UNDERSTANDING CHINA'S AND INDIA'S RESPONSE TO RAKHINE STATE: FROM A SOUTHEAST ASIAN RESPONSIBILITY TO PROTECT PERSPECTIVE

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ABSTRACT

How do the countries involved view China's humanitarian assistance policies? Is the humanitarian assistance provided by China sufficient to classify it as a responsible global power, which may or may not adhere to the Western definition of responsible power? The ongoing humanitarian disaster in Myanmar, the Rohingya Crisis, has once again prompted many academics to question China's role as a responsible force in the international community. However, most of the time, when criticising China's attitude on the problem, it has been done from a single point of view. Furthermore, owing of the intense concentration on global institutes, state-to-state ties have frequently taken a back seat. Myanmar has always been a component of China's tangential diplomacy programme. In 2014, China assisted disaster-affected individuals in Myanmar, offered mediation efforts to Myanmar's peace process, and urged Chinese firms to be more community-minded in the country. These diplomatic efforts and humanitarian intervention these diplomatic efforts and humanitarian intervention have been overlooked by the international community. Is it possible to refer to humanitarian assistance as a type of responsibility? Is military intervention or development assistance more effective? The paper tries to question whether a Southeast Asian perspective on R2P is possible? Whether India's and China's action could regard as a responsible response?

KEY WORDS- *Humanitarian Intervention, South East Asia, Responsibility to Protect, China, India, Myanmar, Rakhine*

INTRODUCTION

With the recent humanitarian disaster in Myanmar's Rakhine state, where attacks by the Arakan Rohingya Salvation Army (ARSA) triggered a significant military purge against the Muslim Rohingya minority in the state's north. As a result, 600,000 Rohingya have fled to Bangladesh, where their future is uncertain due to their lack of citizenship rights from Myanmar. The savagery has also influenced Rakhine Buddhists and other state residents. UN High Commissioner described the situation as a "classic example of ethnic cleansing" for Human Rights Zeid Ra'ad al-Hussein. However, the situation in Rakhine State has always been the most serious emergency that Aung San Suu Kyi's administration has faced.

A confluence of ethnic nationalism, underdevelopment, and humanistic needs, as well as the fear of radicalization, terrorism, and dissidence, has made the situation so volatile that even the international community has struggled to identify a common entrance point. The state of emergency has drawn criticism from both Aung San Suu Kyi's administration and the Burmese military, the Tatmadaw. Many Western and Islamic nations have urged Myanmar's government to be forthright and responsible on human rights violations, as well as a swift and composed response from the international community. Nonetheless, China, Myanmar's largest neighbour and commercial partner, does not share this viewpoint. China, on the other hand, has been a staunch supporter of Myanmar's administration. The UN Security Council issued a presidential proclamation condemning the situation in Rakhine.

However, China's refusal to consult on a potential resolution has resulted in the removal of many contents from the draught itself. The draught omitted references to statelessness and citizenship for the Rohingya, as well as a call for a UN fact-finding mission. The international community has strongly attacked India's stance on the matter, as well as China's, following India's neutral reaction to the United Nations resolution on the topic. Indeed, in a lengthy interview with UN Special Rapporteur on Human Rights in Myanmar, Yanghee Lee, published by Indian magazine the Wire, she has asked India to take greater responsibility for the dire situation. India, on the other hand, was hesitant to support the Western nations' request for UN Security Council intervention in the

country since it contradicts India's foreign policy ideal of non-use of force and respect for state sovereignty.

OBJECTIVES

Objectives of the paper are- how the Asian and Southeast Asian states perceive the concept of R2P, endorsed by the United Nations. Whether it is possible to refer to providing humanitarian aid as a kind of responsibility? Does military intervention more effective or development assistance? The paper tries to question whether a Southeast Asian perspective on R2P is possible? Whether India's and China's action could regard as a responsible response?

METHODOLOGY AND THEORETICAL APPROACH: HUMANITARIAN INTERVENTION

In his book Humanitarian Intervention, James Pattison examines the concept of humanitarian intervention from a normative standpoint. In doing so, he addresses the following issues: "How much moral weight should be ascribed to an intervener's legal position under international humanitarian law?" How critical is it that an intervener be effective, and what does this entail in practise? Can an intervener be considered lawful if its involvement costs lives and resources for those within its own borders? "How significant are an intervener's actions on international peace and security?"

