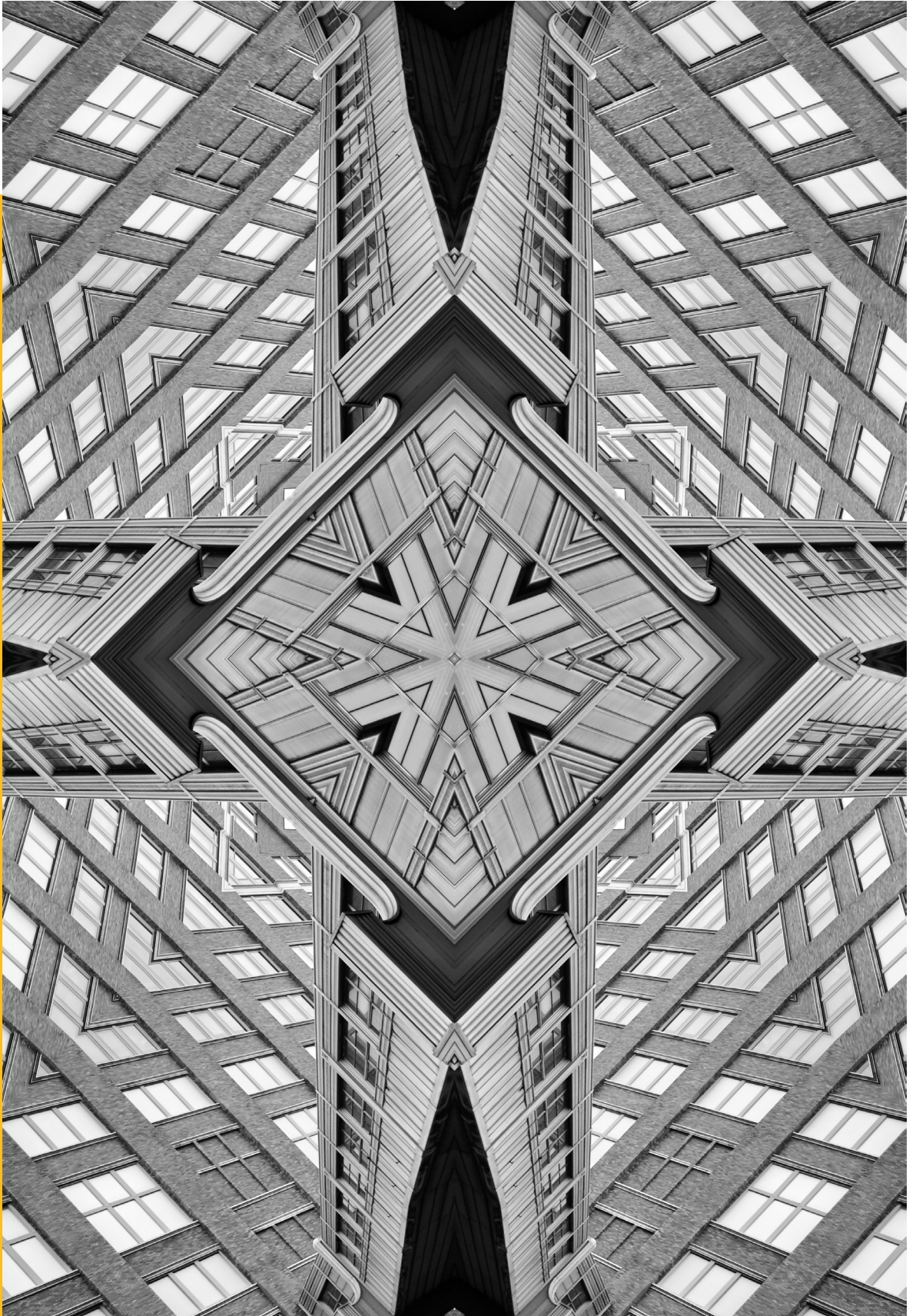


# Occasional Paper



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# Finding an End to the Myanmar Crisis: ASEAN's Massive Task

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## Abstract

Over three years since the February 2021 coup in Myanmar, the Association of Southeast Asian Nations (ASEAN) has made little progress in helping resolve the crisis despite releasing a 'Five-Point Consensus' (5PC) in April 2021. The political crisis that followed the coup poses a challenge for the ASEAN, which must now deliberate on ensuring not only the early implementation of the 5PC but also whether, and how, it should continue to abide by its principles of non-interference in members' internal affairs and consensus-based decision-making. This paper analyses the ASEAN's role in the Myanmar situation and outlines options for the way forward for the grouping to effectively deal with the crisis.

