Myanmar crisis either Rohingya humanitarian crisis and current civil war, is due to the principle of non-interference adhered by organization, and thereby pursuing nominal peace and harmony as the sole goals.

The Non-Interference Principle is a fundamental principle of the Association of Southeast Asian Nations (ASEAN), which states that ASEAN member countries must respect each other's sovereignty, territorial integrity, and non-interference in their internal affairs. The Non-Interference Principle of ASEAN is a longstanding principle that guides the regional organization's diplomatic activities. This principle, often described as "ASEAN's golden rule," prohibits the organization from intervening in the domestic affairs of member states (Aizawa, 2019). However, the ongoing Rohingya

crisis in Myanmar has challenged this principle, as the ethnic minority group has faced widespread persecution and violence. This principle has been the subject of debate in the context of the Rohingya crisis (Ha & Htut, 2016; Aizawa, 2019; Renshaw, 2019). Despite the criticism, ASEAN has taken some steps to address the Rohingya crisis although these measures have been seen as limited in scope, and many continue to call for more substantial action to be taken. In sum, the Non-Interference Principle has played a role in ASEAN's response to the Rohingya crisis, with some seeing it as a barrier to action and others seeing it as a necessary principle of regional cooperation. Regardless, the crisis remains a significant challenge for ASEAN and the broader international community.

This article aims to investigate the Rohingya humanitarian crisis from international human rights perspectives and to evaluate Association of Southeast Asian Nations' (ASEAN) non-interference principle in exacerbating the Rohingya crisis. The novelty of this study lies in its exploration of how ASEAN's principle of non-interference can coexist with the promotion and protection of human rights, particularly in situations of crises. Furthermore, this study highlights the importance of finding an alternative approach to conflict avoidance in the Rohingya crisis, given the failure of the traditional principles of ASEAN in addressing the situation. Furthermore, by examining how ASEAN can balance its adherence to the Non-Interference Principle with its commitment to international human rights, this study contributes to the academic discourse on the role of regional organizations in resolving conflicts. Additionally, it provides insights for policymakers and international organizations working towards conflict prevention and resolution in Southeast Asia.

### **Human Rights Accountability**

This study argues that international human rights standards can be used to mitigate the weakness of the Non-Interference Principle of ASEAN in the context of the Rohingya crisis. This means that international human rights norms can serve as an alternative foothold for ASEAN to manage the Rohingya crisis as well as to develop a strong foothold in the future. It is important to acknowledge the premise that the concept of international law is heavily reliant on individuals in authoritative roles utilizing their power in an ethical and equitable manner. States have the authority to put an end to

violations of human rights within their borders, but that authority must be used within the boundaries of the social structure that has been built (Bingham, 2007). This argument might be valid within an ideological framework. This notion, however, is redundant in practice, in part because states may lack the ability to prevent themselves from the misuse of power and environmental impact. This is unless the person has the internal resources to restrain oneself from acting in ways that are detrimental to society as a whole. Therefore, unless individuals refrain from engaging in such actions, the effectiveness of international law in preventing ultra vires behaviors cannot be guaranteed (Lockton, 2012). To provide a clear construction, this study used two main theoretical frameworks, namely human rights law in international relations context, and human rights accountability.

The first theoretical perspective used as the main framework in this study was human rights accountability with ethics and integrity. In the transnational accountability context, Koenig-Archibugi (2014) defined accountability as relationships among actors who are primarily based in different state jurisdictions or involving actors transcending state jurisdictions. According to Buchanan & Keohane (2006), accountability involves three essential components: the requirements that the accountable individuals or groups must satisfy, the provision of information to those responsible for holding others accountable, enabling them to evaluate the performance against the set standards, and finally, the authority of the accountability holders to impose penalties or costs when the standards are not met. Human rights accountability is based on the idea that individuals, states and organizations have a responsibility to uphold basic human rights in all aspects of their operations. This perspective emphasizes the importance of accountability, transparency, and adherence to ethical principles and values. At the core of this perspective is the belief that every individual is entitled to certain universal human rights, such as the right to life, liberty, and security of person, the right to freedom of thought and expression, and the right to equal treatment under the law.