In order to answer concerns such as who should act, he has established a normative notion of humanitarian intervention legitimacy. The Moderate Instrumentalist Approach of Pattison is based on consequentialism. When it comes to humanitarian intervention, the most crucial issue to ask is whether or not the intervener will be most effective. Pattison's method contradicts both the non-instrumentalist and the severe instrumentalist approaches. In contrast to non-instrumentalists, it places a strong emphasis on an intervener's effectiveness, but it also understands that this is not the only determinant of an intervener's legacy. The Moderate Instrumentalist method likewise emphasises the intervener's representativeness and adherence to jus in bello principles. Nonetheless, generating positive outcomes is the most important requirement for a humanitarian action (Pitterson,70). It also emphasises the moral need of humanitarian assistance. The efficiency of interveners, according to Pattison, is tied to the effects of intervening countries. Certain indicators can be used to determine if the intervention was beneficial to the intervening country. He has distinguished two forms of good. The first is in a narrow sense, in which the success of the intervener

is measured by whether it secures the peace, fulfils its mandate, defends civilians, or puts a stop to the slaughter (Pattison 71). An utilitarian perspective could be used to assess overall efficacy. Instead of military intervention, intervener is more effective since it delivers overall utility, such as long-term financial instability.

This Pattison premise is critical for our case study, which examines both China's and India's responses to Myanmar's Rakhine issue. According to the Moderate Instrumentalist Approach, the objective of an intervener in any humanitarian crisis should not only be to address urgent human rights violations, but also to address the core cause of the conflict, which fires the concept of responsibility to protect. Pattison distinguishes three kinds of effectiveness: local external effectiveness, global external effectiveness, and intervener internal effectiveness. Local efficacy is the most important because it is tied to the benefit of the intervening country. If the intervention worsens the situation, it will be locally externally ineffective and will fail the legitimacy test.

Ramesh Thakur also believes that, while collective responsibility is for the good of all, it necessitates a fair assessment of when, how, and how much force to deploy. He also believes that there is a distinction between legality and legitimacy. Thakur recognizes that developing countries frequently struggle to keep up with the rapidly shifting norms of humanitarian action, compelled disarmament, and forced intervention (Thakur,20). He was discouraged by the fact that the East's perspective, especially on humanitarian issues, was not effectively reflected in the international community. According to Thakur, is the use of the term Humanitarian Intervention as a licence to disrespect the concept of sovereignty, and those who disagree are labelled as anti-humanitarian. While Western minds perceive the idea as a non-political and self-interested concept, Easterners have come to regard it as an insult to their historical memory. (Thakur, 249). In order to fulfill its primary premise, the duty to assist, the Responsibility to Protect necessitates action involving a wide range of and significant measures and responses such as developmental assistance, reconstruction assistance etc. Military intervention should be reserved for extreme circumstances. According to Amitabh Acharya, the tension between state sovereignty and humanitarian assistance is frequently overblown he also acknowledged that it is still difficult for developing countries to fully accept the concept. Despite its initial reaction to the concept, particularly after authoritarian rule in Myanmar and the clash of democracy in Cambodia, Asia has come a little

closer to a soft interventionist strategy. In1997, Anwar Ibrahim, Malaysia's then-Deputy Prime Minister, urged constructive involvement. Surin Pitsuwan, Thailand's Foreign Minister, invented a similar notion termed 'flexible engagement' in 1998. The concept of flexible engagement still makes sense in the Asian context since it addresses bigger issues of collective regional action in coping with humanitarian disasters rather than focusing solely on political and humanitarian issues. Financial aid was also identified as a strategy to assist needy countries. While Southeast Asian countries under the purview of ASEAN are drawn to collectivism as a normative principle while coming to portray themselves as responsible providers. Professor Tan has suggested that in Southeast Asia, responsibility to safeguard is more closely aligned with the norm of responsible providing.