The 2021 Myanmar coup and the ensuing political crisis have posed crucial questions for the Association of Southeast Asian Nations (ASEAN)<sup>a</sup> on the usefulness of its legacy principles—i.e., non-interference in members’ internal affairs, as stipulated in its Treaty of Amity and Cooperation (TAC), and consensus-based decision-making (or the ‘ASEAN Way’). As people continue to flee Myanmar for Thailand and India, regional stability is under threat,<sup>1</sup> and Thailand’s former Foreign Minister Kasit Piromya noted as early as in 2021 that “ASEAN not only has the right, but the responsibility, to act decisively and take concrete actions to ensure that Myanmar’s generals end the violence, reverse their coup, respect the will of the people, and allow democracy to prevail in Myanmar.”<sup>2</sup>

ASEAN states have taken varied stances on the Myanmar coup. Vietnam and the Philippines, for instance, have referred to the coup as an internal matter; others like Malaysia and Indonesia, for their part, have raised concerns.<sup>3</sup> In 2021, former Malaysian Prime Minister Muhyiddin Yassin said his country was “gravely concerned over the tragic situation” in Myanmar, and that he was “appalled by the persistent use of lethal violence against unarmed civilians which has resulted in a high number of deaths and injuries, as well as suffering across the nation. It contradicts the principles enshrined in the ASEAN Charter, which we in ASEAN commit ourselves to promote and protect so that peace, security, and prosperity for our region is guaranteed.”<sup>4</sup> Similarly, former Indonesian President Joko Widodo (Jokowi) called “for an immediate end to the use of violence in Myanmar to prevent further loss of lives.”<sup>5</sup> Jokowi had also called for an emergency ASEAN meeting to discuss the Myanmar coup; one was held in April 2021, following which the grouping released a ‘Five-Point Consensus’ (5PC) on tackling the Myanmar situation, which comprised the following: (1) an “immediate cessation of violence in Myanmar” and for all parties to “exercise utmost restraint”; (2) “constructive dialogue among all parties concerned...to seek a peaceful solution in the interests of the people”; (3) “a special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process”; (4) “humanitarian assistance” to Myanmar; and (5) “the special envoy and delegation shall visit Myanmar to meet with all parties concerned.”<sup>6</sup>

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a A political and economic grouping of 10 Southeast Asian states. Its members are Myanmar, Laos, Cambodia, Indonesia, Singapore, Vietnam, Brunei, Thailand, Malaysia, and the Philippines.

# Introduction

In 2022, amid Myanmar's failure to make progress on mitigating the crisis, ASEAN leaders decided to exclude the military generals and their appointees from attending all of the group's meetings henceforth. The military generals protested, saying it went against ASEAN's policy of non-interference in the internal affairs of its member countries. Today, the member countries continue to be divided on the approach the grouping should adopt. While some ASEAN members (i.e., Thailand, Cambodia, and Laos) recommend easing punitive measures such as suspending Myanmar's generals from attending group meetings, others, like Indonesia, support such strict actions.<sup>7</sup>

To be sure, ASEAN has in the past successfully tackled crises through the ASEAN Way. However, in recent years, the group has struggled to reach a consensus on effectively addressing security issues like the South China Sea disputes and the Myanmar coup and its fallout.

This paper analyses ASEAN's role in the ongoing Myanmar crisis and how this impacts the grouping's relevance not only in the region but globally. It offers recommendations for the way forward.

# The Myanmar Crisis: An Overview

On 1 February 2021, Myanmar’s military (also known as the Tatmadaw) took control of the government and detained civilian leader Aung San Suu Kyi, President Win Myint, and other senior members of the National League for Democracy (NLD) party. The coup dealt a blow to Myanmar’s democratic journey (which began in 2011 after the military, in power since 1962, implemented parliamentary elections and other reforms<sup>8</sup>). Tensions between the NLD and the military had been rising in the months before the coup. Suu Kyi’s party won the November 2020 national elections by a landslide.<sup>9</sup> The NLD had been looking for opportunities to proceed with constitutional reforms that would curtail the military’s role in politics and governance, and the election victory provided the much-needed momentum to implement this reform. However, enacting such changes was expected to be difficult given the tight constitutional restrictions for amendments.

The Tatmadaw, in its attempt to prove the election results were rigged, raised allegations of fraud and indicated that attempts to resolve the issue were rebuffed by the election commission.<sup>b,10</sup> The stand-off over the elections was Suu Kyi’s first serious conflict with the military since her release in 2010.<sup>11</sup> Suu Kyi had, in recent years, taken a more reconciliatory attitude towards the army than was expected and even defended the Tatmadaw at the International Court of Justice over accusations of atrocities against the Rohingya.

