

SNIPPETS OF SOUTH EAST ASIA

MONTHLY NEWSLETTER BY NEHGINPAO KIPGEN CENTER FOR SOUTHEAST ASIAN STUDIES (NKCSEAS)

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MAY GALLERY



Picture Courtesy: The Indian Express



Picture Courtesy: Think Economic and Financial Analysis

MESSAGE FROM THE NKCSEAS TEAM

Greetings...

In this edition of our newsletter, we bring you the experiences of the former members of NKCSEAS. We would like to thank our readers around the world for sharing your invaluable comments on our previous newsletters, and we look forward to receiving them in the future including from institutions and organizations interested in establishing a partnership with us.

Sincerely,
Team NKCSEAS

Mohanasakthivel. J,

Mohanasakthivel. J, was a TRIP (Teaching & Research for Intellectual Pursuit Fellow & Academic Tutor) at Jindal School of International Affairs. He has a B.A LL.B. from K.L.E Society's Law college Bangalore, Karnataka and M.A. in Diplomacy, Law and Business from O.P. Jindal Global University. His research interests include Ethnic Conflict, International relations of Southeast Asia, Regional integration and Developments in the Indo Pacific. During his master's he was a research assistant at Nehginpao Kipgen Centre for Southeast Asian Studies, and he has published news articles in Manila Times, Jerusalem Post, Korea Times and South Asian Voices.



How has your time been at NKCSEAS?

Working at the NKCSEAS provided me with a great opportunity to gain a better understanding of the region. I have always had a strong desire to learn about Southeast Asia and gain an appreciation for the complexities it presents in terms of geopolitics, security, and other non-traditional security areas. During the time that I worked at the centre, I had the opportunity to write articles, and the late Professor Nehginpao Kipgen assisted me in publishing them. I also managed the centre's social media platforms and have assisted during the seminars and the other centre related matters.

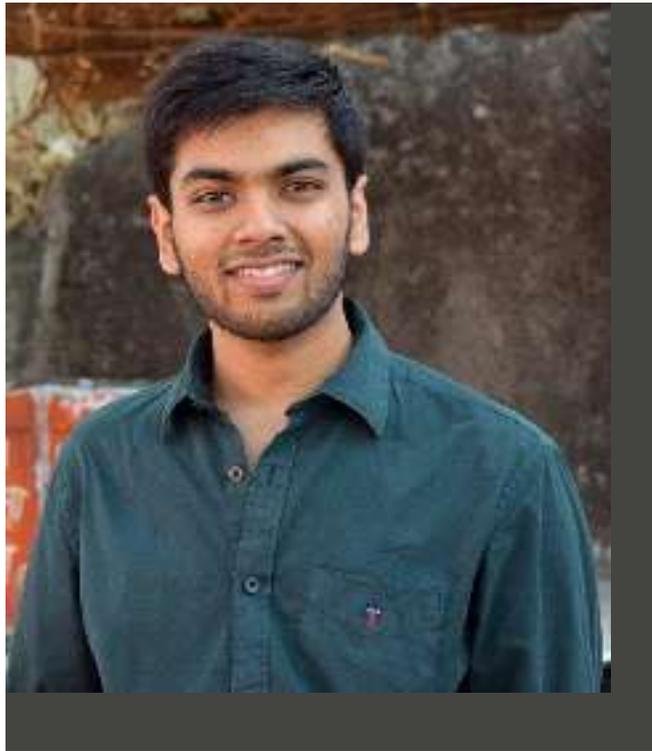
Although being an expert on Myanmar and Southeast Asia, our late Professor Nehginpao insisted that we always look farther afield, notably beyond Myanmar and the other nations of mainland and maritime Southeast Asia. As he constantly remarked, the majority of India's experts on Southeast Asia have mostly focused on Myanmar and paid little attention to other nations that were important to India. Working under him has broadened my understanding of the area, and his ability to look at problems from a variety of angles has raised my enthusiasm for it.

What are your future plans?

Having passed the UGC-NET in international relations and area studies, I intend to pursue my PhD after working for two more years. I am motivated to pursue a doctorate in international relations with an emphasis on Southeast Asia.

Akash Sahu

Akash Sahu is a researcher in Indo-Pacific geopolitics and Southeast Asian studies. I work as Research Analyst at Centre for Southeast Asia and Oceania in Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDS). I study foreign relations, inter-state defence relationships, and balance of power among countries in the region. The role of India in the evolving regional security architecture is of special interest to me along with the involvement of major powers like the US, China and Japan. In non-traditional security sphere, I observe the impact of trade and investment in foreign policy, and urban water security in developing areas of the Indo-Pacific.



What have you learned from your time with NKCSEAS and how has it helped you with your professional career?

During the approximately two terms of my tenure at NKCSEAS, I was trained in noting the rapidly changing security environment of Southeast Asia by closely observing the socio-political developments. Under the kind guidance of former Director Dr Nehginpao Kipgen, NKCSEAS members were encouraged to see the larger picture of geopolitics in the Indo-Pacific. In my work for the centre on understanding the “ASEAN Way”, and analysing external relations of ASEAN with regional powers, I learnt more about the journey of ASEAN as a formidable multilateral organisation, albeit with its own specific limitations. In another piece of work on comparative analysis of China and Japan’s influence in Southeast Asia, I discovered the delicately balanced relationships ASEAN nations maintain with their Northeast Asian neighbours. My work at NKCSEAS was elemental in securing an internship at MP-IDS. My capstone project on “Radicalisation in Indonesia”, undertaken during my internship at MP-IDS, was again crucial in understanding Indonesia’s pivotal role in Southeast Asian politics, and also helpful in securing a full time position at MP-IDS as an analyst.

How has your time been at NKCSEAS?

My time with NKCSEAS was of very significant value to me. My fellow members and I have been there during structural transformation of the organisation. I was part of the committee that recommended creation of new divisions in the centre, namely planning, research, and media outreach. I was fortunate to lead the planning division and coordinate directly with Dr Kipgen on execution of projects. A major achievement of this new system was successful development and launch of the centre's newsletter "Snippets of Southeast Asia". I had the opportunity of editing the first issue of the newsletter. The team's hard work could be seen bearing fruit as Dr Kipgen was contacted shortly by ISEAS Singapore requesting to carry book ads in our newsletter. The role of every member was very important in creating that product. In my second term with NKCSEAS, I was also managing the centre's twitter handle. These experiences have been very constructive for me in learning organisational work.