## **Human Rights in International Relations**

The principle of human rights emphasizes that every person, irrespective of their social standing or citizenship, possesses fundamental rights and liberties that are inherent and cannot be taken away from them. These rights are acknowledged and maintained by global legal statutes. Freeman (1994) emphasized that the concept of universalism forms the foundation of international human rights law, as it acknowledges that every person has an inherent right to equal fundamental rights and liberties, irrespective of their cultural or historical background. In addition, international human rights law includes mechanisms for accountability and enforcement (Ratner et al., 2009), such as international tribunals, national human rights institutions, and civil society organizations. These mechanisms serve to promote compliance with international human rights standards and hold individuals and governments responsible when human rights abuses occur.

The concept of human rights is inextricably linked to the history of justice and law (Steiner et al., 2008; Monteiro, 2014). The Universal Declaration of Human Rights, which was adopted in 1948, marked the first step in declaring human rights as universal values. Hence, the states are tied with the nature of the rights, legally-binding obligations to defend those rights, and upholding those obligations (Tomuschat, 2014). Human rights are seen as both moral and legally-based ethical principles by emphasizing the basic idea of human dignity and equality (Griffin, 2009). Thus, by conceptualizing this idea, it can be argued that society is aware of ethics and integrity because of these moral values. The organization of human rights within the framework of international law is known as international human rights law. The field of international relations were highly dependent on international human rights conventions (Sieghart, 1983). Human rights encompass civil and political liberties such as the right to be free from torture and other inhumane treatment, as well as economic and social entitlements like access to education and healthcare. Additionally, they encompass liberties such as the freedom to hold individual beliefs, thoughts, and religious convictions (Schachter, 1991). These laws are either conventional or customary with some of them being legally binding while others being not, and those that are not legally binding are referred to as soft laws. The international legal system is currently changing, and other actors' involvement is becoming more widely acknowledged (Clapham, 2006).

It is unarguable that human rights play a significant role in traditional politics and accountability (Bingham, 2007). The contention that human rights alone bind society's governing laws is, however, very divisive. Without respect for human rights, no legal norm or form of government can exist or be conceived, regardless of its underlying ideas. Therefore, in addition to ethical and moral considerations, there is no legal basis to grant or even consider state-level legislation and accountability. Consequently, the notion of human dignity encompasses dual components in academic discourse. Firstly, it serves as the fundamental principle of human rights. Secondly, it constitutes a legal term that can be employed in the process of interpretation (Shelton, 2013) A fundamental principle underlying modern understanding of human rights is the recognition that there are reasonable and legal limits to individual, corporate, or state activity that would interfere unduly with the free objectives and life projects of others (Shelton, 2020). Human rights legislation is considered as the fundamental aspect for the contemporary ideal of human dignity (Shelton, 2020). Human rights laws, which safeguard people and societies, are essential rights. Also, morality and integrity are a part of what is essential in order to give all actions and laws purpose (McCrudden, 2008).

### **Research Method**

This research design chosen for the study is qualitative research design. Qualitative research is an approach that emphasizes exploring and understanding behavior or phenomena through intensive investigation, analysis, and interpretation of data. Qualitative research is ideal for exploring complex, nuanced, and sensitive topics, such as human rights accountability and international human rights law, that require an in-depth understanding of the context and the perspectives. The data collected for this study consists of literature specifically discussing human rights accountability in and international human rights law, the Rohingya crisis within ASEAN's organizational principle of non-interference. This study adopts literature studies by taking secondary data from books, scientific articles, and data sources originating from the internet such as online news, international treaty documents, and other internet data sources. The data analysis for this study is conducted in four stages, including data preparation, data reduction, data display and conclusion drawing and verification. The results are

analyzed, compared, and verified with the existing literature to draw conclusions and recommendations. The validity of data triangulation in this study is ensured to ensure a comprehensive understanding of the human rights accountability and international human rights law within ASEAN context in the Rohingya crisis.