Commander-in-chief Senior General (and current self-appointed prime minister) Min Aung Hlaing has said the Tatmadaw “needs to abide by the Constitution,” which is the “mother of the law”.<sup>12</sup> Notably, the military can declare a national emergency as per the provisions of the 2008 Constitution.<sup>13</sup> Under the constitutional provisions, the military can also reserve for itself 25 percent of seats in both houses of the parliament and can appoint serving military officials to those seats.<sup>14</sup>

On 1 February 2021, the scheduled starting day of the new parliament, the military staged a coup. Mass demonstrations began mere days later in

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b The military had demanded that the election commission, the government, or outgoing parliamentarians prove at a special session before the new parliament convened on 1 February 2021 that the elections were free and fair. The demand had been rejected. See: <https://indianexpress.com/article/explained/explained-what-has-led-to-the-coup-in-myanmar-7169624/>

# The Myanmar Crisis: An Overview

Yangon, the nation's largest city. The protestors were from across various sectors, and social media and encrypted messaging apps were used to mobilise.<sup>15</sup> As the protests grew, the military resorted to violent means to quell them. These operations led to war crimes against ethnic minorities in the Kachin, Karen, Karenni, and Shan states. The military also burned villages in the Magway and Sagaing regions, and prevented aid groups from providing food, medical care, and other assistance.<sup>16</sup>

Following Suu Kyi's arrest, the police also accused her of corruption, incitement, breaching the Official Secrets Act, illegally importing two-way radios, violating pandemic-related restrictions, and making statements that could cause fear or alarm and induce others to commit offences against the state. In September 2022, three deposed Cabinet ministers—Soe Win, Set Aung, and Kyaw Win—and Australian economic adviser Sean Turnell were convicted under the Official Secrets Act, and all were sentenced to three years' imprisonment. That same month, Suu Kyi and Win Myint were each sentenced to three years and hard labour under electoral fraud charges. Suu Kyi remains under house arrest; she has been sentenced to a total 27 years.<sup>17</sup>

A shadow administration, the National Unity Government (NUG), was formed in April 2021 by ethnic leaders and elected parliamentarians. Some of the shadow government's leaders operate from rebel-held parts of the country, others from overseas. In May 2021, it established the People's Defence Force, which now has about 60,000 soldiers. Its units have been battling the Tatmadaw, sometimes alongside ethnic armed groups<sup>c</sup> that have fought against the government for self-rule for decades. Between them, unity government forces and the ethnic armies are thought to control about half the country's territory.<sup>18</sup> In areas under military control, semi-autonomous resistance groups have also sprung up, and their total numbers are comparable to those of the People's Defence Force. Some of these units have engaged in guerrilla attacks, including the assassination of local leaders who enforce military rule.<sup>19</sup> These resistance groups are combatting a common enemy—the military junta—and have a common goal—removing the junta from power and establishing a federal democracy.<sup>20,21</sup>

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c Such as the Bamar People's Liberation Army, Karenni Nationalities Defence Forces, and Chin National Army.

# The Myanmar Crisis: An Overview

On 27 October 2023, the Myanmar National Democratic Alliance Army, an ethnic armed organisation operating in the Shan State alongside other groups like the Ta'ang National Liberation Army and the Arakan Army, launched Operation 1027, a joint offensive on military outposts in the state. The operation again led to a rise in hostilities and sparked widespread armed uprising in Myanmar. The resistance forces managed to gain control of over 100 military outposts, including strategic border crossings with China and India. They are also aiming to take over Loikaw, the Karenni State capital, and Laukkai, which is known for transnational human trafficking and online scams. Analysts have pointed out that the military is currently at its weakest, and a collapse may be imminent.<sup>22,23</sup> According to mid-2024 estimates, amid widespread violence in Myanmar, “over 2.5 million people have now been displaced internally in the country since the beginning of the coup, and over 100,000 people have been displaced into neighboring countries.”<sup>24</sup> Nearly 6,000 people have been killed and 30,000 imprisoned in the war-torn country. A third of the 55 million population is in need of humanitarian aid as of August 2024.<sup>25</sup> According to UN sources, millions are displaced internally within Myanmar, with the majority in the Northwest, in Rakhine State in the Southeast, as well as in Kachin State in the Northeast. In addition to a growing number of IDPs in Myanmar, thousands of refugees are estimated to have sought safety in neighbouring countries since 1 February 2021. This new displacement is in addition to a protracted refugee situation in the region involving refugees from Rakhine State's Rohingya community.<sup>26</sup>

# International Reactions

Many governments were quick to denounce the military takeover. Within days, the UN Security Council (UNSC) issued a press statement expressing “deep concern about the arbitrary detention of members of the government, calling for the release of those detained and emphasising the need to uphold democratic institutions and processes, refrain from violence, and fully respect human rights, fundamental freedoms and the rule of law.”<sup>27</sup> In December 2022, the UNSC adopted a resolution calling for an immediate end to the violence by the military junta; all members voted for the resolution, except for China, India, and Russia, which abstained.<sup>28</sup>