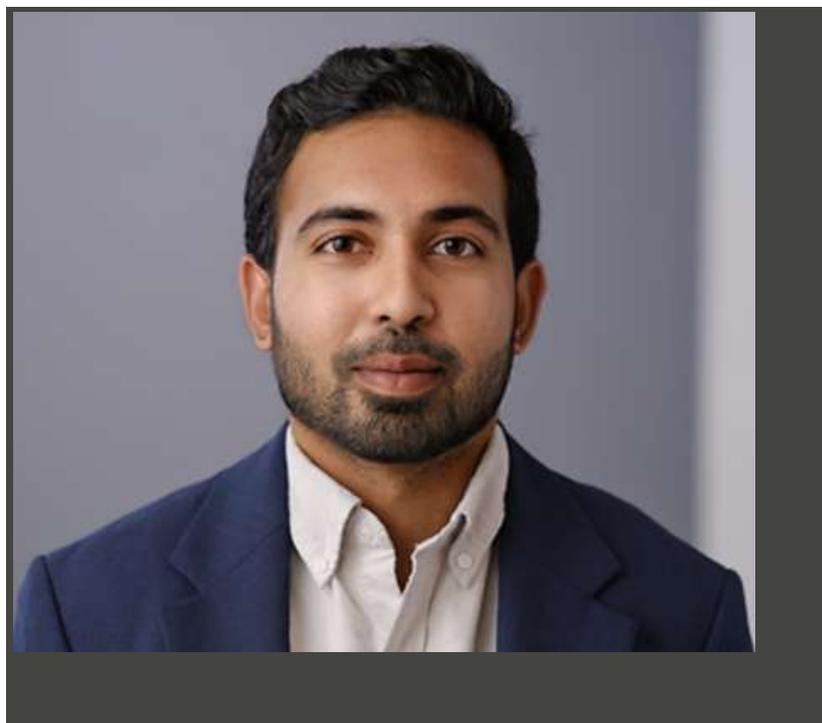
What are your future plans?

I plan to continue at MP-IDS for the time being before I pursue higher studies. I would like to specialise more on emerging challenges for Southeast Asia, and closely study the role of regional powers like India and Japan.

I would really like to boost and sustain my engagement with NKCSEAS. I look forward to greater academic exchange and deeper involvement with the centre on issues of significance in Southeast Asia. I am very grateful for my worthwhile tenure in the past.

Suhaas Ramani

Suhaas Ramani is currently a Senior Economic Consultant at Edgeworth Economics in Washington DC, USA. He completed his Bachelors in Economics from OP Jindal Global University in 2020 and his Masters in Applied Economics from The George Washington University in 2022.



How has your time been at NKCSEAS?

I worked with NKCSEAS from February to August 2019, for roughly seven months. I truly enjoyed the research and academic experience that I attained, especially with Dr. Kipgen whom I had worked very closely with at the time on a research paper on Ethnic Identity and Politics focusing on Chinh and Rohingya refugees. He was an ardent academic and a mentor for me while I was working there, I had received many insights from him in how to better my research and analytical skills. I was also fortunate enough to be a part of the many conferences that were held with key panelists to discuss pressing issues and topics related to international and global affairs. It was a very formative and transformative experience for me, one which provided the initial platform to do more research.

What have you learned from your time with NKCSEAS and how has it helped you with your professional career?

NKCSEAS really provided me an understanding of how to carry out research and analysis in a very structured and methodical manner. One which I had been unaccustomed to before and had very little experience with. In my industry, research is a big factor of my day to day life and having that skill has allowed me to carry out my tasks and responsibilities in an efficient manner. It is one that I do not take for granted, for without my initial foundations placed by NKCSEAS I would not have

taken on more research endeavors during my degree or pursued more opportunities, I perhaps would have continued in my quantitative line of thinking without considering the qualitative nature of the subject. Now I feel I have a more holistic approach to research and analysis which merges these two aspects.

What are your future plans?

As of right now my future plans are to continue gathering experience within the consulting industry, possibly working for 3-4 years in my current occupation before transitioning into something else. I do have plans to pivot from economic to management consulting at some point in my life, so an MBA might be in the pipes.

The Vietnamese Policy Transformation: Observer to Actor

Reva Satish Makhija



Vietnam is increasingly emerging as a force to reckon with. The nation is gradually shedding its stance as a mere observer and has begun to assume a more active stance while brokering global policy actions. Since it was unanimously granted Chairmanship of the United Nations Security Council for the 2020-21 session, Vietnam has gained a veneer of confidence and has continued to solidly critique larger nations like China. Since its joining of the ASEAN in 1995, the country has adopted a revolutionary spirit and has become a key player within the bloc.

The country has undergone a stellar transformation by adopting crucial roles in policy negotiations, foreign mediation, and interventions. Especially within the ASEAN, Vietnam has emerged as a forerunner and a flagbearer of multilateralism—accepting positions of authority in international dialogues, meetings, and discussions. The 26th ASEAN-RoK summit held in Seoul on the 1st of July invited representation from Vietnam by way of Ambassador Vu Hon, who acted on behalf of the ASEAN’s interests. Interestingly, the 27th summit, expected to take place in 2023, will also be hosted by Vietnam, exhibiting its proactive position within the international circuit.

President Biden recently announced the Indo-Pacific Economic Framework, created to improve and facilitate dialogue and economic cooperation within the region; the institution counts Vietnam to be a reliable partner. This economic project has been a long time in the making, pleasantly shocking. Vietnam’s association with the project was highly expected, considering its membership in other economic pacts such as the Regional Comprehensive Economic Partnership (RCEP) and the Trans-Pacific Partnership (TPP).

This renewed focus on economic stability and assimilation is unique to Vietnam, as the nation has made the smooth functioning of supply chains and revenue channels a priority, due to the aftermath of the pandemic and the Ukrainian war’s interferences with the same. The nation’s participation in the framework as a key member will only add to its mission to make itself an economically-secure international player

Malaysia: A Future Carbon Neutral Nation?

Mallika A Sondhi



Malaysia is one of the few countries that have recognized and begun taking steps to combat the danger of climate change, and seen the future in renewable energy early on.

The Environment Quality Act was enacted in 1974, which ensured that the enhancement of the environment and its overall quality would take precedence even in the age of industrialization. Strict legal action could be taken against any person who threatened the environment or polluted it. The Malaysian government has been consistently addressed in all the country's development plans since it was introduced in the Third Malaysia Plan in 1976.

In terms of biomass, solar, and hydropower, Malaysia has a lot of potential for renewable energy. In 2001, the country introduced renewable energy as the 5th fuel strategy in the National Energy Policy. Setting a target for the generation of 500 MW in their grid-connected power stations by 2005 through renewable energy sources, Malaysia launched the 'Small Renewable Energy Power Program' (SREP) to reach this goal.

However, the administration soon realized that implementing the SREP was not feasible and executing the project to reach the target of 500 MW was impossible. So, they revised the program and set a target to generate 350 MW of energy by 2010. Malaysia failed to reach this revised target as well but the country did not give up on its dreams of becoming a more resource-efficient nation. In 2009, at the COP15 in Copenhagen, it pledged a 40% reduction from the 2005 GDP emission intensity by 202

Further determined to reduce the use of harmful traditional methods of burning fossil fuels by their citizens who used it as their primary method for generating electricity, Malaysia implemented the Renewable Energy Act with full force in 2011. The Act made provisions for Feed-in Tariffs (FITs) to incentivize citizens to switch to renewable energy usage. FITs are a policy mechanism used by countries to boost the use of renewable energy and to encourage the innovation of technology of various renewable energies. In Malaysia, FITs were employed to bring attention and garner to the interest of citizens in the utilization of power generation from renewable energy resources through connected grids.

The Renewable Energy Act further revised the country's target, this time by setting up three goals. The country declared that the goal of the Renewable Energy Act is to generate 985 MW of renewable energy through its connected grid power stations by 2015, generate 2,080 MW by 2020 and 21,000 MW by 2050. The additional goal of generating 21,000 MW by 2050 has made Malaysia a Carbon Neutral Nation.

