



POLICY BRIEF

ACTING
RESPONSIBLY:
RETHINKING
AUSTRALIA'S
RESPONSE TO THE
ROHINGYA CRISIS

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Acting responsibly: Rethinking Australia's response to the Rohingya crisis

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Cover image: Patrick Brown, UNICEF 2017

Executive Summary

From late August 2017 until the present, over 700,000 members of the Rohingya muslim minority have been driven from their homes in Rakhine state in Western Myanmar to a series of refugee camps in Cox's Bazaar, Bangladesh.

Australia's most substantive action so far has been the provision of \$31.5 million in humanitarian aid and the imposition of sanctions on five top Myanmar military generals. Australia has also condemned the violence and called for accountability and access for international observers. Aside from the limited sanctions, Australia has pledged to continue its modest military cooperation with the Tatmadaw—Myanmar's armed forces— despite their role in the violence.

This brief proposes that Australia should suspend cooperation with the Tatmadaw while significantly increasing humanitarian aid to camps in Cox's Bazaar on an ongoing basis. This recommendation is based on the rationale that

- Better conditions in Cox's Bazaar will improve the humanitarian situation while minimising the risk of extremism and irregular migration
- Maintaining significant ties with the Tatmadaw undermines Australia's reputation and stated commitment to human rights

Background

The massive exodus of over 700,000 Rohingya into Cox's Bazaar began in August 2017 after a group of Arakan Rohingya Salvation Army (ARSA) militants launched attacks on local police posts. As a reprisal for ARSA's attacks, the Tatmadaw— sometimes acting in cooperation with local Buddhist villagers— violently attacked Rohingya villages. In the ensuing violence, at least 10,000 Rohingya were killed, amidst reports of mass rapes and the burning of entire villages. As a result of the mass displacement, there are approximately 909 thousand Rohingya living in refugee camps in and around Cox's Bazaar. Efforts to provide crucial cholera vaccinations and dietary diversification have been hampered by significant funding shortfalls.

Australia responded to the crisis by condemning the violence and offering its assistance. Australia's strongest statement came in late March at the Human Rights Council, where Canberra condemned the

violence perpetrated by the Tatmadaw and local vigilante groups, as well as calling for accountability and access for international observers into Rakhine state. After a UN fact finding mission accused the Tatmadaw of systematically targeting civilians with “genocidal intent”, Australia imposed targeted sanctions on five generals accused of leading the operations.

Earlier in March when Australia hosted the ASEAN-Australia Special Summit, then Prime Minister Malcolm Turnbull encouraged the State Counsellor of Myanmar Aung San Suu Kyi, to reach a resolution with Bangladesh to ensure the repatriation of displaced refugees. Turnbull also reaffirmed Australia’s ongoing commitment to providing humanitarian assistance. Since the crisis has begun, Australia has pledged \$31.5 million to support refugees in Cox’s Bazar (see Appendix A).

Canberra’s refusal to suspend its military cooperation with the Tatmadaw marks the most controversial element of Australia’s response. This refusal stands in contrast to the decision of the United States, United Kingdom, France, Canada and European Union to cease cooperation with the Tatmadaw.

Australia’s defence cooperation recommenced in 2012 after Myanmar made significant strides towards democratisation. The modest relationship— budgeted at \$400,000 for the 2017-8 financial year— provides for English lessons, the maintenance of a bilateral dialogue and funding for Myanmar’s participation in the Pirap Jabiru exercises held in Thailand. Previously, the Australian Defence Force (ADF) provided the Tatmadaw with training in peacekeeping and humanitarian assistance.

Australia’s main rationale for maintaining its military to military program is that it provides Canberra with a platform to express human rights concerns and positively influence the behaviour of the Tatmadaw by exposing it to international norms. The Tatmadaw’s influence within Myanmar— it is constitutionally allocated 25 per cent of all parliamentary seats and has vast financial holdings— means that ties with the Tatmadaw are seen as an important constituent part of Australia’s relationship with Myanmar.