### ***Human Rights Accountability in the Rohingya Crisis***

A state is described as having the following qualities: a permanent population, a defined territory, a government, and the ability to interact with other states. States that are, in theory, regarded as sovereign and equal dominate the horizontal international legal system (Agnew, 2005). Most of the international law is created and applied by governments. The only entities with territorial sovereignty are states. Members of the United Nations and other international organizations must be sovereign states. The International Court of Justice is only open to states. Yet, due to a lack of legal personnel, non-state actors may not be immune from accountability under the universal norms of ethics and integrity (Raustiala, 1997).

This establishes a distinguishing legal concept for the culpability of unlawful behavior, including in resolving the Rohingya humanitarian crisis. Hence, there are significant differences between local and international law. Domestic law controls how people behave and act within the state, whereas international law controls how governments, including states, behave and act. Legislation and customs form the basis of national law, often known as municipal law, whereas treaties and customs make up international law (Eisenberg, 2001). Furthermore, accountability as well as remedial methods are thus two unique characteristics of corporate accountability that have emerged in both local and international relations contexts (Baylis, 2020). Derived to international law, this is split into two sections, one dealing with the prosecution of criminal offenses under the law and the other with private legal actions brought by impacted people and communities on a nationwide scale (Anowara & Hossain, 2021). Although there are obstacles to both approaches of enforcing human rights accountability, the concept of accountability was applicable to resolve the Rohingya humanitarian crisis (Meier & Kim, 2015). There may be enough distinctions between the two to call for the creation of a concept of ethics and integrity that can aid in achieving accountability for abuses of Rohingya human rights. Errors in liability,

sanction, enforcement, and the ethical and integrity principles are what make the concept of accountability difficult to impose in the cases of the Rohingya crisis in both bilateral and international relations, especially in ASEAN domain (Gowlland-Debbas, 2021). As a result, they have a responsibility to take care not to infringe on the Rohingya's human rights (Tsagourias, 2016). According to this perspective, ethics and integrity provide a firm foundation for holding any entity accountable for malfeasance, which are also eligible in international relations (Andrew, 2017). By neglecting human rights of Rohingya, states and other organizations have violated the activities of the reasonable person if they breach their duty to defend or respect human rights, respectively. The victim or their representative's exposure in Rohingya to retaliation is the last matter that needs to be clarified. The extent to which the organizations adhered to moral and ethical principles, as well as whether the deeds in question: (1) were within their jurisdiction; (2) were performed or instructed by government authorities; and (3) constituted infringements of the Rohingya people's human rights that could result in fines and loss of property (Nartey, 2022).

Answering these queries will lead to the identification of an actor, the determination of who is at fault, and the determination of what obligations emerge from this fault. As a result, both national and international judicial bodies will be better able to grant a variety of remedies in the Rohingya case. The proposition suggests that a framework for leadership encompassing regulations, principles, and customs that must be followed by all parties, persons, and government officials participating in global activities must be the foundation for answerability (Acharya, 2016). Therefore, it is imperative to comprehend accountability as a legal construct that can guarantee the responsibility of individuals, societies, and other stakeholders, comprising governmental and non-governmental entities, for their actions. As a result, accountability should have three vital elements: accountability; enforceability; and international human rights laws, norms, and standards. These elements are crucial for the successful implementation of human rights legislation and remedies. This will help to build a solid idea of accountability to establish responsibility to protect in regional conflicts and the Rohingya's human rights abuses (Thakur, 2016).