An island nation, Malaysia is endowed with hydropower resources that have been estimated to be able to singlehandedly generate an approximate of 29,000 MW of electricity. With the average wave heights of the oceans and seas around Malaysia ranging between 0.3 meters to 1.5 meters, the country could harvest enormous amounts of energy from the same. While not as potent as the opportunities present in hydropower, Malaysia also has good potential to harness solar energy.

In the period of time between 2005 and 2009, the country was recorded to have reduced its carbon intensity by 3.16% per year. So, achieving Carbon neutrality is indeed not an impossible goal for Malaysia. Carbon intensity is calculated by measuring the total carbon emission of a country, by its GDP. In Malaysia CO₂ emissions from the transport, construction, and industrial sectors have been observed to have the largest ascent since 1992. Government policies must target these sectors to introduce their grid connected power generators and help them reduce their Carbon footprint.

The heat production and electricity sectors are contributing to the increasing CO₂ emissions. In order to reduce carbon emissions and save energy, Malaysia wishes to make full use of its ample means of renewable energy resources. Heat and electricity can be generated using biomass resources such as palm oil residues, wood residues, and rice husks. Therefore the Ministry of Energy, Green Technology and Water in Malaysia (MEGTW) is focusing on making renewable energy play a significant role in the energy supply of the country by intensifying efforts on these two aspects of energy management.

Malaysia has great scope for achieving its goals since not only has it been working towards this purpose for over half a decade now, but also because they are making all the right moves by recognizing their flaws and adjusting their plans to address and rectify those mistakes. Malaysia currently is on the way to become the first South-East Asian country to achieve Carbon Neutral status.

New Delhi hosts Special ASEAN- India Foreign Minister's Meeting

Aryan Milind Jadhav



Prime Minister Narendra Modi with ASEAN Foreign Ministers. [Twitter](#)

Between 16th-17th June 2022, India hosted the Special ASEAN-India Foreign Ministers' Meeting (SAIFMM) in New Delhi in order to commemorate 30 years of ASEAN-India Dialogue. As an acknowledgement of this milestone, the year 2022 is being observed as the ASEAN-India Friendship Year, as declared at the 18th ASEAN-India Summit in October 2021 by the leaders of ASEAN and India.

The meeting was co-chaired by Dr. S. Jaishankar, External Affairs Minister of India and Dr. Vivian Balakrishnan, Minister for Foreign Affairs, Singapore. The Foreign Ministers of Brunei, Cambodia, Indonesia, Malaysia and Vietnam, along with the representatives of the Foreign Ministers from Laos, the Philippines, and Thailand, together with the Secretary General of ASEAN attended this meeting. The extensive agenda included, among other things, a strong emphasis on trade and investment growth, connection both physically and virtually, security and defence, climate action and green growth, and increased intercultural interactions. Special emphasis was also laid on post-pandemic recovery. The seventeen pointer statement made by the co-chairs was unanimously adopted by the attending states. The statement mainly contained six facets: defence security, economic partnership, infrastructure development, environment conservation, public health, and education exchange.

The meeting called for a greater ASEAN-India trade and economic partnership. In particular, the early start of the review of the ASEAN-India Trade in Goods Agreement (AITIGA) to make sure that it is more user-friendly, straightforward, and facilitative for businesses. It also hoped for the increased utilization and the effective implementation of the ASEAN-India Free Trade Area (AIFTA).

To curb climate change and biodiversity loss, increased cooperation for the greater utilization of renewable energy sources and conservation of natural resources was called for. The meeting commended India for continuing to fund 1,000 PhD Fellowships for ASEAN students at Indian Institutes of Technology (IITs), and the IT Training Centres in Cambodia, Laos, Myanmar, and Vietnam. A vaccine production and distribution cooperation agreement

were reached, in addition to greater collaborations in the innovation of generic medicines and cancer care. With a focus on strengthening road-network connectivity, the meeting highlighted the importance of the rapid completion of the India-Myanmar-Thailand Trilateral Highway. It also looked forward to the highway's eastward extension to Laos, Cambodia, and Vietnam. The proposal for an ASEAN-India Defence Ministers' Informal Meeting in November 2022 has also been accepted and welcomed along with cooperation for the prevention and repression of terrorism, emergence of violent extremism, and transnational crimes.

This special meeting has confirmed the importance of ASEAN-India relationship and exemplified India's 'Act East Policy'.

Indonesian G20 Presidency and the Global Food Security Crisis

Archistha Tiwari



Picture Courtesy: Asian Development Bank

Ahead of the 17th G20 Head of State and Government Summit that is scheduled to take place in November 2022 at Bali under the Indonesian Presidency, the presence of all the G20 Foreign Ministers and other invited countries including Ukraine was required during a two-day meeting in Bali between the 15th to 16th of July 2022. Finance Minister Sri Mulyani Indrawati commented on the fractured nature of the G20 due to the war in Ukraine, which was also affirmed by the U.S. Treasury Secretary Janet Yellen. Though the differences could not be reconciled into a formal communiqué, a Chair's Statement was released by Indonesia. This acknowledged the alarming increase of food insecurity and mentioned that the members affirmed their commitment to use all available policy tools to address current economic and financial challenges, including the risk of food insecurity. The Russia-Ukraine war has undoubtedly triggered a food crisis across the globe and as the first global forum of international cooperation that includes both developed and developing nations, the G20 countries under Indonesian President Joko Widodo's direction must address it.

Why is there a food crisis?

Russia and Ukraine import a third of the world's wheat and barley and more than 70% of its sunflower oil. Russia is the top producer of global fertilizer while Ukraine is called the "breadbasket of the world." Almost all of the imports from Ukraine's fields are by sea but there are Russian blockades along the Black Sea coast that prevent the shipping of the grains. Moreover, Russia claims that Western sanctions on its shipping industries make it impossible for them to export food and fertilizers as it discourages shipping companies from doing so. Even before the war, food prices were rising due to bad weather, poor harvests and the Covid-19 pandemic.

Past actions to resolve the crisis

The UN Secretary General Antonio Guterres visited Moscow and Kyiv to broker a package deal that would ensure the resumption of the exports, earlier this year and has commented that there is progress regarding the same but any agreement to unblock shipments of commodities was still some way off. It is also to be noted that there has been no international food treaty or an established mechanism to help countries in times of disruptive conflicts like these. In May, the United Nations General Assembly adopted a rather general resolution on the “State of Global Food Insecurity” (document A/76/L.55) that called upon the Group of 20 to place global food security at the top of their agendas and to support multilateral efforts in finding affordable solutions to the crisis. They also urged Member States and other relevant stakeholders to refrain from hoarding food and commodities.

Indonesia’s food crisis

Indonesia too imports wheat and raw materials for fertilizers from the said countries and to soften the effects of the crisis, the government came up with strategies like food diversification and focusing on the welfare of small domestic farmers that will increase food production and lower imports. Moreover, the Indonesian culture of mutual cooperation has also served as a solution. Indonesian Minister of Agriculture Sahrul Yasin Limpo invited all parties from local governments and farmers to participate in anticipating the food crisis through measures like increasing domestic food stocks. President Jokowi invited the public to plant fast producing food crops on abandoned lands as a precautionary measure for food security. Additionally, food estates were established, and the National Food Agency has shifted its focus towards mainly inter-institutional cooperation, as well as, food availability and stability.