That is to say, they are not wholly opposed to the idea inspired by the UN to safeguard states that are either disguised or incapable to protect their own population. However, the Southeast Asian regimes have strongly adhered to the principle of non-interference, dating back to the Bandung Conference. Alagappa noted that adhering to the non-interference norm does not necessarily imply that ASEAN governments have failed to incorporate the element of responsibility. Nonetheless, Tan discovered certain gaps in the ASEAN nations' support for the Responsible Provider idea. In the instance of Southeast Asia, R2provide rejects the notion of provider countries imposing and enforcing help because it is entirely based on the invitation of the recipient countries in need of that support. David Capie argues that the norm was never institutionalized in that region of the world. Southeast Asian governments have been classified as 'R2P engaged' by Capie. Nonetheless, he noted that, while they participate in the debate and conversation concerning R2P, they are always circumspect in their support. He argued that while "they are likely to support some aspects of R2P and they may actually oppose some operationalization measures and the application of R2P to some situation" (Bellamy and Davies 551). Following Foreign Minister Alberto Romulo's 2005 declaration that R2P should be reconciled with ASEAN's principle of non-intervention, the Philippines was designated as an R2P 'advocate' (Romulo 2005). Furthermore, Thailand supported R2P at the World Summit in 2005, but has since withdrawn all reference of the standard as successive governments have become concerned about the possibility of outside assistance in the conflict in southern Thailand. The Rohingya in Burma are subjected to direct brutality, which has been linked to mass atrocity crimes, as well

as structural cruelty, which marginalizes the minority group and creates vulnerabilities for future harm. Despite the fact that human rights advocates argue that their torture constitutes crimes against humanity and ethnic cleansing – and the gathering has been recognized as a target for the killing – this case has not yet been effectively viewed as R2P-sponsored. Perhaps the international community has relied on gradual improvements in Burma's human rights record as an assurance that the Rohingya situation will improve.

China, India, R2P and Response to the Rakhine State Crisis

The western press has slammed China and India's actions in the Rakhine conflict as going against the United Nations agenda. While the West condemns Aung San Suu Kyi's government and advocates for involvement in this particular area of Myanmar, China and India continue to back Myanmar leadership. In a discussion on the margins of the BRICS Xiamen conference, Indian Prime Minister Narendra Modi and Chinese President Xi Jinping both supported constructive engagement with the issue for regional stability and disagreed on the proposed UN intervention in the country (SCMP,2017). Scholars believe that China and India's involvement in infrastructure projects such as the Kyauk Phyu deep seaport project and the Kaladan project may be the basis for both Asian countries' untangled support for the Myanmar regime despite Western criticism. However, the issue has revealed both India's and China's positions on the use of force and non-interference in other nations' sovereignty. India's approach has been highly criticised, since the Indian government has asked Rohingya refugees to leave the country in a report issued in 2017. According to the United Nations High Commission for Refugees, there are around 14,000 Rohingya refugees in India who have been there since 2012. However, India stayed deafeningly silence on a report issued by the United Nations Special Commission on Rakhine State, which was chaired by former UN Secretary-General Kofi Annan. On September 23, 2017, the report "Towards a Peaceful, Fair, and Prosperous Future for the People of Rakhine" was published in order to garner the attention and joint effort of the international community (United Nations, 2017). India also distances itself from another resolution proposed by the UN Human Rights Council. India has consistently opposed any country-specific resolution at the UNHRC because it contradicts the declared attitude of the Indian government's respect for state sovereignty. However, in a written report, India's minister of state for external affairs, V.K Singh, stated

that India has been in continual discussion with the government of Myanmar about the Rakhine State of Myanmar and is willing to provide development assistance in order to ensure communal peace. India has offered to donate &25 million for development initiatives, including the reconstruction of dwellings in Rakhine, which could eventually allow Rohingya Muslims who have fled the nation to return. India and Myanmar have inked a government-to-government memorandum of understanding (MOU) with Myanmar's Ministry of Social Welfare, Relief, and Resettlement with a cooperation partner focused on socioeconomic development and livelihood efforts in Rakhine State. This is intended to help the Myanmar government achieve its goal of restoring normalcy in Rakhine State and allowing displaced people to return home. The Government of India plans to implement, among other things, a project to build prefabricated houses in Rakhine State to fulfil the immediate needs of returning people under this MoU. Regarding China, the Chinese government has emphasised the importance of dealing with the matter bilaterally. China, like India, has supported the Burmese government's efforts to safeguard its sovereignty and national security, bolstering Myanmar's position in combating terrorism and separatism (FMPRC, 2017). While the US and the UK have broken off military cooperation with Myanmar, China, on the other hand, has had a high-level visit by the commander in chief of the Tatmadaw, Senior General Min Aung Hlaing. Aside from military connections, China has volunteered to provide 150 tonnes of assistance to refugees in Bangladesh via its embassy in Bangladesh. However, China, like India, is hesitant to use the word Rohingya while delivering development assistance to Myanmar. When discussing the conflict, both countries preferred to use the term Rakhine State. Three primary reasons for China's support for Myanmar's administration and refusal to accept the UN and EU demands for military intervention (Joy, 2018). First, the issue of Myanmar's ethnic minorities is a matter of its internal sovereignty. Second, the vast majority of Myanmar's people supports the government and believes that the Western perception of the issue is skewed toward the Rohingya. The third is that preserving the western concept of universal human rights necessitates condemnations of the government, which the Chinese side believes will only worsen the situation. China would prefer to resolve the matter through mediation. This, they believe, will allow it to engage on a higher level with the United Nations or Western Nations (Joy, 2018). China's discontent with Western norms is not a new phenomenon. Over the last