### *ASEAN Non-Interference Principle in the Rohingya Crisis*

As long as the crisis, ASEAN did not examine the institutional framework of international criminal law in order to determine if it is valid and legitimate for prosecution and enforcement in the Myanmar crisis (Khan & Ahmed, 2020). However, it is unclear in the case of the Rohingya whether the institutional structure of ASEAN. On other hand, ASEAN has little intention to seriously look at the massacre of Rohingya civilians in Myanmar in order to address this form and content (Southwick, 2015; Lintner, 2020). By examining this undertaking in light of ASEAN's position, it seems clear that ASEAN and Myanmar as its members had a responsibility to take serious action to prevent human rights abuses and persecution of Rohingya. According to Article II of the Genocide Convention, this assertion is correct. In accordance with this strategy, ASEAN can push Myanmar to exert control over its armed forces, citizens, and institutions to stop the killing of civilians from spreading. It follows that those who are directly controlled by or supported by the Myanmar government are also subject to this obligation (Mohajan, 2018).

This is a concern, in part because the preventative action is insufficient as ASEAN holds non-interference principle as most causes of the silence in the Rohingya crisis and current Myanmar civil war. ASEAN can use human rights abuses as the foothold to stop any atrocities in Myanmar either in Rohingya cases or Myanmar civil war (Karim, 2021). This means that the demand and obligation of ASEAN should use its wider principles to prevent and end all violations of human rights in the region. In the Rohingya situation, neither goal from ASEAN nor bilateral communications among members was essentially met. Hence, it must or may be assumed that neither the preventive measures of ASEAN resulted in a favorable result (Nartey, 2022).

Human right accountability, on the other hand, in this context refers to a duty that the state is required to carry out and uphold. In this regard, ASEAN can therefore utilize the organizational membership assessment of Myanmar's human rights abuse, particularly the decision to require the government to provide evidence of the efforts it has taken to prevent or stop the violations of human rights. The disparity between the national culture, historical and legal system, ASEAN principles and the organizational approach to the protection of human rights is another key issue in the Myanmar case. This distinction may be the primary factor in Myanmar's refusal to abide by the ICJ ruling, let alone, ASEAN Charter. In actuality, the failure of ASEAN to adequately

defend the Rohingya's human rights is what led to institutional dogmatism (Rael, 2021). This argument might be valid within the ideological framework of ASEAN. Nevertheless, in actuality, this point is superfluous in Myanmar's case, in part because mankind lacks the ability to restrict itself from geopolitical influence (Nartey, 2022).

This does not apply to states who have the internal resources to restrain themselves from acting in ways that are detrimental to ASEAN as a whole. In broader perspective, the ASEAS is tainted by organizational ambitions and less concerned with defending international human rights law (Bingham, 2007; Lockton, 2012). As a result, ASEAN's dilemma in this situation will be to limit or restrict the ASEAN's ability to make decisions about the preservation of human rights during crises in its members. Basically, this might result in a method for addressing human rights abuses during hostilities that is effective and efficient by pursuing alternative foothold of international legal law to impose (Kaewjullakarn & Kovudhikulrungsri, 2015). Consequently, it is plausible that ASEAN should not debate or ponder on the issue of human rights protection.

If these problems are not resolved by ASEAN, it's probable that ASEAN won't be able to maintain the region's precarious security and peace in the coming decades. In this context, the Preamble of ASEAN's Charter characterizes the organization's goals as ones that depend on the preservation of regional peace and harmony. It goes on to affirm that peace and security in ASEAN can only be attained by communal responsibility, suggesting only that the organization must function as a single entity (Barber, 2019). Philosophically speaking, peace and security in ASEAN must be handled equally everywhere in a regional context in order for oneness to be attained.

However, the foundational feature of ASEAN's existence in the twenty-first century is harmed by this inexecutable treatment in its implementation. Although it is believed that ASEAN serves as a forum for diplomatic interactions among members, it should be remembered that diplomacy cannot exist without peace and security. This is in line with the ASEAN Charter. This implies that within the ASEAN's principles, personal values and dignity must be protected (Kelsen, 2000; Rosyidin, 2017). With the non-interference principle of ASEAN, it raises the question of where the Rohingya people's dignity lies and is recognized by ASEAN (Morada, 2021). It may be reasonable to suppose that the institutional framework established for human rights in ASEAN is

unsuitable for the task at hand and requires approval from the outset. As a result, the ASEAN should not have allowed the murder of Muslim Rohingyas (Anwary, 2018). It is also conceivable to draw the conclusion that ASEAN's present strategy and non-interference principle demonstrates a lack of ethics and integrity in the body's founding principles (Nartey, 2022).