On the flip side, poor decisions amid the food crisis have also been made, the most notable one being the temporary ban on the exports of palm oil products to curb the rising costs of cooking oil. Indonesia is the world’s largest producer and exporter of palm oil, and banning exports led to the worsening of the existing global crisis. The ban did not last long, depicting that Indonesian leaders possess the will to implement decisions that benefit not just their country but the globe which is a contrast from President Widodo’s primary aim to maximise trade surplus and investments.

Can the G20 headed by Indonesia help aid the crisis?

In June, President Widodo became the first Asian leader to visit Russia and Ukraine amidst the war and has maintained a neutral stance. His mission is to build peace and not let the war further effect the food supply chain. He wishes to unify the divided G20 and has found that the food security crisis is one ground that all the countries can reach a consensus on. He has recently managed to influence the Western countries to not boycott the November Summit, due to the presence of Russian President Vladimir Putin and instead work towards the dialogue and engagement of both the sides. Indonesia has a long-standing principle of free and active foreign policy which is not marked by any formal military and security alliances, this seems to be an advantage for the nation as it facilitates global cooperation. Though Indonesia does not have any major experiences as a peace broker outside of the Southeast Asian region, by addressing the issue of food security in its G20 Presidency, it can curb a humanitarian crisis that can later have positive political ramifications.

The Philippines SIM card Registration Act and the veto of President Duterte Published by Harsh Mahaseth Jeetendra Vishwakarma

The Act, mandating compulsory registrations for SIM cards and social media accounts, has been fiercely denounced by national and global human rights organizations. President Duterte vetoed the SIM Card Registration Act on the ground of vagueness and its impact on freedom of expression. We dwell on the reasons behind the veto and the future course of the Act.

On April 15, 2022, outgoing President Rodrigo Duterte stunned the Senate, Human rights organizations, and the public with his veto of the contentious Subscriber Identity Module (SIM) card registration Bill. The reason given by the President's office is that the language of the Bill mandating social media registration is vague and ill-defined, making it susceptible to misuse. The Act, in its current form, can trample the freedom of expression guaranteed under the Constitution of Philippines. As a result of the veto, Congress will have to deliberate on the disapprovals and re-pass the Bill.

The Philippines has registered significant growth in its information technology and communication sector in recent years leading to a boom in the usage of SIM cards and social media platforms. Under the SIM card registration Bill, all the SIM cards and social media accounts must be registered and verified. The Bill will impact around 157 million mobile subscribers and about 80 million social media users of the Philippines, albeit numbers will not reflect actual figures because of the possibility of multiple accounts.

Various Human rights organizations and NGOs have criticized the Bill on the issue of free speech, privacy, surveillance, and its discriminatory impact on marginalized sections like LGBTQ. This article will analyze the controversial provisions of the acts and how they can entail a threat to privacy and freedom of expression. Further, we will try to discern the reasons behind the veto of President Duterte.

Provisions of the Act and The squabble

The SIM Card Registration Act of the Philippines was passed to promote accountability in the use of SIM cards and social media accounts. It imparts law enforcement additional legal tools to deal with the crimes like trolling, hate speech, defamation, fake news, etc. Noticeably, the provision of social media account registration was not present in the older Senate version of the Act and was a last-minute insertion by Senate minority leader Franklin Drilon.

Section 4 of the Act makes it compulsory for all the Public Telecommunication Entities (PTEs) to obtain registration of the SIM card from the end-user upon its sale and activation. Similarly, all social media account providers like Twitter and Facebook shall require their users' real names and phone numbers. Under the SIM card registration process, buyer have to provide data relating to date of birth, address, government identity card etc. The provision would lead to sending of sensitive personal data by the users to the companies. As the incidences from the past suggest, tech companies can utilize this colossal compilation of sensitive data in ad-targeting and user profiling. Logistical requirements regarding the registration and verification of SIM cards and social media accounts can also be cumbersome for small-scale players who cannot afford to build and maintain such a system.

Moreover, the requirement of registration of the real name in social media accounts imperils the anonymity of the users. Anonymity allows users to express themselves freely on social media without being threatened by state and private actors. Thus, this provision can harm the freedom of expression, protected under the International Covenant on Civil and Political Rights and the constitution of the Philippines.

As per Section 6 of the Act, the registration information would be forwarded by PTE to a centralized database. Many human rights organizations and cyberexperts have flagged the concern that such big single-point data storage can become a potential target of cyberattacks. Concerns have been expressed about Section 10, too, relating to the disclosure of registration information by PTE and social media. Under this section, service providers have to disclose the registration-related information on the order of “Competent authority” for ascertaining the identity of an individual. According to Human rights groups, this provision enables the authorities to access the data in an unfettered manner without any oversight or safeguard. There is also fear of Governmental abuse of this provision for surveillance on human rights activists and critics who often use social media platforms to express their voices against the government.

The Act also suffers from the vices of vagueness and ambiguity. The words like deterring the “fake news,” “trolling,” “hate speech,” and “competent authority” are nowhere defined, giving broad discretion to the authorities. Critiques of the Act have cited the precedents of similar legislations in other countries like Tanzania, Kenya, and Malawi. The experience of these countries shows that SIM cards or social media registration is minimally successful in their purported objective of preventing crimes. In most of these countries, criminals and other miscreants often found other means to circumvent the law leading to an unfair tradeoff with privacy and anonymity. The concerns of Transgender people are also legitimate, as they will be forced to adapt their long-abandoned name due to the absence of legal transgender recognition in the country.

Fathoming Duterte’s Veto And Future Course Of The Act

President Duterte has vetoed the Bill because of its implications on civil liberty and free speech. Many legislators have accepted the veto as a “parting gift” of Duterte in favor of Filipinos’ freedom and privacy. However, some other, like senate minority leader Franklin M Drilon says that the President sought to protect the state-funded troll armies employed to inflate his support on social media. It seems plausible because the government is one of the beneficiaries of nefarious online activities and often plays a role in weaponizing social media. Notwithstanding the motive of President Duterte behind vetoing the Bill, the law has several drawbacks which require its due consideration before Congress. Congress can still overturn the veto by re-passing the Bill with a 2/3rd majority. However, it provides the human rights groups an opportunity to engage with lawmakers and voice their concerns about the bills. Advocating alternatives to the law like cyber education or digital rights for preventing online crimes can be a more rational approach. The attitude of new Philippines’ President Marcos Jr. will also be keenly watched considering the huge role played by social media in his victory.

Russia-Ukraine impact on the Shangri-la Dialogue

Harsh Mahaseth
Sanjana Chib



The Ukraine war was the focal point of discussion at the Shangri-la Dialogue in the speech “Ukraine today may be East-Asia tomorrow” delivered by Japanese prime minister Fumio Kishida. His speech was an appeal to prevent the usage/ threat of usage of nuclear weapons by Russia. He strongly criticised Russia for violating the provisions of the UN Charter and, advocated sanctions against for its aggression against Ukraine, he made it clear that Japan stands with Ukraine as it has made the decision to shift its policy towards Russia and is united with the international community in efforts to impose strong sanctions against Russia, just like its neighbouring countries such as Finland and sweden have cut their ties and applied for North Atlantic Treaty Organization (NATO) membership. With the very foundations of the international order being shaken by Russia's aggression against Ukraine, the international community now stands at a historic road as this situation leads the economy to a standstill.