decade, the Chinese government has prioritised the development of new global governance rules. The Rakhine Crisis could be viewed as another platform for the organisation to uphold its own ideals of Responsibility to Protect. At the bilateral level, China has enlisted the assistance of Special Envoy for Asian Affairs Sun Guoxing, who has dealt with ethnic armed groups along the China-Myanmar border. Following Chinese Foreign Minister Wang Yi's visit to Myanmar, the leaders of both countries devised a three-point strategy.

The first objective is that a cease-fire be called in order to restore order and stability. Second, all parties should encourage and assist Myanmar and Bangladesh in their efforts to enhance ties and resolve the issue via mutual consultation. The third step is to appeal to the international community to assist Rakhine in its development.

However, despite the fact that the underlying accord signed on November 23, 2018 by Burma and Bangladesh owed more to a previous two-sided claim from 1992, with no significant influence from China. Wang Yi's argument made the core causes of the conflict as merely economic but denied multifaceted nature of the situation and fundamental problems about citizenship, human rights, and intercommoned interactions unaddressed (Joy, 2018).

Returning to Pattison's Moderate Instrumentalist Approach, the objective of an intervener in any humanitarian crisis should not be solely to address urgent rights abuses, but rather to address the core cause of the conflict, thereby igniting the concept of responsibility to protect. Thakur also stated that action in support of the responsibility to safeguard necessitates and necessitates a wide range of measures and responses in fulfillment of the related duty to assist. Development assistance to help prevent conflict from developing, deepening, spreading, or continuing; rebuilding support to help prevent conflict from reoccurring; and, in exceptional situations, military action to protect at-risk populations from damage are examples of these (245).

CONCLUSION

As a result, India's and China's reactions to the Rakhine state may be interpreted as falling within the Southeast Asian concept of responsibility to protect. Aside from India and China, ASEAN issued a public statement acknowledging the issue's complicated inter-communal nature with deep historical origins. This also makes a difference from a Western perspective on Universalism. Nonetheless, given the urgency of the situation, certain Asian countries, such as Malaysia,

have expressed their unhappiness with ASEAN. The academic community in Myanmar is generally supportive of China's humanitarian intervention in the nation. Miwa Hirono, concerning western criticism, she noted that, if we look at the matter from a single perspective, it is perfectly normal to criticise China's active humanitarian engagement as a means to extend its influence. In an interview with the Myanmar Times, she advocated for a more comprehensive assessment of China's role in the humanitarian catastrophe. She contends "This picture, that China as China Inc. is attempting to broaden its interest, is not always correct. When dealing with a single issue, such as a natural disaster, numerous parties are involved, including the commerce ministry, the foreign ministry, Chinese NGOs, and corporations. These actors' operations are not always coordinated, and each agency has its own mandate." *(*Myanmar Times, 2018).

China's mediation efforts, in which it has been involved since 2015, have been positively accepted not only by the Myanmar's government and the rebel groups. This brought us to Pattison's description of humanitarian intervention and the focus point of R2P, which is local effectiveness. Without a question, the crisis in Rakhine is enormous, and the hardship is beyond comprehension; nonetheless, involvement could exacerbate the problem rather than alleviate it. As a result, a South/East Asian perspective could aid in understanding the best answer to the situation.

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