Australia’s overall response to the crisis must be seen within the context of its broader regional concerns. Canberra is supportive of democracy in the region and is wary to take any action which would undermine Myanmar’s democratic transition. In its pursuit of a closer relationship with ASEAN, Australia has also been mindful of respecting the organisation’s norm of non-interference and respect for sovereignty.

Finally, Australia recognises that ties with the Tatmadaw are a useful counterbalance against the organisation's deepening relationship with China.

Problem

Foreign Aid

Australia's provision of aid does not go far enough, especially given that UNICEF only has 28 per cent of the funds required to administer camps in Cox's Bazar. Aside from humanitarian concerns, deteriorating conditions increase the likelihood of security risks. Notably, the camps could become fertile recruitment grounds for ARSA or more extreme organisations. The plight of the Rohingya could also become a recruitment tool for Islamic State as it looks to increase its foothold in the region. Poor conditions could also prompt mass-scale irregular migration.

Military Cooperation

Australia's engagement with the Tatmadaw rests on the assumption that Australian-funded training programs will positively impact the army's behaviour. However, since its inception, the Tatmadaw has consistently used brutal force to suppress Myanmar's many ethnic insurgencies. Despite the transition to democracy, the Tatmadaw—which is not under the control of the civilian government—has continued to use excessive violence, leading to mass displacements in Rakhine, Shan and Kachin states. Given the Tatmadaw's past and ongoing behaviour, it is difficult to envisage a training program as modest as Australia's having a meaningful impact in changing organisational behaviour.

As well as being potentially futile, Australia's continued engagement with the Tatmadaw—especially in the wake of other countries suspension of ties—directly undermines Canberra's international reputation and stated commitment to upholding human rights. This is because Australia's decision to stand by the Tatmadaw—during the crisis the Department of Defence contemplated inviting the Myanmar Army Chief to attend a Chief of Army Land Forces Seminar in September 2018—only serves to provide it with international legitimacy while doing little to incentivise adherence to international human rights standards.

Finally, Canberra's ongoing commitment to training the Tatmadaw makes little sense given that the military to military relationship is meant to be flexibly adjusted according to developments within Myanmar (see Appendix B).

Policy Options

1. Maintain defence cooperation but significantly increase humanitarian aid to camps in Cox's Bazaar on an ongoing basis

Pros

- Australia-Myanmar ties would remain undamaged. This could be particularly important as Australia moves to deepen ties with ASEAN.
- Improved conditions in Cox's Bazaar would reduce the chances of radicalisation and irregular migration.
- Bangladesh—already one of the regions poorest countries— would be at less risk of destabilisation.
- Playing a lead role in addressing the humanitarian crisis would reaffirm Australia's status as a responsible regional actor.

Cons

- Australia's maintenance of ties with the Tatmadaw would damage Canberra's international reputation. Australia has already been targeted by Amnesty International because of its decision to maintain ties.
- Maintaining cooperation with the Tatmadaw would detract from Australia's goal of upholding human rights, while doing nothing to disincentive further abuses.
- Ongoing cooperation with the Tatmadaw will likely be poorly received by the Australian public.

2. Suspend defence cooperation and increase humanitarian aid

Pros

- As above regarding increased humanitarian aid.
- Australia's reputation and commitment to human rights would be upheld.
- Australia would be part of the international effort ensuring that the Tatmadaw does not act with impunity.

Cons

- Australia's ties with Myanmar would likely be strained, especially because of the considerable domestic influence exercised by the Tatmadaw. However, Australia could counteract any tensions by reassuring Myanmar's civilian government of Australia's commitment

to maintaining cooperation in all other areas, including resolving the humanitarian crisis. Australia could also stress that it does not hold the civilian government responsible for the violence.

- By extension, Australia's ties with ASEAN could also be damaged if Australia was to be seen to be interfering in Myanmar's internal affairs. However, this fear could be overstated, particularly because two of ASEAN's most prominent members— Indonesia and Malaysia — have publicly pressured Myanmar to end the violence.

3 • Lead a humanitarian intervention in Rakhine state under the Responsibility to Protect (R2P) doctrine (see Appendix B)

Pros

- If effectively implemented, this response could dramatically reduce human rights abuses, allowing for the successful repatriation of refugees.