The US was also quick to approve sanctions on coup leaders, their business interests, and close kin, and redirected more than US\$40 million of aid from the Myanmar government to civil society, while New Zealand rejected “the legitimacy of the military-led government” and suspended high-level military and political contacts.<sup>29</sup> Japan also expressed “grave concern” and China said it had taken “note of the situation and hoped the parties would properly settle their differences.”<sup>30</sup> In February 2022, the EU imposed sanctions on junta-controlled businesses, including the Myanmar Oil and Gas Enterprise.<sup>31</sup> In April 2022, the US House of Representatives passed the BURMA Act, directing President Joe Biden to sanction individuals who undermine stability and democracy in Myanmar.<sup>32</sup> However, given the limited Western investments in Myanmar and the Tatmadaw’s attitude towards such sanctions, these are unlikely to have an impact on Aung Hlaing and other senior commanders, nor on resolving the situation.<sup>33</sup>

Notably, neighbouring countries China and India have continued to trade and engage with Myanmar, despite their reservations about the domestic situation.<sup>34</sup> At the April 2024 meeting of the security chiefs of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), India’s National Security Advisor Ajit Doval expressed to Myanmar’s Admiral Moe Aung New Delhi’s concerns over the instability in Myanmar, particularly in relation to the four Indian northeastern states that share a border with the country (Arunachal Pradesh, Nagaland, Mizoram, and Manipur).<sup>35</sup>



In response to the coup, Brunei, which was the ASEAN chair in 2021, released a statement calling for “dialogue, reconciliation and the return to normalcy” in Myanmar, citing the ASEAN Charter’s democratic principles.<sup>36</sup> Singapore also called on the military to release President Win Myint and Suu Kyi.<sup>37</sup>

On 24 April 2021, ASEAN held an emergency summit in Jakarta on the situation, which was also attended by Myanmar’s junta leader Min Aung Hlaing (despite international pressure for ASEAN to recognise the NUG). It was during this meeting that ASEAN issued the ‘five-point consensus’.<sup>38,39</sup>

During the summit, the member countries conveyed to Min Aung Hlaing that a dialogue between the contending parties in Myanmar should be brokered immediately with the help of the ASEAN envoy.<sup>40</sup> Jokowi also stated,<sup>d</sup> “The situation in Myanmar is unacceptable and should not continue. Violence must be stopped, democracy, stability and peace in Myanmar must be returned immediately.”<sup>41</sup> During Indonesia’s subsequent term as ASEAN chair in 2023, it faced many expectations and substantial pressure to ensure the 5PC was enforced.

## **Cambodia’s Term as Chair (2022)**

After Cambodia took over as chair of the grouping, many high-ranking Cambodian government officials, including Prime Minister Hun Sen, visited Myanmar in an effort to push forward the 5PC. Although the Cambodian government applauded Min Aung Hlaing’s pledge to extend a national ceasefire until the end of 2022 and his welcoming of the ASEAN envoy, it did not hesitate to also criticise the regime. In July 2022, for instance, Cambodia strongly criticised the junta for executing five pro-democracy activists and for not making an effort to implement the 5PC.<sup>42</sup> In May 2022, Cambodia organised a consultative meeting to discuss the ASEAN Humanitarian Response Framework, particularly operational challenges that impede the delivery of humanitarian assistance and devise mechanisms to easily provide such support to all parties involved in the Myanmar conflict.<sup>43</sup>

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d Indonesia, home of the ASEAN Secretariat, was responsible for organising the summit and releasing the 5PC.

The Myanmar crisis was at the top of the agenda during the 2022 ASEAN Summit in Phnom Penh. The grouping released the 'ASEAN Leaders' Review and Decision on the Implementation of the Five-Point Consensus', a 15-point statement on the resolutions and steps to resolve the crisis. ASEAN leaders also committed to providing humanitarian assistance, and stressed the need for political dialogue, the cessation of violence, and the adoption of the 5PC. The grouping also called for the international community to assist in implementing the 5PC which, according to the grouping, was the best means to deal with the Myanmar situation.

The ASEAN special envoy made two visits to Myanmar, the first being in March 2022 and the second from 30 June to 2 July 2022, but the trips did not yield results. There was a plan for a third visit by the Special Envoy in September 2022 as well.<sup>44</sup> Notably, Cambodian Prime Minister Hun Sen's visit to Myanmar in January 2022,<sup>45</sup> where he met with the junta chief but not Suu Kyi, was not well-received. Hun Sen had himself seized power in a 1997 coup and has been criticised for using violent means to keep his political opponents in check during subsequent elections. However, the Cambodian authorities stressed that his visit was only to hasten the implementation of the 5PC.<sup>46</sup> Despite this, little progress was made on the 5PC due to the military junta's unwillingness to meet with the pro-democracy leaders.<sup>47</sup>