The president of Ukraine, Volodymyr Zelensky on the other hand made a virtual presence at the dialogue and stated that “Preventive sanctions should have taken place against Russia before the war began” and to counter this statement there were no Russian participants present at the Dialogue. The war in Ukraine for some may appear distant but it facts have become global. He quoted the words of Lee Kuan Yew, Singapore’s first prime minister and said that “If there had been no international law and the big fish ate a small fish and a small fish ate shrimps, we would not have existed.” Zelensky made a clever remark while speaking of China as he highlighted that no one benefits from war, apart from certain political leaders who are not content with the present level of their ambitions and for that, they keep growing their appetites. Many delegates questioned China’s relations with Russia and its funding with respect to the attacks on Ukraine, to which Chinese Defence Minister Wei Fenghe said that Beijing did not provided any war related material to Russia as providing weapons or imposing sanctions would not help the situation. At the same time, Wei also clarified Chinese stance in the international community is to pursue its own goals and not to be an ally of other countries.

Zelensky ended his speech on a positive note by doing absolute justice to the graphics of his T-shirt with the image of a girl spray painting a Ukrainian flag of blue and yellow, which he describes as ‘a young girl painting a new future for Ukraine’ it happens to be his way of showing support to an initiative of a singaporean girl that aims to. He illustrated how Ukraine has received worldwide support and stated that Ukraine is definitely going to prevail in the war which started by Russia and ensured the delegates as well as the people of his country that he is going to represent Ukraine at the Shangri-la platform with his offline/ physical presence after winning the war against Russia.

This article was first published in Hindustan Times on July 4, 2022.

H. Mahaseth and S. Chib, Russia-Ukraine Impact on the Shangri-La Dialogue, Hindustan Times, July 4, 2022, Available at <https://www.hindustantimes.com/ht-insight/international-affairs/russiaukraine-impact-on-the-shangri-la-dialogue-101656941392962.html>

The aftermath of the AUKUS deal at the Shangri-la Dialogue

Harsh Mahaseth
Sanjana Chib



The heads of government of Australia, the United Kingdom and the United States (UK and US) consists of a trilateral security pact, known by the acronym, AUKUS, the nuclear coalition has ignited unprecedented French rage. Without naming China, US President Joe Biden cleverly announced that “in order to deal with rapidly evolving threats,” the US and Britain would share with Australia, intelligence and advanced technologies in areas like Artificial Intelligence, cyber-warfare, nuclear submarine construction etc. The reason behind the formation of the AUKUS is seen as a historic security pact in the Asia-Pacific region, as an effort to counter China and its desire to reclaim territories which do not even belong to it.

During the dialogue, US defence secretary Lloyd Austin addressed and reaffirmed the importance of ‘integrated deterrence’ and the ‘strategic power of partnerships’ with ones allies and trusted partners, while his like-minded counterparts from Japan, Australia and the UK appreciated the significance of Indo-Pacific coalitions such as the AUKUS arrangement itself as the arrangement gives away the message to the International community that they all oppose China’s aggression in the South China Sea as a threat to freedom of navigation in the critical waterway. On the other end, the arrangement proves to be a matter of worrisome confrontation between France and Australia, and clearly against the Chinese interests as it is nothing but attempt to control it by building a strategy of groupism or small circles to target the big country.

As far as China is concerned, it is articulated by its defence minister Wei Fenghe, that it’s a US strategy to act like the hegemon and create “exclusive blocs” to bully and confront others”. China is extremely suspicious of the Quadrilateral Dialogues consisting of the US, India, Australia, and Japan, and their AUKUS (Australia-UK-US) technology-sharing agreement, which allows the US and the UK to help Australia get nuclear-powered submarines. Wei addressed the delegates at the Shangri-la and highlighted that Australia’s relations with China are complex and to ease that complexity, it is extremely important to mark ones presence at the dialogues such as the Shangri-la. He spoke about the AUKUS deal and said that it is nothing but an exercise to ensure the Indo-Pacific countries were “not put in a position of increased militarisation at the hands of the Chinese”.

At the end, Australian defence minister Richard Marles, when asked about its government's take on going forward with this proposal to consider purchasing nuclear propelled submarines answered that, "Australia is working on a long-range capable submarine, which can be the successor to Collins, and having nuclear propulsion is fundamental to that" Marles put a kibosh on the rumors regarding its strained military relations with the French and stated that it is currently having negotiations with Lockheed Martin, who were to provide the combat system, as a better alternative for the cancelled French conventional submarine programme.

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Amending the Malaysian Immigration Law: The Rohingya Refugees in Malaysia

Harsh Mahaseth



Denied citizenship in Myanmar, the Rohingya refugees fled to various counties including Malaysia. However, the Rohingyas in Malaysia have been challenged by the Malaysian legal system and also the fact that Malaysia is not a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. So far, Malaysia does not have any formal legislative or regulatory mechanism to protect asylum-seekers and refugees. Due to this, the refugees in Malaysia are labelled as “illegal immigrants” which puts them at risk of refoulement. The Rohingyas in Malaysia have been subjected to harassment, extortion, imprisonment, and even deportation. One such instance was of forty Rohingya men who were imprisoned during the pandemic for entering Malaysia without a valid permit.

There are certain inconsistencies in the Malaysian legal system in meeting the standards set in international law for the treatment of refugees. Malaysia’s Federal Constitution, which provides the main provisions relating to non-discrimination and equality is inadequate as a non-citizen’s right to equality is protected but not their right to non-discrimination. A differentiation between rights available to citizens and non-citizens that are inherent within the Constitution negatively impacts the rights of non-citizens. Malaysia’s lack of proper domestic legislation for the protection of refugees is another inconsistency within the legal system of the country. Malaysia’s immigration law deals with the treatment of refugees. This law does not have principles of international law embedded within it. An example of the same is the principle of non-refoulement. This principle guarantees that no one should be returned to a nation where they might face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. Within domestic law protecting refugees could enhance the domestic laws to a substantial level. Section 6 of the Immigration Act 18959/63 (Act 155) iterates that a person shall not enter Malaysia without a valid permit, and Section 6(3) reiterates that whoever contravenes subsection 1 shall be guilty of an offence and receive due punishment including being liable to whipping of not more than six strokes.

In this regard, caning as a punishment imposed on refugees, albeit the factor that only adult males under the age of fifty-five are subjected to caning, would amount to torture, and would also violate human rights. Apart from this, a vast amount of powers are conferred on authorities under the Immigration Act, which could lead to arbitrary actions, and since there is also a lack of opportunity to review or challenge the decisions of the court regarding the status of refugees, this must be addressed. Despite having relief to gain restitution via employment tribunals and civil law lawsuits, there are several impediments to accessing justice along with financial hardships that make it difficult to utilize.

Given the limited protections in Malaysia, in my research I have proposed the following legislative amendments:

-The Malaysian Government should consider granting refugees basic rights and not penalising them under the Immigration Act. Punishments such as caning should not be given to the refugees. Since revisions were made to the Immigration Act in 2002, a total of 47,914 migrants have been subjected to caning for immigration violations.