### ***International Human Rights as Alternative Foothold for the ASEAN Human Rights Framework***

The idea of ethics and integrity is also valuable from a genuine legal standpoint (Donnelly, 1982). As a result, promoting human dignity is one of the core ideas of international human rights law, as evidenced by the fact that it appears in practically all human rights documents and is frequently put into practice by human rights organizations. This idea is repeated in both jurisprudence and binding human rights accords (Shelton, 2020). For instance, the European Court of Human Rights (ECHR) declared that the application of Article 3 of the ECHR demonstrated that respect for human dignity was the very essence of the ECHR (Mowbray, 2004). The other regional human rights agreements specifically include human dignity as well. The idea of human dignity serves as an interpretive device in the implementation of civil, economic, and social rights.

In an academic context, the concept of human dignity is not based solely on its existence or on a definitive principle or justification that provides meaning for adhering to the law. Human rights are rather deemed accurate and upheld through inherent factors such as morals and honesty. This suggests that any law that is actualized and flawless is influenced by morality and honesty and is contingent on social norms. It can be posited that a law holds significance and intent if ethics, honesty, and legality are all united in serving a singular purpose for judgment. Consequently, there must be accountability on the part of the government (Nartey, 2022).

Article 1 of the 1948 Universal Declaration of Human Rights (UDHR) shows how the concepts of equality and human dignity are inextricably related. It states that all human beings are born free and equal in dignity and rights. Human rights are based on the moral precept that humans are dependent on all moral beings and are needed to be treated equally. This moral precept is appropriately known as the principle of equal

regard (Shelton, 2020). Fundamentally, what is being expressed here could be seen as the result of equality, a guiding concept that requires that all human rights be weighed against those of others. The right to be free from discrimination is a component of equality and is seen as the most fundamental of all human rights, the foundation of all other liberties. The international notion of human rights, which includes the eradication of slavery, the rights of minorities, and the right to self-determination, is in fact built on this logic (Laponce, 1962).

It is logical to argue that in order for an institution and its governance to be grounded in ethics and integrity, the concept of self-determination must exist or be authorized. As a result, ethics and integrity provide purpose and significance to every aspect of the social system by enabling the identification of what is right versus wrong and facilitating decisions that promote societal progress (Clapham, 2006). In the field of international relations, the final stage of enforcement is the most challenging to complete, and the Cold War-era division of the international community made it much more challenging. Therefore, within the realm of international relations, the field of international human rights law falls under the category of public international law, which primarily pertains to and is regulated by independent nations. Nevertheless, one must acknowledge the vital role played by non-state actors and individuals in the sphere of international human rights law. It is worth noting that this legal arena is subject to ongoing transformations and developments (Clapham, 2006). Human rights legislation is motivated by solidarity rather than the gradual accumulation of precedents and practice. Yet, the international judicial system continues to exist (Shelton, 2020).

In addition, there has always been a problem with upholding human rights. Hence, everyone in the world should be able to benefit from human rights law in order to solve the flaws in the existing legal framework. A means of enforcing these rights ought to be provided by this enjoyment. Ethics and integrity of human rights should be protected in all countries as the international community becomes more intertwined (Schiettekatte, 2016). These are a few of the problems, worries, and queries that lie at the heart of the argument for and against universal human rights protection. Relativism in enforcement is the idea that, rather than being universal, human values vary significantly depending on how one views various aspects of human rights. There are those who argue that the concept of relativism applies not just to cultural practices, but also to human rights.

They maintain that the meaning, justification, understanding, and implementation of human rights can vary depending on one's legal, ethical, and religious background. Essentially, this perspective suggests that human rights cannot be universally applied and instead, are subject to the diverse interpretations of state parties (Nartey, 2022).