## **Indonesia's Tenure (2023)**

Given Indonesia's experience in brokering agreements between ASEAN member countries amid deadlocks, there were expectations that the grouping would make progress on resolving the Myanmar crisis under Jakarta's leadership. However, at the end of Indonesia's tenure, "Myanmar was still not close to holding an inclusive national dialogue, although Jakarta said it would continue to try nudging everyone into having such talks."<sup>48</sup> Indonesia reportedly organised over 180 meetings (both virtual and in-person) with all stakeholders in Myanmar during its tenure as ASEAN chair in an attempt to expedite a resolution. Indonesia also oversaw the

completion of the Joint Needs Assessment by the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management and the partial delivery of humanitarian aid to Myanmar on 7 May 2023.<sup>49</sup>

Indonesia was also keen to ensure the continuance of initiatives to tackle the Myanmar situation and thus instituted the ‘troika’ approach—an informal, consensus-based mechanism consisting of Indonesia (the previous chair), Laos (the current chair), and Malaysia (the next chair)—to keep track of the progress in implementing the 5PC and help the ASEAN special envoy (appointed by each new chair) understand the situation and plan for future measures.<sup>50</sup>

## **Under Laos’s Leadership (2024)**

There have been apprehensions that Laos may not be able to guide ASEAN through the various challenges confronting the bloc. Although Laos shares a short 238-km border with Myanmar, it has experienced an influx of drugs and transnational crimes amid the crisis.<sup>51</sup> Still, the country has not been critical of the military’s actions. The theme for Laos’s tenure (‘Enhancing Connectivity and Resilience’) highlights its desire to transform from a landlocked to an infrastructurally developed land-linked country. This, in turn, showcases the economic dependency Laos will have on China, which is heavily investing in the Kunming-Vientiane railway.<sup>52</sup> Given that China is attempting to maintain cordial relations with the junta in Myanmar, Laos will likely maintain its present course, which is to not be too critical of the junta. Even if Laos chooses to reiterate the 5PC in the ASEAN meetings it hosts, unless it takes strong actions to implement the consensus, it will not harm the country’s interests in any big way.<sup>53</sup>

Laos appointed veteran diplomat Alounkeo Kittikhoun as ASEAN special envoy to Myanmar, and he met Min Aung Hlaing in January 2024. However, no statement was issued at the end of the meeting, nor was there any mention of it in Laos’s state-run media. However, Myanmar’s state-run newspaper, *Global New Light of Myanmar*, reported that the two leaders discussed “efforts of the government to ensure peace and stability of the State and national reconciliation”.<sup>54</sup> A second official meeting between the special envoy-led ASEAN delegation and the Myanmar military was held

in May 2024. According to statements and media reports, the two sides discussed “cooperation efforts with the aim to settle the current ongoing conflict, the conditions of Myanmar’s participation in ASEAN meetings, and the bloc’s provision of humanitarian aid to Myanmar.”<sup>55</sup>

Despite these meetings, however, the situation in Myanmar remains unchanged. Violence and conflict have continued as neither the military nor the resistance groups appear to have an interest in negotiating for a resolution. While Laos has engaged with the military junta, ASEAN will not be able to broker a solution until these dialogues also include the pro-democracy groups, NUG, and the other concerned parties. Notably, some analysts have pointed out that “the 5PC over time has become even more out of step with conditions on the ground in Myanmar, where resistance militias and ethnic armed groups have made considerable gains over the past year, particularly in Rakhine, Shan, and Kayin (Karen) states.”<sup>56</sup> Still others have noted that the 5PC “remains relevant as the main reference to address the political crisis in Myanmar. However, the implementation of the terms of this Consensus needs to be revisited, particularly with regard to the arrangement of the Special Envoy and the mediation strategy to end the conflict.”<sup>57</sup>

## **The 2024 ASEAN Summit**

The Myanmar crisis was at the top of the agenda of the ASEAN Summit held at Vientiane, Laos, in early October 2024. The inability to implement the 5PC was a matter of frustration among the ASEAN leaders. Notably, this was the first time that a senior official from Myanmar attended the summit since the grouping banned the military junta’s participation. Aung Kyaw Moe, permanent secretary of the Ministry of Foreign Affairs of Myanmar, even participated in the two-day retreat attended by the foreign ministers of the other ASEAN countries.<sup>58</sup> This development is believed to have been a result of the closed-door consultations between Laos’s special envoy and the Myanmar junta. However, it is still uncertain if Aung Kyaw Moe’s participation means the grouping is moving closer to resolving the crisis, especially since even after attending the emergency summit in 2021 and agreeing to help implement the 5PC, Min Aung Hlaing had characterised it as “suggestions by ASEAN leaders” and said that the junta “would consider implementing it when the situation returns to stability.”<sup>59</sup>

The differing approaches of the ASEAN countries toward the Myanmar issue were once again on display at the Laos summit. While countries like Indonesia strongly advocated for the need to suspend the junta from being a part of the ASEAN summits, countries like Thailand, Cambodia, and Laos have said the country's representatives must be included "to make Myanmar more presentable as a member of ASEAN and to facilitate humanitarian aid entering the country."<sup>60</sup>