-The Malaysian Government should ensure the protection of women and children refugees through protective measures against sexual abuse and violence. Such a concern has been seen in detention centres. As Malaysia is a part of the United Nations Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women, it needs to provide certain protective provisions. For women and children, alternatives for detention must also be provided under the Immigration Act. Detention should not be seen as the first practice, but rather as the last resort. Detention has an impact on the health and psychological well-being and alternatives such as placement with host families, bail schemes, and support from guarantors or sponsors should be looked into. Even if detention remains the practice, the period of time should be shortened, and there should be a right to appeal.

-Ratifying the Refugee Convention and the accompanying Protocol, or passing a law that governs refugee issues would contribute to the betterment of Rohingya refugees in Malaysia.

In conclusion, while the Malaysian government has experimented with a variety of policy approaches, more coherence and protection are needed. The Government should consider these amendments and work toward a successful approach to protect the Rohingya refugees which could also lead to the betterment of society in Malaysia.

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The Indonesia Haze and ASEAN's Regional Framework: The Way Ahead

Harsh Mahaseth
Aadya Narain



Members of the Association of Southeast Asian Nations (ASEAN) find themselves in the throes of an environmental emergency caused by the Indonesian Haze and the transboundary pollution in neighbouring jurisdictions. Despite the absence of an international environmental convention specifically addressing haze pollution, it falls within the ambit of numerous Multilateral Environmental Agreements focusing on issues of biodiversity, wetlands, and climate change. Frameworks within ASEAN are reflective of these standards regardless of the gap that exists between the law and its implementation. Despite this comprehensive and detailed plethora of legislation, ASEAN countries are unable to hold Indonesia accountable for transboundary pollution.

The Indonesian Haze problem:

The Indonesian Haze, caused by toxic smoke from fires in Indonesia, periodically darkens skies across Southeast Asia. Since the 1970s, it has adversely affected public health, investment, and economic development in Indonesia and its neighbouring countries. According to the World Bank estimates, the haze has affected a total of eight provinces in Indonesia leading to a loss of USD 5.2 Billion, which is approximately 0.5% of the country's total GDP.

The haze is primarily caused by fires on peatlands in Indonesia which comprise of partially decomposed plant matter that act as a greenhouse gas sink. The resultant greenhouse gas emissions are also a significant driver of climate change. In 2019, greenhouse gas emissions from Indonesia averaged 708 million tonnes as compared to 366 and 434 million tonnes recorded in the Amazon and Australia respectively.

These annual fires have negatively affected the health of Indonesians and citizens from neighbouring countries, causing respiratory illness and lung damage. The worse affected are pregnant women and infant children leading to high mortality rates in the region. Additionally, they have led to the extinction of orangutans.

The fires are caused by several meteorological and anthropogenic factors. The Indonesian Meteorological Department's report posits that meteorological factors that have caused the biggest outbreaks in the past are neutral in 2020. Therefore, the increasing threat is from anthropogenic factors and human activities. Land tenure conflicts, logging and unsound natural resource management have proliferated the outbreak and severity of the fires.

Local communities fighting over land have resorted to setting areas on fire as a means of exerting pressure on the other party. The use of the slash and burn technique, which is the simplest and substantially cheapest means of land clearing, has led to several peatlands being set on fire for palm plantations.

The COVID – 19 pandemic has only exacerbated the crisis. Social distancing, lockdown, and other restrictions put in place to curb the spread of the virus have made the government's community engagements unfeasible. Most importantly, funds otherwise dedicated towards the haze have been channelled to reinforcing public health facilities. In April 2020, an already under-funded fire-fighting team fund was cut in half, and the fire relief fund was cut by 17% (\$11 million). There is an urgent need for international support to bolster these services within the country to prevent further environmental harm across Southeast Asia.

Regional framework

Motivated by the transboundary pollution resulting from the Indonesian Haze, ASEAN countries have attempted to create numerous mechanisms to address it. Transboundary pollution denotes the physical spill over of an environmentally harmful agent from the territory of the jurisdiction it was released into another territory. The agent travels through a natural medium such as air to another jurisdiction. ASEAN began acknowledging the pollution as a regional concern as early as 1985 with the adoption of the Agreement on the Conservation of Nature and Natural Resources which included a reference to air pollution and trans-frontier environmental effects.

Several other regional cooperation initiatives followed. Their limitation, however, was that none of them had a binding effect, and hence there was non-compliance in most instances. They constituted soft law upon which Member States were to draw inspiration for their domestic laws and regulations. The insufficiency of the regional framework propelled the government of Singapore to push for a more binding instrument that governs transboundary haze pollution. The result was the ASEAN Agreement on Transboundary Haze Pollution signed in 2002, which placed binding obligations on ASEAN Member States.

The Agreement requires Member States to cooperate in developing and implementing measures to prevent, monitor, and mitigate transboundary haze pollution, and institute relevant legal and administrative mechanisms to fulfil these obligations.

The Agreement contains the 'no harm' principle in Article 3. At the core of international environmental law, this principle confers upon States an obligation not to cause harm or adverse effects to the environment of jurisdictions beyond their own. It is a particularly important limitation in the Indonesian context, where the country's haze has affected the health and environment in other ASEAN States, and its origin is closely linked to the mismanagement or lack of resources within Indonesia.

Under Articles 7, 9 and 12, members are obligated to cooperate in firefighting and mitigating the effects of the outbreak, routed through the ASEAN Coordinating Centre.

The dispute resolution clause under Article 27 provides only for amicable consultation or negotiation. There are no penalties for failing to comply with the provisions of the Agreement. The burden is upon individual member states to hold offenders responsible through national legislation. The prosecution of offenders being left to domestic courts or tribunals is particularly problematic in member countries with weak regulatory frameworks, of which Indonesia too is an example. Singapore is the only ASEAN member to institute an Act that attaches extra-territorial liability for causing fires that cause harm within its borders. The Transboundary Haze Pollution Act, of 2014 provides for criminal and civil liability of companies that use fire for land clearing in Indonesia if they cause adverse effects to the environment and health of Singaporeans. However, even the effectiveness of the Act has not been established. The lack of a robust dispute settlement mechanism is not a mere oversight on the part of the negotiators. Rather, a litigious attitude towards forest fires is understood as antithetical to ASEAN values of non-intervention and sovereignty.

Recommendations

Firstly, ASEAN member states must strike a balance between the principle of state responsibility, and their policy of non – intervention. Indonesia’s historic lack of proactivity can be substantially attributed to a lack of international pressure to adhere to its obligations to prevent transboundary harm.

Secondly, absence of the Polluter Pays Principle, a cornerstone of international environmental law is a surprising absence from both the soft law and the binding agreement proposed by ASEAN. Incorporating it within the regional framework would provide that the party responsible for pollution must compensate the victims as a mitigating measure. Indonesia should compensate the victims of the transboundary haze pollution within the ASEAN community. The principle is important to ensure compliance with the provisions of the existing framework. Even if it is argued that Indonesia cannot compensate the victims, it would ensure that it complies with the duty to exercise due diligence.