The idea that state discretion should be used to determine how to enforce human rights. If a country's compliance with international standards is solely up to state discretion and jurisdiction, then widespread neglect to human rights violation and abuse. As a result, it is believed that promoting and defending human rights is a duty of the state and should only be subject to national discretion in cases of safety and public health (Nartey, 2022). This showed that the universality of human rights has been clearly established and recognized in international relations, partly via the continued work of the United Nations. The United Nations' Charter, which declares that human rights are for everyone without discrimination, places a strong emphasis on this goal. Human rights are universally recognized as being the birthright of every single person. These aren't advantages (Totten, 2008).

The actions of the government or governmental agents against its residents and foreigners are the sole instances of a state's human rights abuses that fall under the purview of international relations. There are two parts to this theory (Partsch, 1985). The initial principle discusses the accountability of a state towards its people and non-citizens, emphasizing the violation of property rights by foreigners of other nations. In addition to this, actions against individuals under its jurisdiction, comprising its citizens, are also considered. The subsequent principle pertains to the customary and legal framework during wars, regulating the state's behavior and ensuring fundamental human rights during the conflict (Murphy Jr., 1966).

This idea is associated with the sovereignty principle, which has long governed interstate interactions. According to current international law, sovereignty refers to a state's fundamental legal status as one that is not subject to the governmental, executive, legislative, or judicial authority of a foreign state or to a foreign law other than public international law within its territorial jurisdiction. According to this analysis, only the state is responsible for what occurs within its borders and is under a duty to take appropriate action. The state has a duty to safeguard all actors and aliens within its borders as part of this positive obligation, in addition to its own residents. So, it is

appropriate in terms of how international law is understood in the international relations context today. However, it might be argued that the idea limits the legal and practical meaning of responsibility since it ignores the more comprehensive definition of accountability, which also encompasses ethics and integrity (Thakur, 2013).

Regarding the availability of solutions and legal obligations for state conduct and human rights, it has deviated from the coordinated approach. According to Nartey (2022), In the global arena, the principle of subsidiarity permits international organizations to intervene and take control when national legal systems are incapable or unwilling to carry out their responsibility of protecting human rights and prosecuting wrongdoers. This safeguard is designed to not impede a state's right to oversee the behavior of entities within its jurisdiction, and instead may bolster the nation's efforts to promote human rights through collaborative international initiatives that align with global standards. Consequently, the current international legal system has renounced the primary accountability tool as a successful solution and an openly accessible legal system that holds accountable entities or individuals for wrongdoings (Allott, 1999).

## **Conclusion**

This research discusses and evaluates the Rohingya situation in light of the most recent global developments, especially related to ASEAN's non-interference principle. The conclusion is that the atrocities on Rohingya's human rights abuses constituted a failure to uphold duty or accountability and violated moral principles and other commitments, including international human rights conventions. The findings highlighted how to adopt alternative footholds by utilizing international human rights law which might be found in relation to other sources of ethical and legal binding in ASEAN principles. ASEAN can explore these alternative footholds to find eligible measures to act to Myanmar in the cases of the Rohingya crisis and current civil war. Based on ethical principles and standards, the onus lies on the entity being accused if the claimants are able to provide initial evidence indicating harm and injury, and if it is highly probable that such harm is a result of the actions or causation of the accused entity.

The findings also revealed that with the strategy of utilizing alternative footholds of international human rights law, ASEAN would provide an effective accountability system if ethics and integrity were to be applied to organizational principles. This

means that wrongdoing in societal settings is also covered by the liability established by ethics and integrity for the state and other bodies. The study came to the conclusion that ASEAN needs to establish a conflict management body. The legal authority to inflict sanctions on the member states that disobey the body's recommendations should be granted to this new independent body. As a last resort, the sanction should lead to the deployment of a peacekeeping force by ASEAN to prevent the gross abuse and violation of human rights.

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