Meanwhile, Thailand reiterated that the solution to the crisis must come from within Myanmar. Nikorndej Balankura, spokesperson for Thailand's foreign ministry, said, "Thailand remains committed to facilitating internal consultations. Any solution must be Myanmar-led and Myanmar-owned."<sup>61</sup> Thailand also offered to support the elections that the military junta said it would hold in 2025 (notably, ASEAN has yet to comment on the planned elections). Thailand has offered to host an "informal consultation" with the other ASEAN countries later this year to try to resolve the crisis. Thai Prime Minister Paetongtarn Shinawatra told ASEAN leaders that the grouping "should send a unified message to all parties in Myanmar that there is no military solution. It is time to start talking."<sup>62</sup>

Several ASEAN countries have repeatedly criticised the junta for not complying with and not implementing the 5PC. Malaysia, the next ASEAN chair, has stated that there is a need "to approach everybody in Myanmar",<sup>63</sup> indicating there is a possibility to invite all parties involved in the conflict to future group meetings to encourage a more inclusive dialogue. Thailand has suggested that India and China, Myanmar's big neighbours, should also play a role in helping broker a peace deal in the country.<sup>64</sup>

Still, the condition in Myanmar continues to worsen with a rise in transnational crimes, a humanitarian crisis, and economic instability. As such, ASEAN must now consider alternative approaches to resolve the situation.

**A**SEAN's inability to help resolve the Myanmar crisis can be attributed to three reasons: (1) the differing opinions among the member countries on the approach to tackling the crisis; (2) the longstanding policy of non-interference in each other's domestic affairs; and (3) the limitations of the ASEAN Way.

Despite agreeing to the 5PC, the military junta has not tried to implement any recommendations that pertain to it. This has stalled any wider progress in implementing the 5PC. As such, it may be said that the military's actions have made a mockery of ASEAN's 'consensus'. This has raised many questions about the grouping's competency. ASEAN's ability to respond to human rights abuses and situations that challenge democracy has been impeded given its enduring policy of non-interference in the internal affairs of its member countries. The situation in Myanmar is no exception. For instance, not only did ASEAN invite Min Aung Hlaing as Myanmar's representative to the April 2021 emergency meeting on the crisis, but it also recognised him as the "chairman" of the State Administration Council (SAC, as the ruling military calls itself) in June.<sup>65</sup>

ASEAN has also not backed the wider international community in its bid to take strong punitive measures against the military junta. For instance, in late May 2021, the grouping's countries worked together to stall a UN resolution calling for an arms embargo against Myanmar. When the resolution was finally voted on at the UN General Assembly in June, Thailand, Laos, Cambodia, and Brunei abstained.<sup>66</sup>

The grouping's inability to deliver a cohesive response to the crisis stems from how the members view the situation.<sup>67</sup> Thailand, Vietnam, Cambodia, and Laos have refrained from taking a critical stand on the coup. Meanwhile, Indonesia, Malaysia, and Singapore have criticised the use of force against unarmed civilians and have pointed to the ASEAN Charter, which requires a commitment from all members to act in "respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice."<sup>68</sup>

# ASEAN's Limitations

All member countries adopted the ASEAN Charter, which included multiple references to democracy, in 2008. The preamble includes a commitment to “adhering to the principles of democracy, the rule of law and good governance.” Article 1 identifies “strengthening democracy, enhancing good governance and the rule of law” as among ASEAN’s main “purposes”. Article 2 on the grouping’s “principles” includes the “adherence to the rule of law, good governance, the principles of democracy and constitutional government”. However, there was no mention of how these principles would be operationalised and enforced by ASEAN.<sup>69</sup> Despite these principles being ingrained in the ASEAN Charter, the 5PC did not mention Myanmar’s transition to democracy and the need to acknowledge the 2020 election results.

Critics have questioned ASEAN’s decision to meet only with Min Aung Hlaing and not any other parties—such as the pro-democracy forces, the NUG, ethnic groups, and other resistance groups—involved in the ongoing crisis<sup>70</sup> as this can be seen as legitimising the overthrow of the elected government and the violent crackdown that followed thereafter. Additionally, critics have also panned the decision to not invite the NUG to the ASEAN summits attended by the military junta when this could have provided an opportunity for dialogue.<sup>71</sup>

The 5PC also does not mention or call for the release of political prisoners, which is needed for any “constructive dialogue” to take place between Myanmar’s military government and the opposition. Some critics have indicated that the omission may have been done at the behest of the military junta.<sup>72</sup> Similarly, although the 5PC does call for an end to all forms of violence, it does not provide a timeline for doing so. This has perhaps given the Tatmadaw the leverage to move slowly on arriving at an understanding with the opposing parties<sup>73</sup> while continuing to use violence against civilians and launch offensives that have led to the displacement of thousands of people in the border areas. Indeed, a mere month after the release of the 5PC, Charles Santiago, a Malaysian parliamentarian who co-chairs the ASEAN Parliamentarians for Human Rights group, had urged ASEAN to take more stringent action, saying, “Min Aung Hlaing is blatantly ignoring ASEAN’s calls and wasting their time. ASEAN must prove that they can pay more than just lip service.”<sup>74</sup>

ASEAN's current approach to resolving the Myanmar crisis has had little impact on the junta. Although it heard the concerns raised by the grouping at meetings and agreed to follow the 5PC, the Tatmadaw has not done so and continues to implement hardline domestic policies to curb critical voices and silence its opponents. Similarly, the chances of the junta implementing any future ASEAN decisions or policies are low.