In addition, the dispute settlement mechanism must be revised to ensure effective redress. A provision must allow affected States to lodge complaints against the offending state in international forums such as the International Court of Justice. Some of the regulatory weaknesses in Indonesia appear deliberate. In 2019, the government of Indonesia relaxed guidelines on the protection of peatlands. The deregulation Bill scales down the liability of companies and the scale of prosecution. Further, it seeks to absolve concession holders from the obligation to protect peat landscapes, therefore easing business and promoting investment in Indonesia. However, if such a bill is passed into law, it can potentially exacerbate the Indonesian Haze problem. If there is an international forum that affected States could lodge complaints and Indonesia is held accountable, that could compel the government to give address the problem with the vigour it deserves.

Indonesia has been consistently citing lack of human resources and funding as a hindrance to the successful prevention of haze pollution. In 2013, 23,000 military and police personnel were deployed at the height of the haze to perform fire-fighting duties, yet they remained outnumbered. This problem has only increased in severity during the global pandemic. There is therefore need for ASEAN members to cooperate and mobilise funds to help Indonesia put in place proactive measures against the outbreak.

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The Gap Between the Judiciary and the Executive in Malaysia

Harsh Mahaseth &
Samyuktha Banusekar



Malaysia's political reality is that the Executive is headed by a Cabinet of Ministers made up entirely of members of the ruling party, which can muster enough votes in Parliament to change the Constitution and enact any legislation. The logical conclusion is that the Legislature and the Executive assist each other in achieving similar goals and policies. The Judiciary is the weakest governing institution due to the sum total of their Constitutional powers. As a result, it is argued that all legislative and executive actions affecting the judiciary must be treated with caution.[1]

In 2002, there was a case in the High Court to entertain a writ of certiorari to quash the decision of the Sabah State Government which revoked the entry permit of the petitioner on the grounds of morality. The High Court observed that the ouster clause in Section 59a of the Immigration Act 1959/63 must be interpreted in a manner where the Courts did not have grounds for review of the Sabah Government's decision. The petitioner appealed to the Court of Appeal, where the writ was granted and ouster clauses were sought as unconstitutional. The Malaysian Federal Court however, on appeal by Sabah authorities, held that Constitutional Rights are not absolute and can be done away with in accordance with statutory law and the Section is conclusive on exclusion of judicial review.[2] This portrays a clear deviation from separation of power and abuse of power by the Executive. There exists a vagueness in the doctrine of separation of powers in itself in Malaysia and the doctrine is understood to have diminished as the role of the Executive has significantly grown.[3]

If Malaysian courts retain a judicial attitude of not interfering with the Executive's power of detention under the ISA while laying down contradictory rules to obey in such cases, the courts would be vulnerable to criticism and public distrust. If this is the case, questions will be raised about whether the courts are doing their job in protecting fundamental liberties, especially when it comes to personal liberty, in preventive detention cases.

The Malaysian Parliament amended Article 121(1) of the Federal Constitution (“Constitution”) in 1988 to remove a clause that specifically vested “the judicial power of the Federation” in the country’s High Courts and lower courts. As a result, Article 121(1) now simply states that such courts “have such authority and powers as may be conferred by or under federal statute.” The amendment sparked a lot of controversy. There were some reservations about its precise effect. “So where does judicial power now lie?”—“Some critics feared that the courts will have full judicial power”—“So where does judicial power now lie? “No one is certain.” A report by the International Commission of Jurists, on the other hand, presumed that “judicial control” remained with the courts, but expressed concern that: Section 121 wording renders the High Court’s authority and powers reliant on federal statute, implying that the court lacks legally enshrined original jurisdiction. This compromises the separation of powers and creates a subtle form of control over judicial decision-making. This makes the High Court’s activity reliant on the legislature and jeopardizes the judiciary’s institutional independence.[4]

The Amendment to Article 121(1) has created the perception that the Executive wishes the silence the Judiciary in Malaysia and this has led to many judges accepting that they are not even an independent pillar of the Constitution.[5] Only the establishment of proper separation of powers in Malaysia would ensure clarity in the legal system of Malaysia, including Immigration law and rights of refugees in Malaysia.

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The Use of The ASEAN Way In Resolving Disputes

Harsh Mahaseth &
Aadya Narain



The Association of Southeast Asian Nations (ASEAN) has a unique method of diplomacy known as the ASEAN Way, based on four principles: non-interference, quiet diplomacy, non-use of force, and decision making through consensus. The principle of non-interference, considered the most important, necessitates that member countries do not interfere with internal issues. Introduced by Director Termsak, this policy was intended to emphasise that ASEAN is based on voluntary membership, it's a non-political organisation, and every country is required to preserve its identity and national government. This is concurrent with quiet diplomacy, intended for bilateral tensions. It ensures that members avoid embarrassment by allowing ASEAN leaders to communicate without bringing the discussions into the public view. Many scholars argue that the regional grouping successfully tackled various intra-regional impediments to Southeast Asia's political stability and regional security. The ASEAN Way is considered reflective of the broader principle of "Asian solutions to Asian problems", which aims to avoid Western influence in intra-Asian conflicts.

THE USE OF THE ASEAN WAY: HISTORICAL CIRCUMSTANCES

Following the military junta's coup and subsequent takeover in Burma, in 1988, ASEAN adopted constructive engagement and an open-door policy, as opposed to the United States' public isolation tactic. The approach had positive long-term consequences, introducing gradual changes in Burma's leadership towards human rights and democracy. However, the critique posited by western countries and human rights organisations pointed out that ASEAN had granted legitimacy to the military government, with scholars noting that by 1966 the human rights situation was abysmal, the year being judged to be the worst for state abuse.

Cambodia witnessed a violent change of government led by Prime Minister Hun Sen, ending the coalition administered by the United Nations elections in 1993. Cambodia was not a member of ASEAN, and plans were underway to include it. However, the ASEAN Way was highly unsuccessful, as the organisation was ill-equipped to engage constructively with a non-member country. Moreover, the ASEAN Way's emphasis on non-military engagement further deteriorated the region's stability when Vietnam invaded Cambodia.

The ASEAN Way proved to be effective in dealing with Indonesia's Haze Crisis. In 1997 and 1998, approximately 45,000 km² of forest and land burnt on the island of Sumatra and Kalimantan in Indonesia. It resulted in severe pollution of neighbouring member countries causing chronic respiratory diseases such as asthma, bronchitis, impaired visibility, and upper respiratory tract infections. However, it affected Indonesia more severely due to the lack of an integrated air quality monitoring network. Despite these repercussions, in 2019, Indonesia became the only country to have built coal energy infrastructure, despite a global move towards avoiding it as a massive source of pollution. During the Haze Crisis, the member countries faced challenges with the principle of non-interference. Simon Tay writes that the ASEAN Way's principle of non-interference in this crisis is wrongly applied as "the fires have implications for regional and inter-regional politics." He argues that the state bears responsibility for transboundary harm if the pollution escapes its territory to cause harm to other states including Singapore, Malaysia, parts of Thailand, Brunei, and south of Philippines. Indonesia was the last ASEAN member country to ratify the Transboundary Agreement despite haze pollution reaching alarming levels. However, commentators found that the Agreement has been drafted non-intrusively to accommodate the principle of non-intervention. This is also indicated that no provision exists for reparation to the member country on whose territory the haze pollution escapes. This contravenes the harm principle of the Stockholm Declaration. According to Greenpeace Forest areas greater than the size of Netherlands have been burnt in Indonesia in last five years. Burning of forest and peatland for growing oil palm and pulpwood is illegal in Indonesia under the Forestry Law 41/1999. However, domestic laws do not address transboundary pollution. Singapore's national legislation, the Transboundary Air Pollution Act 2014, defines haze pollution in Singapore as the pollution of the environment comprising any poor air quality episode involving some from any land or forest fire wholly outside Singapore. Section 5 makes it an offence to engage in conduct which causes or contributes to any haze pollution in Singapore or condones such conduct by other entity or individual. The Act also places civil liability on the breach of the duty which may lead to actionable suit by a person in Singapore who has sustained personal injury, contracts any disease, sustains mental or physical incapacity, or dies due to these three issues as per Section 6(3). The defence from such criminal or civil liability is either grave natural disaster or an act of war under Section 7(1). This national legislation differs from the traditional approach of the ASEAN member countries that have passed laws that do not contradict the principles of ASEAN Way.