Cons

- Australia would be unlikely to gain United Nations Security Council authorisation for an intervention, because China— who has close ties with Tatmadaw and extensive economic interests in Rakhine— would exercise its veto power.
- Even attempting to secure UNSC authorisation would damage Canberra's relationship with Myanmar, China and India— who also maintains close ties with Myanmar— and a significant portion of ASEAN's members, who may fear that such interventions could be used against them.
- If an Australian led humanitarian intervention did occur it would be costly and dangerous. Foreign intervention could also merely complicate the situation.

Conclusion

Option three should not be considered as it would be too damaging for Australia's foreign relations. Although option one exposes Australia's foreign relations to the least risk, maintaining ties with the Tatmadaw will damage Canberra's reputation as well as undermining its efforts to support human rights. While ceasing cooperation with the Tatmadaw will negatively impact Australia's relationship with Myanmar, the fallout from this decision can be minimised if Canberra acts prudently.

Increased funding on an ongoing basis for camps in Cox's Bazaar should be seen as an uncontroversial and cost-effective way of safeguarding regional stability and reaffirming Australia's role as a constructive regional actor. Therefore, this brief recommends option two as the best course of action.

About the Author

Henry Storey is a Masters student in International Relations at Melbourne University. He is a Middle East and North Africa analyst for Foreign Brief and a commissioning editor for Young Australians in International Affairs.

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Appendices

Appendix A

FEBRUARY 2018



 **Australian Government**
Department of Foreign Affairs and Trade

AUSTRALIA'S HUMANITARIAN ASSISTANCE IN RESPONSE TO DISPLACEMENT FROM RAKHINE STATE (MYANMAR)

 688,000 people have crossed the border to Bangladesh since 25 August	 \$ 31,500,000 committed so far by Australia for humanitarian assistance
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Since August 2017, violence in Myanmar's Rakhine State has driven over 688,000 people to flee to Bangladesh. Now living in over-crowded camps and communities, they urgently need food, shelter, water and health. There are now over **1.2 million** people in need of assistance in Cox's Bazar, including 688,000 people newly displaced, 300,000 Bangladeshi people living in the Cox's Bazar region and 300,000 Rohingya displaced to Bangladesh prior to 25 August 2017.

- Over **1.2 million** people need food, including **150,000** children under five who need nutrition supplements
- Over **24,000** pregnant women need maternity care
- Over **58 million litres** of water is required every day
- Up to **90%** of people in makeshift settlements do not have adequate shelter



What is Australia doing?

Since 25 August when the violence escalated, Australia has provided **\$31.5 million in humanitarian assistance**. This includes support for a joint appeal with Australian humanitarian agencies.

Our funding is helping to deliver essential services, and helping to restore safety and dignity to affected people. It is also supporting the response to an outbreak of diphtheria in Cox's Bazar.

Our partners include World Food Programme, International Organization for Migration, BRAC, United Nations Population Fund (UNFPA), United Nations Refugee Agency (UNHCR) and international and Australian non-government organisations.

What is Australian assistance contributing towards?

 850,000 people accessing safe drinking water	 974,000 people receiving food	 370,000 children being educated
 180,000 displaced families receiving shelter	 11,876 children treated for severe malnutrition	 900,000 people accessing functioning toilets

 @DFAT [DFAT.GOV.AU](http://dfat.gov.au)

Source: <http://dfat.gov.au/crisis-hub/bangladesh-myanmar-crisis/Documents/rakhine-what-will-our-assistance-do.pdf>

Appendix B

In a recent disclosure by the Defence Department based on a freedom of information request it was noted that

‘Following Myanmar’s successful transition of government in 2016, the Australian Government revised policy settings to allow for increased engagement with Myanmar. Our expanded Defence cooperation focuses on non-sensitive, non-combative areas aimed at further encouraging the Tatmadaw’s acceptance of the reform process. The program of activities is scalable, able to be flexibly implemented and withdrawn at any time should developments in Myanmar give reason for doing so.’

Source:

http://www.defence.gov.au/FOI/Docs/Disclosures/171_1718_Documents.pdf

Appendix C

Responsibility to Protect Doctrine

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

Source: <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>