One reason why the grouping is currently facing a challenge in dealing with crises such as the Myanmar situation is perhaps because the drafters of the ASEAN Charter chose not to accept the proposal of the Eminent Persons Group<sup>e</sup> to adopt bold measures like suspending any member state if it failed to follow or breached the laws and principles contained in the Charter.<sup>75</sup> Notably, the Tatmadaw continued to pursue violence against pro-democracy supporters even while the emergency ASEAN meeting was underway in Jakarta in April 2021,<sup>76</sup> and said in a press release that it would “give careful consideration to constructive suggestions made by ASEAN leaders”—referring to the 5PC without mentioning it—“when the situation returns to stability”.<sup>77</sup> The continued violence and instability in Myanmar in 2024 would indicate that the junta does not take ASEAN seriously.

Notably, despite ASEAN's success in brokering peace in other conflicts and the optimism associated with Indonesia's tenure as chair (and indeed, during Cambodia's term as well, given that it has benefited from the group's peace process efforts), the Myanmar situation has proved to be a bigger challenge. There are several factors that contribute to this:

- **Cambodia's worries**

The political environment in Cambodia was an impediment to how it dealt with the Myanmar crisis. Elections held in Cambodia have seldom met democratic standards as the National Election Committee is dominated by the ruling Cambodian People's Party. There are ongoing efforts by opposition forces in the country to establish a shadow government under the title of a ‘national unity government’, much like the one in Myanmar.<sup>78</sup> As such, Cambodia is wary that recognising the NUG in Myanmar could have an impact on its own internal affairs. Opposition leaders in Cambodia,

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e A group of prominent citizens from the member countries tasked with creating the document.



critics in Southeast Asia, and civil society groups have also criticised the Cambodian government for rights issues, particularly its handling of domestic political rights. If these issues are to escalate in the future, Cambodia will be safe from scrutiny and criticism by the regional countries provided ASEAN continues to abide by its principle of non-interference. Notably, Hun Sen had referred to Min Aung Hlaing as the head of the Myanmar state in a 2021 open letter that pledged to help Myanmar amid the third wave of the COVID-19 pandemic.<sup>79</sup>

- **Indonesia's dilemma**

ASEAN believes that an inclusive dialogue—all stakeholders engaging in dialogue in an informal meeting followed by an official group meeting—is the only solution to the Myanmar situation. However, this can only happen if the junta agrees to end the ongoing violence. Additionally, there is a lot of antagonism between the SAC, NUG, and ethnic armed organisations in Myanmar. This power struggle has made a national dialogue unattractive to all parties involved. Also, the junta is aware that most ASEAN member countries do not support its actions, and so the grouping is unlikely to have a neutral attitude. After the 2021 coup, Indonesia issued a condemnation of the SAC, and voted in favour of a UN resolution criticising the SAC and calling for the unconditional release of political detainees.<sup>80</sup> If Jakarta were to play a mediatory role, the junta is aware that it would be at the receiving end of harsh criticism, and so view Indonesia's proposal for a national dialogue as a ruse to weaken its rule.<sup>81</sup> However, Indonesia is still holding closed-door dialogues with all stakeholders. The Indonesian government has said that these dialogues are still at a nascent stage and the current focus is on building trust.<sup>82</sup>

- **The external factor**

Russia and China continue to supply arms and provide economic assistance to the junta. As such, the junta continues to have resources at its disposal, and so there is no rush to end the violence. Chinese arms suppliers—such as the China North Industries Group, the Aviation Industry Corp., the China Aerospace Science and Industry Corp., and the China National Aero-

# ASEAN's Limitations

Technology Import & Export Corporation—have continued to provide the military with arms. At the same time, China is also supplying arms to ethnic armed groups such as the Arakan Army and the United Wa State Army. Russia has also been cooperating closely with the military by supplying it with arms, training the army, and providing university scholarships to members of the military who have been blacklisted by Western nations.<sup>83</sup> Additionally, China is investing heavily in official, private, and grey-zone industrial and real estate projects in Myanmar's border areas (particularly those with China and Thailand) and is now reportedly also looking at an environmentally controversial mega hydroelectric project.<sup>84</sup>