Why the use of International Law in tackling the harm caused due to Transboundary Haze Pollution goes against the ASEAN Way?

Transboundary pollution causes climate change, depletion in the ozone layer, loss of flora and fauna, and severe and irreversible damage to health. Thus, responsibility in transboundary harm acquires the status of customary international law. Scholars have noted that the most problematic issue in using the international environmental law framework on transboundary pollution is that the international law requires the state be responsible for causing such environmental degradation and compensate accordingly. This strongly contradicts the principle of non-interference which predominantly respects the sovereignty of member countries in ASEAN. Further, these issues can also be tackled by entering into Multilateral Environmental Agreements such as the Framework Convention on Climate Change, Kyoto Protocol, Convention on Biodiversity etc. These are against international frameworks which will be regulated through an international platform where the discussion on contentious issues will be discussed. However, this would not be suitable to the framework established through the ASEAN Way where member countries try to avoid issues that may cause imbalance in the regional resilience.

Relevance of ASEAN Way in the present context and its disadvantage

The ASEAN Way is considered time consuming and unhelpful in determining concrete goals in terms of economic integration. The exercise of consensus and cooperation that takes place within the ASEAN Way is of the lowest denominator. Most disagreements remain unstated. Further, member countries may conceptualise ASEAN Way principles differently which hampers collective action.

Since member countries strictly follow the principle of non-interference, none of the ASEAN members have spoken against the military coup in Myanmar on the 1st of February 2021. None of them have published a statement condemning the arrest of the State Counsellor and leader of the National League for Democracy Aung San Suu Kyi.

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Indonesia Empowers The Landing Of A Rohingya Refugee Ship

Harsh Mahaseth &
Tanvi More



Source: NY Times

On the 31st of December 2021, the Government of Indonesia allowed a boat carrying approximately 120 Rohingya refugees, mostly consisting of women and children, to land on its shore under the pressure of international committees and outcry from the human rights groups.

Initially, the plan to be followed by the Government was to provide the refugees with necessary medical assistance and provide them food, water and even help them in repairing their boats as a commitment to humanity, but they would not allow them to seek refuge and would push back their boat into the sea. Human rights organizations were against this decision, and hence they urged the Government to honour the international refugee conventions as well as its domestic regulation, which covers the duty of the Government to save people who are in danger of sinking in Indonesian waters. Hence, the Indonesian Government reversed its decision after understanding the severity of the conditions experienced by the passengers after being on the sea for more than a month. “The Indonesian government has decided, in the name of humanity, to accommodate the Rohingya refugees currently adrift at sea near Bireuen district,” Armed Wijaya said in a statement, who heads a refugee task force at the Coordinating Ministry for Political, Law, and Security.

Several waves of Rohingya refugees arrived in Indonesia in 2009 in Aceh, wherein a total of 391 people were given refuge. In 2012, conflict arose due to the emergence of rape cases, and then in 2013, violence cases were also reported. In August 2013, around 14,000 houses of Rohingya people were destroyed. In 2015, people from Rohingya and Bangladesh gradually started to get into the Indonesian waters through Aceh. Most of the Rohingya fled their home in 2017 when the country’s military launched a clearance operation, wherein over 700,000 people went across the border into Bangladesh; since then, Rohingya have been trying to find refuge in other countries particularly a Muslim- majority ones. With the onset of the Covid-19 pandemic, Malaysia and Thailand did not acknowledge the refugees, and Aceh became the safe place for Rohingya refugees due to their welcoming attitude in helping the refugees with the necessities. The welcoming attitude of the fishermen in Aceh reflects upon their Islamic solidarity and system of customary maritime law, which prompted the fishermen to assist distressed boats and tow them to shore in spite of constant reminders from the government bodies to not do so.

Although it's a fact that Indonesia is not a signatory country of the 1951 United Nations Refugee Convention as per UNHRC, Indonesia has always come through with its long tradition of hosting refugees and people who are in need of international protection. A presidential regulation was issued in 2016 by the Government, which provides a legal framework in order to ensure the treatment of refugees on boats who are in distress near Indonesia, and hence they have to assist in disembarking them. So, it was mainly due to this provision that Indonesia had no choice but to accept the 120 Rohingya refugees and rescue them.

Even though Indonesia has accepted refugees under pressure from the U.N and human rights organizations, it should be kept in mind that the problem of the Rohingya refugees has not been solved fully, and with the recent increase in Covid cases as well as the resistance from Malaysia and Thailand to allow refugees, Indonesia is the best possible spot for the refugees to take shelter in. Therefore, the Government needs to think of the situation at hand and come up with a comprehensive and effective plan as per the situation of their country to handle the refugees.

In spite of what has been said by the Civil Society Coalition, which is a coalition of nine Indonesian rights groups, i.e., "the Rohingya ethnic group is a vulnerable, stateless group of people that should be given protection and hence, as a country that upholds human rights and a member of the U.N. Human Rights Council, Indonesia should set an example for other countries." But, the fact cannot be denied that currently, over 14,000 asylum seekers and refugees are in Indonesia, and hundreds of Rohingya Muslim refugees have continued to arrive on the Acehese coastline over the recent years. The Government of Indonesia has to look through the situation with the utmost sincerity and urgency so as to solve the uncertainties that lie in the future because, since the outset of the Covid-19 pandemic, the risk to the psychological and mental health of refugees has increased due to lack of opportunities for self-reliance and self-development. Therefore, there is a need for greater support from the governing body of refugees like UNHRC to work together with the Indonesian Government so as to solve the problems pertaining to the refugees in the country.

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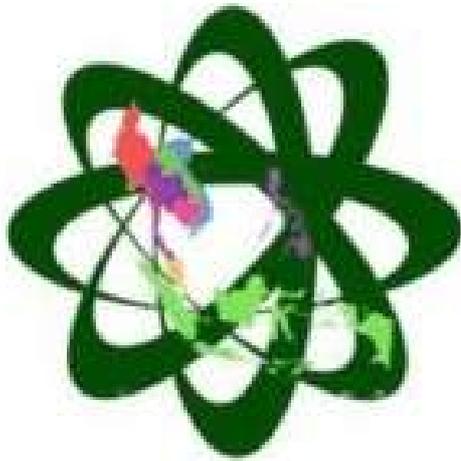
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