If it succeeds, China will have a presence across Myanmar, from the Rakhine State bordering Bangladesh on the Bay of Bengal to the Gulf of Martaban almost to the Andaman Sea.<sup>85</sup> This will not only complicate the situation for Myanmar but also for neighbouring countries like India. In such a situation, India is bound to maintain a working relationship with the Tatmadaw. India has reportedly been supplying arms worth over US\$50 million and has been attending high-profile political events in Myanmar.<sup>86</sup> Besides the China issue, India is concerned about border security. While “India's focus right now is on short-term sheltering and protection of refugees...the need is also to plan for long-term reconstruction of the country.”<sup>87</sup>

**D**espite these hurdles, ASEAN is still in the best position to broker a peace agreement to resolve the Myanmar crisis. The grouping has a few options to tackle the situation, but a united ASEAN is key to any effort.

ASEAN must exert sustained pressure on the military to end the use of violence against the opposition. This pressure can be applied in concert with international players, including Western countries and neighbouring countries like India. The Myanmar issue must be brought up at all ASEAN meetings, as well as those of related organisations, such as the East Asia Summit and the ASEAN Defence Ministers Meeting Plus. The grouping must stress a timeline for the resolution. While this measure may not have an immediate result, international and regional pressure must continue.

ASEAN must work to bring the opposing sides together for a dialogue. For this to happen, the ASEAN special envoy must also meet with the NUG, and not just the junta. The 5PC stipulates the need for a constructive dialogue, and ASEAN must take the first step to achieve this. Indonesia should consider using its 'shuttle diplomacy' approach towards this end.

ASEAN must impose sanctions on the junta, much like some Western countries have already done. If the regional countries also put economic pressure, then the military will be forced to make concessions to arrive at an agreement and resolve the situation.

There is an imperative for sustained international pressure, especially from the US, Japan, India, Australia, and the European Union, on Russia and China who continue to extend support to the military junta. Additionally, the ASEAN countries must be vocal in their criticism of this support and must express their concerns to Russia and China bilaterally or through the grouping and other forums.

The international community, supported by ASEAN, must impose an arms embargo to curb the flow of weapons to the junta. While China and Russia may continue to supply arms despite the ban, an international embargo will certainly help end some of the violence in Myanmar.

If the junta proceeds with plans to conduct an election in 2025, ASEAN should form an Election Watch Committee to monitor the polls and ensure a smooth proceeding.

ASEAN must consider amending its Charter, primarily to include a clause on 'zero tolerance to military coups'. The experiences of the African Union and Organization of American States show that including such a clause in a foundational document reduces the occurrences of coups due to the imposition of disincentives by the regional bodies.<sup>88</sup> ASEAN should also amend the 'ASEAN Political and Security Community Blueprint 2025'<sup>89</sup> to include provisions to deal with coups and other crisis situations when not all member countries are democracies.

ASEAN must institutionalise the special envoy position to enable the individual to make monthly visits to Myanmar, conduct dialogues with the junta and opposition forces, and present timely reports to the grouping in a bid to push for official peace dialogues at an ASEAN meeting.<sup>90</sup> The special envoy should have prior experience in dealing with crisis situations and should know how to use ASEAN to convene a meeting with all involved parties. Currently, the special envoy is the representative of the ASEAN Chair, that "shall facilitate mediation of the dialogue process, with the assistance of the Secretary General of ASEAN."<sup>91</sup> It may not be possible for the special envoys to achieve such complex goals as each new appointee will need to build trust with the various stakeholders, and so the position should be institutionalised.<sup>92</sup> Institutionalising the position will help facilitate the process of bringing the opposing parties together for a dialogue. ASEAN should set up an office run by the special envoy. To ensure that both conflicting sides are heard equally—and the junta cannot claim the process is biased and ASEAN is not neutral—the envoy should work with a representative from the SAC and the NUG.

**A**SEAN may currently appear ill-equipped to deal with the prolonged Myanmar situation as its efforts thus far, particularly the 5PC, have not borne fruit. While there are indeed differing views among the members on the Myanmar crisis, all ASEAN countries are aware of how the conflict is impacting regional security and the grouping's own credibility.<sup>93</sup> ASEAN's policy of non-interference in the internal affairs of member countries is well established. Additionally, several member countries may not be concerned about the Myanmar situation given their own political histories. Nevertheless, this should not hold ASEAN back from taking a more proactive approach to Myanmar.

For ASEAN to facilitate the end to the conflict and restore its own credibility, it must take the lead in pushing the two opposing sides into dialogue, even if such an initiative is spearheaded by one member country. ASEAN's handling of subregional disputes, such as the Cambodia-Vietnam and Cambodia-Thailand conflicts, gave it the recognition of being an organisation capable of handling critical issues in the Southeast Asian region. However, its recent sluggishness in dealing with the Myanmar situation is putting the grouping's abilities under the scanner. As such, ASEAN must now consider alternate ways to handle the crisis, including updating its Charter.<sup>ORF</sup>

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